

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act XXXV of 1972

**THE WEST BENGAL AGRICULTURAL PRODUCE
MARKETING (REGULATION) ACT, 1972.**

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette*,
Extraordinary, of the 31st October, 1972.]

[31st October, 1972.]

An Act to provide for the regulation of marketing of agricultural produce in West Bengal.

WHEREAS it is expedient to provide for the regulation of marketing of agricultural produce in West Bengal and for matters connected therewith ;

AND WHEREAS previous sanction of the President under the proviso to clause (b) of article 304 of the Constitution of India has been obtained;

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

1. (1) This Act may be called the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint, and different dates may be appointed for different areas.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) “agricultural produce” means any produce of agriculture, horticulture, pisciculture, forestry or animal husbandry or any other produce specified in the Schedule to this Act:

Provided that the State Government may, by notification in the *Official Gazette*, include any item of agricultural produce in the Schedule or exclude any such item from it;

(b) “agriculturist” means a person who ordinarily by himself or by his tenant or hired labourer or otherwise, is engaged in the production and growth of agricultural produce but does not

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

[West Ben. Act

(Section 2.)

include a trader or broker in agricultural produce notwithstanding that such trader or broker is also engaged in the production or growth of agricultural produce;

- (c) "broker" means an agent whose ordinary course of business is to negotiate and make contracts on payment of commission for the purchase or sale of agricultural produce on behalf of his principal, but does not include a servant of such principal engaged in negotiating or making such contracts;
- (d) "commission agent" means a person who buys and sells agricultural produce for any person, keeps it in his custody and controls it during the process of its sale or purchase, and collects payment therefor from the buyer and pays it to the seller, and receives by way of remuneration a commission or percentage upon the amount involved in each transaction;
- (e) "Director" means the Director of Agriculture, West Bengal and includes the Additional Director of Agriculture (Marketing), West Bengal and Joint Director of Agriculture (Marketing), West Bengal ;
- (f) "local authority" means in any municipal area, the municipal authority by whatever name called and in the village, the *Gram Panchayat*;
- (g) "market" means a market established or declared as such under this Act for a market area and includes a market proper, a principal market yard, sub-market yard or yards, if any;
- (h) "market area" means any area declared to be a market area under section 3;
- (i) "market committee" means a committee constituted under section 5;
- (j) "market proper" means any area within the market area including all lands and buildings thereon within such distance of the principal or sub-market yard as the State Government may, by notification, declare to be a market proper under section 4;
- (k) "measurer" means a person whose business is to measure a consignment of agricultural produce for sale;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "principal market yard" means any enclosure, building or locality within the market proper declared to be a principal market yard under section 4;

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

XXXV of 1972.]

(Section 2.)

- (n) "retail sale" means a sale of any agricultural produce not exceeding such quantity as may, by rules made under this Act, be fixed in respect of such agricultural produce;
- (o) "Schedule" means the Schedule to this Act;
- (p) "Secretary" means a person appointed as such under section 14 and includes an officiating or acting secretary;
- (q) "standard weight" and "standard measure" have the same meanings respectively assigned to them in the West Bengal Standards of Weights and Measures (Enforcement) Act, 1958;
- (r) "sub-market yard" means any enclosure, building or locality within the market proper declared to be a sub-market yard under section 4;
- (s) "surveyor" means a person whose business is to survey a consignment of agricultural produce for sale in regard to quality, refraction, adulteration and any other purposes;
- (t) "trader" means a person ordinarily engaged in the business of purchasing and selling agricultural produce as a principal or as a duly authorised agent of one or more principals and includes a person ordinarily engaged in the business or processing or preservation of agricultural produce;

Explanation.—The word "person" includes any firm, joint family, association or body of individuals whether incorporated or not;

- (u) "trade allowance" means anything realised in cash or kind, by the purchaser from the seller in any transaction relating to agricultural produce either by deduction from the price agreed upon or otherwise;

Explanation.—In this clause "purchaser" includes a commission agent;

- (v) "warehouseman" means a person whose business is to store agricultural produce in any building, structure or enclosure on behalf of persons depositing such produce; and
- (w) "weighman" means a person who, in the ordinary course of business, is engaged in the weighing of agricultural produce in connection with a transaction of sale or purchase thereof.

(2) If any question arises as to whether a person is or is not an agriculturist or a trader within the meaning of this Act, the decision of the Director on such question shall be final:

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

[West Ben. Act

(Sections 3—5.)

Provided that the Director shall give the person a reasonable opportunity of being heard before giving his decision.

Declaration
of market
area.

3. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, the State Government may, by notification, declare any area as a market-area within which purchase and sale of such agricultural produce as may be specified in the notification, shall be regulated.

(2) On the publication of such notification under sub-section (1), or with effect from such later date as may be specified therein, no local authority or other person shall, notwithstanding anything to the contrary contained in any law for the time being in force, within the market area, or within such distance thereof as may be notified in the *Official Gazette* in this behalf, set up, establish or continue or allow to be set up, established or continued any place for the purchase or sale of such agricultural produce as has been specified in the notification under sub-section (1), except in accordance with the provisions of this Act and the rules made thereunder.

Explanation.—A local authority or any other person shall not be deemed to set up, establish or continue or allow to be set up, established or continued a place as a place for the purchase or sale of agricultural produce within the meaning of this section, if the seller is himself the producer of the agricultural produce or any person employed by such producer and the buyer is a person who purchases such produce for his own use.

(3) The State Government may, by notification, include or exclude any area in or from a market area, as the case may be, or include or exclude any agricultural produce in or from the list of agricultural produce.

Declara-
tion of
principal
market yard
sub-market
yard and
market
proper.

4. (1) The State Government may, by notification, declare—

- (i) any enclosure, building or locality in any market area, to be the principal market yard and other enclosures, buildings or localities in such area to be one or more sub-market yard or yards for a market area; and
- (ii) such area, including all lands and the buildings thereon, within such distance of the market yard or yards, as it thinks-fit, to be market proper.

Market
Committee.

5. (1) For every market area the State Government shall, by notification, constitute a market committee.

(2) Every market committee shall be a body corporate by such name as the State Government may specify, shall have perpetual succession

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

XXXV of 1972.]

(Section 5.)

and a common seal, may sue and be sued in its own name, shall acquire, hold and dispose of property both movable and immovable, enter into contracts and do all such things as may, from time to time, be necessary for carrying out the functions of this Act:

Provided that save as the State Government may, by general or special order, direct, no market committee shall permanently transfer any immovable property except in pursuance of a resolution passed at a meeting of the market committee by not less than three-fourths of its members and with the previous sanction of the State Government.

(3) A market committee shall consist of the following members—

- (a) two officers of the State Government of whom at least one shall be an officer of the Directorate of Agriculture, West Bengal, having jurisdiction over the area for which the market committee is constituted;
- (b) one person to represent the members of any co-operative marketing society carrying on business in the market area, or if there is no such co-operative marketing society, any other co-operative society carrying on business in such area;
- (c) one person representing the bank financing the market committee:

Provided that in case where financing by bank is not done the State Government may nominate a representative of any other bank functioning in or near the market area;

- (d) one person representing the local authority having jurisdiction over the market area;
- (e) five persons representing the agriculturists of the locality carrying on business in agricultural produce in the market area; and
- (f) two persons representing the licensed traders doing business in agricultural produce in the market area.

(4) The State Government may, at any time, by order issued in this behalf, increase the representation of members mentioned in clauses (e) and (f) of sub-section (3) to seven and three respectively.

(5) The members of every market committee shall be appointed by the State Government in consultation with the Director.

(6) The State Government shall appoint one from among the members of the market committee to be the Chairman who shall be the executive head of the market committee and another to be the Vice-Chairman of the market committee.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

[West Ben. Act

(Sections 6—10.)

(7) The term of office of the members of the market committee, save as otherwise provided in this Act, shall be three years from the date of publication of their names in the Official Gazette and shall include any further period which may elapse between the expiration of the said period of three years and the date of the first meeting of the succeeding market committee at which a quorum is present:

Provided that a member of a market committee may, on expiry of his term of office, be re-appointed.

Publication
of names of
members.

6. The names of Chairman, Vice-Chairman and every member of the market committee shall be published by the State Government in the *Official Gazette* and the market committee shall be deemed to be duly constituted from the date of such publication.

Disqualification
of members.

7. No person who—

- (a) is an employee of the market committee, or
- (b) has been declared by a competent court to be of unsound mind, or
- (c) is an undischarged insolvent, or
- (d) has been convicted by a court of law for an offence involving moral turpitude,

shall be eligible to be appointed as a member of any market committee.

Terms and
conditions
for holding
office.

8. The members of every market committee shall hold office on such terms and conditions as may be prescribed.

Casual
vacancy.

9. (1) If, at any time, a vacancy occurs in the office of a member of a market committee by reason of the non-acceptance of office, or by the removal, death or resignation, the vacancy shall be filled by a fresh appointment of a person belonging to the class which such member represented.

(2) Every person appointed under sub-section (1) shall hold office for the unexpired period of the term of office of member whose place he fills.

Removal of
member.

10. The State Government may, by notification in the *Official Gazette*, remove any member of a market committee from his office if such member has, in the opinion of the State Government, been guilty of misconduct or neglect of duty or has become disqualified within the meaning of section 7:

Provided that the State Government shall, before passing any order under this section, give the person concerned an opportunity of being heard.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

XXXV of 1972.]

(Sections 11, 12.)

11. No action of a market committee shall be called in question merely by reason of the existence of any vacancy in, or any defect in the constitution of, the market committee at the time of taking such action.

Validity of
action of a
market
committee.

12. (1) Subject to the other provisions of this Act, the following shall be the duties and functions of a market committee:—

Duties and
functions of
the market
committee.

- (i) to establish market for the market area providing for facilities in connection with the marketing of agricultural produce;
- (ii) to grant or renew licences, in the manner prescribed, to traders, commission agents, brokers, weighmen, measurers, warehousemen, surveyors and other persons or firms referred to in section 13;
- (iii) to administer market committee fund referred to in section 19 and maintain the accounts thereof in the prescribed manner;
- (iv) to maintain and manage the principal market yard including the sub-market yard or yards and to control, regulate and run the market in accordance with the provisions of this Act and the rules made thereunder;
- (v) to keep a set of standard weights and standard measures in each principal market yard and sub-market yard against which weighment and measurement may be checked ;
- (vi) to collect and furnish such statistics and information relating to every such market yard and the marketing of agricultural produce as may be required by the Director or any other person authorised by him in this behalf;
- (vii) to publish and disseminate for the benefit of the general public such market information and other instructions as may be issued by the Director in this behalf ;
- (viii) to settle disputes between buyers and sellers of agricultural produce or their agents in such manner as may be prescribed;
- (ix) to promote grading and standardisation of agricultural produce in such manner as may be prescribed;
- (x) to control and regulate admission of persons to the principal market yard or sub-market yard or yards and to determine the conditions for the use of the market and to prosecute persons trading without a valid licence in the market;
- (xi) to bring, prosecute or defend any suit, action, proceeding, application or arbitration in regard to any matter;

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

[West Ben. Act

(Section 13.)

- (xii) to perform such other duties and discharge such other functions as are imposed or conferred upon it by or under this Act or the rules made thereunder.

(2) A market committee may delegate to a sub-committee or sub-committees constituted by it from amongst its members in such manner as may be prescribed, all or any of its functions under this Act in respect of any market over which it has jurisdiction:

Provided that the market committee may accept, reject or revise the decision of such sub-committee or sub-committees.

Licence.

13. (1) After six months from the declaration of any area as a market area, no person shall, within the market proper, carry on business or act as a trader, commission agent, broker, weighman, measurer, warehouseman or surveyor, or sell or purchase agricultural produce, or engage in processing and preservation of agricultural produce, or set up, establish or continue a stall, shed or other structure for storage, sale or purchase of any agricultural produce, except, under and in accordance with the prescribed terms, and conditions of a licence issued in this behalf by the market committee.

(2) Any person desiring to obtain a licence under sub-section (1) may make an application to the market committee in such form and on payment of such fee not exceeding rupees two hundred, as may be prescribed.

(3) On receipt of an application under sub-section (2), the market committee may issue the licence in such form, subject to such terms and conditions and for such period as may be prescribed.

(4) Any licence issued under sub-section (3) may be renewed for such period as may be prescribed, by the market committee from time to time on application made in this behalf by licensee and on payment of a fee equal to the fee payable for the issue of the licence in the first instance.

(5) The market committee may refuse to issue or renew any licence under this section in favour of any person if it is satisfied that such person has previously been convicted by a court of law for an offence punishable under this Act.

(6) The market committee may, after giving the holder of a licence under this section an opportunity of showing cause in such manner as may be prescribed, cancel his licence or suspend it for such period as it thinks fit for any breach of the terms and conditions of the licence or for any contravention of the provisions of this Act.

(7) Where a licence is cancelled or suspended under sub-section (6), the licensee shall not be entitled to any compensation therefor, nor shall he be entitled to the refund of any fee paid by him for the licence.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

XXXV of 1972.]

(Sections 14—18.)

14. (1) Every market committee shall have a Secretary to be appointed by the State Government on such terms and conditions as may be prescribed:

Officers and employees of the market committee.

Provided that the State Government may appoint any officer of the Directorate of Agriculture as Secretary of the market committee.

(2) The State Government may appoint engineering and other technical personnel for the efficient working of the market committee.

(3) The market committee may employ such other officers and employees as the State Government may sanction.

(4) The salaries and allowances of the officers and employees of the market committee shall be paid from the market committee fund and the market committee shall also provide for the payment of leave allowance, pension, gratuity and provident fund to all its officers and employees in accordance with such rules relating to the terms and conditions of service of such officers and employees as may be made by the State Government.

15. (1) Every market committee shall hold its meeting at least once in every month.

Meetings of the market committee.

(2) The Chairman or in his absence the Vice-Chairman shall preside at every meeting of the market committee and in the absence of both, the members present shall elect one from among themselves to preside at such meeting.

(3) Six members shall form quorum for a meeting of the market committee.

(4) Every matter coming before the market committee shall be decided by a majority of votes of the members present and voting in the meeting and in the case of equality of votes the president of the meeting shall have a second or casting vote.

16. The Secretary and the other officers and employees of the market committee shall discharge such duties as may be entrusted to them by the market committee.

Duties of the Secretary and other officers and employees.

17. The market committee shall levy and collect market fees on the agricultural produce brought in the market area, at such rates not exceeding rupee one per Rs. 100.00 worth of agricultural produce as may be determined by the market committee.

Power to levy fee.

18. (1) A market committee may, with the previous sanction of the State Government, raise money required for carrying out the purposes of this Act on the security of any property vested in and belonging to such committee.

Power to borrow.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

[West Ben. Act

(Sections 19—21.)

(2) A market committee may, subject to such conditions as may be imposed by the State Government, obtain loan from the State Government.

Market
committee
fund.

19. All moneys received by a market committee shall be paid into a fund to be called the market committee fund and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said fund. Any surplus remaining with the market committee shall be utilised in such manner as may be prescribed.

Applicaion
of the
market
committee
fund.

20. (1) Subject to the provisions of section 19, the market committee fund may be applied for the following purposes only, namely:—

- (i) the acquisition of a site or sites for the market;
- (ii) the maintenance and improvement of the market;
- (iii) the construction and repair of buildings necessary for the purpose of such market and for the health, convenience and safety of the persons using it;
- (iv) payment of pay, pension, leave allowance, gratuity, compensation for injuries resulting from accidents, compassionate allowance and contributions towards leave allowance, pension or provident fund of the officers and other employees of the market committee;
- (v) the payment of interest on loans raised and the provision of a sinking fund in respect of such loans;
- (vi) the construction, repair and maintenance of the means of communication for the market;
- (vii) such travelling and other allowances of the members of the market committee as may be prescribed;
- (viii) any other purposes which the State Government may notify by a special order.

(2) The market committee fund shall be operated by the Chairman jointly with the Secretary or another member of the market committee and the accounts thereof shall be kept and audited in such manner as may be prescribed.

Execution of
contract.

21. (1) Every contract required to be entered into by the market committee shall be in writing and signed on behalf of the market committee by its Chairman and two other members.

(2) No contract other than a contract as provided in sub-section (1) shall be binding on the market committee.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

XXXV of 1972.]

(Sections 22—26.)

22. If at any time the State Government considers it necessary so to do in the public interest, it may, by notification in the *Official Gazette*, dissolve any market committee and proceed to reconstitute it in accordance with the provisions of this Act and appoint a person to perform the functions of the market committee, until it is so reconstituted.

Dissolution
of the
market
committee.

23. The market committee shall furnish such information in connection with its duties and functions as the Director or the State Government or any officer appointed by the State Government may in this behalf call for.

Market com-
mittee to
furnish
information
to State
Government.

24. (1) The Director or any other officer not below the rank of an Assistant Director of Agriculture, authorised by the State Government in this behalf by general or special order, may inspect or cause to be inspected the accounts of the market committee or institute an enquiry into the affairs of the market committee and require the market committee or its Chairman to do a thing or to refrain from doing a thing which the Director or other officer considers necessary or desirable in the interest of the market or the market committee.

Power of
inspection.

(2) The Director or any officer authorised by the State Government under sub-section (1) shall, for the purposes of the said sub-section, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely:—

5 of 1908.

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents ; and
- (c) issuing commissions for the examination of witnesses.

25. The Director may, for reasons to be recorded in writing, suspend or cancel any licence issued under section 13 and may take such other steps as he may deem fit in the interest of the market:

Director may
cancel or
suspend any
licence.

Provided that before passing any order under this section the Director shall give a reasonable opportunity to the licensee of being heard.

26. Where the market committee is unable due to any order or decision of a court or any other reason to perform the duties imposed upon it by or under this Act the State Government shall make such alternative arrangement as it deems necessary for the due performance of the duties and functions of such market committee.

Alternative
arrangements
for perform-
ing the du-
ties of the
market com-
mittee.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

[West Ben. Act

(Sections 27—32.)

Supervisory
power of the
State Gov-
ernment.

27. (1) The State Government may, at any time, call for and examine any record from a market committee for the purposes of satisfying itself as to the legality or propriety of any decision or order passed by such market committee and it may after giving an opportunity to the market committee of being heard pass such order thereon as it thinks fit.

(2) The State Government may, pending the examination and disposal of the matter under sub-section (1), direct that the execution of the decision or order of the market committee be stayed.

Acquisition
of land by
market com-
mittee.

28. Where any land is needed for the purposes of a market committee the State Government may proceed to acquire the same under the provisions of the Land Acquisition Act, 1894, or any other law for the time being in force. 1 of 1894.

Power to
exempt.

29. The State Government may, by notification in the *Official Gazette* and subject to such conditions and restrictions as it may think fit to impose, exempt any class of persons, commodity or trades from all or any of the provisions of this Act.

Recovery of
sums due.

30. Every sum due to a market committee under this Act shall be recoverable as an arrear of land revenue under the provisions of the Bengal Public Demands Recovery Act, 1913. Ben. Act III of 1913.

Members
and
employees
of a market
committee to
be public
servants.

31. Every member of a market committee and every officer and employee of a market committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860. 45 of 1860.

Bar of suits
in absence of
notice.

32. (1) No suit shall be instituted against any market committee, its Chairman, Vice-Chairman or any other member, any officer or employee, or any person acting under the direction of any such market committee, Chairman, Vice-Chairman, or any other member, officer or employee, for anything done or purported to be done, in good faith as such member, Chairman, Vice-Chairman, officer, employee or person under this Act, until the expiration of two months next after notice in writing stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of a market committee, delivered or left at its office and in the case of the Chairman, Vice-Chairman or other member, officer, employee or person as aforesaid, delivered to him or left at his office or usual place of abode, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of accrual of the cause of action.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

XXXV of 1972.]

(Sections 33—38.)

47 of 1963. (3) Nothing in this section shall be deemed to apply to any suit instituted under section 38 of the Specific Relief Act, 1963.

33. No trade allowance other than such as may be prescribed shall be recovered or given by any person in any transaction within a market area. Prohibition of trade allowance.

34. (1) Any person who contravenes the provisions of sub-section (2) of section 3 or sub-section (1) of section 13 or section 33 shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both : Penalty.

Provided that a market committee may, if it so decides, compound the offence in a sum not exceeding one thousand rupees for each of the offences and where the offence is a continuing one, in a further sum of one hundred rupees for every day during which the offence continues.

(2) No court shall take cognizance of any offence under this Act except with the previous sanction of such authority as may be prescribed.

35. Subject to the other provisions of this Act the State Government may delegate any of its powers or functions under this Act to the Director. Power to delegate.

36. (1) The State Government may constitute a Board to be known as West Bengal State Marketing Board, in such manner and with such number of official and non-official members, as may be prescribed. West Bengal State Marketing Board.

(2) The Board constituted under sub-section (1) shall perform such duties and in such manner as may be prescribed.

(3) The State Government may delegate all or any of the powers exercisable by it by or under this Act to the Board constituted under sub-section (1).

37. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law or in any contract, express or implied, or in any instrument and notwithstanding any custom or usage to the contrary. Act to override other laws.

38. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of following matters, namely:—

- (a) the manner of controlling, regulating and running a market, settling disputes between buyers and sellers, promoting, grading and standardisation of agricultural produce, other duties and functions of the market committee, and the

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

[West Ben. Act

(Section 39.)

manner of delegating functions by a market committee in favour of a sub-committee, referred to in clauses (iv), (viii), (ix) and (xii) of sub-section (1), and sub-section (2) respectively of section 12;

- (b) form of application for obtaining a licence and the fee payable for it, form for granting a licence and the terms and conditions subject to which the licence is to be granted, and the manner of showing cause against cancellation of a licence, referred to in sub-sections (2), (3) and (6) respectively of section 13;
- (c) terms and conditions for the appointment of a Secretary and the payment of leave allowance, pension, gratuity and provident fund to the officers and employees of the market committee referred to in sub-sections (1) and (4) respectively of section 14;
- (d) the manner of utilising surplus fund of the market committee referred to in section 19;
- (e) travelling and other allowances of the members of the market committee and the manner of keeping and auditing accounts of the market committee referred to in clause (vii) of sub-section (1), and sub-section (2) of section 20 ;
- (f) kinds of trade allowance which may be permitted to be realised under section 33 ;
- (g) authority to give sanction for prosecution under sub-section (2) of section 34;
- (h) the manner of constituting the West Bengal State Marketing Board, the number of its official and non-official members, the duties of the Board and the manner in which such duties are to be performed under section 36 ;
- (i) any other matter which has to be or may be prescribed.

Repeal and
savings.

39. (1) The West Bengal Markets Regulation Act, 1970, is hereby repealed.

West Ben.
Act VII of
1970.

(2) Any market committee constituted, any rule or notification issued, any order made, anything done or any action taken under the said Act shall be deemed to have been validly constituted, issued, made, done or taken under the corresponding provision of this Act as if this Act were in force on the day on which such market committee was constituted, such rule or notification was issued, such order was made, such thing was done or such action was taken.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

XXXV of 1972.]

(Schedule.)

(3) All properties and assets vested in a market committee constituted under the said Act and all rights, liabilities and obligations acquired, accrued or incurred by such committee before the commencement of this Act shall stand transferred to the corresponding market committee constituted under this Act.

(4) All contracts entered into by or on behalf of any market committee constituted under the said Act, before the commencement of this Act shall be deemed to have been entered into by the corresponding market committee constituted under this Act.

(5) All legal proceedings or remedies instituted or enforceable by or against any market committee before the commencement of this Act may be continued or enforced, as the case may be, by or against the corresponding market committee constituted under this Act.

SCHEDULE

[See section 2 (1)(a).]

I. Cereals	...	(1) Paddy (2) Rice (3) Wheat. (4) Maize. (5) Barley. (6) Raoj or Marua. (7) Jowar. (8) Bajra. (9) Cheena. (10) 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.
IV. Oils	...	All vegetable oils.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

[West Ben. Act

(Schedule.)

V. Fruits	...	(1) Mango. (2) Banana. (3) Lichi. (4) Orange. (5) Lemon. (6) Melons. (7) Jackfruits. (8) Blackberry. (9) Guava. (10) Apple. (11) Pineapple.
VI. Vegetables.	...	(1) Potato. (2) Onion. (3) Palwal. (4) Brinjals. (5) Gourd. (6) Bhindi. (7) Pumpkin. (8) Tomato (9) Cauliflower. (10) Cabbage. (11) Green Peas. (12) Beans. (13) Carrot. (14) Radish. (15) Sweet Potato. (16) Green Chillies.
VII. Fibres	...	(1) Cotton (Ginned and un-ginned). (2) Jute. (3) Sunnhemp.
VIII. Animal Husbandry... Products.		(1) Poultry. (2) Egg. (3) Cattle. (4) Sheep. (5) Goat. (6) Wool. (7) Butter. (8) Ghee. (9) Milk. (10) Hides and Skins. (11) Bones.

*The West Bengal Agricultural Produce Marketing
(Regulation) Act, 1972.*

XXXV of 1972.]

(Schedule.)

- | | |
|-------------------------|----------------------------|
| | (12) Fleece. |
| | (13) Goat meat and Mutton. |
| | (14) Fish. |
| IX. Condiments, ... | (1) Turmeric. |
| Spices and others. | (2) Chillies. |
| | (3) Garlic. |
| | (4) Coriander. |
| | (5) Ginger. |
| | (6) Cardamom and Pepper. |
| | (7) Betel leaves. |
| | (8) Betelnuts. |
| | (9) Cashewnuts. |
| | (10) Methi. |
| | (11) Zeera. |
| X. Grass and Fodder ... | |
| XI. Narcotics ... | Tobacco. |
| XII. Miscellaneous ... | (1) Sugarcane. |
| | (2) Gur. |
| | (3) Sugar. |
| | (4) Lac. |
| | (5) Oil-cakes. |
-