

**THE GUJARAT AGRICULTURAL PRODUCE AND MARKETING
(PROMOTION AND FACILITATION) (AMENDMENT) BILL, 2023.**

GUJARAT BILL NO. 26 OF 2023.

A BILL

*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. (1) This Act may be called the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) (Amendment) Act, 2023.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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.”.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Agricultural Produce and Marketing (Promotion and Facilitation) Act, 1963 to consolidate and amend the law relating to the regulation of buying and selling of agricultural produce and the establishment of markets for agricultural produce in the State of Gujarat. However, in order to see that the administration and the management of the market committees are run in a better way and the interests of the stakeholders are protected, it is considered necessary to make certain amendments to the said Act.

This Bill seeks to amend the said Act to achieve the aforesaid object.

JAGDISH VISHWAKARMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1. - Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative powers as aforesaid is necessary and is of normal character.

Dated the 11th September, 2023.

JAGDISH VISHWAKARMA.

*ANNEXURE***EXTRACT FROM THE AGRICULTURAL PRODUCE AND
MARKETING (PROMOTION AND FACILITATION) Act, 1963.****(Guj. 20 of 1964)****Operation
in market
under
License.**

8. No person shall operate in the market area or any part thereof except under and in accordance with the conditions of a license granted under this Act.

**Constitution
of market
committee.**

11. (1) Every market committee shall consist of the following members, namely:-

(i) XXX XXX XXX

(ii) four members to be elected in the prescribed manner from amongst themselves by the commission agents or traders, as the case may be whose license granted or renewed under section 27 or 27A who have traded in full conformity with the terms and conditions of the license in the previous financial year and the fees payable by them has not remained unpaid;

(iii) two representatives of the Co-operative marketing societies situate in the market area, holding general licenses, engaged in the business in conformity with their respective objects and have their last accounts audited in class A, B or C, as the case may be," 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:

Provided that where the number of co-operative marketing societies so situate does not exceed two, only one representative shall be so elected;

Provided further that for voting as well as for being elected to represent their respective class under clauses (i), (ii) and (iii) above, the person shall be eligible as a voter for only one market

committee of the State and also eligible to represent the same market committee and no other market committee of the State in the manner as may be prescribed;

| | | | |
|--------------|-----|-----|-----|
| (iv) and (v) | XXX | XXX | XXX |
| (2) to (5) | XXX | XXX | XXX |

committee of the State and also eligible to represent the same market
committee and no other market committee of the State in the manner
as may be prescribed;

XXX

XXX

XXX (v) and (vi)

XXX

XXX

XXX (2) to (5)

GUJARAT LEGISLATURE SECRETARIAT

GUJARAT BILL NO. 28 OF 2013

A BILL

for amending the Gujarat Agricultural Produce
and Marketing (Transaction and Facilitation) Act,
1961.

1961.

(SIRSI JAGDISH VISHWAKARMA)

MINISTER OF STATE FOR

COOPERATION]

(As published in the Gujarat Government
Gazette of 11th September, 2013)

D.M.L.etal.

Secretary,

Gujarat Legislative Assembly,

Government Central Press, Gandhinagar.

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and Marketing (Promotion and Facilitation) Act,
1963.*

[**SHRI JAGDISH VISHWAKARMA,**
MINISTER OF STATE FOR
COOPERATION]

(As published in the Gujarat Government
Gazette of 11th September, 2023)

D.M.Patel,
Secretary,

Gujarat Legislative Assembly.

Government Central Press, Gandhinagar.