

# **PUNJAB AGRICULTURAL PRODUCE MARKETS**

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**PUNJAB AGRICULTURAL PRODUCE MARKETS**

**(GENERAL) RULES, 1979**

**Notification No. SOA (S&M) XV-9/78 dated 24<sup>th</sup> May 1979:**

In exercise of powers conferred on him by Section 35 of the Punjab Agricultural Produce Markets Ordinance, 1978 (Punjab Ordinance No. XXIII of 1978) the Governor of the Punjab is pleased to make the following rules: -

**1. Short Title, Commencement and Application:-** (1) These rules may be called "The Punjab Agricultural Produce Markets (General) Rules, 1979".

- (a) They shall come in to force at once.
- (b) They extend to the Province of the Punjab.

**2. Definitions:-** In these rules, unless there is anything repugnant in the subject or context:

- (a) "Board of Arbitrators" means the Board constituted under Section 24 of the Ordinance.
- (b) "Broker" means a person (not being a private servant) usually employed on commission to arrange for or enter into contracts on behalf of other for purchase or sale of agricultural produce and to whom a licence under Section 9 of the Ordinance has been issued.
- (c) "Buyer" includes a person buying any agricultural produce on behalf of another as his agent or servant or as a commission agent.
- (d) "Bye-law" means a bye-law made by a market committee under Section 36 of the Ordinance.
- (e) "Chairman" means the chairman of market committee duly elected under Section 12 of the Ordinance.
- (f) "Commission agent" means a person, who on behalf of another and in consideration of commission, makes or offers to make a purchase or sale of any agricultural produce, or does or offers to do anything for carrying out such purchase or sale, and for that purpose maintains a business office.
- (g) "Employee" means a person appointed by a market committee under Section 16 of the Ordinance.
- (h) "Form" means the Form appended to these rules.
  - (i) "Functionary" means any person working as broker, weighman, measurer, surveyor, warehouseman, changer, palledar, boriotta, tolla, tokriwala and rehriwala in the notified market area, licenced under Section 9 of the Ordinance, whether working on daily wages or at fixed charges.
  - (j) "Malpractice" means any act or practice, performed in a clandestine manner with an object to defraud or fleece parties to a transaction in contravention of the provisions of the Ordinance, or Rules or bye-laws framed thereunder.
  - (k) "Market Fee" means fee levied under Section 19 of the Ordinance on sale or purchase of agricultural produce within the limits of the notified market area.
  - (l) "Member" means a member of the market committee.
  - (m) "Ordinance" means the Punjab, Agricultural Produce Markets Ordinance, 1978 (No.XXIII of 1978).

- (n) "Seller" means a person who sells agricultural produce either himself or on behalf another as his agent or servant or as a Commission Agent.
- (o) "Unauthorized trade allowance" means any trade allowance not allowed by the Ordinance, rules or bye-laws of a market committee such as 'Karta', 'batta', 'chung', 'dharat', 'chungi', 'masjidana', 'munshiana', 'soak', 'buk', etc.
- (p) <sup>1</sup>["Zila Council" means Zila council as constituted under the Punjab Local Government Ordinance 2001 <sup>2</sup>[(XIII of 2001)].

**3. Publication of Notification Under Section 3 of The Ordinance and Inviting Objection/Suggestions in that Behalf:-** (1) Copies of a notification issued under Section 3 of the Ordinance shall be published in one or more of the under mentioned modes, under the orders and at the discretion of the Director of Agriculture (Economics & Marketing): -

- (a) in Urdu, and, if necessary in such other language and in such newspaper as in the opinion of the Director of Agriculture (Economics & Marketing) will give it publicity among persons likely to be affected or interested in the sale and purchase of agricultural produce in the notified market area;
- (b) by affixing a copy of the notification in Urdu, and, if necessary, in such other language as may be considered necessary by the Director of Agriculture (Economics & Marketing) in the office of <sup>3</sup>[Zila Council, Tehsil/Town Council and Union Council], Notified Area Committee within whose jurisdiction the notified market area or any part thereof is situated and at some conspicuous place in the existing mandi, if any; or
- (c) By affixing a copy of the notification in Urdu, at the principal common meeting place, if any, of every village, within the notified market area.

(2) The expenses of the publication of the notification issued under Section 3 of the ordinance shall be met out of the funds of the market committee at the district headquarters, in case market committee does not exist already.

(3) The Extra Assistant Director of Agriculture (Economics & Marketing) shall forward the objections/suggestions received by him within the period specified in the notification to the District Coordination Officer within ten days after the expiry of the period specified in the notification.

(4) The <sup>4</sup>[District Coordination Officer], shall, within ten days from the receipt of suggestions/objections from the Extra Assistant Director of Agriculture (Economics & Marketing) forward the same to the Government under intimation to the Director of Agriculture (Economics & Marketing) for issuing a notification under Section 4 of the Ordinance.

**4. Declaration of Notified Area, How to be made Under Section 4 of the Ordinance:-** (1) Besides, as provided in Section 4 of the Ordinance, the market area shall be notified as under: -

- (a) By putting up a notice, giving the boundaries of the notified market area, outside the office, if any of the market committee, or if there be no such office, at the office of the <sup>5</sup>[Zila Council, Tehsil/Town Council and Union Council]; and
- (b) At some other conspicuous places in the notified market area to be selected by the Director of Agriculture (Economics & Marketing).

(2) The expenses of notifying a market shall be met out of the funds of the market committee at the district headquarters, in case market committee does not exist.

<sup>1</sup> Clause (p) added vide S.R.O. No. SOA (S&M) XV-9/78, dated 12<sup>th</sup> March, 1982.

<sup>2</sup> Figures substituted by the Notification No. PD/VIII-11/82-11, dated 08-10-2001.

<sup>3</sup> Words substituted by the Notification No. PD/VIII-11/82-11, DATED 08-10-2001.

<sup>4</sup> Words "Deputy Commissioner" substituted by the Notification No. PD/VIII-11/82-11, dated 08-10-2001.

<sup>5</sup> Words "District Council, Municipal/Town Committee" substituted by the Notification No. PD/VIII-11/82-11, dated 08-10-2001.

(3) <sup>1</sup>[(\*\*\*\*\*)]

**5. Period for which Licences are to be issued under Section 6 of the Ordinance and their Renewal:-** (1) A licence issued to a dealer under Section 6 of the Ordinance shall be for one calendar year ending 31<sup>st</sup> December.

(2) A grace period of 30 days will be allowed for the renewal of a licence issued under Section 6 of the Ordinance.

(3) Full fee shall be paid for a licence for any part of the year involved.

**6. Fees to be paid by the Dealers for the Licences to be issued under Section 6 of the Ordinance:-** The schedule of licence fee for each kind of licence shall be as under: -

Group	Kind of licence	Fee
<sup>2</sup> [A.	Cotton Ginning and Pressing Factory, Oil Mills, Textile Mill, Ghee Mill, Rice Mill (Sheller and huller), importer and exporter of agricultural produce, sugar mill, purchaser of agricultural produce on behalf of mill, dairy and other such concern dealing in agricultural produce, wool factory, jute mill, tannery flour mill, tobacco wholesale dealer, roti plant, cold storage, refrigeration plant,	<sup>3</sup> [Rs. 5000.00
B.	Commission agent of grain market vegetable and fruit market, wool, hides and skin merchant, wholesale karyana merchant, cotton seed and oil-cakes wholesaler, atta machine "chakky" , rice husking " chakky" pulses processing plant.	Rs. 1500.00]
C.	<sup>4</sup> [(*****)]	

**7. Licence under section 6 of the ordinance, how to be issued:-** (1) Any person desirous of obtaining a licence under section 6 of the ordinance.

(a) with a view to setting up, establishing or continuing or allowing to continue any place for the purchase and/or sale of agricultural produce in the notified market area, or

(b) as a seller or buyer or both buyer and seller of agricultural produce, shall apply to the market committee concerned in Form 'A' given in the schedule appended to these rules and shall deposit the fee prescribed under Rule 6.

(2) The Secretary of Market Committee or any other employee of a market committee authorized by him to receive such applications shall immediately examine the particulars of the application and satisfy himself whether the applicant fulfils the requirements of sub-section (2) of Section 6 of the Ordinance. After verification the application shall be commented upon and forwarded to the market committee, which shall grant or refuse the licence, as the case may be.

(3) In case the licence is refused by the market committee under the provision of sub-section (2) of Section 6 of the Ordinance, the person aggrieved by such an order may appeal to the Extra Assistant Director of Agriculture (Economics & Marketing) at any time within fifteen days of the passing of the order. The order of the Extra Assistant Director of Agriculture (Economics & Marketing) passed in appeal shall be final.

(4) The licence shall be subject to such conditions as are stated therein or printed or noted on it or which may separately be notified in that behalf.

**8. Persons Exempted from taking out Licences:-** The following persons shall be exempted from taking a licence for the purchase and sale of agricultural produce: -

<sup>1</sup> Sub-rule (3) deleted by the Notification No. PD/VIII-11/82-11, dated 08-10-2001.

<sup>2</sup> Substituted by the Notification No. FD/XVI-11/82-11, dated 25-09-1996.

<sup>3</sup> Substituted by the Notification No. DIR(FB)XVI-11/81-II

<sup>4</sup> Omitted vide notification No. PD/XVII/81/VI, dated 15-11-2003

<sup>1</sup>[\*\*\*\*\*]

- <sup>2</sup>(a) Scheduled Bank when proceeding against any person or a licensee under section 6 of the Ordinance to whom money has been advanced against the security of such agricultural produce.
- (b) Hawkers who are not engaged in dealing of agricultural produce.
- (c) Persons purchasing agricultural produce for vocational or defence needs, for hospitals or for welfare agencies].

**9. Constitution of a Market Committee:-** (1) A notification under Section. 8 (1) of the Ordinance shall determine the numerical strength of the members of the market committee to be constituted.

(2) For the purpose of constituting a market committee, the Secretary to the Government of the Punjab, Agriculture Department shall fix and notify a date by which <sup>3</sup>[market committees are to be constituted and in case there is no Zila Council, the District Coordination Officer shall furnish] panels of growers, consumers and licencees under section 6 and 9 of the Ordinance <sup>4</sup>[\*\*\*\*\*] to the Government by that date.

(3) The <sup>5</sup>[Zila Nazim] and in case there is no <sup>5</sup>[Zila Nazim] the <sup>6</sup>[District Coordination Officer] shall consult in writing with the Extra Assistant Director of Agriculture (Economics & Marketing) and also the Associations of growers, consumers and the licencees, if any, existing within the notified market area, in obtaining the names which may form panel for the selection of the members of the market committee.

(4) The <sup>7</sup>[Zila Nazim shall submit the recommendations to the Zila Council and in case there is no Zila Council the District Coordination Officer] shall submit his recommendations in the manner as provided under Section 8 of the Ordinance to the Government, for appointment of members of the market committee by the date fixed in the notification by the Secretary to Government of the Punjab Agriculture Department.

(5) <sup>8</sup>[The Zila Council and in case there is no Zila Council the] Government shall, <sup>9</sup>[\*\*\*\*] as it may deem proper, select and notify the names of the members appointed:

(7) <sup>10</sup>["Provided that if the <sup>11</sup>[Zila Council] do not accept the recommendations made by the <sup>4</sup>[Zila Nazim] or <sup>4</sup>[Government does not accept the recommendations made by the District Coordination Officer], as the case may be, as a whole or in part. It shall ask the <sup>4</sup>[Zila Nazim] or the <sup>4</sup>[District Coordination Officer] to submit fresh names or panel of names in the manner provided above".

(8) The notification issued under sub-rule (5) shall specify the date from which market committee is to function. This information, besides being communicated to the members appointed, shall be notified to the public by exhibiting a copy in the office of the market committee, or if there be no such office, at some conspicuous place within the notified market area. <sup>12</sup>[\*\*\*\*]

**10. Persons not Eligible for Membership:-** No person shall be appointed as a member of a market committee, who:

- (a) is a minor, or
- (b) is unsound mind; or

<sup>1</sup> Sub-rule (a) deleted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>2</sup> Sub-rule (a) deleted and thereafter entries (b) to (d) as re-lettered as (a) to (c) by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>3</sup> Words inserted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>4</sup> Words deleted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>5</sup> Words "Zila Council" substituted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>6</sup> Words "Deputy Commissioner" substituted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>7</sup> Words substituted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>8</sup> Words inserted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>9</sup> Words omitted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>10</sup> Proviso subs. Vide S.R.O. No. SOA (S&M) XV-9/78, dated 12<sup>th</sup> March, 1981.

<sup>11</sup> Words substituted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>12</sup> In sub-rule (6) after the word "area" the comma shall be substituted by a full stop and thereafter words shall be omitted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

(c) is declared insolvent; or

(d) has been found guilty of misappropriation or criminal breach of trust or cheating or any other offence involving moral turpitude or abetment of or attempt to commit such offence by a court of competent jurisdiction, provided that this disqualification will not operate if a period of three years has elapsed since the expiry of the term of sentence imposed on any person in respect of any such offence; or

(e) has directly or indirectly any share or interest in any contract with the market committee.

**11. Termination of Membership and Filling of Casual Vacancies:-** (1) Membership of a market committee shall terminate: -

(a) when the term for which the appointment has been made expires; or

(b) by death; or

(c) by acceptance of resignation tendered under sub-rule (2) infra; or

(d) by becoming subject to any one of the disqualification mentioned in rule 10 supra; or

(e) by removal under section 11 of the Ordinance by an order of the <sup>1</sup>[Zila Council and in case there is no Zila Council the] government; or

(f) by transfer or retirement in case of Government servants; or

(g) if a member fails to attend three meetings of the market committee consecutively without reasonable and good cause.

(1) Any member of the market committee may resign from his office by tendering resignation in writing to the chairman, and if the member tendering resignation is himself the chairman, he shall submit his resignation to <sup>2</sup>[the Zila Council <sup>3</sup>[for acceptance] and in case there is no Zila Council] to the <sup>4</sup>[District Coordination Officer] who shall forward the same to the Government.

(2) So long as resignation tendered under sub-sec. (2) above is not accepted by the <sup>5</sup>[Zila Nazim and in case there is no Zila Nazim by the] Government, the person concerned shall continue to be a member.

(3) The resignation of a member received by a chairman shall along with a report of the facts, in so far as these may be known to him forthwith be sent to <sup>1</sup>[the Zila Council and in case there is no Zila Council] to the <sup>3</sup>[District Coordination Officer], who shall without any delay, forward the same with necessary comments to the Government.

(4) The acceptance of resignation of a member shall be communicated through the <sup>1</sup>[Zila Council and in case there is no Zila Council] through the <sup>3</sup>[District Coordination Officer] to the market committee and the member concerned.

(5) The procedure prescribed in Rule 9 shall, so far as it may be applicable, apply to the filling up of a casual vacancy and the member so appointed shall be presumed to have entered upon his duties from the date of the application of the notification under sub-rule (5) of rule 9.

**12. Election of Chairman and Vice-Chairman:-** (1) The market committee at its first meeting shall elect a chairman and vice-chairman. For this purpose the meeting shall be called under the orders of the <sup>1</sup>[Zila Council and in case there is no Zila Council], <sup>3</sup>[the District Coordination Officer] on a date and at a time to be fixed by him by a notice issued fifteen days before, and it shall be presided over by the Zila Nazim and in his absence by the District Coordination Officer himself, or by an officer appointed by him in this behalf.

<sup>1</sup> Words inserted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>2</sup> Words inserted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>3</sup> Words added vide S.O.R. No. SOA (S&M) XV-9/78, dated 12<sup>th</sup> March 1981.

<sup>4</sup> Words "Deputy Commissioner" substituted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.

<sup>5</sup> Words inserted by the Notification No. PD/VIII-11/82-II, dated 08-10-2001.



(2) For such a meeting the quorum shall be not less than two-third of the existing strength of membership of the market committee.

(3) A candidate for the office of the chairman or vice-chairman shall be proposed in the meeting by one member and seconded by another, and the names of all candidates so proposed and seconded, shall be read out by the president of the meeting.

(4) If there be only one candidate, he shall be declared elected unopposed, but if there be more candidates then the decision shall be taken by the votes of members present in the meeting, which shall be by show of hands, and shall be declared by the president.

(5) The president shall count the votes, and declare the member, who secures the largest number of votes, to have been elected chairman, or vice-chairman, as the case may be.

(6) In the event of a tie between two or more candidates, the president shall, there and then, draw lots in the presence of the members present, and the person whose name is drawn first shall be declared elected.

(7) The chairman and the vice-chairmen shall be deemed to have assumed office when their election has been confirmed by the <sup>1</sup>[Zila Council and in case there is no Zila Council] by the District Coordination Officer, and this fact has been communicated to them in writing. If the <sup>1</sup>[Zila Council and in case there is no Zila Council] the <sup>2</sup>[District Coordination Officer] refuses to confirm any election, a fresh election in accordance with these rules shall be held.

(8) The president of the meeting shall record the proceedings of the election in the minute book of the market committee, and send a copy thereof to the <sup>1</sup>[Zila Council and in case there is no Zila Council] to the <sup>2</sup>[District Coordination Officer] and Director of Agriculture (Economics & Marketing).

(9) Only those members of a market committee shall be eligible to be elected as chairman or vice-chairman <sup>3</sup>[with minimum qualification of matriculation].

(10) No member of a market committee shall be eligible to be elected as chairman and vice chairman for two consecutive terms.

**13. Terms of office of Chairman and Vice-Chairman and filling of Casual Vacancies:-** (1) A chairman and vice-chairman elected under rule 12 shall hold office during the period of membership, and if on the expiry of this period no person is appointed to succeed him, such member shall, unless <sup>1</sup>[the Zila Council and in case there is no Zila Council the] Government otherwise directs, continue to hold office of a chairman or vice-chairman until his successor is appointed.

(2) A chairman or vice-chairman shall cease to function as such.

(a) On the termination of membership; or

(b) On his resignation, in writing, being accepted by the <sup>1</sup>[Zila Council and in case there is no Zila Council the] Government

(3) If office of a chairman or vice-chairman falls vacant, before the expiry of full term, it shall be filled by selection at a meeting of the market committee, called, presided over and conducted in accordance with the provisions of rule 12.

**14. Duties and Powers of a Chairman and Vice-Chairman:-** (1) The chairman shall be the chief executive officer of the market committee, and all officers and servants of the market committee shall, subject to these rules, and bye-laws, if any made in this respect by the market committee, be subject to his control.

(2) The chairman shall conduct all correspondence and be responsible for the keeping of accounts and for the safe custody of all cash not deposited in the treasury.

<sup>1</sup> Words added vide S.R.O. No. SOA (S&M) XV-9/78, dated 12<sup>th</sup> March, 1981

<sup>2</sup> Words "Deputy Commissioner" substituted by the Notification No. PD/VIII-II/82-11, dated 08-10-2001

<sup>3</sup> Words "who are literate" substituted by the Notification No. PD/VIII-II/82-11, dated 08-10-2001

(3) chairman shall, forthwith report the death of any member of the market committee to <sup>1</sup>[the <sup>1</sup>Zila Nazim] and in case there is no <sup>4</sup>[Zila Nazim] to] the <sup>2</sup>[District Coordination Officer], who shall take steps to get the vacancy filled up in accordance with law.

(4) chairman shall, further more, bring to the notice of the <sup>4</sup>[Zila Nazim and in case there is no Zila Nazim] to <sup>2</sup>[District Coordination Officer] any fact, factor or disqualification, which in his opinion debars a member from continuing as such.

(5) chairman may, for reasons to be recorded in writing, delegate any of his duties to the vice-chairman, generally or for such period as may be determined by him:

Provided that if the chairman is absent from the notified market area, or on account of illness or any other circumstances is unable to perform his duties, the vice-chairman shall act in place of the chairman, when he shall have all the powers of and be responsible for all the duties of the chairman.

**15. Duties and Powers of Market Committee:-** (1) A market committee shall draw up, and may, if necessary, amend its bye-laws, under section 36 of the Ordinance in order to regulate its procedure and effectively discharge its functions. Subject to the provisions of the Ordinance, these rules and bye-laws shall inter-alia prescribe: -

- (a) the time and place of the meeting of a market committee;
- (b) the manner of convening the meeting and giving notice/intimation there for;
- (c) the conduct of proceedings at a meeting;
- (d) the distribution of duties among members of market committee and its sub-committee;
- (e) payment of traveling expenses to the members of the market committee, provided that no bye-law made under this sub-rule shall be brought into operation until and unless the Director of Agriculture (Economics & Marketing) certifies that the committee's financial position permits the grant of such traveling expenses;
- (f) the person by whom the receipt may be issued on behalf of the market committee for money paid to it;
- (g) the member or members of the market committee by whom licences to be issued by it may be signed;
- (h) procedure for the reception, hearing and disposal of complaints by market committee or by its sub committees;
- (i) fees to be levied by it for transaction relating to purchase and sale of agricultural produce, or for weighment, measurement or storage of such produce through its agency;
- (j) security to be furnished by the officers and servants of the market committee or sub market committee authorized to handle money on its behalf;
- (k) regulation of the duties of the persons holding licences from the market committee; and the fees, trade allowances remuneration to be charged by them or by the dealers;
- (l) leasing out and management of the immovable property owned by or vesting in the market committee;
- (m) regulation of traffic in a market or sub-market
- (n) hours of business for the purchase or sale of agricultural produce in a market or sub-market

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<sup>1</sup> Words "Chairman Zila Council" substituted by the Notification No. PD/VIII-II/82-11, dated 08-10-2001

- (o) rules regarding the imprest money to be kept under the control of the chairman of the market committee
- (p) appointment and punishment of its employees (Rules 73);
- (q) regulation of business and conditions of trading;
- (r) manner for the grant and renewal of licences to brokers, weighmen, measurers, surveyors, warehousemen, changers, palledars, boriotas, tollas, tokrewalas and rehriwalas and fees therefore
- (s) the administration of the market committee;
- (t) the manner how to create and maintain peaceful condition and environments for business;
- (u) regulation of sanitation within the market premises;
- (v) provision of facilities like shade, shelter, drinking water, etc;
- (w) maintenance of library; and
- (x) such other matters as are in the opinion of the government necessary or expedient to be provided for the purpose of carrying out the provisions and objects of the ordinance and these Rules.

(2) laws framed by a market committee or any amendment thereof shall be published for one week at a prominent place in the notified market area to be selected by the market committee. Any objection in writing received by the market committee within ten days of the first day of publication shall be considered in a meeting of the market committee. The bye-laws as finally approved by the market committee shall be submitted to the Director of Agriculture (Economics & Marketing), who shall at his discretion be competent to remit the same for the reconsideration of the market committee along the lines to be indicated in his order. The market committee, after making such modifications, if any as it may consider necessary, shall return the bye laws to the Director of Agriculture (Economics & Marketing), who shall then forward the same to the Government with such recommendations as he may deem proper, and the Government shall confirm the bye-laws with such modifications as it may consider necessary, without any further publication.

**16. Chairmanship of Market Committee Meetings and Transaction of Business:-** (1) A meeting of a market committee shall, subject to any bye-laws made by the market committee, be called under the order of the chairman.

(2) The quorum for a meeting not otherwise provided for in these rules, shall be eight in a committee of seventeen and five in a committee of ten.

(3) The quorum of a meeting, in which the annual budget is to be considered, shall be not less than two-third of the existing strength of the market committee.

(4) Every meeting of a market committee shall be presided over by the chairman, or in his absence by the vice-chairman, and if both are absent, the meeting shall elect one of the members present to act as chairman for the occasion, and such chairman shall have for that meeting, all the powers of a chairman, and be designated as such.

Provided that if the Chairman or the vice-chairman turns up during the meeting he shall assume his powers and duties as chairman and the temporary chairman shall cease to function as such.

(1) The chairman of the meeting shall be responsible for preserving order in the meeting, and shall decide all points of order that may be raised therein. There shall be no discussion on points of order, unless the chairman considers it necessary to seek the opinion or advice of any member present or allows any one to discuss, and the chairman's decision shall be final.

(2) All questions that may come up before a meeting shall be decided by majority of votes of the members present, and in case of equality of votes, the chairman shall have and may exercise a second or casting vote.

**17. Members not to take part in certain proceedings:-** No member of a market committee shall be present at, or take any part in the proceedings of the market committee, or of any sub-committee constituted by it, relating to a matter in which he or any one of the persons enumerated in rule 46 has a direct or indirect pecuniary interest.

**18. Minutes Book:-** (1) A market committee shall maintain a minutes book, in which the record of the proceedings of every meeting shall faithfully, be entered and the same shall be signed by the chairman of the meeting.

(2) In order to ensure that the minutes of meeting are correctly recorded, these shall be read out in the next meeting of the market committee, as the first item of agenda, and the members, who were present at the former meeting, shall have right to question the correctness of recorded minutes, which shall be confirmed with such modifications, as may be decided upon in order to bring them in conformity with the factual position. In case of any dispute about the correctness of minutes, the opinion of the chairman under whose signatures the record was prepared, if he be present, shall be final, if, however, the chairman is not present when the dispute arises, the matter shall be decided by majority of votes of such members present who had attended the former meeting.

**19. Copies of proceedings to be sent to the Director of Agriculture (Economics & Marketing):-** (1) A copy of the proceedings of every meeting of a market committee shall forthwith be forwarded to the Director of Agriculture (Economics & Marketing) and Extra Assistant Director of Agriculture (Economics & Marketing) for information.

(2) The Director of Agriculture (Economics & Marketing) shall keep a permanent record of the proceedings sent to him under sub-rule (1) without further publication.

**20. Appointment of Sub-Committee:-** (1) A sub-committee may be constituted under section 15 of the Ordinance. The appointment and dismissal of members of a sub-committee and delegation and withdrawal of powers and duties

(2) The market committee shall fix the quorum of the meeting of the sub-committee appointed by it, and shall nominate its chairman, who except as provided in rule 11, shall be the convenor of the meeting of the sub-committee, and shall submit a record of all the proceedings conducted and work done by the sub-committee to the chairman of the market committee.

(3) The rules of procedure applicable to meetings of the market committee shall, in so far as these may be applicable, apply to a meeting of a sub-committee

**21. Appeals against Market Committees Decision:-** (1) An order passed by a market committee, other than service matter, under the ordinance or these rules, shall be appealable, to the <sup>1</sup>[District Officer Revenue] of the respective notified market area.

(2) Except as may otherwise be provided by these rules, every appeal shall be stamped with a court-fee of Rs. 5

(3) Every appeal shall be presented to the appellate authority by the appellant, or his duly appointed agent within thirty days of the date of the order appealed against. It shall be accompanied by a copy of such order, and shall set out the grounds of attack, together with a clear statement of the facts relevant thereto, and the relief claimed. It shall state clearly the name and full description of the appellant, who shall sign the memorandum and verify the correctness of the facts stated therein.

(4) The appeal shall be decided after notice to and after hearing the appellant, the market committee concerned, and the person in whose favour the order under appeal had been made, and after making such further enquiry as the appellate authority may consider necessary.

<sup>1</sup> Words "Assistant Commissioner" substituted by the Notification No. PD/VIII-II/82-11 dated 08-10-2001

(5) A revision against the order passed in appeal by the <sup>1</sup>[District Officer Revenue], referred to in sub-rule (1), shall lie to the <sup>1</sup>[Executive District Officer Revenue].

**22. References:-** All references from a market committee to any officer of the Government shall be made through the head of the department or office concerned.

**23. Control and Conservancy of the Market:-** (1) A market committee shall exercise such control over the market, and the sale and purchase of agricultural produce therein, as may be required for the due observance of the provisions of the ordinance, and these rules, and shall manage the affairs of the market in the best interest of the trade.

(2) A market committee shall, as far as the funds at its disposal permit, provide shelter and drinking water for men and animals coming to the market. It shall keep all property vested in it in a sanitary condition.

(3) A market committee may, and, if so required by the Government shall make a general order providing for regulation of ingress and egress of traffic in the market and specifying places where vehicles and shall be unloaded and parked and where animals shall be unloaded and tethered. For information of the persons visiting the market, such an order shall be exhibited outside the office of the market committee and at such conspicuous place or places in the market as the chairman of the committee may determine.

**24. Trade Allowance:** Every market committee shall, with the approval of the Government, prescribe in its bye-laws a list and scale of trade allowances which alone may be levied within the notified market area.

**25. Budget:-** (1) For the purpose of budget and for following these rules, the agricultural produce market year shall commence on 1<sup>st</sup> July every year and end on 30<sup>th</sup> June following.

(1-A) there shall be a Budget committee which shall include the member of the market committee appointed under sub-section (2) 8 of the Ordinance as a member thereof. The Budget Committee shall draft budget proposals for development works, plans and estimates for the construction, repairs of premises, provisions of amenities and facilities.

(2) The draft budget proposals shall be prepared and placed before the market committee by 15<sup>th</sup> April each year.

(3) A market committee shall annually hold a special meeting, not later than 30<sup>th</sup> April, to prepare and adopt budget of income and expenditure for the ensuing year.

(4) A duplicate copy of budget so adopted shall be submitted to the Extra Assistant Director of Agriculture (Economics & Marketing) who shall after such scrutiny as may consider necessary forward the same with his comments to the Director of Agriculture (Economics & Marketing) by 15<sup>th</sup> May, who shall have the power to sanction the same with such modifications as he may consider proper. The market committee shall be bound to regulate its expenditure in accordance with the sanctioned budget.

(5) If the budget is not prepared and got sanctioned by a market committee before the commencement of any financial year, the Director of Agriculture (Economics & Marketing) may have the necessary statement prepared and certified and such certified statement shall be deemed to be the sanctioned budget of the Market Committee.

(6) At any time before the expiry of the financial year, to which the budget relates, a revised or supplementary budget for the year may, if necessary, be prepared and got sanctioned from the Director of Agriculture (Economics & Marketing).

(7) A market committee may, if necessary, during the budget year make a re-appropriation in the budget and such re-appropriation shall not be made except by a majority of the votes of the members present in the meeting.

(8) No expenditure shall be incurred, for which there is no provision in the budget, unless it can be met by re-appropriation from savings under other heads or by a supplementary

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<sup>1</sup> Words "Commissioner of the Division concerned" substituted by the Notification No. PD/VIII-II/82-ii, dated 08-10-2001

grant from the available reserve sanctioned at a meeting of the market committee and approved by the Director of Agriculture (Economics & Marketing).

**26. Accounts and Audit of the Market Committee:-** (1) the accounts of a market committee shall be kept in such form as appended to these rules and shall be audited in such manner as the Local Fund Audit Department, Punjab may determine.

(2) A market committee shall publish a statement of its assets and liabilities at the close of each financial year, with a balance sheet by 31<sup>st</sup> July following, and shall furnish, on payment of such fee as may be fixed by it, a copy of the statement to any grower, licensee, buyer or seller, within the notified market area, applying for it.

(3) The chairman or the secretary of the market committee shall at the time of audit, cause to be produced all accounts, registers, documents and other papers which may be required by the audit authority for audit purposes and any explanation called for by him in regard to any discrepancy shall immediately be furnished.

(4) To meet the cost of audit every market committee shall deposit such an amount of audit fee to the provincial revenues as may be prescribed by the Government from time to time.

**27. Receipts to be credited daily into the Government Treasury or Scheduled Bank:-** (1) Except where the Government otherwise directs, all the receipts made by the market committee shall be credited daily into Government treasury, sub-treasury or scheduled bank, in accordance with the instructions issued by the Government from time to time in this behalf and a resolution to this effect having been passed by the market committee and shall not be withdrawn except as provided in the rules.

(2) All remittances under these rules to a treasury, sub-treasury or a scheduled bank shall be made and acknowledged in accordance with the rules of business of the treasury, sub-treasury or the scheduled bank, as the case may be.

(3) At the close of each month or at such shorter intervals as may be the practice, the market committee shall in accordance with the rules of business of the treasury, sub-treasury or scheduled bank, as the case may be, either get a balance as worked out in the pass book of the market committee or get a statement of accounts from it. The market committee shall compare such balance or statement of accounts with its own books.

**28. Refund of certain amounts:-** (1) When –

- (a) any sum has been deposited or paid in the market committee fund for the grant of a licence which in fact has not been issued; or
- (b) a person's wrongfully applied and paid for and been granted two or more licences of the same nature for the same notified market area; or
- (c) any market fee has been recovered in excess of the amount actually due; or
- (d) any market fee has been recovered on a transaction which is exempted under these rules; or
- (e) any money has been paid by mistake, the market committee shall, on a written application being made within 30 days from the date of payment of the amount claimed back, and after making such enquiry as it may consider necessary, order the refund of an appropriate amount, which shall be repaid to the person concerned out of the funds of market committee.

(2) The power conferred on the market committee by sub-rule (1) may also be exercised by the Chairman of the market committee, if so authorized by a resolution of the market committee.

(3) The application for refund shall contain such particulars as are necessary to enabling the amount to be traced.

**29. Licences to brokers, weighmen, measurers, surveyors, warehousemen, etc. :-** (1) subject to the provisions of sub-rule (4) a market committee shall grant licences to persons who apply for the same for working in the notified market area as brokers, weighmen, measurers, surveyors, warehousemen, changers, palledars, boriotas, tolas, tokrewalas and rehriwalas. These licences shall be necessary only for a transaction, which falls within the purview of the Ordinance. An application for the grant of a licence shall be in Form 'D' and the licence in Form 'E'.

The licence shall be subject to the conditions which shall be stated therein or as may be notified from time to time as being applicable to such licences.

(2) Where the licensee is a firm, any change occurring in the membership of such firm, otherwise than through inheritance, shall mean constitution of a new firm and shall necessitate issuances of a fresh licence.

(3) Where a change, not necessitating a fresh licence, takes place in the membership of a firm, intimation thereof, shall within two weeks from the date of such change, be given to the market committee concerned, which after such enquiry as it may consider necessary shall satisfy itself about the correctness of such intimation and shall order necessary alterations/corrections to be made in the licence and the entries in the Register in Form 'K' shall also accordingly be corrected or amended.

(4) Where A licensee firm changes its name, without any change in its membership, it shall, within two weeks from the date on which such change is effected, give intimation thereof to the market committee, which, after such enquiry as it may consider necessary shall satisfy itself about the correctness of such intimation and shall order necessary alteration/correction to be made in the licence, and the entries in the register in Form 'K' shall also be corrected or amended accordingly.

(5) If in a case covered by sub-rules (3) or (4) the licensee firm fails to give necessary intimation to the market committee, the change in the membership or the name of the firm, as the case may be, shall be presumed to have entailed composition of a new-firm.

(6) Market Committee shall through its bye-laws draw up a list of fees to be paid for grant or renewal of licences to brokers, weighmen, measurers, surveyors, warehousemen, changers, palledars, boriotas, tollas, tokrewalas and rehriwalas.

(7) In case of breach of any condition of a licence the market committee may, after giving to the licensee an opportunity to be heard, and for reasons to be recorded in its minutes book, suspend or cancel its licence, without being liable to refund the licence fee or any part of it.

(8) While suspending or canceling a licence, a market committee may order that the licensee concerned shall not be entitled to the renewal of such licence, or to grant of a new one, for such period not exceeding six months, as it may consider expedient.

(9) No person shall advance money for the purchase of, or have in his possession the document of title relating to agricultural produce in connection with which he is employed as a broker.

(10) No person shall at one and the same time hold dealer's licence under Section 6 and a licence under Section 9, or hold a licence under Section 9 for acting as a functionary in more than one capacity:

Provided that licences as dealer and warehouseman may be granted to and be held by the same person and a person holding a weighman's licence may work thereunder as measurer and *vice versa*.

(11) A licenced dealer, broker, weighman, measurers, surveyor, warehouseman, changer, palledar, boriotas, tolla, tokrewala and rehriwala, shall be bound to supply any information required by the market committee with regard to the agricultural produce bought, sold, stored or processed by him.

**30. Licenced Weighmen, Measurers, Surveyors, etc., to wear badges:-** All changers, palledars, weighmen, measurers, surveyors, boriotas, tokrewalas, and rehriwalas and tolas shall be supplied with badges bearing serial numbers allotted to them. The badges shall be of such

pattern as may be approved by the market committee and no licenced changer, weighman, measurer, palledar, boriota, tola, tokrewala and rehriwala, shall act as such in a notified market area unless he actually wears the badge. A deposit of Rs. 10.00 as security shall be made with the market committee by every licenced changer, palledar weighman, measurer, surveyor, boriota, tokrewala and rehriwala and tola before grant of a badge to him. When a licence expire or is suspended or cancelled the badge shall be returned to the market committee and on such return the deposit therefore shall be refunded.

If any licensee fails to return the badge to the market committee within one month of the expiry, suspension or cancellation of his licence, the security deposit therefore shall be forfeited to the market committee.

**31. Fees to be charged by Licensees and other functionaries :** A person, when acting as a commission agent, changer, palledar weighman, measurer, broker, surveyor, boriota, tokrewala and rehriwala and tola or any other functionary, whether licenced or not, shall not in respect of service rendered by him in connection with purchase or sale of agricultural produce, receive from the person employing him a higher remuneration than that prescribed in the rules or the bye-laws of the market committee concerned. Where agricultural produce is bought or sold through the agency of commission agent, who is himself an intermediate owner, in the course of a transaction, such commission agent shall charge remuneration in respect either of the purchase or of the sale but not in respect of both:

Provided that in the absence of any agreement to the contrary, the fee chargeable by a weighman, measurer, or surveyor shall be payable by the buyer and seller in equal shares.

**32. Employing a Broker:-** (1) No person shall, in the absence of any express agreement be bound to employ a broker in the transaction, or be required to pay for a broker employed by any other party to the transaction, or to pay for a broker when none has been employed.

(2) Where any person enters into any transaction for the purpose of sale of any agricultural produce through a commission agent and the commission agent, without a written authority from his principal, employs a broker in connection with such transaction, the broker's remuneration shall be payable by, and may be paid out of the remuneration due to such commission agent.

(3) The same person shall not act as broker both for the buyer and the seller of an agricultural produce in the same transaction.

**33. Employment of Auctioneers:-** (1) A market committee may employ on such terms, as may be fixed by it, one or more auctioneers for sale by auction of any agricultural produce.

(2) Such auction of agricultural produce shall be held at such time and such place or places in the market as may be fixed by the market committee.

(3) Bids made at the auction shall be recorded by the auctioneer in Form "G".

(4) The auctioneer shall conduct the auction on the terms, as to the payment of price, as set out in rule 34, which shall be made known to the prospective bidders before the auction is held.

(5) After the sale is completed, the auction form duly completed shall be forwarded by the auctioneer to the market committee, which shall preserve it for three years.

**34. Payment of Sale Price:-** In the absence of any written agreement to the contrary the sale price of agricultural produce purchased or sold under these rules shall be paid on delivery.

**35. Execution of Memorandum in Form "H" :-** On completion of a transaction liable to the levy of a fee the buyer shall immediately execute a memorandum in Form 'H' . The foil of the memorandum shall be given to the seller and the counter foil retained by the buyer.

**36. Levy and Collection of fees on the Sale and Purchase of Agricultural Produce:-** (1) Fees prescribed under sub-rule (10) shall be leviable as soon as an agricultural produce is bought or sold by the licensee. In case the buyer and the seller are both licensees, the fee shall be paid by



them in equal shares, otherwise it shall be paid in full by whosoever is a licensee under section 6 of the Ordinance:

Provided that in the case of a transaction liable to imposition of fee, entered into by a kacha arhatia, directly on behalf of a grower, the whole fee shall be payable by the licensee buyer and the kacha arhatia shall not be liable to pay any portion of it:

Provided also that for the purpose of this rule buyers and sellers exempted under rule 8 from taking licence shall be considered as licensees.

(2) It shall be the duty of a licensee, liable to payment of any fee in connection with the sale or purchase of any agricultural produce, to pay the same to the market committee.

(3) The market fee shall be paid to the market committee or to an officer duly authorized by it to receive such payment, on the day of the transaction or on the following day:

Provided that in case of hardship the chairman of market committee may, by an order in writing, extend this period to a maximum of seven days from the day of the transaction.

(4) A receipt in Form 'I' shall forthwith be issued to the person making payment of fee.

(5) Every officer or servant employed by the market committee for the collection of fees shall be supplied out of its fund, a standard uniform and a badge of office in such form as may be prescribed by the market committee. The standard uniform shall be worn by all such employees while discharging their duties.

(6) Every such officer or servant shall before entering into service furnish such security, as may be prescribed by the bye-laws of the market committee.

(7) Every person authorized to collect fees shall be provided with a counterfoil receipt book in form 'I' and a locked money box. The key of the box shall remain with the chairman or under his written order with the Secretary of the Market Committee. The amount shall be promptly put in the box by the person receiving it. The box shall be opened daily in the evening at a fixed time in the office of the market committee by the Secretary and the money contained therein shall be counted in the presence of the Secretary or an employee authorized by the chairman. The person in whose presence the box is opened shall be responsible for comparing the counterfoil receipts with the amount actually received and for giving a certificate to this effect over his dated signature on the back of the last counterfoil.

(8) For the purpose of this rule agricultural produce shall be deemed to have been bought and or sold in a notified area.

a. If the agreement of sale or purchase thereof is entered into in the said area;

**or**

b. If in pursuance of the agreement of sale or purchase the agricultural produce is weighed in the said area; or

c. If in pursuance of the agreement of a sale or purchase the agricultural produce is delivered in the said area to the purchase or to some other person on behalf of the purchaser.

(9) If in the case of any transaction any two or more of the acts mentioned in sub-rule (8) have been performed within the boundaries of two or more notified market areas, the market fee shall be payable to the market committee within whose jurisdiction the agricultural produce has been weighed in pursuance of the agreement of sale, otherwise it shall be payable to the market committee within whose jurisdiction the agricultural produce is delivered as provided by sub-clause (e) of sub-rule (8)

<sup>1</sup>[(10) the following is the schedule of market fee prescribed for the stated agricultural produce, chargeable by the market committees in Punjab: -

<sup>1</sup>Sub-Rule (10) substituted vide Notification No. PD/VIII-12/86, dated 30<sup>th</sup> May 1991

Sr. No.	Name of the Agricultural Produce	Rate of market fee per 100 Kg.
1.	Wheat, Rice (Paddy), rice (cleaned), rice (broken), atta, maida, suji, gur, shakkar, sugar (desi and refined), molasses, sugarcane juice, pulses (whole and split), viz. Moong, mash, masoor, moth, raj mash, rewah, arhar, lobia, gram and other beans;	Rs. 1.00
2.	Maize cobs (dry and green), atta, maize (grains), barley, bajra, jowar, atta of jowar, atta of bajra;	Rs. 1.00
3.	Oil seeds viz, cotton seed, linseed, sarsoon, raya, toria, taramira, soyabean sunflower, til, ground nut, caster, palm, their oils, oilcakes, seed and vegetable ghee;	Rs. 1.00
4.	Wool, hair and desi ghee;	Rs. 1.00
5.	Cotton un-ginned (phutti), cotton ginned (lint), jute (seed and fiber), chillies (green, dry and ground), tobacco, leaves, tobacco cured and guraku;	Rs. 1.00
6.	Meal and waste of maiz .....	Rs. 1.00
7.	Fruit and vegetables (fresh and dry) and their marmalade;	Rs. 1.00
8.	Fodders, viz; senji, lucern, shaftal, berseem, shalgham, guara, chari, bajra, maiz, javi, barely, wheat, jowar (green and dry) and their seeds, methi metha, oats, bran, bhusa of wheat, phak, parali, rice silur, bhusa of barley, gram cholia, kera, surri, bura, wanda, cotton waste and sugarcane;	Rs. 0.50
9.	Livestock products viz; beef, mutton .....	Rs. 1.00]

**37. Exemption from payment of fees:-** (1) If a fee is leviable on sale or purchase of any quantity of agricultural produce in a notified market area and the dealer has complied with the provision of sub-rule (1) of rule 36, then no fee shall be chargeable on the sale or purchase, within the same notified market area, of any agricultural produce manufactured or extracted from the agricultural produce in respect of which the fee has already been paid.

(2) In case of a dispute about the payment of market fee with respect to sale or purchase of any agricultural produce, in respect of which the fee has already been paid within the notified market area the decision of Extra Assistant Director of Agriculture (Economics & Marketing) shall be final.

(3) 10 Kg. or less shall be ignored for levy of market fee.

**38. Account of transaction and of fees to be maintained:-** (1) Every licenced dealer and every dealer not being a hawker, exempted under rule 8 from obtaining a licence shall submit on the same day or on the following day to the market committee a return in Form 'H-A' showing his purchase in respect of each commission agent (known as pacca arhtia), and sales in respect of each dealer, as regards each item of agricultural produce:

Provided that in special cases of hardship the chairman of the market committee may, by an order in writing, extend this period to a maximum of seven days from the date of the transaction.

(2) The market committee shall maintain a register in Form 'J' showing the total purchases and sales made by dealers and the fees recoverable and those recovered from them.

(3) the market committee shall levy the fee payable under Section 19 of the Ordinance on the basis of the return furnished under sub-rule (1) :

Provided that if the market committee has reason to believe that any such return is incorrect, it shall, after notice to the dealer concerned, and after such enquiry, as it may consider necessary, assess the amount of the dealer's business during the period in question and levy fee on the basis of such assessment.

(4) If a dealer fails to submit a return as prescribed under sub-rule (1), the market committee may, after issue of notice to him, assess the amount of his business during the period in question on the basis of such information as may be available and levy the fee accordingly.

(5) The chairman or the secretary of the market committee may at any time and without previous notice enter upon the premises of business of a licenced dealer within the notified market area and inspect and examine the accounts of transactions of agricultural produce and of the fee paid by him, and the dealer shall if required, be bound to produce forthwith his accounts before the chairman or the Secretary so as to enable him to inspect and examine the same.

(6) The market committee shall inform the dealer by a notice about the date and place fixed for the inspection of accounts; provided that if the dealer so desires, and pays such fee as the market committee may fix in this behalf, the inspection may be made at the dealer's premises.

(7) The market committee shall either generally, or in each case, appoint one or more of its employees to conduct such inspection of dealer's account books

(8) The chairman or the secretary, as the case may be, may after inspection prepare a return, or may amend the return already furnished, on the basis of transactions shown in the dealer's account books, and the market committee may levy a fee, or, as the case may be; an additional fee, under section 19 of the Ordinance on the basis of such return or amended return; but if the account books are reported to be unreliable, or as not providing sufficient material for proper preparation or amendment of the return, or if no such books are maintained or produced, the market committee may assess the amount of the dealer's business on such information as may be available and levy fee on the basis of such assessment.

(9) Habitual default in submission of return and habitual submission of false returns shall be a sufficient ground for cancellation of a licence or refusal to renew it, and the provision of this rule shall apply in addition to and not in derogation of any other law.

(10) As assessment order made under the proviso to sub-rule (3) or under sub-rule (4) or (8) shall, unless passed in presence of the dealer concerned, be communicated to him by means of a written notice, and a copy thereof shall be supplied to the dealer on his making a written application and paying a sum of Rs. 2.00 as copying fee to the market committee. Every market committee, shall maintain a register of copying fee.

(11) The copy shall be prepared in the office of the market committee and shall be certified to be correct by the secretary, or in his absence, by another person appointed in this behalf by the chairman. Such certificate shall give the dates on which the application was received and the copy prepared, and delivered to the applicant, and it shall be conclusive evidence of the correctness of these dates.

(12) An assessment made by a market committee under the proviso to sub-rule (3) or under sub-rule (4) or (8) shall be deemed to be an order for the purpose of Rule 21. The Court-fee shall be **an ad valorem** fee under Article I of the court-Fee Act on the amount in dispute assessed under sub-rule (9).

**39. Places at which Agricultural Produce shall be weighed or measured:-** (1) In any notified market area, the market committee may prescribe the places at which tobacco; chillies and fish may be weighed, measured or sold.

(2) Subject to the provisions of sub-rule (1) weighments and measurements of agricultural produce intended for sale, may be made through licenced weighmen or measurers any-where in a notified market area.

**40. Weighment:-** (1) Market Committee shall prescribe in its bye-laws standards of net weight of agricultural produce, to be filled in a packing unit, such as bag, a half bag or a pulli, as regards its notified market area.

(2) No person shall fill, or cause to be filled, any agricultural produce, except in accordance with the standards fixed under sub-rule (1).

(3) All transactions in a market in terms of packing units shall be deemed to have been entered into in accordance with the standard fixed under sub-rules(1)

(4) Immediately on the completion of weighment of a lot of agricultural produce, within a notified market area, either party to the contract may cause a test weighment of ten percent of the units of packing in a lot or two packing units, whichever is more. The test weighment shall be carried out at the site of weighment, and if no test weighment is held at the site, the produce shall be deemed to have been correctly weighed.

(5) Test weighment under sub-rule (4) shall be carried out in the presence of both the parties to the contract. If a party fails to attend or refuses or evades participation, the other party may report it in writing to the secretary of the committee, or any employees of the market committee not lower in rank to that of an Inspector, who after satisfying himself as to the correctness of the report, shall cause the test weighment to be made in his presence, or in the presence of any other official of the committee authorized by him in this behalf, and the result of such test weighment shall be conclusive as also binding on both the parties.

(6) Before any agricultural produce weighed, in pursuance of a contract of sale, or purchase, within a notified market area, is removed from the place of its weighment, the chairman or the secretary of the market committee, or any employee of the market committee not lower in rank to that of an inspector shall, with a view to satisfying himself that such weighment has been correctly made, or has been filled in accordance with the standards fixed under sub-rule (1), be entitled, at any time and without any previous notice, to check the weighment by means of weights and instruments kept by the committee or any other agency, in the presence of the purchaser and the seller, and if either or both of them avoid attendance, test weighment may be carried out in the presence of any two persons present there.

(7) If the weighment checked under sub-rule (6) is found to be defective, the persons checking the weighment may order the lot to be reweighed. The reweighment shall be made at cost of the buyer, if it has not been filled in accordance with the standards fixed under sub-rule (1), and at the cost of the weighment concerned, if the weighment is otherwise defective. Such orders shall be final, and the buyer or the weighman, as the case may be, shall immediately comply with the order. This sub-rule shall operate without prejudice to any other punishment that may be awarded under the Ordinance, these rules or the bye-laws made thereunder.

**41. credit of fund with the Government:-** Every market committee shall deposit not less than 10 per cent. Of its annual income in a fund maintained and operated by the Government, for covering the salaries of officers to be appointed for the better working of the market committees, or for meeting the expenditure to be incurred on carrying out the purposes common to or for the overall interest of the market committees of the Province as provided under sub-section (3) of Section 20 of the Ordinance. Such amount shall be deposited by every market committee by 31<sup>st</sup> of July every year in the fund maintained and operated by the Government.

**42. Use of weighing instruments, weights and measures, their inspection and seizure:-** (1) Only such, weighing instruments, as satisfy the requirements of, and such weights and measures, as are prescribed by the Punjab Weights and Measures (International System) Enforcement Act, 1975 and the rules made thereunder, shall be used for weighing or measuring agricultural produce in a notified market area.

(2) Every Market committee shall keep in its office at least one weighing instrument of the capacity of 100 Kilo-gram and two sets of weights and, at places where measures are used, two sets of measures also, verified and stamped in accordance with the provisions of the Punjab Weights and Measures (International System) Enforcement Act, 1975 and the rules framed thereunder. The market committee shall cause such weights and measures to be tested and verified once in the course of each calendar year through the agency appointed under and in accordance with the requirements of the said Act and the rules.

(3) The chairman of a market committee shall allow any person to check free of charges any weight or measure in his possession with the weights and measures maintained under this rule.

(4) Weighing instruments and measures kept by a market committee under this rule may at any time be inspected, examined and checked by the Director of Agricultural (Economics and Marketing) or by Deputy Director of Agriculture (Economics and Marketing) or by Extra Assistant Director of Agriculture (Economics and Marketing) or by an Inspector appointed under the Punjab Weights and Measures (International System) Enforcement Act, 1975.

(5) Any member of a market committee, and any employee of a market committee authorized by it in this behalf, shall be entitled, at any time and without previous notice, to inspect, examine and test any weighing instrument, weight or measure used, kept or possessed within a notified market area by a licensee under Sections 6 or 9 of the Ordinance, or used, kept or possessed by any other person for weighing or measuring agricultural produce within the limits of the notified market area: and every such licensee or other person in possession of any weighing instrument, weight or measure shall, when required, be bound to produce the same before the person entitled so to inspect, examine and test it.

(6) If on examination any weighing instrument, weight or measure is found to be not in conformity with the Punjab Weights and Measures (International System) Enforcement Act, 1975 and the rules made thereunder it shall at once be seized and if it is convenient be forwarded forthwith alongwith a report to the Inspector appointed under the Punjab Weights and Measures (International System) Enforcement Act, 1975 within whose jurisdiction the notified market area lies so that action in accordance with law is taken; the report shall be in the following form:-

**REPORT OF SEIZURE OF  
WEIGHING/INSTRUMENT/WEIGHT/MEASURE  
(UNDER RULE 42 (6) OF THE AGRICULTURAL PRODUCE MARKETS GENERAL  
RULES 1979)**

Name, parentage, caste and residence of the person from whom the weighing instrument, weight or measure is seized	Description of the weighing instruments or weight or measure seized	Date of seizure	Person by whom seized	Why seized	Person in whose presence seized	Remarks
1	2	3	4	5	6	7

Signature of two witnesses

Signature of the person making report

(1) \_\_\_\_\_ (2) \_\_\_\_\_

Note: The report is to be signed by the person who examined and tested any weighing instrument, weight or measures.

**43. Payments how to be made by the Market Committee:-** (1) All payments by a market committee, except from imprest, shall be made by cheques.

(2) Every cheque drawn on behalf of market committee shall be signed jointly by the chairman and the secretary, or if the chairman is absent from the head quarters of the market committee, or is on account of illness or any other circumstances unable to perform his duties, by the vice-chairman or if both are absent or unable to perform their duties as stated above, by any two members of market committee, provided that no cheque shall be drawn except against a bill, which has been examined and passed by the chairman, or for recoupment of the imprest, if any,

provided that the chairman shall not pass any bill for payment without the previous sanction of the market committee, except, however.

- (a) for payment of the salaries of the establishment; or
- (b) for making payment for works and repairs for which budget provision has been made; or
- (c) for meeting urgent expenditure for which there is budget provision and which does not exceed Rs.500.00:

Provided that in the absence of the chairman from the headquarters of the market committee, or in case of his inability on account of illness or other circumstances to perform his duties, bills for payment of the above nature may be passed and signed by the vice-chairman, or if both are absent, or unable to do so as stated above, by any two members of the market committee:

Provided further that where a market committee has ceased to function and a new committee has not been constituted, or if constituted, the chairman, or the vice-chairman, as the case may be, has not assumed office, or the chairman or vice-chairman having resigned or having died, no one has been elected to fill up the vacancy, any gazetted officer appointed by the Government in this behalf may pass bills and sign cheques on behalf of the market committee.

**44: Surplus Fund - how to be disposed:-** The balances shown in the balance-sheet shall, after audit, be transferred to the reserve fund of the market committee, or be invested in such manner as may be approved by the Government, from time to time.

**45. Writing off irrecoverable and other dues or losses:-** Whenever it is found that any amount due to the market committee is irrecoverable or should be remitted or whenever any loss of the market committee's money or stores or other property occurs through fraud or negligence of any person or for any other cause, and such property or money is found to be irrecoverable, the fact shall be reported to the <sup>1</sup>[District Coordination Officer], who may order the amount or value of property to be written off as lost, irrecoverable or remitted, as the case may be, provided that if in any case the amount involved or value of such property is in excess of Rs. <sup>2</sup>[10,000.00] such order shall not take effect without the approval of the Government.

**46. Persons not eligible for the service of Market Committee:-** (1) The following persons shall not without the permission in writing of the Director of Agriculture (Economics and Marketing) be appointed as officers or servants of a market committee:-

- (a) A member's parents, descendants, or the husband or wife of any such descendant.
- (b) A member's wife, her parents, or descendant or the wife or husband of any such descendant.
- (c) The descendants of the parents of any member or of his wife, or the wife or husband of any such descendant.

(2) No person, who is a whole time salaried official in the service of Government or a local body, or who has been dismissed from the service of Government or a local body, or who is a member of a local body, shall be appointed as an officer or servant of a market committee without the previous sanction of the Government.

(3) No person, who is an officer or a servant of a market committee, shall (a) seek election to any local body, or (b) without the permission of the market committee, seek employment elsewhere:

Provided that where the officer or servant is a Government servant on deputation with the market committee, the permission of the market committee shall not be sufficient for seeking employment elsewhere:

<sup>1</sup> Words "Commissioner" substituted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>2</sup> Figures "1,000.00" substituted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

Provided further that an employee retired from the service of a market committee may seek employment in any private institution.

**47. Publication of Marketing Information:-** (1) A market committee may, for the benefit of the persons using the market, exhibit at a suitable place outside its office, and at such other place or places as may be determined by it, bulletins of information regarding such matters as prices of Agricultural Produce prevailing at the principal marketing centres in the province and the posts serving the province, and the stocks held by mills and the like.

(2) Such bulletins shall be signed by the chairman or the secretary or a person appointed by the chairman in writing in that behalf and a copy of every such bulletin shall be kept for record in the office of the market committee.

**48. Storage Accommodation:-** (1) A market committee may arrange, when necessary, accommodation, permanent or temporary, for the storage or stocking of agricultural produce.

(2) The market committee shall charge such fees for such storage and stockings as may be prescribed by its bye-laws.

**49. Boards of arbitrators, constitution thereof:-** (1) Government shall by notification constitute a Board of Arbitrators for each notified market area.

(2) A Board shall consist of five members, including the chairman, who shall be a grower, all to be appointed by the Government, out of a panel of names recommended by the Extra Assistant Director of Agriculture (Economics and Marketing) and the chairman, market committee concerned, equal to twice the number of vacancies to be filled, in the manner provided hereunder, that is to say: \_\_\_

(a) two members besides the chairman from growers of the notified market area concerned:

(b) one member from persons licenced under Section 6 of the Ordinance; and

(c) one member from persons licenced under Section 9 of the Ordinance.

(3) The proposed panels shall be submitted by the Extra Assistant Director of Agriculture (Economics and Marketing), in consultation with the chairman of the market committee concerned, to the Director of Agriculture (Economics and Marketing) for onward transmission to the Government for constitution of the Board of Arbitrators for the notified market area concerned in accordance with sub-rule (2):

Provided that the Government may, at its discretion, after such enquiry as it may deem proper, if not satisfied with the panel submitted to it, make such changes in the panel as it considers necessary in the circumstances.

(4) The Secretary of the market committee concerned shall act as the secretary of the Board.

(5) The term of office of the Board shall be for a period of three years commencing on such dates as may be specified in the notification under sub-rule (1), and where no such date is specified in the said notification, the period of three years shall be reckoned from the date of the notification.

(6) If on the expiry of the term of office of a Board, no new Board has been appointed, the old Board, shall continue to perform its functions till a new Board is appointed by the Government.

(7) Government may at any time by notification remove the chairman or any member of the Board who in its opinion has been guilty of misconduct or negligence of duty or who has been wrongly or improperly appointed in violation of sub-rule (2), or who has lost the qualification on the strength of which he was appointed or whose continuance as a chairman or member in the opinion of Government is not desirable provided that before taking such action the person to be removed shall be given an opportunity of being heard and showing cause against the proposed action.

(8) A chairman or a member of a Board may resign his office by tendering his resignation to the Government.

(9) If a chairman or a member resigns under sub-rule (8) or dies or is removed under sub-rule (7), Government shall appoint another person in his place in accordance with the provisions of sub-rules (2) and (3) and the person so appointed shall hold office as chairman or member of the Board, as the case may be for the remaining term of office.

**50. Functions of board of arbitrators:-** (1) Where any dispute arises between buyer and seller of agricultural produce of any kind, including disputes regarding the quality or weight or price of the agricultural produce, regarding the allowances of wrapping for containers, for dirt or for impurities or about deductions to be affected due to any reasons or in regard to unfixed bargain (mudda), the party or parties aggrieved may refer the dispute for settlement thereof in accordance with the provision hereinafter provide:

Provided that the board of arbitrators shall not entertain any dispute pertaining to unfixed bargain (mudda), where a written agreement has not been executed between the buyer and seller.

(2) The party aggrieved shall submit a written application on a judicial paper, bearing a Court-fee stamp of five rupees addressed to the chairman of the Board giving therein the name or names of the other party or parties to the dispute, the cause of the dispute and the nature of relief claimed.

(3) The following rates of fees shall be payable by the party referring a dispute to the board:

(a) For disputes relating to monetary transactions two paises per rupee on amounts up to Rs.25,000.00 and four paises per rupee on amounts exceeding Rs.25,000.00

(b) For any other dispute, a fixed fee of five rupees shall be payable.

(4) If a question arises as to whether any dispute is or is not a monetary transaction, the decision of the Board shall be final.

(5) On receipt of the application the chairman of the Board shall, after proper scrutiny, fix up a date for the hearing of the case and shall summon the other party and the witnesses for appearance before the Board alongwith necessary documents, if any.

(6) On the date fixed for the hearing of the case or on any subsequent date to which the case may be adjourned by the Board, the Board shall proceed to hear the parties and examine the witnesses and the documents produced by them, provided that no case shall be adjourned for a period longer than fifteen days.

(7) After hearing the parties and examining the witnesses and documents, if any, the Board shall announce its decision in the presence of the parties.

(8) If on the date fixed for the hearing of the case. or on any date to which the hearing has been adjourned, any party fails to appear before the Board without any reasonable cause, the Board may dismiss the application for non-prosecution or may decide it ex parte, as the case may be. Any party against whom such an order or decision has been made, may within thirty days of the date of the passing of the order or the decision move an application for setting aside the same. The Board may, if satisfied that the party applying was prevented by sufficient cause from appearing before it on the date, when such an order or decision was made, may set aside that order or decision.

(9) The Board shall make every endeavor to ensure that a dispute referred to it is decided within one month of the reference made to it.

(10) All proceedings and decisions of the Board shall be in writing and a regular record thereof shall be maintained by the Board.



(11) Every proceeding before a Board of Arbitrators, shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 288 of the Pakistan Penal Code (Act No.SLV of 1860).

(12) The chairman and at least one member representing the growers and the persons licenced under Section 6 of the Ordinance shall form the quorum of the Board and no proceedings of the Board shall be valid unless the requisite quorum is present.

(13) Every meeting of the Board of Arbitrators shall be called and presided over by the chairman.

(14) A Board of Arbitrators shall be competent to order the costs involved in a case to be borne by one or both the parties in any proportion considered reasonable by the Board.

(15) Minors and persons of unsound mind may be represented before the Board by their guardians, appointed with the approval of the Board, and those who for any unavoidable circumstances are unable to appear before the Board, may be represented by a duly accredited personal provided that no lawyer shall be engaged by any party.

**51. Monthly statements to be submitted by the Board:-** The Market Committee shall submit to the Director of Agriculture (Economics and Marketing), Punjab Lahore for record a monthly statement showing the total number of disputes referred to the Board and the nature of such disputes, as also the number of disputes, settled during the preceding month.

**52. Income and expenditure of the Board:-** The income of the Board of Arbitrators shall be credited to the market committee fund and all expenses of the Board shall be met from the market committee fund. The chairman and the members of the Board shall be entitled to receive traveling allowance as permissible under the rules.

**53. Dispute relating to another Market Area:-** If a dispute relates to another notified market area, the chairman of the Board shall remit the same to the Board concerned, alongwith the fee, if any, paid by the complainant.

**54. Inspection of Record:-** (1) The record of the Board of Arbitrators may be examined by the party concerned on payment of fee of five rupees only.

(2) A copy of the following documents may be obtained from a Board by the party concerned on a written application made to the Board on payment of the following copying fee\_\_\_\_\_

(i)	Copy of application	Rs. 3.00
(ii)	Copy of the written reply	Rs. 5.00
(iii)	Copy of statement of a witness	Rs. 2.00
(iv)	Copy of final decision or any other order of the Board	Rs. 5.00
(v)	Copy of decree	Rs. 5.00

**55. Power of inspection and seizure of Agricultural Produce by an officer or servant of Market Committee:-** (1) An officer or servant of the market committee, in the course of performance of his duties, may\_\_\_\_\_

- (a) enter into any building, enclosure or place used for sale and purchase, weighment or measurement of an agricultural produce in a notified market area and may himself inspect, weigh or measure or cause to be inspected, weighed, or measured any agriculture produce found in the said building, enclosure or place;
- (b) himself inspect, weigh or measure or cause to be inspected, weighed or measured, any agricultural produce being transported, by any mechanical or other means, through the notified market area; and

- (c) seize any agricultural produce in respect of which, or any material by which, any breach of the provisions of the Ordinance, or of the rules or bye-laws and made thereunder, is reasonably suspected to have been committed.

(2) An inventory of the agricultural produce or the articles so seized shall be prepared by the officer or servant proceeding under this rule, and a copy thereof shall be given to the person from whose custody the agricultural produce or other articles have been taken into possession.

(3) An officer or servant of the market committee seizing property under this rule shall keep such property either in his own custody or require any licenced dealer in the notified market area to take it into his possession and keep the same in his charge till such time as the inquiry in regard to the said property is completed and final orders regarding its disposal are passed by the competent authority:

Provided that the chairman of the market committee may for reasons to be recorded in writing, at any time, direct that the property be released and restored to the person from whom it was seized or taken possession of.

(4) The expenses incurred on transportation and storage of the property seized under this rule shall be recoverable from the person to whom the property is to be restored. If such person refuses or fails to pay such expenses, the property or such part thereof, as may fetch the amount of money so expended, shall be sold or auctioned under the orders of the chairman of the market committee and the amount realized by such sale or auction shall be adjusted towards transportation and storage charges, and the balance, if any, paid to the person to whom the property belonged or was due to be restored.

(5) When the property is required to be restored to person from whom it was seized, a notice shall be issued to him for appearance at such place and time as may be specified in the notice for the purpose of taking its delivery. If such person refuses or fails to take delivery of the property at the appointed place and time, the property shall be sold or auctioned, under the orders of the chairman of the market committee and the amount realized by such sale or auction shall be adjusted towards the expenditure incurred in this behalf, and the balance, if any, shall be paid to the person to whom the property was due to be restored; provided that such person applies for it to the market committee within 90 days of the sale or auction.

(6) The licenced dealer required by an officer or servant of the market committee to take possession of the property seized shall not refuse to do so.

**56. Penalty for non-payment of fee:-** If a person, firm or dealer habitually fails to deposit the market fee, the market committee on satisfying itself may charge any amount up to eleven times the fee as penalty.

**57. Compounding of offences:-** (1) In case the chairman of the market committee receives an application for the compounding of an offence, he shall place the matter in the next meeting of the market committee in accordance with the provisions of sub-section (4) of Section 37 of the Ordinance.

(2) The market committee while compounding an offence shall in no case accept an amount less than five percent of the maximum fine that can be imposed for the offence:

Provided that the amount so realized by way of composition shall be in addition to any amount payable by the offender under the Ordinance or the rules or the bye-laws.

**58. Travelling allowance to be paid to the chairman, members, & the staff of the Committee:-** (1) If the chairman, member or staff of a market committee undertakes any journey, in the interest and under the orders of the market committee, he shall be paid traveling expenses out of the market committee's funds at a rate admissible under the Government Rules, provided that a chairman and vice-chairman of 'A' and 'B' Class market committees shall be treated as grade 18 officers and those of 'C' Class market committees as grade 17 officers and members of a market committee of any class as grade 16 officers.

(2) In case of any enquiry, survey or investigation being conducted by the Directorate of (Economics and Marketing) Punjab, Lahore or such enquiry or survey being conducted by the

Government, for the benefit of growers or for the improvement of market committees, the officers/officials other than the market committee's staff, performing such duties may be paid traveling allowance out of the funds of the market committee concerned at the permissible rates. For the officers lower in rank than the Director of Agriculture (Economics & Marketing) approval shall be obtained from the Director of Agriculture (Economics and Marketing) to draw the traveling allowance, whereas in the case of officers of the rank of Director of Agriculture (Economics and Marketing) and higher than that such an approval shall be obtained from the Government.

**59. Sale and purchase of essential commodities of agricultural produce and model commission shops:-** (1) A market committee may, if so required, provide funds in its annual budget for the expenditure to be incurred on supply of essential commodities of agriculture products to be supplied to the public on no profit no loss basis.

(2) A market committee may open a model commission shop or shops in any notified market area for the benefit of and in the interests of the growers.

**60. Purchase of load carriers, vehicles, agricultural implements, etc.:-** (1) A market committee may subject to the previous sanction of the Government:

(a) Purchase load carriers, vehicles, trucks, tractors or trollies, for bringing agricultural produce of the farmers to the market and for agricultural marketing improvement.

(b) Purchase agricultural implements and machinery to be distributed amongst the growers of the market area.

(2) Such implements and machinery will be rented out to the deserving growers of the notified market area at the rates prescribed by the Government.

**61. Control by Provincial Government:-** (1) The Director of Agriculture (Economics and Marketing) or the Deputy Director of Agriculture (Economics and Marketing) within his jurisdiction, or any officer not below the rank of an Extra Assistant Director of Agriculture (Economics and Marketing) appointed in writing by the Director of Agriculture (Economics and Marketing) or any officer appointed by the Provincial Government in this behalf, by general or special order, may:-

(a) Enter into, inspect and survey or cause to be entered into, inspected and surveyed, any immovable property owned or occupied by any market committee or any work in progress under its supervision.

(b) By an order in writing addressed to the chairman or secretary, call for and inspect, or cause to be inspected, any book or document in possession or under control of the market committee, and the chairman or secretary, as the case may be, shall immediately comply with such order.

(c) By an order in writing, addressed to the chairman or secretary, require the market committee to furnish within a specified period any statements, accounts, reports, or copies of documents in possession of the market committee or pertaining to its proceedings or working.

(d) Enquire generally into the affairs of the market committee with a view to ascertaining whether the same are being satisfactorily administered, and for the purposes of such enquiry make use of any property of the committee, and exercise the powers mentioned in clauses (a), (b) and (c) of this rule, and the members, officers and servants of the market committee shall render such assistance in the enquiry as the person or persons making the enquiry may deem necessary.

(2) The officers mentioned under sub-rule (1) may record in writing for the consideration of any market committee such observations as he may think proper in regard to the proceedings working functions or duties of the market committee.

(3) Every committee shall submit such reports, daily or periodically to the Director of Agricultural (Economics and Marketing), the Deputy Director of Agriculture (Economics and Marketing) the Extra Assistant Director of Agriculture (Economics and Marketing) or the Government, as directed.

**62. Daily prices of agricultural produce and their exhibition:-** (1) Every market committee shall exhibit the daily rates or prices of agricultural produce at such conspicuous places in the notified market area as may be determined by it so as to make the growers aware of the prevailing market rates/prices of agricultural produce of all kinds.

(2) It shall be the duty of the market committee to supply the daily rates to the Government, autonomous or semi-autonomous bodies and such other centres as may from time to time be determined.

**63. Renewal of a licence and the issue of a duplicate:-** (1) An application for the renewal of a licence shall be made at least 7 days before the date on which the licence is due to expire.

(2) If any licensee makes an application after expiry of the licence, the authority competent to renew a licence may renew the licence, if he deposits a penalty in cash with the market committee, for the period elapsed after the expiry of the licence, as under:-

(a) In case of a licence under Section 6 of the Ordinance and Rule 6:

- |       |                                  |                |
|-------|----------------------------------|----------------|
| (i)   | Licence of the kind of Group 'A' | Rs. 25.00 P.M. |
| (ii)  | Licence of the kind of Group 'B' | Rs. 15.00 P.M. |
| (iii) | Licence of the kind of Group 'C' | Rs. 05.00 P.M. |

(b) In case of licence under Section 9 of the Ordinance and Rule 29 :-

- |      |              |                |
|------|--------------|----------------|
| (i)  | Warehouseman | Rs. 10.00 P.M. |
| (ii) | Others       | Rs. 02.00 P.M. |

Provided that the penalty charged by the market committee under sub-rule (2) shall not exceed the annual licence fee in any case.

**Note:** 15 days or more shall be treated as a full month for the purpose of computing the period for penalty.

(3) Every renewal of a licence made under this rule shall be deemed to take effect from the date following that on which the licence expired.

(4) If a licence granted under Section 6 or 9 of the Ordinance, or renewed under this rule is lost, a duplicate may be issued by the authority, which issued the original, on payment of a fee of Rs.10.00 in the case of a licence for a dealer or warehouseman, and Rs.2.00 in case of other licences.

**64. Incidence of market fee:-** (1) The following procedure shall be adopted for payment of market fee in respect of wheat, sugar (refined), atta and rice which are handled by the Food Department:-

**(a) In respect of indigenous wheat: -**

(i) full market fee shall be paid by the Food Department if the same is purchased from the growers and dealers other traders who are not licensees of the market committee; and

(ii) Where the same is supplied to the flour mills, depot holders or any other agency out of the stock received from the Provincial Reserve Centers located in other market committees, the fee shall be paid in equal shares by both the Food Department and the other aforesaid agency/concern; duly licenced, as the case may be.

**(b) In respect of imported wheat:-**

(i) Market fee shall be paid in equal shares by the Food Department and the roller flour mills or depot holders or any other agency, as the case may be, if the stocks are sold to them at the time of first transaction.

**(c) In respect of atta:-**

No market fee shall be paid on the sale of atta if sold to the depot-holders out of the stocks received from the roller flourmills operating in the same notified market area. However, if atta is sold out of the stocks received from any Provincial Reserve Centre of another 'notified market area the market fee shall be paid to the market committee in equal shares by the Government and the depot holders.

**(b) In respect of sugar:**

(i) if the same is sold out of the stock received from a Provincial Reserve Centre located in the area of another market committee, market fee shall be paid by the Food Department, and the depot-holders in equal shares; and

(ii) the persons exempted under rule <sup>1</sup>[8] from obtaining dealer's licence shall be treated as licencees for the purpose of levy of market fee under this rule.

**65. Classification of market committees:-** (1) The market committees in the Province shall be classified and notified in the official Gazette by the Government on the basis of their average annual income under the heads 'Market Fee' and 'Licence Fee' during the last three years as below:-

**Class 'A'** A market committee with an annual income of <sup>2</sup>[sixteen lac rupees or above]

**Class 'B'** A market committee with an annual income of more than <sup>3</sup>[eight lac and less than sixteen lac rupees].

**Class 'C'** A market committee having an annual income of <sup>4</sup>[less than eight lac rupees]

(2) All newly established market committees shall fall in class 'C' for at least three years and, thereafter, the Government may determine their class on the basis of their average annual income of the preceding three years, as provided in sub-rule (1).

**66. Rate of commission and remuneration of a functionary:-** (1) In regard to any sale or purchase of agricultural produce no functionary shall charge for the services actually rendered by him a remuneration in excess of the rates specified below:-

**a. Commission agent:**

- |       |  |
|-------|--|
| (i)   | 1.50 percent in the case of food grain and other crops.  |
| (ii)  | 2.50 percent in the case of fruits, and  |
| (iii) | 3.12 percent in the case of vegetables, worked out on the basis of the value of the agricultural produce |

**b. Broker: -**

Twenty paise per quintal of agricultural produce bought or sold;

**c. Weighman: -**

0.20 Percent of the value of agricultural produce weighed;

**d. Palledar: -**

- (i) Unloading ... 0.20 percent of the value of agricultural produce

<sup>1</sup> Figure "7" substituted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>2</sup> Substituted for "eight lac rupees or above" vide Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>3</sup> Substituted for "four lac and less than eight lac rupees" vide Notification No. PD/VIII-11/82-II dated 8-10-2001

<sup>4</sup> Substituted for "less than four lac rupees" vide Notification No. PD/VIII-11/82-II dated 08-10-2001

- (ii) weighing ... 0.20 percent of the value of agricultural produce
- (iii) bori ultai ... 0.30 percent of the value of agricultural produce
- (iv) dheri legai ... 0.10 percent of the value of agricultural produce
- (v.) Changar ... 0.20 percent of the value of agricultural produce

(2) The seller shall not be liable to pay the remuneration mentioned in sub-rule (1) if he does not hire the services of any of the functionaries.

(3) Remuneration due to a broker, weighman measurers, palledar or changar shall be payable by the owner of the produce sold through a commission agent within the meaning of 'Kacha Arhtia'. The commission agent will get his commission from seller/owner. In other transactions the remuneration to any functionary shall be payable by the person employing him.

(4) For the purpose of these rules a bag shall be deemed to contain one quintal of agricultural produce unless it is actually weighed (without bardana). A quintal shall not be treated as anything, more or less than 100 k.g. and a sainkara shall not be counted as anything more or less than hundred.

(5) It will not be necessary for any seller of agricultural produce to engage any one of the functionaries enumerated in sub-rule (1), unless he wishes to do so and no one shall pay or be required to pay for a functionary who has not actually been engaged.

(6) No allowance, deduction/or charges of any kind in any form, not permitted by these rules shall be allowed in respect of any transaction of sale or purchase of agricultural produce.

(7) Every dealer shall give a receipt in Form 'C' appended to these rules for the amount received by him as commission agent and on behalf of other functionaries, viz., broker, weighman, warehouseman, palledar, changer, etc., who were actually employed for the sale or purchase of agricultural produce.

**67. Establishment of a new market:-** (1) The Government may allow the establishment of a <sup>1</sup>[\*\*\*\*] <sup>2</sup>[new] market in any notified market area in manner hereinafter provided.

(2) Any <sup>3</sup>[Market Committee] intending to establish a <sup>2</sup>[new] market within <sup>4</sup>[its] <sup>1</sup>[\*\*\*\*] notified market area <sup>5</sup>[\*\*\*\*] <sup>6</sup>[invite] application <sup>7</sup>[after due publicity], giving full details of the site where market is intended to be established.

(3) The market committee shall forward the application to Extra Assistant Director of Agriculture (Economics and Marketing) <sup>8</sup>[ ] <sup>9</sup>[with its comments who,] shall inspect the site and undertake necessary scrutiny and forward the case with his report to the <sup>10</sup>[District Coordination Officer]

(4) The <sup>10</sup>[District Coordination Officer] shall forward the case with his comments to the Director of Agriculture (Economics and Marketing), who with his own remarks shall transmit the case to the Government for orders.

(5) The Government, after considering the aforesaid reports/comments/remarks, may allow or disallow the establishment of the <sup>1</sup>[\*\*\*\*] <sup>2</sup>[new] market. The decision of the Government in this regard shall be final.

(6) Establishment of <sup>1</sup>[\*\*\*\*] <sup>2</sup>[new] market shall be subject to the following conditions:-

<sup>1</sup> Word "feeder" omitted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>2</sup> Word added vide PD/VIII-1/82, dated 17<sup>th</sup> April, 1985

<sup>3</sup> Word "person" substituted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>4</sup> Word "a" substituted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>5</sup> Word omitted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>6</sup> Word inserted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>7</sup> Words "to the market committee concerned" substituted by the Notification No. PD/VIII-11/82-II dated 8-10-01

<sup>8</sup> Comma omitted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>9</sup> Words "who after due publicity" substituted and after this comma, inserted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

<sup>10</sup> Words "Deputy Commissioner" substituted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

- (a) The owner of the land shall sell the selected site at a fixed price of Rs.[100] [(one Hundred rupees)] per merla and execute the sale-deed in favour of the market committee within a period of two months from the date of communication of the decision of the Government, failing which the Government may withdraw the decision about establishment of the <sup>1</sup>[\*\*\*\*] <sup>2</sup>[/new] market.
- b) The market committee shall prepare a plan for the development of the selected site and carve out commercial plots <sup>1</sup>[according to the standards and parameters notified by the Government, and after getting approval of the plan may dispose of the commercial plots through a committee constituted by the Government].
- (c) The market committee shall have the right to retain two plots for construction of its office:

<sup>2</sup>[Provided that in establishing new markets in future, 60% of the plots shall be reserved for allotment to the already working commission agents and remaining 40% shall be sold through open auction.]

<sup>3</sup>[Provided further that only those commission agents who had established business office and were working as such prior to the approval of the market shall be entitled for allotment of plot in the new market.]

- (d) The market committee shall construct roads, water supply system, sewerage, public baths and latrines and shall install street lights <sup>2</sup>[\*\*\*\*] in the <sup>3</sup>[new] market, and shall be responsible for their proper maintenance and for general cleanliness of the premises.
- <sup>4</sup>[(e) One-third of the auction proceeds of commercial plots shall be paid by the market committee to the owner of the land].
- (f) In case of forfeiture of a plot and re-auction thereof, the landowner shall not be entitled to claim an amount in excess of what he has already received.

<sup>5</sup>[(67-A) Establishment of a New Market a person other than the Market Committee:- (1) The Government may allow any person including a legal person (herein after referred to as developer”), to establish a market in any notified market area in the manner herein after provided.

(2) The developer may apply to the Government, giving full details of the site where market is intended to be established alongwith the proposed development plan.

(3) The Government may, on analysis of the proposal, allow or disallow the establishment of the market.

(4) The dealers and market functionaries working in the market shall obtain license from the market committee.

(5) The market committee shall no charge market fee on sale and purchase of agricultural produce taking place within the premises of the market established under this rule.

- (6) Establishment of new market shall be subject to the following conditions:
  - a. Ownership of the land will be in the name of the developer.
  - b. The developer shall, within the period fixed for this purpose, execute the development plan of Market as approved by of the Government;
  - c. The developer shall deposit such amount as security as may be determined by the Government, which shall be returned to the developer after the completion of the development of the market according to the approved plan.

<sup>1</sup> Words substituted by the Notification No. DIR (FB)XVI-11/82-II dated 08-03-2011

<sup>2</sup> Proviso substituted vide Notification No. DIR (FB) XVI-11/82-III dated 11-05-2011

<sup>3</sup> Proviso added vide Notification No. DIR (FB) XVI-11/82-III dated 11-05-2011

<sup>4</sup> Substituted vide Notification No. DIR (FB) XVI-11/82-III dated 11-05-2011

<sup>5</sup> Rule 67-A added vide notification No. DIR (FB) XVI-11/82-III dated 11-05-2011

- d. The area of the market under common services shall remain intact and the development plan of market shall not be altered without prior approval of the Government.
- e. The developer shall be responsible for repair and maintenance, comfort and facilities relating to the trade and persons visiting the market.
- f. The market shall be managed according to the settled terms and conditions between the Government and the Developer.
- g. The developer shall sign an agreement with the Government to abide by all terms & conditions settled for the development and management of the market.

**68. Grading Of Agricultural Produce:-** The market committee shall be responsible to undertake grading of agricultural produce according to the provisions of the Agricultural Produce Grading and Marketing Act, 1937. The market committee may appoint necessary staff for this purpose, with the prior approval of the Government.

**69. Duties and powers of secretary of market committee:-** (1) The Secretary shall be the executive officer of the committee. The office establishment of the committee shall be under his control. Any order to any member of the staff of the market committee shall pass through him.

(2) The Secretary shall work under the control of the chairman of the market committee.

(3) The Secretary shall be entitled to attend all meetings of the market committee or a sub-committee except a meeting wherein anything concerning him or any one of his relatives is to be considered.

Explanation: Relative for the purpose of this sub-rule shall mean\_\_\_\_

- (a) father, mother, son, daughter, brother and sister of the person concerned; and
- (b) brother and sister of the father of the person concerned; and
- (c) father, mother, son, daughter, brother and sister of the wife or husband of the person concerned.

(4) The Secretary shall advise the market committee and its chairman in the light of the provisions of the Ordinance, rules and bye-laws framed thereunder, the decisions earlier taken by the market committee and directions given from time to time by the Government . His opinion shall be recorded in the proceedings of the committee.

(5) It shall be the duty of the secretary to carry into effect the provisions of the Ordinance, rule and bye-laws, the instructions or directions of the Government, of the Directorate of Agriculture (Economics and Marketing) and the chairman of the market committee, with a view to effect maximum improvement in the market.

(6) The Secretary shall deal with the correspondence received from the Government or the Directorate promptly and efficiently. He shall lay all correspondence of the market committee with the Government and the Directorate before the chairman of the market committee for information of action as required.

(7) Subject to sub-rule (5), the Secretary shall have immediate responsibility for the day-to-day working of office of the market committee, maintenance of accounts, punctual rendering of returns, safe custody of cash, common seal, minute book and other records and assets of the committee, and for periodical review of the progress made towards implementation of the provisions of the Ordinance and these Rules.

(8) The Secretary shall make an annual assessment of the work of employees of the market committee and shall submit the same to the chairman of the market committee. The chairman of the market committee shall take this assessment into consideration while making final assessment of the work of the employees before recording remarks in their character rolls.



(9) The Secretary of the market committee shall have the power to take necessary disciplinary action against the staff in grades 1 to 3. He may also report against the other employees for the misconduct, in-discipline, dis-obedience, dishonesty, neglect of duty and other such aspects of their conduct as in his opinion may impair the service discipline or may be prejudicial to the aims and objects of this law.

**70. Appointment and conditions of service of employees and their pay scales:-** (1) The pay scales as prescribed in Schedule "A" annexed here to shall apply to all the employees of a market committee.

(2) Recruitment/promotion to the posts of a market committee in future shall be made in accordance with\_\_\_\_

(a) the pay scales as prescribed in Schedule 'A'; and

(b) the qualifications as prescribed in Schedule 'B'.

(3) No new posts other than those sanctioned in the budget for the year 1978-79 shall be created without the previous sanction of the <sup>1</sup>[Government].

(4) The Government may, from time to time, modify Schedules 'A' and 'B' in the manner it deems fit.

(5) If any person already employed by a market committee is not covered by Schedule 'A' he will be allowed to continue as such or may be absorbed at his request at place where such vacancy exists, with the prior approval of the Government.

(6) In respect of service conditions including disciplinary matters and other matters ancillary thereto, the employees of the market committee shall be governed mutatis mutandis by the rules applicable, from time to time, to the employees of the Punjab Government.

(7) Where the operation of these rules causes any hardship to a market committee employee, the Government may, for reasons to be recorded in writing, relax any of the provisions of these rules in his favour.

(8) Annual confidential reports, of the market committee staff, shall be countersigned by Extra Assistant Director of agriculture (Economics and Marketing).

(9) Provided further that the annual confidential report of the Secretary, Market Committee shall be countersigned by the Director of Agriculture (Economics and Marketing) or by such officer duly authorized by him.

**70. Transfer of employees of Market Committee:-** The services of the employees of market committees shall be transferable from one market committee to another in the corresponding scale.

**71. Relaxation of rules:-** Any of these rules may, for reasons to be recorded in writing, be relaxed in an individual case by the Government, if the Government is satisfied that a strict application of the rule would cause under hardship to the individual concerned.

**72. Delegation of powers for the purpose of appointments, punishment, etc.:-** (1) For the purposes of appointments, punishments, appeals, transfers and controlling travelling allowance, in respect of each person holding post mentioned in Column 2 of Schedule 'C' shall be such as are specified against the post of such person in Columns 3 to 9 of the said schedule.

(2) An authority empowered under these rules to impose penalties on the holder of a post shall be competent to impose such penalties on every person holding such post whether such person was appointed by such authority or not.

**73. Engagement of a lawyer:-** A market committee individually, or jointly with other market committees, may engage a lawyer for the conduct of its cases in a Court of Law, subject to the following:-

<sup>1</sup> Words "Director General Agriculture (Field)" substituted by the Notification No. PD/VIII-11/82-II dated 08-10-2001

(a) An market committee shall not be competent to sanction a fee to a lawyer exceeding <sup>1</sup>[Rs.500.00].

(b) If the fee of a lawyer who is being engaged by a market committee exceeds [Rs. 500.00], a prior sanction of the Director of Agriculture (Economics and Marketing) shall be necessary, if it does not exceed <sup>2</sup>[Rs.1,000.00] and that of the Government, if it exceeds [Rs.1,000.00].

**74. Penalty for breach of rules or of any condition of a licence:-** Any person committing a breach of these rules or any licensee committing a breach of the conditions of his licence shall on conviction be punishable with fine which may amount to five thousand rupees; provided that the maximum fine which may be imposed for the breach of the conditions of a licence granted under Section 9 of the Ordinance shall not exceed one hundred rupees for each breach.

**75. Appeals:-** Appeals not provided in the Ordinance, or the rules shall be to the following:-

(a) An appeal against the order of a secretary of market committee shall lie to the chairman, against whose orders the person aggrieved may appeal to the market committee.

(b) An appeal against the orders of the market committee shall lie to the Extra Assistant Director of Agriculture (Economics and Marketing), whose decision shall be final.

**76. Registers, account books and forms to be maintained by a Market Committee:-** Every market committee shall maintain registers, account books and forms, as prescribed under the Ordinance, the rules and the bye-laws framed thereunder, as are given in Schedule 'D'.

**77. Preservation of Record:-** The record of the committee shall be preserved for a period noted against each item in Schedule 'E'

<sup>3</sup>**[79. Conduct of Business:** Where a regular market has been established by the market committee with the approval of the Government, all transactions (Sale and Purchase) of agricultural produce shall be conducted within the market premises and not outside the same.

<sup>4</sup>**[80. Pension Rules:** The rules applicable to the servants of Punjab Government from time to time in the matter of pension and gratuity shall be applicable to the servants of market committees in the Punjab in the manner provided hereunder: -

(a) Prior to retirement, each employee of market committee shall give his option to the competent authority indicating the market committee, from where he intends to get pension and gratuity. Provided that market committee so indicated by the employee must be one, where the retired employee has served.

(b) Market Committee opted by the employee shall be liable to make the payment of pension and gratuity to the retired employee in full. The market committees, where the employee has served, shall pay the due share of pension and gratuity as determined by Local Fund Audit Department to the market committee opted by the retired employee.

(c) In case of any dispute, the decision of Director of Agriculture (Economics & Marketing) shall be final.

<sup>1</sup> Substituted for figures "250.000" vide PD/VIII-1/82, dated 17<sup>th</sup> April, 1985

<sup>2</sup> Substituted for figures "500.000" vide PD/VIII-1/82, dated 17<sup>th</sup> April, 1985

<sup>3</sup> Rule 79 added vide PD/VIII-1/82, dated 17<sup>th</sup>

<sup>4</sup> Rule 80 added by the Notification No. PD/VIII-II/82-II, dated 08-10-2001