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MANUAL OF

HARYANA STATE AGRICULTURAL PRODUCE MARKETS LAW

ACT, RULES & BYE-LAWS

Published by :

HARYANA STATE AGRICULTURAL MARKETING BOARD

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[THE PUNJAB AGRICULTURAL PRODUCE MARKETS ACT, 1961, (PUNJAB ACT NO. 23 OF 1961)

Received the assent of the President of India on the 18th May, 1961, and first published for general information in the Punjab Government Gazette (Extraordinary), Legislative Supplement, of the 26th May, 1961]

1	2	3	4
Years	No.	Short Title	Whether repealed or otherwise affected by Legislation
1961	23	The Punjab Agricultural produce Markets Act, 1961	Amended by Punjab Act 3 of 1922 Amended by Punjab Act 40 of 1962 Amended by Punjab Act 40 of 1963 Amended by Punjab Act 2 of 1966 Amended by Haryana Act 28 of 1969 Amended by the Punjab state Agricultural marketing Board and Marketin Committees (Reconstitiution and Reorganisation), Order Amended by Haryana Act 25 of 1970 Amended by Haryana ACt 30 of 1971

4. For Statement of Objectis and Reasons, see Punjab Government (Extraordiary), 1963, Page 1106.

6. See Government of India Ministry of Home Affairs, Natification No. 3021, dated 18th July

7.

The Punjab Agricultural Produce Markets [Punjab Act]

1	2	3	4
			Amended by Haryana Act 31 of 1971 Amended by Haryana Aet 46 of 1971 Amended by Haryana Act 4 of 1972 Amended by Haryana Act 23 of 1972 Amended by Haryana Act 21 of 1973 Amended by Haryana Act 32 of 1974 Amended by Haryana Act 10 of 1974 Amended by Haryana Act 17 of 1975 Amended by Haryana Act 21 of 1976 Amended by Haryana Act 5 of 1976 Amended by Haryana Act 22 of 1977 Amended by Haryana Aet 13 of 1978 Amended by Haryana Act 19 of 1978

1. For Statement of Objects and Reasons, See Haryana Covernment Gazette

2.

6. For Statement of Objects and Reasons, see Haryana Government Gazette
7.

12. For Statement of Objects and see Haryana Government Gazette (Extraordinary), 1978,
13.

Page 1162.

The Punjab Agricultural Produce Markets [Punjab Act] Act, 1961

1	2	3	4
			Amended by Haryana Act 10 of 1971[1] Amended by Haryana Aet 19 of 1980[2] Amended by Haryana Act 28 of 1980[3] Amended by Haryana Act 38 of 1980[4] Amended by Haryana Act 23 of 1986[5] Amended by Haryana Act 4 of 1988[6] Amended by Haryana Act 18 of 1988[7] Amended by Haryana Act 24 of 1988[8] Amended by Haryana Act 2 of 1988[9] Amended by Haryana Act 1 of 1989[10]

AN ACT

"to provide for improved regulation in marketing of agricultural produce, development of efficient marketing system, promotion of agri-processing and agricultural export and the establishment and proper administration of markets for agricultural produce in the State of Haryana and to put in place an effective infrastrucuture for marketing of agricultrual produce and lay down procedures and systems thereto."

2. For Statement of Objects and Reasons, see Haryana Government Gazette (Extrordinary)
3.

1980, Page 1296.

8. For Statement of Objects and Reasons, see Haryana Government Gazette (Extrordinary)
9.

1989, Page 387.

11. Substituted for the Words "State of Punjab" see haryana" by Punjab State Agricultural Marketing Board and Marketing Committes (Reconstitution and Reorganisation), Order, 1969.

The Punjab Agricultural Produce Markets [Punjab Act] Act, 1961

Short title extent and commencement

Be it enacted by the Legislature of the State of Punjab in the Twelfth Year of the Republic of India as follows :-

1[(1)] This Act may the called the Punjab Agricultural Produce markets Act, 1961.

[1][(2)] It extends to the State of Punjab & Haryana, the territories transferred to the Union Territory of Himachal Pradesh by section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966) and the Union Territory of Chandigarh.]

Definitions.

2. In this Act, unless the context otherwise requires,

(aa) "agriculturist" means a person who is a resident of notified market area and who is engaged in production of agricultural produce by himself or by hired labour or otherwise,, but does not include any market functionary. If a question arises whether any person is an agriculturist or not for the purpose of this Act, the decision of the Collector of the district in which such person is engaged in the production or growth of agricultural produce shall be final;

[2] [(b) "Board" means the Punjab State Agricultural marketing Board or the Haryana state Agricultural Marketing Board established under the Act for the state of Punjab or the State of Haryana and including the Administrator of the Union Territory of Himachal Pradesh functioning as the Board for the transferred territory and the administor of the Union Territory of Chandigarh functioning as the Board for the Union Territory of Chandigarh.]

(c) "broker" means a persons other than a private servant or an auctioneer, usually employed on commission to enter into contracts on behalf of others for the purchase or sale of agricultural produce;

'(ca) "business" means purchase-sale, processing, value addition, storage, transportation and

connected activites of agricultural produce;

(cb) "buyer" means a person a firm, a company or co-operative society or governernment agency, public andertaking/public agency or corporation, commission agentwho himself or on behalf of any other person or agent buys or agrees to buy agricultural produce in the market area as notified under this Act;

[3] [(cc) "Chief Administrator" means the Chief Administrator of the Board :]

(d) "Committee" means a market Committee established and constituted under sections 11 and 12 :

[4](da) "contract farming" means farming by a contract farming producer under a written agreement with contract farming sponsor to the effect that his farm produce shall be purchased as specified in the agreement;

1. Substitued for old sub-section (2) by the Punjab State Agricultural Marketing board and Marketing Committees (Reconstitution and Reorganisation), Order, 1969.

2. Substituted by the Punjab State Agricultural Marketing Board and Marketing Committee (Reconstitiution and Reorganisation), Order, 1969.

3. Inserted by ibid.

4. Inserted by Haryana Act 28 of 1980.

The Punjab Agricultural Produce Markets [Punjab Act] Act, 1961

(db) "contract farming agreement" means an agreement made for contract farming between contract farming sponsor and contract farming producer;

(dc) "contract farming producer" means an agriculturist, association of agriculturists, self-help group, authorised tenants of agriculturist, co-operative societies registered under the Haryana Co-operative Societies Act, 1984 (22 of 1984), and shall include the successors, heirs, executors and representatives of the party executing the agreement;

(dd) "contract farming sponsor" means a person, a sole proprietor, a company registered under the Companies Act 1956 (1 of 1956), a (9 of 1932), a Government agency, a co-operative society registered under the Haryana Co-operative Societies Act, 1984 (22 of 1984), and shall include its administrators, successors, representatives and assignees;

(e) "Cooperative Society" means a Co-operative Society registered or deemed to be registered under the Punjab Co-operative Societies Act, 1954, *[3] [or any other corresponding law for the time being in force] which deals in the purchse, sale, processing or storage of agricultural produce, or is otherwise engaged in the business of disposal of agricultural produce;

(f) "dealer" means any person who within the notified market area sets up, establishes or continues or allows to be continued any place for the purchase,

sale, storage or processing of agricultural produce notified under sub-section (1) of section 6 or purchases, sells stores, or processes such agricultural produce;

[1][g] "Director" means the Director of Marketing for the State of Punjab or the State of Haryana or the transferred territory of the Union territory of Chandigarh, as the case may be, and includes a joint Director of Marketing]

(h) "Godown keeper means a person, other than a producer who stores agricultural produce for himself for sales or stores agricultural produce of others in lieu of storage charges;

[2][hh] "Licensee" means a dealer to whom a licence is granted under section 10 and the rules made under this Act and includes any person who purchases or sells agricultural produce and to whom a licence is granted as Kacha Arhtia or Commission agent or otherwise but does not include a person licenced under section 13.}

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1. Subsituted for clause (g) by the Punjab State Agricultural Marketing Board and Marketing Committees (Reconstitution and Reorganisation), Order, 1969.
2. Clause (hh) inserted by Haryana Act 5 1976 and shall always be deemed to have to have been inserted.
3. Clause (i) omitted by Punjab Act 40 of 1963.
4. Clause (kk) added by Punjab Act 40 of 1963.
5. Subsititued by Haryana Act 28 of 1980.
6. Inserted by ibid w.e.f. 7-4-1979.
7. Inserted by Haryana Act 18 of 1998.

The Punjab Agricultural Produce Markets [Punjab Act] Act, 1961

(i) "Market" means any area including all lands with the buildings thereon, within such distance of the Principal market or sub-market yard, as may be notified in the Official Gazette by the State Government, to be a market proper;

'(ia) "marketing" means all activities involved in the flow of agricultural produce from the production points commencing from the stage of harvest till these reach the ultimate consumers viz. grading, processing, storage, transport, channels of distribution and all other contract farming;

(k) Market proper" means any area including all lands with the buildings thereon, within such distance of the Principal market or sub-market yard, as may be notified in the Official Gazette by the State Government, to be a market proper;

[4][kk] "member" includes the [5](Chairman and the Chief Administrator) of the Board;)]

(l) "notified market area" means any area notified under section 6; (m) "prescribed" means prescribed by rules made under this Act;

(n) "principle market yard" and "sub-market yard" means an enclosure, building or locality declared to be a principle market yard and sub-market yard under section 7;

Construction of certain references in the Act.

[6][nn "processing" means giving a treatment or a series of treatment to an agricultural produce in order to make it fit for use or consumption and includes manufacturing [7](out) of an agricultural produce;]

[1][o] "producer" means a person whose sole avocation is to produce, grow or rear agricultural produce, through tenants or otherwise. If a question arises as to whether any person is a producer or not for the purposes of this Act, the decision of the Deputy Commissioner of the district concerned shall be final:

Provided that no person shall be disqualified from being a producer merely on the ground that he is a member of a Co-operative Society:

provided further that a person shall be disqualified from being a producer if he subsequently obtains a licence under section 10 or section 13 of this Act.

Explanation.-The term "producer" shall also include tenants.

(p) [2][* * * * * * *]

(q) "retail sale" means sale of agricultural produce not exceeding such quantity as may be prescribed:

(r) "Secretary" means the Executive Officer of a Committee and includes an Assistant Secretary or a person officiating or acting as Secretary:

(s) "trade allowance" includes an allowance having the sanction of custom in the notified market area concerned and market charges payable to various functionaries;

[3][t] "transferred territory" means the territory transferred to the Union territory of Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966)].

[4][2A] In the application of the provisions of this Act,-

(1) to the State of Haryana, any reference therein to any expression mentioned in column (1) of the Table below shall be construed as a reference to the corresponding expression mentioned in column (2) of the said Table.

TABLE

1	2
State Government.	The Government of the State of Punjab State or State of Haryana.
Punjab Except in section 1of the Act.	State of Haryana.
State Agricultural Marketing Board	Haryana State Agricultural Marketing Board.

1. Clause (o) substituted by Haryana Act 21 of 1973 and futher substituted by Haryana Act 4 of 1998.

2. Clause (p) deleted by the Punjab State Agricultural Marketing Board and Marketing Committees (Reconstitutions and Reorganisation), order 1969.

3. Clause (t) added by ibid.

4. Section 2-A added by the Punjab Agricultural Marketing Board and Marketing Committees (Reconstitution and Reorganisation), Oreder, 1969.

The Punjab Agricultural Produce Markets Act, 1961

State Agricultural Marketing Board constitution, powers and duties

3. (1) The State Government may, for exercising the powers conferred on and performing the functions and duties assigned to the Board by or under this Act, establish and constitute a State Agricultural Marketing Board, consisting of [1][a Chairman [2](and a Chief Administrator, who shall be an officer of the rank of the Head of the Department,) to be nominated by the State Government and eleven other members of whom four shall be officials and seven non-officials] to be nominated by the State Government in the following manner :-

[3][a] official members shall include the Director and three officials, one representing the Agriculture Department, the second representing the Co-operative Department, and the third representing the Animal Husbandry Department;]

(b) of the non-official members-

(i) one shall be producer member of Committees;

(ii) one shall be member of the other registered organisations of the farmers'

(iii) one shall be progressive producer of the State of Haryana;

(iv) one shall be from among such persons licensed under section 10 as are members of the committee; [5] X X X]

(v) one representing co-opertive societies.

(vi) one shall be amongst the persons licensed under section 10; and

(vii) one representing Panchyat Samities.

[7][2)] The Director shall be the ex-officio Secretary of the Board.]

[8][(3)] The Board shall be a body corporate as well as a local authority by the name of the State Agricultural Marketing Board having by the name sue and be sued, and shall, subject to the provisions of this Act, be competent to acquire and hold property both movable or immovable, to lease, sell or otherwise transfer any movable or immovable property which may have, become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act.]

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1. Substituted for the words "fifteen other members of whom four shall be officials and five non-officials" by Haryana Act 32 of 1973.

2. Inserted by Haryana Act 28 of 1980.

3. Substituted for clause (a) of sub-section (1) of section 3 by Punjab Act 40 of 1963.

4. Substituted by the Punjab State Agricultural Marketing Board and Marketing Committees (Reconstitutions and Reorganisation), Order 1969.

5. Omitted by Haryana Act 32 of 1973.

6. Inserted by Haryana Act 32 of 1973.

7. Substituted for sub-section Act 32 of 1973.

8. Substituted by Haryana Act 4 of 1972.

[5][4] The non official members of the Board shall hold office during the pleasure of the State Government; provided that their term of office shall not exceed three years.]

(5) No person shall be eligible to become a member of the Board who-

(a) does not ordinarily reside within the [1][State of Haryana];

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

[6](c) [* * * * * * * *]

(d) is of unsound mind ; or

(e) has been declared as insolvent or sentenced by a criminal court, whether within or outside the [1][State of Haryana] for an offence involving moral turpitude :

2 [Provided that the disqualification incurred under,-

[6](i) [* * * * * * * * *]

(ii) Clause (e), on the ground of a sentence by a criminal court, shall not apply after the expiry of four years from the date on which the sentence has expired.]

(6) A member of the Board may resign from membership by tendering his resignation to the State Government through the Chairman of the Board and the seat of such member shall become vacant on the date of acceptance of his resignation:

[3][Provided that the Chairman [4]and the Chief Administrator) of the Board may resign by tendering his resignation to the State Government.]

[7] * * * * *

[6][7A] Whenever any member of the Board dies, resignS, ceases to reside within the State of Haryana or otherwise becomes incapable of acting as a member of the Board [8](or any vacancy occurs otherwise) the state Govt. may appoint another member in his place in the manner as provided in sub-section (1) to whichever category the vacating member belongs; provided that the term of office of the member so appointed shall expire on the same date as the term of office of the vacating member would have expired had the latter held office for the full period allowed under sub-section (4).].

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1. Subsituted for the Words "Punjab State" by the Punjab State Agricultural Marketing Board and marketing Committee (Reconstitution and Reorganisation) Order, 1969.
2. Substituted for proviso to sub-section (5) of section 3 by Haryana Act 30 of 1971.
3. Proviso to sub-section (6) of section 3 added by Punjab Act 40 of 1963.
4. Inserted by Haryana Act 28 of 1980.
5. Inserted by H.A. 4 of 1980 and further substituted by H.A. 24 of 1988.
6. Omitted by H.A. 2 of 1989.
7. Inserted by H.A. 2 of 1986.
8. Inserted by Haryana Act 2 of 1989.

No. 23 of 1961 The Punjab Agricultural Produce Markets Act, 1961

(8) The State Government shall exercise superintendence and control over the Board and its officers 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 abusing its powers or is guilty of corruption or mismanagement, it may suspend the Board and, till such time as a new Board is constituted, make such arrangements for the exercise of the functions of the Board as it may think fit:

Provided that the Board shall be constituted within six months from the date of its suspension.

(9) The Board shall exercise superintendence and control over the Committees.

[1][(10) The State Government, the Deputy Commissioner, Sub-Divisional Officer (Civil)- (the Chairman, the Chief Administrator) or Secretary of the Board or any other officer of the Board authorised in this behalf by the Board, may call for any information or return relating to agricultural produce from a Committee or a godown-keeper or other functionaries and shall have the power to inspect the records and accounts of a Committee and stock and accounts of any godown-keeper or other functionaries for that purpose.]

[2][(11) * * * * * *]

[2][(12) * * * * * *]

(13) Subject to rules made under this Act, an estimate of the annual income and expenditure of the Board for the ensuing year shall be prepared and passed by the Board and submitted every year for sanction of the State government not later than prescribed date. The State Government shall sanction and return the budget within two months from the date of the receipt thereof. If it is not received within two months, it shall be presumed to have been sanctioned.

(14) Subject to rules made under this Act, the Board may, with the approval of the State Government, frame bye-laws for-

(a) Regulating the transaction of business at its meetings :

(b) the assignment of duties and powers of the Board to its Chair man, Secretary or persons employed by it; and

(c) Such other matters as may be prescribed.

1. Substituted by Haryana Act 21 of 1973 and further substituted by Haryana Act 28 of 1980.

2. Omitted by Haryana Act. 21 of 1973.

(15) [1][Four] members shall constitute a quorum at a meeting of the Board:

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting called for transacting the same business.

(16) All questions before a meeting of the Board shall be determined by a majority of votes of the members present and voting and, in case of equality of votes, the Chairman may exercise a casting vote.

(17)(i) The State Government may delegate to the Board or its [2][Chairman, Chief Administrator] or Secretary, any of the powers conferred on it by or under this Act; and

(ii) the Board may, under Intimation to Government, delegate any of its powers to its [2][Chairman, Chief Administrator], Secretary, or any of its officers.

(18) The headquarters of the Board shall be located at a place to be determined by the State government.

(19) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

Execution of contracts by Board.

[3][3A(1) Every contract entered into by the Board shall be in writing and shall be signed on behalf of the Board by the Chief Administrator or any Group A Officer of the Board duly authorised by him in this behalf and shall be sealed with the common seal of the Board.]

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

4. [4][X X X X X]

Notification of intention of exercising control over purchase, sale, storage and processing of in specified area.

5. The State Government may, by notification, declare its intention of exercising control over the purchase, sale, storage and processing of such agricultural produce, and in such area as may be specified in the notification. Such notification shall state that any objection or suggestions which may be received by the State Government within a period of not less than thirty days to be specified in the notification, will be considered.

1. Subsituted for the word "Seven" by the Punjab State Agricultural marketing Board and Marketing Committees (Reconstitution and Reorganistion Order, 1969.

2. Substituted for the word "Chairman" by the Punjab Act 40 of 1963 and further substituted by Haryana Act 28 of 1980.

3. Section 3-A added by Haryana Act 4 of 1972 Section 3 further sub. by H.A. 38 of 1980 further substituted by Haryana Act 2 of 1989.

4. Section 4 omitted by Haryana Act 22 of 1977 and shall always be deemed to have been omitted.

Declaration of notified market area.

6. (i) After the expiry of the period specified in the notification under section 5 and after considering such objections and suggestions as may be received before the expiry of such period, the State Government may, by notification and in any other manner that may be prescribed, declare the area notified under section 5 or any portion thereof to be a notified market area for the purposes of this Act in respect of the agricultural produce notified under section 5 of any part thereof.

[1][(2) * * * * * *]

[1][(3) * * * * * *]

(4) for the removal of doubts, it is hereby declared that a notification published in the Official Gazettee under this section or section 5 shall have full force and effect notwithstanding any omission to publish, or any irregularity or defect in the publication of, a notification under this section or under section 5 as the case may be.

Notifiction of intention to alter limits of or to amalgamate or to split up markets areas.

[1][6A. (1) The State Government may, by notification, declare its intention- (i) to alter the limits of a market area by including therein any other area in the vicinity thereof or by excluding therefrom any area comprised therein : or
(ii) to amalgamate two or more market areas and constitute one

Committee thereof ; or

(iii) to split up a market area and to constitute two or more Committees therefor.

(2) Every Notification issued under sub-section (1) shall define the limits of the area which is intended to be included in or excluded from a market area, or of the market area intended to be amalgamated into one, or of the area of each of the market intended to be constituted after spliting up an existing market area, as the case may be, and shall also specify the period which shall not be less than thirty days within which objections, if any, shall be received by the State government.

Procedure subsequent to notification under section 6A.

6.B (1) Any inhabitant of the market area or of the area affected by the notification issued under sub-section (1) of section 6A may, if he objects to anything contained therein, submit his objections in writing to the State Government within the period specified for this purpose in the said notification

(2) When the period specified in the said notification has expired and the State government has considered and passed orders on such objections as may have been submitted to it within the said period, the State Government may, by notification.-

(a) include the area or any part thereof in the market area or exclude it therefrom ; or]

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1. Omitted by Haryana Act 21 of 1973.
2. Inserted by Haryana Act 21 1973.

(b) constitute a new Committee for the market area amalgamated :

or

(c) split up an existing market area and constitute two or more Committees for such areas, as the case may be.

Power of State Government to issue consequential order with respect to constitution etc of Committee on alteration of limits, amalgamation or spliting up.

6C. Where a notification under section 6B has been issued the State Government may make such consequential orders as it may deem fit in respect of -

(a) the constitution of the Committee for the altered area where an area has been included in or excluded from market area ;

(b) dissolution of the existing Committee which have been amalgamated and the constitution of the new committee there for ;

(c) the dissolution of the Committee split up and the constitution of the Committees established in its place thereafter and matters ancillary thereto.

Effect of alteration of limits.

6(D) Where a notification under section 6B has been issued excluding any area from the market area and including any such area in any other market area the State Government shall after consulting the Committee frame a scheme to determine what portion of the assets and other properties vested in one Committee shall vest in the other Committee and in what manner the liabilities of the Committees shall be apportioned between the two Committees and such scheme shall come into force on the date of publication in the Official Gazette.

Effect of amalgamation

6E. On the issue of a notification under section 6B constituting a new Committee

for the market areas amalgamated the following consequences shall ensue, namely-

(a) all the property under the control of a Committee immediately before the date of amalgamation including funds shall be the property and fund of the new Committee ;

(b) the staff of the Committees of the amalgamated market areas shall, until otherwise ordered by the Act, be continued and deemed to be the staff appointed by the new Committee ;

(c) all rules, bye-laws, orders and notifications in force in the area of the Committees amalgamated immediately before the date of amalgamation shall, except the rules, bye-laws, orders and notifications in respect of such matters, as may be specified by the State Government by notification issued in that behalf, stand repealed and the rules, bye-laws, order, and notifications in respect of matters specified therein shall operate, throughout the area of new Committee until altered, amended or cancelled in accordance with the provisions of this Act ;

(d) any right, privilege, obligation or liability acquired, accrued or incurred by the Committees amalgamated shall be deemed to be the right, privilege, obligation or liability acquired, accrued or incurred by the new committee.

Effect of splitting up.

6F On the issue of notification under section 6B splitting up a market area into two or more market areas the following consequences shall ensue, namely -

(a) All rules, by-laws and orders, in force in the area of the original Committee immediately before the market area of such Committee is split up, shall continue to be inforce in the areas comprised in the new Committees until altered, amended or cancelled in accordance with the provisions of this Act;

(b) All property vested in the original Committee shall subject to any orders of the State Government be held and expended by the Board for the purposes of the areas of the newly constituted Committees.

Apportionment of assets and liabilities of Committee split up.

6G. (1) The assets and liabilities of Committee of the original market area shall in accordance with the provisions of the Act be apportioned by the State Government between several Committees of the new market areas newly constituted.

(2) The staff of the committee of the original market area shall be absorbed by the Committees newly constituted, in accordance with the orders of the Board issued in this behalf.

Suits by or against new Committee.

6H. (1) The Committee or Committees of the new market area or areas shall be deemed to be the representative of the original Committee or Committees for the purposes of suing or being sued or for continuing pending suits or proceedings by or against the Committee or Committees of the original market area or areas.

(2) If any dispute arises between the Committees as regards their respective liability or claim under decree or order the matter shall be referred to the State Government whose decision shall be final.

Saving as to existing employees of Committees or Committees amalgamated or split up

6I. When under section 6B a new Committee is constituted by amalgamation of two or more Committees or where two or more new Committees are constituted by splitting up of an existing Committee, the pay and allowances, pension and retirement benefits, if any, of all employees of the Committees amalgamated or split up shall be the pay and allowances, pension and retirement benefits, as the case may be, immediately before the date of amalgamation or splitting up, as the case may be.]

Declaration of market yards.

7 (1) For each notified market area, there shall be one principal market yard and one or more sub-market yards as may be necessary.

(2) the State government may, by notification, declare any enclosure, building or locality in any notified market area to be principal market yard for the area and other enclosures, building or localities to be one or more sub-market yards for the area.

The Punjab Agricultural Produce Markets Act, 1961 **[Punjab Act]**

Control of sale and purchase of agricultural produce.	[1][8(1) From the date of issue of notification under section 6 or from such later date as may be specified therein, no person, unless exempted by rules made under this Act, shall, either for himself or on behalf of another person or the State Government, within the notified market area, set up, establish or continue or allow to be continued any place for the purchase, sale, storage and processing of the agricultural produce or purchase, sell, store or process such agricultural produce except under a licence granted in accordance with the provisions of this Act, the rules and bye-laws. made there under and the conditions specified in the licence. (2) From the date on which the State Government has, by a notification under section 7, declared any place to be a principal or sub-market yard, no person, municipal committee, panchayat, panchayat samiti or any other local authority, not withstanding anything contained in sub-section (I) or in any enactment relating to such municipal committee panchayat samiti, panchayat or local authority, shall be competent to set up, establish or continue or allow to be continued any place within a distance of five kilometers from the outer limits of such market yard for the purchase and sale of any agricultural produce: Provided that nothing herein contained shall apply to the sale of agricultural produce stored in a cold-storage or processed and kept in a factory. (3)Nothing contained in sub-sections (1) and (2) shall apply to (a) the sale of agricultural produce by a producer himself to any person who purchases it for his private consumption ; (b)the purchase by a person from any person of any agricultural produce for his private consumption ; (c) the sale or purchase of agricultural produce through retail sale ; and (d)The storage or the sale of hypothecated agricultural produce by a scheduled bank or ware house established under the Warehousing Corporations Act, 1962, or the Punjab Warehouses Act, 1957.

1. Substituted by Haryana Act 21 of 1973 and further substituted by Haryana Act 21 of 1975.

2. Subsituted for the words “Chairman of the Board” by Punjab Act 40 of 1963 and further substituted by Haryana Act 38 of 1980.

3. Substituted for the word “section 6” Haryana Act 21 of 1973.

The Punjab Agricultural Produce Markets -16 [Punjab Act]

Act, 1961

Procedure and form of contract farming agreement.	8(A) (1) The contract farming sponsor shall register himself with the Committee or with a prescribed officer in such manner as may be prescribed; (ii) contract farming sponsor shall get the contract farming agreement executed with the contract farming producer and get the same registered with the officer

form containing such particuiars and terms and conditions as may be prescribed for marketing of contract farming produce.

(2) Notwishtanding anything contained in contract farming agreement, no title, rights, ownership or possession of the land shall be transferred or alienated or vested in the contract farming sponsor his successor or his agent as a consequence arising out of the contract farming agreement.

(3) The contract farming sponsor shall be the buyer of the agricultural produce covered under the contract farming agreement. The business premises of the sponsor shall be deemed to be the market yard for the purpose of sale and purchase of agricultural produce covered under contract farming agreement of that sponsor.

(4) Disputes arising out of the contract farming agreement may be referred to any authority prescribed in this behalf for settlement. The prescribed authority shall resoirve the dispute in the summary manner within thirty days after giving the parties a reasonable opportunity of being heard in the manner prescribed.

(5) The party aggrived by the decision of the prescribed authority under sub-section (4) may prefer an appeal to an appellate authority as may be prescribed, within thirty days from the date of decision. The appellate authority shall dispose of the appeal within thirty days after the parties reasonable opportunity of being heard and the decision of the appellate authority shall be final.

(6) The decision by the presribed authority under sub-section (40 and decision in appeal under sub-section (5) shall have decrtal amount shall be recovered as an arrear of land revenue.

(7) Disputes relating to and arising out of contract farming agreement shall not be called in question in any civil court.'

Authority to whom applications for grant of licences are to be made

9. [2][The Chief Administrator] or any other officer authorised by him in writing in this behalf shall be the authority for granting licences required under [3][Section 8.]

Application for licences fees to be paid and cancellation or suspension of licences.

[3][10(1) Any person may apply to the authority specified in section 9 for a licence which may be granted for such period, in such form, on such conditions and on payment of such fees and such security as may be prescribed :

Provided that if any person carrying on any business of the nature specified in sub-section (1) of section 8 in a notiied market area on the date of issue of notification under sub-section (1) of section 6 fails to appy for a licence on or before the date specified therein for obtaining licence, the proper authority may, before a licence is issued, impose on him such penalty not exceeding one hundred rupees as may be prescribed.]

1. Substituted for the words "Chairman of the Board" by Punjab Act 40 of 1963 and further substituted by the Haryana Act 38 of 1980.

2. Substituted for the words "section 6" by Haryana Act 21 of 1973.

3. Substituted by Haryana Act 21 of 1973.

(2) [2][The Chief Administrator or any other officer, authorised by him, in writing, in this behalf] may, on being satisfied that [2][the licence has been obtained through wilful misrepresentation or fraud or] there has been a breach of any of the conditions specified in a licence, by an order in writing, cancel or suspend such licence and may also direct that such licence shall not be renewed for such period not exceeding five months for the first breach and not exceeding nine months for the second breach and not exceeding one year for every subsequent breach, as may be specified in that order :

Provided that the Chairman of a Committee of the area concerned may under intimation to [3][the Chief Administrator or any other officer, authorised by him in writing, in this behalf] suspend a licence for a period not exceeding fifteen days :

Provided further that no such order shall be made without giving the licencee, an opportunity to show cause why such an order should not be made.

(3) [3][The Chief Administrator or any other Officer, authorised by him, in writing, in this behalf] after such enquiry as he may consider necessary, refuse a licence to a person who in his opinion -

(a) is a benamidar for or a partner with any person to whom a licence has been refused or whose licence is cancelled or suspended under sub-section (2) for the period of such cancellation or suspension : or

(b) is convicted of an offence affecting the said person's integrity as a man of business within two years of such conviction ; or

(c) is undischarged insolvent:

Provided that no such order shall be made without giving such person an opportunity to show cause why such an order should not be made.

4) Omitted

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1. Substituted by Haryana Act 21 of 1973.
2. Inserted by Haryana Act 21 of 1973.
3. Substituted for the words "Chairman of the Board" by Punjab Act 40 of 1963 and further substituted by Haryana Act 38 of 1980.

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Establishment of market Committee.

11. The State Government shall by notification establish a market committee for every notified market area and shall specify its headquarters.

Constitution of Committees.

[1][12 (1) A Committee shall consist of eleven or nineteen members as the State government may in each case determine, out of whom one shall be an official appointed by the State Government :

Provided that where in a notified market area there is in existence a Co-operative Society, the Committee shall consist of twelve or twenty members as the case may be.

(2) The remaining members shall be nominated by the State Government by notification as follows :-

(a) if the Committee is to consist of eleven members, there shall be nominated -

(i) seven members from amongst the producers of the notified market area:

(ii) two members from amongst the persons licenced under section 10 : and

(iii) one member from amongst the persons licenced under section 13 :

Provided that the members nominated under this clause shall include at least one person belonging to Scheduled Castes or Scheduled Tribes and one person belonging to the Backward Classes, who are otherwise qualified to be nominated as members of the Committee;

(b) if the Committee is to consist of twelve members, there shall be nominated, in addition to the members specified in clause (a) one member representing the Co-operative Societies ;

(c) if the Committee is to consist of ninteen members, there shall be nominated -

(i) twelve members from amongst the producers of the notified market area: (i) four members from amongst the persons licenced under section 10 : and

(i) two member from amongst the persons licenced under section 13 :

Provided that the members nominated under this clause shall include at least two persons belonging to Scheduled Castes or Scheduled Tribes and one person belonging to the Backward Classes, who are otherwise qualified to be nominated as members of the Committee;

(d) if the Committee is to consist of twenty members, there shall be nominated, in addition to the members specified in clause (c), one member representing the Co-operative Societies ;

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1. Section 12 subsituted by Haryana Act 25 of1970 and further substuted by Haryana Act of 1978 and further substuted by Haryana Act 10 of 1979 and further substuted by Haryana Act 19 of 1980.

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Provided that where, in the case off sub-clause (iii) or clause (a) or sub-clause (iii) of clause (c), there are no persons licenced under section 13 or the number of such persons is less than those required to be nominated, the deficiency shall be made up by nominating from amongst the persons licenced under section 10.

(3) No act done, or proceeding taken, under this Act by the Committee shall be invalid merely on the ground -

(a) of any vacancy or defect in the constitution of the Committee ;

or

(b) of any defect or irregularity in the nomination of a person acting as a member thereof ; or

(c) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

(4) Subject to rules made under this Act, the disqualifications specified in sub section (5) of section 3 shall also apply for purposes of becoming a member of a Committee.

(5) The State Government shall constitute Committees in accordance with the provisions of this section :

Provided that the State Government may, until such Committees are constituted and their Chairmen and Vice-Chairmen are 1[nominated] in accordance with the provisions of this Act, appoint such person or persons, as may be considered suitable in this behalf, to exercise the powers and perform the functions of such Committees.

Explanation.-For the purposes of the proviso to sub-section (5) any person or persons appointed by the State Government before the commencement of the Punjab Agricultural Produce Markets (Haryana Amendment) Act, 1980, to carry out the functions of a Committee shall be deemed to be person or persons appointed by the Sate Government to exercise the powers and perform the functions of those Committees for which they were appointed.] 13. (1) It shall be the duty of a Committee

Duties and Power of Committee.

(a) to enforce the provisions of this Act and the rules and byelaws made thereunder in the notified market area and, when so required by the 2[* * * *] Board, to establish a market therein providing such facilities for persons visiting in connection with the purchase, sale storage, weighment and processing of agricultural produce concerned as the 2[* * * *] Board may from time to time direct ;

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1. Subsituted by Haryana Act 2 of 1989.

2. The words “Chairman of the” omitted by Punjab Act 40 of 1963.

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(b) to control and regulate the admission to the market, to determine the conditions for the use of the market and to penalize or confiscate the agricultural produce belonging to person trading without a valid licence ;

(c) to bring, or defend or aid in bringing, or defending any suit, action, proceeding, application or arbitration, on behalf of the Committee or otherwise when directed by the Board

1[* * * *].

(2) Every person licensed under section 10 or section 13 and every person exempted under 2[section 8] from taking out license, shall on demand by the Committee or any person authorised by it in this behalf furnish such information and returns, as may be necessary for proper enforcement of Act or the rules and bye-laws made thereunder.

(3) Subject to such rules as the State Government may make in this behalf, it shall be the duty of a Committee to issue licences to brokers, weighmen, measurers, surveyors, godown keepers and other functionaries for carrying on their occupation in the notified market area in respect of agricultural produce and to renew, suspend or cancel such licences.

(4) No broker, weighman, measurer, surveyor, godown-keeper or other functionary shall, unless duly authorised by licence, carry on his occupation in a notified market area in respect of agricultural produce:

Provided that nothing in sub-sections (3 and (4) shall apply to a person carrying on the business of warehouseman who is licensed under the Punjab Warehouses Act, 1957 (Punjab Act No. 2 of 1958).

Term of office of members.

"[3][14. Term of office of members.- (1) Subject to the provisions of section 17, a nominated member of a Committee shall hold office [3][during the pleasure of the State Government; provided that his term of office shall not exceed three years from the date of his appointment.]

(2) An outgoing member may, if otherwise qualified, be re-nominated for another term of three years.]"

1. The words "of the Chairman of the Board" omitted by Punjab Act 40 of 1963.

2. Substituted for the "section 6" by Haryana Act 21 of 1973.

3. Section 14 substituted by Haryana Act 1970 and further subsituted by Haryana Act of 1978 and futher substituted by Haryana Act 19 of 1980 and further substituted by Haryana Act 24 of 1988.

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[1][15 [1][x x x x x x]

[3][2]Nomination of Chairman and vice-Chairman.

16. (1) Every Committee shall have a Chairman and a vice-Chairman. amongst the members who are producers and the Vice-Chairman shall be [4][nominated by the State Government] from amongst the members who are licencees under sections 10 and 13.

[5][Proviso * * * * * *]

[6][(2) The Committee may by a majority of two-thirds of the total members at a meeting specially convened for the purpose, pass a resolution for the removal of Chairman or Vice-Chairman and any resolution so passed shall be subject to the confirmation by the Board. The office of the Chairman or Vice-Chairman, as the case may be, shall stand vacated from the date of such confirmation.]

[7][16-A (* * * * * *)]

Filling of vacancies.

17. (1) Whenever any member dies, resigns, ceases to reside permanently in the notified market area or becomes incapable of acting as a member of Committee or any vacancy occurs through transfer [1][* * * * *] or otherwise, the State Government may appoint a member to fill in such vacancy in accordance with the provisions of section 12 :

Provided that the term of office of the member so appointed shall expire on the same date as the term of office of the vacating member would have expired had the latter held office for the full period allowed under section 14. [8][* * * * * * * * * *].

(2) Should the State Government decide to raise the number of members of an existing Committee [9][from eleven to nineteen] the additional vacancies shall be filled in accordance with the provisions of sub-section (1) and the term of office of the additional members appointed shall be the unexpired portion of the term of the existing members of the Committee.

[10][(3) If any vacancy occurs in the office of the Chairman or Vice-Chairman of the Committee as a result of death, resignation [11][ ] or otherwise, the vacancy shall be filled in the manner provided in sub-section (1) of section 16.

1. Section 14 substituted by Haryana Act 25 of 1970 and further substituted by Haryana Act 13 of 1978 and further substituted by Haryana Act 19 of 1980.

2. Substituted by Act 24 of 1988 dated 6-9-88.

3. Substituted 15 ommitted by Haryana Act 2 of 1989 dated 17-3-89.

4. Renumbered by Haryana Act 23 of 1972.

5. Inserted by Haryana Act 13 of 1978.

6. Substituted by the Haryana Act 13 of 1978 and further substituted by Haryana Act 19 of 1950.

7. Substituted by Haryana Act 24 of 1988 dated 6-9-88.

8. Subsituted by Haryana Act 10 of 1979.
9. Subsituted by Haryana Act 24 of 1988.
*10. Proviso to sub-section (1) omitted by Haryana Act 24 of 1988.
11. Proviso to sub-section (1) of section 16 added by Punjab Act 2 of 1966 and subsituted by Haryana Act 13 of 1978.
12. Substituted by Haryana Act 23 of 1972.

(4) the Chairman or Vice Chairman so [1][nominated by the State Government] shall hold office only so long as the person in whose place he is [1][nominated by the State Government] would have held office if the vacancy had not occurred.]

Incorporation of Committees

(18) Every Committee shall be a body corporate as well as a local authority by such name as the State Government may specify in the notification establishing it, shall have perpetual succession and a common seal may sue and be sued in its corporate name, and shall subject to the provisions of section 32 be competent to sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes for which it is established :

Provided that no Committee shall permanently transfer any immovable property except in pursuance of a resolution passed at a meeting specially convened for the purpose by a majority of not less than three fourth of the members of the Committee and prior approval of [2][the Chief Administrator].

Appointment of sub-committees and joint committee and delegation of powers.

(19) A Committee may appoint, one or more of its members or other to be a sub-committee or to be a joint committee or to be an ad-hoc committee for the administration of the sub-market yard, for the conduct of any work or for reporting on any matter and may delegate to such committee or any one or more of its members such of its powers or duties as it thinks fit :

Provided that when any such committee is to consist of, or the powers of the after it is duly approved by the [3][* * * *] Board.

Constitution of Marketing Service.

[4][20 (1) There shall be a Marketing Service (hereinafter referred to as the service) It shall consist of the existing officials of the Board and the Committees and such other officials as may here after be appointed by the Board on such terms and conditions as it may deem fit, except class IV employees of the Committees. The members of the Service shall be deemed to have been appointed by the Board :

Provided that the officials of the Committees employed after the 31st day of March, 1973 shall not be the members of the Service.

1. Sub. by H.A. 24 of 1988.
2. Sub. H.A. 38 of 1980.
3. The words “Chairman of the” omitted by Punjab Act of 1963.
4. Substituted by Haryana Act 21 of 1973.

(2) The members of the Service shall be governed by the same terms and conditions on which they are serving under the Board or the Committees till their terms and conditions are prescribed.

(3) The integration of the officials in the Service shall be made in the manner prescribed.

(4) The Board shall have the power,-

(a) to determine the strength of the Service and cadres thereof;

(b) to determine the strength of the categories of the officials required by each Committee.

(5) the Board shall have the power to suspend, remove, dismiss or otherwise punish the officials in the Service :

Provided that the Committee shall have the power regarding the members of the Service engaged in managing affairs of the Committee to impose minor punishment like censure and stoppage of increment.

(6) The Board shall have the power to transfer any member of the Service anywhere within the State of Haryana.

(7) The powers conferred under this section on the Board and the Committees shall be exercised subject to such rules as may be made in this behalf by the State government.

Appointment of class IV employees.

20A. Subject to the rules made under this Act, every Committee shall appoint such class IV employees as may be necessary for the management of the market and pay them such salary and allowances as may be fixed by the Board and shall have the power to control and punish them.]

Persons who are to be deemed Public Servants within the meaning of section 21 of Indian penal Code.

21. Every member and officer or servant of the Board or a Committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Execution of Contracts.

22. (1) Every contract entered into by a Committee shall be in writing and shall be signed on behalf of the Committee by the Chairman or, if for any reason he is unable to act, by the Vice Chairman, and two other members of the Committee and shall be sealed with the common seal of the committee.

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

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Levy of fees. **Passing on burden of fee.** **Octroi not payable on certain agricultural produce.** **Marketing Development Fund.**	[1][23] A Committee may, subject to such rules as may be made by the State Government in this behalf, levy on ad-valorem basis fees on the agricultural produce [2][****] [2][bought or sold or brought for processing by dealers] in the notified area at a rate not exceeding [3][three rupees] for every one hundred rupees [4][Provided that, except in the case of agricultural produce brought for processing] - (a) no fee shall be leviable in respect of any transaction in which delivery of the agricultural produce bought or sold is not actually made; and (b) a fee shall be leviable only on the parties to a transac- tion in which delivery is actually made.] [7][23A. (1) Notwithstanding anything contained in section 23, a dealer or licencee may pass on the burden of fee paid by him under that section and the rules made there under to the next purchaser or add the same towards the cost of agricultural produce or the goods processed or manufactured out of it. (2) Whenever a dispute arises as to the passing on the burden of fee or its addition towards the cost of agricultural produce or the goods processed or manufactured out of it. It shall always be presumed, unless proved otherwise, that the burden of the fee has been passed on to the next purchaser or has been added towards the cost of the agricultural produce or the goods processed or manufactured out of it." 24. Not with standing anything to the contrary contained in the Punjab Municipal Act, 1911, [5][and any other corresponding law for the time being in force] the State Government may by notification direct that in respect of such agricultural produce, notified under section 6, brought or received within notified market area, as may be specified in the notification, no octroi shall be payable by any person to a Municipal Committee from such dates as may be specified therein. 25. (1) All receipts of the Board shall be credited to a fund to be called the Marketing Development Fund. [6][(2) All expenditure incurred by the Board shall be defrayed from such fund which shall be

1. Substituted by Haryana act 21 of 1973.
2. Omitted by Haryana Act 5 of 1976 and further substituted by Hr. Act 10 of 1979.
3. The words "one rupee and fifty paise" substuted for the words "one rupee" by Haryana Act 10 of 1974 and the words "two rupees" substituted with the words "three rupees" shall be deemed to have been substuted with effect from 2nd day of Septemebt, 1977 for the words "two rupees" by Haryana Act 22 of 1977.
4. Substituted by Haryana Act 5 of 1976 and further substituted by Haryana Act 10 of 1979. The words
5. added by the Punjab State Agricultural Marketing Board and Marketing Committee (Reconstitinons and Recorganisation) Order, 1969.
6. Substituted by Haryana Act 21 of 1973.
7. Inserted by Haryana Act 38 of 1980.
8. Subsituted by Haryana Act 38 of 1980.

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26. The Marketing Development Fund shall be utilised for the following purposes :- (i) better marketing of agricultural produce; (ii) marketing of agricultural produce on co-operative lines; (iii) collection and dissemination of markets rates and news; (iv) grading and standardisation of agricultural produce; (v) general improvements in the markets or their respective notified market areas; (vi) maintenance of the office of the Board and construction and repair of its office buildings, rest-house and staff quarters; (vii) giving aid to financially weak Committees in the shape of loans and grants; (viii) payment of salary, leave allowance, gratuity, compassionate allowance, compensation for injuries or death resulting from accidents while on duty, medical aid, pension or provident fund to the persons employed by the Board and leave and pension contribution to Government servants on deputation; (ix) traveling and other allowances to the employees of the Board, its members and members of Advisory Committees; (x) propaganda, demonstration and publicity in favor of agricultural improvements; (xi) production and betterment of agricultural produce; (xii) meeting any legal expenses incurred by the Board; (xiii) imparting education in marketing or agriculture; (xiv) construction of godowns; (xv) loans and advances to the employees; (xvi) expenses incurred in auditing the accounts of the Board; (xvii) with the previous sanction of the State Government, any other purpose which is calculated to promote the general interests of the Board and the Committees [1][or the national or public interest] :	**Purposes for which the Marketing Development Fund may be expended.**

1. The word “or the national or public interest” added by Punjab Act 23 of 1962.

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Market Committee Fund.	Provided that if the Board decides to give aid of more than five thousand rupees to a financially weak Committee under clause (vii), the prior approval of the State Government to such payment shall be obtained. 27. (1) All moneys received by a Committee shall be paid into a fund to be called the Market Committee Fund and all expenditure incurred by the Committee under or for the purposes of this Act shall be defrayed out of such fund, and any surplus remaining after such expenditure has been met shall be invested in such manner as may be prescribed. (2) (a) Every Committee shall, out of its fund pay to the Board as contribution such percentage of its income derived from licence fee, market fee and penalities imposed and realized under this Act as is specified below to defray expenses of the office establishments of the Board and such other expenses incurred by it in the interest of the Committees generally and also pay to the State Government the cost of any special or additional staff employed by the State Government in consultation with the Committee for giving effect to the provisions of this Act in the notified market area- (i) if the annual income of a Committee does not exceed Rs. 10,000 [1][20 per centum] (ii) if the annual income of Committee exceeds Rs. 10,000- on the first 10,000 [1][20 per centum] on the next 5,000 or part thereof [1][25 per centum] on the remaining income [1][30 per centum] (b) The State Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more Committees than one, apportion such cost among the Committees concerned in such manner as it thinks fit. The decision of the state Government determining the amount payable by any Committee shall be final.
Purposes for which the market Committee Funds may be expended.	28. Subject to the provisions of section 27, the Market Committee Funds shall be expended for the following purposes : (i) acquisition of sites for the market; (ii) maintenance and improvement of the market;

1. Substituted by Haryana Act 21 1973.

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(iv) provision and maintenance of standard weights and measures; (v) pay, leave allowances, gratuities, compassionate allowances for injuries and death resulting from accidents while on duty, medical aid, pension or provident fund of the persons employed by the Committee; (vi) payment of interest on loans that may be raised for purposes of the market and the provisions of a sinking fund in respect of such loans; (vii) collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural produce concerned; (viii) providing comforts and facilities, such as shelters, shade, parking accommodation and water for the persons drought cattle, vehicles and pack animals coming or being brought to the market or on construction or repair of approach roads [1][Link Roads] culverts, bridges and other such purposes; (ix) expenses incurred in the maintenance of the offices and in auditing the accounts of the Committees; (x) propaganda in favour of agricultural improvements and thrift: (xi) production and betterment of agricultural Produce ; (xii) meeting any legal expenses incurred by the Committee: (xiii) imparting education in marketing or agriculture; (xiv) payments of travelling and other allowances to the members and employees of the committee as prescribed; (xv) loans and advances to the employees; (xvi) expenses of and incidental to elections ; and (xvii) with the previous sanction of the State Government, any purpose calculated to promote the national or public interest.]	
29. (1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a Committee, if such loss, waste or misapplication is proved to the satisfaction of the Board to be the direct consequence of his neglect or misconduct in the performance of duties as a member or an employee of the Committee [3][or an official managing the affairs of the Committee] and he may, after being given an opportunity by a written notice to show cause why he should not be required to make good the loss, be surcharged with the value of such property or the amount of such.	**Liability of member of Committees or the Bord.**

1. Inst. by H.A. 2 of 1989.
2. Added by Punjab Act 23 of 1962.
3. Inserted by Haryana Act 21 of 1973.

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loss by the Board and if the amount is not paid within one month from the expiry of the period of appeal prescribed by the sub-section (3) it shall be recoverable as the arrears of land revenue :

Provided that no such person shall be called upon to show cause after the expiry of a period of fo years from the occurrence of such loss, waste or misapplication or after the expiry of two years fr the time of his ceasing to be a member or an employee [1][or official] whichever expires first.

(2) every person shall be liable for the loss, waste or misapplication of any money or other proper belonging to the Board, if such loss, waste or misapplication is proved to the satisfaction of the St Government to be the direct consequence of his neglect or misconduct in the performance of duti as a member or an employee of the Board, and he may, after being given an opportunity by a writ notice to show cause why he should not be required to make good the loss, be surcharged with the value of such property or the amount of such loss by the state Government and if the amount is no paid within one month from the expiry of the period of appeal prescribed by sub-section (3) it sha be recoverable as arrears of land revenue :

Provided that no such person shall be called upon to show cause after the expiry of a period of fou years from the occurrence of such loss, waste or misapplication or after the expiry of two years fr the time of his ceasing to be a member or an employee, whichever expires first.

(3) The person against whom an order under sub-section (1) or subsection (2) is made may, wit one month of the service of such order, appeal to the State Government which shall have the pow of confirming, modifying or disallowing the surcharge.

No Trade Allowance permissible except as prescribed.

30. No trade allowance, other than an allowance permitted by rules or bye-laws made under this Ac shall be made or received in a notified market area by any person in any transaction in respect of t agricultural produce concerned and no Civil Court shall, in any suit or proceeding arising out of any su transaction, recognise any trade allowance not so permitted ;

Provided that all market charges shall be paid by the buyer.

Bar of suit in absence of notice.

31. Omitted

1. Inserted by Hr. Act 21 of 1973.

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at his office or usual place of abode, and the plaint shall contain a statement that such notice has been so delivered or left.

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

Power to borrow.

32. (1) A Committee may, with the previous sanction of the [1][**] Board raise the money required for carrying on the purposes for which it is established on the security of any property vested in and belonging to the Committee and of any fees leviable by it under this Act.

(2) A Committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market, for the proper discharge of the duties and functions imposed on it by or under this Act, or for the purpose of development activities and extension of market obtain a loan from the State Government or the Board on such conditions and subject to such rules as may be prescribed.

(3) A Committee may, with the previous approval of the [1][***] Board, obtain loans from other Committees on such conditions and subject to such rules as may be prescribed.

[2][(4) The Board may with the previous sanctions of the State Government raise the money required for carrying on the purpose for which it is established.]

Power to call information, inspect, enforce attendance and to suspend actions, etc., of Committees.

33. (1) When the affairs of a Committee are investigated or the proceedings of such Committee are examined by [3][the Board or] any other officer to whom the powers have been delegated under sub-section (17) of section 3, all officers, servants and members of such Committee shall furnish such information in their possession in regard to the affairs or proceeding of the Committee as [3][the board or] such officer may require.

(2) [3][the Board or] any officer authorised by him by general or special order shall have power to inspect or cause to be inspected the accounts of a Committee or to institute an enquiry into the affairs of the Committee and to make a written reply to him within a reasonable time stating its reasons for not desisting from doing it or for not doing such a thing.

1. The words “Chairman of the”
2. Sub-section (4) added by Har
3. Substituted for the words “ C

Subsituted by of Haryana Act 28 of 1980 and fruther substuted by Haryana Act 38 of 1980.

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(3) An officer investigating the affairs of a Committee or examining the proceedings of such Committee under sub-section (1) shall have the power to summon and enforce the attendance of office and to produce documents by the same means and as far as possible in the same manner as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

(4) (i) The [1][***] Board may, by order in writing, annul any proceeding of a Committee or sub-committee or joint committee or adhoc Committee which it considers not to be in conformity with law or with the rules or bye-laws made thereunder and may do all things necessary to secure such conformity, or may suspend any resolution which it considers likely to cause injury or annoyance to the public or is likely to affect adversely the interest of the Committee or of producers or dealers or any class of functionaries working in the notified market area concerned.

(ii) The [1][***] Board may, by order in writing, suspend the execution of any resolution or order of a Committee or sub-committee or joint committee or adhoc Committee, or prohibit the doing of any act which is being done or is about to be done in pursuance of or under cover of this Act or any rule or bye-law made thereunder, if in its opinion, the resolution, order or Act is in excess of the powers conferred by law, or is likely to cause injury or annoyance to the public or is likely to affect adversely the interest of the Committee or of producers or of dealers or of any class of functionaries working in the notified market area concerned.

(iii) When the [1][***] Board makes an order under this sub-section, it shall forthwith forward a copy there of, with a statement of reasons for making it and the explanation, if any, of the Committee concerned to the State Government, who may thereupon rescind the order or direct that it shall continue in force with or without modification, permanently, or for such period as it thinks fit.

(5) [2][The Chief Administrator or any other officer authorised by him, in writing, in this behalf], shall also have the power to suspend or cancel the licences of market functionaries issued under section 13.

(6)(i) If any officer or member of a Committee when required to furnish information in regard to the affairs or proceedings of

1. The words “Chairman or the” omitted by Punjab Act of 1963.
2. The word “chairman or the” omitted by Punjab Act 40 of 1963 and further Substituted by Haryana Act 38 of 1980.

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a committee under sub-section (1) (a) Wilfully neglects or refuses to furnish any information; (b) Wilfully furnishes a false information’ he shall, on conviction, be punishable with fine not exceeding five hundred rupees, or with imprisonment for a term which may extend to six months or with both. (ii) If any officer, member or a servant of a Committee wilfully neglects or refuses to do any act or wilfully or without any reasonable excuse disobeys a lawful written order issued under the provision of this Act or fails to furnish information or return lawfully required from him, he shall on conviction, be punishable with	

fine not exceeding five hundred rupees, or with imprisonment for a term which may extend to one month, or with both.	**Power to order production of accounts and power of entry, inspection and seizure.**
[1][33A (1) Any officer empowered by the Board in this behalf, may for the purpose of this Act, require any dealer to produce before him, the accounts and other documents and to furnish any information relating to the stock of agricultural produce of purchase, sale storage and processing of agricultural produce by such person and also to furnish any other information relating to the payment of the market fee by such person. (2) All accounts and registers maintained by any dealer and documents relating to the stock of agricultural produce or purchase, sale, storage and processing of such agricultural produce in his possession and the office, establishment, godown or vehicle of such person shall be open to inspection at all reasonable times by such officer. (3) If such an officer has reason to believe that any person is attempting to evade the payment of market fee due from him under section 23 or that any person has purchased any agriculture produce in contravention of any of the provisions of this Act or the rules or bye-laws in force in any market area, he may, for reasons to be recorded in writing, seize such accounts, registers or documents of such person as may be necessary, and shall grant a receipt for the same and shall retain the same only so long as may be necessary for examination there of or for taking action under the provisions of this Act against the person concerned but not in any case exceeding the period of forty five days. (4) For the purpose of sub-section (2) or sub-section (3) such officer may enter	

1. Inserted by Haryana Act 21 1973.

Power to stop vehicles. **Duties of Police Officer.** **Acquisition of land for the Board and Committees.** **Supersession of Committees.**	(5) The provisions of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974), shall,so far as may be, apply to a search under sub-section (4)." (6) Where any books of accounts or other documents are seized from any place and there are entries therein making reference to quantity quotations, rates, receipt or payment of money or sale or purchase of goods, such books of accounts or other documents shall be admitted in evidence without witness having to appear to prove the same; and such entries shall be prima facie evidence of the matters, transactions and accounts purported to be therein recorded. 33B. [1][ ]At any time when so required by [2][the Chief Administrator or] the Secretary of the Board or any other officer of the Board so authorised by the Secretary, the driver or any other person in-charge of any vehicle or other conveyance which is taken or proposed to be taken out of the market area shall stop the vehicle or other conveyance, as the case may be, keep it stationary as long as may reasonably be necessary and allow the Secretary of the Board or such officer to examine the contents in the vehicle or other conveyance and inspect all records relating to the agricultural produce carried, and give his name and address and name and address of the owner of the vehicle or other conveyance and of the owner of the agricultural produce carried in such vehicle or other conveyance. 33C. Omitted 34. (1) When any land is required for the purposes of this Act, the State Government may on the request of the Board or a Committee requiring it, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and on payment by the Board or Committee of the compensation awarded under that Act and of all other charges incurred by the State government on account of the acquisition, the land shall vest in the Board or Committee. (2) The Board or a Committee shall be deemed to be a local authority for the purposes of the Land Acquisition Act, 1894. 35. (1) If in the opinion of the State Government a Committee is incompetent to perform or persistently makes default in performing the duties imposed on it by or under this Act, or abuses its powers, the State Government may, by notification, supersede the Committee: Provided that before issuing a notification under this sub-section the

1. Omitted by Haryana Act 38 of 1980.
2. Inserted by ibid.

and shall consider the explanations and objections, if any, of the Committee.

(2) Upon the publication of a notification under sub-section (1) superseding a Committee, the following consequences ensue-

(a) all the members including the Chairman and Vice-Chairman of the Committee shall as from the date of such publication, be deemed to have ceased to be members of the Committee;

(b) all assets of the committee shall vest in the Board and the Board shall be liable for all the legal liabilities of the Committee subsisting at the date of its supersession up to the limit of the said assets;

(c) the State Government may, in its discretion by order constitute either a new Committee as provided under section 12 or such other authority for the carrying out of the functions of the Committee, as the State Government may deem fit.

(3) (a) When the State Government has made an order under clause (c) of sub-section (2), the assets and labilities defined in clause (b) of sub-section (2) vesting in the Board at the date of such order shall be deemed to have been transferred on the date of such order to the new Committee or authority constituted as aforesaid.

(b) (i) Where the State Government by order under clause (c) of sub-section (2) has appointed an authority other than a new Committee for the carrying out of the functions of the superseded

Committee the State Government may, by notification determine the period not exceeding one year for which such authority, shall act;

Provided that the term of office of such authority may be terminated earlier, if the State Government for any reason consider it necessary.

(ii) At the expiry of the term of office of such authority a new Committee shall be constituted.

(iii) Upon such an order being made the assets and liabilities vesting in the authority thereby superseded shall be deemed to have been transferred by such order to the new Committee.

(4) Whenever the assets of a Committee vest in the Board and no new Committee or authority is appointed in its place the Board shall employ the balance of the assets remaining after the discharge of the subsisting legal liabilities of the Committee for any object of public utility in the area specified in the notification issued under section 6.

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Emergency powers. **Penalties**	36. If at any time the State government is satisfied that a situation has arisen in which the purposes of this Act cannot be carried out in accordance with the provisions thereof, the State government may by notification- (a) declare that the functions of a Committee shall, to such extent as may be specified in the notification, be exercised by the Board or such person or persons as it may direct; (b) assume to itself all or any of the powers vested in or exercisable by a Committee; and such notification may contain such incidental and consequential provisions as may appear to the State Government to be necessary or desirable for giving effect to the objects of the notifications. [1][37.Penalties.- (1) Whoever contravenes any provisions of this Act, the rules, regulations Or bye-laws made thereunder shall, if no other penalty is provided for that contravention, be liable to imposition o penalty which may extend up to ten thousand rupees. (2) Notwithstanding anything contained in forgoing sub-section, any person who wilfully evades payment of any fee or sum due to the Committee under the provisions of this Act, the rules, regulations or bye-laws made thereunder shall, in addition to the payment of fee or sum due, be liable to imposition of penalty, which shall not be less than twenty-five percent and not more than fifty percent of the amount of the fee or sum due, as the case may be, for the first two evasions. (3) In case any person is found wilfully evading payment of any fee or sum due to the Committee, more than twice during the period of one financial year, his license shall be liable to be cancelled, in addition to the penalty imposed . (4) No penalty under this section shall be imposed— (i) without affording the person aggrieved an opportunity of being heard; (ii) after expiry of a periuod of five years from such contravention; and (iii) by an officer detecting or investigating the offence or an officer junior in rank to such officer.”

1. Substituted by Haryana Act 21 of 1973.

38. The State Government may, by notification, add to the Schedule to this Act any other item of Agricultural produce or amend or omit any item of such produce specified therein.

Power of State Government to amend the Schedule.

39. (1) No offence made punishable by this Act or any rule or byelaw made thereunder shall be tried by a court inferior to that of a magistrate of the first class.

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Trial of offences.

[1][(2) Prosecution under this Act may be instituted by [2][the Chief Administrator] or the Chairman or Secretary of a Committee or by any other person authorised by the Board or the Committee.

Appeal, revision and review-.

(3) All fines received from an offender shall be credited to State revenues and grant equivalent to such fines shall be paid to the Committee.

Recovery of Sums due to State government from Committee.

40. (1) Any person aggrieved by an order passed under this Act, the rules, regulations or bye-laws made thereunder, except an order passed in respect of service matters or an order passed by the Board or the Chief Administrator, may, within a period of thirty days from the date of supply of certified copy of such order, prefer an appeal to the Chief Administrator, in such form and manner, as may be prescribed and on payment of fee, if due, as per the impugned order, and the Chief Administrator may, after hearing the appeal, confirm, modify or reverse the order, as he deems fit.

Revision.

(2) The Board may, subject to such conditions and restrictions, as it may deem fit, delegate powers of the Chief Administrator conferred under sub-section (1), on any other officer of the Board and the order passed by such officer in an appeal shall be deemed to have been passed by the Chief Administrator.

Power to make Rules

(3) The State Government may,m either suo motu or on an application made in this behalf, call for the record of any case or an order passed by the Board or the Chief Administrator within a period of sixty days of the supply of the certified copy of such order, for the purpose of satisfying itself as to the legality or propriety of the order passed therein, and pass such order in relation thereto as it may deem fit, after giving the person likely to be affected thereby an opportunity of being heard.

(4) The State Government shall, on being shown sufficient reasons, have powers to review its own orders.

Supply of copy of order

40 A Any person aggrieved by an order passed under this Act, the rules, regulations or bye-laws made thereunder, may obtain a certified copy of such order on any application made in such form and manner and on payment of such fee as may be prescribed."

Bar of certain proceedings

41. (1) Every sum due from a Committee to the State Government or the Board shall be recoverable as an arrear of land revenue.

(2) Every sum due to a Committee from any person shall be recoverable as an arrear of land revenue.

42. No order passed under this Act, the rules, regulations or bye-laws made thereunder, shall be called in question in any civil court and save as provided in section 40, no appeal or revision shall lie against any such order."

43 (1) The State Government may by notification make rules for

1. Substituted by Haryana Act 21 of 1973 and further Substituted by Haryana Act 38 of 1980. The
2. words "Chairman of the" omitted by Punjab Act 40 of 1963 further Substituted by H.A. 38 of 1980.

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carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the forgoing power, such rules may provide for-

[1][(i) appointment or nomination] of members of the Board and Committees and their removal;]

(ii) the powers to be exercised and the duties to be performed by the Board or Committees and their officers and servants;

[1][(iii) the elections of the Chairman and Vice-Chairman of Committees, their powers and term of office;]

(iv) the filling of casual vacancies in the office of member or in the office of the Chairman or Vice - Chairman Of Committees;

(v) the time, place and manner in which a contract between buyer and seller is to be entered into, continued and carried out and the money is to be paid to the seller ;

(vi) generally for the guidance of the Board or the Committee;

(vii) management of the market, maximum fees which may be levied by a Committee in respect of the agricultural produce brought or sold by licencees in the notified market area, and the manner and the basis thereof, and the recovery and disposal of such fees ;

(viii) the issue by a Committee of licences to brokers, weighmen, measurers, surveyors, godown-keepers or other functionaries, the

form in which, and the conditions under which, such licences shall be issued or renewed and the fees, if any to be charged there for;

(ix) the issue [3][* * *] of licences to dealers, the form in which, and the conditions under which, such licences shall be issued or renewed and the fees, if any, to be charged there for:

(x) the place or places at which agricultural produce shall be weighed, the kind and description of bardana to be used and the quantity of the produce to be filled and of the scales, not being handscales (Takri), weights and measures which alone may be used in transactions in agricultural produce in a notified market area ;

(xi) the inspection, verification, regulation, correction and confiscation of scales, weights and measures in use in a notified market area;

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1. Substituted by Haryana Act 25 of 1970 and further substituted by Haryana Act 13 of 1978 and further substituted bv Harvana Act 13 of 1978 and futher substituted bv Harvana Act 10 of 1979 & futher substituted by Haryana Act 19 of 1980.
2. Substituted by Haryana Act 13 of 1978.
3. Substituted for the words "Chairman of the Board" by Punjab Act 40 of 1963 & further omitted by Haryana Act 138 of 1980

(xii) the trade allowance which may be made or received by any person in any transaction in an agricultural produce in a notified market area;

(xiii) the provision of facilities for the settlement by arbitration or otherwise of any dispute between a buyer and a seller of agricultural produce or their agents, including disputes regarding the quality or weight of the article, the price or rate to be paid, allowances for wrappings, dirt or impurities or deductions for any cause;

(xiv) the prohibition of brokers from acting in the same transaction on behalf of both the buyer and the seller of agricultural produce ;

(xv) the provision of accommodation for storing any agricultural produce brought into the market;

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

(xvii) the form in which the accounts of a Committee shall be kept the audit and publication of such accounts, the charges, if any, to be made for such audit;

(xviii) the management and regulation of provident funds which may be established for the benefit of the employees of the Board or Committees;

(xix) the preparation and submission for sanction of an annual budget and the reports and returns to be furnished by the Board or Committees'

(xx) the investment and disposal of the surplus funds of the Board or Committees;

(xxi) the manner in which auctions of agricultural produce shall be conducted and bids made and accepted in any market;

(xxii) any matter in respect of which fees shall be payable under this Act, and fixing the amount of such fees and the mode of payment and recovery thereof;

(xxiii) exemption of classes of persons from the obligation of obtaining licences under section 6;

(xxiv) the authority to which applications for obtaining licences shall be made;

(xxv) the realisation or disposal of fees recoverable thereunder or under any rules or bye-laws made under this act;

(xxvi) the travelling and other allowances that may be [1][paid to Chairman, members and employees of the Board;]

(xxvil) the settlement of any question as to whether any person is a producer or not;

(xxviii)service rules, recruitment rules, provident fund rules, pension rules and such other rules as may be required for the employment of the staff of the Board and Committees;

(xxix) the penalties to be imposed upon the employees of the Board and Committees, including the manner of imposing such penalties and the right of appeal against such penalties.

(xxx) nature and status of the servants of the Board and Committees;

(xxxi) imposing on persons holding licences under this Act, the duty of making returns to Committees at regular intervals of transactions of sale, purchase, storage and processing affected by them, or at their places of business, and of producing accounts for inspection and furnishing information, when called upon by an authority duly empowered, and prescribing the form and mode of verification of, and the particulars to be entered in, such returns as well as the nature of such information;

(xxxii) the regulation of advances, if any, given to producers by brokers or dealers;

(xxxiii)the prevention of adulteration of the agricultural produce; and

(xxiv) the grading and standardization of the agricultural produce.

(3) Omitted

Bye-Laws

44. (1) Subject to any rules made by the Government under section 43, a Committee may, in respect of notified market area, make bye-laws for-
(i) the regulation of its business;
(ii) the conditions of trading;
(iii) the appointment and punishment of its employees;
(iv) the payment of salaries, gratuities and leave allowances to such employees;

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1. Substituted for the words "paid to the members and employees of the Board" by Punjab Act 40 of 1963.

(v) the delegation of powers or duties, to the Sub-Committee or Joint Committee or ad-hoc Committee or any one or more of its members under section 19 ; and
(vi) the remuneration of different functionaries not specifically mentioned in this Act, working in the notified market area and rendering any service in connection with the sale, purchase, storage and processing of agricultural produce;
and may provide that contravention of any of such bye-laws shall be punishable, on conviction, with a fine which may extend to fifty rupees.

(2) Where a Committee fails to make by-laws under this section within six months from the date of its establishment or the date on which this Act comes into force, whichever is later, the Board may make such bye-laws as it may think fit and the bye-laws so made shall remain in operation in that Committee.

(3)(a) Not withstanding anything contained in this Act or the rules or bye-laws made thereunder, if the [1][* * *] Board considers that an amendment, alteration, rescission or adoption of a new bye-law is necessary or desirable in the interests of such Committee, he may, by an order in writing to be served on the Committee by registered post, require the Committee, to make such amendment, alteration, rescission or adopt a new by-law within such time as may be specified in such order.

(b) If the Committee fails to make any such amendment, alteration or rescission or to adopt the new bye-law within the time specified by the [1][* * *] Board in his order under clause (a) the [1][* * *] Board may, after giving the Committee an opportunity of being heard, register such amendment, alteration, rescission or such new bye-laws, and issue a certified copy thereof to such Committee.

(c) The Committee may, within one month from the date of issue of an order made under clause (b), appeal against such order to the State Government.

(d) Where an appeal is presented within one month from the date of the issue of an order under clause (b) registering an amendment, such amendment shall not come into force till the order is confirmed by the State Government.

(e) A certified copy of the amendment of the bye-laws registered by the [1][* * *] Board under clause (b) shall, subject to the result of an appeal, if any under clause (c) be conclusive evidence that the same

has been duly registered and such amendment, alteration, rescission or a new bye-law shall be deemed to have been made by the Committee.

(4) No bye-law or rescission of a bye-law or its alteration or amendment shall take effectuntil it has been confirmed by the [1][* * *] Board and notified in the official gazette.

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1. The word "Chairman of the" omitted by Punjab Act 40 of 1963.

Power to write off irrecoverable fees etc. **Power to Compound offences.** **Vesting of propertles of Mandi Township etc.**	45. Whenever it is found that any amount due to the Board or a Committee is irrecoverable or should be remitted, or whenever any loss of the Board's or a Committee's money or stores or other property occurs through the fraud or negligence of any person or for any other cause and such property or money is found to be irrecoverable the facts shall be reported to the Board or Committee, as the case may be and the Board with the approval of the Government and 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 Committee, if in any case the amount due or the value of such property is in excess of one hundred rupees, such order shall not take effect without the approval of the State Government. [1][46. Interest – Whoever fails to pay any sum due to a Committee or the Board within the stipulated period, shall be liable to pay in addition to that sum, such interest as may be prescribed." [3]["46A Omitted. (1) Notwithstanding anything contained in any other law for the time being in force,.- (a) all property, moveable and immovable and all interests of whatsoever nature and kind therein of the State Government in respect of mandi portion of the mandi townships established by the Colonization Department under the Punjab, New Mandi Townships (Development and Regulation) Act, 1960, shall vest in the committee;

1. Substituted by Haryana Act 21 of 1973 and futher substituted by Haryana Act 21 of 1975.
2. Substituted by Haryana Act 38 of 1980.
3. inserted by H.A. I of 1991

(b) anything done or any action taken including any notification, order, scheme, or rule made, permission granted or issued under any provision of the Punjab New Mandi Townships (Development and Regulation) Act, 1960, relating to the mandi portion shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under this Act;

(c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the State Government, under the Punjab New Mandi Townships (Development and Regulation) Act, 1960, in respect of mandi portion only, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Committee.

(d) all taxes, fees and other sums of money in respect of the mandi portion due, to the State Government under the Punjab New Mandi Townships (Development and Regulation) Act, 1960, shall be deemed to be due to the Committee.

(e) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, or against the State Government under the Punjab New Mandi Townships (Development and Regulation)

Act, 1960 and the Colonization of Government lands (Punjab) Act, 1912, in respect of mandi portion only, may be continued or instituted by, for or against the Committee.

(2) If any mandi portion or a part thereof lies within the limits of a municipality, notified area, gram panchayat area or local area under the Punjab Town improvement Act, 1922, the State Government, may, by notification in the Official Gazette, direct that any or all the powers under the Haryana Municipal Act, 1973, the Punjab Gram Panchayat act, 1952 or the Punjab Town Improvement Act, 1922, as are relevant to the purposes of this Act shall, subject to such conditions and restriction as may be specified in the notification, cease to operate in such mandi portion and the Municipal Committee, the Gram panchyat, or the Improvement Trust, as the case may be, shall thereafter cease to have jurisdiction over that mandi portion or a part thereof, as the case may be, in respect of such powers.

(3) The provisions of the Haryana Municipal Act, 1973, the Punjab Gram Panchyat Act, 1952, and the Punjab Town Improvement Act, 1922, in so far as they are inconsistent with the provisions of this Act, shall not apply to the mandi portion or a part thereto.

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(4) Where any person makes default in the payment of any rent due in respect of lease of any site or building or both, as the case may be or any fees payable for providing, maintaining or continuing any amenity under the Punjab New Mandi Townships (Development and Regulation) Act, 1960, the Secretary of the Committee may direct that in addition to the amount of arrears, a sum not exceeding that amount shall be recovered from the person by way of penalty:

Provided that no such direction shall be made unless the person affected thereby has been given a reasonable opportunity of being heard in the matter.

(5) Where any person makes default in the payment of any amount being the arrears or penalty, or both, directed to be paid under sub-section (4), such amount may be recovered from him in the same manner as arrears of land revenue.

(6) Where any person makes default in the payment of any consideration money or any instalment on account of the sale of any site or building, or both, to him, the Secretary of the Committee may, by notice in writing, call upon him to show cause within a period of thirty days. Why a penalty which shall not exceed ten percent of the amount due from him, be not imposed upon him.

(7) After considering the cause, if any, shown by him and after giving him a reasonable opportunity of being heard in the matter, the Secretary of the committees may, for reasons to be recorded in writing, make an order imposing the penalty and direct that the amount of money due alongwith the penalty shall be paid by such person within such period as may be specified in the order.

(8) If a person fails to pay the amount due together with the penalty in accordance with the conditions of sale or allotment of any site or building to him or commits a breach of any other conditions of such sale or allotment, the Committees may, by notice in writing, call upon him to show cause, within a period of thirty days,, why an order of resumption of the site or building or both, as the case may be and forfeiture of the whole or any part of the money, if any, paid in respect thereof, which in no case shall exceed ten percent of the total amount of the consideration money, interest and other dues payable in respect of the sale or allotment should not be made.

(9) After considering the cause, if any shown by him in pursuance of a notice under sub-section (8) and any evidence that he may produce in support of the same and after, giving him a reasonable opportunity of being heard in the matter, the Committee may, for reasons to be recorded in writing, make an order resuming the site or building or both, as the case may be and directing the forfeiture as provided in sub-section (8) of the whole or any part of the money paid in respect of such site, etc.,

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(10) Omitted. (11) Omitted. (12) Omitted. (13) For the purposes of this section 'Mandi portion' means that portion of any type of land or building, inclusive of all encumbrances, enclosures, fittings and fixtures, roads, parks, parking, passengers, platforms, plots etc., where sale-purchase of agricultural produce or other connected activity of any kind in pursuance of the purposes of the Punjab New Mandi Townships (Development and Regulation) Act, 1960 takes place."] 47. The Punjab Agricultural Produce Markets Act, 1939, and The Patiala Agricultural Produce Markets Act, 2004 B.K., are here by repealed: Provided that such repeal shall not affect- (a) the previous operation of any Act so repealed or any-thing duly done or suffered thereunder ; or (b) any right, privilege, obligation or liability acquired or incurred under any Act so repealed; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act so repealed; or (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty forfeiture or punishment as aforesaid;	**Repeal and Savings.**

and any such invesigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed :

Provided futher that anything done or any action taken under the Acts so repealed shall be deemed to have been done or taken under this Act, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act :

Provided futher that the State Marketing Board constituted under the Patiala Agricultural Produce Markets act, 2004 B.K. and functioning immediately before the commencement of this Act, shall, till a Board is established and constituted under section 3, be deemed to be the State Agricultural Marketing Board for the purposes of this Act and all employees in the service of the State Marketing Board immediately before such commencement shall be deemed to be the employees of the State Agricultural Marketing Board and their emoluments and other conditions of service shall not be varied to their disadvantage :

Povided further that the Market Committees functioning immediately bofore the commencement of this Act shall be deemed to be constituted for the first time under sub-section (4) of section 12 and their members including the Chairman

and Vice-Chairman shall hold office until new Committees set up under this Act are notified [1][* * * *].

Validation.

[2][Notwithstanding anything contained in any law, judgement, decree or order of any court, any fee levied, imposed, assessed or collected from a licencee under section 23 of the principal Act and the rules made thereunder on the agricultural produce bought or sold or brought for processing by him in any notified market area shall be deemed to have been validly levied, imposed, assessed or collected and such levy, imposition, assessment or collectiion shall not be called in question in any court and accordingly-

(a) no suit or other legal proceedings shall be maintained or continued in any court for the refund of the whole or any part of the fee so levied, imposed, assessed or collected; and

(b) no court shall enforce any decree or order directing the refund of the whole or any part of the fee so levied, imposed, assessed or collected.]

1. The words "or the expiry of six months from the commencement of this Act whichever is earlier" omitted by Punjab Act 3 of 1962.

2. See Haryana Act 5 of 1976.

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[1][(1) Notwithstanding anything contained in the Principal Act or in any other law for the time being in force or judgement, decree order of any court, any amount purported to have been collected from a dealer or licencee as fee, in respect of any transaction in excess of the fee leviable under section 23 and deposited with any Committee before the 15th day of May, 1980, the burden of which has been passed on by the dealer or licencee to the next purchaser or which has been added towards the cost of the agricultural produce or the goods processed or manufactured out of it, shall be retained and deemed to have been validly levied, imposed, assessed or collected and shall be spent for meeting the costs of services to be rendered towards the development and improvement of existing markets where from the collection of such fee was made and accordingly- (a) no suit or other legal proceedings shall be maintained or continued in any court for the refund of whole or any part of the fee so collected; and (b) no court shall enforce any decree or order directing the refund of the whole or any part of the fee so collected. (2) If any amount of fee so collected has been refunded to any dealer or licencee, the same shall be recoverable by the Committee concerned as arrears of land revenue.) [2][Notwithstanding anything contained in the principal Act, or in any other law for the time being in force or judgement, decree or order of any court, any amount purported to have been collected by a dealer or licensee as fee, in respect of any transaction in excess of fee leviable under section 23 of the principal Act and not deposited with any Committee, the burden of which has been passed on by the dealer or licensee to the next purchaser or which has been added towards the cost of the agricultural produce or the goods processed or manufactured out of it, shall be deemed to have been validly levied, imposed, assessed or collected and shall be recoverable by the Committee concerned as arrears of land revenue and spent for meeting the costs of services to be rendered towards the development and improvement of existing markets where from the collections of such fee was made and accordingly- (a) no suit or other legal proceedings shall be maintained or continued in any court for the refund of whole or any part of the fee so collected; and	**Validation.**
1. See Haryana Act, 28/80. 2. See Haryana Act, 38/1980.	

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THE SCHEDULE

[See section 2(a) and section 38]

[1][1 Wheat (kanak)
2. Barley (Jau)
3. Maize (Makki)
4. Great Millet (Jowar).
5. Spiked Millet (Bajra).
6. Paddy and [2][Rice] (Dhan) and [2][* *]
7. Gram and Kabli Gram (Chane Kale and Safaid) [2][8. Green Gram (Moong) whole and split.
9. Black Gram (Mash) whole and split.
10. Phaseclus aconitifolius (Moth) whole and split.
11. Lentil (Masur) whole and split.]
12. Indian Colza(Sarson).
13. Indian Rale (Toria).
14. Rochet (Tara Mira).
15. Cotton seed (Banaula).
[3][16. Ground-Nut (shelled, unshelled and roasted) 17. Cotton (Ginned and Unginned) (Kapas and Rui).[5] 18. Culster Bean (Guara).
19. Dry and green Fodder (Suka and Sabaz Chara) 20. Potato (Alu.)
21. Sweet Potato (Shakarkandi).
[4][22. Onion dry and green (Piaz khushak and Hara). 23. Arum (Arvi).
24. Cauli Flower (Phul Gobi)
25. Cabbage (Band Gobi)
26. Carrot (Gajjar).
27. Radish (Muli).
28. Turnip (Salgam).
29. Tomato (Tamator).

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1 : Subsituted for Items 1 in 85 by the Punjab Government Agricultural Department Notification No. G.S.R. 111/PA-13/61Amd/62, dated the 24th July, 1962 published in Punjab Government Gazettee (Extra.), Legislative Supplement, Part III of 30th July, 1962.

2 : See page 40 infra.

3 : The words “Ginned and” and “and Rui” ommitted vide notification no. 158-Agri.S(1)-94/1216 ft. 21-1-94.

4 : Substituted vide notification No. 2301-Agri.S (3)-87/

5 : The words “Ginned and” and “and Rui” added vide notification dt. 25-11-2003

30. Brinjal (Baingan)
31. Lady’s Finger (Bhindi).
32. Peas Green (Matar Hara).
33. Garlic Dry (Lashan Khushak).
34. Orange (Malta).
35. chillies Dry and Green (Mirach Khushak and Hari). 36. Gur.
37. Shakkar.
[1][38. Khandsari (including Sulphur, Desi Khand and Bura). 39. Dry peas (Matar Khushak).
40. Water melon (Tarbuz)
41. Wool (Oon).
[1][42. Tinda Gourd (Tinda).
43. Bottle Gourd (Lauki).

44. Pumpkin round (Ghia kadu).
45. Squash or Red Gourd (Halwa Kadu).
46. Bitter Gourd (Karela).
47. Cow Peas (Lobhia).
48. French Beans (Raj Maha and Soya Beans)
49. Long Melon (Tarr).
50. Elephant Foot (Zime Kand).
51. Cucumbar (Khira.)
52. Chappan kadu.
53. Turmeric (Haldi).
54. Musk melon (Kharbuza)
55. Mango (Am).
56. Mandrain (Sangtara).
57. Lime (Nimboo).
58. Lemon (Galgal and Khatta).
59. Apple (Saib).
60. Guava (Amrud).

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1. Item 42 to 76, added by Punjab Government Agriculture Department Notification No.
2. G.S.R. 93/PA-23/61/S-38/Amd/66, dated 16th April, 1966, published in Punjab Government Gazette, Legisiative Supplement, Part III of 29th April, 1966.
3. Item No 53 ommitted vide Notification No. 1618 April, S.(1) 93/18222 dt- 22-9-93.

61. Pear (Nashpati).
62. Anar
63. Sweet Lime (Mitha)
64. Apricot (Khurmani)
65. Plum (Alubakhara and Alucha)
66. Peach (Aru)
67. Litchi.
68. Sapota (Chickoo).
69. Loquat.
70. Castaud Apple (Sharifa).
71. Walnut (Akhrot).
72. Sag (Palak and Sarson).
73. Ginger (Adrak).
74. Henna (Mehndi).
75. Goat Hair.
76. Camel Hair.]

[1][77. [2][* * *]
78. [3][* * *]
79. [2][* * *]
80. Bhabar Grass.
81. Sunehri.
82. Banana.
83. [2][* * *]
84. [4][* * *]
85. Rosin.
86. Arhar.
87. Grapes.

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1. Item 77 to 99 added by the Haryana Government Agriculture Department Notification No.

217-Agri. (iv) (S)-70/9754, dated 24th/27th April, 1970.

2. Omitted by Haryana Governement Agricultural Department Notification No. 1482 Agri. (II)-4-71/4091, dated 31st March, 1971 published in Harvana Government Gazette

3. Omitted by Haryana Governemtn Agriculture Department Notification No. 848 Agri. (II)-71/6524, dated 1st May, 1971.

4. Omitted by Haryana Government, Agriculture Department Notification No. S.O./PA-/61/S.38/70, dated 4th July, 1970, published in Haryana Government Gazette (Extra.), Legisiative Supplement, Part III, dated 4th July, 1970.

5. Item No. 74 omitted vide notification No. 1618-April-5(1)-93/18222 dt. 22-9-93.

88. Ber.

89. [1][* * *].

90. [2][* * *].

91 Oats.

92. [2][* * *].

93. [4][* * *].

94. Barsem Seed.

95. Sanghara.

96. Til.

97. Methi/(Seed)[3]

98. [4][* * *].

99. [5][* * *].

[6]100. Mausmi/Sweet orange.

101. Kinnow

102. Sponge gourd (Ghia Tori).

103. Sweet Pepper (Simla Mirch).

104. Linseed (Alsi).

105. Gram Dal

[7]106 [* * *].

[8]107. Sun-flower Seed (Surajmukhi Beej).

[9]108. Eggs.

109. Poultry Birds.

110. Fish.

[10]111. Timber & fire wood

1. Omitted by Haryana Government Agricultural Department Notification No. S.O./AA- Legisiative Supplement, Part III of 4ht July, 1970.
2. Items at 90.92 and 93, namely, butter, tobacco and ghee, respectiveiy omitted vide No. S.O. 21/PA-23/61/S-30/70, dated the 21st August, 1970.
3. The words 'Methi Green' replaced vide Notification No. 3545-Agri. S(I) 85, dated the 31st December, 1985.
4. The word firewood at 98 omitted vide the Haryana Government Notification No. 848 Agri. (II)-71/6524, dated the 1st May, 1971.
5. The word 'meat' at 99 omitted vide the Haryana Government, Agriculture Department Notification
6. No. S.O./PA-23/61/S. 38/70, dated the 4th July, 1979.
Sr. Nos. 106 "Timber & Firewood added vide Notification No. 2628 Agri. S (III) 87/15941 dated the 1st Septmber, 1987.
7. Sr. Nos. 106 "Timber & firewood added vide Notification No. 2628 Agri. S(3)-88/4749, dated the 6th March 1998 and omitted vide Notification No. 951-Agri. S(3)-88/5418 dated the 23rd March, 1998.
8. Added vide Notification No. 3575-Agri. S(I)-91/23670, dated the 2nd December, 1991.
9. Sr. Nos. 108 to 110 added vide Notification No. 1725-Agri. S (I) 98/21831, dated the 28th Dec., 1998.
10. S.No. 111 "Timber & Firewood added vide notification dt. 7-8-2006