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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 25th September, 2023 is hereby published for general information.

K. M. LALA,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 16 OF 2023.

(First published, after having received the assent of the Governor, in the "*Gujarat Government Gazette*", on the 25th September, 2023).

AN ACT

further to amend the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) Act, 1963.

It is hereby enacted in the Seventy-fourth Year of the Republic of India as follows: -

- (1) This Act may be called the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) (Amendment) Act, 2023.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Short title and
commencement.**

Amendment of section 8 of Guj. 20 of 1964.

2. In the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) Act, 1963 (hereinafter referred to as “the principal Act”), section 8 shall be renumbered as sub-section (1) thereof, and after sub-section (1) as so renumbered, the following sub-section shall be added, namely:-

Guj. 20 of 1964.

“(2) Notwithstanding anything contained in this Act, the holder of trading license issued by any other State/ Union Territory, under the law for the time being in force, may buy the agricultural produce, in the manner and procedure agreed to in Memorandum of Understanding (MoU) or in such other instrument between Gujarat State and other State / Union Territory, executed to promote inter-state trade, through electronic National Agriculture Market (e-NAM) or any other such e-platform permitted under this Act.”.

Amendment of section 11 of Guj. 20 of 1964.

3. In the principal Act, in section 11, -

(1) in sub-section (1),-

(a) for clause (ii), the following clause shall be substituted, namely: -

“(ii) four members to be elected in the prescribed manner from amongst themselves by the commission agents or traders, as the case may be, who are holding licence under section 27 or 27A, and if, -

- (a) he is holding licence for a period of not less than three consecutive financial years preceding the election year and continues to hold it, and;
- (b) he has traded in full conformity with the terms and conditions of the licence in each of the last three financial years and continues to trade in that manner in the election year:

Provided that if, -

- (i) he is a trader, he had paid minimum market fees of fifty thousand rupees, in each of the last three financial years preceding the election year and market fees payable by him have not remained unpaid;
- (ii) he is a commission agent, minimum market fees of fifty thousand rupees have been paid through him in each of the last three financial years preceding the election year;”;

(b) in clause (iii), -

- (i) for the portion beginning with the words “two representatives of the co-operative marketing societies” and ending with the words “the managing committees of such societies”, the following portion shall be substituted, namely:-

“two representatives of the co-operative marketing societies situated in the market area, holding general licences to be elected from amongst the members (other than nominal, associate or sympathiser members) of such societies by the members of the managing committees of such societies, if such marketing societies -

- (a) are engaged in the business in conformity with its respective objects; and
- (b) have their last accounts audited in class A, B or C, as the case may be; and
- (c) have bought and sold agricultural produce from minimum one third of its total members, in the market yard in each of the last three financial years preceding the election year; and

(d) have completed minimum business of five lakh rupees in each of the last three financial years preceding the election year:";

(ii) after the second proviso, the following proviso shall be added, namely:-

"Provided also that the person eligible as a voter, in an individual capacity or a representative of a society or a trader or a commission agent, can cast one vote and in only one class under clauses (i), (ii) and (iii) above;"

(2) after sub-section (1A), the following sub-section shall be inserted, namely: -

"(1B) The private market yard owners, committee members or board of directors of the private market yard and their family members shall not be eligible to contest elections to the market committees.

Explanation. —For the purposes of this sub-section, the expression "family members" shall mean a wife, husband, father, mother, grandmother, step-father, stepmother, son, daughter, step-son, step-daughter, grand-son, grand-daughter, brother, sister, half-brother, half-sister and wife of brother or half-brother."

