TAMIL NADU AGRICULTURAL PRODUCE MARKETING (REGULATION) RULES, 1991

G. O. Ms. No. Agriculture Department Dt: 23.1.1991

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No.SRO A -9(b)/91

In exercise of the powers conferred by Section 52 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act 1987 (Tamil Nadu Act 27 of 1989) the Governor of Tamil Nadu hereby makes the following rules:-

CHAPTER I

PRELIMINARY

1. Short title. – (1) These rules may be called The Tamil Nadu Agricultural Produce Marketing (Regulation) Rules, 1991.

(2) They shall come into force on and from 1st February 1991.

2. Definitions. – In these rules, unless the context otherwise requires, - (i) "Act" means the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989)

(ii) "Auditor" means the Examiner of Local Fund Accounts in respect of matters relating to the Board and Assistant Examiner of Local Fund Accounts concerned in respect of the market committee;

(iii) "Executive Authority" means the Secretary in respect of a market committee and the Chief Executive Officer in respect of the Board;

(iv) "Head of market" means any officer not below the rank of Junior Assistant posted so, by the market committee;

(v) "Law officer" means and includes, -

(a) in respect of matters relating to the High Court, the Government Pleader, Additional Government Pleader, Special Government Pleader, Government Advocate, Public Prosecutor, Additional Public Prosecutor, Government Advocate (Criminal) in the High Court, Madras:

(b) in respect of matter relating to the Tamil Nadu Administrative Tribunal, the Senior Standing Counsel, Standing Counsel and Government Advocates;

(c) in respect of the city of Madras, the City Government Pleader, Additional City Government Pleader, City Public Prosecutor, Additional City Public Prosecutor, and

(d) in respect of districts other than the City of Madras, the Government Pleader of the district, Additional Government Pleader, Government Pleader – cum – Public Prosecutor, Additional Government Pleader – cum- Additional Public Prosecutor, Pleader doing Government work, the Public Prosecutor, Additional Public Prosecutor and Assistant Public Prosecutor.

3. Publication of Notification. – Copies of every notification under sections 3, 4, 7 and 9 shall be published,-

(iii) in not less than two Tamil Dailies having wide circulation in the notified area

4. Copy of the Act, Rules, etc, to be kept in the Office –The Board or market committee shall keep up-to date copies of the Act, all the Rules, regulations, bylaws and notifications, made or issued thereunder for perusal at the office of the Board or market committee, as the case may be, free of charge and another set thereof, in the safe custody for reference in the Office.

CHAPTER II

5. Term of Office to the Chairman and Vice-Chairman – The term of office of the Chairman and Vice-Chairman of a market committee shall be co-existensive with his membership in that committee.

6. Election of the Chairman and Vice-Chairman of the market committee. – (1) The election to the office of the Chairman or Vice-Chairman shall take place at a meeting of the members of the market committee convened for the purpose by the Director or any officer authorized by him in that behalf.

(2) The Director or the person authorized by the Director shall be the Presiding Officer.

(3) A candidate for the office of the Chairman or Vice-Chairman, as the case may be, must be proposed by one member and seconded by another. The names of all the candidates proposed and seconded shall be read out by the Presiding Officer of the meeting.

(4) If there is only one duly proposed he shall be declared to have been elected.

(5) If there are two or more such candidates, the votes of the members present at the meeting shall be taken by secret ballot system.

(6) Every member wishing to vote shall be supplied with a ballot paper containing the names of all candidates in Tamil and in English. Every ballot paper shall be signed on its back by the Presiding Officer before it is supplied to the member.

(7) The ballot box shall be locked and sealed in the presence of the candidates immediately before the commencement of the election. The voter shall
place a “ ” mark against the name of the candidate for whom he wishes to vote, fold up the ballot paper and deposit it in a ballot box, placed before the Presiding Officer.

(8) After the completion of the election, the Presiding Officer shall open the ballot box and count the votes and declare the member who secures the largest number of votes to have been elected as the Chairman or Vice-Chairman as the case may be. In the event of there being an equality of votes among two or more candidates, the Presiding Officer shall draw lots and the person whose name is first drawn shall be declared to have been elected. Every candidate or one of his representatives shall be allowed to be present during the counting of votes or drawing the lots.

(9) Any voting paper which contains the signature or any writing of the voter or on which the mark is placed against more than one name or back side of which does not contain the signature of Presiding Officer shall be invalid.

(10) Immediately after the counting of votes, the presiding Officer shall publish in the office of the market committee the name or names of the person or persons so elected.

(11) After the election is over, the Presiding Officer shall hand-over the election records, including ballot papers to the Director under acknowledgement. The Director shall preserve the same for a period of one year from the date of election, if no election dispute arises or till the date of disposal of the election dispute, if an election dispute is raised.

(12) The election records including the ballot papers shall be destroyed after the period specified in sub-rule (11)

7. **Election of the Vice-President of the Board.** – The Provisions relating to the election of the Chairman shall mutatis-mutandis apply to the election of the Vice-President of the Board also.

8. **Cessation of office of the Chairman and Vice-Chairman. –** (1) Subject to the provisions of the Act, the Chairman or Vice-Chairman, as the case may be, shall, cease to hold office, as such on his ceasing to be a member or in his resignation.

(2) The Vice-Chairman shall cease to hold office as such on his election as the Chairman.

9. Cessation of office of the Vice-President of the Board – Subject to the provision of the Act, the Vice-President of the Board shall cease to hold office as such on his ceasing to be a member or on his resignation.

10. Resignation of members. etc– (1) Any member nominated by the Government under clause (a), (b) and (c) of sub-section (2) of section 10, or the President appointed by Government under clause (a) of Sub-Section (1) of Section 36 of the Act may tender his resignation to the Government and such resignation shall take effect with effect from the date of its acceptance by the Government.

(2) The Chairman or Vice-Chairman of the market committee or Vice-President of the Board, as the case may be, may tender his resignation to the market committee or Board, as the case may be, and such resignation shall take effect from the date on which it is accepted by the market committee or Board, as the case may be.

11. Special Allowances. - A non-official President of the Board shall be paid a monthly special allowance of Rs. 1,500 (Rupees one thousand and five hundred only) and the Chairman of the market committee shall be paid a monthly special allowance of Rs. 750 (Rupees seven hundred fifty only)

12. Powers and functions of the Chairman – Subject to the provisions of the Act and rule

(1)convene and conduct the meeting of the market committee including sub-committee and special committee;
(2)inspect the transaction of business in the office, markets etc, with a view to see that they are administered properly and they serve the agriculturists efficiently and issue inspection notes and report to the committee on the defects observed and improvements deemed necessary;
(3)conduct periodical review of various work, schemes, etc with a view to improve the functioning of markets;
(4)see that no wasteful or unnecessary expenditure is incurred from the Market Committee Fund and all dues to the Government are paid promptly;
(5)plan and execute general or special propaganda regarding ameliorative work of market committee and markets; and
(6)plan for the rational development of markets

13. **Powers and functions of the Vice-Chairman –** Subject to the provisions of the Act rules, orders and directions of the Chairman, the Vice-Chairman shall exercise the powers and function of the Chairman in the absence of the Chairman.

14. **Notice of the meeting of the market committee – (1)** The meeting of the market committee shall be held at any place within the area of the jurisdiction of market committee.

(2) The notice of meeting along with agenda thereof shall be sent by the Chairman to the members of the market committee not less than seven days before from the date of meeting.

15. **Preparation of Agenda –**The agenda for the meeting shall be prepared by the Secretary in consultation with the Chairman. The Secretary may include in the agenda any subject which in his opinion or in the opinion of higher authorities shall be considered by the market committee and shall include therein any subject specified by the Chairman.

16. **Presidency of the meeting –** (1) The Chairman or in his absence, the Vice-Chairman or in the absence of both, a member chosen by the members present shall preside over the meeting of the market committee.

(2) A Vice-Chairman or member presiding for the occasion shall for that meeting and during the period he presides over it, have all the powers of the Chairman.

(3) All questions which may come before the market committee at any meeting shall be decided by the majority of the members present at the meeting and voting at the meeting and in the case of equality of votes, the Chairman or the Vice-Chairman or presiding member, as the case may be, shall have and exercise a second or casting vote and the same shall be taken into consideration for ascertaining the majority:

Provided that in respect of a no confidence motion against the Chairman or Vice-Chairman the motion shall be passed by not less than two-third of the members present at the meeting.

17. **Quorum –**The quorum for a meeting of the market committee shall be 50 per cent plus one of the existing members:

Provided that there shall be no quorum for the meeting adjourned for want of quorum, if no new subject has been included in the agenda for such meeting.

18. **Subject and motion in the meeting –** (1) No subject which has not been included in the agenda shall be taken up for discussion at the meeting except with the consent of the Chairman.

(2) Any amendment may be suggested to any proposal and such amendment shall be proposed by one member and seconded by another, Such amendment shall be recorded in the minutes before the same has been taken up for discussion.

(3) No member shall address without the permission of the Chairman. The decision of the Chairman in granting such permission is final (4) Every member is entitled to call the attention of the Chairman on appoint of order. The Chairman shall decide on all points of order and his decision thereon shall be final.

(5) After discussion on a motion, the matter shall be put to voting. The voting shall be by voice, or by raising of hands, or by ballot, as may be decided by the Chairman.

(6) The motion or the amendment to the proposal shall be put to vote one after another in the order as indicated in the agenda.

(7) The Chairman shall at his discretion adjourn any meeting. If the meeting is adjourned to any day other than the next working day, fresh notice shall be issued to the members.

(8) The minutes of the proceedings of each meeting shall be drawn up and duly recorded in a book to be kept for that purpose and signed by the Chairman.

Explanation – 'Chairman' in this rule includes a Vice-Chairman or member presiding the meeting, for the occasion.

(9) Within three days of the date of meeting, an attested copy of the minutes of the proceedings of such meeting shall be sent to the Director, the Board and Government.

(10) Similarly the minutes of the proceedings of every sub-committee and special committee appointed by the market committee shall be recorded in writing and submitted to the market committee.

(11) The Secretary shall have the custody of the Book of the minutes of the proceedings of the meetings.

(12) The Secretary may attend every meeting of the market committee including sub-committee or special committee and take part in the discussion there at; but shall not have the right to move any resolution or amendment to resolution or to vote.

19. Meeting of the Board – The provisions relating to the meeting of the market committee shall mutatis-mutandis apply to the meeting of the Board also.

20. **Conditions for association of person with the Board –** Association of a person with the Board shall be by virtue of his office and with the consent of the holder of his office.

21. **Motion by member to associate any person with the Board. –** Any member of the Board may bring in a motion at any meeting of the Board under clause (b) of sub-section (1) of section 36 for association of a person with the Board for any specific purpose:

Provided that before bringing such a motion, notice shall be given to the President seven days before the meeting of the Board at which the proposal is to be considered.

22. **Appointment of the Chief Executive Officer –** The Government shall appoint, any officer whom they deem fit, as Chief Executive Officer to the Board:

Provided that the Joint Secretary of Board shall act as Chief Executive Officer till a Chief Executive Officer is appointed.

23. **Function of the executive authority of the Board and market committee. -** Subject to the functions entrusted under the Act and rules, the executive authority concerned shall.

(1) carry into effect the resolution of the market committee or Board, as the case may be;

(2) Furnish to the market committee or Board, as the case may be, the progress made in carrying out the resolutions;

(3) bring forward in time all matters to the notice of the market committee or Board for which approval or sanction of the market committee or Board, as the case may be, is necessary;

(4) report to the market committee or Board as the case may be, monthly receipt and expenditure and the financial position including the audit objection;

(5) conduct all official correspondence with the authorities subordinate to the Government and correspondence with the Government through the Chairman or President, as the case may be;

(6) check and inspect periodically the cash and accounts of subordinates who collects fees or other charges;

(7) supervise the day–to–day administration and the work of his subordinates; and

(8) keep the account of the market committee or Board. As the case may be, in accordance with the law and instructions issued from time to time and to produce them before audit or other authorities who are empowered to inspect or check the same.

CHAPTER III

REGULATION OF MARKETS

24. **Application for licence –** (1) Every application for grant or renewal or duplicate of a licence under section 8 of the Act shall be in

Form 1 and to operate as a broker, weighman, measurer, trader and warehouseman in Form 2 and subject to the conditions specified therein.

(2) The application for grant or renewal or duplicate of a licence under this rule shall be accompanied by a copy of receipt for payment of fee specified in rule 27 and sent to the market committee through the concerned Head of market

25. **Grant of licence –** (1) The market committee may grant or renew a licence under section 8 of the Act in the

Form 3 and 4 to a place and to broker, weighman, measurer, trader and warehouseman respectively and subject to the conditions specified therein.

(2) Every market committee shall maintain separate permanent register of licences in Form 5 and a register of individual licence holders in Form6.

(3) Every Head of market shall maintain separate permanent registers for different licences under the Act, pertaining to the area of jurisdiction of the market in

Form 7 and a Register on demand and collection of licence fee in Form 8.

26. **Renewal of licence. –** (1) Every application for renewal shall be made not less than one month before the date of expiry;

Provided that for good and sufficient reasons to be recorded in writing, the market committee may condone the delay in submitting the application for renewal for a period not exceeding one month from the date of expiry of the licence on payment of RS.10 (Rupees ten only)

(2) Where an application is made under rule 24, the licence or renewal shall be deemed to have been granted until specific orders granting or renewing the licence are passed by the market committee on the application made

27. **Licence fee –** (1) A licence fee of Rs.300/- (Rupees three hundred only) shall be payable in respect of a licence for three years for wholesalers specified in clause (a) of sub-section (7) of section 8 of the Act.

(2) A licence fee of Rs.75 (Rupees seventy five only) shall be payable in respect of a licence for one year for other traders specified in clause (b) of sub-section (7) of section 8 of the Act;

Provided that the licence fee payable by small and petty traders shall be Rs.25 (Rupees twenty-five only) in cases where licence is granted under clause (b) of sub-section (7) of section 8 of the Act;

Provided further that no fee shall be payable by country chekku owners.

(3) A licence fee of Rs.25 (Rupees twenty five only) shall be payable in respect of a licence for one year for broker, trader, weighman, measurer and warewhouseman.

Explanation – for the purposes of this rule:- the expression 'wholesaler' means a person whose annual transaction of agricultural produce is Rs. 5,00,000 (Rupees five lakhs only) and above;

the expression 'other trader' means a person whose annual transaction of agricultural produce is Rs. 2,00,000 (Rupees Two Lakhs) and above but does not exceed Rs. 5,00,000 (Rupees Five lakhs); and

the expression 'small and petty trader' means a person whose annual transaction of agricultural produce is below Rs.2,00,000 (Rupees two lakhs)

(4) A fee of Rs.10 (Rupees ten only) shall be payable for every amendment to a licence and a certified copy of it.

(5) Separate licence shall be obtained in respect of each person through the same place is used by more than one person.

(6) It shall not necessary to obtain a licence when there is more than one place of business in the same notified area for the same agricultural produce.

28. **Fee for renewal of licence –** The fee for renewal of a licence shall be the same as that of granting of a licence under rule 27.

29. **Issue of duplicate licence. –** If the licensee establishes to the satisfaction of the licensing authority that licence granted to him has been lost or destroyed beyond recovery, the market committee may issue a duplicate licence on payment of fee of Rs.10 (Rupees ten only) on an application made in

Form 1 or 2 as the case may be.

30. **Suspension or cancellation of licence. –** The market committee may, if it is satisfied that a licensee has violated any of the conditions or provisions of the Act, Rules or by-law framed thereunder, suspend or cancel the licence granted to him by recording the reasons therefor:

Provided that no licence shall be cancelled or suspended without giving an opportunity to the licensee to make his representation in writing against the proposed cancellation or suspension of the licence.

31. **Appeal. –** An appeal under sub-section (6) of section 8 of the Act along with an attested copy of the order appealed against shall be made to the Board within two months from the date of receipt of the order of the market committee:

Provided that the Board may, for sufficient reasons to be recorded in writing, condone the delay not exceeding a month in preferring such appeal.

(2) The Board may pass any order on the appeal either allowing or rejecting the appeal recording the reasons therefor. In a case of appeal against the order of the market committee, the Board may for sufficient reasons to be recorded in writing, pass orders staying the operation of the order appealed against, pending disposal of the appeal.

32. **Submission of periodical return. –** (1) Every licence shall send a monthly return under sub-section (9) of section 8 of the Act relating to the purchase or sale of every notified agricultural produce so as to reach the Head of market on or before the 10th day of the succeeding month in

Form 9. All particulars required to be furnished in that Form shall be duly furnished therein. The periodical return shall be handed over to the head of market concerned and acknowledgement therefor obtained or the same shall be sent by registered post with acknowledgement due. In respect of every transaction referred to in the return, proper documentary evidence therefor shall be produced.

(2) Every licensee under sub-section (1) of section 8 of the Act shall produce the accounts to the market committee for verification once in six months.

(3) Every Head of Market shall maintain a Register in Form 10 on demand and collection of fee as per trader accounts and send a monthly statement of applications for licences and accounts of traders in Form 11 to the secretary. He should also maintain a register on traders accounts in Form 12.

(4) Every monthly return sent by a trader whose annual turn-over is Rs.25,00,000 (Rupees twenty-five lakhs only) and above shall be scrutinised by the Secretary concerned after the fee is determined and collected by the Head of market. The Secretary shall also check and verify the returns with reference to the original documents kept by the trader at random. The Inspector of Licensed Premises shall scrutinise all the returns sent by every trader whose annual turnover is above Rs. 10,00,000 (Rupees ten lakhs Only)but does not exceed Rs.25,00,000 (Rupees twenty five lakhs only). The Inspector of Licensed Premises shall also scrutinise and verify such returns with the original documents kept by the trader at random.

33. **Levy of fee on notified agricultural produce –** (1) The fee on a notified agricultural produce leviable under sub-section (1) of section 24 of the Act shall be Re.1 (Rupee one only) for every hundred rupees of the aggregate amount of the notified agricultural produce which is bought or sold in the notified market area.

(2) The fee referred to in sub-rule (1) shall be payable only in respect of first purchase or sale.

(3) The quantum of fee leviable shall be arrived by the Head of market concerned based on the purchase or sale value of the notified agricultural produce and on the basis of the return or other documents submitted by the licensee or any other person to the Head of market. In arriving at the quantum of fee payable under this rule,

Form 13 shall be duly filled in and a copy thereof sent to the Secretary.

(4) The fee shall be paid by the trader immediately after the purchase in respect of purchases within the market and within a week in respect of other first purchases or sales effected in any other place in the notified market area except the market aforesaid:

Provided that the fee shall not be payable more than once on the same notified agricultural produce either in the same notified market area or in any other market area within the State of Tamil Nadu.

(5) A permit in Form 15 shall be obtained on an application to the Head of market in Form 14 for taking the notified agricultural produce out of the notified

market area. The Head of market shall send a duplicate copy of the permit to the Head of market in whose jurisdiction the said produce is taken in and triplicate copy to the Secretary concerned. An intimation slip shall invariably be sent to the Officer –in-charge of check-post, if the said produce is passing through the check-post. The head of market shall maintain a register of permits issued in

Form 16

34. **Person authorised to collect fee and charges. –** (1) Any fee or charges to be collected in the name of the market committee shall be collected only by the Head of market.

(2) Every receipt of fee or charges to the market committee shall be acknowledged in the receipt in

(3) The Head of market shall maintain a register of daily receipts in market in

Form 18 and send to the Secretary, the daily remittance of amount received in Form 19.

35. **Subscription for supply of market report. -** The market committee, shall, levy and collect in advance a subscriptions of an amount not exceeding Rs. 100(Rupees one hundred only) per annum from every subscriber for supply of market report published by the market committee. A register in

Form 20 in respect of subscribers of market report shall be maintained by every market committee.

36. **Exemption –** (1) The agricultural produce and the quantity thereof in respect of which exemption may be granted under the provision to sub-section (1) of section 8 of the Act shall be as follows:-

(1) Notified cereals:-

(i) Paddy 60 Kgs. per day.

(ii) Rice 50 Kgs. per day.

(iii)Other than paddy and rice (2) Notified pulses

Each 50 Kgs. per day

Each 40 Kgs. (in all forms) per day

(3) Notified Oil seeds other than coconut Each 10 Kgs. per day.

(i) Coconut 300 nuts per day

(ii) Coconut coir 50 Kgs. per day

(4) (i) Cotton 50 Kgs. per day

(ii) Cotton Waste 100 Kgs. per day

(iii) Kapas 150 Kgs. per day

(5) Notified Vegetables

(6) Notified fruits

(7) Notified drugs and narcotics (8) Notified condiments and spices

50 Kgs. all kinds put together per day. 50 Kgs all kinds put together per day. 10 Kgs. per day.

10 Kgs. in each kind per day

(i) Arecanut 1,000 raw nuts or 5 kgs per day which ever is less

(ii) Tamarind in all forms

(iii) Coriander seeds in all forms (iv) Cashewnut

10 Kgs. per day

50 Kgs. per day

5Kgs Kerenels, 20 Kgs. unshelled nuts per day

(9) Sugarcane jaggery, palmgur jaggery 20 Kgs. per day (10) (i) Tapioca tubers 100 Kgs per day (ii)Tapioca chips, tapioca flour, Tapioca starch 50 Kgs. per day.

(11) Gallnut 50 Kgs. per day

(2) The quantity up to which the notified agricultural produce which can be purchased by a person for his own domestic consumption under clause (a) of sub-section (2) of section 8 of the Act shall be as follows.

(i) Notified Cereals 200 Kgs.

(ii) Notified Pulses 50 Kgs.

(iii) Notified Oil

(iv) Tamarind	10 Kgs.
(v) Chillies	10 Kgs.

(3) The quantity up to which the notified agricultural produce which can be purchased by a person for his own seed purposes under clause (b) of sub-section (2) of section 8 of the Act shall be the quantity of seed required to sow two hectares of land.

(4) The Government may with draw the exemption granted under the provision to sub-section (1) of section 8 of the act for a period not exceeding five years.

37. **Person to abide the instructions of the Head of market. –** Every person who enters into a market shall abide by the instructions of the Head of market or such Officer authorized by him regard to the places where the vehicles may be parked, in regard to the roads by which and the time at which they may proceed and such other instructions for smooth running of purchase and sale of agricultural produce in the market. Any person who obstructs or causes to obstruct any transaction of business shall quit the market immediately, if so directed by the Head of market or any officer of the market committee.

38. **Receipt of deposit of agricultural produce –** (1) Every application for deposit of agricultural produce in the market shall be in

Form 21.

(2) The receipt of deposit of notified agricultural produce under section 26 of the Act shall be in

Form 22 and subject to the conditions specified therein.

(3) Every Head of Market shall maintain a register of deposit of agricultural produce in Form 23.

39. **Storage and charge for storage. –** (1) Subject to the availability of fund, the market committee, may arrange, for the temporary storage or stocking of notified agricultural produce brought by the producer into the market

(2) Whenever any notified agricultural produce brought to the market by the producer for sale is not sold on the same day, the Head of market may permit, subject to the availability of accommodation, the temporary storage of such produce in the premises of the market at the owner's risk and responsibility, till it is sold or upto a period of 15 days, whichever is less

(3) While permitting such temporary storage, the Head of market shall give preference to the small farmers and marginal farmers. A godown register in

Form 24 shall be maintained by every Head of market for this purpose

Provided that when such agricultural produce is not sold in the market and the producer wishes to keep the produce beyond the period specified in sub-rule (2), he shall pay to the market committee such amount not less than 0.05p. (paise five only) but not exceeding 0.25 paise (paise twenty-five only) per quintal per day towards storage charges as fixed by the market committee for each market from time to time considering the locality, market rent etc:

Provided further that the total period of storage under sub-rule (2) shall not exceed a period of 180 days.

(4) On completion of the said period of 180 days, the Head of market shall give notice to the producer to the effect that the agricultural produce stored shall be sold in the same manner as other agricultural produce, if the same is not removed or sold by the producer within a week from the date of receipt of such notice if the

producer fails to remove or sell the agricultural produce stored, within the time-limit, the Head of market shall sell the same in the same manner as other agricultural produce.

(5) The market committee, may in addition to the storage charge, fix such amount towards insurance or fumigation charge.

40. **Storage after sales and charge therefor. –** (1) Subject to the availability of accommodation, the market committee may permit a trader of the notified agricultural produce to store the notified agricultural produce bought free of cost at his risk and responsibility for a period not exceeding 24 hours.

Provided that if the trader does not remove the agricultural produce so stored, the Head of market may permit the trader to continue the storage for a further period not exceeding 180 days on the payment of double the amount fixed under the provision to sub-rule (3) of rule 39 in addition to the amount fixed under sub-rule (5) of that rule.

(2) Notwithstanding anything contained in sub-rule (1), the Head of market may, at any time, before the expiry of the period specified in sub-rule ask the trader to remove the agricultural produce stored by him within a time specified therein, if it is considered expedient to do so in the interest of the market committee.

(3) If the trader fails to remove the agricultural produce bought and stored by him under the foregoing sub-rules, the Head of market shall sell such agricultural produce. The provision of sub-rule (4) of rule 39 shall mutatis-mutandis apply to the removal and sale under this sub-rule.

41. **Weighing of agricultural produce. –** (1) The market committee shall install such number of weighing machines as may be required in the market or in the notified area with suitable arrangements for their use in proper working order. Any producer may have his agricultural produce

weighed in the market and he shall be given free certificate of weighment duly signed by the Head of market.

(2) All weighments of agricultural produce intended for purchase or sale in the notified area shall be made by the person who is licensed to act as a weighman. He should wear the badge containing serial number allotted to him by the market committee.

(3) For the purpose of weighing the notified agricultural produce within the notified market area, the dial scale or platform scale or beam scale or electronic scale shall alone be used. In every such weighments the weight in metric system shall be used.

(4) The Head of market shall ensure that correct weighment of agricultural produce is done in the market.

(5) All weighment of agricultural produce in the market shall be made by the licensed weighman under the direct supervision of the paid servant of market committee who is authorized in this behalf and all weighment slip issued shall be countersigned by such person.

(6)Proper supervision shall be exercised by such paid servant of the market committee to avoid unnecessary slippage of agricultural produce or wantonly leaving a part of agricultural produce or any action which leads loss to producer/trader.

(7) No charge higher than that fixed by the market committee in respect of his services shall be demanded and received by any weighman. No weighman shall demand or receive any fee payable to market committee

(8) The licensed weighman should abide by the instructions of Head of market in the method or manner of weighing of the agricultural produce and the use of weighing machines and such other instructions for smooth running of the business transaction in the market.

42. **Returns by weighman, broker, measurer, warehouseman. –** Every broker, weighman, measurer, warehouseman shall submit monthly return in Form 25 so as to reach the Head of market on or before 10thday of the succeeding month. The provisions of rule 32 shall mutatis-mutandis be followed in submitting the return under this rule also.

43. **Engaging a broker. –** (1) No person shall be required to engage and pay to a broker.

(2) Every broker engaged by a person shall produce documentary evidence to the satisfaction of Head of market engaging him as a broker by that person.

(3) The provision of sub-rule (7) of rule 41 in the matter of demanding any charge shall equally apply to a broker.

44. **Exposure of agricultural produce for sale –** (1) Every producer shall be bound to expose for sale separately the different kinds of agricultural produce.

(2) It shall be duty of the Head of market to take all possible steps to prevent adulteration e in the notified area and no

person doing business in the notified area shall cause adulteration of agricultural produce in such area.

Explanation– For the purpose of this rule, "adulteration of agricultural produce" shall include the mixing of last pickings of cotton, inferior variety of cotton with superior variety of cotton or mixing earth, dirt and stems or other extraneous matter with any agricultural produce.

(3) The market committee shall maintain for use of producer and trader a set of samples of standard grades of agricultural produce sold at the market and shall take fresh samples as may be necessary from time-to time. The market committee shall also arrange to keep and exhibit samples of different grades of agricultural produce, with indication of parity prices based on rates ruling in terminal and other markets for information or producer and trader.

45. **Regulation of purchase and sale in the market. –** (1) Every transaction of selling and buying of agricultural produce in the market shall be done without the intervention of any of staff of market committee. The Head of market shall however arrange for sale of agricultural produce through secret tender or through auction. The method of such sale shall be determined by the market committee either generally for all of its markets and in respect of all of agricultural produces or separately for each type of agricultural produce for each market.

(2) The Head of market may also arrange direct negotiation between the producer and trader, if so requested for by the former.

(3) The Head of market shall see that prompt payment is made by trader after the sale is concluded.

Provided that he or any of his subordinates shall not be party for effecting disbursement of any amount to the producer.

(4) Every Head of market shall maintain a register of daily purchases by the trader in

Form 26 and the collection of fee thereon in Form 27.

46. **Inspection. –** (1) The Director or any officer authorised by the Government in this behalf shall conduct annual inspection of the office of every market committee. The inspection questionnaire shall be in the form as may be specified by the Government from time to time. The Government shall review the annual inspection report submitted by the Director or Officer in this sub-rule.

(2) The Secretary shall conduct the annual inspection of every market and check-post within the area of the jurisdiction of the market committee. The inspection questionnaire shall be in the form as may be specified by the Government from time to time. The Director shall review the inspection report submitted by the Secretary under this Sub-rule, within three months from the date of submission of the inspection report.

(3) Any Officer nominated by the Government in this behalf shall conduct annual inspection of the office of the Board. The inspection questionnaire shall be in the form as may be specified by the Government from time to time. The Government shall review the inspection report under this sub-rule.

(4) The expenses in connection with the annual inspection shall be met from the fund of the market committee or the Board, as the case may be, in accordance with the instructions issued by the Government in this behalf from time to time.

(5) (a) Notwithstanding anything contained in the foregoing rules every inspection conducted by the Director or any other Officer authorized by him or by the Secretary, in the course of performing their duties or for the purpose of supervision of the markets, check posts, etc., either by surprise or by the prior intimation shall be with reference to a questionnaire in

Form 28 and subject to the instructions issued by the Government from time to time.

(b) The inspection report in the said questionnaire shall forthwith be sent to the immediate higher authority.

(c) Every instructions at the time of inspection shall be in writing.

CHAPTER IV.

FINANCIAL RULES

47. **Accounts**. – (1) Every market committee or the Board as the case may be shall maintain accounts and registers in the relevant forms specified in these rules.

(2) Every market committee and board shall follow the procedure outlined in the Tamil Nadu Treasury Code and the Tamil Nadu Financial Code and the orders issued by the Government from time to time and also the forms and registers prescribed therein for preparation, drawal, etc., of monthly pay bill and all other establishment bills.

(3) Every market committee or Board, as the case may be, shall publish annually, before the end of the month following the close of its financial year a statement of assets and liabilities with a balance sheet as on the closing of that year.

48. **Audit. –**The accounts of the market committee and Board shall be audited annually by the auditor. He may call for the such registers, documents and books as may be considered necessary at the time of audit.

(2) Every market committee and Board shall send to the Auditor, a copy of the monthly accounts before the end of the succeeding month and the annual account before the end of second month following the financial year to which it relates.

(3) The monthly account and annual account and the statement of assets and liabilities of the Board and every market committee shall be maintained in

Form 29, 30, 31 and 32 as the case may be.

49. **Submission of audit report. –** (1) The accounts of the Board to be forwarded to the Government under sub-section (2) of section 42 shall be forwarded to the Government along with the remarks within two months from the date of receipt of the audit report by the Board.

(2) The accounts of the market committee as certified by the Auditor together with the audit report shall be forwarded to the Government along with remarks within two months from the date of receipt of the audit report by the market committee.

(3) Every market committee or Board, as the case may be shall send replies to the audit report within two months from the date of receipt of the audit report. The Director shall see that all the audit objections are settled in time by the Board and market committee, as the case may be.

(4) The Government may, by order, in writing, direct the Board or market committee to take such action as may be specified in the order to remedy, within such time as may be specified therein, defects, if any, disclosed as a result of audit and the Board or the market committee, as the case may be, shall comply with such direction.

50. **Payment of cost of audit. –**The Board and every market committee shall contribute to the Government such sum as may be specified by the Government from time to time to meet the cost of audit.

51. **Check on receipts and expenditure. –**The Board or market committee as the case may be, shall take all possible steps to secure an adequate check on the due crediting of receipts and on payments made by the Officers and servants.

52. **Daily crediting of money. –** (1) Subject to the direction issued by the Government on the application of the Board or market committee, as the case may be or otherwise all moneys received by the Board or market committee, as the case may be, shall be credited daily in a Nationalised Bank, a post office savings bank or a co-operative bank.

(2) Every market committee shall maintain a register of daily receipts from each market in Form 33, a register of postings of miscellaneous receipts in Form 34 and a register of daily expenditure in Form 35. The Board shall maintain a register of receipt and expenditure in Form 36.

53. **Payment to be made by cheque. –** (1) All payments except from the permanent advance shall be made by way of a cheque on behalf of the Board or market committee, as the case may be. A register of cheques issued in

Form 37 shall be maintained:

Provided that wherever it is considered absolutely necessary, payment may be made by cash in the case of bills whose value do not exceed Rs.100 (Rupees one hundred only).

(2) A register of cheques /money orders received in from 38 shall be maintained by the Board and every market committee/ Head of market.

54. **Drawing of cheque. –** No cheque on behalf of the Board or market committee, as the case may be, shall be drawn except on a bill which has been examined and passed by the executive authority concerned or on the issue or recoupment of the permanent advance, if any.

55. **Passing of a bill. –** The executive authority concerned shall not pass any bill for payment without the previous sanction of the Board or the market committee as the case may be except.

(1) for the payment of the salary and other allowances including travelling allowances of establishment:

(2) a bill for payment for works and repairs and purchase of stores which have been duly sanctioned by the Board or market committee, as the case may be: and

(3) for re-payment to the Government of any money under sub-section (3) of section 22 of the Act or sub-section (6) of section 37 of the Act, as the case may be:

Provided that the concerned executive authority may pass a bill for payment in respect of following matters, namely:-

(i) for meeting an expenditure which does not exceed Rs. 500 (Rupees five hundred only) Provided sanction of the Board or market committee cannot be obtained forthwith and when such expenditure has to be incurred immediately subject to the provision of fund in the Budget: and.

(ii) for payment of all rent, rate and taxes, electricity charges which have already been approved and accepted by the Board or market committee as the case may be.

56. **Pass Book. –** The market committee or Board, as the case may be, shall get its pass book updated at the close of every month.

57. **Cash Book. –** The Board and every market committee shall maintain a cash book and a petty cash book in Forms 39 and 40.

58. **Budget. –** (1) The Board or market committee, as the case may be, shall prepare in Forms 41 and 42 respectively for every year, a revised estimate for that year and a budget estimate for the succeeding year in respect of-

(a) (i) pay and allowances to its employees, and

(ii) all the receipt and expenditure including the pay and allowances of its employees;

(b) The material alteration statement to the revised estimate; and

(c) final surrender statement for the year in respect of pay and allowances of the employees so as to reach the Government on or before the 15th day of August, 1st day of January and 1st day of March of every year

(2) No expenditure shall be incurred for which there is no budget provision, unless it can be met by re-appropriation from savings under other heads which shall be sanctioned by the market committee or Board, as the case may be, and approved by the Director in the case of market committee, if it exceeds, Rs. 5,000 (Rupees five thousand only), and by the Government in the case of Board, if it exceeds Rs. 10,000 (Rupees ten thousand only).

(3) Except where any expenditure is covered by the standing sanctions or where necessary powers have been delegated to the executive authority concerned market committee in this behalf, provisions of funds in the Budget by itself convey no sanction to authority to incur expenditure.

59. **Investment of surplus Fund. –** (1) The Board or market committee, as the case may be, shall invest not less than 50 per cent of surplus amount referred to in sub-section (1) of section 29, sub-section (1) of section 44 and sub-section (5) of section 45 of the Act in the Public Deposit Account of Government and the balance of the surplus amount in any Co-operative Bank.

(2) A register of investment in Form 43 and a register of Public Deposit Account in Form 44 shall be maintained by the Board and every market committee.

60. **Permanent advance –** Every market committee or the Board, as the case may be, may fix every year an amount not exceeding a sum of Rs.1,000 (Rupees one thousand only) or the average expenditure for the past twelve months whichever is less as permanent advance. To each of Head of market or Head of office. The balance at the end of the year shall be surrendered to the market committee or Board, as the case may be. A register in

Form 45 shall be maintained by each Head of market and Head of Office.

61. **Payment –** (1) Every payment shall be made against a bill or voucher:

Provided that in respect of payment from out of the permanent advance and in respect of which any bill or voucher cannot be obtained, the payment shall be against receipt.

(2) The Bill, voucher or receipts relating to any payment from the permanent advance made by an Officer subordinate to the executive authority concerned shall be sent to the executive authority as early as possible for sanction.

62. **Passing for payment** – Every bill presented for payment shall be entered in the Register of Bills. The Accountant shall check and specify as to the correctness and genuineness of the claim therein and submit it to the concerned executive authority for passing the bill with the following entries:

" Passed for Rs.

Paid by cheque/ in cash Rs.

(major/ minor and detailed head)

(in words and figures)only
(in words and figures) by debit to

Adjust Rs. (in words and figures) by debit to (major and minor detailed head) and credit to (major, minor and detailed head)"

63. **Acknowledgement of receipt –** Separate acknowledgement of receipt shall be obtained on the bill in respect of every payment.

64. **Sanction of expenditure. –** (1) Every expenditure other than that incurred from the permanent advance shall be sanctioned by the competent authority by proceedings and particulars relating thereto shall be quoted on the bill.

(2) A copy of every proceedings relating to an amount of expenditure exceeding Rs. 25,000 (Rupees twenty five thousand only) shall be sent to the Auditor and each proceeding in respect of an amount exceeding expenditure of Rs. 1,00,000/- (Rupees one lakh only) shall also be sent to the Director.

65. **Incurring of expenditure**. - (1) No expenditure from the Market Committee Fund or from the Market Board fund and Market Development Fund, as the case may be, shall be incurred unless –

(a) the expenditure is sanctioned by an order of the authority competent to sanction such expenditure; and

(b) sufficient funds have been provided for such expenditure in the Budget for the year or by re-appropriation of funds;

(2) No expenditure shall be sanctioned by the market committee or Board, as the case may be, unless a certificate in the following form has been furnished in respect thereof –

FORM OF CERTIFICATE

Rs.

p The amount of the Budget allotment

The amount spent under this head upto date

The amount sanctioned upto date but not spent

The amount to be sanctioned now

Total

The balance remaining

66. **Time limit for presentation of bill –** No payment shall be made against a bill presented after six months from the date on which the amount becomes due, without specific sanction of the Board or market committee, as the case may be.

67. **Over payment**– In every case of over payment of money, the officer who prepares and submits the bill, the officer who scrutinizes the same and the authority who passes the bill for payment shall equally be liable to make good the loss caused by such over payment. They are also liable for disciplinary action under the relevant rules.

68. **Defalcation or loss of money or valuable. –** Without prejudice to the remedy under any law for the time being in force, any defalcation or loss of money or valuable belonging of the Board or market committee, as the case may be, shall be reported immediately, by the executive authority concerned, after discovery to the Auditor and to the Director who shall send a report thereof to the Government, if the value of defalcation or loss exceeds Rs. 5,000/- (Rupees five thousand only). A further and complete report shall be submitted to the Auditor and Director as soon as may be after the matter has been fully enquired into setting forth the nature and extent of the defalcation or loss, the errors or neglect of rules by which such defalcation or loss was rendered possible, and the prospects of effecting a recovery.

69. **Cheques. –** The executive authority of the Board or the market committee, as the case may be, shall be the custodian of the cheque books. On transfer of the concerned executive authority, a note shall be recorded in the cash book and the signature of both the relieved and reliving officers indicating the number of unused cheques and cheque book handed over and received by them respectively

70. **Signing of cheque** – Every Cheque issued by the Board or market committee, as the case may be, shall be signed by the concerned executive authority thereof. When the concerned executive authority has to handover charge to another, he shall sign the specimen signature of the reliving officer together with the certificate in the form specified below to the Treasury Officer or the Bank, as the case may be.

"FORM OF CERTIFICATE

Signature and designation of the reliving officer.

I certify that the above is the signature of the officer to whom I have handed over charge of my office with effect from the forenoon/ after-noon of……..(date) day 0

(Signature and designation of the relived officer with date)"

71. **Writing of cheque –** (1) Every cheque shall be written by the Accountant and signed by the executive authority of the market committee or Board, as the case may be.

(2) The person who writes cheques and signs it shall equally be liable for making good any loss caused due to any lapse in issue of cheques in addition to liability for disciplinary action and also liability under criminal law.

72.**Cancellation of cheque** – (1) when a cheque is to be cancelled it shall be recorded thereon as "cancelled" by the concerned executive authority and the fact of cancellation shall be recorded under the initials in the counterfoil of the cheque , in the voucher, in the cash book and in the register of cheques issued. The cancelled cheque shall be destroyed by the auditor after audit.

(2) If the cheque is cancelled before the totaling of cash transactions of the month in which it was issued, the entry in the cash book shall be struck out in red-ink under the initials of the executive authority concerned with a note that the cheque has been cancelled. If however, the cash book has been totaled and the correction is required to be made in a year subsequent to that in which the cheque was issued, the amount of cheque shall be credited in the cash book in the treasury column under the head "refunds of expenditure of previous year due to cancellation of cheque". If however, the correction is made in the year in which the cheque was issued it should be posted on the payment side of the cash book in the treasury column as "minus due to cancellation of cheque" under the head of the expenditure to which it was originally charged.

73. **Refund of revenue –** (1) In cases where any amount has to be refunded sanction of the Board or market committee, as the case may be, shall be obtained. The procedure prescribed under the Tamil Nadu Financial Code shall mutatis – mutandis be followed.

(2) A register of write off and remission in Form 46 shall be maintained by the Board and every market committee.

74. **Stamp account –** The Board or market committee, as the case may be, shall not use any postage stamp without perforation. A register of stamp account in

Form 47 shall be maintained by the Board and every market committee.

75. **Purchase of stationery and stores –** The Board or the market committee, as the case may be, shall purchase the stationery and other stores required by it only after assessing the requirement after considering the stock in hand, the actual consumption in the previous year. Acknowledgement shall be obtained and maintained for the issue of the stationery and other store items from the persons to whom it has been issued. A register of Stationery and Stores in Forms 48 and 49 shall be maintained by the Board and every market committee.

76. **Purchase of books, maps, periodicals –** The Board or market committee, as the case may be, shall not purchase any book, periodical, daily newspapers or map other than those required for publicity and propaganda or for the promotion of the activities of the market committee or Board, as the case may be. A register of Stock Accounts of Books, etc., inform 50 shall be maintained by the Board and every market committee.

77. **Deposits –** (1) Any amount deposited by any contractor or any other person to the Board or market committee, as the case may be, by way of security or otherwise which cannot be brought under the revenue head shall be credited in the deposit account.

(2) An amount in respect of which no claim has been made for a period of one year in case of an amount less than Re. 1 and three years in case of an amount more than Re.1 from the date on which it becomes due and payable shall lapse and be credited to the revenue head of account. A register of lapsed deposits in

Form 51 shall be maintained by the Board and every market committee.

(3) Any amount which can be brought under the revenue head of account shall be credited only under the revenue head of account.

(4) In the case of refund of lapsed deposit amount, the procedure laid down in rule 73 shall be followed

78. **Authority to sanction refund of deposits –** No amount of deposit shall be refunded except by or with the sanction of the executive authority concerned:

Provided that in respect of refund of deposits relating to works, the sanction of Board or market committee as the case may be shall be obtained.

79. **Diversion of loan amount, etc –**

No amount of loan borrowed or any grant or subvention received by the Board or market committee as the case may be, from the Government or any other person or authority or any amount earmarked for any specific purpose shall be utilized for the purpose other than that for which the amount has been borrowed or received or earmarked without the prior sanction of the Government. A register of loan in

Form 52 and a register of sinking Fund in Form 53 shall be maintained by the Board and every market committee.

80. **Checking the registers, etc., of the Board and market committee –**Without prejudice to the generality or powers of the Director or other person who is empowered to inspect, the Director or such other person shall check the registers. documents, forms and books maintained in the head office, market and check post.

81. **Purchase, etc., by calling for tenders –** (1) Subject to orders issued by the Government, from time to time every purchase by the Board or a market committee, as the case may be, the value of which does not exceed Rs. 3,000 (Rupees three thousand only) shall be by obtaining quotations from not less than three dealers and where the amount exceeds Rs. 3,000 (Rupees three thousand only) by calling for tenders:

Provided that this rule shall not apply in cases where purchases are made from Government Department, Public Sector Undertaking, Co-operative Institutions, from where the purchase of such articles are specifically authorized by Government.

(2) Every tender for purchase, the value of which exceeds Rs. 5,000 (Rupees five thousand only) shall be placed before a tender sub-committee consisting of not less than three non-official members of whom one shall be Chairman or President, as the case may be and two official members and its acceptance obtained.

(3) A register of tools and plants/ machineries and equipments in Form 54 shall be maintained by the Board and every market committee. In case of purchase of gunnies, a register of stock account of Gunnies in Form 55 shall be maintained by every market committee.

82. **Printing –** The Board and every market committee shall entrust its printing work to the Government Press only and under extraordinary circumstances to the Co-operative Press with the prior approval of the Government.

83. **Power to condemn–**The market committee or the Board, as the case may be, shall be competent to condemn any material which has become unserviceable after obtaining permission of authorities specified by the Government from time to time.

84. **Payment by the market committee to the Board -** (1) Every market committee shall pay to the Board 15 percent of its receipt derived from licence fee and the fee levied under sub-section (1) of section 24 in every quarter specified in column (1) of the Table below on or before the dates specified in column (2) thereof, along with a statement of the fee collected.

THE TABLE

Quarter	Date prior to which the amount to be remitted
1st Quarter (April –June)	By 31st August

2nd Quarter (July – September)	By 30th November
3rd Quarter (October – December)	By 28th February
4th Quarter (January- March)	By 31st May.

(2) Every market committee shall, in addition to the statement referred to in sub-rule (1), furnish to the Board, a monthly statement of the fee referred to therein before the 15th day of every succeeding month and the annual statement of such before the end of second month after the financial year to which they relate.

Form 56 a register showing the monthly statement of fee and a register of quarterly payment of contribution in Form 57.

85. **Contribution to the Market Development Fund. –** Immediately after the receipt of the amount under sub-rule (1) of rule 84, the board shall contribute 50 percent thereof to the Market Development Fund.

Provided that in addition to the amount specified in this sub- rule, the Board may contribute to Market Development Fund any amount remaining after its establishment charges and authorized expenditure

86. **Payment of travelling Allowance and daily Allowances. -** (1) The President, Vice-President and every member of the Board, and Chairman and Vice Chairman and every member of the Market Committee, shall be paid traveling allowance and daily allowance at the rates fixed by the Government from time to time for first class Government Committees, while they attend the meeting or perform tour in connection with the business of the Board or market committee, as the case may be.

(2) The official members of the Board or market committee shall be paid travelling allowance and daily allowance to which they are eligible in accordance with the Tamil Nadu Travelling Allowance Rules.

(3) No President or Vice –President of the Board shall perform any tour outside his jurisdiction in connection with an official business of the Board without the prior permission of the Government.

(4) No Chairman or Vice-Chairman of a market committee shall perform a tour in connection with the official business without the prior permission of. -

(i) the Director, if he has to perform a tour outside his jurisdiction, but within the State, and

(ii) the Government, if he has to perform the tour outside the State.

(5) No claim for the travelling allowance or daily allowance shall be admissible if, -

(i) the claim has not been preferred in the relevant form; and

(ii) the claim is not made within three months from the date of completion of the journey or tour, as the case may be.

87. **Use of Motor Vehicle. –** (1) No motor vehicle shall be purchased or condemned or disposed off by the Board or market committee, as the case may be, without the prior approval of the Government therefor.

(2) The orders issued by the Government from time to time regarding the maintenance of vehicle, use of petrol and log book thereof shall be followed in respect of each of the vehicles of the Board and the market committee.

88. **Use of telephones. –** (1) No new telephone or extension thereof shall be installed without the prior approval of the Government by the Board and market committee.

(2) The orders issued by the Government from time to time regarding the usage of the telephone shall be followed by the Board and market committee.

89. **Taking building for rent. –** (1) Notwithstanding anything contained in any other rules whenever the market committee or Board proposes to take a building or land for rent, rent reasonable – certificate shall be obtained from an Engineer of the Board not below the rank of Assistant Executive Engineer. An agreement shall be entered in the form specified by the Government in this behalf.

(2) Sanction of Director shall be obtained in cases where the monthly rent exceeds Rs.2,000 (Rupees Two thousand only) but not exceeding Rs. 4,000 (Rupees Four thousand only) and sanction of the Government shall be obtained in cases where the monthly rent exceeds Rs. 4,000 (Rupees Four thousand only)

Provided that the above provision shall not be applicable to the premises already in occupation of a market committee or Board, as the cased may be, if the rent will not be enhanced at the time of renewal of agreement

(3) Every market committee and Board shall fix rent for its building, land etc., in accordance with the rates and procedures prescribed by the Chief Engineer (Building) Public Works Department from time to time and in consultation with the Superintending Engineer of the Board.

90. **Repayment of salaries of the Officers and Servants. –** (1) The repayment to the Government of the amount paid by the Government under sub-section (3) of section 22 and sub-section (6) of section 37 of the Act shall be made by the market committee or Board, as the case may be within the date specified by the Government in this regard from time to time.

(2) A register in Form 58 and 59 shall be maintained by the Board and every market committee in respect of remittance of pay and allowances and pension contribution to the Government. The executive authority of the Board or market committee as the case may be shall be responsible for such repayment.

CHAPTER V.

CIVIL WORKS

91. **Acquisition of immovable property, etc.–**(1) Whenever any immovable property has to be acquired by a market committee or the Board, the same shall generally be acquired under Land Acquisition Act, 1894 (Central Act I of 1894). Under special circumstances like necessary to complete a particular project within a stipulated time, the market committee or Board, as the case may be, may acquire the immovable property otherwise than under the Land Acquisition Act, 1894 (Central Act I of 1894)

(2) (a) Whenever a market committee or Board proposes to acquire any immovable property otherwise than the Land Acquisition Act, 1894 (Central Act I of 1894) the market committee or Board as the case may be shall obtain.

(i) the prior approval of the Director as to the suitability or otherwise of the property;

(ii) from the Collector of the district concerned, the particulars regarding the title over, possession in respect of, the value of, the classification of and such other particulars, if any relating to the property;

(iii) from the office of the Sub-Register concerned the encumbrance certificate and other particulars, if any, relating to the encumbrance on the property; and

(iv) from the Law Officer concerned, the legal opinion regarding the title of the owner of the property and legal feasibility or acquiring the same.

(b) After satisfying the requirements under sub-rule (1), the market committee or Board, as the case may be, shall provisionally decide as to whether the property may be acquired and if the market committee or Board, as the case may be decides to acquire the property, it shall, subject to provisions of clause (a), take further action to acquire the property.

(3) In cases where the market committee or Board proposes to acquire any immovable property under the provisions of Land Acquisition Act, 1894 (Central Act I of 1894) the market committee or the Board, as the case may be, shall comply with requirements of sub-clauses (i) and (ii) of clause (a) of sub-rule (2) and take further action under Land Acquisition Act, 1894 (Central Act I of 1894). A register of Land Acquisition in

Form 60 shall be maintained by every market committee or the Board.

92. **Administrative approval for purchase of immovable property. –** (1) No immovable property of the value mentioned in column (2) of the Table below shall be acquired or purchased by the market committee or Board, as the case may be, unless the prior approval of the authority mentioned in column (1) thereof is obtained.

THE TABLE

Authority	Value of property
(1)	(2)
(i) Director	If the value exceeds Rs.1,00,000 (Rupees one lakh only) but does not exceed Rs.5,00,000(rupees five lakhs
(ii) Government	If the value exceeds Rs.5,00,000 (Rupees five Lakhs only)

(2) No work shall be commenced on the immovable property which has not been duly made over to the market committee or Board, as the case may be.

93. **Preparation of plan and estimates. –**Every market committee shall get the plan and estimates prepared by the Officers of the Engineering Cell of the Board in respect of every original, repair and maintenance work including every civil and electrical work, who shall follow the rules and procedures as specified in Public Works Department Code in this regard:

Provided that the Engineering Supervisor of the market committee shall prepare the plan and estimates according to the schedule of rates approved by the Superintending Engineer of Public Works Department for that area, in respect of original civil work upto a value not exceeding Rs.3,000 (Rupees three thousand only) and maintenance and repair works upto a value not exceeding Rs.3,000(Rupees Three thousand only)and maintenance and repair works upto a value not exceeding Rs. 50,000 (Rupees fifty thousand only)

Provided further that in special cases, where the work is entrusted to any authority or agency other than the Engineering Cell, the plan and estimates for such work shall be prepared in consultation with the Engineering Cell of the Board by such authority who are competent to do so in accordance with the rules being followed by them.

94. **Technical sanction. –** The Officers of Engineering Cell of the Board specified in column (1) of the Table below having jurisdiction over the area in which works has to be executed, shall be competent to accord technical sanction, by countersigning the plan and estimate in respect of the work, the cost of which is as specified in column (2) and column (3) thereof:-

THE TABLE

Officers	Cost of Civil Works	Cost of Electrical Works
Assistant Executive Engineer	Upto Rs.10,000	Upto Rs. 2,000

Executive Engineer	Above Rs.10,000 and upto Rs.2,00,000	Above Rs.2,000 and upto Rs.15,000
Superintending Engineer	Above Rs.2,00,000	Above Rs.15,000

Provided that the Engineering Supervisor of the market committee may accord technical sanction of the estimates of original, maintenance and repair of any civil work, if the cost of which does not exceed Rs.3,000 (Rupee three thousand only) as per the rates approved by the Superintending Engineer of Public Works Department for the area concerned:

Provided further that where the work is entrusted to any authority or agency other than the Engineering Cell of the Board technical sanction for such work shall be accorded by the competent Officers of such authority or agency in accordance with the rules and regulations governing such sanction.

95. **Payment of centage charge. –**Subject to the contract to the contrary, centage charge may be paid to the authority or agency other than Engineering Cell of the Board to which the work is entrusted in accordance with the provisions applicable to that authority or agency, as the case may be, in that regard.

96. **Administrative approval for work. –**After complying with the requirements of rules 93 and 94, the administrative approval of the authorities specified in column (1) of the Table below shall be obtained in respect of work, the cost of which is specified in the corresponding entries in column (2) thereof. –

THE TABLE

Authority	Cost of Work
(1)	(2)
(i) Director of Agricultural Marketing	Exceeding Rupees one lakh but not exceeding Rupees five lakhs.
(ii)Government	Exceeding Rupees five lakhs.

97. Maintenance of registers, forms and statements. –The provisions of the Public Works Department Code shall mutatis-mutandis be followed for the maintenance of registers including the Register of estimates and allotments, Forms and statements in respect of any work.

98. **check-measurement, inspection and test-check. –** The provisions of the Public Works Department Code shall be followed with regard to the check-measurement, inspection and test-check including the financial limit prescribed for

various officers therefor by the officers of the Engineering Cell of the Board having jurisdiction over the area in which the work is executed.

Provided that in respect of which the Engineering Supervisor of the market committee is competent to accord technical sanction, check-measurement, inspection and test-check shall be made by the Executive Authority of the market committee.

99. **Works in respect of which quotations have to be called for. –** (1) In respect of any work whether original or repair or maintenance, the estimated cost of whi .3,000 (Rupees three thousand

only), quotations shall be called for from the registered contractors of Public Works Department and the quotations beneficial to the market committee shall be accepted.

(2) The above works shall be executed at the rate not exceeding the estimated cost.

100. **Works in respect of which tenders have to be called for. –**(1) In respect of any work which does not fall under rule 99, tenders shall be called for.

(2) Subject to the instructions issued by the Government from time to time, the provisions in the Public Works Department Code in respect of the corresponding work in Public Works Department shall be followed as regards calling for and settlement of tenders.

(3) Every tender for work to be executed by market committee the value of which exceeds Rs.3,000 (Rupees three thousand only) but not exceeding Rs.50,000 (Rupees Fifty Thousand only) Shall be placed before the tender sub-committee consisting of not more than three non-official members of whom one shall be Chairman and two official members and its acceptance shall be obtained.

(4) Every tender for work to be executed by the Board the value of which exceeds Rupees one Lakh but not exceeding Rupees ten lakhs shall be placed before the tender sub-committee consisting of not more than three non-official members of whom one shall be the President and two official members of whom one shall be Director and its acceptance shall be obtained. In cases where the value of the work exceeds Rupees ten lakhs, the tender shall be accepted by the Government.

101. **Exercising the power of the Chief Engineer by the Superintending Engineer of the Board. –** The powers provided to the Chief Engineer (Buildings) under Public Works Department Code in the matter of preparation, approval of plans and estimates, calling for tenders, according technical sanction and of check-measurement, inspection and test-check shall be exercised by the Superintending

Engineer of the Board. He shall not delegate any of his powers to any of the officers in the Engineering cell of the Board.

102. **Entrustment of work to other authority or agency. –**Subject to the provision of rule 103 the market committee or Board, as the case may be, may entrust the work to other authority or agency if after considering the special and technical nature of work in consultation with the Engineering Cell market committee or Board, as the case may be, is of the view that such work shall be entrusted to such authority or agency.

103. **Payment to Contractor. –** (1) The provisions of the Public Works Department Code shall apply in respect of the payment to the contractor subject to the provisions of sub-rule (2) .

(2) Every payment to a contractor shall be on account of some particular work done or material delivered and not on general account.

Advance or payments shall not be made in anticipation of measurement. Payment for work done or materials delivered shall be made on the basis of a contract certificate showing the quantum and value of work executed duly attested by the officer in-charge of the work and after check-measurement is made. Such payment will be treated as payment on account, subject to adjustment on the final bill. Payment to contractor and suppliers shall be made by-means of cheques drawn in their favour and such cheques shall be delivered to them direct.

104. **Completion certificate. –** On completion of a work, a certificate to the effect the work has been completed as per the plan and estimates shall be submitted within three months from the date of such completion

(i) by the Engineering Supervisor of the market committee in respect of a work for which he is competent to accord technical sanction; and

(ii) by the Executive Engineer in respect of the other works.

105. **Entrustment of work.–**(1) Every market committee shall entrust to the Board all the civil work including electrical work other than original work, the cost of which does not exceed Rs.3,000 (Rupees three thousand only) and the maintenance and repair work the cost of which does not Exceed Rs.50,000 (Rupees fifty Thousand only)

(2)Where the market committee entrusts any work to Board under sub-rule (1), the market committee shall pay to the Board 50 percent of the estimated cost of work as soon as the contract is settled as first instalment. On receipt of certificate of utilization of the amount of the first instalment, 25 percent of the total estimate cost shall be paid as second instalment and the balance amount shall be paid on receipt of certificate of utilization of the amount of second instalment.

(3) The Board shall commence the work immediately on receipt of amount of first instalment.

106. Handing over of the building, etc by the Board. – Immediately after completion of work entrusted, the Board shall handover the building or other work executed, to the market committee concerned. The market committee shall after due verification of the buildings, or other work executed by the Board or other authority or agency and after consultation with such authorities as it may decide, satisfy itself that the work has been executed as per the approved plan and estimates or specifications. Any deviations from the plan and estimate shall forthwith be brought to the notice of the Board or authority or agency by the market committee. The Board, authority or agency shall rectify the defects immediately. Additional expenditure or loss incurred, if any, by the Board or authority or agency for rectifying such defects is not payable by the market committee. The Board or authority or agency, as the case may be, shall make good the loss, if any

CHAPTER VI

LAW CHARGES

107. **Authority competent to sanction fees to the Counsel and the law Officers. –** Subject to the provisions of rule 108, the market committee or Board shall be competent to sanction the fees to the Counsel and to the Law Officers engaged by in it connection with any settlement of deed, offering of legal opinion and with any litigation in which the market committee or Board as the case may be, is a party.

108. **Quantum of fees payable to the Counsel and the Law Officers. –** The quantum of fees payable to the Counsel and law Officers engaged by the market committees or Board, as the case may be, in the matters specified in rule 107 shall be the amount calculated with reference to the provisions contained in the Precis of Standing orders applicable to the Law Officers of the Government, as modified by the Government from time to time:

Provided that the market committee or Board as the case may be, may pay to the Counsel or Law Officers in advance the incidental charges and an amount not exceeding 50 percent of the approximate fees payable in respect of a case:

Provided further that the market committee or Board, as the case may be, may, in exceptional cases, pay a higher amount of fees than that specified in the above provision considering the importance of the case and additional work involved therein, with the prior approval of the Government;

Provided also that if any doubt arises as to the quantum of fees payable to a Counsel or a Law Officer, the Market committee or Board as the case may be, shall

refer the matter to the Government and the decision of the Government in the matter shall be final.

109. **Appeal against the decision of a Court. –** Where a case is decided by the Court against the interest of the market committee or Board, the market committee or Board, as the case may be shall obtain the opinion of the concerned Law Officer as to the feasibility of filling an appeal in the higher forum and –

(i) if the interest of the Government is not adversely affected and if they are not a party, shall take a decision on filling of appeal; and

(ii) if the interest of the Government is adversely affected or if the Government are a party to the case, shall obtain orders of the Government as to whether an appeal shall be filed in the case.

110. **Initiation or continuation of litigation against the interest of the Government. –**The market committee or Board, as the case may be shall not initiate or continue any litigation, whether civil or criminal, before any Court against the interest of the Government, without the prior sanction of the
Government.

111. **Maintenance of Suit Register. –**The market committee or Board shall maintain a register of litigation in

Form 61. The un-disposed cases at the close of the year with the cost thereof which has not been recovered or has been recovered partially shall be carried over to the Register for the ensuring year. The register shall be periodically reviewed by the concerned executive authority and see that necessary action for recovery of due is taken in time. Every market committee shall also maintain a register of composition of offence in Form 62 and a register of Prosecution in Form 63.

CHAPTER VII

SURCHARGE RULES

112. **Submission of documents. –** (1) The Auditor and the Board in respect of the market committee and the Auditor and the Government in respect of the Board shall be (hereinafter referred to as the authority in the Chapter) competent to disallow and surcharge items in respect of the market committee or Board, as the case may be, and recover the sums so disallowed and surcharged. The market committee or Board, as the case may be, shall be furnished with the details of action taken in this sub-rule.

(2) The secretary or the Chief Executive Officer, as the case may be shall submit all accounts to the authority for the purpose of this rule.

113. **Power to summon documents. –**(1) the authority may, -

(a) by summon, in writing, require the production of any book, deed, contract, account, voucher, receipt or other account, the perusal or examination of which he considers necessary;

(b) by summon in writing require any person having the custody or control of any such document or accountable for it to appear in person before him; and

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

(2) Whoever fails to comply with any requisition lawfully made upon him under this rule shall be punishable with fine which may extend to two hundred and fifty rupees.

114. **Authority to report material impropriety or irregularity, loss, waste or misapplication. –**The authority shall, -

(a) report to the market committee or Board, as the case may be, any material impropriety or irregularity which he may observe in the expenditure or in the recovery of moneys due to the market committees or Board or in the accounts of the market committee or Board; and

(b) report to the market committee or Board, as the case may be, any loss, waste or misapplication of money or other property owned by or vested in, the market committee or Board, if such loss, waste or misapplication is adirect consequence of neglect or misconduct, with the names of any person directly or indirectly responsible for such loss, waste or misapplication.

115. **Duty of the Secretary, Chief Executive Officer to remedy the defects or irregularit** f the market committee or the

Chief Executive Officer of the Board shall forth with remedy any defect or irregularity that may be pointed out by the authority and report the same to the market committee or Board, as the case may be.

116. **Power of authority to disallow and surcharges. –** (1) The authority may disallow the loss waste or misapplication of money reported and surcharge the same on the person directly or indirectly responsible and shall in every such case, certify the amount due from such person.

(2) The authority shall state in writing the reasons for his decision in respect of every disallowance, surcharge or charge and communicate by registered post a copy thereof to the person against whom it is made.

(3) the provisions in the Civil Procedure Code, 1908 (Central Act V of 1908), regarding services of notice, summons and other communications shall be followed in respect of communications under this rule.

(4) interest at the rate of nine percent per annum shall be charged on the surcharge amount due with effect from the day following the last date fixed for payment of the said surcharge amount in the surcharge amount in the surcharge certificate. The interest so charged on surcharge amount overdue shall be specified in the surcharge certificate itself in precise terms.

117. **Submission of representation. –**Any person aggrieved by disallowance, surcharge or charge made, may within fourteen days from the date of service of communication under rule 116 represent to the Government in writing. Any order passed on such representation by the Government shall be final.

118. **Recovery. –**Every sum certified to be due from any person by the authority under these rules, shall be paid by such person within fourteen days from the date of service of communication under rule 116 into the treasury or the bank in which the accounts of the market committee or Board, as the case may be, are maintained. Such sum, if not paid shall be recoverable as arrears of land revenue.

119. **Returns. –**(1) The market committee or Board, as the case may be shall send a half-yearly return to the authority in

Form 64 for watching the timely recovery of the amount due.

(2) The return for each half-year shall include all surcharge outstanding at the end of the half-year and shall be sent to the authority by the tenth day of the month succeeding the half-year to which the return relates. Where no amount is pending recovery, a 'NIL' return shall be sent. As soon as an amount is completely recovered, the market committee or Board, as the case may be shall report the fact to the authority.