

CHAPTER VI
CONSTITUTION OF THE MARKETING COMMITTEE

- 35. Constitution of the Marketing Committee**
- (1) Without prejudice to the provisions of section 26, there shall be constituted, by order to be published in the official gazette, by the Government for every market area a Marketing Committee and different Marketing Committees may be constituted for regulating the marketing of different kinds of notified agricultural produce marketed in the same market area or any part thereof.
- (2) Every Marketing Committee shall exercise such powers and discharge such functions as may be vested in it by or under this Act.
- 36. Composition of the Marketing Committee**
- (1) Subject to the provisions of sub-section (2), the Government may constitute a Marketing Committee consisting of the following eleven members;
- (a) Three persons to be nominated by the Government who are agriculturists possessing such qualifications as may be prescribed:
Provided that one of them shall be a member of the schedule castes or other backward classes;
- (b) Two members to be elected in the prescribed manner from the traders and commission agents holding licences to operate as such in the market area;
- (c) One member to be nominated by the Government from the amongst the President or Chairman of the co-operative societies engaged in the business of processing or marketing of the notified agriculture produce in the market area:
- (d) One member to be chosen in the prescribed manner from the local authority within the local limits whose jurisdiction the principal market in relation to that Marketing Committee is situated;
- (e) One member to be elected in the prescribed manner by the licensed weighmen and measurers;
- (f) One member of the Legislative Assembly of Delhi to be nominated by the speaker to represent the interest of consumers;
- (g) Two members to be nominated by the Government of whom one shall represent the interests of consumers;
- (2) When a Marketing Committee is constituted for the first time, under this act all the members thereof, including the Chairman and the Vice-Chairman;
- (3) Every Marketing Committee shall have a Chairman

- and a Vice-Chairman;
- (4) Without prejudice to the provisions of sub-section(2) the Chairman and the Vice-Chairman shall be elected by the members of the Marketing Committee.
- 37. Incorporation of the Marketing Committee** Every Marketing Committee including a Marketing Committee for market (s) of National Importance shall be a body corporate and a local authority and to be caused by such name as the Government may, by notification, specify, shall have perpetual succession and a common seal, with power, subject to such restrictions as are imposed by or under this Act, to contract and to acquire, hold and dispose of property, both movable and immovable, and may by the said name sue or be sued.
- 38. Manner of election of members of the Marketing Committee** The manner of election, preparation and maintenance of the lists of voters qualifications and disqualifications for membership and of Chairman and Vice-Chairman, the right to vote, making deposit and its forfeiture, determination of election disputes, publication of the names of the members elected, and or matters ancillary thereto shall be such as may be prescribed.
- 39. Failure to elect members** If, for any reason, voters of a category fail to elect a member to a Marketing Committee the Director shall publish a notice in the official Gazette requiring tem to elect the requisite number of members within one month from the date of publication of such notice; and on failure to elect the requisite number of members within the aforesaid period, the Government may nominate the requisite number of persons qualified to be elected under this Act, representing that category.
- 40. Publication of names of member of a Marketing Committee** The names of the members of a Marketing Committee shall, as soon as possible, be published in the official Gazette. Upon the publication of the names of all the members of a Marketing Committee or upon publication of the names of atleast nine members of such committee in the official Gazette, the Marketing committee shall be deemed to have been duly constituted.
- 41. Duration of the Marketing Committee** Except a otherwise provided in this Act, a Marketing Committee shall continue for three years from the date of its constitution under section 40; Provided that the Government may, by notification, published in the official Gazette, extend its duration for such period as it may be deemed fit but not exceeding one year in the aggregate.
- 42. Creation of** (1) The superintendence, direction and control of the

Election Fund

preparation of the list of voters, and conduct of elections to a Marketing Committee and the Board shall vest in the Director.

- (2) All expenses in connection with the preparation of the list of voters and the conduct of election to a Marketing Committee, and to the Board, as may be sanctioned by Director, shall be defrayed from the Election Fund of Market Fund ad Market Development Fund. For this purpose, the Marketing Committee and the Board shall place at the disposal of the Director such Funds in advance which he considers necessary for he discharge of the functions conferred on him by sub-section (1)

43. Election of Chairman and Vice-Chairman and procedure for election

- (1) Within thirty days of the publication of the names under section 40, the first meeting of the Marketing Committee shall be convened by the Director for the election of the Chairman and Vice-Chairman.
- (2) Such a meeting shall be presided over by the Director or any person authorized by him in his behalf.
- (3) The presiding authority shall have the same powers as the Chairman, while presiding over a meeting of the Marketing Committee, but shall not have the right to vote.
- (4) If, at the election of the Chairman or of the Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the person presiding over the meeting and in such manner as he may determine.
- (5) In the event of a dispute arising as to the validity of election of the Chairman or the Vice-Chairman, the Director if he is the presiding officer, shall decide the dispute himself, and, in an other case, the person presiding shall refer the dispute to the Director for decision and the decision of the Director, subject to an appeal to the Government, shall be final, and no suit or other proceeding shall lie in any court in respect of any such decision.
- (6) If the first meeting referred to in sub-section (1) cannot, for any reason, be held within the said period of thirty days, the Director shall report the fact to the Government stating the reasons for the failure to hold the meeting and shall act according to the directions of Government issued in that behalf.

44. Term of office of Chairman and Vice-Chairman

The Chairman and Vice-Chairman shall notwithstanding the expiry of their term of office, continue to hold office until their respective successors

enter upon their offices:

Provided that the Chairman, or the Vice-Chairman as the case may be shall vacate his office if he ceases to be a member of the Marketing Committee

- 45. Resignation of Chairman and Vice-chairman**
- (1) The Chairman of the marketing committee may resign his office by writing under his hand, addressed to the Director, and resignation shall take effect from the date on which it is accepted by the Director.
 - (2) The Vice-Chairman of the marketing committee may resign his office by writing under his hand, addressed to the Chairman; and the resignation shall take effect from the date on which it is accepted by the Chairman.
Provided that the resignation from the office of the Chairman or the Vice-Chairman, as the case may be, shall not be deemed to be resignation from membership of the Marketing Committee.
- 46. Consequences of absence of Chairman without leave**
- Subject to the rules made in this behalf, the Chairman of a Marketing Committee, who absents himself from three consecutive meetings of the committee, without leave of the Director, shall cease to be the Chairman on and from the date on which the third such meeting is held.
- 47. Casual vacancy of offices of Chairman and Vice-Chairman**
- Subject to the rules made in this behalf, the Chairman of a Marketing Committee, who absents himself from three consecutive meetings of the committee, without leave of the Director, shall cease to be the Chairman on and from the date on which the third such meeting is held.
- (1) In the event of a casual vacancy in the office of the Chairman or the Vice-Chairman, the vacancy shall be filled as soon as possible-
 - (a) By nomination, in the case of a Marketing Committee constituted for the first time; and
 - (b) In any other case in the manner provided in section 43;
- 48. Refusal to hand over charge to new Chairman or Vice-Chairman**
- (1) On nomination or election of the Chairman or Vice-Chairman as the case may be, the outgoing Chairman or Vice-Chairman shall forthwith hand over charge of his office the successor-in-office.
 - (2) If the outgoing Chairman or Vice-Chairman fails or

refuses to hand over the charge of his office, under sub-section 1, the Director or any person authorized by him in this behalf may, by order in writing direct the outgoing Chairman or Vice-Chairman, as the case to be, forthwith to hand over the charge of his office together with all records, funds and property of the Marketing Committee, if any, in his possession as such Chairman or Vice-Chairman.

- 49. Resignation of members and nomination in certain circumstances**

 - (3) If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) does not comply with such direction, the Director or any other person authorized by him in this behalf shall have the same powers as are vested in a civil court under the Code of Civil procedure, 1908(5 of 1908) while executing a decree.
 - (1) A member of a Marketing Committee may resign his office by writing under his hand, addressed to the Chairman, The resignation shall take effect from the date on which it is accepted by the Chairman.
 - (2) If at any time it appears to the Government that any Marketing Committee, by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act, the Government may, by notification, nominate persons from the respective category of members to fill the vacancies of the members who have resigned and the persons so nominated shall hold office for the remainder of the term of the Marketing Committee.
- 50. Removal of members on account of misconduct**

The Government, may on a resolution passed by the Marketing Committee, supported by not less than seven members of that committee, remove any member if he has been held guilty of neglect or misconduct in the discharge of his duties or of any, disgraceful conduct or has become incapable of performing his duties as a member or has been adjudged insolvent:
Provided that no such member shall be removed from office unless he has been given a reasonable opportunity of being heard by the Government.
- 51. Casual vacancies**

The Chairman of Marketing Committee shall forthwith communicate the occurrence of a casual vacancy to the Director and the vacancy shall be filled, as soon as possible, from the respective category of members in the prescribed manner who shall hold office for the remainder of the term of the Marketing Committee.

Provided that where the remainder of the period for which the Marketing Committee would have continued is less than six months, it shall not be necessary to fill the vacancy for the period, unless the Government directs otherwise.

52. Members to Act during vacancy, Acts of Marketing Committee not to be invalidated by infirmities

A Marketing Committee shall have the power to Act, notwithstanding any vacancy in the membership, or any defect in the constitution thereof, and the proceedings of a marketing committee shall be valid notwithstanding that some person, who was not entitled to be a member, had attended, voted or otherwise taken part in the proceedings of any such committee.

53. Procedure a meetings of the Marketing Committee

The quorum for a meeting of a Marketing Committee and the [procedure to be followed there at shall be regulated in accordance with the bye-laws made for the purpose by the Marketing Committee.

54. Payment of allowances to members

The Chairman, Vice-Chairman and other members of the Marketing Committee shall be paid from the Marketing Committee's Fund such honorarium, sitting fees, traveling allowances and other allowances as may be prescribed.