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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 86-L.—January 21, 2015.—The following Act of the West Bengal Legislature, having been assented by the Governor, is hereby published for general information:—

**West Bengal Act XXVII of 2014**

**THE WEST BENGAL AGRICULTURAL PRODUCE MARKETING  
(REGULATION) (AMENDMENT) ACT, 2014.**

*[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Kolkata Gazette,  
Extraordinary, of the 21st January, 2015.]*

*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-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the West Bengal Agricultural Produce Marketing (Regulation) (Amendment) Act, 2014.

*The West Bengal Agricultural Produce Marketing (Regulation)  
(Amendment) Act, 2014.*

(Section 2.)

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

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

2. In sub-section (1) of section 2 of the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972 (hereinafter referred to as the principal Act),—

(1) for clause (a), the following clause shall be substituted:—

‘(a) “agricultural produce” means any produce, whether processed or unprocessed of agriculture, horticulture, apiculture, pisciculture, sericulture, livestock and products of livestock, animal husbandry, fleeces (raw wool) and skins of animals, forest produce and any related and secondary product or by-product and combination of two or more than two of such produce as specified in the Schedule:

Provided that the State Government may, by notification, include in, or exclude from, any item of agricultural produce in the Schedule;’;

(2) in clause (bb), for the words “State Marketing Board”, the words “State Agricultural Marketing Board” shall be substituted;

(3) after clause (c), the following clauses shall be inserted:—

‘(ca) “business” means purchase and sale, processing, value addition, storage, transportation and connected activities of agricultural produce;

(cb) “buyer” means a person or a firm or a company or co-operative society or Government agency or public undertaking or public agency or corporation or commission agent, who himself or on behalf of any other person or agent buys or agrees to buy agricultural produce in the market area as may be notified under this Act;

(cc) “Collector” means the Collector of a district;’;

(4) for clause (d), the following clause shall be substituted:—

‘(d) “commission agent” means a person who on behalf of his principal trader,—

(i) buys agricultural produce and makes payment, keeps it in his custody and delivers it to the trader in due course, or

(ii) sells, after receiving and keeping in his custody agricultural produce sent for sale within the market area or outside the market area, sells the same in the market area and collects payment thereof from the buyer and remits the sale proceeds to his principal trader,

in consideration of a commission or percentage on the amount involved in such transaction;’;

(5) for clause (e), the following clauses shall be substituted:—

‘(e) “Director” means the Director of Agricultural Marketing, West Bengal, appointed by the State Government, by notification, and includes such other officers to assist the Director as the State Government may, by notification, specify to exercise or perform such powers or functions of the Director under the provisions of this Act, or the rules or bye-laws made thereunder, as mentioned in such notification;

(ea) “export” means dispatch of agricultural produce outside India;

*The West Bengal Agricultural Produce Marketing (Regulation)  
(Amendment) Act, 2014.*

(Section 2.)

- (eb) “exporter” means such person or firm or company who exports agricultural produce outside India;
- (ec) “e-trading” means trading in which billing, booking, contracting, negotiating, information exchange, record keeping and other connected activities are done electronically on computer network or internet;
- (ed) “fund” means the West Bengal Agricultural Produce Marketing Fund established under section 20C and does not include the market committee fund;’;
- (6) for clause (ee), the following clauses shall be inserted:—
- ‘(ee) “import” means bringing agricultural produce from outside India;’;
- (ef) “importer” means such person or firm or company who imports agricultural produce from outside India;
- (eg) “licence” means licence granted under section 13;
- (eh) “licensee” means a person or association of persons, firm, company, public sector undertaking or society holding a licence issued under this Act;’;
- (7) in clause (g), for the words “and a sub-market yard”, the words “, a sub-market yard, a private market yard and consumers’ or farmers’ market, i.e. *Krishak Bazar* or *Brihat Krishak Bazar* etc.” shall be substituted;
- (8) after clause (g), the following clause shall be inserted:—
- ‘(ga) “marketing” means all activities involved in the flow of agricultural produce from the production points commencing from the stage of harvest till the produce reach the ultimate consumers *via* grading, processing, storage, transport, channels of distribution and all other functions involved in the process;’;
- (9) after clause (h), the following clauses shall be inserted:—
- ‘(ha) “market charges” includes charges on account of or in respect of commission, brokerage, weighing, measuring, loading, unloading and carrying, cleaning, drying, sieving, stitching, stacking, hiring, gunny bags, stamping, bagging, storing, warehousing, grading, surveying, transporting and processing;
- (hb) “market yard”, in relation to a market area, means a specified place and includes any enclosures, buildings or locality declared, by notification, as such in any market area by the State Government;’.
- (10) after clause (m), the following clauses shall be inserted:—
- ‘(ma) “private market yard” means such place other than the market yard or sub-market yard in the market area, where infrastructure for such market yard has been developed and managed by a person holding a licence for this purpose for marketing of such agricultural produce as the State Government may, by notification, specify;
- (mb) “processing” means any one or more of a series of treatments relating to powdering, crushing, decorticating, de-husking, parboiling, polishing, ginning, pressing, curing or any other manual, mechanical, chemical or physical treatment to which raw agricultural produce or its product is subjected to;
- (mc) “processor” means a person who undertakes processing of any notified agricultural produce on his own account or on payment of a charge;

