

KARNATAKA ORDINANCE NO. 4 OF 2002
THE KARNATAKA AGRICULTURAL PRODUCE
MARKETING (REGULATION) (AMENDMENT)
ORDINANCE, 2002

Arrangement of Sections

Sections:

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(Promulgated by the Governor of Karnataka in the fifty third year of the Republic of India and First published in the Karnataka Gazette Extra-ordinary on the Eleventh day of April, 2002)

An Ordinance further to amend the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966.

Whereas the Karnataka Legislative Assembly is not in session and the Governor of Karnataka is satisfied that the circumstances exist which render it necessary for her to take immediate action further to amend the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 (Karnataka Act 27 of 1966) for the purposes hereinafter appearing;

Now, therefore in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Karnataka is pleased to promulgate the following Ordinance, namely,-

1. Short title and commencement.-(1) This Ordinance may be called the Karnataka Agricultural Produce Marketing (Regulation) (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Amendment of Section 2.- In section 2 of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 (Karnataka Act 27 of 1966) (hereinafter referred to as the principal Act),-

(1) after clause (2A), the following clause shall be inserted, namely:-

(Published in the Karnataka Gazette Part IV-A Extra Ordinary No.522 dated 11-4-2002 in Notification No. ಕರ್ನಾಟಕ ಸರ್ಕಾರ 17/2002)

“(2B)” “Backward classes” means such class or classes of citizens as may be classified as category ‘A’ and ‘B’ and notified by the State Government from time to time for the purpose of reservation of seats in the Market committee”;

(2) after clause (38A) the following clause shall be inserted, namely:-

“(38B) “Scheduled Castes and Scheduled Tribes” means the Scheduled Castes and Scheduled Tribes specified in respect of the State of Karnataka in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950 for the time being in force;”

3. Amendment of section 10.- In section 10 of the principal Act, in sub-section (1), in clause (i) , for the words “and two persons belonging to the Scheduled Castes or Scheduled Tribes”, the words “one person belonging to the Scheduled Castes, one person belonging to the Scheduled Tribes, one person falling under category A and one person falling under category B” shall be substituted;

4. Amendment of section 11.- In section 11 of the principal Act,-

(1) in sub-section (1), for clause (i), the following shall be substituted, namely:-

“(i) eleven members shall be persons elected by the agriculturists in the market area of whom one shall be a woman, one shall be a person belonging to the Scheduled Castes, one shall be a person belonging to the Scheduled Tribes and two persons belonging to the Backward Classes, out of which one shall be from persons falling under category ‘A’ and one shall be from persons falling under category ‘B’:

Provided that if no person belonging to the Scheduled Castes is available, the seat reserved for that category shall also be filled by a person belonging to the Scheduled Tribes and vice versa.

Provided further that if no person falling under category 'A' is available, the seat reserved for that category shall also be filled by a person falling under category 'B' and vice versa."

(2) after sub-section (1), the following shall be inserted, namely:-

"(2) The seats reserved for members under clause (i) of sub-section (1) shall be allotted by rotation to different constituencies in the market area:

Provided that the principle of rotation for the purpose of reservation of seats for members under clause (i) of sub-section (1) shall commence from the first general election to be held after the commencement of the Karnataka Agricultural Produce Marketing (Regulation) (Amendment) Ordinance, 2002.

(3) Nothing contained in this section shall be deemed to prevent the persons belonging to the Scheduled Castes or the Scheduled Tribes or Backward classes or women for whom seats are reserved in a Market Committee under clause (i) of sub-section (1) from standing for election to the non-reserved seats in such Market Committee.

Explanation: For the purpose of this section, section 10 and section 14 categories 'A' and 'B' shall mean category 'A' and 'B' referred to in clause "(2B)" of section 2."

5. Amendment of section 14.- In section 14 of the principal Act, in sub-section (2) for the words "and two such constituencies for the Scheduled Castes or the Scheduled Tribes" the words "one for persons belonging to the Scheduled Castes, one for persons belonging to the Scheduled Tribes, one for persons falling under category 'A' and one for persons falling under category 'B' shall be substituted.

6. Amendment of section 15.- In section 15 of the principal Act for the proviso to clause (i), the following shall be substituted, namely:-

"Provided that a person shall not be qualified to be chosen from an agriculturists constituency reserved for the persons belonging to the Scheduled Castes or the Scheduled Tribes or the Backward Classes or for women unless such person belongs to those castes, Tribes or classes or is a woman."

7. Amendment of section 39.- In section 39 of the principal Act, in sub-section (1) for the words and figures "or on the date of the publication of the names of the elected members under section 27" the words, figures and brackets "or on the date of first meeting convened under sub-section (2) of section 41 for election of chairman and Vice-chairman" shall be deemed to have been substituted with effect from the eighth day of October 1996.

8. Amendment of section 65.- In section 65 of the principal Act, in sub-section (3), for the words "crop season" the word "period" shall be substituted.