



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA AGRICULTURAL  
PRODUCE MARKETING  
(DEVELOPMENT AND REGULATION)  
(AMENDMENT) BILL, 2016**

(Bill No. 24 of 2016)

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(To be introduced in the Legislative Assembly of the State of Goa)

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**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM  
AUGUST, 2016**

**The Goa Agricultural Produce Marketing  
(Development and Regulation)  
(Amendment) Bill, 2016**

(Bill No 24 of 2016)

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BILL

5        *further to amend the Goa Agricultural Produce  
Marketing (Development and Regulation) Act,  
2007 (Goa Act 11 of 2007).*

BE it enacted by the Legislative Assembly of Goa  
in the Sixty-seventh Year of the Republic of India,  
as follows:—

10        **1. Short title and commencement.**— (1) This  
Act may be called the Goa Agricultural Produce  
Marketing (Development and Regulation)  
(Amendment) Act, 2016.

(2) It shall come into force at once.

15        **2. Amendment of section 12.**— In section 12 of  
the Goa Agricultural Produce Marketing  
(Development and Regulation) Act, 2007 ( Goa Act  
11 of 2007) (hereinafter referred to as the “principal  
Act”),—

(i) in sub-section (1),—

20        (a) for the word “twenty-one”, the word  
“twenty-three” shall be substituted;

(b) for clauses (f) and (g), the following  
clauses shall be substituted, namely:—

“(f) two cashew grower members, one each from the North Goa District and the South Goa District, to be elected by the cashew growers of the respective District from amongst themselves; 5

(g) one horticulturist/floriculturist member, to be elected, by rotation, by the horticulturists/floriculturists of the State of Goa;”;

(ii) after clause (g), the following clause shall be inserted, namely:- 10

“(h) the Secretary of the Marketing Board, to function during the term of the Marketing Board.”;

(iii) in sub-section (2), after the existing proviso, the following proviso shall be inserted, namely:— 15

“provided further that where the number of members of the Marketing Board is increased within one year preceding the date on which the term of other existing members of the Marketing Board expires, the Government may nominate a person from the respective category, to such office.”. 20

**3. Substitution of section 19.**— For section 19 of the principal Act, the following section shall be substituted, namely:— 25

“19. Casual vacancies.— Subject to the provisions of sub-section (2) of section 13, in the event of any vacancy on the Marketing Board occurring on account of death, resignation or removal of a member or otherwise, the 30

Chairman shall forthwith communicate the occurrence of such vacancy to the Government and such vacancy shall be filled by the Government by appointing a person  
5 from the respective category thereto, who shall hold office so long as the member in whose place he is appointed would have held it, if the vacancy had not occurred:

10 Provided that the person so appointed by the Government shall hold such office during the pleasure of the Government:

15 Provided further that, if the vacancy occurs within six months preceding the date on which the term of office of the member expires, such vacancy shall not be filled:

20 Provided also that, where there are vacancies on the Marketing Board in excess of one third of total number of members, the remaining members shall call upon the Registrar to hold the election to fill such vacancies for remaining period.”.

**4. Amendment of section 20.**— In section 20 of the principal Act, for the expression “clauses (a), (b) and (d)”, the expression “clauses (a), (b), (d), (f) and (g)” shall be substituted.

### **Statement of Objects and Reasons**

The Bill seeks to amend sub-section (1) of section 12 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007) (hereinafter referred to as the "said Act"), so as to allow representation of the cashew growers and horticulturists/ floriculturists on the Marketing Board.

The Bill further seeks to empower the Government to nominate a person from respective category where the number of members of the Marketing Board is increased for the first time within one year preceding the date on which the term of other existing members of the Marketing Board expires.

The Bill also seeks to amend section 19 of the said Act so as to empower the Government to fill up the casual vacancies.

The Bill also seeks to amend section 20 of the said Act, which Amendment is consequential in nature.

This Bill seeks to achieve the above objects.

### **Financial Memorandum**

No financial implications are involved in this Bill

### **Memorandum Regarding Delegated Legislation**

No delegated legislation is envisaged in this Bill.

Porvorim-Goa  
04 August, 2016.

**MAHADEV N. NAIK**  
Minister for Co-operation

Assembly Hall,  
Porvorim-Goa  
04 August, 2016.

**NILKANT SUBEDHAR**  
Secretary to the Legislative

**ANNEXURE**

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Extract of sections of the Goa Agricultural Produce  
Marketing (Development and Regulation)  
Act, 2007 (Goa Act 11 of 2007)

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**Section 12. Constitution of the marketing Board.—**

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

(a) Twelve agriculturist members to represent agriculturists, one 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) Two traders holding "A" or "B" class licence to be elected from amongst traders of all classes; one from North Goa District and another from South Goa District;

(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 Chairman 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.

**Section 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 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.

Provided further that the person so appointed by the Government shall hold such office during the pleasure of the Government.

**Section 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 sub-section (1) of section 12 shall be eligible to contest the elections for the post of the Chairman or the Vice-Chairman.

