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PART IV

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

CONTENTS

	PAGES
GUJARAT ACT No. XXXI OF 1961.—An Act to amend the Bombay Agricultural Produce Markets Act, 1939 and the Saurashtra Agricultural Produce Markets Act, 1955 for certain purposes and to validate certain Acts and things done in purported exercise of the powers and jurisdiction under the provisions of those Acts.	192-196

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 25th October 1961, is hereby published for general information.

M. G. MONANI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT No. XXXI OF 1961

(First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 31st October 1961).

An Act to amend the Bombay Agricultural Produce Markets Act, 1939 and the Saurashtra Agricultural Produce Markets Act, 1955 for certain purposes and to validate certain Acts and things done in purported exercise of the powers and jurisdiction under the provisions of those Acts.

It is hereby enacted in the Twelfth Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay and Saurashtra Agricultural Produce Markets (Gujarat Amendment and Validating Provisions) Act, 1961. Short title, and commencement.

(2) It shall come into force at once.

Amendment
of section 2
of Bom.
XXII of
1939.

2. In section 2 of the Bombay Agricultural Produce Markets Act, 1939 ^{Bom. XXII of 1939.} (hereinafter referred to as "the principal Bombay Act"), in sub-section (1), after clause (vii), the following clause shall be inserted, namely :—

"(vii-a) 'market proper' means any area declared to be a market proper under section 4A;"

Amendment
of section 4
of Bom.
XXII of
1939.

3. In section 4 of the principal Bombay Act, in the proviso to sub-section (2) —

(1) for the word and figure "section 5" the word, figure and letter "section 4A" shall be substituted;

(2) after the words "agricultural produce" the following shall be added, namely :—

"and a licence so granted shall, unless it is cancelled or otherwise ceases to be in force, continue in force until the establishment of a market in the said area and such period thereafter as may be prescribed".

Amendment
of section
4A of Bom.
XXII of
1939.

4. In section 4A of the principal Bombay Act,—

(1) for sub-section (1), the following shall be substituted, namely :—

"(1) For each market area, there shall be a market which shall consist of—

- (i) one principal market yard,
- (ii) one or more sub-market yards, if any, and
- (iii) all markets proper

declared in the market area under sub-sections (2) and (3)";

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

"(3) Whenever the Commissioner declares for any market area, the principal market yard or a sub-market yard, he shall simultaneously declare, by notification in the *Official Gazette*, any area within such distance of the principal market yard or sub-market yard, as the case may be, as he thinks fit to be a market proper :

Provided that a market proper so declared shall include industrial concerns in the said area with their compounds, godowns and warehouses, where the agricultural produce is stored.

(4) For the purposes of this Act, a market shall be deemed to have been established for any market area with effect from the date on which the principal market yard and a market proper are declared for that area under sub-sections (2) and (3)."

Amendment
of section
5AA of Bom.
XXII of
1939.

5. In section 5AA of the principal Bombay Act, for the words "when so required by the State Government to establish a market therein providing for such facilities" the words "when a market is established therein to provide for such facilities in the market" shall be substituted.

Amendment
of section 5A
of Bom.
XXII of
1939.

6. In section 5A of the principal Bombay Act,—

(1) for the word and figure "section 5" the word, figure and letter "section 4A" shall be substituted;

(2) for the words "in the market" the words "in the market area or any part thereof" shall be substituted;

(3) the proviso shall be deleted.

7. In section 26 of the principal Bombay Act, in sub-section (2),— Amendment of section 26 of Bom. XXII of 1939.
 (1) clause (a) shall be re-lettered as clause (aa) and before the said clause, the following clause shall be inserted, namely :—

“(a) the period for which a licence granted under sub-section (2) of section 4 shall continue in force after the establishment of a market;”;

(2) in clause (f), for the words “operating in the market” the words “to operate in the market area or any part thereof” shall be substituted.

8. In the principal Bombay Act, after section 29A, the following section shall be inserted, namely :— Insertion of section 29B in Bom. XXII of 1939.

“29B. Notwithstanding anything contained in this Act, or in any judgment, decree or order of any Court or Tribunal,— Constitution of markets prior to Guj. Ord. No. I of 1961 and validation of certain acts or things done.

Guj
Ord.
No. I
of
1961.

(1) in the case of a market area declared as such before the commencement of the Bombay and Saurashtra Agricultural Produce Markets (Gujarat Amendment and Validating Provisions) Ordinance, 1961, a market for such market area shall be deemed always to have been established for the purposes of this Act with effect from the date on which a market yard for such market area was declared for the first time under the rules or this Act and such market shall include and shall be deemed always to have included the said market yard and any other market yard or market yards declared for such market area under the rules or this Act and any area declared to be a market proper for such market area under the rules ; and accordingly in the course of the enforcement of this Act in such market area, any action taken or anything done by a market committee or any other authority after the establishment of a market therein as aforesaid but before the commencement of the said Ordinance which but for the provisions of this clause would have been invalid, shall be and shall be deemed always to have been valid and shall not be called in question merely on the ground that no market was established for such market area when such action was taken or thing done ;

(2) any fees levied and collected on agricultural produce bought and sold in a market area before commencement of the said Ordinance by a market committee of that area at the rates specified in its bye-laws shall be deemed to have been validly levied and collected and the levy and collection of such fees shall not be called in question merely on the ground that at the time of such levy and collection no maxima were prescribed as required by section 11 ;

(3) all licences issued to operate in a market area or any part thereof and fees charged therefor, before the commencement of the said Ordinance by a market committee of that area under the rules and bye-laws and any action or thing taken or done relating to licensing of persons or obtaining of any licence to operate in the market area or any part thereof by a market committee or any other authority or person under the rules and bye-laws before such commencement shall be and shall be deemed always to have been valid and the validity thereof shall not be called in question merely on the ground that when such action was taken or thing done, the jurisdiction, power, right, duty or obligation therefor was not duly conferred or imposed by this Act on such market committee, authority or person ;

Provided that nothing in this section shall render any person liable to be convicted of an offence in respect of any act done or omission committed by him before the date of the commencement of the said ordinance if such act or omission would not then have been an offence under this Act but for the provisions of this section."

Amendment of section 2 of Sau. Act No. XIV of 1955. **9.** In section 2 of the Saurashtra Agricultural Produce Markets Act, 1955 (hereinafter referred to as "the principal Saurashtra Act"), in sub-section (1), after clause (vii), the following clauses shall be inserted, namely :—

"(vii-a) "market proper" means any area declared to be a market proper for a market area in accordance with the rules ;

(vii-b) "market yard" means any enclosures, building or locality declared to be a market yard for a market area in accordance with the rules;"

Amendment of section 4 of Sau. Act No. XIV of 1955. **10.** In section 4 of the principal Saurashtra Act, to sub-section (2) the following proviso shall be added, namely :—

"Provided that a licence so granted shall, unless it is cancelled or otherwise ceases to be in force, continue in force until the establishment of a market in the said area and such period thereafter as may be prescribed."

Insertion of section 4A in Sau. Act No. XIV of 1955. **11.** In the principal Saurashtra Act, after section 4, the following section shall be inserted, namely :—

"4A (1) For each market area, there shall be a market, which shall consist of all market yards, and markets proper declared for that area.

Market for market area. (2) For the purposes of this Act, a market shall be deemed to have been established for any market area with effect from the date on which a market yard is declared for that area for the first time in accordance with the rules."

Amendment of section 5 of Sau. Act No. XIV of 1955. **12.** In section 5 of the principal Saurashtra Act, for the words, " when so required the Government to establish a market therein providing for by such facilities" the words "when a market is established therein to provide for such facilities in the market" shall be substituted.

Insertion of section 5A in Sau. Act No. XIV of 1955. **13.** After section 5 of the principal Saurashtra Act, the following section shall be inserted, namely :—

Issue of licences to operate in market area. "5A. Where a market is established under section 4A the market committee may issue licences, in accordance with the rules to traders, commission agents, brokers, weighmen, measurers, surveyors, warehousemen and other persons to operate in the market area or any part thereof."

Amendment of section 26 of Sau. Act No. XIV of 1955. **14.** In section 26 of the principal Saurashtra Act, in sub-section (2)—

(i) clause (a) shall be re-lettered as clause (aa) and before the said clause, the following clause shall be inserted, namely :—

"(a) the period for which a licence granted under sub-section (2) of section 4 shall continue in force after the establishment of a market ;";

(2) after clause (d) the following clause shall be inserted, namely :—

"(dd) the declaration of a market yard and market proper for a market area ;";

(3) in clause (f) for the words, "operating in the market" the words "to operate in the market area or any part thereof" shall be substituted.

15. In the principal Saurashtra Act, after section 29, the following section shall be inserted, namely :—

Insertion of section 30 in Saur. Act No. XIV of 1955.

“30. Notwithstanding anything contained in this Act, or in any judgment, decree or order of any Court or Tribunal,—

Guj. Ord. No. 1 of 1961

(1) in the case of a market area declared as such before the commencement of the Bombay and Saurashtra Agricultural Produce Markets (Gujarat Amendment and Validating Provisions) Ordinance, 1961 a market for such market area shall be deemed always to have been established for the purposes of this Act with effect from the date on which a market yard for such market area was declared for the first time under the rules or this Act and such market shall include and shall be deemed always to have included the said market yard and any other market yard or market yards declared for such market area under the rules or this Act and any area declared to be market proper for such market area under the rules; and accordingly in the course of the enforcement of this Act in such market area, any action taken or anything done by a market committee or any other authority after the establishment of a market therein as aforesaid but before the commencement of the said Ordinance, which but for the provisions of this clause would have been invalid, shall be and shall be deemed always to have been valid and shall not be called in question merely on the ground that no market was established for such market area when such action was taken or thing done;

Constitution of markets prior to Guj. Ord. No. 1 of 1961 and validation of certain acts and things done.

(2) any fees levied and collected on agricultural produce bought and sold in a market area before the commencement of the said Ordinance by a market committee of that area at the rates specified in its bye-laws shall be deemed to have been validly levied and collected and the levy and collection of such fees shall not be called in question merely on the ground that at the time of such levy and collection no maxima were prescribed as required by section 11;

(3) all licences issued to operate in a market area or any part thereof and fees charged therefor before the commencement of the said Ordinance by a market committee of that area under the rules and bye-laws and any action or thing taken or done relating to licensing of persons, or obtaining of a licence, to operate in the market area or any part thereof, taken or done by a market committee or any other authority or person under the rules and bye-laws before such commencement shall be and shall be deemed always to have been valid and the validity thereof shall not be called in question merely on the ground that when such action was taken or thing done, the jurisdiction, power, right, duty or obligation therefor was not duly conferred or imposed by this Act on such market committee, authority or person:

Provided that nothing in this section shall render any person liable to be convicted of an offence in respect of any act done or omission committed by him before the commencement of the said ordinance, if such act or omission would not then have been an offence under this Act but for the provisions of this section.”

16. The Bombay and Saurashtra Agricultural Produce Markets (Gujarat Amendment and Validating Provisions) Ordinance, 1961 is hereby repealed and the provisions of sections 7 and 25 of the Bombay General Clauses Act, 1904 shall apply to such repeal as if that Ordinance were an enactment.

Repeal of Guj. Ord. No. 1 of 1961.