

## **Goa Agricultural Produce Marketing (Development And Regulation) Act, 2007**

**11 of 2007**

**[01 August 2007]**

### CONTENTS

#### **CHAPTER 1 :- Preliminary**

1. Short title, extent and commencement
2. Definitions

#### **CHAPTER 2 :- Establishment of Markets**

3. Notification of intention of developing and regulating marketing of agricultural produce in specified area
4. Declaration of market areas and development and regulation of marketing of specified agricultural produce therein
5. Management of market yards, sub-market yards, Farmers/Consumer/Market and Private Market
6. Notification of intention to alter limits of or to amalgamate or to split a market area
7. Procedure subsequent to notification under section 6
8. Effect of alteration of limits
9. Power of Government to issue consequential order

#### **CHAPTER 3 :- Constitution of Marketing Board**

10. Establishment of the Marketing Board
11. Incorporation of the Marketing Board
12. Constitution of the Marketing Board
13. Election and term of office of members
14. Preparation of list of voters and statement of expenditure
15. Commencement of term of office of members
16. Appointment of Administrator or Committee of Administrators after expiry of the normal or extended term of office of members
17. Resignation of members and nominations in certain circumstances
18. Removal of members for misconduct
19. Casual vacancies
20. Election of Chairman and Vice-Chairman
21. Term of office of Chairman and Vice-Chairman
22. Chairman and Vice-Chairman to hold office until their successors enter upon office

23. Honorarium to Chairman and Vice-Chairman
24. Procedure for election of Chairman and Vice-Chairman
25. Resignation of Chairman and Vice-Chairman
26. Motion of no-confidence against Chairman or Vice-Chairman
27. Consequences of absence of Chairman, Vice-Chairman or member without leave
28. Vacancies in office of Chairman and Vice-Chairman to be filled up
29. Refusal to hand over charge to new Chairman or Vice-Chairman
30. Meetings, etc. of Marketing Board
31. Members to act during vacancy and acts of Marketing Board, etc., not to be invalidated by informalities

#### **CHAPTER 4 :- Powers and duties of Marketing Board**

32. Powers and duties of Marketing Board
33. Appointment of sub-committees and delegation of power
34. Power to levy market fees (single point levy)
35. Power to borrow
36. Power to order production of accounts, entry, inspection and seizure
37. Power to stop vehicles and inspect store
38. Power to write off loss, shortage of fee, etc., which is irrecoverable
39. Execution of contracts
40. Certain disputes regarding weights and measures to be decided by the Secretary of the Marketing Board
41. Power to grant exemption from payment of market fees

#### **CHAPTER 5 :- Staff of Marketing Board**

42. Power of the Marketing Board to employ staff

#### **CHAPTER 6 :- Budget and Fund of the Marketing Board**

43. Preparation and sanction of budget
44. Marketing Board fund
45. Application of Marketing Board fund

#### **CHAPTER 7 :- Contract Farming**

46. Procedure and Form of Contract Farming Agreement

#### **CHAPTER 8 :- Regulation of Trading**

47. Regulation of marketing of agricultural produce
48. Sale of agricultural produce in markets
49. Terms and procedure of buying and selling
50. Permission for transportation of agricultural produce
51. Registration of functionaries
52. Establishment of private yard, and direct purchase of agricultural produce from agriculturist (direct purchasing from

producer)

53. Establishment of consumer/farmer market (Direct sale by the producer)

54. Grant/renewal of license of private yard/consumer/farmer market and weighman

55. Power to cancel or suspend license/registration

56. Appeal

57. Redressal of dispute between Farmer market or Consumer market and Marketing Board

58. Prohibition of trade allowances other than those specified under this Act

59. Submission of annual account by licensee/registered functionaries and assessment of market fee

60. Assessment of market fees payable to Marketing Board by the licensed/registered functionaries

## **CHAPTER 9 :- Penalties**

61. Penalty for contravention of Act, rules and bye-laws

62. Recovery of market dues

63. Cognizance of offences

## **CHAPTER 10 :- Control**

64. Inspection of markets and inquiry into the affairs of the Marketing Board

65. Powers to remove a member of the Marketing Board

66. Supersession of the Marketing Board

67. Consequence of supersession of Marketing Board

68. Power of State Marketing Officer to direct Marketing Board for amending bye-laws

69. Power of the State Marketing Officer to prohibit execution of resolution passed or order made by the Marketing Board

70. Power to call for proceedings of Marketing Board and the State Marketing Officer

71. Liability of Chairman, Vice-Chairman, members and employees for loss, waste or misappropriation, etc

72. Power of the Government to amend Schedule

73. Power of Government to give directions

74. Recovery of sums due to the Marketing Board

75. Chairman, Vice-Chairman, members, officers and servants of the Marketing Board to be public servants

76. Delegation of powers

77. Bar to civil suit and protection to persons acting in good faith

78. Bar to suit in absence of notice

79. Duty of local authority to give information and assistance

80. Act not to be invalidated by informality, vacancy, etc

## **CHAPTER 11 :- Rules and Bye-Laws**

81. Power to make rules

82. Power to make bye-laws

**CHAPTER 12 :- Repeal and Savings**

83. Repeal and Savings

84. Power to remove difficulty

**SCHEDULE 1 :- SCHEDULE**

**Goa Agricultural Produce Marketing (Development And Regulation) Act, 2007**

**11 of 2007**

**[01 August 2007]**

AN ACT

To provide for improved regulation in marketing of agricultural produce, development of efficient marketing system, promotion of agriprocessing and agricultural export and the establishment and proper administration of markets for agricultural produce in the State of Goa and to put in place an effective infrastructure for marketing of agricultural produce and lay down procedure and system thereto. BE it enacted by the Legislative Assembly of Goa in the Fifty-eighth Year of the Republic of India as follows :-

**CHAPTER 1 Preliminary**

**1. Short title, extent and commencement :-**

(1) This Act may be called the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

**2. Definitions :-**

In this Act, unless the context otherwise requires,-

(a) "agricultural produce" means all produce (whether processed or unprocessed) of agriculture, horticulture, apiculture, sericulture,

livestock and products of livestock, forest produce, etc., as are specified in the Schedule or declared by the Government by Notification from time to time and also includes mixture of two or more than two of such products;

(b) "agriculturist" means a person who ordinarily by his own labour or by the labour of any member of his family or by the labour of his tenants or servants or hired labour or otherwise, is engaged in the production or growth of any notified agricultural produce, and includes-

(a) a member of a co-operative society registered in the State of Goa which is dealing with agricultural produce; or

(b) a person who has sold agricultural produce to the co-operative society, of the value not less than Rs. 5000/- or of such amount as may be determined by the State Marketing Officer from time to time in the preceding financial year; but does not include a trader, trading agent, broker, processor or commission agent;

(c) "bill" means a bill issued by the traders as prescribed;

(d) "business" means the purchase, sale, processing, value addition, storage, transportation or other connected activity of agricultural produce;

(e) "buyer" means a person or a firm or a company or a co-operative society or a Government agency or a public undertaking or a public agency or a corporation or a commission agent, who himself or on behalf of any other person or agent, buys or agrees to buy agricultural produce in the market area as notified under this Act;

(f) "bye-laws" means the bye-laws made by the Goa Agricultural Marketing Board under this Act;

- (g) "Collector" means the Collector of the district or any officer empowered to discharge the duties of the Collector under the provisions of this Act;
- (h) "commission agent" means a person who on behalf of his principal trader and in consideration of a commission on the amount involved in such transaction, buys agricultural produce and keeps it in his custody and delivers it to the principal trader in due course or receives and takes in his custody agricultural produce sent for sale within the market area or from outside the market area, sells the same in the market area and collects payment thereof from the buyer and remits the sale proceeds to his principal trader;
- (i) "contract farming" means farming by a person called "Contract Farming Producer" under a written agreement with another person called "Contract Farming Sponsor" to the effect that his agricultural produce shall be purchased as specified in the contract farming agreement;
- (j) "contract farming agreement" means the agreement made for contract farming between Contract Farming Producer and Contract Farming Sponsor;
- (k) "contract farming producer" means an individual agriculturist or association of agriculturists, by whatever name called;
- (1) "contract farming sponsor" means a person entering into contract with the contract farming producer in terms of section 46 of this Act;
- (m) "District Council" means a Zilla Panchayat established under the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);
- (n) "export" means dispatch of agricultural produce outside India;

(o) "exporter" means such person or a firm who exports agricultural produce;

(p) "e-trading" means trading in which billing, booking, contracting, negotiating, information exchange, record keeping and other connected activities are done electronically on computer network or internet;

(q) "Government" means the Government of Goa;

(r) "hamal" means a labourer or coolie engaged for Dara-making, loading, unloading, filling, stitching, emptying or carrying any agricultural produce in the notified market area;

(s) "Import" means bringing agricultural produce in India from other country;

(t) "Importer" means a person or firm who imports agricultural produce;

(u) "Licence" means a licence granted under this Act;

(v) "Licensee" means a person or association or firm or company or public sector undertaking or society holding a licence issued under this Act;

(w) "local authority" means and includes a Village Panchayat or Zilla Panchayat or Municipal Council or Municipal Corporation, as the case may be;

(x) "Market" means a market area declared under section 4 of this Act and includes market yard and sub-yards;

(y) "market area" means area notified as market area under section

4 of this Act;

(z) "market charges" includes charges on account of or in respect of commission, brokerage, weighing, measuring, hamali (loading, unloading and carrying), cleaning, drying, stitching, stacking, hiring, stamping, bagging, storing, warehousing, grading, surveying, transporting and processing;

(za) "market functionary" means a trader, a commission agent, buyer, hamal, processor, stockist and such other person as may be declared under the rules or byelaws to be a market functionary;

(zb) "market yard" means a specified place and includes any enclosure, building or locality declared as such in any market area by the Government;

(zc) "marketing" means all activities involved in the flow of agricultural produce commencing from the stage of harvest till it reaches to the ultimate consumers, viz. grading, processing, storage, transport, channels of distribution and all other activities involved in the process;

(zd) "Marketing Board or Board" means the Goa Agricultural Marketing Board established under section 10 of this Act;

(ze) "notified agricultural produce" means any agricultural produce notified under section 4 of this Act;

(zf) "Other Backward Classes" means the other backward classes of citizens as specified by the Government from time to time;

(zg) "prescribed" means prescribed by rules made under this Act;

(zh) "private market yard" means such place other than the market yard or sub-market yard in the market area where infrastructure



has been developed and managed by a person for marketing of notified agricultural produce by holding a licence for this purpose under this Act;

(zi) "processing" means any one or more of a series of treatments relating to powdering, crushing, decorticating, dehusking, parboiling, polishing, ginning, pressing, curing or any other manual, mechanical, chemical or physical mode of treatment to which agricultural produce or its product is subjected to;

(zj) "processor" means a person who undertakes processing of any notified agricultural produce on his own accord or on payment of a charge;

(zk) "registration" means registration done under this Act;

(zl) "retail sale" means a sale of notified agricultural produce not exceeding such quantity as the Marketing Board may, by bye-laws, determine for retail sale in respect thereof;

(zm) "rules" means rules made under this Act by the Government;

(zn) "Schedule" means the Schedule to this Act;

(zo) "schedule castes/schedule tribes" shall carry the same meaning as assigned to them under clause (24) and (25) respectively of Article 366 of the Constitution of India;

(zp) "Secretary" means the Secretary of the Marketing Board and includes a Joint, Deputy or Assistant Secretary of the Marketing Board;

(zq) "seller" means a person who sells or agrees to sell any agricultural produce;

(zr) "State Marketing Officer" means a person appointed as the State Marketing Officer for the State of Goa;

(zs) "Sub-market yard" means a specified place other than market yard and includes any enclosure, building or locality, declared as such in any market area by the Government or the State Marketing Officer, by notification;

(zt) "trader" means a person who in his normal course of business buys or sells any agricultural produce and includes a person engaged in processing of agricultural produce but does not include an agriculturist;

(zu) "transportation" means taking agricultural produce by pushcart, bullock cart, truck or other vehicle, in the course of business, for marketing, from one place to another;

(zv) "transporter" means a person who transports agricultural produce;

(zw) "Value addition" means processing, grading, packing or other activities due to which value is added to the agricultural produce;

(zx) "Year" means the financial year or such year as may be notified by the Government from time to time.

## **CHAPTER 2** Establishment of Markets

### **3. Notification of intention of developing and regulating marketing of agricultural produce in specified area :-**

(1) Upon a representation made by any person or local authority or by the growers of any agricultural produce within the area for which a market is proposed to be established or otherwise, the Government or the person appointed by the Government as the

State Marketing Officer, may, by notification in the Official Gazette and in such other manner as may be prescribed, declare its or his intention of developing and regulating the marketing of such agricultural produce in such area as may be specified in the notification.

(2) A notification under sub-section (1) shall state that any objection or suggestion which may be received by the Government or the State Marketing Officer within a period which shall be not less than thirty days from the date of publication of such notification in the Official Gazette, shall be considered by the Government or the State Marketing Officer.

#### **4. Declaration of market areas and development and regulation of marketing of specified agricultural produce therein :-**

After expiry of the period specified in the notification issued under section 3 and after considering such objections and suggestions as may be received before the expiry of such period and after making such inquiry as may be necessary, the Government or the State Marketing Officer may, by notification, declare the area specified in the notification issued under section 3 or any portion thereof to be a market area for the purposes of this Act and that marketing of all or any kind of agricultural produce specified in the notification issued under section 3 shall be developed and regulated under this Act in such market area.

#### **5. Management of market yards, sub-market yards, Farmers/Consumer/Market and Private Market :-**

(1) In every market area, there may be:-

(i) market yard managed by the Marketing Board;

(ii) one or more than one sub-market yards managed by the Marketing Board;

(iii) one or more than one private market yards/private markets managed by a person other than the Marketing Board;

(iv) one or more than one farmers/consumers markets managed by a person other than the Marketing Board.

(2) The Government shall, as soon as may be, after the issue of notification under section 4, by notification, declare any specified place including any structure, enclosure, open place, or locality in the market area to be a market yard or sub-market yard, as the case may be.

## **6. Notification of intention to alter limits of or to amalgamate or to split a market area :-**

(1) The Government may, by notification, declare its intention,-

(i) to alter the limits of a market area by including within it any other area in the vicinity thereof or by excluding therefrom any area comprised therein; or

(ii) to amalgamate two or more market areas and constitute one market area thereof.

(2) Every notification issued under sub-section (1) of this section shall define the limits of the area which is intended to be included in or excluded from a market area, or of the market areas intended to be amalgamated into one market area, or of the area of each of the markets intended to be constituted after splitting up an existing market area, as the case may be, and shall also specify the period which shall not be less than six weeks within which objections, if any, shall be received by the Government.

## **7. Procedure subsequent to notification under section 6 :-**

(1) Any inhabitant of the market area or of the areas covered by the notification issued under sub-section (1) of section 6 may, if he objects to anything contained therein, submit his objections in writing to the Government within the period specified for this purpose in the said notification.

(2) When the period specified in the notification issued under sub-section (1) of section 6 has expired and the Government has considered and passed orders on such objections as may have been submitted to it within such period, the Government may, by notification, include the area or any part thereof in the market area or exclude it therefrom or amalgamate market areas thereof.

### **8. Effect of alteration of limits :-**

Where a notification under section 7 has been issued, the Government shall, after consulting the Marketing Board, frame a scheme to determine what portion of the assets and other properties vested in one market shall vest in the other market and in what manner the liabilities of the market shall be apportioned between the two markets and such scheme shall come into force on the date of its publication in the Official Gazette.

### **9. Power of Government to issue consequential order :-**

(a) Where a notification is issued under sub-section (1) of section 6 excluding area from any market area and such excluded area is not declared to be a separate market area; or

(b) Where a notification is issued under sub-section (1) of section 6 including any area within a market area, the Government may pass such consequential orders as it may deem fit in respect thereof and the sub-committee constituted for such market area before the date of such exclusion or inclusion, shall, notwithstanding anything contained in this Act, continue to be sub-committee for the said excluded or included area until the declaration of such areas as market area under this Act.

## **CHAPTER 3** Constitution of Marketing Board

### **10. Establishment of the Marketing Board :-**

The Government shall establish a Marketing Board called as the Goa Agricultural Marketing Board for the State of Goa consisting of a Chairman, a Vice-Chairman and other members. The Marketing Board shall have such powers and discharge all such functions as are vested in it by or under this Act.

### **11. Incorporation of the Marketing Board :-**

The Marketing Board shall be a body corporate by the name of "the Goa Agricultural Marketing Board", and shall have perpetual succession and a common seal and it may sue or be sued in its corporate name and shall be competent to contract, acquire and hold property, both movable and immovable and to do all other things necessary for the purposes for which it is established.

### **12. Constitution of the Marketing Board :-**

(1) Subject to the provisions of sub-section (2), the Marketing Board shall consist of the following nineteen members, namely:-

(a) Eleven agriculturist members to represent agriculturists from each taluka of the State of Goa to be elected by the agriculturists only from the respective talukas;

(b) two female agriculturists members, one each from the North Goa District and the South Goa District, to be elected by the agriculturists only in the manner prescribed;

(c) one trader holding A class licence to be elected from amongst traders of all classes;

(d) one Chairman of a co-operative society registered in the State of Goa, having a valid licence from the Marketing Board, doing the business of notified agricultural produce in the market area, to be elected from amongst the Chairmen of co-operative societies;

(e) two members to be nominated by the Government, one being from the office of the Registrar of Co-operative Societies, Government of Goa, and the other being from the Department of Agriculture, Government of Goa, to function during the term of the Marketing Board;

(f) President of the Goa Cashew Manufacturers Association;

(g) the Secretary of the Marketing Board, to function during the term of the Marketing Board.

(2) Notwithstanding anything contained in sub-section (1) or any other provisions of this Act, when the Marketing Board is constituted for the first time, all the members, the Chairman and the Vice-Chairman thereof shall be nominated by the Government: Provided that the Chairman and the Vice-Chairman shall be nominated from amongst the agriculturists from the State of Goa.

### **13. Election and term of office of members :-**

(1) The members shall be elected in the prescribed manner. Such rules may also provide for the determination of constituencies, the preparation and maintenance of the list of voters, persons qualified to be elected, disqualifications for being chosen as, and for being a member, the right to vote, the payment of deposit and its forfeiture, the determination of election disputes and all matters incidental and ancillary thereto, including provisions regarding election expenses.

(2) Except as otherwise provided in this Act, the members of the Marketing Board (not being a Marketing Board constituted for the first time) shall hold office for a period of five years and the members of the Marketing Board constituted for the first time shall hold office for a period of two years:

Provided that, where the general elections of the members of

Marketing Board could not be held before expiry of the term of office of its members as aforesaid, the Government may, by order published in the Official Gazette, extend from time to time, the term of office of the members of the Marketing Board, so however that, the period for which the term of office is so extended shall not exceed the period of one year in the aggregate:

Provided further that person who is a member of the Marketing Board by virtue of he being Chairman of a Co-operative Society, shall hold office so long as he continues to be such Chairman and in case of a member who is a representative of traders shall hold office so long as he continues to hold A class licence.

(3) The names of all the members of the Marketing Board shall be published by the Government in the Official Gazette and upon such publication, the Marketing Board shall be deemed to be duly constituted.

#### **14. Preparation of list of voters and statement of expenditure :-**

(1) The superintendence, direction and control of the preparation of the list of voters for the purpose of conducting election to the Marketing Board shall vest with the Marketing Board and for the purpose of preparing the list of voters and conduct of election, the Marketing Board shall constitute necessary election fund.

(2) Whenever the list of voters is to be prepared or revised for the purpose of conducting election to the Marketing Board, the Registrar of Co-operative Societies shall, in writing, inform the Marketing Board about the same and require the Marketing Board to submit the list of voters of different constituencies and also require to deposit with him such amount before such date as may be specified by him for meeting expenses of elections.

(3) The Registrar of Co-operative Societies shall, after the declaration of the result of the election, draw up a statement of the



expenditure incurred in conducting the election and shall within a period of three months from such result forward the same to the Marketing Board for information. The balance amount remaining unspent, if any, shall be refunded to the Marketing Board alongwith the dead stock purchased for the purpose. If the expenditure incurred exceeds the amount of deposit, the Registrar of Co-operative Societies shall call upon the Marketing Board to pay the excess amount as specified by him within one month from the date of receipt of the direction from him and the Marketing Board shall comply with such direction.

**15. Commencement of term of office of members :-**

(1) The term of office of members of the Marketing Board shall commence on the date of the first meeting of the Marketing Board at which business is transacted.

(2) The first meeting of a Marketing Board shall be held on such date as may be fixed by the State Marketing Officer or any officer authorised by him in that behalf, being a date which is within thirty days from the date on which the names of members are published in the Official Gazette. If the first meeting is, for any reason, not held within thirty days as aforesaid, the State Marketing Officer shall report the fact to the Government and state therein the reasons for the failure to hold the meeting and shall, thereafter, act according to the directions of the Government issued in that behalf.

(3) The term of office of outgoing members shall expire on the date immediately preceding the date of such first meeting.

**16. Appointment of Administrator or Committee of Administrators after expiry of the normal or extended term of office of members :-**

(1) Notwithstanding anything contained in sub-section (3) of section 15 or any other provisions of this Act, where the term of office of two years, five years or the extended term of office, if any, of members of the Marketing Board has expired, the Government

or any officer not below the rank of Assistant Registrar authorized by it, shall, by a written order,-

(a) direct that all members of the Marketing Board shall, as from the date specified in the Order, cease to hold and vacate their offices as members or otherwise; and

(b) appoint a person or the Committee comprising of not more than three members, from time to time, as the Administrator or the Committee of Administrators, as the case may be, to manage the affairs of the Marketing Board, for the period specified in the order upto the date of the first meeting of the reconstituted Board after the election is held (hereinafter in this section referred to as the "said period") and election shall be held within a period of six months from the date, the Administrator or the Committee of the Administrators, as the case may be, assumes office:

Provided that this period of six months may be extended, from time to time, by the Government, in exceptional circumstances, to a period not exceeding one year in the aggregate, by notification published in the Official Gazette, for reasons which shall be stated in such notification.

(2) During the said period, all the powers and duties of the Board and its various authorities under this Act and the rules and bye-laws made thereunder or any other law for the time being in force shall be exercised and performed by the Administrator or the committee of the Administrators, as the case may be.

(3) The Administrator or the Committee of Administrators, as the case may be, may delegate any of his or its powers and duties to any officer, for the time being serving under him or it or under the Marketing Board.

(4) The Administrator or the members of the Committee of Administrators, as the case may be, shall receive such remuneration from the Fund of the Marketing Board as the

Government may, from time to time, by general or special order, determine.

**17. Resignation of members and nominations in certain circumstances :-**

(1) Any member of the Marketing Board may resign his office by writing under his hand addressed to the Chairman and the Chairman may resign his office by writing under his hand addressed to the State Marketing Officer and such resignation shall take effect from the date it is accepted by the Chairman or the State Marketing Officer, as the case may be.

(2) If, at any time, it appears to the Government that the Marketing Board by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act, the Government may, by order published in the Official Gazette, nominate persons to fill the vacancies of the members who have resigned:

Provided that the persons so nominated shall hold office only for the remainder of the term of the members in whose place they are nominated or until the vacancies are duly filled in by election, whichever is earlier.

**18. Removal of members for misconduct :-**

The Government, on the recommendation of the Marketing Board, supported by not less than two third of its members having voting right at a meeting, may remove any member of the Marketing Board who has been found guilty of neglect or misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member or is adjudged as insolvent:

Provided that, no such member shall be removed from his office unless he has been given reasonable opportunity of being heard by the Government.

**19. Casual vacancies :-**

Subject to the provisions of sub-section (2) of section 13, in the event of any vacancy occurring on account of death, resignation or removal of a member or otherwise, the Chairman shall forthwith communicate the occurrence of such vacancy to the State Marketing Officer and the vacancy shall be filled in as soon as convenient as may be, by the election or by appointment or by nomination of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed or nominated would have held it, if the vacancy had not occurred: Provided that, if the vacancy occurs within six months preceding the date on which the term of office of the member expires, the vacancy shall, unless the Government directs otherwise, not be filled.

## **20. Election of Chairman and Vice-Chairman :-**

The meeting of the Marketing Board shall be presided over by the Chairman and in the absence of the Chairman, by the Vice-Chairman. The Chairman and the Vice-Chairman shall be elected by the members of the Marketing Board, excluding the Secretary of the Marketing Board and the Government nominees. Only the members as mentioned in clauses (a), (b) and (d) of subsection (1) of section 12 shall be eligible to contest the elections for the post of the Chairman or the Vice-Chairman.

## **21. Term of office of Chairman and Vice-Chairman :-**

The Chairman and the Vice-Chairman shall hold office for such period as may be prescribed.

## **22. Chairman and Vice-Chairman to hold office until their successors enter upon office :-**

The Chairman and the Vice-Chairman shall, notwithstanding the expiration of their term of office, continue to hold their office, until their successors enter upon their office or the Administrator or the Committee of Administrators, as the case may be, is appointed under section 16 and assumes office.

## **23. Honorarium to Chairman and Vice-Chairman :-**

The Chairman and the Vice-Chairman shall be paid such honorarium as the State Marketing Officer may specify, having regard to the

finances of the Marketing Board, so however that, the total amount of such honorarium to be paid shall not exceed the limit as may be prescribed.

#### **24. Procedure for election of Chairman and Vice-Chairman**

**:-**

(1) On the constitution of the Marketing Board after a general election or otherwise, a meeting shall be called for the election of the Chairman and Vice-Chairman on the date fixed by the State Marketing Officer under sub-section (2) of section 15.

(2) Such meeting shall be presided over by the State Marketing Officer or any person authorised by him in that behalf. The State Marketing Officer or such authorised person shall, when presiding over the meeting, have the same powers as that of the powers exercised by the Chairman while presiding over a meeting of the Marketing Board, but shall not have the right to vote.

(3) If, in the election of a Chairman or Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the presiding officer in such manner as he may determine.

(4) In the event of a dispute arising as to the validity of the election of a Chairman or Vice-Chairman, the State Marketing Officer, if he is the presiding officer, shall decide the dispute himself and in any other case the officer/person authorised to act as a presiding officer by the State Marketing Officer shall refer the dispute to the State Marketing Officer for his decision. The decision of the State Marketing Officer, subject to an appeal to the Government, shall be final and no suit or other proceeding shall lie in any Court in respect of any such decision.

#### **25. Resignation of Chairman and Vice-Chairman :-**

(1) The Chairman may resign from his office by writing under his hand addressed to the State Marketing Officer and such resignation

shall take effect from the date it is accepted by the State Marketing Officer.

(2) The Vice-Chairman may resign from his office by writing under his hand addressed to the Chairman and such resignation shall take effect from the date it is accepted by the Chairman.

**26. Motion of no-confidence against Chairman or Vice-Chairman :-**

(1) A Chairman or Vice-Chairman shall forthwith cease to be a Chairman or a Vice-Chairman, as the case may be, if the Marketing Board at a special meeting by a resolution passed by a majority of not less than two third of its total number of members (excluding the members who have no right to vote), so decides.

(2) The requisition for such special meeting shall be signed by not less than half of the total number of members (excluding the members who have no right to vote) and shall be sent to the State Marketing Officer.

(3) The State Marketing Officer shall, within fifteen days from the date of receipt of the requisition under sub-section (2), convene a special meeting of the Marketing Board: Provided that, when the State Marketing Officer convenes such special meeting of the Board, he shall give advance written notice thereof to the Chairman or to the Vice-Chairman, as the case may be.

(4) A special meeting to consider a resolution under sub-section (1) shall be presided over, by the State Marketing Officer or such person/officer authorized by him in this behalf, but the State Marketing Officer or such person/officer shall have no right to vote at such meeting.

(5) The member of Marketing Board who have no right to vote may take part in the discussion.

(6) If the motion of no confidence is not carried or if the meeting could not be held for want of quorum, no such requisition for considering fresh such motion of no confidence in the same Chairman or Vice-Chairman shall be made before the expiry of six months from the date of such meeting.

**27. Consequences of absence of Chairman, Vice-Chairman or member without leave :-**

Subject to the rules made by the Government in this behalf, a Chairman, a Vice-Chairman or a member, as the case may be, who absents himself from three consecutive meetings of the Marketing Board without leave of the Marketing Board, shall cease to be a Chairman, a Vice-Chairman or a member, as the case may be.

**28. Vacancies in office of Chairman and Vice-Chairman to be filled up :-**

(1) In the event of a vacancy in the office of the Chairman or Vice-Chairman by reason of death, resignation, removal or otherwise, the vacancy shall, subject to the provisions of this Act, be filled, as soon as may be, by election or by nomination of the Chairman or Vice-Chairman, as the case may be.

(2) Every Chairman or Vice-Chairman elected or nominated under this section to fill a casual vacancy shall hold office for such period as the Chairman or Vice-Chairman in whose place he is elected or nominated, as the case may be, would have held it if such vacancy had not occurred.

**29. Refusal to hand over charge to new Chairman or Vice-Chairman :-**

(1) On the election or nomination of a new Chairman or Vice-Chairman, the out-going Chairman or Vice-Chairman in whose place the new Chairman or Vice-Chairman has been elected or nominated shall forthwith hand over charge of his office to such new Chairman

or Vice-Chairman, as the case may be.

(2) If the outgoing Chairman or Vice-Chairman fails or refuses to hand over the charge of his office as required under sub-section (1), the State Marketing Officer or any Officer empowered by the State Marketing Officer in this behalf, may, by order in writing, direct the Chairman or the Vice-Chairman, as the case may be, to forthwith hand over the charge of his office and all records, funds, papers and property of the Marketing Board in his possession, if any, to the new Chairman or Vice-Chairman.

(3) If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) does not comply with such direction, the State Marketing Officer or any person authorized by him in this behalf may apply to the Sub-divisional Magistrate within whose jurisdiction the Marketing Board is functioning for seizing and taking possession of records, papers, funds and property of the Marketing Board in the possession of such Chairman or Vice-Chairman.

(4) On receipt of an application under sub-section (3), the Sub-divisional Magistrate may authorize any police officer, not below the rank of a Police Sub-Inspector, to enter and search any place where the records, funds, papers and property of the Marketing Board are kept or likely to be kept and to seize them and hand over possession thereof to the new Chairman or Vice-Chairman, as the case may be, who then shall be deemed to have assumed charge.

### **30. Meetings, etc. of Marketing Board :-**

The meetings, quorum and procedure to be followed at meetings of the Marketing Board shall be regulated in accordance with the bye-laws made for that purpose by the Marketing Board.

### **31. Members to act during vacancy and acts of Marketing Board, etc., not to be invalidated by informalities :-**

(1) During any vacancy of member in the Marketing Board, the continuing members may act as if no vacancy has occurred.



(2) A Marketing Board shall have power to act notwithstanding any vacancy in the office of member thereof or any defect in the constitution thereof or in any act or proceedings thereof and all such acts shall be valid notwithstanding that it is subsequently discovered that some person who was not entitled to do so, presided over the meeting of Marketing Board or voted at such meeting or otherwise took part in the proceedings of the Marketing Board.

#### **CHAPTER 4** Powers and duties of Marketing Board

##### **32. Powers and duties of Marketing Board :-**

(1) It shall be the duty of the Marketing Board to implement the provisions of this Act, the rules and bye-laws made thereunder in the market area, to provide facilities for marketing of agricultural produce in the market area as directed by the State Marketing Officer or the Government, as the case may be, and do such other acts as may be required in relation to the superintendence, direction and control of markets or for regulating marketing of agricultural produce in any place in the market area and for purposes connected with the matters aforesaid and for that purpose may exercise such powers, perform such duties and discharge such functions as may be provided by or under this Act.

(2) Without prejudice to the generality of the foregoing provisions, the Marketing Board may,-

(a) regulate the entry of persons and of vehicular traffic into the market;

(b) supervise the behaviour of the persons who enter the market for transacting business;

(c) grant, renew, refuse, suspend or cancel licences;

(d) maintain and manage the market, including admissions to and conditions for use of market within the market area;

(e) provide for necessary facilities required for the marketing of agricultural produce within the market in the market area;

(f) regulate and supervise the auctions of notified agricultural produce in accordance with the provisions and procedure laid down under the rules made under this Act or the Bye-laws of the Marketing Board;

(g) regulate the making, carrying out and enforcement or cancellation of agreements of sales, weighment, delivery, payment and all other matters relating to marketing of notified agricultural produce in the prescribed manner;

(h) take all possible steps to prevent adulteration and to promote and organize grading and standardization of agricultural produce;

(i) take measures for the prevention of purchase and sale below the minimum support prices as fixed by the Government from time to time;

(j) collect, maintain, disseminate and supply information in respect of production, sales, storage, processing, prices and movement of notified agricultural produce including information relating to crops, statistics and marketing intelligence as may be required by the State Marketing Officer;

(k) arrange to obtain fitness (health) certificate from veterinary doctor in respect of animals, cattle, birds, etc., which are bought or sold in the market area;

(l) carry out the publicity about the benefits of regulation, system

of transaction facilities provided in the market area through such media as, in the opinion of the Marketing Board, may be effective or necessary;

(m) provide for settlement of disputes arising out of any kind of transactions connected with the marketing of agricultural produce and all matters incidental and ancillary thereto;

(n) subject to the provisions of section 11, acquire, hold or dispose off any movable or immovable property for the purpose of efficiently carrying out its duties;

(o) institute or defend any suit, prosecution, action, proceedings, application or arbitration and compromise such suit or action;

(p) make arrangement for holding of elections of the Marketing Board in the prescribed manner;

(q) levy, take, recover and receive charges, fees, rates and other sums or money to which the Marketing Board is entitled;

(r) subject to approval of the State Marketing Officer, obtain loans, subsidies, subventions from the State and Central Government or any financing agency for providing warehousing and marketing facilities in the market;

(s) subject to approval of the State Marketing Officer, prepare budgets, supplementary budgets, make re-appropriation in the budget and incur expenditure accordingly;

(t) keep a set of standard weights and measures in the markets against which weighment and measurement may be checked;

(u) inspect and verify the scales, weights and measures which are in use in the market area and also the books of accounts and other

documents maintained by the licensee in such manner as may be prescribed;

(v) administer the Marketing Board Fund referred to in section 44 of this Act and maintain the account thereof and get the same audited in the prescribed manner;

(w) prosecute persons for violating the provisions of this Act, the rules and byelaws framed thereunder;

(x) provide storage and warehousing facilities in the market area;

(y) with the prior sanction of the Government or the State Marketing Officer, undertake any other activity conducive to the promotion or regulation of marketing of agricultural produce;

(z) perform such other duties as may be prescribed;

### **33. Appointment of sub-committees and delegation of power :-**

The Marketing Board may appoint one or more sub-committees consisting of one or more of its members and may delegate to such sub-committee, such of its powers or duties as it may think fit. The sub-committee so appointed shall function under the superintendence, guidance, direction and control of the Marketing Board.

### **34. Power to levy market fees (single point levy) :-**

(1) The Marketing Board shall levy market fee,-

(i) on the sale or purchase of notified agricultural produce, whether brought from a place within the State or from a place outside the State, into the market area; and

(ii) on the notified agricultural produce, whether brought from a place within the State or from a place outside the State, into the market area for processing; at such rates as may be fixed by the Government from time to time subject to a minimum rate of one rupee and maximum of two rupees for every one hundred rupees of price of agricultural produce, in the manner prescribed.

(2) The market fees specified in sub-section (1) shall not be levied.-

(i) for the second time in other market area of the State, where such market fee has already been paid on a particular agricultural produce in any market area of the State and the information to that effect has been furnished by the concerned person in the manner prescribed.

(ii) more than once in any market area, in case the agricultural produce is being resold in the process of commercial transaction between traders or two consumers, provided that, the information to that effect has been furnished by the concerned person in the manner prescribed.

(3) On the agricultural produce brought in the market area for commercial transaction or for processing or for export, the market fee shall be deposited by the buyer or processor or exporter, as the case may be, in the office of the Marketing Board, within 14 days from the date of entry of such agricultural produce in the market area or before its sale or resale or processing or dispatch outside the market area, as the case may be: Provided that in case if any notified agricultural produce is found to have been processed, sold, resold or dispatched outside the market area without payment of market fee payable on such produce, the Marketing Board shall impose penalty on the concerned person which shall be five times of the market fees payable.

(4) The market fee shall be payable by the buyer of the notified agricultural produce and shall not be deducted from the price payable to the seller: Provided that where the buyer of the notified

agricultural produce cannot be identified, all the fees shall be payable by the person who has sold or brought the agricultural produce for sale in the market area: Provided further that in case of commercial transactions between traders in the market area, the market fee shall be collected and paid by the seller.

(5) The market functionaries, as may be specified by the Marketing Board in the bye-laws, shall maintain account relating to sale, purchase, processing or addition in value of agricultural produce in the prescribed forms and submit to the Marketing Board periodical returns in that respect in the manner prescribed.

(6) The Marketing Board may levy and collect entrance fee on vehicles, which enter the market yard/sub-market yard, at such rate as may be specified in the bye-laws.

### **35. Power to borrow :-**

(1) The Marketing Board may, with previous sanction of the State Marketing Officer, raise money required for carrying out the purpose for which it is established, on the security of any property vested in it and of any fees leviable and recoverable by it under this Act.

(2) The Marketing Board may, for the purpose of meeting the expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government on such terms and conditions as the Government may determine.

### **36. Power to order production of accounts, entry, inspection and seizure :-**

(1) The Secretary of the Marketing Board or any officer empowered by the Marketing Board in this behalf, may, for the purposes of this Act, require any person carrying on business in any kind of notified agricultural produce to produce before him the accounts and other documents, and to furnish any information relating to stocks of

such agricultural produce or purchase, sale, processing, value addition and delivery of such agricultural produce by such person and also to furnish any other information relating to payment of market fees by such person.

(2) All accounts and registers maintained by any person in the ordinary course of business of any notified agricultural produce and documents relating to stocks of such agricultural produce or purchase, sale, processing, value addition of such agricultural produce in his possession and offices, establishment, godowns, vessels or vehicles of such person shall be kept open for inspection at all reasonable times by the Secretary of the Marketing Board or any officer empowered by the Marketing Board or the Government.

(3) If any such authorized officer has reason to suspect that any person is attempting to evade the payment of any market fee due and payable by him under section 34 or that any person has purchased, sold, processed or added value to any notified agricultural produce in contravention of any of the provisions of this Act or the rules or the bye-laws framed thereunder, in the market areas, he may, by order in writing to such person, seize such accounts, registers or documents of such person, as may be necessary and shall grant a receipt for the same and shall retain the same so long as it may be necessary for the examination thereof or for prosecution.

(4) For the purposes of sub-section (2) or sub-section (3), such authorised officer may enter or search any place of business, warehouse, office, establishment, godown, vessel or vehicle where such officer has reason to believe that such person keeps or for the time being has kept accounts, registers or documents of his business or stock of notified agricultural produce relating to his business.

(5) The provisions of sub-sections (4) to (8) of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to search under sub-section (4).

(6) Where, any books of accounts or other documents seized under sub-section (3) contains entries recorded therein making a reference as to the quantity, quotations, rates, receipts or payment of money or sale or purchase of goods, such books of accounts or other documents shall be admitted in evidence and such entries shall be considered as prima-facie evidence of matters, transactions and accounts purported to have been recorded therein.

### **37. Power to stop vehicles and inspect store :-**

(1) At any time when so required by any officer empowered by the Marketing Board in this behalf in the market area concerned, the driver or any other person incharge of the vehicle, vessel or other conveyance shall stop the vehicle, vessel or other conveyance, as the case may be and keep it stationery, as long as may reasonably be necessary and allow such officer to examine the contents of the vehicle, vessel or other conveyance and inspect the records relating to notified agricultural produce carried by him and disclose his name and address and the name and address of the owner of the vehicle, vessel or other conveyance and the name and address of the owner of the notified agricultural produce carried by such vehicle, vessel or other conveyance.

(2) The officer empowered under sub-section (1) shall have power to seize any notified agricultural produce brought into or taken out of or proposed to be taken out of the market area by any vehicle, vessel or other conveyance, if such officer has reason to believe that any market fee or other amount due and payable under this Act or value payable to the seller in respect of such produce has not been paid.

(3) If any officer empowered under sub-section (1) has reason to suspect that any person is attempting to evade the payment of any market fee due and payable by him under section 34 or that any person has purchased or stored any notified agricultural produce in contravention of any of the provisions of this Act or the rules or the bye-laws framed thereunder in the market area, he may enter or search any place of business, warehouse, office, establishment or godown where, he has reason to believe that such person keeps or



has for the time being kept stock of notified agricultural produce and he may first seize such agricultural produce and such seized agricultural produce may be confiscated in favour of the Marketing Board in the manner as prescribed for this purpose:

Provided that a reasonable opportunity of being heard shall be given to the person concerned before confiscation of the agricultural produce.

(4) The provisions of sections 100, 457, 458 and 459 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply to entry, search and seizure under sub-sections (1), (2) and (3), as they apply in relation to the entry, search and seizure of property by the Police Officer and such seizure shall forthwith be reported by the officer aforesaid to a Magistrate having jurisdiction over the area.

### **38. Power to write off loss, shortage of fee, etc., which is irrecoverable :-**

The Marketing Board may write off any fee or other amount whatsoever due to it or wherever any loss to the Marketing Board in money or store or other property occurs through any fraud or negligence of any person or for any other cause and in the opinion of the Marketing Board, the fee, amount, money, store or property is found to be irrecoverable or should be remitted, the Marketing Board may order to write off or remit such fee, amount, money, store or property as loss or irrecoverable, as the case may be:

Provided that where the amount due or the value of the store or other property exceeds five hundred rupees, the Marketing Board shall, before making any order to write off or remit as aforesaid, obtain the sanction of the State Marketing Officer.

### **39. Execution of contracts :-**

(1) Every contract entered into by the Marketing Board shall be in writing and signed on behalf of the Marketing Board by its

Chairman and the Secretary or in the absence of the Chairman, by the Vice-Chairman and Secretary.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on the Marketing Board.

**40. Certain disputes regarding weights and measures to be decided by the Secretary of the Marketing Board :-**

(1) The disputes relating to the method of verifying, re-verifying, adjusting or stamping any weights or measures or weighing or measuring instrument in any market area, such dispute may, at the request of the party interested, be referred to the Secretary of the Marketing Board and the decision of the Secretary of the Marketing Board shall, subject to the provisions of sub-section (2), be final.

(2) An appeal shall lie, within the prescribed time limit, from the decision under sub-section (1) to the Government or such officer as the Government may appoint in this behalf. The decision of the Government or such officer, shall be final.

**41. Power to grant exemption from payment of market fees :-**

(1) The Government may, by notification in the Official Gazette and subject to such conditions and restrictions, if any, as may be specified therein, exempt in whole or in part, any agricultural produce brought for sale or bought or sold in the market area, specified in such notification, from the payment of market fee for such period as may be specified therein.

(2) Any notification issued under sub-section (1) may be rescinded by the Government before the expiry of the period for which it would have remained in force and on rescission, such notification shall cease to be in force.

## **CHAPTER 5** Staff of Marketing Board

### **42. Power of the Marketing Board to employ staff :-**

(1) The Marketing Board may employ a Secretary and such other officers and servants as may be necessary for the management of the market and for the collection, maintenance, dissemination and supply of information relating to crops, statistics and market intelligence and for carrying out its duties under this Act and shall pay such officers and servants such salaries and allowances, pension or gratuity as the Marketing Board thinks fit and shall contribute to any Provident Fund and Pension Fund which may be established for the benefit of such employees:

Provided that all posts other than that of a Secretary, save as such general or special directions issued by the State Marketing Officer in this behalf, shall be created with the prior approval of the State Marketing Officer.

(2) The Secretary of the Marketing Board shall be the Chief Executive Officer and the custodian of the records and properties of the Marketing Board who shall exercise such powers as are conferred and perform such duties as are imposed upon him by or under this Act.

(3) The powers conferred by this section on the Secretary of the Marketing Board shall be exercised subject to any rules which may be made in that behalf by the Government.

## **CHAPTER 6** Budget and Fund of the Marketing Board

### **43. Preparation and sanction of budget :-**

(1) The Marketing Board shall prepare and pass the budget of its income and expenditure for the ensuing year in the prescribed form and shall submit it to the State Marketing Officer for sanction before the prescribed date every year. The State Marketing Officer shall sanction the budget with or without modification within two

months from the date of receipt thereof. If the budget is not returned by the State Marketing Officer within two months, it shall be presumed to have been sanctioned by the State Marketing Officer.

(2) The Marketing Board may sanction or cause to undertake execution of construction works out of its fund other than the permanent funds referred to in sub-section (5) of this section on the basis of the plan and designs approved by the Marketing Board: Provided that no expenditure except payment of pension shall be made out of the pension fund.

(3) No expenditure shall be incurred by the Marketing Board on any item if there is no provision to that effect in the budget sanctioned thereof unless it can be met by re-appropriation from saving under any other head. The sanction for the re-appropriation may be obtained from the State Marketing Officer, provided that, in case of re-appropriation from minor head under one major head, sanction for re-appropriation will not be required.

(4) The Marketing Board may, at any time during the year for which any budget has been sanctioned, cause a revised or supplementary budget to be passed and obtain sanction in the same manner as if it is an original budget.

(5) The Marketing Board shall make provision in its budget for crediting the amount into the permanent fund at the rate of twenty percent of its gross receipts comprising of license fee and market fees and into the pension fund as specified from time to time by the State Marketing Officer. No expenditure from the permanent fund shall be incurred except with the prior approval or as per the direction given by the State Marketing Officer. No expenditure from this fund or from amount as provided under sub-section (2) of section 44 shall be proposed in the budget referred to in sub-section (1).

(6) The State Marketing Officer, while according sanction for construction work, may, at his discretion, direct that the execution

of the works shall be entrusted to the Public Works Department of the Government or any other agency authorized by the Government for this purpose or to the contractor/s from the approved panel of contractors.

#### **44. Marketing Board fund :-**

(1) Save as provided in sub-section (2), all moneys received by the Marketing Board shall be paid into a fund to be called the Marketing Board fund and all expenditure incurred by the Marketing Board under or for the purposes of this Act shall be defrayed out of the said fund. Any surplus remaining with the Marketing Board after meeting such expenditure shall be invested in such manner as may be prescribed.

Any money received by the Marketing Board by way of arbitration fee or as a security for costs in arbitration proceedings relating to the disputes or any money received by the Board by way of security deposit, contribution to Provident Fund or for payment in respect of any notified agricultural produce or charges payable to weighman, hamal and other functionaries and such other money received by the Marketing Board as may be provided in the rules or bye-laws shall not form part of the Marketing Board fund and shall be kept in such manner as may be prescribed.

(2) Save as otherwise provided in this Act, the amount to the credit of the Marketing Board fund as also other money received by the Marketing Board shall be kept in a scheduled co-operative bank or in a Nationalized Bank or in Post Office Saving Bank or in any other mode with the approval of the State Marketing Officer.

#### **45. Application of Marketing Board fund :-**

(1) Subject to the provisions of section 44, the Marketing Board, in order to discharge functions and duties entrusted to it under this Act, may use the Marketing Board fund. Without prejudice to the generality of this provision, the Marketing Board fund may be used for the following purposes, namely:-

- (i) the acquisition of a site or sites for the market;
- (ii) the establishment, maintenance and improvement of the market yard;
- (iii) the construction and repairs of building necessary for the purpose of the market yard and for convenience or safety of the persons using the market yard;
- (iv) the maintenance of standard weights and measures;
- (v) the meeting of establishment charges including payment and contribution towards provident fund, pension and gratuity of the officers and servants employed by the Marketing Board;
- (vi) loans and advances to the employees of the Marketing Board;
- (vii) the payment of interest on the loans that may be raised for the purpose of the market and for provision of sinking fund, in respect of such loans;
- (viii) the collection and dissemination of information relating to crop statistics and marketing of agricultural produce;
- (ix) meeting the expenses incurred in auditing the accounts of the Marketing Board;
- (x) payment of honorarium to the Chairman, Vice-Chairman, travelling allowances to the Chairman, Vice-Chairman and other members of the Marketing Board and sitting fees payable to members for attending the meetings;

(xi) contribution to the National Council of State Agricultural Marketing Boards as prescribed;

(xii) contribution to any scheme for development of agricultural marketing including transport;

(xiii) to provide facilities like grading, standardization, quality certification services and communication to agriculturists in the market area;

(xiv) to provide for development of agricultural produce in the market area;

(xv) payment of expenses on elections under this Act;

(xvi) incurring of all expenses on research training in marketing of agricultural produce;

(xvii) prevention, in conjunction with other agencies, viz. State, Central and others, of distress sale of agricultural produce;

(xviii) fostering co-operative marketing and assisting co-operative marketing societies in the procurement and organization of profitable disposal of produce, particularly the produce belonging to small and marginal farmers;

(xix) to create and promote, on its own or through public or private partnership, infrastructure of post-harvest handling of agricultural produce, cold storages, pre-cooling facilities, pack houses and all such infrastructure which is required to develop modern market system;

(xx) any other purpose connected with the marketing of agricultural produce under this Act which is in the public interest, subject however, that the expenditure thereon is made with the

prior sanction of the State Marketing Officer.

## **CHAPTER 7** Contract Farming

### **46. Procedure and Form of Contract Farming Agreement :-**

The Contract Farming Agreements shall be governed in the manner laid down hereinafter.-

(1) Contract Farming Sponsor shall register himself with the Marketing Board or with the officer authorised by the Marketing Board in that behalf in such manner as may be prescribed.

(2) The Contract Farming Sponsor shall get the Contract Farming Agreement recorded with the officer authorised by the Marketing Board, in this behalf.

(3) The Contract Farming Agreement shall be in such form and contain such particulars, terms and conditions as may be prescribed.

(4) Notwithstanding anything contained in the Contract Farming Agreement, no title, rights, ownership or possession, shall be transferred, alienated or vest in the contract farming sponsor, his successor or his agent as a consequence arising out of such Contract Farming Agreement.

(5) Any dispute arising out of the Contract Farming Agreement shall be referred to an authority prescribed in that behalf for settlement. The prescribed authority shall resolve the dispute in a summary manner within 30 days from the date of receipt of such reference after giving the parties a reasonable opportunity of being heard.

(6) Any party aggrieved by the decision of the prescribed authority may prefer an appeal to the prescribed Appellate Authority within thirty days from the date of decision and such Appellant Authority shall dispose of the appeal within thirty days from the date of such



appeal after giving the parties a reasonable opportunity of being heard and the decision of the Appellate Authority shall be final and binding upon the parties thereto.

(7) The decision of the authority under sub-section (5) and the decision in the appeal under sub-section (6) shall have force of a decree of the civil court and shall be enforceable as such and the decretal amount shall be recovered as arrears of land revenue from the party thereto.

(8) Any dispute relating to or arising out of Contract Farming Agreement shall not be called in question in any Court of Law.

(9) The agricultural produce covered under the Contract Farming Agreement may be sold to the Contract Farming Sponsor outside the market area which shall be free from levy of market fees.

## **CHAPTER 8** Regulation of Trading

### **47. Regulation of marketing of agricultural produce :-**

(1) No person shall, except in accordance with the provisions of this Act and the rules and bye-laws made thereunder,-

(i) use any place in the market area for the marketing of notified agricultural produce; or

(ii) operate in the market area as a market functionary.

(2) Nothing in sub-section (1) shall apply to:-

(i) the sale of agricultural produce which is made by the producer himself to any person for his domestic consumption upto the quantity of one quintal;

(ii) notified agricultural produce which is brought for sale by head load, provided that the Government may by notification, withdraw this exemption specifying the reasons therein in respect of such market area as is specified in the notification;

(iii) the purchase or sale of notified agricultural produce which is made by a petty trader;

(iv) purchase of notified agricultural produce which is made by an authorized fair price shop dealer from the Food Corporation of India, the State Commodities Trading Corporation or any other agency or institution authorized by the Government for distribution of essential commodities through the public distribution system;

(v) the transfer of agricultural produce to a co-operative society for the purpose of securing an advance therefrom.

#### **48. Sale of agricultural produce in markets :-**

(1) Entire notified agricultural produce shall be ordinarily sold in the market yards/sub-market yards or in the private yards of the licence holder, subject to the provisions of sub-section (2): Provided that the notified agricultural produce may be sold at other places also to a licence holder under section 52 of this Act: Provided further that it shall not be necessary to bring agricultural produce covered under Contract Farming to the market yard/sub-market yard/private yard and it may be directly sold to contract farming sponsor from farmers fields.

(2) The notified agricultural produce brought by the licensed/registered trader from a place outside the market area or within the market area in the course of commercial transaction may be bought or sold anywhere in the market area.

(3) The price of the notified agricultural produce, brought for sale into the market yard, shall be settled by a tender bid or open

auction or any other transparent system and no deduction shall be made from the agreed price on any account whatsoever by the seller:

Provided that the price of notified agricultural produce in the private yard shall be settled in the manner prescribed.

(4) Weighment or measurement or counting of the agricultural produce so purchased shall be done by such a person and such system as is provided in the bye-laws or at any other place specified for the purpose by the Marketing Board.

#### **49. Terms and procedure of buying and selling :-**

(1) Except in the commercial transaction between two traders, any other person who buys notified agricultural produce in the market area, shall execute an agreement in triplicate, in such form, as may be prescribed, in favour of the seller and one copy of such agreement shall be kept by the buyer, second copy shall be supplied to the seller and the third copy shall be kept in the records of the Marketing Board.

(2) (a) The price of the notified agricultural produce brought in the market yard/sub-market yard/private yard shall be paid on the same day to the seller in market yard/sub-market yard/ /private yard, as the case may be, and that the payment for notified agricultural produce purchased from such yard, shall be made to the seller, if he is not a trader, on the same day there itself;

(b) In case the purchaser does not make payment as provided under clause (a), he shall be liable to penalty at the rate of one percent per day on the total price of the agricultural produce payable to the seller, for five days from the date on which such amount is payable;

(c) In case the purchaser does not make payment to the seller as

provided under clause (b) above, within five days, his license and registration shall be deemed to have been cancelled on the sixth day of such purchase and he shall not be registered or granted any license or permitted to operate under this Act for a period of one year from the date of such cancellation.

(3) No wholesale transaction of notified agricultural produce shall be entered directly by licensed/registered trader with producer of such agricultural produce in the market yard/sub-market yard/private yard or at such place except in accordance with the provisions contained in the bye-laws: Provided that agricultural produce, produced under contract farming, may be directly bought by contract farming sponsor anywhere.

(4) The commission agent shall recover his commission only from his principal trader at such rate as may be specified in the bye-laws including all expenses as may be incurred by him in storage of the agricultural produce and for other services rendered by him.

(5) Every commission agent shall be liable,-

(a) to keep the goods of his principal in safe custody without any charge other than the commission payable to him; and

(b) to pay the price of the goods to the principal as soon as the goods are sold by him irrespective of the fact that whether he has received or has not received the price from the buyer of such goods.

## **50. Permission for transportation of agricultural produce :-**

(1) No agricultural produce shall be removed out of the market area or brought in the market area from outside the State of Goa or outside India except in the manner and in accordance with the permit issued in such form as may be specified by the Secretary of the Marketing Board: Provided that the bill issued by the seller

shall be retained till the time of transportation of processed product of agricultural produce out of the market area: Provided further that the producer of agricultural produce himself may take the agricultural produce from one place to another without a permit.

(2) Under commercial transactions, any agricultural produce may be transported in the market area in the manner as specified by the Secretary of the Marketing Board.

### **51. Registration of functionaries :-**

(1) Any person who desires to operate in the market area as trader, commission agent, weighman, hamal, surveyor, warehouseman, contract farming buyer, owner or occupier of processing factory or as any other market functionary, in respect of any notified agricultural produce, shall apply to the Marketing Board for his registration or renewal of such registration, in such manner and within such period as may be prescribed: Provided that any person may buy agricultural produce in the market yard/sub-market yard on day-to-day basis without getting himself registered: Provided further that any person who desires to carry on trade or transact, in any notified agricultural produce in more than one market area, shall get himself registered, for that respective function, with the prescribed authority.

(2) Every application for registration or renewal of registration shall be accompanied with such fee as the Government may prescribe.

(3) The Marketing Board may, on receipt of an application for registration or renewal of registration, together with the fees prescribed therefor, grant a certificate of registration or renewal, as the case may be, for such period as may be prescribed.

(4) The Marketing Board may refuse to register or refuse to renew the registration on any of the following grounds:-

(i) the applicant is a minor or the application is not bonafide;

(ii) the applicant has been declared defaulter under any Act or rules on bye-laws made thereunder;

(iii) the applicant has been found guilty under this Act.

(5) (i) The application received under sub-section (1) shall be disposed off by the Marketing Board within four weeks from the date of its receipt, but if the Marketing Board fails to dispose off any application within such four weeks time then the applicant shall remind, in writing the Marketing Board, in respect of his application; and the applicant shall also inform about the same, in writing, to the authority specified by the Secretary of the Marketing Board in this regard.

(ii) On expiry of the period of two weeks from the date of receipt of the reminder by the Marketing Board and receipt of information by such authority, if the application is not disposed off, it shall be deemed that the registration or its renewal, as the case may be, has been granted.

(iii) The authority, on the basis of information received by it and after expiry of period of two weeks specified above, shall confirm that the application for registration/renewal was submitted to the Marketing Board and due action has not been taken by the Marketing Board for disposal of the same and then it shall issue a certificate as per clause

(ii) of sub-section (5) regarding grant of deemed registration or its deemed renewal within two weeks time.

(6) The registration granted or renewed under this section shall be subject to the provisions of this Act, and the rules and bye-laws made thereunder.

(7) No commission agent shall act in any transaction between the agriculturist, seller, trader or purchaser or on their behalf, nor shall he deduct any amount towards commission from the sale proceeds payable to the agriculturist, seller, trader or purchaser.

**52. Establishment of private yard, and direct purchase of agricultural produce from agriculturist (direct purchasing from producer) :-**

The State Marketing Officer may grant a license to purchase agricultural produce, by establishing private yard, directly from the agriculturist, in one or more market areas for,-

- (a) the purpose of processing the notified agricultural produce;
- (b) trade of notified agricultural produce of particular specification;
- (c) export of notified agricultural produce;
- (d) grading, packing and any other activity so as to add value to agricultural produce.

**53. Establishment of consumer/farmer market (Direct sale by the producer) :-**

(1) Consumer/Farmer market may be established by developing infrastructure as prescribed, by any person in any market area and that the producer of agricultural produce himself may sell his produce as prescribed directly to the consumer at such place: Provided that the consumer shall not purchase the agricultural produce more than the prescribed quantum in the consumer market.

(2) Market service charge shall be collected on sale of the agricultural produce by the seller and shall be remitted to the proprietor of the consumer market.

(3) Save as otherwise provided in this Act, no market fee shall be leviable on the transaction undertaken in the consumer/farmer market.

(4) License for establishment of consumer/farmer market shall be granted by the Government.

**54. Grant/renewal of license of private yard/consumer/farmer market and weighman :-**

(1) Any person who, under section 52 desires to purchase notified agricultural produce directly from the agriculturist or wishes to establish a private yard or under section 53 desires to establish a consumer/farmer market in one or more than one market area, shall apply to the State Marketing Officer for grant of licence or renewal of such license, as the case may be, in the manner and for the period, as may be prescribed.

(2) Alongwith every such application for license or renewal of license, fees as prescribed, shall be deposited.

(3) The State Marketing Officer may, on receipt of an application for grant of license or renewal of license together with the prescribed fees therefor, grant a license or renew it, as the case may be, for such period as may be prescribed.

(4) Application received under sub-section (1) for grant of license or renewal of such license may be rejected with reasons in writing. Such application may be rejected on any of the following grounds:-

(i) the Marketing Boards dues are outstanding against the applicant;

(ii) the applicant is minor or the application is not bonafide;



(iii) the applicant has been declared defaulter under any Act or rules and bye-laws made thereunder;

(iv) the applicant has been declared guilty in any criminal case and convicted by imprisonment;

(v) any other ground, as may be prescribed.

(5) The license granted or renewed under this section shall be subject to the provisions of this Act, rules or bye-laws made thereunder.

### **55. Power to cancel or suspend license/registration :-**

(1) Subject to the provisions of sub-section (4), the State Marketing Officer or the Marketing Board who has issued license or registration, as the case may be, may, for reasons to be communicated to the license holder/registration holder in writing, suspend or cancel, license/registration, if, -

(a) the license or registration has been obtained through willful misrepresentation or fraud; or

(b) the holder of the license or registration or any of his servants or any one acting on his behalf with his express or implied permission, commits breach of any of the terms or conditions of license/registration; or

(c) the holder of the license/registration in combination with other license/registration holder commits any act or abstains from carrying on his normal business in the market area with the intention of wilfully obstructing, suspending or stopping the marketing of notified agricultural produce in the market yard/sub-market yard as a consequence of which the marketing of any notified agricultural produce has been obstructed, suspended or stopped; or

(d) the holder of the license/registration has been adjudged as an insolvent; or

(e) the holder of the license/registration incurs any disqualification, as may be prescribed; or

(f) the holder of license/registration is convicted of any offence under this Act.

(2) Subject to the provisions of sub-section (4), the Chairman or Secretary of the Marketing Board may, for reasons to be communicated in writing to the registration holder, by order, suspend registration for a period not exceeding one month on any reasons for which the Marketing Board may suspend a registration under sub-section (1): Provided that such order shall cease to have effect on expiry of a period of ten days, from the date on which it is made, unless confirmed by the Marketing Board before expiry of such ten days.

(3) Notwithstanding anything contained in sub-section (1) but subject to the provisions of sub-section (4), the State Marketing Officer may, for reasons to be communicated in writing to the registration holder, by order, suspend or cancel the registration granted or renewed by the Marketing Board: Provided that no order under this sub-section shall be made without giving notice to the Marketing Board.

(4) No license or registration shall be suspended or cancelled under this section without giving a reasonable opportunity to its holder to show cause against such suspension or cancellation.

## **56. Appeal :-**

(1) Any person aggrieved by an order, passed under sections 51, 54 or 55, as the case may be, prefer an appeal in such manner, as

may be prescribed,-

(a) to the State Marketing Officer, where such order is passed by the Chairman/Secretary of the Marketing Board, within seven days of receipt of the order;

(b) to the State Marketing Officer, where such order is passed by the Marketing Board, within thirty days of receipt of the order; and

(c) to the Government, where such order is passed by the State Marketing Officer, within thirty days of receipt of the order.

(2) The Appellate Authority, if it considers necessary to do so, grant a stay of the order appealed against for such period as it may deem fit.

(3) The order passed by the Chairman/Secretary of the Marketing Board or the Marketing Board or the State Marketing Officer shall, subject to the order in the appeal under this section, be final and shall not be called in question in any Court of law.

## **57. Redressal of dispute between Farmer market or Consumer market and Marketing Board :-**

(1) Dispute between the farmer market or consumer market and Marketing Board shall be referred to the State Marketing Officer or his representative or any other officer authorized by the Government in this regard. The dispute shall be resolved after giving both parties a reasonable opportunity of being heard, in the manner prescribed.

(2) The decision given by the authority under sub-section (1) above shall be final and shall not be called in question in any Court of law.

**58. Prohibition of trade allowances other than those specified under this Act :-**

No trade allowance or deduction, other than specified by or under this Act, shall be made or received by any person in any market area in any transaction in respect of the notified agricultural produce and no Civil Court, shall, in any suit or proceeding arising out of any such transaction, have regard to any trade allowance not so specified.

**59. Submission of annual account by licensee/registered functionaries and assessment of market fee :-**

(1) Every trader, processor, proprietor of a private yard, proprietor of consumer/farmer market or commission agent connected with the business of notified agricultural produce shall before the 30th June of every year submit to the Secretary of the Marketing Board, a statement of transactions undertaken by or through him during the previous financial year ending on 31st March in the prescribed manner.

(2) The Secretary of the Marketing Board shall accept or reject the statement submitted to him under sub-section (1) after necessary examination and verification on the basis of information available in the Marketing Board and shall assess the balance amount payable by the functionary and levy the assessed amount.

(3) Any person aggrieved by the proceedings of the Secretary, may within 30 days from the date of receipt of notice by him, appeal to the Marketing Board.

(4) An officer authorized by the Government may, on his own motion or on an application made to the Government, start the process of re-verification of the statement which was verified by the Secretary, within two years from the date of verification made by the Secretary and for this purpose such officer shall exercise the powers under section 36 of this Act.

(5) The re-verification made by the Officer authorized by the Government, shall be final.

**60. Assessment of market fees payable to Marketing Board by the licensed/registered functionaries :-**

If any person required to produce accounts or furnish information under sub-section (1) of section 69 fails to produce such accounts or to furnish information or knowingly furnishes incomplete or incorrect account or information or has not maintained proper accounts of the business of the notified agricultural produce, then, the Secretary of the Marketing Board on his own motion, shall assess such person for levying fees levied under section 34 on the basis of the information available with the Marketing Board.

**CHAPTER 9 Penalties**

**61. Penalty for contravention of Act, rules and bye-laws :-**

Any person who contravenes any provisions of this Act or of any rule or bye-laws or order issued thereunder shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

**62. Recovery of market dues :-**

Whenever any person is convicted of any offence punishable under this Act, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Marketing Board the amount of fees or any other amount due from him under this Act or rules or bye-laws made thereunder and may, in his discretion, also recover and pay over to the Marketing Board costs of the prosecution.

**63. Cognizance of offences :-**

No Court shall take cognizance of any offence punishable under this Act or any rule or any bye-laws made thereunder except on the complaint made by the Collector or the Chairman, Vice-Chairman, Secretary of the Marketing Board or by any person duly authorized by the Marketing Board in this behalf or by the State Marketing Officer.

## **CHAPTER 10** Control

### **64. Inspection of markets and inquiry into the affairs of the Marketing Board :-**

(1) The State Marketing Officer may:-

(a) inspect or cause to be inspected the accounts and offices of the Marketing Board;

(b) hold inquiry into the affairs of the Marketing Board;

(c) call from the Marketing Board, return, statement, accounts or reports which he may think fit to require the Board to furnish;

(d) require the Marketing Board to take into consideration.-

(i) any objection, on the ground of illegality, inexpediency or impropriety which appears to him to exist, to the doing of anything or which is about to be done or is being done by or on behalf of the Board;

(ii) any information he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Board;

(e) direct that, anything which is about to be done or is being done, should not be done, pending consideration of the reply and anything which should be done but is not being done should be done within such time as he may direct.

(2) When the affairs of the Marketing Board are investigated under this section or the proceedings of the Marketing Board are examined by the State Marketing Officer under section 69, the Chairman, Vice-Chairman, Secretary and all other officers, servants and members of the Board shall furnish such information in their

possession in regard to the affairs or proceedings of the Marketing Board as the State Marketing Officer, may require.

(3) The State Marketing Officer, while investigating the affairs of the Marketing Board under sub-section (1), shall have power to summon and enforce the attendance of officers or members of the Marketing Board and to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the Code of Civil Procedure, 1908 (5 of 1908).

(4) Where the State Marketing Officer has reason to believe that the books and records of the Marketing Board are likely to be tampered with or destroyed or the funds or property of the Marketing Board are likely to be misappropriated or misapplied, the State Marketing Officer may issue order directing a person duly authorized by him in writing to seize and take possession of such books and records, funds and property of the Marketing Board and the officer or officers of the Marketing Board responsible for the custody of such books, records, funds and property shall give delivery thereof to the person so authorized.

#### **65. Powers to remove a member of the Marketing Board :-**

(1) The State Marketing Officer may remove a member, Chairman, or Vice-Chairman of the Marketing Board where he is of the opinion that:-

(a) such member, Chairman or Vice-Chairman has been guilty for misconduct or for gross negligence of his duty as member, Chairman or Vice-Chairman;

(b) such member, Chairman or Vice-Chairman has ceased to hold the qualification necessary for his being a member, Chairman or Vice-Chairman, as the case may be.

(2) No order of removal under sub-section (1) shall be passed unless the person concerned has been given a reasonable opportunity of submitting an explanation in respect of the allegations against him.

(3) The State Marketing Officer may suspend any member or Chairman or Vice-Chairman of the Marketing Board, who has been served with the notice under sub-sections (1) and (2) or against whom any complaint has been received or who commits irregularities for a period from the date of issue of notice or of receipt of complaint or from the date of noticing of irregularities by the State Marketing Officer till the final decision is taken in the case.

#### **66. Supersession of the Marketing Board :-**

Where the Government is of the opinion that the Marketing Board has failed in the performance of its functions or discharge of its duties or has exceeded or abused the powers conferred on it by or under this Act, it may, by notification in the Official Gazette, supersede the Marketing Board: Provided that no order of supersession shall be passed unless the Government has accorded reasonable opportunity to the Marketing Board of submitting a written explanation in respect of the allegations against it.

#### **67. Consequence of supersession of Marketing Board :-**

Upon publication of the notification superseding the Marketing Board under section 66, the following consequences shall ensue:-

(i) all the members including the Chairman, Vice-Chairman of the Marketing Board shall, as from the date of publication of the notification, be deemed to have vacated their offices;

(ii) the Government shall direct that steps be taken for constitution of new Marketing Board under section 12 and till the time a new Marketing Board under section 12 is constituted as aforesaid, the State Marketing Officer shall make such arrangements for carrying out the functions of the Marketing Board as he may deem fit for a period not exceeding six months and for that purpose, he may



direct that all the functions, powers and duties of the Marketing Board and its Chairman under this Act, shall be performed, exercised and discharged by such person or authority as the State Marketing Officer may appoint in this behalf and such person or authority shall be deemed to be Marketing Board or Chairman, as the case may be.

**68. Power of State Marketing Officer to direct Marketing Board for amending bye-laws :-**

(1) If it appears to the State Marketing Officer that it is necessary or expedient in the interest of a market or of the Marketing Board to make any bye-laws or to amend any bye laws, he may, by order require the Marketing Board to make such byelaws or to carry out amendment to the bye-laws within such time as he may specify in such order.

(2) If the Marketing Board fails to make such bye-laws or such amendment in the bye-laws within the time specified, the State Marketing Officer may, after giving the Marketing Board a reasonable opportunity of being heard, by order, make such bye-laws or carry out such amendment to the bye-laws and thereupon subject to any order under sub-section (3), such bye-laws or such amendment to the bye-laws shall be deemed to have been made or amended by the Marketing Board in accordance with the provisions of this Act or the rules made thereunder and thereupon such bye-laws or amended bye-laws shall be binding on the Marketing Board.

(3) An appeal shall lie to the Government from any order of the State Marketing Officer under sub-section (1) within thirty days from the date of such order and the decision of the Government on such appeal shall be final.

**69. Power of the State Marketing Officer to prohibit execution of resolution passed or order made by the Marketing Board :-**

(1) The State Marketing Officer may, on his own motion or on

report or complaint received, by order, prohibit the execution of a resolution passed or order made by the Marketing Board or its Chairman or any of its officers or servants, if he is of the opinion that such resolution or order is prejudicial to the public interest or is likely to hinder efficient running of the business in any market area, principal market yard or sub-market yard or is against the provisions of this Act or the rules or bye-laws made thereunder.

(2) Where the execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Board, if so required by the State Marketing Officer, to take such action, as the Board would have been entitled to take if such resolution or order had never been passed or made, which is necessary for preventing the Chairman or any of its officers or servants from doing or continuing to do anything under such resolution or order.

#### **70. Power to call for proceedings of Marketing Board and the State Marketing Officer :-**

(1) The State Marketing Officer may, on his own motion or on an application made to him, call for and examine the proceedings of the Marketing Board and the Government may on its own motion or on application made to it, call for and examine the proceedings of the State Marketing Officer, for the purpose of satisfying himself or itself, as the case may be, as to the legality or propriety of any decision taken or order passed and as to the regularity of the proceedings of the Board or the State Marketing Officer, as the case may be. If, upon examination, it appears to the State Marketing Officer or the Government that any such decision, order or proceedings should be modified, annulled, reversed or remitted for reconsideration, he or it, as the case may be, may pass such order thereof as deemed fit:

Provided that every application to the Government for the exercise of the powers under this section shall be filed within sixty days from the date on which the decision or order to which the application relates was communicated to the applicant: Provided further that no such order shall be passed under sub-section (1)

without giving a reasonable opportunity of being heard to the parties affected thereto.

(2) The Government or the State Marketing Officer, as the case may be, may suspend the execution of the decision taken or order passed by the State Marketing Officer or the Marketing Board, pending the exercise of its/his powers under sub-section (1).

**71. Liability of Chairman, Vice-Chairman, members and employees for loss, waste or misappropriation, etc :-**

(1) In the course of the inquiry or inspection under section 64 or in the course of the audit under this Act, in case if it is found that any person who is or was entrusted with the management of the Marketing Board or any deceased, past or present Chairman, Vice-Chairman, member, officer incharge of the Marketing Board or any other officer or employee of the Marketing Board or an officer of the Government, has made or directed by assenting or concurring or participating in any affirmative vote or proceeding related thereto, any payment or application of any money or other property belonging to or under the control of the Marketing Board to any purpose, contrary to the provisions of this Act or rules or bye-laws made thereunder or has caused any deficiency or loss by gross negligence or misconduct or has misappropriated or fraudulently retained any money or other property belonging to the Marketing Board, the State Marketing Officer may, on his own motion or on application, inquire himself or direct any officer subordinate to him duly authorized by him by an order in writing in this behalf to inquire into, the conduct of such persons, within two years of the date of report of audit, inquiry or inspection, as the case may be.

(2) If, upon an inquiry made under sub-section (1), the State Marketing Officer is satisfied that there are good grounds for an order under this sub-section, he may make an order requiring such person or in the case of a deceased person, his legal representative, who inherits his estate, to repay or restore the money or property or any part thereof, with interest at such rate or to pay contribution and costs or compensation to such extent as the State Marketing Officer may consider just and equitable: Provided

that no order under this sub-section shall be made unless the person concerned has been given a reasonable opportunity of being heard in the matter: Provided further that the liability of a legal representative of the deceased shall be limited to the extent of the property of the deceased which is inherited by such legal representative.

(3) Any person aggrieved by an order made under sub-section (2), may, within thirty days from the date of communication of the order to him, appeal to the Government and the Order of the Government in such appeal shall be final and conclusive.

(4) No order passed under sub-section (2) or sub-section (3) shall be called in question in any Court of law.

(5) Any order made under sub-section (2) or sub-section (3) shall, on the application of the State Marketing Officer, be enforced by a Civil Court, having jurisdiction in the same manner as if it is a decree of such court and any sum directed to be paid by such order may be recovered as arrears of land revenue.

(6) The State Marketing Officer may, if he is satisfied on affidavit, inquiry or otherwise, that any person with intention to delay or obstruct the enforcement of any order passed against him under this section is about to dispose of the whole or any part of his property or is about to remove the whole or any part of his property from the State, unless adequate security is furnished, direct the conditional attachment of such property or any part thereof as he thinks necessary and such attachment shall have the same effect as if it is made by a competent Civil Court.

## **72. Power of the Government to amend Schedule :-**

(1) The Government may, by notification, add to or omit from or amend any of the items of agricultural produce specified in the Schedule to this Act and thereupon the said Schedule shall be deemed to have been amended accordingly:

Provided that no notification shall be issued by Government under this section without giving previous publication in the Official Gazette of not less than forty five days, of its intention to issue such notification.

### **73. Power of Government to give directions :-**

(1) The Government may give directions to the Marketing Board.

(2) The Marketing Board shall be bound to comply with the directions issued by the Government under sub-section (1).

### **74. Recovery of sums due to the Marketing Board :-**

Any sum due to the Marketing Board on account of any charge, costs, expenses, fees, rent or on any other account under the provisions of this Act or any rule or bye-laws made thereunder shall be recoverable in the same manner as arrears of land revenue.

### **75. Chairman, Vice-Chairman, members, officers and servants of the Marketing Board to be public servants :-**

The Chairman, Vice-Chairman, members, Secretary, other officers and servants of the Marketing Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

### **76. Delegation of powers :-**

(1) The Government may delegate to any of its officer not below the rank of State Marketing Officer any of the powers conferred on it by or under this Act other than the power to make rules under section 81.

(2) The State Marketing officer may delegate any of his powers to any officer of the Government not below the rank of Assistant Registrar of Co-operative Societies.

**77. Bar to civil suit and protection to persons acting in good faith :-**

No suit, prosecution or legal proceedings in respect of anything done in good faith or intended to be done in good faith under this Act or rules, or bye-laws made thereunder, shall lie against the State Marketing Officer or officers of the Government or against the Marketing Board or any person acting under and in accordance with the directions of the State Marketing Officer, Government or the Board.

**78. Bar to suit in absence of notice :-**

Notwithstanding anything contained in any other law, no suit shall be instituted against the Board, until the expiration of two months from the date of notice in writing stating the cause of action, name and place of abode/office of the intending plaintiff and the relief which he claims has been delivered or left at the office of the Board. Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the cause of action.

**79. Duty of local authority to give information and assistance :-**

(1) It shall be the duty of every local authority to give all the necessary information, in its possession or under the control of its officers, to the Marketing Board or its officers authorized in that behalf, relating to the movement of agricultural produce into or out of the area of the local authority free of any charges.

(2) It shall also be the duty of every local authority and its officers and staff concerned to give all the possible assistance to any officer of the Marketing Board in exercise of his powers and discharging his duties under this Act.

**80. Act not to be invalidated by informality, vacancy, etc :-**

No act done or proceeding taken under this Act by the Board shall be invalidated merely on the ground of,-

(a) any vacancy or defect in the constitution of the Marketing Board;

(b) any defect or irregularity in the appointment of the person acting as a member thereof;

(c) any defect or irregularity in such act or proceedings, not affecting the substance.

## **CHAPTER 11** Rules and Bye-Laws

### **81. Power to make rules :-**

(1) The Government may, by notification in the Official Gazette and after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters:-

(i) other manner of publication of. notification as provided in sub-section (1) of section 3;

(ii) the manner of election of female agriculturists as members on the Marketing Board, as provided in clause (b) of sub-section (1) of section 12;

(iii). the manner of election of members as provided in sub-section (1) of section 13;

(iv) the period during which a Chairman or a Vice-Chairman shall hold office as provided in section 21;

(v) the limit of the total amount of honorarium to be paid to the Chairman and the Vice-Chairman of the Marketing Board as provided in section 23;

(vi) the manner of periodical inspection of all weights and measures and weighing and measuring instruments in use in a market area, as provided in section 32 (2) (u) and

(vii) the matters subject to which the powers conferred on the Secretary of the Marketing Board under section 42 shall be exercised as provided in sub-section (3) of section 42;

(viii) form of budget of the Marketing Board and the date for submitting the same to the State Marketing Officer as provided in sub-section (1) of section 43;

(ix) the manner in which the amount to the credit of the Marketing Board Fund shall be invested as provided in sub-section (1) of section 44 and the manner in which the money received by the Marketing Board as stated in sub-section (2) of section 44 shall be kept as provided in that sub-section;

(x) the use of the Marketing Board Fund for making contribution to the National Council of State Agricultural Marketing Board, as provided in item (xi) of sub-section (1) of section 45;

(xi) the manner of settling price of notified agricultural produce in the private yard, as provided in sub-section (3) of section 48;

(xii) all matters as stated in sections 51, 53 and 54;

(xiii) the manner of filing appeal as provided in section 56;

(xiv) the manner of resolving dispute as provided in section 57;

(xv) any other matter which has to be, or may be, prescribed.



In making any rule, the Government may direct that breach thereof shall be punishable with fine which may extend to two hundred rupees.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa.

## **82. Power to make bye-laws :-**

(1) Subject to the provisions of this Act and the rules made thereunder, the Marketing Board may, in respect of marketing area under its management, make bye-laws for:-

(i) the regulation of business of the Marketing Board;

(ii) the conditions of trading in a market;

(iii) the delegation of powers, duties and functions to the officers and servants, appointment, pay, punishment, pension, gratuity, leave, leave allowances, contribution by them to any provident fund which may be established for the benefit of such officers and servants and other conditions of service;

(iv) the delegation of powers, duties and functions to a sub-committee, if any;

(v) market functionaries who are required to obtain licence under this Act;

(vi) enabling and regulating e-trading;

(vii) any other matter for which bye-laws are required to be made under this Act or it may be necessary to frame bye-laws for effectively implementing the provisions of this Act and the rules

made thereunder in the market area.

(2) No bye-laws made under sub-section (1) shall take effect until they have been approved by the State Marketing Officer.

(3) In making any bye-laws, the Marketing Board may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees and where the breach is a continuing one, with further fine which may extend to ten rupees for everyday during the period when such breach continues.

## **CHAPTER 12** Repeal and Savings

### **83. Repeal and Savings :-**

(1) The Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Act No. XX of 1964), as extended to the State of Goa, is hereby repealed.

(2) Notwithstanding such repeal,-

(i) anything done or any action taken (including any appointment, delegation or declaration made, notification, rule, direction or notice issued, bye-laws framed, market area, markets, sub-markets, market yards and sub-market yards declared, established or notified, licences granted, fees levied and collected, instruments executed, any fund established or constituted) by or under the provisions of the repealed Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force unless and until superseded by anything done or any action taken under this Act;

(ii) unless the Government otherwise directs, the Marketing Board constituted under the repealed Act, the Chairman, Vice-Chairman and members appointed shall continue to exercise their powers until the expiry of their term under the repealed Act or till the

Marketing Board is constituted in accordance with the provisions of this Act, whichever is earlier.

(3) On issue of directions under clause (ii) of sub-section (2), the provisions of this section shall apply as from the date specified in the direction as if the Marketing Board stood dissolved on that date.

#### **84. Power to remove difficulty :-**

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing such difficulty: Provided that no such order shall be made under this section after the expiry of two years from the date of the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa.

#### **SCHEDULE 1**

##### **SCHEDULE**

[See Sections 2 (A) and 72]

##### **(I) FIBRES:**

(1) Cotton (ginned and unginned).

##### **(II) CEREALS:**

(1) Wheat (husked and unhusked).

(2) Paddy (husked and unhusked).

(3) Jowar.

(4) Bajri.

(5) Vari.

(6) Maize.

(7) Sarsay.

(8) Barley.

(9) Ragi.

##### **(III) PULSES:**

(1) Tur

(2) Gram.

(3) Udid.

(4) Mung.

(5) Lang.

- (6) Peas.
- (7) Kulthi.
- (8) Splits (Dal of pulses).
- (9) Masur.
- (10) Ghevda Beans.
- (IV) OILSEEDS:
  - (1) Groundnut (shelled and unshelled)
  - (2) Linseed.
  - (3) Sesame.
  - (4) Sunflower.
  - (5) Ambadi.
  - (6) Coconut (husked and unhusked).
  - (7) Tender Coconut.
  - (8) Copra.
  - (9) Cotton seed.
  - (10) Kokum (and its products).
- (V) NARCOTICS:
  - (1) Tobacco and its products.
- (VI) Gur, Sugar and Sugarcane
- (VII) FRUITS:
  - (1) Mango and its products.
  - (2) Mosambi (sweet lime).
  - (3) Santra (Orange).
  - (4) Lemon.
  - (5) Banana.
  - (6) Grapes.
  - (7) Chickoo.
  - (8) Melon.
  - (9) Water Melon.
  - (10) Papaya.
  - (11) Guava.
  - (12) Bor.
  - (13) Pineapple.
  - (14) Jackfruit including its products.
  - (15) Cashew Apple.
  - (16) Apple.
- (VIII) VEGETABLES:
  - (1) Potato.
  - (2) Onion.
  - (3) Tomato.
  - (4) Suran.
  - (5) Leafy and fresh vegetables.
  - (6) Yam Potato.
  - (7) Sweet Potato.
  - (8) Ulsande.
  - (9) Ladies finger.
  - (10) Brinjal.
  - (11) Cucumber.
  - (12) Pumpkin.
  - (13) Carrot.
  - (14) Raddish.
- (IX) ANIMAL HUSBANDRY PRODUCTS:

- (1) Eggs.
- (2) Poultry.
- (3) Cattle.
- (4) Sheep.
- (5) Goat.
- (6) Pigs.
- (7) Wool.
- (8) Butter.
- (9) Ghee.
- (10) Milk.
- (11) Hides and Skins.
- (X) CONDIMENTS, SPICES AND OTHERS:
  - (1) Turmeric.
  - (2) Ginger.
  - (3) Garlic.
  - (4) Corriander.
  - (5) Chilli.
  - (6) Cardaman and Pepper.
  - (7) Variali.
  - (8) Betelnut.
  - (9) Betel leaves.
  - (10) Raw Cashewnuts (including processed).
  - (11) Cumin (Jira).
  - (12) Rai (mustard).
  - (13) Methi.
  - (14) Isabgul.
  - (15) Asarios
  - (16) Musli.
  - (17) Gum.
  - (18) Tamarind.
  - (19) Arecanut (Beda).
  - (20) Kokam Sol and Seed.
- (XI) GRASS AND FODDER:
  - (XII) CATTLE FEEDS:
    - (1) Guwar.
    - (2) Punvad.
  - (XIII) APICULTURE:
    - (1) Honey.
  - (XIV) PISCICULTURE:
    - (1) Fish.
    - (2) Fish processed (canned).
  - (XV) SERICULTURE:
    - (1) Silk.
  - (XVI) FOREST PRODUCE:
    - (1) Hilda.
    - (2) Gum.
    - (3) Bidi leaves.
    - (4) Lac.
    - (5) Bamboo.
    - (6) Karmal.
    - (7) Bimal.
    - (8) Ambada.

(9) Timber and Firewood.

(XVII) EDIBLE OILS:

(1) Coconut oil.

(2) Groundnut oil.

(3) Palm oil.

(XVIII) OTHERS:

(1) Flowers.