

**THE RAJASTHAN AGRICULTURAL PRODUCE MARKETS
(AMENDING AND VALIDATING PROVISIONS) ACT, 1965**

(Act No. 16 of 1965)

[Received the assent of the President on the 28th day of October 1965.]

An Act further to amend the Rajasthan Agricultural Produce Markets Act, 1961 for the purposes hereinafter appearing and to validate certain things done or purported to be done thereunder.

Be it enacted by the Rajasthan State Legislature in the Sixteenth year of the Republic of India as follows:—

1. Short title—This Act may be called the Rajasthan Agricultural Produce Markets (Amending and Validating Provisions) Act, 1965.

2. Amendment of Section 4, Rajasthan Act 38 of 1961—In section 4 of the Rajasthan Agricultural Produce Markets Act, 1961 (Rajasthan Act 38 of 1961) hereinafter referred to as the principal Act, in sub-section (2), in the phrase the expression “as may be proscribed”, the expression “as may be specified by or special order published in the Official Gazette”, shall be, and shall be always to have been, substituted.

3. Substitution of new section for 17, Rajasthan Act 38 of 1961—In section 17 of the principal Act, the following new section shall be substituted,

“17. Power to levy market fees.—The market committee may make rules, subject to the provisions of rules and subject to such maxima as may be prescribed by the Government, for levying fees on the agricultural produce bought and sold by the licensees in the market.

4. Amendment of section 20, Rajasthan Act, 1961—In section 20 of the principal Act, in sub-section (1), the expression “cess” shall be omitted.

5. Amendment of section 36, Rajasthan Act 38 of 1961—In section 36 of the principal Act, in sub-section (2).—

- (i) in clause (c), for the word “cess”, the words “market fees” shall be substituted;
- (ii) in clause (s), for the expression “cess or fees”, the expression “market fees or other fees” shall be substituted.

6. Substitution of new section for section 37, Rajasthan Act 38 of 1961—For section 37 of the principal Act, the following new section shall be substituted, namely—

“37. Bye-laws.—(1) Subject to any rules made by the State Government under section 36, the market committee may, in respect of the market at its management make bye laws for the regulation of business and conducting trading therein.

(2) Any bye-law made under this section may provide that any contravention thereof shall on conviction be punishable with fine which may extend to fifty rupees.

(3) No bye-law made under this section shall have effect unless and until it has been sanctioned by the Director or any other Officer specially empowered in that behalf by the State Government.

7. Validation of bye-laws of market committee and of actions taken thereunder—(1) Notwithstanding anything contained in section 37 of the principal Act or in any judgment, decree, or decision of any court or tribunal having competent jurisdiction or in any instrument or document, and notwithstanding any error, omission, defect or want of jurisdiction, power or authority, no bye-law purported to be made, by a market committee, before the 26th day of August 1965 shall be deemed to be or to have ever been, invalid, merely on the ground

previous sanction of the Director or any other officer specially empowered by the State Government in this behalf, as required by section 37 of the principal Act, was not obtained, and accordingly:—

- (a) every such bye-law shall have and shall be deemed always to have had, the same force and effect as fully and effectively as if it had been previously sanctioned by the authority mentioned in section 37 of the principal Act;
- (b) all fees or cesses, levied, collected or purported to be levied or collected under any such bye-law as aforesaid, by a market committee, on agricultural produce bought and sold in the market or market area shall be and shall be deemed always to have been validly levied or collected, and shall not be refundable;
- (c) all licences granted, refused, cancelled, renewed or suspended, and all fees levied and collected for any such licence, by a market committee under any such bye-law, as aforesaid, shall be deemed always to have been validly granted, refused, cancelled, renewed, suspended or levied and collected, as the case may be, and no such fee shall be refundable;
- (d) all actions or proceedings taken, things done, appointments made, and powers exercised by a market committee under any such bye-law, shall be and shall be deemed always to have been, validly taken, done, made or exercised;
- (e) no suit or other proceeding shall be maintained or continued in any court or tribunal for the refund of any cesses or fees levied and collected under any such bye-law;
- (f) no court or tribunal shall enforce a decree or order declaring any such bye-law to be invalid or directing the refund of any cesses or fees levied and collected thereunder;
- (g) any cesses or fees imposed or assessed under any such bye-law before the 26th day of August, 1965, may be recovered in the manner provided under any such bye-law;
- (h) all market committees established under the principal Act shall be and shall be deemed always to have been, competent to issue or renew licences and to realise cesses or fees, under any such bye-law, authorising the same.

(2) Nothing contained in sub-section (1) shall render any person liable to be convicted of any offence in respect of any act committed by him before the commencement of the Rajasthan Agricultural - Produce Markets (Amending and Validating Provisions) Act, 1965, if such act was not an offence under the principal Act at such commencement, but for the provisions of this section.

8. Repeal and saving—(1) The Rajasthan Agricultural Produce Markets (Amending and Validating Provisions) Ordinance, 1965 (Rajasthan Ordinance 4 of 1965) is hereby repealed.

(2) Notwithstanding such repeal, anything done or action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had commenced on the 26th day of August 1965.