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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT AGRICULTURAL PRODUCE MARKETS (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 13 OF 2015.

A BILL

for further to amend the Gujarat Agricultural
Produce Markets Act, 1963.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Amendment) Act, 2015. 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.

2. In the Gujarat Agricultural Produce Markets Act, 1963 (hereinafter referred to as "the principal Act"), in section 11, - Amendment of section 11 of Guj. XX of 1964.

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

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

(i) eight agriculturists, whose names are enlisted in the voters' list published by the Election Commission of India for such market area, shall be elected by the members of managing committee of the Primary Agricultural Credit Co-

operative Societies dispensing agricultural credit in the market area;”;

(b) in clause (ii), the words “who have traded in full conformity with the terms and conditions of the licence in the previous financial year and the fees payable by them has not remained unpaid” shall be added at the end;

(c) in clause (iii), for the words “situate in the market area and holding general licences,”, the words and letters “situate in the market area, holding general licences, 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,” shall be substituted;

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

“(1A) Nothing contained in clauses (i), (ii) and (iii) of sub-section (1), shall be applicable to the market committees existing on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2015 till the expiry of its term.”;

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2015.

(3) in sub-section (4),-

(i) in clause (a), for the words “four years”, the words “five years” shall be substituted;

(ii) to clause (a), the following proviso shall be inserted, namely :-

“Provided that the term office of the existing market committee on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2015, shall be four years.”;

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2015.

(iii) to clause (b), the following provisos shall be inserted, namely :-

“Provided that the term of the office of the Chairman and the Vice-Chairman of the Market Committee shall be two and a half years but shall not extend beyond the term of the market committee:

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2015.

Provided further that the term of the office of the Chairman and the Vice-Chairman who have completed the term of two and a half years on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2015, shall be co-extensive with the term of the market committee.”.

3. In the principal Act, in section 13, -

Amendment of
section 13 of
Guj. XX of 1964.

(1) the existing sub-section (1) shall be renumbered as clause (i) of that sub-section and in clause (i) as so renumbered, -

(i) the words “on the recommendation of the market committee supported by atleast two-thirds of the whole number of members” shall be deleted;

(ii) first proviso to clause (i) shall be deleted;

(2) after clause (i), the following clause shall be added, namely :-

“(ii) A member, if removed under clause (i), shall be disqualified to be eligible for becoming a member of the same market committee for a period of six years.”.

4. In the principal Act, after section 13, the following section shall be inserted, namely:-

Insertion of new
section 13A in
Guj. XX of 1964.Disqualification
of a member of
market
committee.

“13A. In case where a member of the market committee who is sued under section 50 and is found guilty of misapplication of its money, he shall cease to be a member of such market committee and shall be disqualified for a period of six years for being a member of that committee.”.

5. In the principal Act, in section 17, for sub-section (1), the following sub-section shall be substituted, namely:-

Amendment of
section 17 of
Guj. XX of 1964.

“(1) Every market committee shall elect one of its members who is an agriculturist, from the members of the classes specified in clauses (i) and (iii) of sub-section (1) of section 11, to be its Chairman and another member from the members of the classes specified in clauses (i), (ii) and (iii) of sub-section (1) of section 11, to be its Vice-Chairman in such manner as may be prescribed.”.

6. In the principal Act, after section 17, the following section shall be inserted, namely:-

Insertion of new
section 17A in
Guj. XX of 1964.

Motion of no-confidence against Chairman or Vice-Chairman.

“17A. (1) One-third of the total number of members of the market committee intending to move a motion of no-confidence against the Chairman or the Vice-Chairman, as the case may be, may give a notice thereof to the Director, where the Deputy Director and District Registrar (Co-operative Societies) is the member of such committee; and to the Deputy Director and the District Registrar (Co-operative Societies) where the Co-operative Officer (Marketing) is the member of such committee:

Provided that no such no-confidence motion shall be moved against the Chairman or, as the case may be, the Vice-Chairman, unless he has completed a period of six months in his office:

Provided further that no such no-confidence motion shall be moved again within six months from the date such motion had failed earlier.

(2) The Director or the Deputy Director and District Registrar referred to in sub-section (1) or any officer authorised by him shall convene an extra-ordinary general meeting of the members of the market committee within thirty days of the receipt of the notice of such no-confidence motion to decide on such motion by method of secret ballot voting.

(3) Where the no-confidence motion is carried by the majority of not less than two-thirds of the total number of members present at the meeting and voting, the Chairman or, as the case may be, the Vice-Chairman shall cease to hold the office.”.

Amendment of section 26 of Guj. XX of 1964. 7. In the principal Act, the existing section 26 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) Notwithstanding anything contained in this Act, a market committee shall, as directed by the Director with the approval of the State Government, in the circumstances and exigencies which warrant such directions, carry on the business of buying or selling of such agricultural produce or of processing of such agricultural produce for sell, for a specified period for which such market committee shall not require any licence under this Act.”.

Amendment of section 27 of Guj. XX of 1964. 8. In the principal Act, in section 27, -

(1) in sub-section (1), after the words “a general licence or a special licence”, the words “within ninety days of making an application for such licence” shall be inserted;

(2) to sub-section (1), the following proviso shall be inserted, namely :-

“Provided that the general licence shall be granted or renewed only for the purchase and sale of such agricultural produce as has been declared by the Director under section 5 of this Act.”;

(3) in sub-section (3), -

- (i) in clause (iv), the word “or” shall be added at the end;
- (ii) after clause (iv), the following clauses shall be inserted, namely :-

“(v) if, the licensee has not carried out the sale and purchase of agricultural produce for which the licence has been granted or renewed in conformity with the terms and conditions of the licence for the entire previous financial year;

(vi) if, the market fee payable under section 28 of this Act remains unpaid.”.

9. In the principal Act, in section 28, after sub-section (2), the following sub-section shall be added, namely:-

Amendment of
section 28 of
Guj. XX of 1964.

“(3) (i) The market committee shall allow the trade in those items of the agricultural produce which are not specified in the notification published under sub-section (1) of section 5 for such market area.

(ii) The market committee may collect user charges for allowing the trade as provided in clause (i), at the rate not less than thirty paise in rupee and not exceeding two rupees per every hundred rupees.”.

10. In the principal Act, in section 31C, in sub-section (2), in clause (a),

Amendment of
section 31C of
Guj. XX of 1964.

- (i) in sub-clause (i), after the word “process”, the words “and trade” shall be inserted;
- (ii) sub-clause (ii) shall be deleted.

11. In the principal Act, in section 31D, in sub-section (3), for the words, figures and letter “under section 34L,”, the words, figures and letter “under section 34L and to such market committee of the market area in which it is operating” shall be substituted.

Amendment of
section 31D of
Guj. XX of 1964.

12. In the principal Act, in section 33, in clause (5), for the words, figures and letters “and loans not exceeding Rs. 2,000 in the aggregate to

Amendment of
section 33 of
Guj. XX of 1964.

the officers and servants employed by it”, the words “and loans for such amount, at such rate of interest and for such purposes as may be determined by the market committee to the officers and servants employed by it” shall be substituted.

Amendment of 13. In the principal Act, the existing section 47 shall be renumbered as section 47 of sub-section (1) of that section and—

Guj. XX of 1964.

(i) in sub-section (1) as so renumbered, in clause (b), the words beginning with “and to make a return reply” and ending with “doing anything” shall be deleted;

(ii) after sub-section (1), the following sub-section shall be added, namely:-

“(2) Notwithstanding anything contained in sub-section (1), the Director shall have power to cancel such proceedings called for under sub-section (1), in case market committee refrains from taking actions as directed by the Director within the period as specified by him.”.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Agricultural Produce Markets Act, 1963 for regulation of buying and selling of agricultural produce; and for establishment of markets for agricultural produce in the State. In order to see that farmers' interest are protected and that there is a proper control of the State Government over the market committees, certain existing provisions of the Act are proposed to be amended.

Accordingly, it is proposed to amend the provisions of section 11 of the said Act, to the effect that an agriculturist can become a member of the market committee only if his name is enlisted in the voters' list for such market area and that he shall be elected only by the members of managing committee of the Primary Agricultural Credit Co-operative Societies. The term of office of the Chairman and the Vice-Chairman of the market committee is also proposed for two and a half years instead of the term of five years. *Clause 2* of the Bill provides for the same.

A provision is also proposed to be made to the effect that a member removed under section 13 by the Director shall be disqualified to be eligible for becoming a member of the same market committee for a period of six years. *Clause 3* of the Bill provides for the same.

A new section 13A is also proposed to be inserted in the said Act, to the effect that if a member of market committee is sued under section 50 and is found guilty of misapplication of the money of the market committee he shall be disqualified for six years for being a member of that committee. *Clause 4* of the Bill provides for the same.

It is also proposed that the Chairman of the Committee would only be an agriculturist. *Clause 5* of the Bill provides for the same.

A new section 17A is also proposed to be inserted in the said Act for bringing no-confidence motion against the Chairman and the Vice-Chairman. *Clause 6* of the Bill provides for the same.

It is also considered necessary to insert a provision, in the interests of the farmers and the consumers, to empower the Director, with the approval of the State Government, to direct the market committee, when the circumstances and the exigencies require such direction, to carry on the business of buying or selling of such agricultural produce or of processing of such agricultural produce for sell for a specified period. *Clause 7* of the Bill provides for the same.

New sub-section (3) is proposed to be inserted in section 28 of the said Act, to the effect that the market committee shall allow the trade of those items of the agricultural produce which are not specified in the notification published under sub-section (1) of section 5 for such market area, for which the market committee shall be empowered to collect user charges. *Clause 9* of the Bill provides for the same.

Under the existing provisions of section 47 of the Act, the Director has power to call for any proceedings of a market committee, but does not have any power if there is no compliance by the market committee of the directions given by the Director with regard to such proceedings and, therefore, it is proposed to empower the Director that he can cancel such proceedings if the market committee refrains from taking actions as directed by him within the period as specified therein. *Clause 13* of the Bill provides for the same. Certain other consequential amendments are also proposed.

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

BABUBHAI BOKHIRIA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in 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.

Clause 5.- Sub-section (1) of section 17 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the manner in which Chairman and the Vice-Chairman shall be elected in every market committee.

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

Dated the 18th March, 2015.

BABUBHAI BOKHIRIA.

By order and in the name of the Governor of Gujarat,

C. J. GOTHI,

Gandhinagar,
Dated the 18th March, 2015.

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