

Chhattisgarh Krishi Upaj Mandi (Amendment) Act, 2011

22 of 2011

[10 October 2011]

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An Act further to amend the Chhattisgarh Krishi Upaj Mandi Adhiniyam, 1972. Be it enacted by the Chhattisgarh Legislature in the Sixty-second Year of the Republic of India, as follows:-- *
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1. Short Title And Commencement :-

(1) This Act may be called the Chhattisgarh Krishi Upaj Mandi (Amendment) Adhiniyam, 2011.

(2) It shall come into force from the date of its publication in the Official Gazette.

2. Amendment Of Section 2 :-

In Section 2 of the Chhattisgarh Krishi Upaj Mandi Adhiniyam, 1972 (No. 24 of 1973) (hereinafter referred to as the Principal Act),--

(1) In clause (b) of sub-section (1) of Section 2 of the Principal Act, after the words "a person" the words "and his family" shall be added.

(2) After clause (b) of sub-section (1) of Section 2 of the Principal Act, the following clause shall be inserted, namely:--

"(bb) "Family" means a person and his/her, wife or husband, as the case may be, and his/her children, father, mother, sister and brothers, dependent on and residing with him."

(3) In clause (e) of sub-section (1) of Section 2 of the Principal Act, for the words "Commission Agent" the word "Agent" shall be substituted and the word "trader" wherever it occur shall be omitted.

(4) For clause (1) of sub-section (1) of Section 2 of the Principal Act, the following clause shall be substituted, namely:--

"(1) "market yard or special produce market yard, or sub-market yard or farmers/consumers sub-market yard" in relation to a market area means a specified place declared to be a market yard or special produce market year or sub-market yard or farmer/consumers sub-market yard under clause (a) of sub-section (2) of Section 5."

(5) In clause (mmm) of sub-section (1) of Section 2 of the Principal Act, the word "Polishing" shall be omitted.

(6) After clause (mmmmm) of sub-section (1) of section 2 of the Principal Act, the following new clause shall be added, namely:--

"(mmmmmm) Manufacture means conversion of original look, size, shape and the properties of the agricultural produce into other product having new and different look, size, shape and the properties or mixture/combination thereof for the commercial purpose."

"(mmmmmmm) Manufacturer means a person who manufactures from a agricultural produce by manual or mechanical means."

3. Amendment Of Section 5 :-

(1) After sub-clause (i) of clause (a) of sub-section (1) of Section 5 of the Principal Act, the following sub-clause shall be inserted, namely:--

"(i-a) there may be one or more yards for special produce."

(2) In sub-clause (a) and (b) of sub-section (2) of Section 5 of the Principal Act, after the words "market yard" and "sub-market yard" the words "or special produce market yard" and "or farmer/consumer sub-market yard" shall be inserted.

4. Amendment Of Section 11 :-

(1) For Explanation of clause (b) of sub-section (1) of Section 11 of the Principal Act, the following Explanation shall be substituted, namely:--

"Explanation.--The expression "representatives of agriculturist" in this clause shall not include an agriculturists of the market area, if any of his/her relatives e.g.; husband, wife, father, mother, brother, sister, son and daughter, who are residing with and dependant on him/her, holds a traders registration from any of the market committee in the State."

(2) For clause (a) of sub-section (1) of Section 11-B of the Principal Act, the following clause shall be substituted, namely:--

"(a) Whose name is entered as Bhumiswami/Lease or Patta holder in the revenue/forest village land records and possesses at least half acre of land being used for agricultural activity."

(3) For Explanation of clause (d) of sub-section (1) of Section 11-B of the Principal Act, the following Explanation shall be substituted, namely:--

"Explanation.--The word "Bhumiswami" shall have the same meaning as assigned to it in the Chhattisgarh Land Revenue Code, 1959 (No. 20 of 1959) and shall include title holder under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) along with Rules framed thereunder."

5. Amendment Of Section 13 :-

For proviso of sub-section (2) of Section 13 of the Principal Act, the following proviso shall be substituted, namely:--

"Provided that, if on the expiry of the term of the market committee, a new market committee is not constituted, the State Government may, by notification, extend the term of the market

committee for a period of six months twice, that is for a maximum period of one year from the date of expiry, with reasons for such extension being placed on record and if the new market committee is not constituted within this extended term, it shall be deemed to have been dissolved and in such event the provisions of Section 57 shall apply."

6. Amendment Of Section 17 :-

(1) For clause (iii) of sub-section (2) of Section 17 of the Principal Act. the following clause shall be substituted, namely:--

"(iii) grant or refuse registration to the market functionaries and renew, suspend or cancel such registrations."

(2) Sub-clause (b) of clause (xiii) of sub-section (2) of Section 17 of the Principal Act. shall be omitted.

7. Amendment Of Section 19 :-

(1) In clause (ii) of sub-section (1) of Section 19 of the Principal Act, after the words "processing" the word "and manufacturing" shall be added.

(2) After sub-section (7) of Section 19 of the Principal Act, the following sub-section shall be added, namely:--

"(8) The market committee may levy and collect entrance fees for vehicle and services viz. security, electrification sanitation and maintenance of yards and other facilities provided in the market yard and special produce market yard and sub-market yard, from farmers/consumers of sub-market yard at such rate as may be specified in the bye-laws."

8. Amendment Section 27 :-

For sub-section (3) of Section 27 of the Principal Act, the following sub-section shall be substituted, namely:--

"(3) The Secretary shall be accountable to the Market Committee and shall be under the administrative control of the Managing Director."

9. Amendment Of Section 32 :-

(1) In Section 32 of the Principal Act, for the words licences" wherever they occur, the word "registration" shall be substituted.

(2) Sub-section (5) of Section 32 of the Principal Act shall be omitted.

10. Amendment Of Section 32-A :-

- (1) In the heading of Section 32-A of the Principal Act, for the word "Licence" the word "Registration" shall be substituted.
- (2) In Section 32-A of the Principal Act, for the word "licence" wherever they occur, the word "registration" shall be substituted.

11. Amendment Of Section 33 :-

- (1) In the heading of Section 33 of the Principal Act, for the word "licences" the word "registration" shall be substituted.
- (2) In Section 33 of the Principal Act, for the word "licence" wherever they occur, the word "registration" shall be substituted.

12. Amendment Of Section 37 :-

- (1) In sub-section (4) of Section 37 of the Principal Act, for the words "Commission agent" the word "Agent" shall be substituted.
- (2) In sub-section (4) of Section 37 of the Principal Act, the words "Trader" shall be omitted.
- (3) In sub-section (5) of Section 37 of the Principal Act, for the words "Commission Agent" shall be substituted.

13. Amendment Of Section 41 :-

- (1) For clause (b), (c) and (d) of sub-section (1) of Section 41 of the Principal Act, the following clauses shall be substituted, namely:--

"(b) Principal Secretary/Secretary, Government of Chhattisgarh, Agricultural Department or his nominated representative, not below the rank of Deputy Secretary;

(c) Registrar. Co-operative Societies, Chhattisgarh or his nominated representative not below the rank of Joint Director;

(d) Director of Agriculture, Chhattisgarh or his nominated representative not below the rank of Joint Director."

- (2) After clause (e) of sub-section (1) of Section 41 of the Principal Act, the following clause shall be added, namely:--

"(ee) Secretary, Government of Chhattisgarh, Finance Department or his representative not below the rank of the Deputy Secretary."

14. Amendment Of Section 42 :-

Proviso to sub-section (1) of Section 42 of the Principal Act shall be omitted.

15. Amendment Of Section 44 :-

After clause (xi) of Section 44 of the Principal Act, the following clause shall be added, namely:--

"(xii) The Board may utilize a maximum of ten percent of its annual gross income for various farmer welfare oriented activities with the prior sanction of/or instructions from the State Government."

16. Amendment Of Section 48 :-

In Section 48 of the Principal Act, for the words "five hundred rupees" wherever they occur, the words "five thousand rupees" shall be substituted.

17. Amendment Of Section 49 :-

In Section 49 of the Principal Act, for the words "two hundred rupees" and "five hundred rupees" wherever they occur the words "two thousand rupees" and "five thousand rupees" shall be substituted respectively.

18. Amendment Of Section 50 :-

In first proviso to sub-section (1) of Section 50 of the Principal Act, for the words "one hundred rupees" and "twenty rupees" the words "two thousand rupees" and "five hundred rupees" shall be substituted.

19. Amendment Of Section 53 :-

In sub-section (1) of Section 53 of the Principal Act, for the words "not exceeding rupees five hundred", the words "not exceeding rupees five thousand" shall be substituted.

20. Amendment Of Section 54 :-

(1) In the heading of Section 54 of the Principal Act, for the words "Inspection of markets and inquiry into affairs of market committee" the words "Power to give instruction and inspection of markets and inquiry in to affair of market committee" shall be substituted.

(2) After clause (a) of sub-section (1) of Section 54 of the Principal Act, the following clause shall be inserted, namely:--

"(aa) the Managing Director may give direction to the market

committees and the market committee shall be bound to comply with such direction."

21. Amendment Of Section 63 :-

(1) In Section 63 of the Principal Act, for the words "one hundred rupees" the words "one thousand rupees" shall be substituted.

(2) In proviso to Section 63 of the Principal Act, for the words "five hundred rupees" the words "five thousand rupees" shall be substituted.

22. Amendment Of Section 79 :-

Clause (xxiii) and (xxiv) of sub-section (2) of Section 79 of the Principal Act shall be omitted,

23. Amendment Of Schedule I :-

In Schedule-I, all the entries relating to fibres be omitted.