The Tamil Nadu Panchayats (Opening and Maintenance of Market) Rules, 2000

(G.O.(Ms)NO.3, Rural Development (C4), dated 4th January, 2001)

In exercise of the powers conferred by sub-section (2) of Section 147, sub-section (2) of Section 148 and clause (xxxvii) of sub-section (2) of Section 242 of the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 21 of 1994) and in supersession of the Rule relating to powers which may be exercised by the Panchayat or the Executive Authority in respect of any public or private market or use thereof, the Governor of Tamil Nadu hereby makes the following Rules :-

RULES

1. Short title.- These Rules may be called the Tamil Nadu Panchayats (Opening and Maintenance of Market) Rules, 2000.

2. Definitions.- In these Rules, unless the context otherwise requires.-

(*a*) **"Act"** means the Tamil Nadu Panchayat Act, 1994 (Tamil Nadu Act 21 of 1994);

(*b*) **"Form"** means a Form appended to these Rules;

(*c*) **"market"** means a place used by the public for buying and selling goods and includes shandy or any other name by which, the place is called by the local public;

(*d*) **"public market"** means a market opened and maintained either by the Village Panchayat or the Panchayat Union.

(*e*) **"private market"** means a market run by a private person under licence either from the Village Panchayat or the Panchayat Union Council as per the conditions laid down in sub-section (1) of Section 148 of the Act;

(*f*) **"Panchayat Union market"** means the public market opened and maintained by the Panchayat Union Council;

(*g*) **"Schedule"** means, a Schedule appended to these Rules;

(*h*) **"Village Panchayat market"** means the public market opened and maintained by the Village Panchayat.

3.Opening and maintenance of public market by Panchayat Union.- (1) Panchayat Union council shall apply to the Inspector for permission to open and maintain public market in the land owned by or leased to it, such application shall indicate the rates of fees to be levied which shall not be lower than the fees presented by the Government, from time to time.

(2) The Inspector shall examine the proposals of the Panchayat Union with reference to the following:-

(*a*) commercial viability of the proposed market vis-à-vis the existing Panchayat Union or the Village Panchayat market or private market within a radius of 10 kilo metres;

(*b*) accessibility of the proposed market by the public and the traders;

(*c*) health and sanitation aspect specified by the Deputy Director of Public Health and Preventive Medicine.

4.Opening and maintenance of public market by the Village Panchayat.- (1) Village Panchayat shall apply to the Inspector for permission to open and maintain public market in the land owned by or leased to it. Such application shall indicate the rates of fees to be levied and which shall not lower than the fees prescribed by the Government from time to time.

(2) The Inspector shall examine the proposals of the Village Panchayat with reference to the following:-

(*a*) commercial viability of the proposed market vis-à-vis the existing nearby Panchayat Union and the Village Panchayat market or private market within a radius of 5 kilo metres;

(*b*) accessibility of the proposed market by the public and the traders;

(*c*) health and sanitation aspect specified by the Deputy Director of Public Health and Preventive Medicine.

(3) Notwithstanding anything contained in these Rules, no new market shall be permitted, if it will affect the commercial viability of the already existing market either private or public, situated within 5 kilo metres radius from the proposed place.

5. Classification of public and private market as the Panchayat Union or the Village Panchayat market.- (1) In consultation with the District Panchayat, the Government shall classify

public and private market and to classify whether public market is a Panchayat Union Council market or a Village Panchayat market and also fix the ration of the apportionment of income between the Panchayat Union Council and the Village Panchayat concerned. The rates of apportionment shall be revised from time to time by the government after consulting the District Panchayat.

(2) Notwithstanding anything contained in these Rules, all the existing public markets opened and maintained by the Panchayat Union Councils
or the Village Panchayat before the commencement of these Rules, shall continue as such. A list of such markets shall be compiled by each Village Panchayat and Panchayat Union Councils, as the case may be and transmit the list to District Panchayat. At the district level, the District Panchayat shall maintain a master list and register of all such markets in the district and update the same once in every year in the first week of April.

6. Auctioning of public market.- (1) The Executive Authority or the Commissioner, as the case may be, may lease out by public auction, the right to collect various fees at rates not exceeding the rates fixed by the Village Panchayat or the Panchayat Union Council, as the case may be for the markets maintained by them respectively.

(2) The lease by auction shall come into effect only after the confirmation of the Village Panchayat or the Panchayat Union Council, as the case may be.

(3) The lessee shall follow all conditions and maintain all records and registers as laid down in Rules 13, 14 and 15 of these Rules.

7. Licence for private market.- (1) No person shall open and maintain a private market without obtaining a licence from the Village Panchayat. Such licence shall be renewed every year.

(2) A person or a Firm or a Co-operative Society or the Panchayat Union Council, as the case may be, intending to open a private market, shall apply to the Executive Authority of the Village Panchayat or the Commissioner of the Panchayat Union Council, as the case may be seeking its licence, duly furnishing the details and information specified below:-

(*a*) records showing the title of the applicant to the proposed site or land or a lease deed for renting a site with a sketch;

(*b*) provisions made or to be made for the drainage or storm water disposal system;

(*c*) Provisions made or to be made for sanitary facilities for the use of the visiting public;

(*d*) provisions made or to be made for proper and adequate access to the proposed market site from a public road or street;

(*e*) the rates of fees or rents proposed to be charged for keeping articles or goods for sale to the public;

(*f*) details as to whether it is a weekly market or a daily market and the day or days of assembly in a week;

(*g*) arrangements made or to be made for the disposal of sweepings, garbage, cattle dung or market waste;

(*h*) arrangements made or to be made for providing adequate water including drinking water to the visiting public and toilet facilities; and

(*i*) such other details or informations, as may be found necessary, and required by the Executive Authority or the Commissioner, as the case may be, in respect of a particular site or application.

(3) In case the Village Panchayat or the Panchayat Union Council agrees to approve the proposal, the Executive Authority or the Commissioner, as the case may be shall send the proposal to the Deputy Director of Public Health and Preventive Medicine of the district concerned for his opinion as to the suitability of the site on public health point of view within thirty days of the receipt of the proposal from the Executive Authority, or the Commissioner, as the case may be, the Deputy Director of Public Health and Preventive Medicine shall communicate his remarks, failing which, the approval sought for shall be deemed to have been granted.

(4) The Village Panchayat or the Panchayat Union Council may, by notice require the owner, occupier of any private market to-

(*a*) construct approaches, entrances, passages, gates, drains and cesspits, soak pit, garbage bins for such market and provide it with toilets of such description and in such position and number as the Village Panchayat or the Panchayat Union Council may think fit;

(*b*) roof and pave the whole or any portion of it, or pave any portion of the floor with such material as sell in the opinion of the Panchayat secure imperviousness and ready cleaning;

(*c*) ventilate it properly and provide it with supply of water;

(*d*) provide passage of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the Panchayat may direct;

(*e*) keep in a clean and proper state, remove all filth and refuse and dispose of them at such place and in such manner as the Panchayat may direct;

(*f*) make such other sanitary arrangements as the Panchayat may consider necessary;

(*g*) to display prominently in Tamil the rates of fees as fixed by the Village Panchayat or the Panchayat Union Council, as the case may be, to be collected from the sellers.

(*h*) the Executive Authority or the Commissioner, as the case may be, shall conduct periodical inspection of the private market and the Licensee shall be bound to rectify the defects and carryout suggestions pointed out;

(*i*) to use only weights and measures certified by the competent authority of the Labour Department; and

(*j*) to put up display boards in Tamil Nadu English.

8. Grant or refuse of licence.- (1) The Executive Authority or the Commissioner, as the case may be, on receipt of an application in a complete shape in a respects after scrutinizing the application shall inspect the site and after satisfying himself about its possibilities of not affecting any public market of the Village Panchayat or the Panchayat Union Council, if any functioning within a reasonable radius of 10 kilometers shall place of the proposal before the Village Panchayat or the Panchayat Union Council within ten days o its receipt, alongwith his remarks on the precaution , for a decision on the proposal. If the Village Panchayat or the Panchayat Union council does not agree the proposal, it may reject it, after giving the applicant a reasonable opportunity to make his representation. The Executive Authority or the Commissioner, as the case may be, shall communicate the decision of rejection of the proposal in writing to the applicant.

(2) Any person aggrieved by the decision may file an appeal to the Inspector within thirty days of the receipt of the communication from the Executive Authority or the Commissioner, as the case may be and the decision of the Inspector thereon shall be final.

(3) After receipt of the opinion of the Deputy Director of Public Health and Preventive medicine or on the expiry of thirty days of sending the proposal to him, the Executive Authority or the Commissioner, as the case may be, shall, issue a notice in writing, asking him to carryout measures on the suggestion, or to fulfill the conditions prescribed, if any, by the Deputy Director of Public Health and Preventive Medicine.

(4) The Executive Authority or the Commissioner, as the case may be, shall, within forty-five days of receipt of application from the applicant, place the subjects before the Village Panchayat or the Panchayat Union Council, as the case may be, for granting licence to the applicant for opening a private market and approval to the proposed rates of fees and rents to be collected by the applicant in such market premises.

(5) On the sanction by the Village Panchayat or the Panchayat Union Council, as the case may be, for issuing the licence applied for, and approval of rate of fees with or without modifications and rents proposed by the applicant,

Form I by the Executive Authority or the Commissioner, as the case may be, after requiring the applicant to carryout preliminary arrangements as contemplated in the conditions for such a licence.

(6) The Executive Authority or the commissioner, as the case may be, shall also arrange to publish a notification in the *District Gazette*, at the expenses of the Licensee, showing the nature of market, the day of assembly in the case of weekly market, the details of location of the market site and the rates of fees leviable for various purposes.

9. Powers of the Executive Authority.- (1) The Executive Authority or the Commissioner, as the case may be, may expel any person who or whose servant has been convicted of any offence for having violated any of the provisions of these Rules at the time in force from such market and may prevent such person from further carrying on, by himself or his servants or agents, any trade or business in such market, or occupying any shop stall or other place therein and may determine any lease or tenure which such person may possess in any such shop, stall or place.

(2) The Executive Authority or the Commissioner, as the case may be, on the basis of the decision of the Village Panchayat or the Panchayat Union Council, as the case may be, may issue a notice and requiring the owner or Lessee of any private market to.-

(*a*) construct approaches, entrances, passages, gates, drains, cesspits, soak pits and garbage bins for such market and provide it with two sets of such description and in such position and number as the Village Panchayat or the Panchayat Union Council, as the case may be think fit;

(*b*) Roof and pave the whole or any portion of it, or pave any portion of the floor with such materials as will in the opinion of the Village Panchayat or Panchayat Union Council, as the case may be secure imperviousness and ready cleaning.

(*c*) ventilate it properly and provide it with supply of water;

(*d*) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the Village Panchayat of the Panchayat Union Council, as the case may be, may direct;

(*e*) keep in a clean and proper state, remove all filth and refuse and dispose of them at such place and in such manner as the Village Panchayat o the Panchayat Union council, as the case may be, may direct; and

(*f*) make such other sanitary arrangements as the Village Panchayat or the Panchayat Union Council, as the case may be, consider necessary.

(3) If any person, after receipt of such notice, fails within the period and in the manner laid down in the said notice to carry out any work specified in sub-rule (2), the Village Panchayat or the Panchayat Union Council, as the case may be, may suspend the licence of the said person, until such works have been completed.

(4) It shall not be lawful for any person to keep open any private market during such period of suspension or until the licence is renewed.

(5) No owner, Lessee, Agent or Manager in charge of any private market, or of any shop, stall, shed or other place therein, shall keep the same so to cause any nuisance or fail to remove or alter anything which is or which may cause a nuisance to a place to be specified by the Village Panchayat or the Panchayat Union Council, as the case may be.

(6) (*a*) Whoever fails to comply with the terms of a notice under this Rule or contravenes the provisions of any of the other Rules specified in the second column of **Schedule I** shall be punishable with fine which may extend to the amount mentioned in that behalf in the third column of the said **Schedule I.**

(*b*) Whoever after having been convicted of any of the offences referred to in sub-clause (a) above continues to commit such offence shall be punishable, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of **Schedule II.**

(7) The Executive Authority or the Commissioner, as the case may be, shall have power to order closure of any market during the prevalence of cholera or other epidemic diseases and such directions shall be complied with immediately.

(8) The Executive Authority or the Commissioner, as the case may be, may after receipt of the written request of the Licensee or Lessee, prohibit the sales of articles on market day in any public place within the limits of the villages where the private market is located.

(9) No person shall or n o Licensee shall permit any person to, conduct auction of any articles brought inside the market without obtaining a licene from the Executive Authority, or the Commissioner, as the case may be, which may be granted subject to such terms and conditions and subject to payment of such fees as may be specified by the Village Panchayat or the Panchayat Union Council, as the case may be, in this behalf.

(10) No compensation is payable to the Licensee or to any person on account of any action taken or omitted to be taken by the Executive Authority of the Village Panchayat or the Commissioner, as the case may be, or any of the Inspecting or controlling authorities of the Village Panchayat either in pursuance of those Rules or the Act.

10. Payment of Licence fee.- (1) A Licensee shall pay atleast thirty days before the date of expiry of the validity thereof to the Village Panchayat or the Panchayat Union Council, as the case may be, the licence fees every year at such rate as may be fixed by the Village Panchayat or the Panchayat union council, as the case may be, from time to time which shall not be less than fifteen per cent of the gross income of he Licensee in the preceding year.

(2) When a market is opened for the first time, the licence fees may be paid at a sum as the Village Panchayat or the Panchayat Union Council, as the cause may be, fix provisionally or at the rate fixed on the anticipated receipts as per the statement of the Licensee subject to the conditions that any amount found surplus or deficit of the amount due, may be adjusted in the subsequent year or years towards the fee due for that year or any amount found short is collected in the next year alongwith the fees due for that year.

(3) In the case of renewal of Licence, the fee shall be paid in advance alongwith application for renewal at one hundred and twenty five per cent of the previous year's licence fee paid subject to the adjustment of excess or deficit after finalizing the gross income for the previous year.

11. Renewal of licence.- The Licensee, shall apply for the renewal of licence atleast thirty days prior to the date if expiry of the existing licence period with pre-payment of one hundred and twenty-five per cent of the previous year licence fees subject to the finalization of actual licence fees to be collected after finalising the accounts of the private market for the previous year for ascertaining the correct income and either refunding excess fees collected or collect the shortfall fees from the Licensee.

12. Accounts of private markets.- (1) The Licensee, shall issue tickets for collections made daily and receipts of collections made periodically.

(2) The receipts and ticket books shall be printed as in **Forms IIand III** and each receipt shall bear the office seal of the Village Panchayat or the Panchayat Union Council, as the case may be.

(3) The ticket books shall be printed separately for each rate of fees charged.

(4) the Licensee of the said market shall keep rue and complete accounts of the receipts from the markets and expenditure incurred on their maintenance
and shall produce them whenever required for inspection, check or audit by the Executive Authority or the Commissioner or such other person as may be authorised by the Executive Authority of the Village Panchayat or the Panchayat Union Council, as the case may be.

(5) A register of collections and disbursements shall be maintained in **Forms IV and V** respectively given the **Appendix.** The registers, tickets and receipt books shall be checked by the Executive Authority or the Panchayat Union Council, as the case may be, or such other person as may be authorised by the Executive Authority of the Village Panchayat or the Panchayat Union Council, as the case may be, not less than once in every month and such remarks as are called for, recorded therein. If the accounts have been found to be kept correctly, a certificate to that effect shall be recorded in the said registers.

13. Verification of records and registers.- The Executive Authority or the Commissioner, as the case may be, shall specify fixed date or dates every month, requiring the Licensee to produce such records and registers and also to file reports prescribed above duly signed by the Licensee. He shall preserve all the reports and accounts submitted by the Licensee, such records in his office safely for a period of one year after the audit of the Village Panchayat or the Panchayat Union Council, as the case may be, is over or till the audit objection, if any, raised on this item is settled whichever is later.

14. Tickets and receipt books.- As and when the ticket and receipt books are produced by the Licensee, the Executive Authority or the Commissioner, as the case may be, shall affix rubber stamps showing office seal with date of the Village Panchayat or the Panchayat Union Council, as the case may be and the facsimile of his full signature on the front side of the leaves of the books and also note the date of affix of office seal and facsimiles, Licensee shall not use any tickets and receipt books which are not authenticated by the Executive Authority or the Commissioner, as the case may be.

15. Running of private markets on lease.- When a Licensee desires to let the running of the private markets on lease, he shall do so, only after getting the prior approval of the Village Panchayat or the Panchayat Union Council, as the case may be, in writing to that effect. In such an event, the terms and conditions prescribed for the Licensee shall apply to the Lessee.

RAMESH CHANDRA PANDA
SECRETARY TO GOVERNMENT

SCHEDULE – I

ORDINARY PENALTIES

[*See* Rule 9 (6) (a)]

S.No.	Offence	Amount of fine which may be imposed
(1)	(2)	(3)
1.	Failure to comply with the terms of a notice under sub-rule(2) of Rule 9.	One hundred rupees.
2.	Contravention of sub-rule (4) of Rule 9.	One hundred rupees
3.	Contravention of sub-rule (5) of Rule 9.	One hundred rupees

SCHEDULE – II

PENALTIES FOR CONTINUING BREACHES

(*See* Rule 9 (6) (b))

S.No.	Offence	Amount of fine which may be imposed for each day
1.	Failure to comply with the terms of a notice under sub-rule (2) of Rule 9.	Fifteen rupees.
2.	Contravention of sub-rule (4) of Rule 9.	Fifteen rupees.
3.	Contravention of sub-rule (5) of Rule 9.	Fifteen rupees.

FORM – I

(*See* Rule 8 (5))

LICENCE

Village Panchayat / Panchayat Union Council

District.

Application dated :

Licence Number :

Date :

Thiru/Thirumathi_____S/o,D/o,W/o _____residing at_____ having paid to the Village Panchayat or the Panchayat Union Council, a fee of Rs._____

(Rupees_____) hereby licenced for the opening of a Private Market/Daily Market or Weekly Market (Day of assembly to be specified) in Survey No._____Village _____ for the financial year ending 31st March_____

Details of remittance:

Signature of Executive Demand draft Cheque No._____dt. _____ Authority/Commissioner Challan No._____dated _____ Village Panchayat/Panchayat Union Council

(Office Seal)

CONDITIONS FOR RUNNING A PRIVATE MARKET

1. The Licensee shall cause the flooring of the premises to be paved or otherwise rendered impervious and suitably drained and at times be maintained in good order. The premises shall be properly enclosed and provided with suitable gateways and gates.

2. The Licensee shall cause the premises to be cleaned and prevent any accumulation of filth or refuse therein.

3. He shall cause every part of the internal surface of the walls and ceiling of every building upon the said premises if any, to be lime washed periodically if so directed by the Executive Authority / Commissioner, as the case may be.

4. The Licensee shall provide a sufficient supply of pure and wholesome drinking water.

5. The Licensee shall cause such every means of ventilation and light as may be provided in or in connection with the said premises to be maintained at all times in good orders and efficient action.

6. An inspection book should be maintained in the licenced premises. The instruction given in the inspection book should be carried out within the time specified therein provided that such instructions are not in conflict within the provisions of the Rules issued in this behalf.

7. In case the business or trade is found to be a nuisance or otherwise objectionable, the Executive Authority or the Commissioner, as the case may be, reserves to himself the right to revoke the licence at any time.

8. Licences issued by the Executive Authority or the Commissioner, as the case may be should be hung up in a prominent place.

9. During business hours they must, at all times, conduct themselves in a respectful and becoming manner.

10. Licence may at any time be suspended or revoked by the Executive Authority or the Commissioner, as the case may be, in case the business or trade is found to be in contravention with common condition and specific conditions applicable to the trade.

11. Any other conditions as may be fixed by Village Panchayat, or the Panchayat Union Council, as the case may be.

FORM – II

[*See* Rule 12 (2)]

RECEIPT

Counter foil Foil

_____market

Received fromThiru/Selvi/Tmt…… a sum of Rs._____ being rent for the room/stall No._____for the month of _____2000.

Received on _____(date)

Bill Collector. Owner/occupier/

_____market

Received fromThiru/Selvi/Tmt…… a sum of Rs._____ being rent for the room/stall No._____for the month of _____2000.

Received on _____(date)

Bill Collector. Owner/occupier/

Farmer. Farmer.

FORM – III

[*See* Rule 12 (2)]

ENTRY TICKET

Counter foil Foil

_____market

Serial No._____ Date of entry _____ Received amount of Rs._____

Bill collector Owner/occupier/

_____market

Serial No. _____ Date of entry _____ Received amount of Rs._____

Bill Collector. Owner/occupier/

Farmer. Farmer.

FORM - IV

[*See* Rule 12 (5)]

REGISTER OF COLLECTIONS

Stock on hand : Issues : Balance : Rent : Miscellaneous:

Date	Value	Sl.No.		Number	Sl.No.		Number	Amount Collected
(1)	(2)	(3)		(4)	(5)		(6)	(7)
		From	To		From	To		

Sl.No.		Number	Number of receipt	Amount Rs.	Receipt Number	Amount Rs.	Total Collection for the date	Re-marks
(8)		(9)	(10)	(11)	(12)	(13)	(14)	(15)
From	To							

FORM – V

[*See* Rule 12 (5)]

REGISTER OF DISBURSEMENTS

Date	Particulars of expenditure	Amount (Rs.)	Remarks
(1)	(2)	(3)	(4)