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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 538]

भोपाल, बुधवार, दिनांक 30 नवम्बर 2011—अग्रहायण 9, शक 1933

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 30 नवम्बर 2011

क्र. 7028-407-इक्कीस-अ-(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश कृषि उपज मण्डी (तृतीय संशोधन) विधेयक, 2011 (क्रमांक 36 सन् 2011) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL

No. 36 OF 2011.

THE MADHYA PRADESH KRISHI UPAJ MANDI (TRITIYA SANSHODHAN) VIDHEYAK, 2011.

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MADHYA PRADESH BILL

No. 36 OF 2011

**THE MADHYA PRADESH KRISHI UPAJ MANDI (TRITIYA SANSHODHAN)
VIDHEYAK, 2011.****A Bill further to amend the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972.**

Be it enacted by the Madhya Pradesh Legislature in the Sixty second year of the Republic of India as follows:—

Short title.

1. This Act may be called the Madhya Pradesh Krishi Upaj Mandi (Tritiya Sanshodhan) Adhiniyam, 2011.

**Amendment of
Section 2.**

2. In Section 2 of the Madhya Pradesh Krishi Upaj Mandi Adhiniyam, 1972 (No.24 of 1973) (hereinafter referred to as the Principal Act), in sub-section (1),—

- (i) in clause (b), for the word “processor” wherever it occurs, the words “processor, manufacturer” shall be substituted;
- (ii) after clause (f), the following clauses shall be inserted, namely :—
 - “(ff) “manufacturer” means a person who manufactures agricultural produce by manual or mechanical means;
 - (fff) “manufacturing” with its grammatical variations and cognate expressions means the production of articles for use from raw agricultural produce or its product, by giving them new forms, qualities, properties or combinations, whether by hand-labour or by machinery;”;
- (iii) in clause (j), for the words “a processor”, the words “a processor, a manufacturer” shall be substituted;
- (iv) in clause (p), for the word “processing”, the words “processing or manufacturing” shall be substituted.

**Amendment of
Section 6.**

3. In Section 6 of the principal Act,—

- (i) in the first proviso, in clause (b), for the colon, the semi-colon shall be substituted and thereafter the following clause shall be inserted, namely :—
 - “(c) agricultural produce notified in Part VII and VIII of the Schedule which is purchased or sold outside the notified market yard :“;
- (ii) for the second proviso, the following proviso shall be substituted, namely :—

“Provided further that the State Government may, by notification, for reasons to be specified therein, withdraw the exemption in respect to such market area as may be specified in the notification under sub-clause (ii) of clause (a) of the preceding proviso. The State Government may also, by notification, withdraw the exemption and issue directives for the agricultural produce purchased or sold with respect to clause (c) of the preceding proviso, and the directives so issued would be bound to be complied with.”.

4. In Section 11 of the Principal Act, in sub-section (1), in clause (c), for the word “processing”, the words “processing or manufacturing” shall be substituted. **Amendment of Section 11.**
5. In Section 19 of the Principal Act,— **Amendment of Section 19.**
- (i) in sub-section (1),
- (a) in clause (ii), for the word “processing” the words “processing or manufacturing” shall be substituted;
- (b) in the proviso, for the word “processing” the words “processing or manufacturing” shall be substituted;
- (ii) in sub-section (2), in the fourth proviso, for the words “for processing”, the words “for processing or for manufacturing” shall be substituted and for the word “processor” wherever it occurs, the words “processor or manufacturer” shall be substituted;
- (iii) in sub-section (4), for the word “processed” occurring at the first place, the words “processed, manufactured” shall be substituted and for the word “processed” occurring at the second place, the words “processed or manufactured” shall be substituted;
- (iv) in sub-section (5), for the word “processing”, the words “processing or manufacturing” shall be substituted;
- (v) in sub-section (6), in the proviso, for the word “processed”, the words “processed or manufactured” shall be substituted.
6. In Section 19-B of the Principal Act, in sub-section (1), for the word “processing”, the words “processing or manufacturing” shall be substituted. **Amendment of Section 19-B.**
7. In Section 21 of the Principal Act, in sub-section (1), for the word “processor”, the words “processor, manufacturer” shall be substituted. **Amendment of Section 21.**
8. In Section 31 of the Principal Act, for the word “pressing”, the word “manufacturing” shall be substituted. **Amendment of Section 31.**

STATEMENT OF OBJECTS AND REASONS

In Civil Appeal No. 1390 of 2003 Orient Paper and Industries Limited Versus State of Madhya Pradesh and Others, the Supreme Court of India in its judgment dated 9th November, 2006 has widely interpreted the term “processing” and “manufacturing and distinguished them as different term and resultantly decided that the market committee has power to levy market fee on the notified agricultural produce whether brought from within the State or from outside the State into the market areas and is used for processing only and not for manufacturing. In order to remove this lacuna, it is decided to introduce the definition of term “manufacturing” in the Act and to amend Sections 2, 11, 19, 19-B, 21 and 31 of the Act, suitably. The said proposed amendments are in conformity with the said judgment of the Supreme Court.

2. It has been decided to allow the purchase and sell of the Fruits and Vegetables, which are perishable notified agricultural produce, outside the notified market yard. Therefore, suitable amendment is proposed in Section 6 of the Principal Act.

3. Hence this Bill.

Bhopal :
Dated, the 21st November, 2011.

DR. RAMKRISHNA KUSMARIYA
Member-in-Charge.