DEPARTMENT OF LAW, JUSTICE AND LEGISLATIVE AFFAIRS NOTIFICATION

Dated, the 2nd June, 1999

No. F.14/11/98-LAS/186 – The following Act of the Legislative Assembly received the assent of the President on 21.05.1999 and is hereby published for general information.

THE DELHI AGRICULTURAL PRODUCE MARKETING (REGULATION) ACT, 1998

(Delhi Act No. 7 of 1999)

An Act to provide for the better regulation of marketing of agricultural produce and the establishment of markets for agricultural produce in the National Capital Territory of Delhi and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of The national Capital Territory of Delhi in the Forty Ninth Year of the Republic of India as follows:

Chapter I
PRELIMIN
ARY

1.**Short title, extent and commencement**–(I) This Act may be called The Delhi Agricultural Produce Marketing (Regulation) Act, 1998.

ii.It extends to the whole of the National Capital Territory of Delhi.

iii.It shall come into force on such date as the Government may, by notification, appoint.

2.**Definitions** – (1) In this Act, unless the context otherwise requires,

(a)*"agricultural produce"* means all produce and commodities, whether processed or unprocessed, of agricultural, horticulture, apiculture, viticulture, pisciculture, sericulture, animal husbandry, fleeces and skins of animals and forest products as are specified in the Schedule and each other produce as may be declared by the Government by notification to be an agricultural produce and also includes admixture of two or more of such produce;

(b)*"agriculturist"* means a person residing in Delhi who ordinarily by his own labour or by the labour of any member of his family or who by the labour his tenants or servants or hired labour or otherwise, is engaged in the production or growth of agricultural produce, which has not been processed, but does not include a trader, commission agent, processor broker, or a partner in a trading firm, or industrial concern, or in relation to agricultural produce, except where such trader, commission agent, processor or broker or partner is engaged in the production or growth of agricultural produce;

(c)*"Board"*means the Delhi Agricultural Marketing Board constituted under section 5;

*(d)'broker"*means an agent who, is consideration of a commission, fee or remuneration, contrives, makes and concludes a bargain or contracts on behalf of his principal, for the purchase or sale of agricultural produce, but does not receive, deliver, transport, or pay for the purchase of collect payment for the sale of the notified agricultural produce;

(e)"buyer" means a person, firm, company or cooperative society or Government agency or public undertaking or public agency or corporation, or commission agent, who in the course of his or its business himself or itself or on behalf of any person or agent buys or agrees to buy notified agricultural produce in the market area;

(f)"bye-laws" means bye-laws made under section 118;

(g)"Commission agent or arhtia" means a person, who by himself or through his servants, in the ordinary course of business, makes or offers to make a purchase of sale of a notified agriculture produce, on behalf of the seller or purchaser of such agricultural produce as the case may be, within the notified market yard and / or sub-yard or keeps it in his custody and controls it during he process of its sale or purchase and collects payment thereof from the buyer and pays it to the seller and receives by way of remuneration a commission or Arhat or percentage upon the amount involved in each transaction;

(h)"Delhi" means the national Capital Territory of Delhi;

(i)"Director" means a person appointed by the Government by notification, as the Director of Agricultural Marketing of Delhi;

(j)"Government" means the Lieutenant Governor;

(k)"Lieutenant Governor" means the Lieutenant governor of the National Capital Territory of Delhi appointed by the President under article 239 read with article 239AA of the Constitution; *(l)"local authority"* means, in relation to an area within the local limits of:-

(i)The Municipal Corporation of Delhi, that corporation;

(ii)the New Delhi Municipal Council, the Council; and

(iii)The Delhi Cantonment Board, the Board;

Explanation – It is hereby clarified that, for the purpose of this Act, the Delhi Development Authority constituted under the Delhi Development Act, 1957, and the Board and a marketing committee established under this Act, shall be deemed to be local authority;

(m) "market" means a regulated market established under this Act, for a market area and includes a market of national importance established under section 26 and a principal market and a subsidiary market established under section 23;

(n) "market area" means area declared to be a market area under section 4;

(o) "market charges" include charges on account of or in respect of commission, brokerage, weighting, measuring, palledari, loading, unloading, and carrying, cleaning, drying, sieving, stitching, stacking, hiring, gunny bags stamping, bagging, storing, warehousing, grading; surveying, transporting and processing;

(p) "marketing committee" means a committee constituted for a market area under this Act; *(q) "marketing"* means buying or selling of notified agricultural produce and includes grading, standardization, processing, storage, cold storage, warehouse, transport, export, channels of distribution and any other function associated with the buying or selling of such agricultural produce and all activities involved in the flow of agricultural produce from production points commencing with the stage of harvest till these reach the consumer at large;

(r) "market functionary" means a dealer, broker, commission agent, buyer, palledar, processor, stickiest, cold storage operator, trader, weigh-man and such other person as may be declared by notification under the bye-laws to be a market functionary;

(s) "marketing service" MEANS Delhi Agricultural Marketing Service constituted under section 75; *(t) "notification"* means a notification published in the official Gazette;

(u) "notifiedagricultural produce" means any agricultural produce notified under section 4;

(v) "official Gazette" means the Delhi Gazette;

(w) "prescribed" means prescribed by rules made under this Act;

(x) "processing" means any one or more of a series of treatments relating to powdering, crushing, decorticating, husking, parboiling, polishing, ginning, pressing, curing or any other manual, mechanical, chemical or physical treatment to which raw agricultural produce or its product is subject to;

(y) "processor" means a person who processes any notified agricultural produce on his own accord or on payment of a charge;

(z) "retail sale" in relation to any notified agricultural produce, means the sale of that produce, not exceeding such quantity as the marketing committee may, by bye-laws, determine to be a retail sale in respect thereof;

(za) "rules" means rules made under this Act;

(zb) "schedule" means the schedule to this Act;

(zc) "Secretary" means a Secretary to the Board, Marketing committee for a market of national importance and other marketing committee and includes joint, Deputy and Asstt. Secretary appointed as per provision of this Act and in terms of Service Regulations meant for Delhi Agricultural Marketing Service.

(zd) "section" means a section of this Act;

(ze) "seller" means a person who, sells or agrees to sell and notified agricultural produce and includes a person who sells on behalf of any other person as his agent or servant or commission agent;

(zf) "surveyor" meansa person who, on arrival of a consignment of notified agricultural produce for sale in any market area or market, surveys it for ascertaining the quality, refraction, adulteration and other like factors;

(zg) "trader" means a person who, in the normal course, carries out the business of buying or selling, storing or processing of any notified agricultural produce as a principal or a duly authorized agent.

(2)If any questions arise as to whether a person is or is not an agriculturist for the purposes of this Act, the matter shall be referred to the Director whose decision thereon shall be final.

Chapter II

ESTABLISHMENT OF MARKET AREA

3. Notification of intention of regulating marketing of notified agricultural produce in area – (1) The Government may, by notification, published in the official Gazette, and such other manner as may be prescribed, declare its intention of regulating the marketing of such agricultural produce, and in such area, as my be specified in the notification, in accordance with the provision of this Act.

Provided that no such area shall be included in the notification except after consultation with the Municipal Corporation of Delhi, New Delhi Municipal Council, Delhi Cantonment Board and the Delhi Development Authority, as the case may be.

(2)The notification may also be published in at least two local newspapers published in such languages as the Government may from time to time specify by order in this behalf, or in such other manner as, in the opinion of the Government, is best calculated to bring to the notice of persons in that area, the intention aforesaid.

(3) The notification under sub-section (1) shall state that any objections or suggestions that may be received by the Government, within such period not being less than forty five days, to be specified in the notification, shall be considered by it.

4. Declaration of market area and regulating agricultural produce – (1) On the expiry of the period specified in the notification issued under section3, and after considering the objections and suggestions, if any, as may be received before such expiry, and holding wherever considered by the Government to be necessary, an inquiry in the prescribed manner, the Government may, by notification, declare an area to be a market area wherein the marketing of agricultural produce specified in the notification shall be regulated in accordance with the provisions of this Act;

(2)A declaration made under sub-section (10 may also be published in at-least two newspapers in such languages as the Government may from time to time specify by order, in this behalf or in such other manner as, in the opinion of the Government, is best calculated to bring to the notice of persons in that area the declaration aforesaid.

(3) On a declaration being made under sub-section (1) no local authority shall, notwithstanding anything contained in any other law for the time being in force, establish, or authorise or allow to be established, or continue, or authorise the continuation of any place in the market area for the marketing of agricultural produce specified in the declaration.

(4) The Government may, in the manner specified in section 3, at any time, exclude any area from a market area, or include therein an additional area, or may declare that the regulation of marketing of any notified agricultural produce in any market area shall cease or that the marketing of any agricultural produce hitherto not regulated shall be regulated in the market area.

CHAPTER III

CONSTITUTION AND POWERS OF DELHI AGRICULTURAL MARKETING BOARD

5. Establishment and composition of Delhi Agricultural Marketing Board – (1) The Government shall, for the purpose of this Act, establish a Board to be known as "The Delhi Agricultural Marketing Board" consisting of a Chairman, and fifteen members of whom seven shall be officials and eight non-officials, to be nominated by the government in the following manner, namely:

(a)the official members shall be :-

(i)the Director who shall be ex-officio Vice-Chairman of the Board;

(ii)two representatives of the Development Department of the Government of whom one shall be from Agriculture wing and the other from Cooperative wing;

(iii)one representative from Department of food Supplies and consumer Affairs of the government not below the rank of Deputy Commissioner.

(iv)One representative each from the Delhi Development Authority and the Municipal corporation of Delhi who shall belong to planning wing of the respective body;

(v)The Agricultural Marketing Adviser to the Government of India or his nominee;

(b)the non-official members shall be :-

(i)two agriculturists, being members of the market committees;

(ii)two members representing the organisations of agriculturists;

(iii)one member to be elected in the prescribed manner from the traders and commission agents licensed under section 80;

(iv)one member representing the Co-operative societies; which are marketing in agricultural produce; and

(v)two member representing the interests of consumers, of whom one shall be a member of the Legislative Assembly of Delhi.

(2)The Vice-Chairman shall function as the chief executive officer of the Board.

6. Incorporation of the Board – The Board shall be a body corporate and a local authority with the name " The Delhi Agricultural Marketing Board" having perpetual succession and a common seal, with

power, subject to the provisions of the Act, to acquire, hold and dispose of property, and may be the said name, sue and be sued.

7. Term of Chairman, Vice-Chairman, Official Members and non-official member – The chairman, the Vice-Chairman and the official members shall hold office during the pleasure of the Government; Every non-official member shall hold office for a period of five years but shall, on the expiry of the term, be eligible for re-nomination provided that, notwithstanding the expiry of the term, be eligible for re-nomination provided that, notwithstanding the expiry of term of office, the non-official member shall continue in office until his successor has been nominated and has assumed office.

8. Disqualifications for membership – A person shall be disqualified, for being nominated as and for being, a member of the Board if he:

(a)does not ordinarily reside within Delhi;

(b)is below twenty-five year of age;

(c)has been removed from membership of a marketing committee under section 50;

(d)is of unsound mind and stands so declared by a competent court; or

(e)is an un-discharged insolvent; or

(f)has been convicted by a criminal court, whether within or outside Delhi, of any offence which, in the opinion of the Government, involves moral turpitude;

Provided that the disqualification on the ground of conviction by a criminal court shall not apply after the expiry of five years from the date of his release.

9. Chairman to preside – (1) The Chairman, and in his absence, the Vice-Chairman shall preside over the meetings of the Board.

(2) All questions, which come up before a meeting of the Board, shall be decided by a majority of the votes cast by the members present and voting. In the case of equality of votes, the Chairman or in his absence, the Vice-Chairman when presiding over the meeting, may exercise a casting vote.

10. Quorum at Board's meetings – Five members shall constitute the quorum at a meeting of the Board.

Provided that, if a meeting is adjourned for want of quorum, no quorum shall be necessary for transacting the same business in he next meeting to be held in accordance with the rules.

11. Resignation Chairman and Members – (1) The Chairman of the Board may, by writing under his hand addressed to the Government and delivered to the Director, resign his office.

(2) A member may, by writing under his hand, addressed to the Government and delivered to the Chairman of the Board, resign his office.

(3)A resignation under sub-section (1) or sub-section (2) shall take effect from the date on which it is accepted by the Government.

12. Pay, allowance and benefits to the Chairman and Vice-Chairman of the Board – (1) The Chairman and Vice-Chairman of the Board shall be entitled to receive such pay and or allowances and other benefits as may be determined by rules made in this behalf. If non-official is appointed a Chairman of the Board, his remuneration and other benefits shall be such as may be determined by the Government.

(2) The members of the Board shall be entitled to receive such allowances and other benefits for attending the meetings of the Board or for attending any other work, assigned to them by the Board, as may be determined by rules made in this behalf.

13. Removal of non-official members – The Government may remove from office any non-official member of the Board who has become subject to any of the disqualifications specified in section 8 or who, in its opinion, is remiss in the discharge of his duties or has ceased to represent the interest to which he was nominated.

Provided that no such member shall be removed from office except after being given a reasonable opportunity of showing cause against the action proposed.

14. Filling up of casual vacancies – A vacancy occurring otherwise than by efflux of time in respect of non-official members of the Board shall be filled up, as soon as may be, by fresh nomination by the Government. The person so nominated shall hold office for the un-expired term of the member concerned.

15. Approval of budget estimates of the Board – (1) Subject to the rules made under this Act, the estimates of the annual income and expenditure of the Board in the prescribed form for the ensuing year shall be prepared and passed by the Board and submitted every year, not later than the prescribed date, to the Government for its approval.

(2) The Government may approve the budget of the Board as it is or with such alterations or modifications as it may think fit and the budget so approved by the Government shall be the budget of the Board for the year.

(3) The budget, as approved by the Government, shall be returned to the Board within two months from the date of the receipt thereof and if it is not so returned within tow months, it shall be presumed that the budget, as presented by the Board, has been duly approved by the Government.

16. Vacancies not to invalidate Board's action – No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy among its members or any defect in the constitution thereof.

17. Powers and functions of the Board – (1) The Board shall exercise superintendence and control over the marketing committees.

(2) The Government or the Chairman or the Vice-Chairman of the Board or any other official of the Board authorised in this behalf by the Board may call for from any marketing committee or any trader, go-down keeper or any other functionary operating within the market area any information or return relating to agricultural produce and shall have the power to inspect the records and accounts of such marketing committee, trader, go-down-keeper or other functionary and shall also have power to seize or take into possession against proper receipt the records accounts books stocks of notified agricultural produce along with its containers and carriers.

(3) It may authorise officer / officers of the Board and / or marketing committees to inspect works undertaken by the marketing committees and Board and to take corrective measures.

(4) Subject to the provisions of this Act and the rules and regulations made there-under, the Board may employ such persons for the performance of its functions as it may consider necessary and the method of recruitment, the scale of pay and other conditions of service of such persons shall be such as may be provided in the regulations made by the Board in this behalf.

(5) The Board shall, subject to the provisions of this Act, perform the following functions and shall have the power to do such things as may be necessary or expedient for carrying out these functions namely:

(i)Coordination of the working of the marketing committees and other affairs thereof including programmes undertaken by such marketing committees for the maintenance of markets, sub-markets, check posts and other sites in the market areas;

(ii)(undertake the planning and development of markets for agricultural produce;

(iii)administer the Market Development Fund;

(iv)issue direction to Marketing Committees in general or to one or more Marketing Committees in particular with a view to ensuring improvement thereof;

(v)any other function specially entrusted to it by this Act;

(vi)such other functions of like nature as may be entrusted to the Board by the Government.

(6) Without prejudice to the generality of the foregoing provision, such functions of the Board shall include:

(a)to consider proposals for selection of new site(s) for establishment of the markets and to make recommendations to the Director for establishing principal market and sub-markets as per provision of sub-section (2) of section 22;

(b)to approve proposal for providing infrastructural facilities in the market and market area;

(c)to construct a market or to approve plans, designs and estimates for constructing markets;

(d)to sanction, supervise and guide a Marketing Committee in the preparation of plans and estimates for maintenance and improvement works undertaken by the Marketing Committee;

(e)to execute all works chargeable to the Market Development Fund;

(f)to encourage marketing of the agricultural produce on cooperative basis;

(g)to maintain accounts in such forms as may be prescribed and get the same audited in such manner as may be prescribed;

(h)to publish annually at the close of the financial year, its progress report, balance sheet and statement of assets and liabilities and send copies thereof to all the members of the Board and a copy to the Government;

(i)to make necessary arrangements for dissemination of information on matters relating to regulated marketing of notified agricultural produce;

(j)to provide facilities for the training of officers and members of the staff of the Board as also the Marketing Committees;

(k)to prepare and adopt its budget for the ensuing year;

(l)to sanction the budget of the Marketing Committees;

(m)to grant subventions or loans to the Marketing Committees for the purposes of this Act on such terms and conditions as the Board may determine;

(n)to arrange or organise seminars or workshops or exhibitions, etc. on subjects related to agricultural marketing;

(o)to perform such other functions as may be of general interest to the Marketing Committees or considered necessary for efficient functioning of the Board or the Marketing Committees;

(p)to transfer or to provide marketing technology and market assistance to the Marketing Committees as and when required.

18. Functions and powers of the Vice-Chairman – The Vice-Chairman of the Board shall –

(i)discharge all functions as chief executive officer of the Board and make appointments and exercise supervision and control over the officers and members of the staff of the Board and the Marketing Service in matter including those of executive or administrative in nature as laid down in service regulations;

(ii)ensure maintenance of accounts and records;

(iii)dispose of all questions relating to the service of the employee as per the procedure laid down in the regulations;

(iv)appoint officers and members of the staff of the Board and Marketing Service as per procedure laid down in the regulations;

(v)incur expenditure from the market Development fund on works and other items as per powers delegated to him by the Board;

(vi)in case of emergency, direct the execution or stoppage of any work and perform any function which requires the sanction of the Board;

(vii)prepare the annual budget of the Board;

(viii)arrange internal audit of the Board;

(ix)discharge any other duties which may be assigned to him by the Board from time to time;

(x)take steps for execution of the decisions of the Board;

(xi)inspect works undertaken by the Marketing Committees and Board and take corrective measures;

(xii)report to the Government such acts of the Marketing Committees or of the Board which are contrary to the provisions of this Act or the rules, regulations or bye-laws made there-

under; and

(xiii)take such steps as may be deeded necessary for effective discharge of the functions of the Board;

19. Functions of the Secretary of the Board – Secretary of the Board shall –

(i)arrange meetings of the Board;

(ii)maintain record of the proceedings of the meetings of the Board in the prescribed manner.

(iii)Discharge other functions as may be assigned to him by Vice-Chairman of the Board from time to time.

20.Delegation - The Board may, with the previous approval of the Govt. and by notification, delegate any of its powers other than the power to make regulations, not inconsistent with the provisions of the Act and rules made there-under, to its Vice-Chairman and other officers.

21. Powers to make regulations for administering the affairs of the Board – (1) The Board may, with the previous approval of the Government, make regulations, not inconsistent with this Act and the rules made there-under, for the administration of the affairs of the Board.

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

(i)the summoning and holding of meetings of the Board, the time and date when such meetings are to be held, he conduct of business at such meetings;

(ii)the powers and duties of the officers and other employees of the Board and the Marketing Committees;

(iii)the salaries and allowances, loans and advances, and other conditions of service of officers and other employees of the Board and of the Marketing Committee;

(iv)the recruitment, qualification, appointment, promotion, scale of pay, leave, leave allowance, acting allowance, loans, pension, gratuity, annuity, compassionate fund, provident fund, Pension fund, suspension, dismissal, removal, conduct, departmental punishment, appeals and other conditions of service of the members of the Marketing Service and other staff;

(v)the management of the property of the Marketing Committee and the Board;

(vi)the execution of contracts and assurance of property on behalf of the Board;

(vii)the maintenance of accounts and preparation of balance sheet of the Board

(viii)the procedure for carrying out the functions of the Board under this Act;

(ix)any other matter for which provision is to be or may be made in the regulations;

22.Dissolution – The Government shall exercise superintendence and control over the Board and may call for such information as it may deem necessary and in the event of its being satisfied that the Board is not functioning properly or is persistently making default in the performance of the duties imposed on it by or under this Act or is exceeding or abusing its powers or is guilty of corruption or mismanagement, the Government may be an order published, together with a statement of reasons thereof, in the official Gazette, dissolve the Board till such time as a New Board is constituted, and make such arrangements for the exercise of the functions of the Board as it may think fit.

Provided that no order of dissolution as aforesaid shall be made except after giving the Board a reasonable opportunity of showing cause against the action proposed.

Provided further that New Board shall be constituted within a period of six months from the date on which the Board is dissolved.

CHAPTER IV

ESTABLISHMENT OF MARKETS AND ACQUISITION OF LAND

23.Establishment of Market – (1) For every market area, there shall be established on principal market, and there may also be established one or more subsidiary markets, considered necessary, for the marketing of notified agricultural produce.

(2)The Director shall, as soon as possible after a declaration is made under sub-section (1) of section 4, by notification, establish any place (including any structure, enclosure, open space or locality) in any market area to be the principal market for the marketing of the agricultural produce specified in such notification and may, by the same or other notification, establish in any such place in any market area or more subsidiary markets for the marketing of such agricultural produce.

24. Acquisition of land for markets – (1) When any land within the market area is required for the purposes of this Act and the Board is unable to acquire the same by agreement, the Lieutenant Governor, may at the request of the Board, proceed to acquire such land under the provisions of the Land Acquisition Act, 1994(1 to 1894) and on payment, of the compensation awarded under that Act, by the Board and nay other charges incurred by the Lieutenant Governor, in connection with such acquisition the land shall vest in the Board or the Market Committee as the case may be.

Provided that once a proposal has been made by the Board, it shall not be withdrawn by it except for reasons which may be recorded by it and approved, by the Lieutenant Governor:

(2) The Board shall not, without the previous sanction of the Lieutenant Governor, transfer any land, which has been acquired for the Board or Marketing Committee under sub-section (1) or vest in it or use such land for a purpose other than the purpose for which it has been acquired, or is used as the case may be.

CHAPTER V

MARKETS OF NATIONAL IMPORTANCE

25. Definitions – In this chapter unless the context otherwise requires –

(a)the expression "market" means "market of national importance" and,

(b)the expression "Marketing Committee" means the "Marketing Committee of a market of national importance".

26. Establishment of markets of national importance and Marketing Committee thereof –

(1) Notwithstanding anything contained in this Act, where the Government is satisfied that on account of the national importance of marketing of nay commodity, in any area, it is expedient to ensure the efficient regulation of the marketing of such commodity in such area, it may establish -

(a)in such area, special markets, known as "Markets of National Importance" for such commodities; and

(b)independent Marketing Committees known as "Marketing Committees of Markets of National Importance" in relation to such markets, notwithstanding that such area falls within the local limits of the jurisdiction of any other Marketing Committee or Committees already functioning in that area.

(2) The Government may, after consideration of such aspects as, the turnover, upstream catchment area, down-stream servicing (number of consumers served), and price leadership (whether the market influences the price at the national level), declare an area as a special market area known as "Market area of the market of National Importance".

Provided that no such market shall be established:

(a)if it handles less than one lakh tonnes of produce per year;

(b)if, out of the total produce handled by it, less than thirty percent thereof is received from two or more States or Union Territories; and

(c)if the market does not influence the price of the commodity referred to in sub-section (1) at the national level.

27. Composition of the Marketing Committee for Market of National Importance – Every Marketing Committee constituted under sub-section (1) of section 26 shall consist of the following members:

(a)three members to be nominated by the Government from amongst the agriculturists residing in Delhi;

(b)three members to be elected in the prescribed manners from amongst the traders and commission agent holding licence in any Marketing Committee in Delhi;

Provided that at least two members will be from amongst those traders and Commission Agents who hold a licence from the Marketing Committee constituted under sub-section (1) of Section 26;

(c)one representative of the Board to be nominated by the Government,;

(d)the Director or his nominee (ex-officio members);

(e)three representatives of other States and union territories to be nominated by the government, in a consultation with the State Government or the Administrator of the Union Territory as, the case me be,

(f)the Secretary of the Marketing Committee (as ex-officio Member-Secretary);

(g)one representative of the Agricultural Marketing Adviser to the Government of India.

28. Chairman and Vice-Chairman of the Marketing Committee – The Marketing Committee shall have a Chairman and Vice-Chairman to be nominated by the Government from amongst its members.

29. Term of Members – The members shall hold office for a term of five years. However, the member being nominated as Chairman and Vice-Chairman, they shall function as such, during the pleasure of the Government.

30. Meetings of the Marketing Committee – The Marketing Committee constituted under sub-section (1) of section 26 shall meet at least once in every two calendar month.

31. Executive Committee and its composition of the mkts. Of National Importance - (1) There shall be an executive committee of the market.

(2) The composition of the executive committee referred to in sub-section (1) shall be :-

(i) the Chairman of the Marketing Committee;

(ii) two representatives, to be nominated by the Government, of whom one shall be holding a trading licence in the market and other shall be a representative of the agriculturists;

(iii) one representative of the Board to be nominated by the Government;

(iv) the Director or his nominee;

(v) one representative of a State or Union Territory from which agricultural produce is imported in Delhi, to be nominated by the Government in consultation with the State Government or the Administrator of the Union Territory, as the case may be;

(vi) the Secretary of the Marketing Committee constituted under Section 27 who shall act as the Member-Secretary of the Committee.

(3) In case of emergency, the executive committee may decide issues requiring approval of the Marketing Committee. However, such decisions shall be approved by the Marketing Committee within forty-five days from the date such decisions are taken. Failure in doing so or in the event of disapproval of such decisions by the marketing committee, such decision shall stand null nad void, so however, that any such disapproval shall be without prejudice to the validity of anything previously done under that decision.

Provided that if the Marketing Committee makes any modifications in such decision, the decision shall have effect only in such modified form from the date of such modification.

32. Meetings of Executive Committee – the executive committee shall meet as often as necessary but at least once in a calendar month.

33. Terms of office members of the Executive Committee - The members of the Executive Committee shall hold the office during the pleasure of the Government.

34. Appointment and functions of Secretary of the Marketing Committee – (1) the Secretary of the Marketing committee shall be appointed by the Government from amongst Union Territory Civil Service officers at-least with ten years of service.

(2)Subject to the superintendence, control and supervision of the executive committee referred to in

section 31, the Secretary shall –

(i)exercise supervision and control over the officers and members of the staff of the Marketing Committee in matters of administration;

(ii)incur expenditure from the funds of the Marketing Committee for items of work which have been duly sanctioned;

(iii)in case of emergency, direct the execution or stoppage of any work or performance of any act which requires the sanction of the Board or the Marketing Committee;

(iv)launch prosecution for violation of provision of this act, rules, regulation or bye-laws made thereof;

(v)issue licences to the functionaries operating in the market;

(vi)prepare the annual budget of the Marketing Committee;

(vii)summon the meeting of the Marketing Committee and the executive committee and maintenance of records of the proceedings of such meetings;

(viii)inspect, from time to time improvement and maintenance works undertaken by the Marketing Committee and send report of such inspection to the Chairman of the Marketing Committee;

(ix)report such acts of the marketing Committee or members of the marketing Committee including the Chairman and the Vice-Chairman which are contrary to the provisions of this Act, rules, regulations and bye-laws framed there-under to the Vice-Chairman of the Board who shall further report to the Government.

(x)Take such steps as may be deemed necessary for effective discharge of the functions and decisions of the Market Committee.

CHAPTER VI
CONSTITUTION OF THE MARKETING COMMITTEE

35. Constitution of the Marketing Committee – (1) Without prejudice to the provisions of section every market area a Marketing Committee and different Marketing Committees may be constituted for regulating the marketing of different kinds of notified agricultural produce marketed in the same market area or any part thereof.

(2) Every Marketing Committee shall exercise such powers and discharges such functions as may be vested in it by or under this act.

36. Composition of the Marketing Committee – (1) Subject to the provisions of sub-section (2), the government may constitute a Marketing Committee consisting of the following eleven members –

(a)three persons to be nominated by the Government who are agriculturists possessing such qualifications as may be prescribed;

Provided that one them shall be a member of the schedule casts or other backward classes;

(b)two members to be elected in the prescribed manner from the traders and commission agents holding licences to operate as such in the market area;

(c)one member to be nominated by the Government from the amongst the President or Chairman of the cooperative societies engaged in the business of processing or marketing of the notified agriculture produce in the market area;

(d)one member to be chose in the prescribed manner from the local authority within the local limits whose jurisdiction the principal market in relation to the Marketing Committee is situated;

Provided that a person to whom a licence has been granted under section 80 shall not be eligible for being chosen under this clause;

(e)one member to be elected in the prescribed manner by the licensed weighmen and measures;

(f)one member of the Legislative Assembly of Delhi to be nominated by the speaker to represent the interest of consumers;

(g)two members to be nominated by the Government of whom one shall represent the interest of consumers;

(2) When a Marketing Committee is constituted for the first time, under this act all the members thereof, including the Chairman and the Vice-Chairman, shall be nominated by the Government.

(3)Every Marketing Committee shall have a Chairman and a Vice-Chairman.

(4)without prejudice to the provisions of sub-section (2) the Chairman and the Vice-Chairman shall be elected by the members of the Marketing Committee.

37. Incorporation of the Marketing Committee – Every Marketing Committee including Marketing Committee for market(s) of National Importance shall be body corporate and a local authority and to be caused by such name as the Government may, by notification, specify, shall have perpetual succession and a common seal, with power, subject to such restrictions as are imposed by or under this Act, to contract and to acquire, hold and dispose of property, both movable and immovable, and may by the said name sue or be sued.

38. Manner of election of members of the Marketing Committee – The manner of election, preparation and maintenance of the lists of voters, qualifications and disqualifications for membership and of Chairman and Vice-Chairman, the right to vote, making deposit and its forfeiture, determination of election disputes, publication of the names of the members elected, and a or matters ancillary thereto shall be such as may be prescribed.

39. Failure to elect members – If, for any reason, voters of a category fail to elect a member to a Marketing Committee the Director shall publish a notice in the official Gazette requiring them to elect the requisite number of members within one month from the date of publication of such notice; and a on failure to elect the requisite number of members within the aforesaid period, the Government may nominate the requisite number of persons qualified to be elected under this Act, representing that category.

40. Publication of names of member of a Marketing Committee – The names of the members of a Marketing committee shall, as soon as possible, be published in the official Gazette. Upon the publication of the names of all the members of a Marketing Committee or upon publication of the names of at-least nine members of such committee in the official Gazette, the Marketing Committee shall be deeded to have been duly constituted.

41. Duration of the Marketing Committee – Except as otherwise provided in this Act, a Marketing Committee shall continue for three years from the date of its constitution under section 40.

Provided that the Government may, by notification, published in the official Gazette, extend it s duration for such period as it may be deemed fit but not exceeding one year in the aggregate.

42. Creation of Election Fund – (1) The superintendence, direction and control of the preparation of the list of voters, and conduct of election to a Marketing Committee and the Board shall vest in the Director.

(2) All expenses in connection with the preparation of the list of voters and the conduct of election to a Marketing Committee, and to the Board, as may be sanctioned by Director, shall be defrayed from the Election fund of Market Fund and market Development fund. For this purpose, the Marketing Committee and the Board shall place at the disposal of the Director such funds in advance which he considers necessary for the discharge of the functions conferred on him by sub-section (1).

43. Election of Chairman and Vice-Chairman and procedure for election – (1) Within thirty days of the publication of the names under section 40, the first meeting of the Marketing Committee shall be convened by the Director for the election of the Chairman and Vice-Chairman.

(2) Such a meeting shall be presided over by he Director or any persons authorised by him in his behalf.

(3)the presiding authority shall have the powers as the Chairman, while presiding over a meeting of the Marketing Committee, but shall not have the right to vote.

(4)If, at the election of the Chairman or of the Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lot be drawn in the presence of the person presiding over the meeting and such manner as he may determine.

(5)In the event of a dispute arising as to the validity of election of the Chairman or the Vice-

Chairman, the Director if he is the presiding officer, shall decide the dispute himself, and, in any other case, the person presiding shall refer the dispute to the Director for decision and the decision of the Director, subject to an appeal to the Government, shall be final, and no suit or other proceeding shall lie in any court in respect of any such decision.

(6)If the first meeting referred to in sub-section (1) cannot, for any reason, be held within the said period of thirty days, the Director shall report the fact to the government stating the reasons for the failure to hold the meeting and shall act according to the directions of Government issued in that behalf.

44. Term of office of Chairman and Vice-Chairman – The Chairman and Vice-Chairman shall notwithstanding the expiry of their term of office, continue to hold office until their respective successors enter upon their offices.

Provided that the Chairman, or the Vice-Chairman as the case may be shall vacate his office if he ceases to be a member of the Marketing Committee.

45. Resignation of Chairman and Vice-Chairman – (1) The Chairman of the marketing committee may resign his office by writing under his hand, addressed to the Director; and resignation shall take effect from the date on which it is accepted by the Director.

(2) The Vice-Chairman of the marketing committee may resign his office by writing under his hand, addressed to the Chairman; and the resignation shall take effect from the date on which it is accepted by the Chairman.

Provided that the resignation from the office of the Chairman or the Vice-Chairman, as the case may be, shall be deemed to be resignation from membership of the Marketing Committee.

46. Consequences of absence of Chairman without leave - Subject to the rules made in this behalf, the Chairman of a Marketing Committee, who absents himself from three consecutive meetings of the committee, without leave of the Director, shall cease to be the Chairman on and from the date on which the third such meeting is held.

47. Casual vacancy of offices of Chairman and Vice-Chairman – (1) In the event of a casual vacancy in the office of the Chairman or the Vice-Chairman, the vacancy shall be filled as soon as possible -

(a)by nomination, in the case of a Marketing Committee constituted for the first time; and

(b)in any other case in the manner provided in section 43;

(2) Every Chairman or Vice-Chairman nominated or elected, under this section, to fill a casual vacancy shall hold office for such period as the Chairman or the Vice-Chairman in whose place he is nominated or elected would have held such office if the vacancy had not occurred.

48. Refusal to hand over charge to new Chairman or Vice-Chairman – (1) On nomination or election of the Chairman or Vice-Chairman as the case may be, the outgoing Chairman or Vice-Chairman shall forthwith hand over charge of his office to the successor-in-office.

(2) If the outgoing Chairman or Vice-Chairman fails or refuses to hand over the charge of his office, under sub-section (1), the Director or any person authorised by him in this behalf may, by order in writing direct the outgoing Chairman or Vice-Chairman, as the case to be, forthwith to hand over the charge of his office together with all records, funds and property of the Marketing Committee, if any, in his possession as such Chairman or Vice-Chairman.

(3) If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) does not comply with such direction, the Director or any other person authorised by him in this behalf shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 to 1908) while executing a decree.

49. Resignation of members and nomination in certain circumstances – (1) A member of Marketing Committee may resign his office by writing under his hand, addressed to the Chairman. The resignation shall take effect from the date on which it is accepted by the Chairman.

(2) if at any time it appears to the Government that any Marketing Committee , by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act,

the government may, by notification, nominate persons from the respective category of members to fill the vacancies of the members who have resigned and the persons so nominated shall hold office for the remainder of the term of the Marketing Committee.

50. Removal of members on account of misconduct – The Government, may on a resolution passed by the Marketing Committee, supported by not less than seven members of that committee, remove any member if he has been held guilty of neglect or misconduct in the discharge of his duties or of any, disgraceful conduct or has become incapable to performing his duties as a member or has been adjudged insolvent.

Provided that no such member shall be removed from office unless he has been given a reasonable opportunity of being heard by the Government.

51. Casual Vacancies – The Chairman of a Marketing Committee shall forthwith communicate the occurrence of a casual vacancy to the Director and the vacancy shall be filled, as soon as possible, from the respective category of members in the prescribed manner who shall hold office for the remainder of the term of the Marketing Committee.

Provided that where the remainder of the period for which the Marketing Committee would have continued is less than six months, it shall not be necessary to fill the vacancy for that period, unless the Government directs otherwise.

52. Members to Act during vacancy, Acts of Marketing Committee not to be invalidated by infirmities – A Marketing Committee shall have the power to Act, notwithstanding any vacancy in the membership, or any defect in the constitution thereof, and the proceedings of a marketing committee shall be valid notwithstanding that some person, who was not entitled to be a member, had attended, voted or otherwise taken part in the proceedings of any such committee.

53. Procedure at meetings of the Marketing Committee –The quorum for a meeting of a Marketing Committee and the procedure to be followed there at shall be regulated in accordance with the bye-laws made for the purpose by the Marketing Committee.

54. Payment of allowances to members – The Chairman, Vice-Chairman and other members of the Marketing Committee shall be paid from the Marketing Committee's Fund such honorarium, sitting fees, traveling allowances and other allowances as may be prescribed.

CHAPTER VII

MARKETING COMMITTEE – POWERS AND DUTIES

55. Powers and duties of the Marketing Committee – (1) Subject to the provisions of this Act, it shall be the duty of a Marketing Committee:

(i)to implement the provisions of this Act, and rules, regulations and bye-laws made there under for the market area;

(ii)to provide such facilities for marketing of notified agricultural produce therein as the Board may, from time to time, direct;

(iii)to perform other functions as may be required in relation to the superintendence, direction and control of markets, or for regulating and control of markets, or for regulating the market area and for purposes connected with the matters aforesaid, and, for this purpose, may exercise such powers and perform such duties and discharge such functions as may be provided by or under this Act.

(2)Without prejudice to the generality of the foregoing provisions, a Marketing Committee may –

(a)regulate the entry of the persons and of vehicular traffic into the market;

(b)supervise the conduct of those who enter the market for transacting business;

(c)grant, renew, refuse suspend or cancel licenses;

(d)provide for settling disputes arising out of any kind of transaction connected with the marketing of notified agricultural produce and all matters ancillary thereto;

(e)prosecute persons for violating the provisions of this Act and to the rules regulations and be-laws made there-under;

(f)maintain and merge the market, including the regulation of admissions to, and conditions for use of, the market;

(g)regulate the marketing of notified agricultural produce in the market area and the market,

and the weighment, delivery of and payment for, such agricultural produce;

Explanation – for the purposes of clause (g) the work 'regulate' shall include –

(i) making, carrying out, enforcing or canceling of any contract of sale of notified agricultural produce;

(ii) conducting or supervising of a transaction of sale or purchase of a notified agricultural produce in accordance with the procedure laid down under this Act, or rules, regulations and bye-laws made there-under;

(iii) specifying any place or spot where a notified agricultural produce shall be stored or displayed for purpose of sale by open auction;

(iv) fixing the time for holding auction; and

(v) canceling an auction if it is not held in the presence of the employees of the marketing committee.

(h) arrange for the collection

(i) of such notified agricultural produce in the market in which all trade therein is to be carried on exclusively by the Government by or under any law for the time being in force for that purpose, or

(ii) of such other notified agricultural produce in the market as the Government may, from time

(i) acquire, hold and dispose of any movable or immovable property (including any equipment) necessary for the purpose of efficiently carrying out its duties;

(j)Collect, maintain, disseminate and supply information in respect of production, sale storage, processing, prices and movement of notified agricultural produce (including information relating to crop-statistics and market intelligence) as may be required by the Director or the Board;

(k)take all such steps to prevent adulteration and to promote grading and standardization of such agricultural produce, as may be prescribed;

(l)enforce the provisions of this Act and of the rules, regulations and bye-laws made there-under including the conditions of the licences granted, under this Act;

(m)perform such other duties as may be prescribed;

(n)arrange to obtain fitness certificate of health from a veterinary doctor in respect of animals, cattle or birds brought for sale of sold in the market / sub-market;

(o)disseminate information about the benefits of regulation, the system of transaction, facilities provided in the market yard, etc. through such means as posters, pamphlets, hoarding, cinema slides, film shows, group meetings, etc., or through any other means considered by it more effective or necessary;

(p)ensure payment in respect of a transaction which takes place in a market to be made on the same day to the seller, and in default thereof to seize the agricultural produce in question alongwith other property of the commission agent or purchaser if no commission agent is involved in the transaction;

(q)make arrangement for weighmen palledars for weighing and transporting of goods in respect of transactions held in the market yard / sub-yard;

(r)recover the charges in respect of weighmen and palledars and distribute the same to weighmen and palledars if not paid by the purchaser or seller, as the case may be.

56. Inspection of account etc. by officers of a Marketing Committee –All accounts and other registers maintained by any person in the ordinary course of his business in respect of any notified agricultural produce and all document relating to sale and deliveries of such agricultural produces in his possession and in his office, establishment, go-down, vessel or vehicle shall be open to inspection at all reasonable time by such officers and servants of the Marketing Committee as may be authorised in this behalf by it in writing.

57. Seizure of accounts books, etc. and conducting of search thereof – (1) If any officer or servant referred to in section 56 of the marketing committee has reason to suspect that any persons has evaded / is attempting to evade the payment of any market fee or any other charges due from him under this Act, or the rules or regulations or the bye-laws made there-under, or that nay person has purchased any notified agricultural produce in contravention of any of the provisions of this Act, or rules or regulation or the bye-laws made there-under in force in the market yard / area, he may for reason to be recorded in writing, seize such accounts, registers or documents, stock of notified agricultural produce with containers and carriers of such person as may be necessary and shall issue a receipt for the same. He shall retain them so long as may be necessary for prosecution, and no longer.

(2) For purposes of section 56 or sub-section (1), the officer or servant may enter and search any place of business warehouse, office, establishment, go-down, vessel of vehicle where such officer or servant has reason to believe that such person maintains or for the time being keeps or maintains any accounts, register or documents of his business or keeps stock of notified agricultural produce relating to his business.

(3) The provision of sub-section (4) to (8) of section 180 of the Code of Criminal Procedure 1973 (2 to 1974) shall, so far as may be, apply to search under sub-section (2).

58. Examination of contents of vehicles etc. and their seizure – (1) At any time when so required by any officer or servant of a market committee empowered by it in this behalf, whenever any vehicle, vessel or other conveyance, enters or leaves or proposes to enter or leave the market area or the market, the driver of the vehicle, vessel or other conveyance shall stop the vehicle, vessel or other conveyance, as the case may be, and keep it stationary as long as may be reasonably necessary and allow such officer or servant to examine the contents of the vehicle, vessel or other conveyance, the place of destination and full particulars of the consignee of goods or the name and address of the traders or commission agent.

(2) The officer or servant of the Marketing Committee empowered under sub-section (1) shall have power to seize any notified agricultural produce taken or proposed to be taken out of the market area in any vehicle, vessel or other conveyance, if such or servant has reason to believe that any fee or other amount due under this Act, in respect of such produce has not been paid. Such seizure shall be reported forthwith by the officer or servant aforesaid to a Magistrate having jurisdiction to try the offence under this Act, and the provisions of section 457, 458 and 459 of the Code or Criminal Procedure, 1973 (2to 1974) shall, so far as may be, apply to relation to the notified agricultural produce seized as aforesaid as they apply in relation to the property seized by a police officer.

59. Removal of encroachment – Any officer or servant of the marketing committee or the Board duly empowered by the Chairman of the market committee or Vice-Chairman of Board as the case may be in this behalf shall have power to remove summarily any encroachment in any space in the market yard and sub-yard and the expenses of such removal shall be paid by the person who has cause the said encroachment and shall be recorded in the same manner as arrears of land revenue.

Explanation- For the purposes of this section; encroachment shall also include storing or exposing for sale any kind of agricultural produce at a place in the market yard and sub-yard the use of which is prohibited by the Marketing Committee for purposes marketing.

60. Appointment of sub-committees delegation of powers – A Marketing Committee may constitute one or more sub-committees consisting of such members of the committee as it may think fit and may, subject to such restrictions and conditions as may be specified in the regulations, delegate to such sub-committees such of its powers or duties as it may think fit.

Provided that a sub-committee may, with the approval of the Board or of the officer authorised by the Board in this behalf, co-opt any person who is not member of the Marketing Committee.

61. Power of the Marketing Committee to open collection centers for marketing of specified produce and provisions for receipt and payment by purchaser – (1) A Marketing Committee information of the public, open collection centers for collecting threat the produce specified in such order (hereinafter referred to as the specified produce).

(2) If a person wishes to sell any specified produce in a market area, he shall tender all such produce at the collection centre only established for the purpose under sub-section (1).

Provided that any such specified produce may be tendered through a commission agent or any agency specified by order by the Director in this behalf.

(3) The Marketing Committee shall, on the sale of such produce, get it weighed, measured or

counted, as the case may be, forthwith and arrange for the issue of a receipt thereof to the person who has tendered the produce at the collection centre for sale, or, to the commission agent or any agency, as the case may be, and shall also arrange to supply a copy of the receipt to the purchaser.

(4) Such receipt shall contain the following particulars, that is to say -

(i) name of the collection centre;

(ii) name of the tenderer;

(iii) name of the purchaser;

(iv) name of the commission agent or agency, if any;

(v) name of the specified produce, the weight, measure or number thereof, as the case may be, and the fees paid for weighing, measuring or counting such produce;

(vi) grade and variety of specified produce, if any, and the rate;

(vii) the amount to be paid to the Marketing Committee by the purchaser or the commission agent, where the sale is through such agent;

(viii) the amount to be paid by the tenderer to the commission agent by way of his commission, if any, and such other market charges, as are duly authorised by the Marketing Committee.

(ix) the amount to be paid by the tenderer to a cooperative society under the Delhi Cooperative Societies Act, 1972 (35 to 1972);

(x) the amount to be received by the tenderer, from the purchaser, if any, in respect of the specified produce;

(xi) the amount to be actually paid to the tenderer after deducting the amounts, if any, falling under clause (vii), clause (viii), clause (ix) or clause (x); and

(xii) the total amount to be paid by the purchaser in respect of the specified produce purchased by him.

(5) the dues payable to a Marketing Committee under clause (vii) of sub-section (4) shall consist of fee to be levied and collected from a purchaser by or under this act.

(6) The purchaser shall on receiving a copy of the receipt, pay forthwith the amount to be paid by him that is to say the sale value of the produce and the amount of market fee to the commission agent or agency as the case may be in cash, or through cheque or through a bank draft and the amount of the market fee so received, by commission agent or agency shall be deposited with the Marketing Committee along with the sale return. The purchaser shall also pay the amount of commission to the commission agent or agency as per bye-laws of the Marketing Committee. The Commission agent and / or agency as the case may be shall arrange amount to the tenderer / seller after sale of the produce in cash or through cheque or through bank draft after deducting the charges as laid down in the be-laws of the Marketing Committee.

62. Power to levy and collect market fee – Every Marketing Committee shall levy and collect such fee (hereinafter referred to as the " market fee") not being in excess of, or less than, the amount determined by the government by notification published in the official Gazette from every purchaser of notified agricultural produce sold in market area.

Provided that the amount to be determined by the government shall not be less than one rupee per one hundred rupees of the sale price of the notified agricultural produce.

63. Presumption regarding sale of agricultural produce – For purpose of section 62, all notified agricultural produce leaving the market or market area shall, unless the contrary it proved, be presumed to have been sold in the market or the market area.

64. Market fee to be collected once only – No market fee shall be levied and collected in the same market area again in relation to the notified agricultural produce in respect of which such fee under this Act has already been levied and collected.

65. Collection of market fee from commission agents – Where sale or purchase of notified agricultural produce in the market is made through a commission agent, the market fee, if not paid to the Marketing Committee under sub-section (6) of section 61, shall be collected from such commission agent in the manner hereinafter given, namely –

(a)The market fee payable under this Act shall be paid by the Commission agent at such intervals as may be specified by the Marketing Committee in the bye-laws;

(b)Every commission agent shall furnish periodical return showing receipt of agricultural produce by him and his turnover to the Marketing Committee on such dates a may be specified in the bye-laws;

(c)Every commission agent shall pay to the Marketing Committee in the manner and at such intervals as specified in the bye-laws the full amount of the market fee due from him under Act, according to the return refer to in the clause (b) and shall furnish the receipt showing payment along with such return;

Explanation – For purposes of this section –

(i) "turn-over of the commission agent shall mean the aggregate amount of sale price of the notified agricultural produce during the period to which the return relates, whether actually received or not;

(ii) "return" shall mean the return in the form as prescribed in the bye-laws and accompanied by a receipt showing proof of full payment of the market fee according to such return.

66. Assessment market fee payable by commission agent and payment thereof – (1) If no return is furnished in respect of any period by the specified date, or if the Marketing Committee is not satisfied that the return furnished by commission agent is correct or complete, an officer of the Marketing Committee specifically authorised by it in this behalf (hereinafter referred to as the assessing officer) shall proceed in such manner, as may be prescribed in the bye-laws to assess, to the best of his judgment, the amount of market fee due from such commission agent.

Provided that before finalising any such assessment, the commission agent concerned will be given a reasonable opportunity of showing cause as to why the assessment should not be finalised.

(2) The amount of the market fee assessed under sub-section (1), less than sum, if any, already paid, shall be paid by the commission agent within fifteen days from the date of the receipt of the assessment order by him.

(3) If any commission agent fails to pay the amount of market fee as required by sub-section (2), he shall, in addition to market fee due, be liable to pay simple interest on the amount so due at two per cent per month from the date immediately following the last date for submission of return under clause (b) of section 65, up-to the date of assessment under sub-section (1) and at the rate of three percent per month thereafter till realization.

67. Appeal by commission agent against assessment of market fee – (1) Any commission agent aggrieved by any order of the assessing officer under section 66 may appeal to the Director, in the manner prescribed, within thirty days of the receipt of such order by the commission agent.

(2) The Director may pass order on an appeal referred to in sub-section (1),

(a)confirming, reducing or enhancing the assessment; or

(b)setting aside the assessment and directing the assessment officer to make a fresh assessment after such further enquiry as may be directed.

Provided that no order enhancing the assessment shall be made unless the appellant has been given a reasonable opportunity of making a representation against such enhancement.

68. Order of appellate authority in final – the order made by the Appellate Authority under sub-section (2) of section 67 shallbe final and binding upon the commission agent and the marketing committee.

69. Liability to pay market fee by a firm, etc. – (1) Notwithstanding in any context to the contrary, where any firm is liable to pay market fee under this Act, the firm and each of the partner of the firm shall be jointly and severally liable for such payment.

Provided that where any such partner retires from the firm, he shall intimate the date of his retirement to the Marketing Committee by a notice in this behalf in writing and shall be liable to pay the market fee remaining unpaid at the time of his retirement and nay market fee due up-to the date of his retirement though un-assessed on that date.

Provided further that if no such intimation is given within fifteen days of the date of his retirement, the liability of the partner shall continue until the date on which such intimation is receive by the Marketing Committee.

Explanation – For the purpose of this section, the expression "firm" includes a company, or a corporation or a public body.

(2) Where a trader or a commission agent is a firm or an association of persons or a Hindu Undivided Family and such firm, association or Family has discontinued business:

(a)the market fee payable under this Act, by such firm, association or Family upto the date of such discontinuance may be assessed as if no such discontinuance had taken place; and

(b)any person, who was at the time of such discontinuance a partner of such firm or a member of such association or Family shall, notwithstanding such discontinuance, be liable to pay the market fee assessed whether such market fee has been assessed prior to or after such discontinuance and subject as aforesaid the provisions of this Act shall, so far as may be, apply as if every such person or partner or member was himself a trader or a commission agent.

(3) The provision of sub-section (2) shall so far as may be, apply where the trader or commission agent being a firm or association of persons is dissolved or where the trader or commission agent being a Hindu Undivided Family has effected partition respecting the business carried on by it and accordingly reference in that sub-section to "discontinuance" shall be construed as reference to "dissolution" or "partition" as the case may be.

70. Liability to pay market fee in case of death of a trader or a commission agent – Where a trader or commission agent dies –

(a)if the business carried on by the trader or commission agent is continued after his death by his legal representative by any other person, such legal representative or any such person shall be liable to pay the market fee due from the trader or commission agent under this Act whether such market fee may have been assessed before or after his death but has remained unpaid and the provisions of this act, shall, so far as may be, apply to such legal representative or other person as I he were the trader or commission agent himself.

(b)If the business carried on by the trader or commission agent is discontinued after his death, his legal representative shall be liable to pay, out of the estate of the deceased, to the extent estate is capable of meeting, the amount of the market fee due from the deceased whether such market

fee has been assessed before or after his dealt but has remained unpaid.

Explanation – For the purpose of this sub-section "legal representative" has the meaning assigned to it in clause (ii) of section 2 of the Code of Civil Procedure, 1908 (5 of 1908);

71. Intimation about change of constitution of a firm etc. – Every trader or commission agent shall furnish to the Marketing Committee the information about the change of constitution, discontinuance of the business, dissolution, partition of a fir, company, corporation, association of persons, etc. or the death of any person connected therewith within fifteen days of the occurrence of any of such event.

72. Power to and grant loans – (1) the Marketing Committee may, for the purposes of meeting the expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the government on such terms and conditions as it may determine.

(2) A Marketing Committee may, with the previous approval of the Board, obtain loans from the other marketing committees on such conditions, as may be specified by the Board.

(3) A Marketing Committee shall grant loan to another Marketing Committee, if so directed by the Board, for carrying out the purposes of the Act.

73. Execution of contract – (1) Every contract entered into by a Marketing Committee shall be in writing and shall be signed on its behalf by the Secretary.

(2) No contract, other than a contract executed as provided in sub-section (1) shall be binding on the Marketing Committee.

74. Certain disputes regarding construction of rules, etc. about weights and measures to be decided by the Controller of weight and measures – (1) If any dispute arises between an Inspector appointed under the Standards of weights and Measures (enforcement) Act, 1985 (54 of 1985) and any person interested, as to the meaning of construction of any rule made under the Act or as to the method of verifying, re-verifying, adjusting or stamping any weight or measure or weighting or measuring instrument, in any market area, such dispute may, at the request of the person interested or of the Inspector be referred to the Controller appointed under the Act, and the decision of the Controller shall, subject to the provisions of sub-section (2), be final.

(2) An appeal shall lie, within such time and in such manner as may be prescribed, against the decision/order under sub-section (1) to the Lieutenant governor or such officer as he may, by order, appoint in this behalf and the decision of the Lieutenant Governor or such officer, as the case be, shall be final.

CHAPTER VIII

OFFICERS AND SERVANTS OF BOARD AND MARKETING COMMITTEES

75. Constitution of Marketing Service - (1) There shall be service function wise/ branch wise to be called the "Delhi Agricultural Marketing Service" (hereinafter referred to as "the Marketing Service") common to all the Marketing Committees and the Board for the purpose of providing officers or staff of all ranks as may be necessary for the performance of their respective function.

(2) Every officer and other employee serving the Board or a Marketing Committee, prior to the constitution of the marketing Service, shall continue to hold office by the same tenure and on the same remuneration and on the same terms and condition of service as he is holding on the date of commencement of this Act, except where such tenure, remuneration and terms and conditions are altered by the Board, with the prior approval of the Government.

Provided that the tenure, remuneration and terms and conditions of service of any such officer or employee shall not be altered to his disadvantage without the previous approval of the Government.

76. Power of the Board to make regulations about conditions of service – (1) The Board may make regulations to provide for any one or more of the following matters, namely:

(a)the tenure of office, salaries, and allowances, provident fund, pension, gratuities, leave of absence and other conditions of service of officers and employees appointed in the Marketing Service and other staff.

(b)the qualification of candidates for various posts and the manner of selection for appointment thereto.

(c)the procedure to be followed in imposing any penalty, suspension, the authority to whom an appeal shall lie.

(d)any other matter which is incidental to or necessary for, the purpose of regulating the appointment and conditions of service of persons appointed to services and posts under the Board or under a Marketing Committee and any other matter for which, in the opinion of the Board, provision should be made by regulation.

(2) No regulation under sub-section (10) shall be made except with the prior approval of the Government.

77. Liability for transfer – A member of the Marketing Service shall be liable to be transferred to the Board or to any Marketing Committee or from one committee to another committee or any staff member from the office of Board to any market committee or any Marketing Committee to the Board against the comparable post by the Vice-Chairman of the Board as laid down in the regulations.

78. Functions of Secretary of the Marketing Committee – (1) Every Marketing Committee (except the Marketing Committee of national importance) shall have a Secretary to be appointed by the Vice-Chairman of the Board to the extent of fifty percent of the post from amongst the panel provided by the Government, of the Union Territory Civil Service officers with at least five years of service and fifty percent of the post shall be filled up by promotion from amongst the officers of the feeder cadre, that is to say, the officer belonging to the Marketing Service after having qualified in a departmental examination to be conducted by the Directorate of Union Territory Civil Service, Delhi in consultation with the Director. All other posts in the Marketing Service of the rank of Deputy Secretary in the existing pay scale of Rs. 6500-10500 and above shall be filled in by promotion from the officers who qualify the aforesaid departmental examination.

(2) The Secretary shall be the executive officer of the committee and the custodian of all the records and properties of the marketing committee and shall exercise and perform the following powers and duties, in addition to such other duties as may be imposed on him by this Act, the rules or bye-laws made there-under, namely:

(i) to convene meetings of the marketing committee or its sub-committees, if any, and maintain minutes of the proceedings thereof;

(ii)to attend the meetings of the marketing committee or its sub-committees, and take part in the discussions but shall not move any resolution or vote at nay such meetings;

(iii)to take action to implement the resolution of the committee and of the sub-committee and report progress in implementing such resolutions to the committee or the sub-committee, as the case may be, as soon as possible;

(iv)to prepare a statement of estimated receipts and expenditure of the marketing committee for such financial year;

(v)to furnish to the Government, Director, marketing committee and the Board such return, statements, estimates, statistics, and reports as may be required or called by them from

time to time including report –

(a)regarding the fines and penalties levied or any other action taken against the market functionaries and others;

(b)regarding contravention of the provision of the Act, the rules, the regulations, the bye-laws or the standing orders by any persons;

(c)regarding suspension or cancellation of licences;

(d)regarding administration of the marketing committee and regulation of the marketing;

(vi)to produce before the committee or the sub-committee, as the case may be, such documents, books, registers, and the like, as may be necessary for the transaction of the business of the committee or the sub-committee, and also whenever called upon by the market committee so to do;

(vii)to exercise supervision and control over the act of all officers and servants of the committee;

(viii)to collect fee and other moneys leviable by or due to the market committee;

(ix)to be responsible for all moneys credited to or received on behalf of the marketing committee;

(x)to make disbursement of all moneys lawfully payable by the marketing committee;

(xi)to report to the Government, the Director, the Board, and the Vice-Chairman of the Board as soon as possible, any fraud, embezzlement, theft or loss of marketing committee fund or property;

(xii)to prefer complaints in respect of prosecutions to be launched on behalf of the marketing committee and to process proceedings, civil or criminal, on behalf of the marketing committee.

CHAPTER IX
MARKETING OF AGRICULTURAL PRODUCE

79. Regulation of marketing of agricultural produce – (1) Subject to the provisions of this section and of the rules providing for regulating the marketing of agricultural produce in any place in the market area, no person shall, on or after the date on which an area is declared under sub-section (1) of section 4 to be a market area, without, or otherwise than in conformity with the terms and conditions of, a licence granted by –

(a)The Director, where a market committee is not functioning; or,

(b)by the marketing committee in any other case -

(i) use any place in the market area for the marketing of the agricultural produce specified in the said declaration; or

(ii)operate in the market area or in any market therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehousemen or in any other capacity in relation to the marketing of such agricultural produce.

(2)Nothing sub-section (1) shall apply to the retail sale by an agriculturist of his own produce.

(3)All commodities of notified agricultural produce brought into the market area for marketing shall be brought into a market specified for such produce and shall not, subject to the provisions of the bye-laws, be sold at any other place outside such market. All transactions / sales in the notified principal yard and sub-yard shall be through open auction only.

80. Grant of Licence – (1) subject to the rules made in this behalf, a marketing committee may, after making such inquiries as it deems fit, grant or renew a licence for the use of any place in the market yard / area for their marketing of agricultural produce or for operating therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other

capacity in relation to the marketing of agricultural produce or may, after recording reasons in writing, refuse to grant of renew any such licence.

Provided that where a marketing committee has not started functioning, the Director, subject to any rules that may be made in this behalf, may grant or renew a licence for the marketing of agricultural produce or for operating in the market yard / area as a trader, commission agent, broker, processor, weighman, measure, surveyor, warehouseman or any other capacity.

(2) A licence granted under sub-section (1), -

(a)shall be in such form, valid for such period, and subject to such terms, conditions, restrictions and limitations as may be prescribed;

(b)places at which weighment and delivery of agricultural produce shall be made in any market or market area and on payment of such fees as may be prescribed.

(3) If the marketing committee or the Director, as the case may be, fails to grant or renew a licence within a period of sixty days from the date of receipt of an application in that behalf, it shall be deemed that the licence has been granted or renewed, as the case may be, if such grantor renewal has not been refused by marketing committee or the Director, as the case may be, within the said period of sixty days.

81. Power to cancel or suspend licence – (1) Subject to the provisions of sub-section (3), a marketing committee may for reasons to be recorded in writing, suspend or cancel a licence granted or renewed under this Chapter.

(a)if the licence had been obtained through willful misrepresentation of fraud;

(b)if the holder of the licence or any servant or any acting on his behalf with his express or implied permission commits a breach of any of the terms or conditions of the licence and / or holder of licence makes violation of the provisions of the Act, rules and bye-laws made there-under;

(c)if the holder of the licence in combination with other holders of licence commits any act or refrains from carrying out his normal business in the market with the intention of willfully obstructing, suspending or stopping the marketing of agricultural produce in the market yard and / or area;

(d)if the holder of the licence has been adjudged an insolvent, and has not obtained his discharge; or

(e)if the holder of the licence is convicted his discharges; or

(2) Notwithstanding anything contained in sub-section (1) but subject to the provisions of sub-section (3), the Director may, for reasons to be recorded in writing, by order, suspend or cancel any licence granted or renewed under the Chapter.

(3) No licence shall be suspended or cancelled under this section, unless the holder thereof has been given a reasonable opportunity of showing cause a against the proposed action.

82. Appeal – (1) Any person aggrieved by the order –

(a)of a marketing committee, refusing to grant or renew a licence, or canceling or suspending any licence, may prefer an appeal within thirty days to the Vice-Chairman of the Board.

(b)of the Director refusing to grant or renew a licence or canceling or suspending any licence may prefer an appeal to the Secretary Agricultural Marketing Department of the Government within thirty days from the date on which such order is communicated to him and in such manner as may be prescribed.

(2) The Vice-Chairman of the Board, or, the Secretary, Agricultural Marketing Department of the Government, as the case may be, on such appeal, make such order as he may deem just and proper.

Provided that, before dismissing an appeal, the Vice-Chairman of the Board or the Secretary,

Agricultural marketing Department of the Government, as the case may be, shall give the appellant a reasonable opportunity of being heard, and record in writing the reasons for such dismissal.

83. Provision for settlement of dispute – (1) For the purpose of settling disputes between buyers and sellers of agricultural produce or their against including any dispute regarding quality or weight or payment, or any matter in relation to the regulation of marketing of agricultural produce in the market area, the marketing committee constituted for that market area may appoint arbitrators or constitute, from amongst its members, a sub-committee.

(2) The method of appointment of arbitrators, the constitution and functions of the sub-committees and the fees, if any, that may be paid by parties for the settlement of disputes, and other incidental matters shall be such as may be prescribed.

(3) Any party, aggrieved by the decision of the arbitrator or the sub-committee, as the case be, may prefer an appeal from such decision to the Board within such time and in such manner as may be prescribed.

CHAPTER X

MARKET DEVELOPMENT FUND AND MARKET FUND AND AUDIT THEREOF

84. Constitution of Market Development Fund – (1) All moneys received by the Board shall be credited into a fund to be called the Market Development Fund.

(2) No expenditure from the Market Development Fund shall be defrayed unless it is sanctioned by the competent authority. The Market Development Fund shall be operated in the manner as may be prescribed in the rules.

Explanation – For the purpose of this sub-section 'competent authority' shall mean the Board, or Vice-Chairman or any other officer of the Board to whom the powers of the Board to incur expenditure have been delegated, as the case may be.

(3) The amount standing to the credit of the Market Development Fund shall be kept or invested in such manner as may be prescribed.

85. Application of Market Development Fund – (1) The Market Development Fund shall be utilised for the Board for discharge of functions entrusted to its under this Act.

(2) Without prejudice to the generality of sub-section (1) Market Development Fund may be utilized for the following purposes, namely namely:

(i) better marketing of agricultural produce;

(ii)collection and dissemination of market rates and news and other information relating to marketing of agricultural produce;

(iii)grading and standardisation of agricultural produce;

(iv)improvement works in the markets and their respective areas;

(v)acquisition of land for construction of office building, guest houses, staff quarters, training centers, and maintenance thereof;

(vi)acquisition of land for developing market for Marketing Committees and development thereof;

(vii)giving aid to financially weak marketing committee in the shape of grant or aid or both.

(viii)payment of salary allowances gratuity, pension, compensate allowances, compensation for injury or death resulting from accidents while on duty;

(ix)payment of other dues to staff such as leave encashment on retirement or yearly basis, medical aid as may be laid down in the service regulations;

(x)payment of provident fund, leave salary and pension contribution to government servant on deputation or other dues, payment of actual reimbursement in case of hospitalisation in authorised hospitals as laid down in service regulations;

(xi)payment of traveling and other allowances to the Chairman, Vice-Chairman, members and employees of the Board;

(xii)meeting of any legal expenses by the Board;

(xiii)construction of go-downs, if required by the marketing committee/ marketing committees;

(xiv)expenses incurred in auditing the accounts of the Board;

(xv)organising or arranging workshops, seminars, exhibitions, training programmes etc. on development of agricultural marketing including participation therein;

(xvi)imparting education in agricultural marketing to staff;

(xvii)execution of any other function / work assigned to the Board under this Act or as directed by the Government.

86. Accounts to be kept – The accounts of all receipts and expenditure of the Board and of each marketing committee shall be kept in such manner and in such form as may be prescribed by regulation.

87. Audit of Accounts – (1) The account of the Board and the marketing committee shall be audited by a person or persons authorised by the Director.

Explanation – The audit for any year under sub-section (1) shall include –

(a)examination and verification of cash balance and other securities;

(b)valuation of the Asset and Liabilities;

(c)investigations into and verification of the circumstances and reasons for the variation between the budget estimates and actual expenditure,

(d)audit of the work accounts;

(e)physical verification of stores and stocks.

(2) The person auditing the accounts of the Board or of a marketing committee shall have free access to all the books of accounts and to all papers, vouchers, stocks and property and other records and correspondence relating to a accounts of the Board or of the marketing committee, as the case may be, who shall be allowed to verify the cash balance and physical check of such property.

(3) The vice-Chairman or any other officer of the Board or the Marketing Committee, as the case may be, shall furnish to the person auditing the accounts all such information as to any transaction and working of the Board or the Marketing Committee as the case may be, as such person may require.

(4) The audit fee, as may be determined by the Director, shall be paid by the Board or the Marketing Committee, as the case may be, in the manner specified by him in writing.

88. Constitution 88 of Market Fund, its custody and investment – (1) All fees and other moneys received by a Marketing Committee under this Act, all sums realised by way of penalty (otherwise than by way of fine in a criminal case), all loans raised by the committee, and all grants, loans or contributions made by the Government to the committee, shall form part of a fund to be called the 'Market Fund'.

(2) Any money received by the marketing committee by way of arbitration fee or as security for costs in arbitration proceedings relating to disputes or any money received by the committee by way of security deposit contribution to provident fund or for payment in respect of any notified agricultural produce, or charges payable to weighman, palledar and other functionaries and such other moneys received by marketing committee as may be provided in the rules or by-laws shall not form part of the "Market Fund" and shall be kept in such manner as may be prescribed.

89. Application of Market Fund – (1) Subject to the provisions of section 88, the Market Fund may be expended for the following purposes only, namely: -

(i) the acquisition of a site or sites for the market yard;

(ii)the establishment, maintenance and improvement of the market yards;

(iii)the construction and repair of buildings necessary for the purposes of the market and for

convenience or safety of the persons using the market yard;

(iv)the maintenance of standard weight and measures;

(v)the meeting of establishment charges including payment and contribution of provident fund, pension, gratuity, leave encashment on retirement or yearly basis, actual reimbursement of hospitalisation expenses in the authorised hospitals or other items as may be laid down in the regulations / rules;

(vi)loans and advances to the employees of the committees;

(vii)the payment of interest on the loans that may be raised for the purpose of the market and provisions of sinking fund in respect of such loans;

(viii)the collection and dissemination or information relating to crop statistics and marketing of agricultural produce;

(ix)expenses incurred in auditing the accounts of the marketing committee;

(x)payment of honorarium to Chairman traveling allowances of Chairman, Vice-Chairman and other members of the Marketing Committee and sitting fees payable to number for attending the meeting;

(xi)contribution of the Board as prescribed and Consolidated Fund of the National Capital Territory of Delhi to the extent required for salary of the employees of the Government as provided in clause (b) of sub-section (2) and sub-section (3) of this section;

(xii)contribution to any scheme for development of agricultural marketing including transport and scientific storage;

(xiii)to provide facilities like grading services and communication to agriculturists in the market area;

(xiv)to provide for development of agricultural produce in the market area;

(xv)payment of expense son elections under this Act;

(xvi)incurring of all expenses for research, extension and training in marketing of agricultural produce;

(xvii)prevention, in conjunction with other agencies, State, Union Territory, Central and others in relation to distress sale of agricultural produce;

(xviii)fostering co-operative marketing and assisting co-operative marketing societies in the procurement and organization of profitable disposal of produce particularly the produce belonging to small and marginal farmers;

(xix)acquisition of land for construction of office building, guest house for farmers and visitors and staff quarters and maintenance thereof; hiring build up accommodation for office use, guest house or for other purpose of agricultural marketing;

(xx)any other purpose connected with the marketing of agricultural produce under this Act whereon the expenditure of the marketing committee fund is in the public interest subject to the prior sanction of the Board.

(xxi)contribution to centralized pension fund of the Board as may be prescribed.

(2) Without prejudice to the generality of sub-section (1), every marketing committee shall, out of the "Market Fund" pay –

(a) to the Board, as contribution, such percentage of its income derived from the licence fee, market fee, fines received as specified below, to enable the Board to defray its expenses on office establishment and other expenses incurred by it in the interest of the marketing committee generally, -

(i) if the annual income of a marketing committee does not exceed ten thousand rupees, ten

percent.

(ii)if the annual income of a marketing committee exceeds ten thousand rupees but does not exceed fifteen thousand rupees, on the first Rs. 10,000 ten percent.

on the next five thousand rupees or part thereof… fifteen percent.

(iii)if the annual income of a marketing committee exceeds fifteen thousand rupees, on the first

Rs. 10,000	Ten percent
on the next Rs.5,000	Fifteen percent
on the remaining income	Twenty percent

(b) to the Government, the cost of any special or additional staff employed by the Government, in consultation with the marketing committee, for giving effect to the provisions of this Act in the market area.

(3) The Government shall determine the cost of the special or additional staff referred to in clause (b) of sub-section (2) and shall, where the staff is employed for the purposes of more than one marketing committee, apportion such cost among the marketing committees concerned in such manner as it thinks fit and the decision of the Government determining the amount payable by any marketing committee shall be final.

90. Market Fund to be kept in bank – All money payable to the credit of the Market Fund and all other moneys received by a marketing committee shall be kept in a bank or banks as may be approved by special or general order issued by the Director.

CHAPTER XI

BUDGET AND ACCOUNTS

91. Budget and Account of a Marketing Committee – (1) Every marketing committee shall prepare and pass the budget on its income and expenditure for the ensuing year in the prescribed form and shall submit it to the Board for sanction before the prescribed date. The Board shall sanction the budget with or without modification within three months from the date of receipt thereof. If the budget is not returned by the Board within three months, it shall be presumed to have been sanctioned.

(2) No expenditure shall be incurred on any item if there is no provision on the sanctioned budget thereof, unless it can be met by re-appropriation from saving under any other Head and has sanction for re-appropriation of the Vice-Chairman of the Board.

92. Revised or supplementary budget – A marketing committee may at any time during the year for which a budget has been sanctioned, cause a revised or supplementary budget to be prepared, passed and sanctioned in the same manner as if it were the original budget.

93. Power to execute work – (1) The marketing committee shall issue order execution of work as may be prescribed in the regulations relating to delegation of powers and duties and or its bye-laws.

(2) The Board, while according the sanction referred to in sub-section (1) for execution of any development, maintenance or improvement work, may, at its discretion, direct that the execution of work shall be entrusted to a Department of the Government or to the Board or to marketing committee itself or to any other agency authorised by the Board.

94. Accounts to be kept – Every marketing committee shall keep a true and correct amount of all its receipts and expenditure in such manner and in such Form as may be prescribed.

95. Preparation of Balance and administrative report – (1) At the end of every year, a marketing committee shall draw up its final accounts of receipts and expenditure and a balance sheet of its assets and liabilities and prepare an annual administrative report in such manner and in such Form as may be prescribed.

(2) Copies of accounts, balance sheet and administrative report referred to in sub-section (1) shall

be submitted to the Board and the Director by such time as may be prescribed.

CHAPTER XII

CONTROL

96. Power of the Director – The Director, or any officer authorised by him, may –

(a)inspect or cause to be inspected the accounts and offices of a marketing committee;

(b)hold enquiry into the affairs of a marketing committee;

(c)call from a marketing committee any return, statement, accounts or reports which he may think fit;

(d)require a marketing committee to take into consideration –

(i) any objection on the ground of illegality, inexpediency or impropriety which appears to him to exist with regard to the doing of anything which is about to be done or is being done by or on behalf of such committee;

(ii)any information which he is able to furnish and which appears to him to necessitate the doing of certain thing by such committee;

(e)direct that anything which is about to be done or is being done should not be done, pending consideration of the reply given by the committee;

(f)direct that anything which in his opinion should be done but is not being done may be done within such time as he may direct.

97. Duty of officers, servants and members of marketing committee to furnish information to Director or, authorised officer – (1) When the accounts and offices of a marketing committee are being inspected, or the affairs of such a committee are being required into under section 96 of the proceedings of such committee are being examined under section 99, all officers, servants and members of such a committee shall furnish such information in their possession with regard to the accounts and offices or affairs or proceedings of such a committee as the Director, or the officer authorised by him, may require.

(2) The Director or any officer inspecting accounts and offices or inquiring into the affairs of the Marketing Committee under section 96 or examining the proceedings of such a committee under section 99 shall, for the purposes of such inspection, inquiry or examination, have the same powers as are vested in Civil Court under the code of Civil Procedure, 1908 (5 to 1908), while trying a suit in respect of the following matters, namely:

(a)the summoning and enforcing the attendance of any officer, servant or member of the Marketing Committee and examining him on oath;

(b)the discovery and production by any officer, servant or member of the marketing committee of any document or other material object producible as evidence; and

(c)the receiving of evidence on affidavits.

(3) The Director or any officer authorised by him exercising the powers conferred by sub-section (2) (2 of 1974) shall be deemed to be Civil Court for the purposes of section 195 and chapter XXVI of the Code of Criminal Procedure, 1973.

98. Seizure of account books and other documents – Where the Director has reasons to believe that the books and records of a Marketing Committee are likely to be tampered with or destroyed or the funds or property of the Marketing Committee are likely to be misappropriated or misapplied, the Director may issue an order directing a person duly authorised by him in writing, to seize and take possession of such books and records, funds and property of a Marketing Committee, and the officer of the Marketing Committee responsible for the custody of such books records, funds and property, shall give delivery thereof to the person so authorised.

99. Powers of the Director to call for proceedings of marketing committees and to pass order thereon – The Director, may, at any time, call for and examine the proceedings of any Marketing Committee for the purpose of satisfying himself as to the legality or propriety of any decision or order passed by the Marketing Committee under this

Act, and if, in any case, it appears to the Director that any decision or order or proceedings so called for should be modified, annulled or reversed, the Director may pass such orders thereon as he thinks fit.

100. Control by the Board – Powers exercisable by the Director under section 98 shall also be exercised by the Board or an officer authorised by it and reference to the Director in this section shall be construed to be reference to the Board.

101. Amalgamation or division of marketing committees – (1) Where the Government is satisfied that for securing efficient regulation of marketing of agricultural produce in a market are, it is necessary that two or more Marketing Committee therein should be amalgamated or any Marketing Committee therein should be divided into two or more market committees, it may, after consulting the Marketing Committee or the Marketing Committees, as the case may be, and the Board, by notification, provide for the amalgamation of such Marketing Committee or division of the Marketing Committee into \two or more Marketing Committees for the market area in respect of the agricultural produce specified in the notification. The notification shall also provide for the constitution, property, rights, interest and authorities and such liabilities, duties and obligations (including provision in respect of contracts, assets, employees, proceedings) and such incidental, consequential and supplementary matters as may be necessary to give effect to such amalgamation or division, as the case may be.

(2) Where more than omen Marketing Committee are established in any market area under sub-section (1), the Government may, notwithstanding anything to the contrary contained in this Act, issue general or special directions as to which of the Marketing Committees shall exercise the powers, perform the duties and discharge the functions of a Marketing Committee under this Act, in respect of matters in which they are jointly interested.

(3) Where any direction is issued under sub-section (2), the cost incurred by a Marketing Committee in pursuance of the direction shall be shared by the other Marketing Committee concerned in such proportion as may be agreed upon, or in default of agreement, as may be determined by the Government of such officer, as the case may be, shall be final.

(4) All the assets of the committee shall vest in the Government and the Government shall be liable for all legally enforceable liabilities of the committee, subsisting on the date of super-session, to the extent of the said assets.

CHAPTER XIII

SUPERSESSION

102. Super-session Marketing Committee – (1) If, in the opinion of the government a Marketing Committee is not competent to perform, or persistently makes default in performing the duties imposed on it by or under this Act, or exceeds or abuses its power or willfully disregards any instructions issued by the Government or any officer duly authorised by it in this behalf, the Government may, for reasons to be recorded by it in writing, and after giving the committee an opportunity of tendering an explanation, by notification, supersede, such Marketing Committee.

(2) Upon publication of a notification under sub-section (1) superseding a Marketing Committee, the following consequence shall ensue –

(a)all members of Marketing Committee including its Chairman and Vice-Chairman shall, from the date of publication of the notification, be deemed to have vacated their respective offices;

(b)the Government shall direct that steps to be taken for constitution of a new Marketing Committee under section 36, before the expiration of six month from the date of its super-session;

(c)the Government may direct that all the function, powers and duties of the committee and its Chairman under this Act, shall be performed, exercised an discharged by such person or authority as the Government may appoint in this behalf and such person or authority shall be deemed to be committee or Chairman, as the case may be. In case of markets of national importance such person / authority so appointed by the Government shall be an officer from the Indian Administrative Service with ten years of service, or an officer from the Union Territory Civil Service with fifteen years of service;

(d)all the assets of the committee shall vest in the Government and the government shall be liable for all legally enforceable liabilities of the committee, subsisting on the date of super-session, to the extent of the said assets.

CHAPTER XIV

PENALTIES

103. Penalty for not complying with direction under sub-section (2) of section 48 – If the outgoing Chairman or Vice-Chairman, to whom a direction has been issued under sub-section(2) of section 48, does not comply with such direction, he shall be punishable with simple imprisonment for a term which may extend to one month or with fine which may extent to five thousand rupees, or with both.

104. Penalty for contravention of section 79 – Whoever, in contravention of the provisions of sub-section (10 of section 79 uses any place in the market area for the marketing of the agricultural produce specified in the declaration made under sub-section (10 of section4 or operates in the market area or the any market therein as trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman, or in any other capacity in relation to the marketing of that agricultural produce shall be punishable with imprisonment for a term which may extent to six months or with fine which may extent to five thousand rupees, or with both, and in the case of a continuing contravention, with further fine which may extend to one hundred rupees for every day, during which such contravention continues after conviction for the first contravention.

105. Penalty for obstruction and failure to obey order under section 96 – Whoever obstructs any officer in carrying out the inspection of accounts or in holding an inquiry into the affairs, of a marketing committee or fails to obey any order with reference to any matter specified in section 96 shall be punishable with fine which may extent to two hundred rupees for every day during which the offence continues.

106. Penalty for contravening provisions of section 97 – If any officer, servant or member of a marketing committee, when required under section 97 to furnish information with regard to the accounts or offices or affairs of the market committee or the proceedings of a market committee –

(a)wilfully neglects or refuses to furnish any information; or

(b)wilfully furnishes information which is false or incorrect in material particulars,

Such officer, servant or member shall be punishable with imprisonment for term that may extend to one year, or with fine that may extend to five thousand rupees, or with both.

107. Penalty for contravention of section 98 – Whoever, in contravention of the provisions of section 98 obstructs any person in seizing or taking possession of any books, records, funds or property of the market committee or fails to give delivery thereof to such person shall be punishable with fine which mat extend to two thousand rupees.

108. General provision of punishment of offence – Whoever contravenes any provision of this Act or of any rule or bye-laws made there-under shall, if no other penalty is provided for such contravention elsewhere in this Act or in the rules of bye-laws, be punishable with fine which may extent to two thousand rupees.

MISCELLANEOUS

109. Liability of members of employees of Board or Marketing Committee – (1) Every member or employee of the Board or any Marketing Committee shall be liable for the loss, wastage, misappropriation or misapplication of any money or other property belonging to the Board or the Marketing Committee, if such loss, wastage misappropriation or misapplication is, provided to the satisfaction of the Board, to be the direct consequence of the neglect or misconduct on the part of such member or employee.

Provided that he shall be given an opportunity by a written notice to show cause as to why he should not be held liable for the loss, wastage, misappropriation or misapplication.

(2) Wherever any such member or employee is held to be so liable, he shall make good the loss within a period of one month from the date of the order failing which an amount equal to the loss shall be recoverable from such member or employee as an arrear of land revenue.

(3) The members or employee against whom an order under sub-section (1) is made, may, within thirty days from the date of the service of such order, appeal to the Government which shall have the power of confirming, modifying or reversing the order made by the Board.

Provided that –

(a)no action for the recovery shall be taken if the loss, wastage, misappropriation or misapplication had taken place before the expiry of a period of four years;

(b)in computing the period of four years, the period during which any enquiry or investigation was made by the Board or the proceedings were stayed or the period during which any appeal against the order for making good the loss, remained pending, shall be excluded.

110. Chairman, etc. of the Board and the marketing committee to be public servants – The Chairman, the Vice-Chairman, the members, the Secretary and the other officers and servants of the

Board and the Chairman, Vice-Chairman, members, Secretary and other officers and servants of a Marketing Committee shall be deemed to be public servants within the meeting of section 321 of the Indian Penal Code, 1860 (45 of 1860).

111. Bar of suit in the absence of notice – (1) No sit or other legal proceedings shall be instituted against the board or any Marketing Committee or any member, officer or servant thereof or any person acting under the direction of the Board, any Marketing Committee, member, officer or servant for anything done or purported to be done in good faith as such member, officer, or servant under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of residence of the intending plaintiff and the relief which he claims, has been in the case of the Board or Marketing Committee, delivered or left at its office, and in the case of any such member, officer, servant or person as aforesaid, delivered to him or left at his office or usual place of residence, 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 form the date of accrual of the alleged cause of action.

(3) Notwithstanding anything contained in sub-section (1) any suit under section 38 of the Specific Relief Act, 1963 (47 of 1963) may be instituted with the leave of the Court without serving any notice as required by sub-section (1) but the court shall not grant any relief in the suit whether interim or otherwise except after giving the Board or the Marketing Committee or any other person referred to in sub-section (1), as the case may be, a reasonable opportunity of being heard.

112. Trial of offences – (1) No offence under this Act, or any rule or regulation or bye-laws made there-under, shall be tried by a court inferior to the court of a Metropolitan Magistrate.

(2) No prosecution under this Act, shall be instituted except by the Director or any officer authorised by him in that behalf for by Vice-Chairman or by any other person duly authorised by the Board or the Marketing Committee, as the case may be, in that behalf.

(3) No court shall take cognizance of any offence under this Act of any rule, order, regulation or bye-laws made there-under, unless complaint thereof is made within six months from the date on which the alleged commission of the offence come to the knowledge of the Director, officer, Vice-Chairman or person referred to in sub-section (2).

(4) All fines received by a court from an offender shall be credited to the Market Development Fund or the market Fund as the case may be.

113. Recovery of sums due to Government Board Marketing Committee and others – (1) Every sum due from the Board or a Marketing Committee to the government shall be recoverable as an arrear of land revenue.

(2) Subject to the provisions of sub-section (3) of section 116 any sum due to the Board or a Marketing Committee on account of any charge, cost, expense, fee, rent or on any other account under the provisions of this act, or any rule, regulation or bye-laws made there-under or any sum due to an agriculturist for any agricultural produce, specified under sub-section (1) of section 61, sold by him in the market area and which is not paid to him as provided by or under this Act, shall be recoverable from the person from whom such sum is due, in the same manner as if it were an arrear of land revenue.

(3) If any dispute arises as to whether a sum is due to an agriculturist within the meaning sub-section (3) of section 116, it shall be decided in the same manner as is specified in section 83 and for that purpose all the provisions of section 83 and the rules, regulations or the bye-laws made there-under shall, so far as may be, apply accordingly for purposes of settlement of dispute under this sub-section.

114. Power of Government of delegate powers – The Government may, by notification, and subject to such conditions, if any, as it may think fit to impose, delegate all or any of the powers conferred upon it by or under any of the provisions of this Act to the Board or any other officer or person specified in the notification.

115. Power to exempt the Board or Marketing Committee etc. from provisions of the Act – (1) The Government may, by general or special order, published in the official Gazette, exempt the Board or any Marketing Committee or any class of persons from any of the provisions of this Act or nay rule, regulation, or bye-laws made there-under or may direct, in like manner, that the provisions of this Act shall apply to the Board or any Marketing Committee or any class of persons with such modifications, not affecting the substance thereof, as may be specified in that order.

(2) All orders made under sub-section (1) shall be laid, as soon as may be, after they are made, before the Legislative Assembly of Delhi.

any rule, regulation or bye-laws made under this Act shall apply to the Board or any Marketing Committee or any class of persons with such modifications, not affecting the substance thereof, as may be specified in that order.

116. Power to make rules – (1) The Government may by notification, make rules for carrying out the provisions of this Act,

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

(a)qualifications which the representatives of the agriculturist shall possess under clause (a) of sub-section (1) of section 36;

(b)qualifications which the representatives of traders shall possess under clause (b) of sub-section (1) of section 36;

(c)the manner in which the members of a Marketing Committee may be elected under section 38, including all matters incidental to such election;

(d)the term of office and other conditions of service of Chairman or Vice-Chairman of the Marketing Committee under section 44 and 46;

(e)the duties of Marketing Committee under sub-section (2) of section 55 and the promotion of the grading and standardization of such agricultural produce as may be specified in the rules under clause (k) of that sub-section;

(f)the manner of levy and collection of market fee by Marketing Committee under section 62,

(g)the conditions subject to which loans may be obtained by a marketing committee from another Marketing Committee under sub-section (2) of section 72;

(h)the manner in which and the time within which an appeal may be filed under sub-section (2) of section 74 or sub-section (2) of section 123;

(i)the form of licence and the terms and conditions subject to which a licence may be granted or renewed, including the fees to be paid in respect of such licence under section 80;

(j)the fees payable in connection with the weighman and delivery of agricultural produce under section

(k)the manner in which an appeal may be filed under sub-section (1) of section 82;

(l)the composition of sub-committees, method of appointment arbitrators and the fees, if any, that may be paid by parties for the settlement of disputes, the procedure to be followed by the sub-committees or arbitrators for the settlement of disputes and the manner in which and the time within which an appeal may be preferred from the decision of the sub-committee or arbitrator under section 83.

(m)the manner in which the amount to the credit of the Market Development Fund or a market fund shall be kept or invested under sub-section (3) of section 84 or sub-section (20 of section 88 as the case may be;

(n)travelling and other allowaces payable to members of the Board or the Marketing Committee;

(o)the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the Marketing Committee and the Board and grant of sanction to such plans and estimates;

(p)the manner in which from the Market Development fund of Market Fund shall be made, its account shall be kept or audited or re-audited, budget estimates of income and expenditure shall be made and annual administrative report shall be prepared;

(q)the time during which and the manner in which a trader or commission agent shall furnish returns to the marketing committee as may be required by it;

(r)any other matter which is required to be or may be prescribed.

(3) Any rule made under this section may provide that if purchaser fails to make the payment forthwith as required by sub-section (6) of section 61, he shall be liable to pay interest from the date of sale to the date of payment as such rate not being in excess of the maximum rate of interest fixed for unsecured loans by banking institutions. If payment is not made within thirty days from the date on which the agricultural produce is sold, the principal and interest shall be recoverable by the Marketing Committee from the purchaser in the manner provided in section 113.

(4) Any rule made under the provisions of this Act may provide that a contravention thereof, shall on conviction, be punishable with fine, which may extend to five thousand rupees.

(5) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the Legislative Assembly of Delhi. While it is in session for a total period of thirty days which may be comprised in one session or in two or more successive session, and if, before the expiry of session immediately following the session or the successive session aforesaid, the house of the Legislative Assembly agrees in making any modification in the rule or the house of the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified from or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

117. Power to make regulations for carrying out the provisions of the Act – (1) The Board may, with the previous approval of the Government and by notification, make regulations, not inconsistent with the provisions of this Act or any rule made there-under for carrying out the provision of this Act;

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

(a)the method of recruitment, the scale of pay and other conditions of service of employees of the Board and Marketing Committee;

(b)regulation of transaction of business at the meetings of the Board;

(c)delegation of duties and powers of the Board to its Vice-Chairman or any other officer employed by it;

(d)delegation of duties and powers of the Marketing Committees to its sub-committees;

(e)the manner of constitution of the Marketing Service, recruitment therein and the qualifications, appointment, promotion, scale of pay, leave and its encashment loans, pensions, gratuity, contribution to funds, reimbursement of actual expenses on hospitalization in authorised hospitals, dismissal, removal conduct, departmental enquiries and punishment, appeals and other conditions of service of its members and other staff.

118. Power of Marketing Committee to make bye-laws – (1) Subject to the provisions of this Act, and the rules made there-under, a Marketing Committee may, in respect of a market area under its management, make bye-laws for –

(i) determining the quantity of agricultural produce which may be considered as retail sale for the purposes of the Act and the rules made there-under;

(ii)the regulation of the business of the marketing committee, including meetings, quorum and procedure;

(iii)the conditions of trading in a market;

(iv)delegation of powers, duties and functions to the officers and servants;

(v)the delegation of powers duties and function to a sub-committee, if any.

form in which copies of the document and entries in the books of the Marketing Committee may be certified and charges to be levied for the supply of such copies and inspection of such documents and books of account for the purposes of any proceedings under the Act, Rules and regulation;

(vii)the manner in which the sales are effected in a market and maintenance and issue of invoices and other vouchers connected with the sale and the forms in which such invoices, bills, cash-memos shall be issued by the traders, commission agents, brokers or other market functionaries operating in the market;

(viii)any other matter for which the bye-laws are to be made under this Act or it may necessary to frame bye-laws for effectively implementing the provisions of this Act, and the rules made there-under in the market area.

(2) No bye-laws under sub-section (1) shall take effect until it has been approved by the Board and published in the official Gazette.

(3) In making nay bye-laws, the Marketing Committee may direct that the penalty for the breach of any bye-law may be imposed by it, 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 first conviction during which the same continues.

Explanation –For purpose of this sub-section, it is declared that the Marketing Committee may impose the penalty notwithstanding the fact that criminal action has been instituted in respect of the same facts for which penalty has been imposed under the bye-laws.

(4) Notwithstanding anything contained in this section, if the Director considers that an amendment, or adoption of a new bye-laws or rescission of any bye-law is necessary or desirable in the interests of market committee, he may, by order, require the Marketing Committee to make such amendment, adoption or rescission within such time as may be specified by him in the order.

(5) If the Marketing Committee fails to comply with the order issued under sub-section (4) within the time specified, the Director shall make such amendment rescission or adoption of such new bye-law, and issue a certified copy thereof to the Marketing Committee.

(6) The Marketing Committee may, within thirty days from the date of issue of the certified copy, referred to in the sub-section (5) appeal against such order to the Government whose decision thereon shall be final and binding upon the Marketing Committee.

(7) No bye-law or rescission of bye-law or its alteration or amendment shall take effect until it has been confirmed by the Director and notified by him in the Official Gazette.

119. Power of Government to amend Schedule – The government may, after consulting the Board, by notification, include in or exclude from, the Schedule, any items of agricultural produce or amend it in any other manner.

120. Power of write off irrecoverable fees etc. – Whenever it is found that any amount due to the board or a Marketing Committee is irrecoverable or should be remitted, or whenever any loss of the Board's or a Marketing Committee's money or stores or other property occur through the fraud or negligence of any person or for any other cause and such money or property is found to be irrecoverable, the fact shall be reported to the Board or Marketing Committee, as the case may be, and the Board, with the approval of the Director, and the Marketing Committee, with the approval of the Board, may order the amount or value of the property to be written off as lost, irrecoverable or remitted, as the case may be.

Provided that in case of Marketing Committee, if in any case the amount due or the value of such property is in excess of one thousand rupees, such order shall not take effect unless it is approved by the Director.

121. Revision – Notwithstanding anything contained n this Act, the Government shall have the power of reversing or modifying any order or the Board or any of its officers passed or purporting to have been passed under this Act, if it is satisfied that such order is not in accordance with the provisions of this Act, or any rule, regulation or bye-law made there-under.

122. Power to compound offence – (1) With the previous approval of the Director, the secretary of a Marketing Committee or any other officers authorised by the Director in this behalf, may accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act or any rules, regulations or bye-laws made there-under, a sum of money by way of composition of such offence.

(2) Notwithstanding anything contained in any other law for the time being in force, on the payment of such amount of money to the Marketing Committee, the suspected person, if in custody, shall be

discharged and no further proceedings shall be taken against such person.

123. Power to Marketing Committee and Secretary to impose penalties – (1) A Marketing Committee or its Secretary shall have the power, to impose by order, a penalty not exceeding five thousand rupees on any market functionary or agriculturist or purchaser for the contravention of any bye-law, after giving the persons concerned a reasonable opportunity of being heard.

(2) An appeal against an order under sub-section (1) shall lie to the Vice-Chairman of the Board, within such time and in such manner as may be prescribed.

124. Repeal and saving – (1) The Delhi Agricultural Marketing (Regulation) Act, 1976 (87 of 1976) (hereinafter referred to as the said Act) is hereby repealed.

Provided that such repeal shall not effect the previous operation of the enactment aforesaid and anything done or any action taken (including any appointment, delegation or declaration made, notification, order, rule, regulation direction or notice issued, bye-law framed, marketing committee established licenses granted, fees levied and collected, instruments executed, any fund established or constituted) by or under the provisions of the said Act shall in so ar it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

(2) Any area or place declared to be a market area or any place or market declared to be a market under the enactment so repealed shall, on the commencement of this Act, be deemed to be the market area or market declared under this Act, the Marketing Committee constituted for the said market area and functioning immediately prior to such commencement shall be deemed, notwithstanding anything contained in this Act, to be the Marketing Committee constituted under this Act for such market area, and where it is so declared or notified, also for the agricultural produce specified in the declaration or notification; and all the members of such Marketing Committee shall be deemed to be members nominated by the Government under sub-section (2) of section 36.

(3) Any reference to the enactment repealed as aforesaid or to any provision thereof or to any officer, authority or person entrusted with any functions there-under, in any law for the time being in force or any instrument or document, shall be construed, where necessary, as a reference to the corresponding provision of this Act or to the corresponding officer, authority or person functioning under this Act, and the corresponding officer, authority or person, as the case may be, shall have under such law, instrument or document.

(4) The mention of particular matters in this section shall not effect the general application to this Act of section 6 of the General Clauses Act, 1897 (10 of 1897) of if the Delhi Agricultural Produce Marketing (Regulation) Act, 1976 (87 of 1976) had been repealed by this Act.

125. Power to remove difficulty – If any difficulty arises in giving effect to the provisions of this Act, the Government may, as exigency requires, by order not inconsistent with the provisions of this Act, do anything, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Provided that no such order shall be made after expiry of two years from the commencement of this Act.

THE SCHEDULE

(See Section 2(1) (a) and Section 119)

I.Animal Husbandry Products –

1.Butter.

2.Cattle meat.

3.Eggs.

4.Ghee.

5.Goat meat.

6.Hides and skins.

7.Milk and Milk Products;

8.Poultry.

9.Sheep meat.

10.Wool.

II.Apiculture –

1.Honey.

III.Cattle feeds –

1.Guwar.

2.Punvad.

IV.Cereals –

1.Bajra.

2.Barley.

3.Inferior millets, for example, swank, kodra Kangni etc.

4.Jowar.

5.Maize.

6.Oats.

7.Paddy (husked and unhusked).

8.Wheat (husked and unhusked).

V.Condiments, spices and others –

1.Betal leaves.

2.Betelnuts.

3.Cardamom and pepper.

4.Cashewnuts.

5.Chillies.

6.Corriander.

7.Dalchini.

8.Garlic.

9.Ginger.

10.Ilachi.

11.Long.

12.Methi.

13.Rai (mustard).

14.Sonf.

15.turmeric.

16.Zeera.

17.Hing (Asafoetida).

18.Tulsi (Basil).

19.Tejpatta (Bay leaf).

20.Ajwain (Bishop's seed).

21.Jaiphal (Nutmeg).

22.Posta (Poppy seed).

23.Pippermint.

24.Kesar (saffron).

25.Imli (Tamarind).

26.Vanilla.

27.Sonth (Dry Ginger).

VI.Fibres –

1.Cotton (ginned and unginned).

2.Sunhemp.

VII.Fruits –

1.Almonds (Green)

2.Apples.

3.Banana.

4.Cherry.

5.Chickoo.

6.Fig.

7.Grapes.

8.Guava.

9.Kakri.

10.Leechi.

11.Lemon.

12.Malta.

13.Mango.

14.Melon.

15.Mosambi.

16.Papaya.

17.Peaches.

18.Pears.

19.Plums.

20.Pomegrante.

21.Santra / Orange.

22.Strawberry.

23.Water melons.

24.Coconut.

25.Ber

26.Pin-apple.

27.Sharifa (Custard apple).

28.Phalsa.

29.Apricot (Khumani).

30.Japani Phal.

31.Jammun (Black berry)

32.chakotra.
33.Loquat.
34.Mulberry.
35.Sugar-cane.
36.Belgiri.
37.Water Chestnut.
38.Gulgul.
39.Khirni.
40.Dakh (Currant).
41.Pyrusmalus (Babu Gosha).
42.Maize-ear (Bhutta)
43.Khazoor (Wet Date).
44.Khatta (Lime)
45.Mitha (Sweet Lime)
46.Chestnut.
47.Kiwi.
48.Kinoo.
49.Raspberry.
50.Singhara.

VIII.Grass and fodder.

IX.Gur, Sugar, Sugarcane, Khandsari, shakhar and rashkat.

X.Narcotics –

1.Tobacco.

XI Oilseeds –

1.Castor seed.
2.Cotton seed
3.Groundnut (shelled and unselled).
4.Linseed.
5.Sarson.
6.Sesamum
7.Taramira.
8.Toria.

XII Pesciculture –

1.Fish.

XIII.Pulses –

1.Arhar.
2.Beans.
3.Gram.
4.Guara.
5.Mash.
6.Masur.
7.Moth.
8.Mung.
9.Peas.
10.Urad.

XIV.Vegetables –

1.Arvi and Arvi Patta.
2.Carrots-all types.
3.Cucumber-all types.
4.Gobhi-all types.
5.Kachalu.
6.Leafy and fresh vegetables.
7.Onion.
8.Peas-all types.
9.Potatoes.
10.Tomatoes.
11.Sweet Potatoes.
12.Brinjal.
13.Gourd-all types.
14.Lady Finger.
15.Halva Kaddu.
16.Ghia Tori.
17.Frassbin.
18.Bathua.
19.Sarson Leaves.
20.Green Lobia.
21.Spinach.
22.Trunip.
23.Radish.
24.Tinda-all types.
25.Kathal.
26.Jamikand.
27.Green Methi.
28.Moist chilli.
29.Kerela-all types.
30.Pumpkin.
31.Tamarind.
32.chukander.
33.Moist Chilli.
34.Mait.
35.Garlic.
36.Chirchinda.
37.Tori-All kinds.
38.Parmal.
39.Kamal kakri.
40.Goose berry (karonda).
41.Mushroom.
42.Green Corrainder.
43.Amla.
44.Singri.

45.Teent.

46.Lehsua.

47.Karamhera (Kamrakh).

48.Yam (Potatoes).

49.Salad (Lethua).

50.Beans (All kinds).

51.Green Turmeric.

52.Drum sticks.

53.Kachnar ke Phool

54.Kakora.

55.Karonda.

56.Capsicum.

57.Soya (Green).

58.Amrah.

59.Lanku.

60.Kundru.

61.Phuee.

62.Kulfa.

63.Cholai.

64.bankla.

65.Cholia.

66.Singhi;.

67.Sonjna ke Phool.

68.Bandhra.

XV.Horticulture –

1. Flowers, Cut Flowers and Potted Plants.

XVI.Forest Products –

1.Bamboo.

2.Baheda.

3.Chiraunji.

4.Gum.

5.Honey.

6.Karela.

7.Mahua Flowers.

8.Timber.

9.Wax.