

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 31st January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 9 of 2017

A Bill further to amend the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Agricultural Produce Marketing (Regulation) Amendment Act, 2017.

Short title and commencement.

(2) Section 6 shall be deemed to have come into force on the 31st May 2015 and all other provisions of this Act shall come into force on such date as the State Government may, by notification, appoint.

2. In section 2 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (hereinafter referred to as the principal Act), for clause (8), the following clauses shall be substituted, namely:—

Amendment of section 2.

“(8) “Director” means the Director of Agricultural Marketing and Agri Business or the Commissioner or Special Commissioner of Agricultural Marketing and Agri Business, as the case may be, and includes any other person or authority authorised by the Government by notification to perform the functions of Director under this Act for such area as may be specified in the notification;

(8-a) “e-trading” means a virtual platform created using information and communication technology for marketing activities on any notified agricultural produce such as billing, booking, contracting, negotiating, information exchanging, record keeping, online trading, online payment and other connected activities as are done electronically on computer network or internet;”.

3. In section 6 of the principal Act, in sub-section (1), for the expression “providing such facilities”, the expression “providing such facilities including e-trading” shall be substituted.

Amendment of section 6.

4. After section 8 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 8-A.

“8-A. Trading in agricultural produce in the State.— (1) Notwithstanding anything contained in section 8, the Director or the officer authorised by him in this behalf may grant a licence to a person for buying or selling or operating in any other capacity in relation to buying or selling of any notified agricultural produce in any notified market area and every application for grant of licence shall be made in such form, in such manner and accompanied by such fee, as may be prescribed.

(2) A licence under sub-section (1) may be refused to a person—

(a) whose licence was cancelled by the market committee or the Director or the officer authorised by him and a period of three years has not elapsed since the date of the cancellation; or

(b) who has been convicted of an offence where such offence relates to his business or his integrity as a man of business; or

(c) in regard to whom the Director or the officer authorised by him is satisfied, after such enquiry as he considers adequate, that he is a

benamidar for, or a partner with, any other person to whom a licence has been refused under clause (a) or clause (b).

(3) If the Director or the officer authorised by him is satisfied, either on a reference made to him in this behalf, or otherwise, that—

(a) a licence granted under sub-section (1) has been obtained by misrepresentation or fraud, or

(b) the holder of a licence has contravened, or failed to comply with, any of the provisions of this Act or the rules or by-laws made under this Act or any of the conditions of the licence,

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the Director or the officer authorised by him may, subject to such rules as may be made in this behalf, cancel or suspend the licence, after giving the holder of the licence a reasonable opportunity of showing cause against such cancellation or suspension.

(4) Any person aggrieved by the decision of the Director or the officer authorised by him,—

(a) refusing to grant, or

(b) cancelling or suspending,

a licence may, within such time as may be prescribed, appeal to the Board and the Board may make such order in the case as it may think fit.

(5) A licence granted under sub-section (1) shall be valid for a period of three years.

Amendment of section 24.

(6) Every person to whom a licence is granted under sub-section (1) shall comply with the provisions of this Act, the rules and by-laws made thereunder and the conditions specified in the licence.

Amendment of section 33.

(7) Every person to whom a licence is granted under sub-section (1) shall keep and maintain a true and correct account and such other records showing such particulars as may be specified by the Director and shall submit such periodical returns relating to his business transaction including processing as may be prescribed, to the Director in such manner and within such period as may be prescribed, together with the fee or other amount due on the basis of the return.

Validation.

5. In section 24 of the principal Act, after the proviso, the following proviso shall be inserted, namely:—

“Provided further that no fee shall be levied more than once on any notified agricultural produce bought or sold in any notified market area within the State.”.

6. In section 33 of the principal Act, in sub-section (1), in the proviso, for the expression “four years”, the expression “six years” shall be substituted.

7. Notwithstanding anything contained in the principal Act, every person exercising the powers and discharging the functions of a Special Officer of the market committees, with effect on and from the 31st day of May 2015, shall be deemed to have been appointed as such Special Officer of the said market committees under sub-section (1) of section 33 of the principal Act, as amended by this Act, and anything done or any action taken by the said Special Officers during the period commencing on the 31st day of May 2015 and ending with the date of publication of of this Act in the *Tamil Nadu Government Gazette*, shall be deemed to have been validly done or taken under the principal Act, as amended by this Act.”.

STATEMENT OF OBJECTS AND REASONS

The Government of India proposed a scheme for setting up of National Agriculture Market (NAM) through Agriculture Technology Infrastructure Fund in selected regulated wholesale markets during the period 2014-2015 to 2016-2017. The Ministry of Agriculture, Government of India, among others, suggested that e-trading, unified single licence and single point levy of market fee are mandatory for operationalization of the National Agriculture Market (NAM) platform and also for financial assistance upto Rs.30 lakhs per market. At present, all the 277 regulated markets are still using manual system of auction which is cumbersome, time consuming and confines operations within the respective market complexes. In order to fulfill the pre-requisite conditions to integrate the regulated markets with National Agriculture Market e-platform and also to avail financial assistance from the Government of India, necessary provisions have to be made in the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989) for e-trading, grant of unified single licence and for single point levy of market fee.

2. Further, the term of Special Officers appointed under sub-section (1) of section 33 of the said Tamil Nadu Act 27 of 1989 expired on 30.05.2015 and it may take some more time to nominate new members to the market committees. Hence, there is compelling necessity to continue the appointment of the said Special Officers beyond 30.05.2015. The Government have, therefore, decided to amend the said Tamil Nadu Act 27 of 1989 for the above purposes and also to validate anything done or any action taken by the said Special Officers on or after the 31st May 2015.

3. The Bill seeks to give effect to above decisions.

R. DORAICANNU
Minister for Agriculture.

A.M.P. JAMALUDEEN,
Secretary.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause (8) of section 2, of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989) proposed to be substituted by clause 2 of the Bill and section 8-A of the said Act proposed to be inserted by clause 4 of the Bill, authorize the Government to issue notification and orders and to make rules, as the case may be, for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

A.M.P. JAMALUDEEN,
Secretary.