

CHAPTER-XIV  
PENALTIES

**103. Penalty for not complying with direction under sub-section (2) of section 48**

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

**104. Penalty for contravention of section 79**

Whoever, in contravention of the provisions of sub-section (1) of section 79 uses any place in the market area for the marketing of the agricultural produce specified in the declaration made under sub-section (1) of section 4 or operates in the market area or the any market therein as trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman, or in any other capacity in relation to the marketing of that agricultural produce shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees, or with both, and in the case of a continuing contravention, with a further fine which may extend to one hundred rupees for every day, during which such contravention continues after conviction for the first contravention.

Whoever obstructs any officer in carrying out the inspection of accounts or in

**105. PENALTY FOR OBSTRUCTION AND FAILURE TO OBEY ORDER UNDER SECTION 96.**

**106. Penalty for contravening provisions of section 97.**

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

- (a) Willfully neglects or refuses to furnish any information; or
- (b) Willfully furnishes information which is false or incorrect in material particulars,

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

**107. Penalty for contravention of section 98**

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

**108. General provision of punishment of offence**

Whoever contravenes any provision of this Act or of any rule or bye-laws made thereunder shall, if no other penalty is provided for such contravention elsewhere in this Act or in the rules or bye-laws, be punishable with fine which may extend to two thousand rupees.

**109. Liability of members of employees of Board or Marketing Committee**

- (1) Every member or employee of the Board or any Marketing Committee shall be liable for the loss, wastage, misappropriation or misapplication of any money or other property belonging to the Board or the Marketing Committee, if such loss, wastage, misappropriation or misapplication is, proved to the satisfaction of the board, to be the direct consequence of the neglect or misconduct on the part of such member or employee;

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

- (2) Wherever any such member or employee is held to be so liable, he shall make good the loss within a period of one month from the date of the order failing which an amount equal to the loss shall be recoverable from such member or employees as an arrear of land revenue.
- (3) The member or employee against whom an order under sub-section (1) is made, may, within thirty days from the date of the service of such order, appeal to the Government which shall have the power of confirming, modifying or reversing the order made by the Board:-

Provided that-

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

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

**110. Chairman, etc., of the Board and the marketing committee to be public servants.**

The Chairman, the Vice-Chairman the members, the Secretary and the other officers and servants of the Board and the Chairman, Vice-Chairman, members, Secretary and other officers and servants of a Marketing Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

**111. Bar of suit in the absence of notice.**

- (1) No suit or other legal proceedings shall be instituted against the Board or any Marketing Committee or any member, officer or servant thereof or any person acting under the direction of the Board, any Marketing Committee, member, officer or servant for anything done or purported to be done in good faith as such member, officer, or servant under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of residence of the intending plaintiff and the relief which he claims has been, in the case of the Board or Marketing Committees, delivered or left at its office, and in the case of any such member, officer, servant or person as aforesaid, delivered to him or left at his office or usual place of residence, and the plaint shall contain a statement that such notice has been so delivered or left.
- (2) Every such suit shall be dismissed unless it is instituted within six months from the date of accrual of the alleged cause of action
- (3) Notwithstanding anything contained in sub-section (1) any suit under section 38 of the Specific Relief Act, 1963 (47 of 1963) may be instituted with the leave of the Court without serving any notice as required by sub-section (1) but the court shall not grant any relief in the suit whether interim or otherwise except after giving the Board or the Marketing Committee or any other person referred to in sub-section (1), as the case may be, a reasonable opportunity of being heard.

**112. Trial of offences.**

- (1) No offence under this Act, or any rule or regulation or bye-laws made thereunder, shall be tried by a court inferior to the court of a Metropolitan Magistrate.
- (2) No prosecution under this Act, shall be instituted

except by the Director or any officer authorized by him in that behalf or by Vice-Chairman or by any other person duly authorized by the Board or the Marketing Committee, as the case may be, in that behalf.

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

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

**113. Recovery of sums due to Government Board Marketing Committee and others.**

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

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

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

**114. Power of Government to delegate powers.**

The Government may, by notification, and subject to such conditions, if any, as it may think fit to impose, delegate all or any of the powers conferred upon it by or under any of the provisions of this Act to the Board

or any other officer or person specified in the notification.

**115. Power to exempt the Board or Marketing Committee etc. from provisions of the Act.**

- (1) The Government may, by general or special order, published in the official Gazette, exempt the Board or any Marketing Committee or any class of persons from any of the provisions of this Act or any rule, regulation, or bye-laws made thereunder or may direct, in like manner, that the provisions of this Act shall apply to the Board or any Marketing Committee or any class of persons with such modifications, not affecting the substance thereof, as may be specified in that order.
- (2) All orders made under sub-section (1) shall be laid, as soon as may be, after they are made, before the Legislative Assembly of Delhi.
- (3) The Government may, by general or special order, published in the official Gazette, direct that any rule, regulation or bye-laws made under this Act shall apply to the Board or any Marketing Committee or any class of persons with such modifications, not affecting the substance hereof, as may be specified in that order.

**116. Power to make rules.**

- (1) The Government may by notification make rules for carrying out the provisions of this Act,
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-
  - (a) Qualifications which the representatives of the agriculturists shall possess under clause (a) of section 36
  - (b) Qualifications which the representatives of traders shall possess under clause (b) of sub-section (1) of section 36;
  - (c) The manner in which the members of a Marketing Committee may be elected under section 38, including all matters incidental to such election;
  - (d) The term of office and other conditions of service of Chairman or Vice-Chairman of the Marketing Committee under section 44 and 46;
  - (e) The duties of Marketing Committees under sub-section (2) of section 55 and the promotion of the grading and standardization of such agricultural produce as may be specified in the rules under clause (k) of that sub-section;
  - (f) The manner of levy and collection of market fee by Marketing Committee under section 62,
  - (g) The conditions subject to which loans may be

obtained by a marketing committee from another Marketing Committee under sub-section (2) of section 72;

- (h) The manner in which and the time within which an appeal may be filed under sub-section (2) of section 74 or sub-section (2) of section 123;
  - (i) The form of licence and the terms and conditions subject to which a licence may be granted or renewed, including the fees to be paid in respect of such licence, under section 80;
  - (j) The fees payable in connection with the weighing and delivery of agricultural produce under section
  - (k) The manner in which an appeal may be filed under sub-section (1) of section 82;
  - (l) The composition of sub-committees, method of appointment or arbitrators and the fees, if any, that may be paid by parties for the settlement of disputes, the procedure to be followed by the sub-committees or arbitrators for the settlement of disputes and the manner in which and the time within which an appeal may be preferred from the decision of the sub-committee or arbitrator under section 83;
  - (m) The manner in which the amount to the credit of the Market Development Fund or a market fund shall be kept or invested under sub-section (3) of section 84 or sub-section (2) of section 88 as the case may be;
  - (n) Traveling and other allowances payable to members of the Board or the Marketing Committee;
  - (o) The preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the Marketing Committee and the Board and grant of sanction to such plans and estimates;
  - (p) The manner in which payment from the Market Development Fund or Market Fund shall be made, its account shall be kept or audited or re-audited, budget estimates of income and expenditure shall be made and annual administrative report shall be prepared;
  - (q) The time during which and the manner in which a trader or commission agent shall furnish returns to the marketing committee as may be required by it;
  - ® Any other matter which is required to be or may be prescribed.
- (3) Any rule made under this section may provide that if purchaser fails to make the payment forth with as required by sub-section (6) or section 61, he shall be liable to pay interest from the date of sale to the date

of payment as such rate not being in excess of the maximum rate of interest fixed for unsecured loans by banking institutions. If payment is not made within thirty days from the date on which the agricultural produce is sold, the principal and interest shall be recoverable by the Marketing Committee from the purchase in the manner provided in section 113.

- (4) Any rule made under the provisions of this Act may provide that a contravention thereof, shall on conviction, be punishable with fine which may extend to five thousand rupees.
- (5) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the Legislative Assembly of Delhi. While it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of session immediately following the session or the successive session aforesaid, the house of the Legislative assembly agrees in making any modification in the rule or the house of the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**117. Power to make regulations for carrying out the provisions of the Act**

- (1) The Board may, with the previous approval of the Government and by notification, make regulations, not inconsistent with the provisions of this Act or any rule made thereunder for carrying out the provision of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters namely:-
  - (a) The method of recruitment, the scale of pay and other conditions of service of employees of the Board and Marketing Committee;
  - (b) Regulation of transaction of business at the meetings of the Board;
    - © Delegation of duties and powers of the Board to its Vice-Chairman or any other officer employed by it;
  - (d) Delegation of duties and powers of the Marketing Committees to its sub-committees;
  - (e) The manner of constitution of the Marketing Service, recruitment therein and the qualifications, appointment, promotion, scale of pay, leave and its

**118. Power of Marketing Committee to make bye-laws**

encashment loans, pensions, gratuity, contribution to funds, reimbursement of actual expenses on hospitalization in authorized hospitals, dismissal, removal, conduct, departmental enquiries and punishments, appeals and other conditions of service of its members and other staff.

- (1) Subject to the provisions of this Act, and the rules made thereunder, a Marketing Committee may, in respect of a market area under its management, make bye-laws for-
  - (i) Determining the quantity of agricultural produce which may be considered as retail sale for the purposes of the Act and the rules made thereunder;
  - (ii) The regulation of the business of the marketing committee, including meetings, quorum and procedure;
  - (iii) The conditions of trading in a market;
  - (iv) Delegation of powers, duties and functions to the officers and servants
  - (v) The delegation of powers, duties and function to a sub-committee, if any.
  - (vi) The provisions for the persons and the form in which copies of the document and entries in the books of the Marketing Committee may be certified and charges to be levied for the supply of such copies and inspection of such documents and books of account for the purposes of any proceedings under the Act, rules and regulation;
  - (vii) Any other matter for which the bye-laws are to be made under this Act or it may be necessary to frame bye-laws for effectively implementing the provisions of this Act, and the rules made thereunder in the market area.
- (2) No bye-laws under sub-section (1) shall take effect until it has been approved by the Board and published in the official Gazette.
- (3) In making any bye-law, the MARKETING committee may direct that the penalty for the breach of any bye-law may be imposed by it, which may extend to five thousand rupees in each case and where the breach is a continuing one with further penalty which may extend to one hundred rupees for every day after the first conviction during which the same continues.

EXPLANATION:- For purposes of this sub-section, it is declared that the Marketing Committee may impose the penalty notwithstanding the fact that criminal



action has been instituted in respect of the same facts for which penalty has been imposed under the bye-laws.

- (4) Notwithstanding anything contained in this section, if the Director considers that an amendment, or adoption of a new by-laws or rescission of any by-law is necessary or desirable in the interests of market committee, he may, by order, require the Marketing Committee to make such amendment, adoption or rescission within such time as may be specified by him in the order.
- (5) If the Marketing Committee fails to comply with the order issued under sub-section (4) within the time specified, the Director shall make such amendment rescission or adoption of such new by-law, and issue a certified copy thereof to the Marketing Committee.
- (6) The Marketing Committee may, within thirty days from the date of issue of the certified copy, referred to in the sub-section (5) appeal against such order to the Government whose decision thereon shall be final and binding upon the Marketing Committee.
- (7) No bye-law or rescission of by-law or its alteration or amendment shall take effect until it has been confirmed by the Director and notified by him in the Official Gazette.

**119. Power of Government to amend Schedule**

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

**120 Power of write off irrecoverable fees etc.**

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

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

- Director.
- 121. Revision`** Notwithstanding anything contained in this Act, the Government shall have the power of reversing or modifying any order or the Board or any of its officers passed or purporting to have been passed under this Act, if it is satisfied that such order is not in accordance with the provisions of this Act, or any rule, regulation or bye-law made thereunder.
- 122. Power to compound offences.**
- (1) With the previous approval of the Director, the Secretary of a Marketing Committee or any other officers authorized by the Director in this behalf, may accept from any person against whom a reasonable suspicion exists that he has committed an offence under this Act or any rules, regulations or by-laws made thereunder, a sum of money by way of composition for such offence.
  - (2) Notwithstanding anything contained in any other law for the time being in force, on the payment of such amount of money to the Marketing Committee, the suspected person, if in custody, shall be discharged and no further proceedings shall be taken against such person.
- 123. Power to Marketing Committee and secretary to impose penalties.**
- (1) A Marketing Committee or its secretary shall have the power, to impose by order, a penalty not exceeding five thousand rupees on any market functionary or agriculturist or purchaser for the contravention of any bye-law, after giving the person concerned a reasonable opportunity of being heard.
  - (2) An appeal against an order under sub-section (1) shall lie to the Vice-Chairman of the Board, within such time and in such manner as may be prescribed.
- 124. Repeal and Saving**
- (1) The Delhi Agricultural Marketing (Regulation) Act, 1976(87 of 1976) (hereinafter referred to as the said Act) is hereby repealed;  
Provided that such repeal shall not affect the previous operation of the enactment aforesaid and anything done or any action taken (including any appointment, delegation or declaration made, notification, order, rule, regulation, direction or notice issued, bye-law framed, marketing committee established, licences granted, fees levied and collected, instruments executed, any fund established or constituted) by or under the provision of the said Act shall in so far it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall

continue in force unless and until superseded by anything done or any action taken under this Act,

- (2) Any area or place declared to be a market area or any place or market declared to be a market under the enactment so repealed shall, on the commencement of this Act, be deemed to be the market area or market declared under this Act, the Marketing Committee constituted for the said market area and functioning immediately prior to such commencement shall be deemed, notwithstanding anything contained in this Act, to be the Marketing Committee constituted under this Act for such market area, and where it is so declared or notified, also for the agricultural produce specified in the declaration or notification, and all the members of such Marketing Committee shall be deemed to be members nominated by the Government under sub-section (2) of section 36.
- (3) Any reference to the enactment repealed as aforesaid or to any provision thereof or to any officer, authority or person entrusted with any functions thereunder, in any law for the time being in force or any instrument or document, shall be construed, where necessary, as a reference to the corresponding provision of this Act or to the corresponding officer, authority or person functioning under this Act, and the corresponding officer, authority or person, as the case may be, shall have under such law, instrument or document.
- (4) The mention of particular matters in this section shall not effect the general application to this Act of section 6 of the General Clauses Act, 1897 (10 of 1897) as if the Delhi Agricultural Produce Marketing (Regulation) Act, 1976 (87 of 1976) had been repealed by this Act.

**125. Power to remove difficulty**

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

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



