

The

Kolkata Gazette
सत्यमेव जयते

Extraordinary
Published by Authority

CHAITRA 10]

FRIDAY, MARCH 31, 2017

[SAKA 1939

PART III—Acts of the West Bengal Legislature.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 391-L.—31st March, 2017.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XVI of 2017

**THE WEST BENGAL AGRICULTURAL PRODUCE MARKETING
(REGULATION) (AMENDMENT) ACT, 2017.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette*,
Extraordinary, of the 31st March, 2017.]

An Act to amend the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972.

WHEREAS it is expedient to amend the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972, for the purposes and in the manner hereinafter appearing;

West Ben. Act
XXXV of 1972.

It is hereby enacted in the Sixty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and
Commencement.

1. (1) This Act may be called the West Bengal Agricultural Produce Marketing (Regulation) (Amendment) Act, 2017.

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

*The West Bengal Agricultural Produce Marketing
(Regulation) (Amendment) Act, 2017.*

(Sections 2-4.)

Amendment of
section 2 of West
Ben. Act XXXV
of 1972.

2. In section 2 of the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972 (hereinafter referred to as the principal Act), in sub-section (1), in clause (t), for the words "the business of purchasing and selling agricultural produce", the words "the business of purchasing and selling agricultural produce in such manner as may be prescribed," shall be substituted.

Amendment of
section 13.

3. In section 13 of the principal Act,—

- (1) in sub-section (1), for the words "licence issued in this behalf by the market committee", the words "licence valid for single market area issued by the market committee, or single licence valid for more than one market areas issued by the Board" shall be substituted;
- (2) for sub-section (2), for the words "the market committee", the words "the market committee, or the Board, as the case may be," shall be substituted;
- (3) in sub-section (3), for the words "the market committee", the words "the market committee, or the Board, as the case may be," shall be substituted;
- (4) in sub-section (4),—
 - (i) for the words "the market committee", the words "the market committee, or the Board, as the case may be," shall be substituted; and
 - (ii) for the words "rupees two hundred as the market committee may fix", the words "rupees one thousand as the market committee, or the Board, as the case may be, may fix" shall be substituted;
- (5) in sub-section (5), for the words "the market committee", the words "the market committee, or the Board, as the case may be" shall be substituted;
- (6) in sub-section (6), for the words "the market committee", the words "the market committee, or the Board, as the case may be," shall be substituted;
- (7) in sub-section (6A), for the words "to an officer of the State Government not below the rank of a Superintendent of Agricultural Marketing", the words "to an officer of the State Government" shall be substituted;
- (8) in sub-section (8), for the words "the market committee", the words "the market committee, or the Board, as the case may be" shall be substituted.

Amendment of
section 17.

4. In section 17 of the principal Act, in sub-section (1),—

- (1) for the words, figures and brackets "Notwithstanding anything contained in the Bengal Finance (Sales Tax) Act, 1941 or any other law relating to taxation of agricultural produce in force, the market committee shall levy fees on any agricultural produce sold in the market area, at a rate which shall not be more than two rupees *per* one hundred rupees of the amount for which the agricultural produce is sold, whether for cash or for deferred payment or for other valuable consideration, irrespective of the fact that the buyer of the produce is the Central Government or the State Government or an agent or undertaking of either of them or a corporation constituted under any law for the time being in force:", the following words, letters and brackets shall be substituted:—

"Notwithstanding anything contained in any other law relating to taxation of agricultural produce in force, the market committee shall levy fees on any agricultural produce purchased or sold in the market area—

- (a) for an item of agricultural produce as specified in Part A of the Schedule, at such rate or rates not exceeding two *per centum* of the amount for which such agricultural produce is purchased or sold, whether for cash or for deferred payment or for other valuable consideration;

*The West Bengal Agricultural Produce Marketing
(Regulation) (Amendment) Act, 2017.*

(Sections 5-7.)

(b) for an item of agricultural produce as specified in Part B of the Schedule, at such rate or rates not exceeding six *per centum* of the amount for which such agricultural produce is purchased or sold in bulk, and which does not constitute a retail sale or purchase, whether for cash or for deferred payment or for other valuable consideration, as the State Government may by notification specify,

irrespective of the fact that the buyer of the produce is the Central Government or the State Government or an agent or undertaking of either of them or a corporation constituted under any law for the time being in force:";

(2) for the second proviso, the following proviso shall be substituted:—

"Provided further that the market fees shall be collected by the Board in respect of licencees having single licence issued by the Board which is valid for more than one market areas, or for sale of agricultural produce in bulk, or for such other transactions under such conditions, and in such manner, as may be prescribed, and the Board shall periodically remit market fees so levied to the market committees after deducting such amount of transaction cost as may be prescribed."

Amendment of
section 17A.

5. In section 17A of the principal Act,—

- (1) in sub-section (1), for the words "the Secretary", the words "the Secretary of the market committee, for a single market area or the Chief Executive Officer of the Board, for transaction in more than one market area, respectively," shall be substituted;
- (2) in sub-section (2), for the words "pay into the market committee fund", wherever they occur, the words "pay into the market committee fund, or the West Bengal State Marketing Board Fund, or to the appropriate head of account of the State, as the case may be," shall be substituted;
- (3) in sub-section (3), for the words "the Secretary", the words "the Secretary of the market committee, or the Chief Executive Officer of the Board, as the case may be," shall be substituted;
- (4) in sub-section (4), for the words "the Secretary", the words "the Secretary of the market committee, or the Chief Executive Officer of the Board, as the case may be," shall be substituted;
- (5) in sub-section (5), for the words "the Secretary", the words "the Secretary of the market committee, or the Chief Executive Officer of the Board, as the case may be," shall be substituted;
- (6) in sub-section (6), for the words "the Secretary", occurring in two places, the words "the Secretary of the market committee, or the Chief Executive Officer of the Board, as the case may be," shall be substituted.

Amendment of
section 17B.

6. In section 17B of the principal Act, for the words "the market committee", wherever they occur, the words "the market committee, or the Board, as the case may be" shall be substituted.

Amendment of
section 17D.

7. In section 17D of the principal Act, for the words "not below the rank of a Superintendent of Agricultural Marketing", the words "to an officer of the State Government" shall be substituted.

*The West Bengal Agricultural Produce Marketing
(Regulation) (Amendment) Act, 2017.*

(Sections 8-13.)

Amendment of
section 19.

8. In the proviso to sub-section (2) of section 19 of the principal Act, for the words, figures and brackets "all moneys received by a market committee under the second proviso to sub-section (1) of section 17", the words, letter, figures and brackets "all moneys received by a market committee, or the Board, as the case may be, under clause (b) of sub-section (1), and under the second proviso to sub-section (1), of section 17" shall be substituted.

Amendment of
section 20.

9. In sub-section (2) of section 20 of the principal Act, for the words "by the Chairman", the words "by the Chairman, or in absence of the Chairman, by such officer as the State Government may, in consultation with the Chairman, by notification, specify," shall be substituted.

Amendment of
section 24.

10. In sub-section (1) of section 24 of the principal Act, for the words "the Director or any other officer not below the rank of a Superintendent of Agricultural Marketing," the words "the Director or any other officer" shall be substituted.

Amendment of
section 25.

11. In section 25 of the principal Act,—

- (a) for the words "the Director", the words "the Director or any other officer authorised by the State Government" shall be substituted;
- (b) in the proviso, for the words "the Director", the words "the Director or any other officer" shall be substituted.

Amendment of
section 34.

12. In section 34 of the principal Act,—

- (1) in sub-section (3), for the words "a market committee", the words "a market committee, or the Board, as the case may be" shall be substituted;
- (2) in sub-section (5), for the words "the market committee", the words "the market committee, or the Board, as the case may be," shall be substituted;
- (3) in sub-section (8), for the words "The market committee", the words "The market committee, or the Board, as the case may be," shall be substituted;
- (4) in sub-section (9), for the words "the market committee", the words "the market committee, or the Board, as the case may be," shall be substituted.

Amendment of
section 36C.

13. In section 36C of the principal Act, in sub-section (1), after clause (d), the following clauses shall be inserted:—

- "(da) to grant or renew, in such manner as may be prescribed, licences to the traders, commission agents, brokers, weigh men, measurers, warehousemen, surveyors and other persons or firms referred to in section 13;
- (db) to collect market fees in respect of licencees having single licence issued by the Board which is valid for more than one market areas, or for sale of agricultural produce in bulk, or for such other transactions under such conditions, as may be prescribed;"

*The West Bengal Agricultural Produce Marketing
(Regulation) (Amendment) Act, 2017.*

(Section 14.)

Amendment of
Schedule.

14. For Schedule to the principal Act, the following Schedule shall be substituted:—

“SCHEDULE

Agricultural Produce

Part A

[See clause (a) of section 17(1) read with section 2(1)(a)]

- | | |
|----------------|---|
| I. Cereals | .. (1) Paddy (except the limit mentioned in Part-B).
(2) Rice (except the limit mentioned in Part-B).
(3) Wheat.
(4) Barley.
(5) Raoj or Marua.
(6) Cheena.
(7) Kodo. |
| II. Pulses | .. (1) Gram.
(2) Arhar.
(3) Masur.
(4) Urad or Kalai.
(5) Khesari.
(6) Mung.
(7) Dry peas (Matar or Kerao).
(8) Cowpea seed (dry). |
| III. Oilseeds | .. (1) Mustard, Rape and Toria.
(2) Linseed.
(3) Groundnut.
(4) Sesamum seed.
(5) Neem seed.
(6) Sal seed.
(7) Ginjelly (Til). |
| IV. Oils | .. All vegetable oils. |
| V. Fruits | .. |
| VI. Vegetables | .. (1) Potato.
(2) Onion. |
| VII. Fibres | .. (1) Cotton (Ginned and unginned).
(2) Jute.
(3) Sunnhemp.
(4) Mesta.
(5) Silk.
(6) Cocoon. |

*The West Bengal Agricultural Produce Marketing
(Regulation) (Amendment) Act, 2017.*

(Section 14.)

- VIII. Condiments, Spices and others . . (1) Turmeric.
(2) Chillies.
(3) Garlic.
(4) Corriander.
(5) Ginger.
(6) Cardamom and pepper.
(7) Betel leaves.
(8) Betelnuts.
(9) Cashewnuts.
(10) Methi.
(11) Zeera.
- IX. Grass and fodder . .
- X. Miscellaneous . . (1) Sugarcane.
(2) Gur.
(3) Sugar.
(4) Lac.
(5) Kendu leaves.
(6) Sal leaves.

Part B

[See clause (b) of section 17(1) read with section 2(1)(a)]

- I. Narcotics . . Tobacco
- II. Cereals (1) Rice, if the annual transaction of the same, in the entire State of West Bengal, by a licensed trader is equal to or more than rupees seventy-five crore.
(2) Paddy, if the annual transaction of the same, in the entire State of West Bengal, by a licensed trader is equal to or more than rupees seventy-five crore.”

By order of the Governor,

MADHUMATI MITRA,
Secy. to the Govt. of West Bengal,
Law Department.