

**¹THE RAJASTHAN AGRICULTURAL PRODUCE
MARKETS (AMENDING AND VALIDATING
PROVISIONS) ACT, 1975.
(Act No.10 of 1975)**

[Received the assent of the Governor on the 19th day of March, 1975.]

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

Be it enacted by the Rajasthan State Legislature in the Twenty Sixth 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, 1975.

2. Amendment of section 14, Rajasthan Act 38 of 1961—For section 14 of the Rajasthan Agricultural Produce Markets Act, 1961, hereinafter referred to as the principal Act, the following shall be substituted and shall be deemed always to have been substituted, namely:—

“14. Power of market committee to issue licence—Where a market is established under clause (b) of sub-section (2) of section 9, the market committee may issue and renew licences, in accordance with the rules and bye-laws, to traders brokers, weighman, measurers, surveyors, warehousemen and other persons to operate the market area on payment of the prescribed fees :

Provided that no such licence shall be necessary in the case of a person to whom a licence has been granted under sub-section (2) of section 4”.

3. Amendment of section 17, Rajasthan Act 38 of 1961—For section 17 of the principle Act, the following shall be substituted and shall be deemed always to have been substituted, namely:—

“17. Power to collect market fees— The market committee shall collect market fees from the licences in the prescribed manner on agricultural produce bought or sold by them in the market area at such rate as may be specified by the State Government, by notification in the Official Gazette, subject to a maximum of Re.1/- . per Rupees one hundred worth of agricultural produce.

4. Amendment of section 36, Rajasthan Act 38 of 1961—(1) In section 36 of the principal Act,—

(i) in sub-section (2)—

(a) for clause (e), the following clause shall be and shall be deemed always to have been substituted namely:—

“(e) the management of the market and the manner of collection of market fees by the market committees in market area;” and

(b) in clause (f) for the word “market” the words “Market area” shall be and shall be deemed always to have been substituted;

(ii) to sub-section (4) the following proviso shall be deemed always to have been added, namely:—

“Provided that any rules may be made without previous publication if the State Government considers that it should be brought into force atonce.”

5. Validation of the collection of certain amounts as market fees and of the licences issued—Notwithstanding anything contained in the principal Act or in the Rajasthan Agricultural Produce Markets Rules, 1963 hereinafter referred to as the said Rules, or in any judgment, decree, order or direction of any court and notwithstanding any defect or want of jurisdiction or statutory power or authority or any error or omission in exercise thereof, it is hereby declared that—

(1) the amount collected by any market committee as market fees from the licensees on the agricultural produce bought or sold by them in any market or market area, on or after 14th day of July, 1973 shall be deemed always to have been validly levied and collected in accordance with law for all intents and purposes of the principal Act and the levy or collection of such amount shall not be called in question in any court nor any claim whatsoever for its refund shall arise nor shall be deemed ever to have arisen on the ground that—

- (a) the date from which the Government Notification No. F. 13(5) Agri-II/73, dated 14.7.1973 for specification of market fees @ Re. 1/- per rupees one hundred worth of agricultural produce shall be effective was not mentioned;
- (b) the provisions of the principal Act and of the rules and bye-laws made thereunder for the levy and collection of the said amount have not been observed.

(2) Rules 58, 59, 69 and 72 of the said Rules shall as from 14th July, 1973 be deemed to have been validly made as if—

- (a) for the word "market" wherever occurring in rules 58, 59, 69(3), 69(4), 72(1), 72(3), (iv), 72(4) and 72(6) of the said rules, the words "market area" were substituted;
- (b) in sub-rule (1) of rule 58—
 - (i) the words "levy and" were deleted; and
 - (ii) for the words "in the bye-laws.....agricultural produce" the words "by the Government by way of notification", were substituted;

(3) In forms V, VII and VIII annexed to the said Rules, for the word "market" wherever occurring, the words "market area" shall as from 14th July, 1973 be deemed to have been validly substituted; and

(4) Government Notification No. F. 10(5) Agri-II/73, dated 14-7-1973 shall be deemed to have come into force with effect from the date of its publication irrespective of the fact that the date from which the notification was to be made effective was not mentioned in it.

And for removal of doubt it is hereby declared that the said Rules, forms and notification shall as from the said date be construed, accordingly:—

Provided that nothing in this section shall render any person liable to be convicted of any offence in respect of any act committed by him before the commencement of this Act as if such act was not an offence under the principal Act at such commencement but for the provisions of this section.

6. Repeal and saving—(1) The Rajasthan Agricultural Produce Markets (Amending and Validating Provisions) Ordinance, 1974 (Rajasthan Ordinance No. 30 of 1974) is hereby repealed.

(2) Notwithstanding such repeal, anything done or 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, as if this Act had come into force on the 20th December, 1974.