

CHAPTER-VII
MARKETING COMMITTEES-POWER AND DUTIES

55. Powers and duties of the Marketing Committees

- (1) Subject to the provisions of this Act, it shall be the duty of a Marketing Committee :-
- (i) To implement the provisions of this Act, and rules, regulations and bye-laws made there under for the market area;
 - (ii) To provide such facilities for marketing of notified agricultural produce therein as the Board may, from time to time, direct;
 - (iii) To perform other functions as may be required in relation to the superintendence, direction and control of markets, or for regulating and control of markets, or for regulating the market area and for purposes connected with the matters aforesaid, and, for this purpose, may exercise such powers and perform such duties and discharge such functions as may be provided by or under this Act.
- (2) Without prejudice to the generality of the foregoing provisions, a Marketing Committee may-
- (a) Regulate the entry of the persons and of vehicular traffic into the market;
 - (b) Supervise the conduct of those who enter the market for transacting business;
 - (c) Grant, renew, refuse suspend or cancel licenses;
 - (d) Provide for settling disputes arising out of any kind of transaction connected with the marketing of notified agricultural produce and all matters ancillary thereto;
 - (e) Prosecute persons for violating the provisions of this Act and to the rules regulations and by-laws made thereunder;
 - (f) Maintain and merge the market, including the regulation of admissions to, and conditions for use of, the market;
 - (g) Regulate the marketing of notified agricultural produce in the market area and the market, and the weighing, delivery of and payment for, such agricultural produce;

Explanation- For the purposes of clause (g), the word 'regulate' shall include-

- (i) Making, carrying out, enforcing or canceling of any contract of sale of a notified agricultural produce;
- (ii) Conducting or supervising of a transaction of sale or

purchase of a notified agricultural produce in accordance with the procedure laid down under this Act, or rules, regulations and by-laws made thereunder;

- (iii) Specifying any place or spot where a notified agricultural produce shall be stored or displayed for purpose of sale by open auction;
- (iv) Fixing the time for holding action; and
- (v) Canceling an auction if it is not held in the presence of the employees of the marketing committee.
- (h) Arrange for the collection-
 - (i) Of such notified agricultural produce in the market in which all trade therein is to be carried on exclusively by the Government by or under any law for the time being in force for that purpose, or
 - (ii) Of such other notified agricultural produce in the market as the Government may, from time to time notify in the official Gazette.
- (i) Collect, maintain, disseminate and supply information in respect of production, sale storage, processing, prices and movement of notified agricultural produce (including information relating to crop-statistics and market intelligence) as may be required by the Director or the Board;
- (k) Take all such steps to prevent adulteration and to promote grading and standardization of such agricultural produce, as may be prescribed;
- (l) Enforce the provisions of this Act and of the rules, regulations and bye-laws made thereunder including the conditions of the licenses granted, under this Act;
- (m) Perform such other duties as may be prescribed;
- (n) Arrange to obtain fitness certificate of health from a veterinary doctoring respect of animals, cattle or birds brought for sale of sold in the market/ sub-market;
- (o) Disseminate information about the benefits of regulation, the system of transaction, facilities provided in the market yard, etc. through such means as posters, pamphlets, hoarding, cinema slides. Film shows. Group meetings. Etc., or through any other means considered by it more effective of necessary;
- (p) Ensure payment in respect of a transaction which takes place in a market to be made on the same day to the seller, and in default thereof to seize the agricultural produce in question alongwith other property of the commission agent or purchaser if no commission agent is involved in the transaction.

- (q) Make arrangement for weigh men palledars for weighing and transporting of goods in respect of transactions held in the market yard/sub-yard;
- ® Recover the charges in respect of weigh men and palledars and distribute the same to weigh men and palledars if not paid by the purchaser or seller, as the case may be.
- 56. Inspection of accounts etc. by officers of a Marketing Committee**
- All accounts and other registers maintained by any person in the ordinary course of his business in respect of any notified agricultural produce and all documents relating to sale and deliveries of such agricultural produce in his possession and in his office, establishment, godown, vessel or vehicle shall be open to inspection at all reasonable time by such officers and servants of the Marketing Committee as may be authorized in this behalf by it in writing.
- 57. Seizure of accounts books, etc. and conducting of search thereof**
- (1) If any officer or servant referred to in section 56 of the marketing committee has reason to suspect that any person has evaded/ is attempting to evade the payment of any market fee or any other charges due from him under this Act, or the rules or regulations or the by-laws made thereunder, or that any person has purchased any notified agricultural produce in contravention of any of the provisions of this Act, or rules or regulation or the by-laws made thereunder in force in the market yard/area, he may for reason to be recorded in writing, seize such accounts, registers or documents, stock of notified agricultural produce with containers and carriers of such person as may be necessary and shall issue a receipt for the same. He shall retain them so long as may be necessary for prosecution, and no longer,
- (2) For purposes of section 56 or sub-section (1), the officer or servant may enter and search any place of business warehouse, office, establishment, godown, vessel or vehicle where such officer or servant has reason to believe that such person maintains or for the time being keeps or maintains any accounts, register or documents of his business or keeps stocks of notified agricultural produce relating to his business.
- (3) The provisions of sub-section(4) to (8) of section 180 of the Code of Criminal Procedure 1973 (2 of 1974) shall, so far as may be. Apply to search under sub-section (2)
- 58. Examination of contents of**
- (1) At any time when so required by any officer or servant of a market committee empowered by it in this behalf,

**vehicles etc. and
their, seizure**

whenever any vehicle, vessel or other conveyance, enters or leaves or proposes to enter or leave the market area or the market, the driver of the vehicle, vessel or other conveyance shall stop the vehicle, vessel or other conveyance, as the case may be, and keep it stationary as long as may be reasonably necessary and allow such officer or servant to examine the contents of the vehicle, vessel or other conveyance, the place of destination and full particulars of the consignee of goods or the name and address of the traders or commission agent.

- (2) The officer or servant of the Marketing Committee empowered under sub-section (1) shall have power to seize any notified agricultural produce taken or proposed to be taken out of the market area in any vehicle, vessel or other conveyance, if such or servant has reason to believe that any fee or other amount due under this Act, in respect of such produce has not been paid. Such seizure shall be reported forthwith by the officer or servant aforesaid to a Magistrate having jurisdiction to try the offence under this Act, and the provisions of section 457,458 and 459 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to relation to the notified agricultural produce seized as aforesaid as they apply in relation to the property seized by a police officer.

**59. Removal of
encroachment**

Any officer or servant of the marketing committee or the Board duly empowered by the Chairman of the market committee or Vice-Chairman of Board as the case may be in this behalf shall have power to remove summarily any encroachment in any space in the market yard and sub-yard and the expenses of such removal shall be paid by the person who has caused the said encroachment and shall be recovered in the same manner as arrears of land revenue.

Explanation:- For the purposes of this section; encroachment shall also include storing or exposing for sale any kind of agricultural produce at a place in the market yard an sub-yard the use of which is prohibited by the Marketing Committee for purposes marketing.

**60. Appointment of
sub-committees
delegation of
powers**

A Marketing may constitute one or more sub-committees consisting of such members of the committee as it may think fit and may, subject to such restrictions and conditions as ma be specified in the regulations, delegate to such sub-committees such of

its powers or duties as it may think fit;

Provided that a sub-committee may, with the approval of the Board or of the officer authorized by the Board in this behalf, co-opt any persons who is not member of the Marketing Committee.

61. Power of the Marketing Committee to open collection centers for marketing of specified produce and provisions for receipt and payment by purchaser

- (1) A Marketing Committee duly authorized by the Director by notification published in the Official Gazette, for the purpose, may, by an order published in the Official Gazette and in such other manner as it deems fit, for the information of the public, open collection centers for collecting thereat the produce specified in such order (hereinafter referred to as the "specified produce").
- (2) If a person wishes to sell any specified produce in a market area, he shall tender all such produce at the collection centre only established for the purpose under sub-section(1);
Provided that any such specified produce may be tendered through a commission agent or any agency specified by order by the Director in this behalf;
- (3) The Marketing Committee shall, on the sale of such produce, get it weighed, measured or counted, as the case may be, forthwith and arrange for the issue of a receipt thereof to the person who has tendered the produce at the collection centre for sale, or, to the commission agent or any agency, as the case may be, and shall also arrange to supply a copy of the receipt to the purchaser.
- (4) Such receipt shall contain the following particulars, that is to say-
 - (i) Name of the collection centre;
 - (ii) Name of the tenderer;
 - (iii) Name of the purchaser;
 - (iv) Name of the commission agent or agency, if any;
 - (v) Name of the specified produce, the weight, measure or number thereof, as the case may be, and the fees paid for weighing, measuring or counting such produce;
 - (vi) Grade and variety of specified produce, if any, and the rate;
 - (vii) The amount to be paid to the Marketing Committee by the purchaser or the commission agent, where the sale is through such agent;

- (viii) The amount to be paid by the tenderer to the commission agent by way of his commission, if any, and such other market charges, as are duly authorized by the Marketing Committee;
 - (ix) The amount to be paid by the tenderer to a co-operative society under the Delhi Co-operative Societies Act, 1972 (35 of 1972);
 - (x) The amount of advance received by the tenderer, from the purchaser, if any, in respect of the specified produce;
 - (xi) The amount to be actually paid to the tenderer after deducting the amounts, if any, falling under clause (vii), clause(viii),(ix) or clause (x); and
 - (xii) The total amount to be paid by the purchaser in respect of the specified produce purchased by him.
- (5) The dues payable to a Marketing Committees under clause (vii) of sub-section (4) shall consist of fee to be levied and collected from a purchaser by or under this Act.
- (6) The purchaser shall on receiving a copy of the receipt, pay forthwith the amount to be paid by him that is to say the sale value of he produce and the amount of market fee to the commission agent or agency as the case may be in cash, or through cheque or through a bank draft and the amount of the market fee so received, by commission agent or agency shall be deposited with the Marketing Committee alongwith the sale return, The purchaser shall also pay the amount of commission to the commission agent or agency as per by-laws of the Marketing Committee. He commission agent and/or agency as these may be shall arrange amount to the tenderer/seller after sale of the produce in cash or through cheque or through bank draft after deducting the charges as laid down in the bye-laws of the Marketing Committee.

62. Power to levy and collect market fee

Every Marketing Committee shall levy and collect such fee (hereinafter referred to as the “market fee”) not being in excess of, or less than, the amount determined by the Government by notification published in the official Gazette from every purchaser of notified agricultural produce sold in a market area; Provided that the amount to be determined by the Government shall not be less than one rupee per one hundred rupees of the sale price of the notified agricultural produce.

63. Presumption

For purpose of section 62, all notified agricultural

- regarding sale of agricultural produce**
- 64. Market fee to be collected once only**
- produce leasing the market or market area shall , unless the contrary is proved, be presumed to have. Been sold in the market or the market area.
No market fee shall be levied and collected in the same market area again in relation to the notified agricultural produce in respect of which such fee under this Act, has already been levied and collected.
- 65. Collection of market fee from commission agent**
- Where sale or purchase of notified agricultural produce in the market is made through a commission agent, the market fee, if not paid to the Marketing Committee under sub-section (6) of section 61, shall be collected from such commission agent in the manner hereinafter given, namely-
- (a) The market fee payable under this Act shall be pad by the commission agent at such intervals as may be specified by the Marketing Committee in the by-laws;
 - (b) Every commission agent shall furnish periodical return showing receipt of agricultural produce by him and his turn-over to the Marketing Committee in the bye-laws;
 - © Every commission agent shall pay to the Marketing Committee in the manner and at such intervals as specified in the by-laws the full amount of the market fee due from him under Act, according to the return refer to in the clause (b) and shall furnish the receipt showing payment alongwith such return;
- Explanation:- For purposes of this section-
- (i) “turn-over of the commission agent shall mean the aggregate amount of sale price of the notified agricultural produce during the period to which the return relates, whether actually received or not;
 - (ii) “return” shall mean the return in the form as prescribed in the by-laws and accompanied by a receipt showing proof of full payment of the market fee according to such return.
- 66. Assessment market fee payable by commission agent and payment thereof.**
- (1) If no return is furnished in respect of any period by the specified date, or if the Marketing Committee is not satisfied that the return furnished by commission agent is correct or complete, an officer of the Marketing Committee specifically authorized by it in this behalf (hereinafter referred to as the assessing officer) shall proceed in such manner, as may be prescribed in the by-laws to assess, to the best of his judgement, the amount of market fee due from such commission agent:
Provided that before finalizing any such assessment, the commission agent concerned will be given a

reasonable opportunity of showing cause as to why the assessment should not be finalized.

- (2) The amount of the market fee assessed under sub-section (1), less than sum, if any, already paid, shall be paid by the commission agent within fifteen days from the date of the receipt of the assessment order by him.
- (3) If any commission agent fails to pay the amount of market fee as required by sub-section (2), he shall, in addition to market fee due, be liable to pay simple interest on the amount so due at two percent per month from the date immediately following the last date for submission of return under clause (b) of section 65, upto the date of assessment under sub-section (1) and at the rate of three percent per month thereafter till realization.

67. Appeal by commission agent against assessment of market fee

- (1) Any commission agent aggrieved by any order of the assessing officer under section 66 may appeal to the Director, in the manner prescribed, within thirty days of the receipt of such order by the commission agent.

(2) The Director may pass order on an appeal referred to in sub-section (1),-

- (a) Confirming, reducing or enhancing the assessment; or
- (b) Setting aside the assessment and directing the assessment officer to make a fresh assessment after such further enquiry as may be directed:

Provided that no order enhancing the assessment shall be made unless the appellant has been given a reasonable opportunity of making a representation against such enhancement.

68. Order of appellate authority is final

The order made by the Appellate Authority under sub-section (2) of section 67 shall be final and binding upon the commission agent and the marketing committee.

69. Liability to pay market fee by a firm, etc.

- (1) Notwithstanding in any context to the contrary, where any firm is liable to pay market fee under this Act, the firm and each of the partner of the firm shall be jointly and severably liable for such payment:

Provided that where any such partner retires from the firm, he shall intimate the date of his retirement to the Marketing Committee by a notice in this behalf in writing and shall be liable to pay the market fee remaining unpaid at the time of his retirement any market fee due upto the date of his retirement though unassessed on that date:

Provided further that if no such intimation is given

within fifteen days of the date of his retirement, the liability of the partner shall continue until the date on which such intimation is received by the Marketing Committee.

Explanation:- For the purpose of this section, the expression “firm” included a company, or a corporation or a public body.

- (2) Where a trader or a commission agent is a firm or an association of persons or a Hindu Undivided Family and such firm, association or Family has discontinued business:-
 - (a) The market fee payable under this Act, by such firm, association or Family upto the date of such discontinuance may be assessed as if no such discontinuance had taken place; and
 - (b) Any person, who was at the time of such discontinuance a partner of such firm or a member of such association or Family shall, notwithstanding such discontinuance, be liable to pay the market fee assessed whether such market fee has been assessed prior to or after such discontinuance and subject as aforesaid the provisions of this Act shall, so far as may be, apply as if every such person or partner or member was himself a trader or a commission agent.
- (3) The provision of sub-section (2) shall so far as may be, apply where the trader or commission agent being a firm or association of persons is dissolved or where the trader or commission agent being a Hindu Undivided Family has effected partition respecting the business carried on by it and accordingly reference in that sub-section to “discontinuance” shall be construed as reference to “dissolution” or “partition” as the case may be,

Where a trader or commission agent dies-

70. Liability to pay market fee in case of death or a trader or a commission agent

- (a) If the business carried on by the trader or commission agent is continued after his death by his legal representative by any other person, such legal representative or any such person shall be liable to pay the market fee due from the trader or commission agent under this Act whether such market fee may have been assessed before or after his death but has

remained unpaid and the provisions of this act, shall, so far as maybe, apply to such legal representative or other person as if he were the trader or commission agent himself.

- (b) If the business carried on by the trader or commission agent is discontinued after his death, his legal representative shall be liable to pay, out of the estate of the deceased, to the extent estate is capable of meeting, the amount of the market fee due from the deceased whether such market fee has been assessed before or after his death but has remained unpaid

Explanation:- For the purpose of this sub-section “legal representative” has the meaning assigned to it in clause (ii) of section 2 of the Code of Civil Procedure, 1908 (5 of 1908);

71. Intimation about change of constitution of a firm etc. Every trader or commission agent shall furnish to the Marketing Committee the information about the change of constitution, discontinuance of the business, dissolution, partition of a firm, company, corporation, association of persons, etc. or the death of any person connected therewith within fifteen days of the occurrence of any of such event.

72. Power to and grant loans

(1) The Marketing Committee may, for the purposes of meeting the expenditure on lands, buildings and equipment required for establishing the market , obtain a loan from the Government on such terms and conditions as it may determine.

(2) A Marketing Committee may, with the previous approval of the Board, obtain loans from the other marketing committees on such conditions, as may be specified by the Board.

(3) A Marketing Committee shall grant loan to another Marketing Committee, if so directed by the Board, for carrying out the purposes of the Act,

73. Execution of contract

(1) Every contract entered into by a Marketing Committee shall be in writing and shall be signed on its behalf by the Secretary.

- (2) No contract, other than a contract executed as provided in sub-section (1) shall be binding on the Marketing Committee:

74. Certain disputes regarding construction of rules, etc, about weights and measures to be

(1) If any dispute arises between an Inspector appointed under the Standards of weights and Measures (Enforcement) Act,1985(54 of 1985) and any person interested, as to the meaning of construction of any rule made under the Act or as to the method of verifying, re-verifying, adjusting or stamping any

**decided by the
Controller of
weight and
measures**

weight or measure or weighing or measuring instrument, in any market area, such dispute may, at the request of the person interested or of the Inspector be referred to the Controller appointed under the Act, and the decision of the Controller shall, subject to the provisions of sub-section (2), be final.

- (2) An appeal shall lie, within such time and in such manner as may be prescribed, against the decision/order under sub-section (1) to the Lieutenant Governor or such officer as he may, by order, appoint in this behalf and the decision of the Lieutenant Governor or such officer, as the case be, shall be final.