

**CHAPTER III**  
**CONSTITUTION AND POWERS OF DELHI AGRICULTURAL MARKETING BOARD**

5. **Establishment and composition of Delhi Agricultural Marketing Board**
- (1) The Government shall, for the purposes of this Act, establish a Board to be known as “The Delhi Agricultural Marketing Board” consisting of a Chairman, and fifteen members of whom seven shall be officials and eight non-officials, to be nominated by the Government in the following manner, namely:-
- (a) The official members shall be :-
- (i) The Director who shall be ex-officio Vice-Chairman of the Board;
- (ii) Two representatives of the Development Department of the Government of whom one shall be from Agriculture wing and the other from Cooperative wing;
- (iii) One representative from Department of Food Supplies and Consumer Affairs of the Government not below the rank of Deputy Commissioner.
- (iv) One representative each from the Delhi Development Authority and the Municipal Corporation of Delhi, who shall belong to planning wing of the respective body;
- (v) The Agricultural Marketing Adviser to the Government of India on his nominee;
- (b) The non-official members shall be :-
- (i) Two agriculturists, being members of the market committees;
- (ii) Two members representing the organisations of agriculturists;
- (iii) One member to be elected in the prescribed manner from the traders and commission agents licensed under section 80;
- (iv) One member representing the Co-operative societies; which are marketing in agricultural produce: and
- (v) Two member representing the interests of consumers, of whom one shall be a member of the Legislative Assembly of Delhi.
- (2) The Vice-Chairman shall function as the chief executive officer of the Board.
6. **Incorporation of the Board**
- The Board shall be a body corporate and a local authority with the name “The Delhi Agricultural Marketing Board” having perpetual succession and a common seal, with power, subject to the provisions of the Act, to acquire, hold and dispose of property, and may by the said name, sue and be sued.

7. **Term of Chairman Vice-Chairman, Official Members and non-official members** The Chairman, the Vice Chairman and the official members shall hold office during the pleasure of the Government. Every non-official member shall hold office for a period of five years but shall, on the expiry of the term, be eligible for re-nomination provided that, notwithstanding the expiry of term of office, the non-official member shall continue in office until his successor has been nominated and has assumed office.
8. **Disqualification for membership** A person shall be disqualified, for being nominated as and for being, a member of the Board if he :-
- (a) does not ordinarily reside within Delhi;
  - (b) is below twenty-five years of age;
  - (c) has been removed from membership of a marketing committee under section 50;
  - (d) Is of unsound mind and stands so declared by a competent court; or
  - (e) Is an undischarged insolvent; or
  - (f) Has been convicted by a criminal court, whether within or outside Delhi, of any offence which, in the opinion of the Government, involves moral turpitude;
9. **Chairman to preside**
- (1) The Chairman, and in his absence, the Vice-Chairman shall preside over the meetings of the Board.
  - (2) All questions, which come up before a meeting of the Board, shall be decided by a majority of the votes cast by the members present and voting. In the case of equality of votes, the Chairman or in his absence, the Vice-Chairman when presiding over the meeting, may exercise a casting vote.
10. **Quorum at Board's meetings** Five members shall constitute the quorum at a meeting of the Board; provided that, if a meeting is adjourned for want of quorum, no quorum shall be necessary for transacting the same business in the next meeting to be held in accordance with the rules.
11. **Resignation Chairman and Members**
- (1) The Chairman of the Board may, by writing under his hand addressed to the Government and delivered to the Director, resign his office.
  - (2) A member may, by writing under his hand, addressed to the Government and delivered to the Chairman of the Board, resign his office.
  - (3) A resignation under sub-section (1) or sub-section (2) shall take effect from the date on which it is accepted by the Government.
12. **Pay, allowance and benefits to the Chairman and Vice-**
- (1) The Chairman and Vice-Chairman of the Board shall be entitled to receive such pay and or allowances and other benefits as may be determined by rules made in this behalf. If non-official is appointed as Chairman of

- Chairman of the Board** the Board, his remuneration and other benefits shall be such as may be determined by the Government.
- (2) The members of the Board shall be entitled to receive such allowances and other benefits for attending the meetings of the Board or for attending any other work, assigned to them by the Board, as may be determined by rules made in this behalf.
- 13. Removal of non-official members** The Government may remove from office any non-official member of the Board who has become subject to any of the disqualifications specified in section 8 or who, in its opinion, is remiss in the discharge of his duties or has ceased to represent the interests to which he was nominated;  
Provided that no such member shall be removed from office except after being given a reasonable opportunity of showing cause against the action proposed.
- 14. Filling up of casual vacancies** A vacancy occurring otherwise than by efflux of time in respect of non-official members of the Board shall be filled up, as soon as may be, by fresh nomination by the Government. The person so nominated shall hold office for the unexpired term of the member concerned.
- 15. APPROVAL OF BUDGET ESTIMATES OF THE BOARD** (1) Subject to the rules made under this Act, the estimates of the annual income and expenditure of the Board in the prescribed form for the ensuing year shall be prepared and passed by the Board and submitted every year, not later than the prescribed date, to the Government for its approval.
- (2) The Government may approve the budget of the Board as it is or with such alterations or modifications as it may think fit and the budget so approved by the Government shall be the budget of the Board for the year.
- (3) The budget, as approved by the Government, shall be returned to the Board within two months from the date of the receipt thereof and if it is not so returned within two months, it shall be presumed that the budget, as presented by the Board, has been duly approved by the Government.
- 16. Vacancies not to invalidate Board's action** No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy among its members or any defect in the constitution thereof.
- 17. Powers and functions of the** (1) The Board shall exercise superintendence and control over the marketing committees.

## Board

- (2) The Government of the Chairman or the Vice-Chairman of the Board or any other official of the Board authorized in this behalf by the Board may call for from any marketing committee or any trader, godown keeper or an other functionary operating within the market area any information or return relating to agricultural produce and shall have the power to inspect the records and accounts of such marketing committee, trader, godown-keeper or other functionary and shall also have power to seize or take into possession against proper receipt the records accounts books stocks of notified agricultural produce alongwith its containers and carriers.
- (3) It may authorize officer/officers of the Board and/ or marketing committees to inspect works undertaken by the marketing committees and Board and to take corrective measures.
- (4) Subject to the provisions of this Act and the rules and regulations made thereunder, the Board may employ such persons for the performance of its functions as it may consider necessary and the method of recruitment, the scale of pay and other conditions of service of such persons shall be such as may be provided in the regulations made by the Board in this behalf.
- (5) The Board shall, subject to the provisions of this Act, perform the following functions and shall have the power to do such things as may be necessary or expedient for carrying out these functions, namely :-
  - (i) Coordination of the working of the marketing committees and other affairs thereof including programmes undertaken by such marketing committees for the maintenance of markets, sub-markets, check posts and other sites in the market areas;
  - (ii) Undertake the planning and development of markets for agricultural produce;
  - (iii) Administer the Market Development Fund;
  - (iv) Issue direction to Marketing Committees in general or to one or more Marketing Committees in particular with a view to ensuring improvement thereof;
  - (v) Any other function specially entrusted to it by this Act;
  - (vi) Such other functions of like nature as may be entrusted to the Board b the Government.

- (6) With at prejudice to the generality of the foregoing provision, such functions of the Board shall include :-
- (a) To consider proposals for selection of new site (s) for establishment of the market and to make recommendations to the Director for establishing principal market and sub-markets as per provision of sub-section (2) of section 22;
  - (b) To approve proposal for providing infrastructural facilities in the market and market area;
  - (c) To construct a market or to approve plans, designs and estimates for constructing markets;
  - (d) To sanction, supervise and guide a Marketing Committee in the preparation of plans and estimates for maintenance and improvement works undertaken by the Marketing Committee;
  - (e) To execute all works chargeable to the Market Development Fund;
  - (f) To encourage marketing of the agricultural produce on cooperative basis;
  - (g) To maintain accounts in such forms as may be prescribed and get the same audited in such manner as may be prescribed;
  - (h) To publish annually at the close of the financial year, its progress report, balance sheet and statement of assets and liabilities and send copies thereof to all the members of the Board and a copy to the Government;
  - (i) To make necessary arrangements for dissemination of information on matters relating to regulated marketing of notified agricultural produce;
  - (j) To provide facilities for the training of officers and members of the staff of the Board as also the Marketing Committees;
  - (k) To prepare and adopt its budget for the ensuing year;
  - (l) To sanction the budget of the Marketing Committees;
  - (m) To grant subventions or loans to the Marketing Committees for the purposes of this Act on such terms and conditions as the Board may determine;
  - (n) To arrange or organize seminars or workshops or exhibitions, etc. on subjects related to agricultural marketing;
  - (o) To perform such other functions as may be of general interest to the Marketing Committees or considered necessary for efficient functioning of the Board or the Marketing Committees.
  - (p) To transfer or to provide marketing technology and market assistance to the Marketing Committees as and

when required.

The Vice-Chairman of the Board shall-

**18. Functions and powers of the Vice-Chairman**

- (i) Discharge all functions as chief executive officer of the Board and make appointments and exercise supervision and control over the officers and members of the staff of the Board and the Marketing Service in matter including those of executive or administrative in nature as laid down in service regulations;
- (ii) Ensure maintenance of accounts and records;
- (iii) Dispose of all questions relating to the service of the employee as per the procedure laid down in the regulations;
- (iv) Appoint officers and members of the staff of the Board and Marketing Service as per procedure laid down in the regulations;
- (v) Incur expenditure from the Market Development Fund on works and other items as per powers delegated to him by the Board;
- (vi) In case of emergency, direct the execution or stoppage of any work and perform any function which requires the sanction of the Board;
- (vii) Prepare the annual budget of the Board;
- (viii) Arrange internal audit of the Board;
- (ix) Discharge any other duties which may be assigned to him by the Board from time to time.
- (x) Take steps for execution of the decisions of the Board;
- (xi) Inspect works undertaken by the Marketing Committees and Board and take corrective measures;
- (xii) Report to the Government such acts of the Marketing Committees or of the Board which are contrary to the provisions of this Act or the rules, regulations or bye-laws made thereunder; and
- (xiii) Take such steps as may be deemed necessary for effective discharge of the functions of the Board.

Secretary of the Board shall-

**19. Functions of the Secretary of the Board**

- (i) Arrange meetings of the Board;
- (ii) Maintain record of the proceedings of the meetings of the Board in the prescribed manner.
- (iii) Discharge other functions as may be assigned to him by Vice-Chairman of Board from time to time.

**20. Delegation**

The Board may, with the previous approval of Govt. and by notification, delegate any of its powers other

than the power to make regulations, not inconsistent with the provisions of the Act and rules made thereunder, to its Vice-Chairman and other officers.

**21. Powers to make regulations for administering the affairs of the Board**

- (1) The Board may, with the previous approval of the Government, make regulations, not inconsistent with this Act and the rules made thereunder, for the administration of the affairs of the Board.
- (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:-
  - (i) The summoning and holding of meetings of the Board, the time and date when such meetings are to be held, the conduct of business at such meetings;
  - (ii) The powers and duties of the officers and other employees of the Board and the Marketing Committees;
  - (iii) The salaries and allowances, loans and advances, and other conditions of service of officers and other employees of the Board and of the Marketing Committee;
  - (iv) The recruitment, qualification, appointment, promotion, scale of pay, leave, leave allowance, acting allowance, loans, pension, gratuity, annuity, compassionate fund, provident fund, Pension Fund, suspension, dismissal, removal, conduct, departmental punishment, appeals and other conditions of service of the members of the Marketing Service and other staff;
  - (v) The management of the property of the Marketing Committee and the Board;
  - (vi) The execution of contracts and assurance of property on behalf of the Board;
  - (vii) The maintenance of accounts and preparation of balance sheet of the Board;
  - (viii) The procedure for carrying out the functions of the Board under this Act;
  - (ix) Any other matter for which provision is to be or may be made in the regulations;

**22. Dissolution**

The Government shall exercise superintendence and control over the Board and may call for such information as it may deem necessary and in the event of its being satisfied that the Board is not functioning properly or is persistently making default in the performance of the duties imposed on it by or under this Act or is exceeding or abusing its powers or is guilty of corruption or mismanagement, the

Government may by an order published, together with a statement of reasons thereof, in the official Gazette, dissolve the Board till such time as a New Board is constituted, and make such arrangements for the exercise of the functions of the Board as it may think fit.

Provided that no order of dissolution as aforesaid shall be made except after giving the Board a reasonable opportunity of showing cause against the action proposed:

Provided further that a new Board shall be constituted within a period of six months from the date on which the Board is dissolved.