

The Najafgarh Marketing Committee Bye-Laws, 2004

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Rule

THE-NAJAFGARH-MARKETING-COMMITTEE-BYE-LAWS-2004 of 2004

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The Najafgarh Marketing Committee Bye-Laws, 2004 Published vide Notification No. F. 8/24/2004/DAM/MR/5606 dated 21st December, 2004 Notification No. F. 8/24/2004/DAM/MR/5606 dated 21st December, 2004. - In supersession of notification No F. 8/19/78/DAMB dated the 25th November, 1980 and in pursuance of the provisions of sub-section (1) of Section 118 of the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 (Delhi Act 7 of 1999), the following Bye-laws made by Najafgarh Marketing Committee, Delhi and approved by the Delhi Agricultural Marketing Board under sub-section (2) of Section 118 of the said Act, vide Resolution No 54/2004 dated the 10th June, 2004 and confirmed by the Director, Agricultural Marketing, Government of National Capital Territory of Delhi, under sub-section (7) of Section 118 of the said Act, are hereby notified, namely:-

Chapter I

1. Short title and commencement.

(1) These Bye-laws may be called the Najafgarh Marketing Committee Bye-laws, 2004. (2) They shall come into force with effect from the date of their publication in the Delhi Gazette.

2. Definitions.

(1) In these Bye-laws, unless the context otherwise requires, (a) "Act" means the Delhi Agricultural Produce Marketing (Regulation) Act, 1998 (Delhi Act 7 of 1999); (b) "agricultural produce" has the same meaning as assigned under Clause (a) of sub-section 1 of Section 2 of the Act; (c) "auction site" means the place or places in the market approved by the Committee for auction of notified agricultural produce; (d) "Chairman", "Vice-Chairman" and "members" means respectively the

Chairman, Vice-Chairman and members of the Committee;(e)"Committee" means the Najafgarh Agricultural Produce Marketing Committee, Delhi and shall include the successive marketing committees, as the case may be, for the market area within which the marketing of notified agricultural produce is regulated;(f)"Director" means the Director of Agricultural Marketing, Government of National Capital Territory of Delhi;(g)"Licensee" means a person who is holder of valid licence granted by the Committee;(h)"market functionary" has the same meaning as assigned under the Act;(i)"office of the Committee" means the head office including the branch office of the Committee as may be specified by the Committee from time-to-time;(j)"Place" means any stall, phar or thnda, shop open or covered, shed, open structure enclosure or open space of any other site used for marketing of agricultural produce;(k)"Palledar" means the person who gives services for loading and unloading on charging rates prescribed by the Committee;(l)"Principal Market" and "Subsidiary Markets" means a principal market and subsidiary markets respectively as established under sub-section (2) of Section 23 of the Act;(m)"proposition" means formal proposal;(n)"rules" means the Delhi Agricultural Produce Marketing (Regulation) General Rules, 2000 or other rules which may be enforced from time-to-time;(o)"transporter" means a person who is either the owner or the person incharge of the vehicle engaged for carrying agricultural produce in the market area;(p)"unit" means the quantity/weight of the produce filled in the bags/peti/crate/tray,/parat or other container as may be notified by the Committee for various items of agricultural produce subject to the rules, if any;(q)"weighing" includes putting the filled bags/peti/crate/tray/parat or other container on the scale, adjustment of weight and putting it down from the scale and noting down the actual weight of the agricultural produce;(2)The "terms and conditions" used in these Bye-laws but not defined herein shall have the same meaning as respectively assigned to them in the Act and the rules.

Chapter II

3. Time and place of Meeting.

- A meeting shall ordinarily be held at the office of the Committee, at least, once a month on the date and time fixed by the Chairman. The Chairman may, at his own discretion or on requisition in writing by not less than one-half of the total number of members constituting the Committee shall call an emergent meeting. The Chairman may for administrative convenience, on a matter/urgent and important, which cannot wait till the next meeting get the opinion of the Committee by circulation of papers among the members. The papers so circulated shall, however, be placed before the Committee for confirmation at its next meeting.

4. Manners of convening a meeting and of giving notice thereof.

- Notice of every meeting with agenda shall be issued by the Secretary of the Committee under the instruction of the Chairman of the Committee, at least, seven days before the date of the meeting. Every such notice shall state the place, the date and the hour of such meeting. Every item of agenda shall be in the form of a regular proposal complete in itself. A copy of the notice shall also be sent to the Vice-Chairman of the Board or any other person authorized by him in this behalf, for

information. Papers relating to any subject included in the agenda of any meeting shall be open for inspection to every member at the office of the Committee during the usual office hours. An emergent meeting may be convened at a shorter notice of not less than two days. The meeting shall be held on a working day only.

5. Quorum at meeting.

(1) Five members shall constitute quorum at a meeting of the Committee. (2) If quorum at a meeting of the Committee is not complete within half an hour of the scheduled time of the meeting or if it falls short while the meeting is continuing, it shall be deemed to have been adjourned for the next working day at the same time and, place for which no separate notice shall be given. (3) No business shall be transacted at a meeting of the Committee unless there is a quorum. (4) If a meeting has been adjourned for want of a quorum, no quorum shall be necessary for the adjourned meeting for transacting business. (5) If any member fails to attend three consecutive meetings without leave of the Committee, it shall amount to a misconduct and negligence on his part. The Committee may proceed to take action against him under Section 50 of the Act.

6. Conduct of proceedings and presidency of the meetings.

(1) Any member wishing to bring any proposition before the Committee shall give a written intimation to the Chairman of his intention of doing so, with a draft of the proposition so as to reach the Chairman, at least, ten days before the date of the meeting and every such proposition, with the approval of the Chairman, shall be included in the Agenda of the meeting. (2) Any matter which is not included in the agenda shall not be brought forward for discussion at any meeting except with the permission of the Chairman of the meeting or if the Chairman refuses such permission, then, by the vote of the majority of the members present. (3) Every proposition, other than the one brought officially by the Chairman, and every amendment shall be proposed by one member and seconded by another and until so proposed and seconded and reduced to writing under the direction of the Chairman of the meeting, no proposition or amendment shall be discussed. (4) Amendment to any proposition before the Committee shall be moved after the original proposition has been duly moved, seconded and recorded. (5) Every proposition and amendment so moved shall be recorded in the minutes with the name of the proposer and seconder. (6) When a proposition or an amendment has been proposed, seconded and recorded, the members present shall be entitled to discuss the same. (7) The Chairman of the meeting may allot time to different members desirous of speaking on any proposition or any amendment. (8) When an amendment has been brought to any proposition, the amendment shall be put to vote first and if it is carried, it shall become a substantive proposition and shall be put to vote as such, if it is not carried, the original proposition shall be put to vote. When there are more amendments than one, they shall be put to vote in the order reverse to that in which they were proposed. (9) Every meeting of the Committee shall be presided over by its Chairman or in his absence, by its Vice-Chairman, but if both are absent, by anyone of the members, elected by the members present to act as Chairman for the occasion and such Chairman shall have, for that meeting, all the powers of the Chairman and be designated as such: Provided that if the Chairman or Vice-Chairman tuns up during the meeting, he shall assume his powers as Chairman from the temporary Chairman. (10) The Chairman shall be responsible for preserving order in the

meeting and shall decide all points of order that may be raised therein. There shall be no discussion at the points of order unless the Chairman considers it necessary to seek the opinion or advice of any member present and the decision of the Chairman shall be final.(11)Any member may call attention of the Chairman to a point of order even when a member is speaking. On a point of order being raised, the member addressing the meeting shall resume his seat until the question has been decided by the Chairman.(12)If any one or more members present at a meeting refuse to obey the ruling of the Chairman of the meeting on any other, he may adjourn the meeting at once and when he has declared the meeting adjourned, the subsequent proceedings of the meeting, if any, shall be void and shall not appear in the minutes. In all such cases, the Chairman shall record in his own handwriting in the minutes book the reasons for such adjournment unless he is prevented by sufficient cause from doing so.(13)After calling the attention of the meeting to the conduct of a member who persists in speaking or in arguing upon a matter which, in the opinion of the Chairman is irrelevant, or is repeating of his own arguments or the arguments used by the other members or is exceeding the time-limit allotted to him, the Chairman may direct the member concerned to discontinue his speech.(14)The Chairman of the meeting may direct any member whose conduct, in his opinion, is disorderly, to withdraw immediately from the meeting and any member(s) so ordered to withdraw shall do so forthwith and shall, unless recalled by the Chairman, absent himself during the meeting. The Chairman may cause to be summarily removed from the meeting any member who disobeys any order made under these bye-laws.(15)When a proposition or any amendment has been declared by the Chairman as duly carried, no further proposal for amending it shall be entertained at that meeting.(16)The Chairman may, for sufficient reason, adjourn any meeting from time-to-time but no business other than that left over from the previous meeting shall be transacted at the adjourned meeting unless a separate notice and a separate agenda has been issued in accordance with these bye-laws.(17)The Chairman may, for reasons to be recorded in the minutes book, postpone or cancel any meeting called under these bye-laws. This information shall reach the members before the date of the said meeting.

7. Manner of voting.

(1)Except as otherwise provided in the Act, rules or these bye-laws, all questions that may come up before a meeting of the Committee, shall be decided by majority of votes of the members present and in case of equality of votes, the Chairman of the meeting shall have and may exercise a second or casting vote.(2)Voting shall be done by show of hands. Voting by proxy shall not be permissible and any member may decline to vote on any subject without assigning any reasons therefor.

8. Proceeding of the meeting.

(1)Proceedings of the meeting of the Committee shall be recorded in Hindi by the Secretary of the Committee under the instructions and the supervision of the Chairman of the meeting and shall be signed by the Secretary and the Chairman.(2)Recorded Proceedings of the meeting shall be read but in the next meeting of the Committee as the first item on the agenda and the members who were present in the former meeting shall have the right to question the correctness of the recorded proceedings; which may be corrected with such modifications as may be decided upon to bring those in conformity with the facts. In case of any dispute about the correctness of the proceedings, the

matter shall be decided in accordance with the majority of the votes of the members who had attended the former meeting and the present.(3)Proceedings of each meeting shall be recorded in the minutes book kept by the Committee for the purpose and shall be placed on the table of the Committee for reference by the members thereof and shall at all reasonable times and without any charge be open to their inspection. The Secretary of the Committee shall keep the minutes book in his custody.(4)A resume of every discussion with the number of the votes for and against such motion or amendment shall be recorded by the Secretary under the instruction of the Chairman of the meeting. A complete and accurate record shall be kept in the minutes book to indicate whether a member did not cast vote or voted for or against a proposition or an amendment.

9. General.

(1)A member of the Committee may ask for information regarding anything done or purported to be done by the Committee or regarding the affairs of the Committee by written notice and shall be supplied with such information by the Secretary of the Committee with the prior approval of the Chairman. The requisition for such information shall reach, at least, four days before the meeting in the office of the Committee:Provided that the Chairman may refuse to supply any information disclosure of which, in the opinion of the Chairman, would be against the interest of the Committee.'(2)Except with the written consent of not less than one half of the total number of members of the Committee, no subject once finally disposed of, shall be considered within three months.(3)No member shall be entitled to attend a meeting in which matter in or against his interest is to be discussed.

10. Power and duties of members.

- Every member of the Committee shall be watchful over the activities of the market functionaries in the market and all cases of contraventions of the provisions of the Act, rules and these bye-laws shall be reported promptly to the Chairman or the Secretary, in writing.

Chapter III

Market Committee Fund, Expenditure and Accounts

11. Market fund.

- All amount received by the Committee shall be deposited in the bank by the Cashier/Accountant or the person authorized in this behalf accompanied by a challan in duplicate and a pass book.(2)All entries made in the pass book by the bank, and books of accounts of the Committee i.e. cash book, ledger, etc. shall be examined daily by the Assistant Accounts Officer/Junior Accounts Officer/Officer Incharge/Account Assistant. Secretary of the Committee or such other officer as may be authorized by the Chairman and these persons shall be responsible for proper maintenance of accounts and after examination the discrepancy, if any, is discovered, the same shall, at once, be brought to the notice of the bank and the Committee through its Chairman.(3)The Assistant Account Officer/Junior Accounts Officer/ Assistant Secretary/Branch Officer/Accountant shall

ensure monthly reconciliations of the Committee accounts with the bank account and shall submit a certificate/copy of the Secretary/Chairman of the Committee and the Board.

12. Budget.

- The Committee shall annually hold a special meeting to prepare a budget of income and expenditure for the ensuing year. The budget shall be submitted to the Vice-Chairman of the Board by due date as may be prescribed in the rules or as may be prescribed by the Board by its resolution. No expenditure shall be incurred for which there is no sanctioned budget provision unless it is met from the savings from other heads to be located for re-appropriation with the approval of the Vice-Chairman of the Board.

13. Travelling allowances to members of the Market Committee.

- Travelling allowance may be paid to the members of the Committee for journeys undertaken and for halts to attend meetings or in connection with any work of the Committee for which a member/members has/have been so deputed by the Committee at such rates as are prescribed under the rules.

14. Passing of urgent expenditure.

- Subject to the provisions of the rules, while passing any bills for urgent expenditure, the Chairman shall record his reasons as to why he considers the expenditure to be of an urgent nature. The expenditure so incurred shall be placed for the approval before the next meeting of the Committee.

15. Signing of cheques.

- All cheques drawn on the Market Fund kept in the bank(s) shall be signed by the Chairman and the Secretary jointly.

16. Formation of executive sub-committee.

(1)The Committee shall appoint, once in a year, an executive sub-committee consisting of the following five members, namely:-(i)The Chairman of the committee shall act as ex officio Chairman of the executive sub-committee.(ii)Two members, from amongst the agriculturist members of the Committee.(iii)Two members from the traders constituency, one of which shall be from licensed co-operative marketing society.(2)The executive sub-committee shall prepare the annual budget estimates for sanction by the Committee, recommend budget appropriation and also make recommendations of any type of amendments to the budget proposals; from time-to-time to the Committee.(3)The executive sub-committee shall check the monthly income and expenditure of the Committee and make its recommendations to the Committee every month.(4)The executive sub-committee shall also be competent to inspect and verify the stores, furniture, fixtures, stationary etc. of the Committee and make its recommendations to the Committee.

17. Constitution of a dispute sub-committee.

(1)The Committee may constitute, from amongst its members, as per provisions of Section 83 of the Act, a dispute sub-committee consisting of the following, namely:

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| (i) | Vice-Chairman of the Committee | Chairman of the
Dispute
sub-committee |
| (ii) | One Member of the Marketing Committee representing the tradersto be
nominated by the Marketing Committee | Member |
| (iii) | Two agriculturist members of the Marketing Committee to
benominated by the Marketing Committee | Members |
| (iv) | One member of the Marketing Committee representing theinterest of
the consumers to be nominated by the MarketingCommittee | Member |

Note.-Member representing the interest of co-operative societies and the member representing the licensed weighmen and measurers may be co-opted in case necessity so arises.(2)The sub-committee shall transact its business as per the provisions of the Act and the rules made thereunder.(3)The aggrieved party/parties shall make the written representation addressed to the Chairman of the dispute sub-committee giving full details of his/their case. He/they shall also enclose the requisite documents to substantiate their representation/claim. The aggrieved party shall also deposit a fee of one hundred rupees in cash or through an account payee cheque along with representation to the Committee.(4)In case any dispute is referred to an arbitrator/arbitrators, the amount of arbitration fee shall be such as may be decided by the Committee by way of its resolution depending upon the case/cases

18. Imprest.

- An amount of upto five thousand rupee shall be kept as imprest by an official of the Committee authorized by the Chairman of the-Committee. Any increase in the said amount, as imprest, shall be effective with the prior approval of the Vice-Chairman of the Board.

Chapter IV

19. Rule of market fee.

- Subject to the provisions of Section 62 of the Act, market fee shall be paid ad valorem at the rate of one rupee per hundred rupees worth of produce purchased.

20. Exemption from payment of fees.

- No market fee shall be levied or collected on the sale or purchase of any agricultural produce in respect of which such fee has already been paid in the market area.

21. Refund of certain accounts dues.

(1) If—(a) any amount has been deposited for the grant of a licence which has, in fact, not been issued, or (b) a person has wrongly applied and paid for and been granted two or more licences of the same nature in the market area, or (c) any market fee has been recovered in excess of the amount actually due, or (d) any market fee has been recovered on a transaction which is exempted under the Act for payment of the market fee, or (e) any money has been paid by mistaken notice of law, the Chairman of the Committee shall, on a written application being made within six months of such deposit/payment and after such inquiry as he may consider necessary, order the refund of amount due through account payee cheque which shall be paid to the person who may be entitled to such refund out of the Market Fund on a bill to be drawn and prepared. (2) The application for refund shall contain such particulars as are necessary to enable the amount of refund to be obtained. The applicant shall furnish to the Committee such other information, as may be called for by it from him.

22. Grant of licence.

(1) Subject to the provision of Section 55 of the Act, the Committee shall be competent to grant, renew, refuse any licence. The prescribed form in duplicate on charge of five rupees per application from shall be available in the office of the Committee. (2) All applications in the prescribed form for licence may be tendered in the office of the Committee accompanied by the proof of the payment of prescribed licence fee, security amount and copies of documents providing legal, effective and peaceful possession over the place of business of the applicant for which a licence is applied for. (3) All applications received shall be chronologically entered in the register maintained for this purpose by the Committee. (4) Acknowledgement of the receipt of the application, licence fee and security shall be issued by the Secretary or any other official authorized by the Committee in that behalf. (5) After making such inquiries as may be deemed fit and satisfying itself about the correctness and the completeness of the application and entitlement under the rules, the Committee shall grant a licence to the applicant.

23. Non-transferability of licence.

(1) Every licence issued by the Committee is valid for the person or firm in whose name it is issued. The licensee shall not transfer or sub-let or otherwise assign the licence. (2) A licence shall automatically stand cancelled, if it is transferred or sub-let or assigned. The decision of the Committee, whether a licence was transferred, sub-let or assigned, shall be final.

24. Marketing of agricultural produce in retail sale.

- All sales to a person other than a trader or a commission agent of one or more than one agricultural produce in a day not exceeding ten quintals in aggregate shall be deemed to have been made in retail sale.

25. Sale of agricultural produce.

(1) All consignments of agricultural produce, processed or unprocessed, arriving in the market area of the Committee for the purposes of sale shall be brought into the principal market yard or subsidiary yard by the farmers/agriculturists/ sellers in the first instance and if the farmer/agriculturist/seller does not bring his produce in the principal yard/subsidiary yard of the Committee and intentionally tries to make sale/makes sale of his goods outside the notified yard/subsidiary yard, the stocks of the notified produce shall be recovered/seized as per the provisions of Sections 57 and 58 of the Act. (2) All agricultural produce notified for sale shall be brought into the notified yard/subsidiary yard in such manner and at such time as the Committee may specify from time-to-time. (3) All vehicles and persons with head-load entering the market yard shall pass through entry gate of the yard after obtaining necessary gate-pass issued by the Committee at the time of entry and on payment of the prescribed per trip fee. (4) As soon as the vehicle load or head-load arrives at the premises of the commission agent, it shall be incumbent on such commission agents to get them unloaded at the auction site for inspection of the purchasers. (5) On the receipt of the weighmen and counting slip, the commission agent shall issue his bill in such form as prescribed in the rules or in such form as the Committee may prescribe.

26. Method of sale.

(1) All sales shall be effected in lots or by sample, through open auction only and in the presence of a representative of the Committee. (2) Daily open auction of all agricultural produce shall start at 8.00 a.m. and close at 4.00 p.m. on all working days in all blocks in the market provided that on special occasions and festive seasons, the Committee may extend the timings as it may consider necessary. (3) Only licensed buyers shall be allowed to offer bids in auction and shall be allowed to assemble at the auction sites, at least, half-an-hour before the start of the auction. (4) If any trader, commission agent or any other person is found trading in contravention of the instruction issued by the Committee in this behalf, the Chairman, Secretary or any other officer of the Committee duly authorized by it, may take his goods into his possession and dispose it of in the manner as may be specified by the Committee after having heard all the concerned parties.

Chapter V

Miscellaneous

27. Acceptance of bids.

- Agricultural produce shall be sold to the highest bidder. The seller, however, in order to avoid distress sale, shall have the option to refuse to sell to the highest bidder or to postpone the sale of his produce to a later hour or date.

28. Units of quotation.

- All licensed traders shall give their quotations only in terms of such unit/units as are specified by the Committee subject to rules, if any.

29. Storage.

(1) In case an agricultural produce which is brought into the market yard/sub-yard, remains unsold, the seller/farmer shall be at liberty to get it back or the commission agent concerned and/or seller/farmer may store the produce in the godowns if available in the market yard or market area under intimation to the office of the Committee. (2) In case the stocks of agricultural produce are taken back by the farmer/seller and are brought outside the market yard/sub-yard, the seller/farmer shall get a proper gate-pass from the check post in the yard of the Committee in which the details of the produce going out, shall be given. No stock of agricultural produce shall be taken back without proper gate-pass. (3) The Committee may issue such directions as it thinks necessary for regulating the storage of agricultural produce in the market as well as in the market yard.

30. Trading hours and closing days.

(1) The Committee shall be competent to determine a day to be observed as weekly off for market yard and sub-yard/sub-yards and market yard/sub-yard/sub-yards shall be open on all days except the Wednesday observing as weekly off and all other national holidays. (2) Under the compelling circumstances and only on any particular day or days the Chairman or in his absence Vice-Chairman, with the written consent of two other members of the Committee may order that trading may be done at hours other than those specified by the Committee in respect of auction and other market activities. (3) Only licensed buyers shall be allowed to offer bids in auction to purchase through open auction.

31. Duties of licensed commission agents and traders.

(1) Every licensed commission agent shall furnish a weekly return of the purchasers and sales made by him or made through him in such form as may be prescribed by the Committee or as may be prescribed in the rules. Along with the return, he shall also deposit the amounts of market fee realized by him from the purchasers. (2) Every licensed trader shall also submit return/report as may be prescribed under the rules regarding the purchases and sale made by him or made through him within the market area in such form as prescribed under the rules. (3) It shall be the duty of the buyer or his agent, if any, to examine the agricultural produce closely and make a separate note of the quality, etc. of the lots to be sold by the sellers and /or their commission agents half an hour before the sale time, so that he may bid when the produce is auctioned. When the rate is fixed, the transaction shall be entered in the form prescribed for it. The bargain so struck shall be binding on both the parties. (4) Every trader acting as a commission agent shall keep regular and separate accounts of his sales and purchases. Such an account shall be produced for inspection on demand by the Chairman of the Committee or the Secretary and/or the field officials of the Committee. (5) All

licensed commission agents shall have their weighing machines, their weights and measurement at their shops in the notified yard/sub-yard and weighment and measurement of the produce shall be done within the yard and at the respective shops of the commission agents during the trading hours prescribed by the Committee.(6)All the sales shall be conducted through open auction only and after the final bid, weighment, measurement and counting of the produce shall be done on the spot.(7)All licensed commission agents and traders shall maintain stock register and other registers as may be prescribed by the Committee.(8)Every commission agent shall prepare a receipt in quadruplicate in the prescribed form supplied by the Committee on payment. The original receipt shall be given to the seller at the time of payment of the sale proceeds, the second copy shall be submitted to the Committee, the third copy shall be given to the buyer and the fourth shall be retained by the commission agent for his record. Where no commission agent is engaged, the buyer shall prepare the receipt in triplicate and shall distribute the same as above.

32. Assistants of traders and commission agents.

(1)Traders and commission agents may employ assistants to work on their behalf in the principal market yard/sub-yard and/or in the market area.(2)The maximum number of such assistants shall be such as the Committee may from time-to-time determine.(3)The names and addresses of such assistants shall be stated in/along the application for grant or renewal of a licence for a trader and commission agents, as the case may be.(4)No person or persons other than those whose names appear in the licence of a trader and/or commission agent shall be allowed to work in the market area and/or yard/sub-yards on his behalf.(5)The licence of a trader, commission agent, or broker is liable to be cancelled, if he allows or continues to allow any person/persons whose name(s) does not/do not appear in the register of the Committee to operate in market area and/or yard/sub-yards on his behalf irrespective of whether person/persons was/were once an authorized assistant/assistants working on his behalf.(6)The Committee may refuse to grant a licence to a trader or commission agent, if in its opinion anyone or more of the assistants whose name(s) is/are stated by the applicants in their applications are such that their operation in the market area and/or yard/sub-yards are detrimental to the efficient working of the market yards.(7)On valid grounds the Committee may, at any time, remove any of the names of the assistants from the names appearing in the licence of a trader or a commission agent. The person whose name has been so removed shall not be allowed to work on behalf of his employer anywhere in the market area and/or yard/sub-yard.(8)All acts of the assistants shall be deemed to have been performed by their employers, who shall be fully responsible for the acts, and omissions of the assistants.

33. Duties of weighman, measurer or surveyor.

(1)Every licensed weighman and measurer and surveyor shall keep such book or books and in such manner and render such daily and monthly returns at such time and in such forms as the Committee may prescribe from time-to-time with the approval of the Vice-Chairman of the Board.(2)He shall render such assistance in collection and prevention of the evasion of the market fee and/or any breach of rules and bye-laws as may be required by the Committee.(3)He shall not take up any service under a trader or a commission agent.(4)He shall send the weighment, counting and the measurement books daily to the office of the Committee for verification.(5)Every weighman

and measurer shall use only the standard weights and measurers.

34. Prevention of unauthorised person from operating in the area including market yard/sub-yard.

(1)The Chairman, Vice-Chairman, members, Secretary and any other employee of the Committee shall be empowered to demand the production of such proof of his bona fides from any person/persons suspected of operating in the market area including market yard/sub-yards without proper authorisation.(2)All licensees shall report to the Committee all cases of operations by persons suspected to be operating without a licence and/or bad badges, etc.

35. Badges and tokens to be worn.

(1)Every weighman, measurer and palledar shall be supplied free of cost with suitable badges as soon as the licence is issued.(2)In case of loss, mutilation or any other defacement of the badge, the Committee shall be entitled to require the licensee to reimburse to the Committee the cost of badge as decided by the Committee or by any other officer empowered in his behalf.(3)Badges shall be worn only by the persons holding a licence in respect of which such badges are issued and in any case badges shall not be transferable. A breach of this bye-law shall cause the cancellation or suspension of the licence.

36. Equipment.

- The Committee shall direct the trader, commission agent, weighman, measurer and surveyor to keep such equipment as it may think necessary.

37. Price to be fixed for produce.

- The price/quotation given or communicated by the traders or the commission agents shall be deemed to be for the agricultural produce only and not for the articles used as a container thereof unless otherwise specifically provided in the bye-laws.

38. Counter-balance in weighment.

- The weighman, when the produce is weighed, shall in each case clearly state in his weighments slip, the counter-balancing weight equivalent to the weight of the rope or gunny bags, or any other articles used as container for the agricultural produce weighed which was added on the weight side of the scale.

39. Payment of sale proceeds.

(1)It shall be incumbent on the buyer to settle the accounts and to make arrangements for prompt payment of sale proceeds to the commission agents in case the produce is sold through the

commission agent. In case the produce is sold by the seller/agriculturist himself to the buyer/the buyer shall settle the accounts and shall make arrangements for prompt payments to the seller/agriculturist/farmer and in that case market fee shall be paid by the buyer along with accounts to the Committee.(2)When the produce is sold through a commission agent, it shall also be incumbent on the part of the commission agent to settle the accounts and to make arrangements for prompt payment to the seller/farmer/agriculturist.

40. Advance to agriculturist.

- All licensed commission agents shall keep separate account books in respect of each borrower for the advance given by them.

41. Disposal of complaints.

- On receipt of a written complaint regarding the matter concerning the sale and purchase of agricultural produce in the market/sub-market, the Secretary to the Committee or any other officer/official authorized by him shall conduct inquiry. If the inquiry has been conducted by the officer/official other than the Secretary, such officer/official shall submit his report to the Secretary for onward transmission to the Chairman. If the inquiry has been conducted by the Secretary of the Committee, he shall send his report to the Chairman. The Chairman shall take such steps as he thinks necessary in accordance with the provision of the Act, the rules and these bye-laws.

42. Publication of directions.

(1)All directions issued by the Committee for the general guidance of the persons using the market shall be deemed to have been published when notices containing such directions are pasted on the notice board.(2)The Committee may, if it thinks necessary, cause such notices to be served on the persons concerned or to be published in the local newspapers.

43. Licensee to assist the field staff of the Marketing Committee.

- In the interest of smooth marketing operations in the yard/sub-yard, it shall be incumbent on the part of every licensed trader/commission agent and other market functionaries to assist the field officials of the Committee. The licensee shall produce, on demand, all records relating to arrivals, sale, purchase of the produce including the records relating to payment, etc. to the staff of the Committee.(2)The Committee, if observes or finds that any action of a licensee is impeding the smooth working of the market and/or licensee is indulging in violation of any provision of the Act or the rules or these bye-laws, the Committee may take appropriate action regarding suspension and/or cancellation of the licence and debarment from holding the licence from the Committee and/or forfeiture of the security amount in full, or in part and may impose penalty as per the provisions of the Act.(3)If any market functionary and/or any other person indulges in activities and practices which are detrimental to the interest of the trade and proper functioning of the market, his entry shall be banned in the market for such period as the Committee may decide by way of its

resolution. However, before issuing the order to ban the entry, the person concerned shall be given an opportunity of being heard.

44. Penalty.

- If any market functionary or any other person violates or breaches any provisions of these bye-laws, the Committee may impose penalty which may extend to five thousand rupees in each case and where the breach is a continuing one, with further penalty which may extend to one hundred rupees for every day after the imposition of the first penalty during which the same continues.

45. Composition of offences.

- If any market functionary violates any provisions of the Act or the rules or these bye-laws and the offence so committed is resolved to be compounded under Section 122 of the Act, the Secretary of the Committee with the previous approval of the Director shall be competent to realize the amount of composition fee from the concerned market functionary. The amount of composition fee shall not exceed two thousand rupees and shall not be less than five hundred rupees for each offence.

46. Inspection and submission of accounts books.

(1) All traders and commission agents may be required to submit for examination and inspection, their accounts books, ledgers, etc. on demand by the Chairman, or in his absence by the Vice-Chairman of the Committee, or the Secretary or other officer authorized by the Chairman of the Committee. (2) Such inspection shall be limited to obtaining information relevant to the matter under investigation and information so obtained shall be used only for the legitimate purposes and interest of the Committee. (3) Failure to comply with above instruction in sub-rule (1) shall be sufficient ground for suspension/cancellation of licence besides imposing penalty which may extend to five thousand rupees.

47. Publication of Proceedings.

- The proceedings of the Committee or any of its sub-committees shall not be published in the Press by any person unless so authorized by the Chairman.

48. Sales of bye-laws.

- The Committee shall make available copies of these bye-laws for sale at a price of one hundred rupees per copy.

49. Market intelligence.

(1) The Committee shall collect the data of wholesale rates and arrivals, and furnish the same to the authorities according to the direction given by the Director. (2) The Committee shall collect

information relating to arrival along with their places of origin, stock, dispatches destination-wise and submit weekly reviews and returns in the prescribed proforma every Friday.(3)The information relating to ruling wholesale rates shall be sent by post/telephone/fax, to quarters concerned or any other agency suggested by the Director.(4)The Committee shall disseminate weekly market reports covering above data to concerned agencies for the information of producers.(5)The daily ruling wholesale rates shall be displayed by the Committee on the notice board. The Committee may prepare charts, graphs and other statistical data relating to the marketing and displaying the same in its office.(6)The Committee shall follow any other instructions given to it by the Board and the Director from time-to-time in this behalf.

50. Parking of vehicles.

- All private vehicles shall be parked in the parking area and vehicles coming in the market for bringing or taking agricultural produce shall be parked in such manner as may not cause traffic hazard, failing which the vehicle driver including the commission agent/trader concerned shall be held responsible and shall be liable to be punished for breaching the bye-laws, by way of penalty as prescribed under Rule 45 of the rules.

51. Penalty for obstructing the market area from keeping neat and clean.

- The Committee or its Secretary or any other officer authorized in this behalf shall be competent to impose fine/penalty which may extend to two hundred rupees on any person who is found causing unhygienic conditions or spreading or throwing leaves or roller agricultural produce at any place other than or in any other way including bathing or washing clothes, easing urine at places other than specified place or Sulabh Sauchalaya or the place earmarked by the Committee.

52. Penalty upon stocking of produce unauthorisedly at public place.

- No commission agent/trader shall stock the produce brought for sale or purchase upon roads and common auction platforms beyond twenty-four hours of its arrival or sale and purchase failing which the Committee or its Secretary, including Deputy Secretaries or any person authorized in this behalf shall impose penalty upon the defaulting licensee which may extend upto five thousand rupees besides any other action as deemed fit.

53. Market service fee and incidental charges to be paid by the purchaser and seller.

- No functionary shall charge, in any transaction, an amount more than the following maximum amount provided for his services actually rendered-

Sl. No.	Particulars of Market Charges	Amount payable(in Rs.)
1	2	3

'A' Market service charge payable by the seller:

1.	Unloading (Grain, Mustard, Paddy, etc.) per quintal	0.85 (Eighty-five paise)
2.	Jharai (per quintal) Single	1.00 (one rupee)
3.	Jharai (per quintal) Double	1.80 (one rupee eighty paise)
4(a).	Filling into bags, putting the bags on the weighing machine(per quintal)	1.15 (one rupee fifteen paise)
4(b).	Filling into bags, stitching and stacking in the ship/godown per bag (only in case the seller does not sell the produce and the same is kept-godown)	1.10 (one rupee ten paise)

'B' Market charges payable by the purchaser:

1.	Removing of bags from the weigh bridge, Stitching of bags and loading into the transport vehicle/stacking in the godown (per quintal)	1.20 (one rupee twenty paise)
2.	Cartage charges in rehari, etc. from one point to another point in the entire principal yard (per quintal)	2.50 (two rupees fifty paise)
3.	Tulai	0.90 (ninety paise)
4.	Making dara, i.e., mixing of different varieties of produce refilling into bags/weighing, stitching and loading or stacking (per quintal)	4.25 (four rupees twenty-five paise)
5.	Loading from shop for bag	1.00 (one rupee)
6.	Commission/Brokerage	2% (two rupees per hundred)
7.	Arhat	1.50% (one rupee fifty paise per hundred)
8.	Market fee @ 1 % at ad valorem basis	

'C' Entry/per trip fee to be paid by the Driver/Owner of the vehicles:

1.	Truck	10/- (Ten) rupees per trip
2.	Tempo	05/- (Five) rupees per trip
3.	Rickshaw, Three-wheeler, Tonga, etc.	02/- (Two) Rupees per trip

'D' The security amount for different category of licence shall be as under:

Category of licence	Security
A	Five hundred rupees
B	One thousand rupees
C	One thousand rupees
D	Five hundred rupees
E	Five hundred rupees
F	Seventy-five rupees
G	Ten rupees.

54. Safety and Security of Market Committee Property.

- No person shall cause damage to any property of the Committee in any way such as breaking the wall, roads, electric and water fitting or sticking bills or writing advertisement upon walls, or defacing in any other way. Any breach shall be punishable with a penalty which may extend to five thousand rupees.