

**BILLS INTRODUCED IN THE LEGISLATIVE ASSEMBLY
OF THE STATE OF TAMIL NADU**

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 12th January, 2023 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 1 of 2023

***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 Seventy-third Year of the Republic of India as follows:-

Short title and commencement	<p>1. (1) This Act may be called the Tamil Nadu Agricultural Produce Marketing (Regulation) Amendment Act, 2023</p> <p>(2) It shall be deemed to have come into force on the 30th day of November 2022</p>	
Amendment of section 33	<p>2. In section 33 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (hereinafter referred to as the principal Act), in the proviso to sub-section (1), for the expression “eleven years and six months”, the expression “ twelve years and six months “ shall be substituted</p>	Tamil Nadu Act 27 of 1989
Repeal and saving.	<p>3. (1) The Tamil Nadu Agricultural Produce Marketing (Regulation) Second Amendment Ordinance, 2022 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.</p>	Tamil Nadu Ordinance 5 of 2022
Validation	<p>4. Notwithstanding anything contained in the principal Act, every person exercising the powers and discharging the functions of a Special Officers of the market committees, with effect on and from the 30th day of November 2022, shall be deemed to have been appointed as such Special Officers 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 30th day of November 2022 and ending with 15th day of December 2022, shall be deemed to have been validly done or taken under the principal Act, as amended by this Act.</p>	

STATEMENT OF OBJECTS AND REASONS.

Sub-section (1) of section 33 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989) empowers the Government to appoint a Special Officer to manage the affairs of a market committee pending constitution of a new market committee for a period not exceeding three years in the aggregate. By virtue of the said provision, the tenure of Special Officers who were appointed to manage the affairs of the market committees in the State was extended beyond the said three years period, by amending the proviso to sub-section (1) of section 33 of the said Act, from time to time. The said provision, as lastly amended by Tamil Nadu Ordinance 5 of 2022 enables the Government to extend the tenure of the Special Officers for a period of twelve years and six months in the aggregate.

2. Out of the 26 market committees, members were nominated to 24 market committees except Tiruchirappalli and Cuddalore market committees. Of the said 24 Market committees, the Chairman and Vice Chairman were elected in 23 market committees (except Theni market committee) and they assumed charge in the said 23 market committees.

3. The tenure of Special Officers of 23 market committees (except Tiruchirappalli, Cuddalore and Theni market committees) was, therefore extended from 30.11.2020 to the date prior to the assumption of charges of the respective market committees by the members. Further, the tenure of the Special Officers of Tiruchirappalli, Cuddalore and Theni market committees was extended from 30.11.2020 to 29.11.2021.

4. In the mean time, on the 23rd July 2021, the members nominated to the said 24 market committees were withdrawn and Special Officers were appointed for a period of one year i.e. from 23.07.2021 to 22.07.2022 to the aforesaid 23 market committees, except Tiruchirappalli, Cuddalore and Theni market committees. Further, the tenure of the Special Officers of the said 23 market committees was extended from 23.07.2022 to 22.07.2023.

5. The tenure of Special Officers of Tiruchirappalli, Cuddalore and Theni market committees was extended from 30.11.2021 to 29.11.2022. In as much as the extended tenure of the Special Officers of the market committees of Tiruchirappalli, Cuddalore and Theni was due to expire on 29.11.2022 and as some more time was required to nominate members to the said market committees, there was a compelling necessity to extend the tenure of the Special Officers of the said three market committees for a further period of one year beyond 29.11.2022 or till the reconstitution of the said market committees, whichever is earlier. The Government therefore, decided to amend the said Tamil Nadu Act 27 of 1989 suitably, for the above purpose.

6. To give effect to the above decision, the Tamil Nadu Agricultural Produce Marketing (Regulation) Second Amendment Ordinance, 2022 (Tamil Nadu Ordinance 5 of 2022) was promulgated by the Hon'ble Governor on the 15th December 2022 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 15th December 2022. The action of having continued the Special Officers of Tiruchirappalli, Cuddalore and Theni market committees beyond the 29th November 2022 till the date of promulgation of the aforesaid Ordinance has to be validated.

7. The Bill seeks to replace the said Ordinance.

M.R.K. PANNEERSELVAM,
Minister for Agriculture and Farmers Welfare.

STATEMENT UNDER RULE 168 OF THE TAMIL NADU LEGISLATIVE ASSEMBLY RULES EXPLAINING THE CIRCUMSTANCES WHICH NECESSITATED THE PROMULGATION OF THE TAMIL NADU AGRICULTURAL PRODUCE MARKETING (REGULATION) SECOND AMENDMENT ORDINANCE, 2022.

Sub-section (1) of section 33 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989) empowers the Government to appoint a Special Officer to manage the affairs of a market committee pending constitution of a new market committee for a period not exceeding three years in the aggregate. By virtue of the said provision, the tenure of Special Officers who were appointed to manage the affairs of the market committees in the State was extended beyond the said three years period, by amending the proviso to sub-section (1) of section 33 of the said Act, from time to time. The said provision, as lastly amended by Tamil Nadu Ordinance 5 of 2022 enables the Government to extend the tenure of the Special Officers for a period of twelve years and six months in the aggregate.

2. Out of the 26 market committees, members were nominated to 24 market committees except Tiruchirappalli and Cuddalore market committees. Of the said 24 Market committees, the Chairman and Vice Chairman were elected in 23 market committees (except Theni market committee) and they assumed charge in the said 23 market committees.

3. The tenure of Special Officers of 23 market committees (except Tiruchirappalli, Cuddalore and Theni market committees) was, therefore, extended from 30.11.2020 to the date prior to the assumption of charges of the respective market committees by the members. Further, the tenure of Special Officers of Tiruchirappalli, Cuddalore and Theni market committees were extended from 30.11.2020 to 29.11.2021.

4. In the mean time, on the 23rd July 2021, the members nominated to the said 24 market committees were withdrawn and Special Officers were appointed for a period of one year i.e. 23.07.2021 to 22.07.2022 to the aforesaid 23 market committees, except Tiruchirappalli, Cuddalore and Theni market committees. Further, the tenure of the Special Officers of the said 23 market committees was extended from 23.07.2022 to 22.07.2023.

5. The tenure of Special Officers of Tiruchirappalli, Cuddalore and Theni market committees was extended from 30.11.2021 to 29.11.2022. In as much as the extended tenure of the Special Officers of the market committees of Tiruchirappalli, Cuddalore and Theni was due to expire on 29.11.2022 and as some more time was required to nominate members to the said market committees, there was a compelling necessity to extend the tenure of the Special Officers of the said three market committees for a further period of one year beyond 29.11.2022 or till the reconstitution of the said market committees, whichever is earlier. The Government, therefore, decided to amend the said Tamil Nadu Act 27 of 1989 suitably, for the above purpose.

6. As the Legislative Assembly was not in session at that time, it became necessary to promulgate an Ordinance to give effect to the above decision. Accordingly, the Tamil Nadu Agricultural Produce Marketing (Regulation) Second Amendment Ordinance, 2022 (Tamil Nadu Ordinance 5 of 2022) was promulgated by the Hon'ble Governor on the 15th December 2022 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary dated the 15th December 2022.

M.R.K. PANNEERSELVAM,
Minister for Agriculture and Farmers Welfare.

Secretariat,
Chennai-600 009,
12th January 2023.

K. SRINIVASAN,
Secretary.