
ASSAM STATE AGRICULTURAL PRODUCE MARKETS (GENERAL) RULES, 1975

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ASSAM STATE AGRICULTURAL PRODUCE MARKETS (GENERAL) RULES, 1975

In exercise of the powers conferred under S. 49 (1) of the Assam Agricultural Produce Markets Act, 1972 (Act XXIII of 1974) the Governor of Assam is pleased to notify that the Assam Agricultural Produce Markets (General) Rules, 1975, framed under the above mentioned Act comes into force, with effect from 15th June, 1977.

1. Short title, extent and commencement :-

- (1) These Rules may be called the Assam Agricultural Produce Markets (General) Rules, 1975.
- (2) These Rules shall come into force at once.

2. Definitions :-

- (1) "Act" means the Assam Agricultural Produce Markets Act, 1972.
- (2) "Buyer" includes a person buying any agricultural produce himself or on behalf of any other person or organisation or firm as his/its agent or as commission agent for re-sale.
- (3) "Deputy Commissioner" means the Deputy Commissioner of the district having jurisdiction over the notified market area or if such area is situated in more than one districts, such Deputy Commissioner of one of these districts as may be specified by the Government in this behalf.
- (4) "Form" means a form appended to these Rules.
- (5) "Incidental charges" means the charges payable by the seller in lieu of the services rendered in connection with handling of agricultural produce prior to the finalisation of the bid at the auction, such as unloading, cleaning and dressing charges and shall also include remuneration for weighing of agricultural produce after finalisation of the bid at the auction.
- (6) "Faria" means a petty dealer and also includes an agent who in consideration of commission, offers his services to purchase or sell agricultural produce.
- (7) "Maintenance" in relation to office premises shall include the payment of local rates and taxes and charged for electricity and water as also charges for telephone including trunk calls made in

connection with the affairs of the Board or of the Market Committee and relation to residential quarters shall include the payment of local rates and taxes and charges for water as also charges for telephone including trunk calls made in connection with affairs of the Board or of the Market Committee, provided the residential quarters are the property of the Board or of Market Committee and in case of private residences it shall include only the charges for telephone including trunk calls made in connection with the affairs of the Board or of the Market Committee.

(8) "Market charges" means all charges payable by the buyer in lieu of the services rendered in connection with the handling of agricultural produce after the finalisation of the bid at auction, such as the commission of Faria, brokerage, auction charges, remuneration for helper, filling and sewing but does not include remuneration for weighing.

(9) "Helper" means a person who assists in loading, unloading, weighing, measuring, cleaning and dressing of agricultural produce.

(10) "Seller" includes a person selling agricultural produce himself, or on behalf of any other person as his agent or servant or commission agent.

3. Constitution of the Board :-

(1) For the purpose of enabling the Government to nominate non-official members

(i) Under S. 3 (1) (a) the Director of Agriculture, Government of Assam shall submit a panel of three names, from amongst progressive farmers or from rural social workers of long standing background who shall be small or marginal farmers to the Government of Assam for nomination of one from amongst them as Chairman of the Board.

(ii) Under S. 3 (I) (c) (i) untill such time the market committee are formed the Director of Agriculture, Government of Assam shall submit a panel of four names of agriculturists and thereafter the panel of four names will be from amongst the names of agriculturists members one each sent by the market committees to the Government of Assam for nomination of one agriculturist member of the Board.

(iii) Under S. 3 (1) (c) (ii) the Director of Agriculture, Government

of Assam shall submit a panel of four names from amongst the Chairmen of the Agricultural Farming Corporations to the Government of Assam for nomination of one member to the Board from the Agricultural Farming Corporations.

(iv) Under S. 3 (1) (c) (iii) the Director of Agriculture, Government of Assam shall submit a panel of six names of progresstve farmers representing various farming communities of the State of Assam and they shall be small or marginal farmers to the Government of Assam for nomination of two from amongst them to the Board.

(v) Under S. 3(1) (c) (iv) the Director of Agriculture, Government of Assam shall submit a panel of four names from amongst the licensees of each market areas representing different traders of agricultural produce in the markets to the Government of Assam for nomination of one member to the Board and such names will be selected by the Director of Agriculture, Government of Assam from a list of one such name sent from each market committee ; and until such time the market committees are formed this membership shall remain vacant.

(vi) Under S. 3 (1) (c) (v) the Registrar shall sumbit a panel of three names from amongst the Chairmen of the Co-operative Marketing Societies represented in the market committees, to the Government of Assam for nomination of one member to the Board, and till market committees are formed the panel shall consist from amongst the Chairmen of the Co-operative Marketing Societies of the market areas.

(2) The panels of names received under sub-R. (1) (i), (ii), (iii), (iv), (v) shall not be binding upon the State Government.

(3) The casual vacancies among non-official members of the Board and of the Chairman shall be filled up by calling a panel of names in the manner indicated in sub-R. (1), consisting of such number as the State Government may in each case direct.

(4) The term of office of non-official members shall commence from the date on which the appointment is notified in the official Gazette.

(5) For removing the Chairman or a non-official member of the Board who has become subject to any of the disqualifications specified in sub-S. (5) of S. 3 of the Act, as per sub-S. (7) of S. 3 of the Act the specified time to submit replies to the invitation

thereof by the State Government shall be three weeks from the date of issue of the letter inviting replies by the State Government.

(6) In the event of the supersession of the Board under S. 3 of the Act the powers, functions and duties of the Chairman and of the Board shall be exercised by the Director.

4. Control and superintendence of the market committees :-

For the purpose of enabling the Board to exercise superintendence and control over the market committees as per sub-S. (10) of S. 3 of the Act

(1) all the employees of the market committees shall be under control and superintendence of the Board ;

(2) the market committee shall be guided by the Board- The Board may also frame bye-laws

(a) for better marketing of agricultural produce on co-operative lines ;

(b) for uniform grading and standardisation of agricultural produce ;

(c) for the general improvement of the markets of their respective notified market areas :

(d) for the classification of the Committee on the basis of their income for the purpose of fixing the grades of their Secretaries and other employees ; and

(e) for any other purpose which, in the opinion of the Board is calculated to promote the interest of the Committees or to lead to improvement of marketing agricultural produce and agriculture in general.

(3) The Board shall sanction the budget of the Committees and the Committees shall submit their annual budget to the Board not later than the last week of February preceding the year to which the budget relates. If the budget is not received back by the Committee concerned within two months of the date of despatch it shall be presumed to have been sanctioned.

(4) The Board shall examine the annual assessment of work and progress of the Committees sent by the Chairman of the Committees in the form of Annual Reports including the audited accounts of the Committees for the preceding financial year not

later than the last week of May of the succeeding year. In case the Board disagrees with the Chairman of the Committee concerned, the Secretary of the Board shall convey the opinion of the Board to the Chairman of the Committee concerned and in that case the Chairman of the Committee shall send appropriate replies to the objections within the time specified by the Secretary of the Board.

(5) If the Board in its opinion finds that the financial position of a Committee does not warrant the payment of travelling and daily allowance and also the remuneration etc , if any, to the members of the Committee in the rates approved by the Committees, the Board may fix such scales of daily and travelling allowances or remunerations as the Board may think proper.

(6) References from Committees to any Government Department other than district authorities and local bodies shall be made through the Secretary of the Board. For the purpose of this sub-rule the term "Government" includes the State and also the Government of India, as the case may be. .

(7) The Chairman or the Secretary of the Board or any other employee of the Board not lower than the rank of that of an Inspector authorised in this behalf by the Secretary of the Board may at any time inspect, examine and check the weighing instruments, weights, measures kept by a Committee. After inspection the inspecting authority may give such directions as it may deem proper and the Committee shall be bound to comply with such directions. The inspecting authorities as prescribed herein may, at any time and without previous notice, inspect, examine and test any weighing instrument, weights or measures used, kept or possessed within a notified market area by a licensee, and every such licensee in possession of any such weighing instrument, weight or measure shall when required, be bound to produce before the person entitled so to inspect, examine and test it.

(8) The Chairman or the Secretary of the Board or any other employee of the Board authorised by the Board may at any time inspect and examine the records and the accounts of the Committee and issue such directions to the Committees as deem proper and the Committee shall be bound to comply with such directions.

(9) The Board shall issue instructions and directions to the Committees wherever necessary towards the fulfilment of the

objects and purposes of the Act and the Committee shall be bound to follow such instructions and directions.

5. Budget of the Board and Committee :-

(1) The Board shall meet not later than first week of February every year to finalise the budget for the next financial year. The budget shall be prepared by the Secretary of the Board met for the purpose.

(2) The budget finalised by the Board shall be submitted to the State Government for sanction not later than the last week of February preceding the year to which the budget relates, The State Government shall sanction the budget and return the budget within two months from the date of receipt thereof. If it is not received within two months it shall be presumed to have been sanctioned.

(3) In case the budget approved by the Board and submitted, the State Government returns it with comments to revise it within two months of the date of receipt of the budget from the Board, the Board shall convene its meeting immediately thereafter and finalise the revised budget as per comments of the State Government. The budget so revised and approved by the Board shall thereafter be immediately submitted to the State Government for sanction. The State Government shall sanction the revised budget within 15 days of receipt thereof and if the sanction of the revised budget is not received within 15 days of receipt by the State Government it shall be presumed to have been sanctioned.

(4) Until the dates stipulated under sub-Rr. (2) and (3) under this rule the Board shall incur the minimum interim expenditure within the budget submitted for sanction with prior approval of the State Government.

(5) No expenditure shall be incurred by the Board unless there is a provision in the budget to meet the same.

(6) The Board may re-appropriate any amount from one sub-head to another under a Head of Account without prior approval of the State Government. The Board shall obtain prior approval of the State Government for re-appropriation of amounts exceeding 10% of the total budget provision within different Heads of Accounts.

(7) The market committee shall follow the provisions of sub-R. (3) under R. 4 and sub-Rr. (1), (2), (3), (4), (5) and (6), under R. 5

for the purpose of preparation, approval and submission for sanction of budget and also for expenditure incurred under the sanctioned budget except that in the case of the market committees the sanctioning authority shall be the Board.

6. Functions and powers of Chairman and Secretary of the Board. :-

(1) The Chairman of the Board shall preside over the meeting of the Board. In case of absence of the Chairman the meeting of the Board shall elect its Chairman for the particular sitting of the meeting from amongst the members of the Board present. In the event of the removal of the Chairman by the State Government as per sub-S. (7) under S. 3 of the Act and also in the event of resignation by the Chairman as per sub-S. (6) under S. 3 of the Act, the State Government shall nominate one amongst the members of the Board to preside over the meetings of the Board till such time the regular Chairman is nominated by the State Government

(2) The Chairman of the Board shall be responsible for the administration of the Assam Agricultural Produce Markets Act, 1972 and shall subject to any other provision contained in these rules, exercise general control over the employees of the Board and those of Committees.

(3) Notwithstanding anything contained in the Act and in these rules the Chairman shall be the competent authority for according sanction of any expenditure not more than Rs. 10,000 in each item ; provided that such items of expenditure are in sanctioned budget and for any expenditure beyond Rs. 10,000 on individual item the Chairman shall obtain the approval of the Board.

(4) The Chairman shall exercise overall supervision on the market committees and he shall review the working and progress of the market committees and place such review before the Board for consideration and decision to be taken thereunder.

(5) The Chairman shall review the working and progress of the Board and direct the Secretary to include such review in the annual report of the Board to be placed before the annual budget meeting of the Board.

(6) The Secretary of the Board shall prepare the Agenda notes for the meeting of the Board and submit it to the Chairman for his

approval.

(7) The Secretary of the Board shall attend the meetings of the Board and keep notes and prepare the proceedings of the meeting.

(8) The Secretary of the Board shall prepare the annual budget of the Board and submit it to the Chairman for his approval for placing it in the meeting of the Board convened for the purpose of finalising annual budget of the Board.

(9) The Secretary of the Board shall have the overall control over the office of the Board and act as Head of Office of the Board.

(10) The Secretary of the Board shall have the powers of transfer and posting of employees of the Board and of the market committees; Provided that in case of deputed staff of the State Government the Secretary shall obtain prior approval of the State Government.

(11) The Secretary of the Board shall be the competent authority to accord sanction on expenditures not more than Rs. 5,000 on individual item ;

provided that such items of expenditure are in the sanctioned budget.

(12) Subject to any other provision contained in these Rules the Secretary shall delegate powers to the employees of Board to inspect, examine, check and test the weighing instrument, weights and measures kept and possessed by the market committees and also by a licensee within a notified area.

(13) The Secretary of the Board shall be appointed by the State Government on such terms and conditions as may be determined by the Government and the pay and allowances of the Secretary of the Board shall be as charge on the fund of the Board. His tours shall be approved by the Chairman and T. A. bills will be passed by the Chairman of the Board.

(14) The Secretary shall approve the tours of the employees of the Board and shall pass their Travelling Allowance bills. The Secretary shall approve the tours and pass the Travelling Allowance bills of those employees of the market committees as deputed by the State Government.

(15) The Secretary of the Board shall convene meetings of the

Board with the approval of the Chairman.

7. Matters on which Board may frame bye-laws :-

In addition to the matters specified in sub-S. (14) of S. 3 of the Act and in addition to the matters specified in sub-R. (2) of R. 4, the Board may frame bye-laws regulating,

- (a) the maintenance and regulation of the rest-house staff quarters and other buildings of the Board ;
- (b) the procedure for giving aid to financially weak committees ;
- (c) the allowances payable to the members of the Board, market committee or Advisory Committees :
- (d) propaganda, demonstration, publicity and education for improvement of marketing and agriculture, and
- (e) the person or persons by whom, and the manner in which a contract may be entered into on behalf of the Board and market committees.

8. Publication of notification under Ss. 4 :-

(1) and 5 (1).

(1) Copies of notification issued £ under S. 4 of the Act shall be published by the Secretary of the Board under the orders of the Chairman of the Board, in one or more of the modes specified below :

- (a) by publication in the regional language or in such other language and in such newspapers as in the opinion of the Chairman of the Board will give due publicity among the persons likely to be affected thereby ;
- (b) by affixing a copy of the notification in the regional language or in such other language as may be considered necessary by the Chairman of the Board, in the office of every Town Committee, Municipal Board, market committee, Mahkuma Parishad, Gaon Panchayat, Block Development Officer, Agricultural Officer, Sub-divisional Officers (Civil), Sub-Deputy Collector, if any, within whose jurisdiction the notified market area of or any part thereof is situate, and at some conspicuous place in the existing market, if any ;
- (c) by affixing a copy of the notification in the regional language or such other languages as may be considered necessary by the

Chairman of the Board, in the principal common meeting places, if any, of every village within the notified market areas ;

(d) by beat of drum in the village within the notified market areas ;

(e) by announcement in the radio in regional language or in such other languages as may be considered necessary by the Chairman of the Board.

(2) The time of publication under Cls. (a) to (c) and (e) and time of frequency of drum beating under Cl. (d) shall be determined by the Chairman of the Board.

(3) The expenses of publication under sub-R, (1) of copies of the notification issued under S. 4 of the Act shall be met by the Board.

9. Constitution of Market Committees for the first time :-

S. 8 (3) of the Act].

(1) A panel of ten names from amongst the agriculturist voters of the gaon panchayat/panchayats of the market area shall be submitted by the Director of Agriculture, Government of Assam to the State Government for nomination of seven agriculturist members of the market committees.

(2) A panel of five names from amongst the traders of the market area holding valid licence under this Act shall be submitted by the Director of Agriculture, Government of Assam to the State Government for nomination of three members to the market committee,

(3) A panel of two names from amongst the members of the Managing Committee or Board of Directors, as the case may be, of the Co-operative Marketing Societies of the market area shall be submitted by the Registrar to the State Government for nomination of one member to the market committee.

(4) A panel of two names representing Co-operative Banks in the State Government shall be submitted by the Registrar to the State Government for nomination of one member to the market committee.

(5) One officer of the Agricultural Department having jurisdiction in the market area shall be nominated by the State Government.

(6) A panel of three names from amongst the members of the Municipal Boards, Town Committees or Gaon Panchayats, as the

case may be, within the jurisdiction of the market area shall be submitted by the Director of Agriculture, Government of Assam to the State Government for nomination of one member to the market committee.

(7) Name of one officer of the Assam State Warehousing Corporation shall be submitted by the Managing Director Assam State Warehousing Corporation to the State Government for nomination of one member to the market committee and provided that if no warehouse has been established by the Assam State Warehousing Corporation within the market area one more member shall be nominated by the State Government under sub-R. (3) of this rule in place of a member from the Assam State Warehousing Corporation.

(8) The State Government shall nominate one amongst the members so nominated under sub-Rr. (1), (2), (3), (4), (5), (6) and (7) of this rule to be the Chairman of the market committee and another to be the Vice-Chairman of the market committee.

10. Powers and duties of Chairman, Vice-Chairman and Secretary of the Market Committees. :-

S. 49 (2) (iv) of the Act].

(1) The Chairman of the market committee shall preside over the meetings of the market committee and in absence of the Chairman of the market committee the Vice-Chairman will preside over the meetings.

(2) The Chairman of the market committee shall be responsible for the administration of the Assam Agricultural Produce Markets Act, 1972 in the respective market areas.

(3) The Chairman of the market committee shall exercise general control over the employees of the Committee.

(4) The Secretary of the market committee shall convene meetings of the Committee with the approval of the Chairman.

(5) The Secretary shall conduct all correspondence and be responsible for the keeping of accounts and safe custody of cash and other assets of the Committee in accordance with the provisions of the Act, rules and bye-laws framed thereunder.

(6) The Chairman shall forthwith report to the Secretary of the Board in case any member of the Committee dies or becomes

subject to any of the disqualifications mentioned in sub-S. (1) of S. 30 of the Act.

(7) The Chairman may by an order in writing delegate any of his powers to the Vice-Chairman or Secretary, generally, or for such period as may be determined by him and may, at any time and without assigning any reasons withdraw the delegation so made, by a like order.

(8) The Chairman shall be the competent authority to grant casual leave to the Secretary of the Committee, but other kind of leave to him shall be granted by the Chairman of the Board or by the Secretary of the Board, as the case may be.

(9) If the Chairman is likely to be absent from the notified market area, or on account of illness or other circumstances, is unable to perform his duties, he shall inform the Vice-Chairman in writing accordingly. The Vice-Chairman shall thereupon act for the Chairman, and while so doing he shall have all the powers and privileges of and be responsible for all the duties of the Chairman. In the event of death of a Chairman the powers, privileges and responsibilities of Chairman shall be discharged by the Vice-Chairman who shall act as Chairman until a new Chairman is elected.

(10) The Secretary of the market committee shall be the executive officer of the Committee. All office establishment of the Committee shall be under his control, and all orders to any member of the staff of the Committee shall pass through him.

(11) The Secretary of the market committee shall obtain advice from the Chairman of the Committee for convening the meeting of the Committee and prepare agenda notes for the meeting. He shall attend all meetings of the Committee or a Sub-Committee or a Joint Committee or an Ad hoc Committee and keep proceedings of meetings. He shall, however, not attend any meeting wherein anything pertaining to him or any 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, or the wife or husband of the person concerned.

(12) The Secretary shall advise the Committee and its Chairman in the light of the provisions of the Act, rules and bye-laws framed under the Act and the directions of the Board or of the Chairman of the Board or the Secretary of the Board or of the Director or of the State Government issued from time to time and also on the previous decisions of the Committee. His opinion shall be recorded in the proceedings of the Committee.

(13) It shall be the duty of the Secretary to carry into effect the provisions of the Act, Rules and bye-laws framed under the Act and instructions of the Board and the decisions of the Committee and of the Chairman of the Committee consistent with the Act, the Rules and the bye-laws and instructions of the Board and of the Chairman of the Board and to effect improvement in the market areas.

(14) The Secretary of the Committee shall see that communications addressed to the Committee by the Chairman or Secretary of the Board or by the Director or by the State Government are dealt with promptly and efficiently and all correspondence between the Chairman or Secretary of the Board and the Committee are laid before the Chairman of the Committee for information or action as the circumstances may require.

(15) Subject to sub-R. (13) of this rule the Secretary of the market committee shall have immediate responsibility for carrying on the day to day working of the office of the Committee, maintenance of punctual attendance, rendering of returns, monthly review of the progress made in the enforcement of the Act and safe custody of the cash, the common seal, the minute book and other records and assets of the Committee.

(16) The Secretary of the Committee shall make an annual assessment of the work of the employees of the Committee which shall be submitted to the Chairman of the Committee. The Chairman of the Committee shall take this assessment into consideration while making final assessment of the work of the employees.

(17) The Secretary of the Committee shall prepare the annual budget of the Committee and submit it to the Chairman of the Committee for his approval placing at the meeting of the Committee convened for the purpose.

(18) The Secretary of the Committee shall be competent authority to accord sanction for an expenditure not more than Rs. 500 on each individual item provided such expenditure are sanctioned in the budget. The Chairman of the Committee shall be the competent authority to accord sanction for an expenditure of not more than Rs. 1,000 on each individual item ; provided such expenditure are in the sanctioned budget for all expenditure above Rs. 1,000 the Chairman shall have to take approval of the Committee.

(19) The Secretary of the Committee shall approve the tours of the employees of the Committee and he shall pass the travelling allowance bills of the employees of the Committee.

(20) The Secretary of the Committee shall be the drawing and disbursing officer of the Committee.

11. Removal of Chairman or Vice-chairman of the Committee. :-

Section 11 (1) and 11 (2).

(1) For the purpose of removal of the Chairman of the Committee at least two thirds of total number of members of the Committee shall give requisition of a meeting of the Committee to the Secretary of the Committee. Such requisition shall contain the reasons for which the members desire removal of the Chairman.

(2) The Secretary of the Committee on receipt of the requisition of the meeting for removal of the Chairman shall convene the requisitioned meeting within 20 days from the date of receipt of the requisition.

(3) The requisitioned meeting shall be presided over by the Vice-Chairman of the Committee or in the absence of the Vice-Chairman by any other member so elected by the members present for the purpose. The Chairman shall not be invited to attend such meeting. The quorum of such a meeting shall be two-thirds of the total number of members of the Committee.

(4) The resolution for removal of the Chairman shall be moved by one of the members requisitioning the meeting and shall be supported by another or more members.

(5) The resolution shall thereafter be discussed by the members and put to vote by the Chairman elected for the meeting.

(6) The voting shall be by secret ballot stating for or against the resolution and the voting shall be conducted by the Secretary of the Committee.

(7) Just after the closing of the voting the Secretary shall count the votes for or against and place the result before the Chairman of the meeting. The resolution shall be adopted by at least two-thirds majority of the total number of members of the Committee present and voting at the meeting convened for the purpose.

(8) The Secretary of the Committee shall through Board communicate the decision of the meeting convened for removal of the Chairman to the State Government for necessary action as per S. 11 (2) of the Act.

(9) For removal of the Vice-Chairman of the Committee the procedure as stated in sub-Rr. (1) to (8) shall be applicable substituting the word 'Vice-Chairman' in place of 'Chairman' in these sub-rules.

12. . :-

licences to trader, commission agent, broker, weighman, measurer, surveyor, warehouseman, persons and firms engaged in processing of agricultural produce [Sections 13 (2) and 49 (2) (vi)].

(1) A trader or commission agent desirous of obtaining licence under S. 13 (2) of the Act shall apply in Form A (to be submitted in duplicate) to the Chairman of the Board through the Committee of the market area in which he wishes to carry on his business and shall deposit with the Committee the requisite licence fee.

(2) A broker or weighman or measurer or surveyor or warehouseman desirous of obtaining licence under S. 13 (2) of the Act shall apply in Form D (to be submitted in duplicate) to the Chairman of the Board through the Committee of the market area in which he wishes to carry on his business and shall deposit with the Committee the requisite licence fee.

(3) The licence fee for licence issued under this rule shall be ten rupees per annum or part thereof.

(4) If any person, who is not a licensee, carries on his business as a trader or commission agent or broker, or weighman or measurer or surveyor or warehouseman in a notified market area on the date of issue of notification under sub-section.

(5) Of S. 6 of the Act and fails to apply for a licence on or before the date specified therein for obtaining licence, the licencing authority may, before a licence is issued impose upon the applicant a penalty according to the following scale ;

(i) if the application is made by him within thirty days of the date specified in the notification one rupee per day.

(ii) if the application is made after the expiry of thirty days of the date specified in the notification one rupee per day for the first thirty days and rupees two per day for each day thereafter.

(6) Unless otherwise provided in the licence, each licence issued under the Act shall expire on the 31st day of March following the date of issue.

(7) A separate licence shall not be required by a licensee for setting up, establishing or continuing or allowing to be continued at more than one place for the purchase, sale, storage and processing of agricultural produce in the same notified market area.

(8) The Secretary of the Committee, or such other official as may be appointed by the Committee to receive such application, shall on receipt of the application, ensure that the necessary licence fee has been paid and shall, after verifying the correctness of the facts stated therein, forward the same to the Chairman of the Board within three days of its receipt in the office of the Committee.

(9) On receipt of the application, the Chairman may grant a licence to an applicant in Form B to a trade or commission agent, and, in Form E to a broker or a weighman or a measurer or a surveyor or a warehouseman. The licence shall be subject to the conditions mentioned therein.

(10) A record of licence under this rule shall be maintained by the Board as well as by the Committee in Form C.

(11) The Committee may, on being satisfied that there has been a breach of any of the conditions specified in a licence by order in writing, cancel or suspend such licence and may also direct that such licence shall not be renewed for such period not exceeding five months for the first breach and not exceeding nine months for the second breach and not exceeding one year for every subsequent breach as may be specified in that order :

Provided that no such order shall be made without giving the

licensee an opportunity to show cause why such an order shall not be made.

(12) Where the licensee holding a licence under this rule is a firm, any charge occurring in the membership of such firm other than through inheritance, shall mean the constitution of a new firm and shall necessitate a fresh licence :

Provided that in the case of a Hindu joint family firm any addition on account of the birth of any male member shall not be treated as bringing about any change in the membership of the firm.

(13) The licensee may apply to the licensing authority for making an addition or deleting in particulars of the business for which a licence has been issued to him by paying a fee of one rupee. The licensing authority may by an order allow such an addition or deletion whereupon the licence shall be amended accordingly.

13. Renewal of licence :-

Section 49 (2) (vi)].

(1) A licence granted under S. 13 of the Act and R. 12 shall be valid for a period for which it is issued and shall, subject to any order passed under S. 13 of the Act or R. 12, be renewable by the authority granting it, on payment of the annual fee prescribed for the issue of such licence. Renewal application shall be made in Form F for a trader or a commission agent and in Form G for a broker or a weighman or a measurer or a surveyor or a warehouseman.

(2) If any area is excluded from any notified market area and included in another, the licence issued under S. 13 (2) of the Act for the area so excluded shall be deemed to have been issued by the Committee of the notified market area in which the area is included and shall be renewable by the Committee of that area.

(3) An application for the renewal of licence shall be made at least thirty days before the date on which the licence is due to expire :

Provided that 30 days' period of grace shall be allowed for getting annual licence renewed ;

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

(5) Except as provided in sub-R. (3), every application for renewal of a licence made after the date of expiry thereof shall be treated as an application for grant of a fresh licence.

(6) If a licence granted under S. 13 of the Act or renewed under sub-R. (1) above is lost, a duplicate may be issued by the authority which issued the original, on payment by the licensee of fee of rupees two.

(7) The fee payable for the renewal of licence under S. 13 shall be paid to the Committee concerned.

14. Prohibition against grant of certain licences :-

Section 49 (2) (vi)].

(1) Except as hereinafter provided, no person shall at the same time hold more than one licence under S.13 of the Act to act as a functionary in more than one capacity.

(2) Nothing in sub-R. (1) shall be deemed to prohibit a person licensed as weighman, surveyor or measurer to act in all the three aforesaid capacities.

15. Employment of broker. :-

Section 49 (2) (xviii)].

(1) No person shall be bound to employ a broker in any transaction, or be required to pay for a broker employed by any other party to the transaction, or to pay for broker when none has been employed.

(2) Where any person enters into any transaction for the purchase or 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 commission 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.

16. Sale of agricultural produce :-

Section 49 (2) (xviii). (

(1) All agricultural fproduce brought into the market for sale shall be sold by open auction in the principal or sub-market-yard.

(2) Nothing in sub-R. (1) shall apply to a retail sale as may be specified in bye-laws of the Committee.

(3) A Committee shall fix timing for the starting and closing of the

(4) The price of agricultural produce shall not be settled by secret signs or secret bid and no deduction shall be made from the agreed price of the consignment.

(5) The auction shall not be conducted by any person other than the person engaged by the Committee :

Provided that under special circumstances the Chairman of the Board may allow a Committee to make or permit any alternative arrangement.

(6) The highest bid offered by a buyer at an auction and at which the seller of the produce gives his consent to sell his produce, shall be the sale price of the produce.

(7) The buyer shall be considered to have thoroughly inspected the agricultural produce for which he has made a bid and he shall have no right to retract from it.

(8) As soon as the auction for a lot is over the auctioneer shall fill in the relevant particulars in a book to be maintained in Form H and shall secure the signature of both the buyer and the seller or their respective representative, whoever may be present at the spot.

(9) The buyer shall be responsible to get the agricultural produce weighed immediately after the auction or on the same day the produce is purchased by him and the seller shall be liable for any damage to, or loss of, or deterioration in the produce after the auction and before or after the weighment, as the case may be.

(10) A person engaged by a producer to sell agricultural produce on his behalf shall not act as a buyer either for himself or on behalf of another person in respect of such produce without the prior consent of the producer.

(11) The Faria shall make payment to the seller immediately after the weighment is over.

(12) Every Faria shall, on delivery of agricultural produce to a buyer, execute a memorandum in Form I and deliver the same to the buyer on the same day or the following day, mentioning sale proceeds plus market charges admissible under rules and bye-laws.

The counterfoil shall be retained by the Faria.

(13) In the absence of any written agreement to the contrary the sale price of agricultural produce purchased under those rules shall be paid by the buyer to the Faria on delivery of Form I.

(14) Delivery of agricultural produce after sale shall not be made or taken unless and until the Faria, or, if the buyer does not employ a Faria, the buyer has given to the seller a sale voucher in Form J, the counterfoil whereof shall be retained by the Faria or the buyer, as the case may be.

17. Weighment :-

Section 49 (2) (x)].

(1) The Board shall fix standards of net weight of agricultural produce to be filled in a packing unit bag, a half tin, or a basket, a half tin, or a bale, or a basket, a half basket, within each notified market area subject to the specifications prescribed by law in force or under orders issued by the competent authority.

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

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

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

(5) Test weighment under sub-R. (4) shall be carried out in the presence of both the parties to the contract. In case any of the parties refuses or otherwise evades presence, the other party may report in writing to the Secretary of the Committee or any employee of the 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 not below the rank of an Inspector authorised fay him in this behalf. The

result of such test weighment shall be final, conclusive and 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, the Secretary of the Committee or any employee of the Board not below the rank of an Inspector shall, with a view to satisfying himself that such weighment has been correctly made or is filled in accordance with standards fixed under sub-R. (1), be entitled at any time with any previous notice to check the weighment by means of weight 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 evade presence, test weighment may be carried out in presence of any two persons present there.

(7) If the weighment checked under sub-R. (6) is found to be defective the persons checking the weighment may order the lot to be re-weighed and re-weighing shall be made at the cost of the buyer, if it is not filled in accordance with the standards fixed under sub-R. (1), and at the cost of the weighman 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 Act, these Rules or bye-laws made thereunder.

18. Use of weighing instruments, weights and measures, their inspection and seizure :-

Section 49 (2) (X) and (xi)].

(1) Only such weighing instruments as satisfy the requirements of, and such weights and measures as are prescribed by, the Assam Weights and Measures (Enforcement) Act, 1958, and the Rules made thereunder shall be used for weighing or measuring agricultural produce in notified market area,

(2) Every Committee shall keep in the market yard, at least one weighing instrument of the capacity of one quintal and two sets of weights, in places where measures are used two sets of measures, verified and stamped in accordance with the provisions of the Assam Weights and Measures (Enforcement) Act, 1958, and the Rules framed thereunder. The Committee shall cause such weights and measures to be tested and verified once in the course of each

calendar year through the agency appointed and in accordance with the requirements of the said Act and Rules,

(3) The Chairman of a Committee shall allow any person to check free of charge any weight or measures in his possession against the weights and measures maintained under this rule.

(4) Weighing instruments, weights and measures kept by a Committee under this rule may, at any time, be inspected, examined and checked by the Chairman or Secretary of the Board or by any other employee not below the rank of an Inspector authorised in this behalf by the Chairman of the Board. After inspection the inspecting authority may give such directions as it may deem proper. The Committee shall be bound to comply with such direction.

(5) The Chairman or Secretary of the Board or of the Committee, and any other employee authorised in this behalf by the Chairman of the Board shall be entitled at any time and without previous notice to inspect, examine and test any weighing instrument, weight and measure used, kept or possessed within notified market area by a licensee under S. 13 (2) of the Act, and every such licensee in possession of any such 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.

19. Weigh-bridges :-

measuring yards and certificates of weighment or measurement.
[Section 49 (2) (x) and (xi)]

(1) The Committee may erect in the market a weigh-bridge for the weighing of agricultural produce on payment of such fees as may be prescribed by its bye-laws.

(2) The Committee shall be responsible for maintaining such weighbridge or measuring yard in proper condition, and for issuing free of cost certificates of weighment and measurement, as the case may be, in such forms as may be prescribed.

(3) A certificate issued under sub-R. (2) above shall be accepted as final by all persons transacting business in the notified market area, unless it is proved to the satisfaction of the Chairman of the Committee or its authorised representative that the weighment or measurement was done on a defective weigh-bridge or measuring yard or by means of an incorrect scale or weights or measures.

20. Place at which agricultural produce shall be weighed or measured :-

Section 49 (2) (x)]

(1) In any notified market area for which tobacco or chillies or fish by-products and catties have been notified as agricultural produce under S. 4 of the Act, the Committee may prescribe the places at which the aforesaid commodities may be weighed, measured or sold.

(2) Subject to the provisions of sub-R. (1) weighments and measurements of agricultural produce for sale, shall be made through licensed weighmen or measurers in the principal or a sub-market yard.

21. Levy and collection of cess on the sale and purchase of the agricultural produces :-

Sections 21 and 49 (2) (v)].

(1) The cess levied on the sale and purchase of agricultural produce in a notified market area under S. 21 of the Act shall be applicable only once in the same notified market area.

(2) The responsibility of paying the cess prescribed under S. 21 of the Act shall be of the buyer and such cess shall be leviable as soon as an agricultural produce is bought or sold by a licensee.

(3) The cess shall be paid to the Committee or to a paid officer duly authorised by the market committee to receive such payment within 4 days of the day of transaction.

Explanation. In computing the period of 4 days specified in sub-R. (3) of R. 21 the day of transaction shall be included.

(4) A receipt in Form K shall be granted forthwith to the person making payment in respect of any cess paid under these Rules.

(5) Every officer or servant employed by a Committee for the collection of cess shall be supplied by the Committee with a badge of office in such forms as may be prescribed by it. The badge shall be worn by the officer or servant concerned while discharging his duties.

(6) Every such officer or servant shall before entering on his duties furnish such security as may be prescribed by the bye-laws of the Committee concerned.

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

(i) if the agreement of sale or purchase thereof is entered into in the said area ; or

(ii) if, in pursuance of the agreement of sale or purchase, the agricultural produce is weighed in the said area ; or

(iii) if, in pursuance of the agreement of sale or purchase, the agricultural produce is delivered in the said area to the purchaser or to some other person on behalf of the purchaser.

(8) If, in the case of any transaction, any two or more of the acts mentioned in sub-R. (7) have been performed within the boundary of two or more notified market areas the cash shall be payable to the Committee within whose jurisdiction the agricultural produce has been weighed in pursuance of the agreement of sale or, if no such weighing has taken place, to the Committee, within whose jurisdiction the agricultural produce is delivered.

22. Exemption from payment of cess [Section 21] :-

(1) The trader who claims exemption from payment of cess on goods manufactured from the agricultural produce on which cess is proposed to be levied and which are ultimately exported out of the country shall make declaration and give certificate to the market committee in Form K-I.

(2) The trader concerned in the sale or purchase of any quantity of agricultural produce from which he manufactures goods, which are ultimately exported out of the country shall maintain in Form L true and correct accounts of the sale or purchase, as the case may be, of the said agricultural produce and of any goods manufactured from it.

23. Accounts transaction and cess to be maintained. :-

(1) Every licensed dealer shall submit to the Committee a return in Form M showing his purchases and sales of each transaction of agricultural produce within 4 days from the date of transaction :

Provided that in case the Faria sends one copy of Form J to the market committee, the Faria will be exempted from sending Form M to the market committee and the buyer shall indicate in Form M only the total quantity and the gross value in respect of each

commodity purchased from each seller.

(2) The Committee shall maintain a register in Form N showing the total purchases and sale made by traders and the cess recoverable and recovered from them.

(3) The Committee shall levy cess payable under S. 21 on the basis of the return furnished under sub-R. (1).

(4) If any trader fails to submit a return as prescribed in sub-R. (1) or the Committee has reason to believe that any such return is incorrect it shall after giving a notice in Form O to the trader concerned order to assess the amount of the trader's business during the period in question.

(5) If a trader habitually makes default in the submission of returns or if in the opinion of the Committee, the trader habitually submits false returns, the Committee may order for the inspection of the trader's accounts.

(6) After an order under sub-R. (5) is made, the Committee shall inform the dealer of the date and place fixed for the inspection :

Provided that if the trader so desires and pays such fees as the Committee may fix in this behalf, the inspection shall be made at the trader's premises.

(7) The Committee may authorise one or more of its members to carry out the inspection ordered by it under sub-R. (5). Such member or members shall be assisted by such employees of the Committee as may be deputed by it for that purpose.

(8) Such member or members may, after inspection, prepare a return or may amend the return already furnished, on the basis of transaction, appearing in the trader's account books, and the Committee may levy cess, or, as the case may be, an additional cess on the basis of such return or amended return, but if the account books are reported to be unreliable, or as not

provided sufficient material for proper preparation or amendment of the return or if no such books are maintained or produced the Committee may assess the amount of the trader's business on such information as may be available and levy cess on the basis of such assessment.

(9) In addition to the cess or additional cess levied under sub-R.

(8) the Committee may recover from the defaulter penalty equal to the cess or additional cess so levied.

(10) Habitual default in the submission of returns and habitual submission of false returns shall be sufficient ground for suspension or cancellation of, or refusal to renew a licence, and the provisions of this rule shall apply in addition to and not in derogation of any other law, penal or otherwise applicable to non-compliance, or defective compliance with any duty imposed upon a trader by the Act or by these Rules, or by any bye-law or order of a Committee.

(11) An assessment order made under sub-Rr. (8) and (9) shall be communicated to him by means of a demand notice in Form P and copy thereof shall be granted to the trader on his making a written application and paying a sum of rupees two as copying fee to the Committee. Every Committee shall maintain a register of copying fees.

(12) The copy shall be prepared in the office of the Committee and 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 shall be conclusive evidence of the correctness of these dates.

(13) (i) An appeal against an assessment order made under sub-Rr. (8) and (9) shall lie to the Chairman of the Board. No such appeal shall be entertained unless the applicant has deposited the amount of cess assessed as due from him in full with the Committee concerned.

(ii) The Chairman of the Board after hearing the appellant and also the Committee making the assessment, or, if he deems necessary after such enquiry as he may think proper, may accept, modify or reject the assessment order appealed against.

(iii) The Chairman of the Board may waive the whole or a part of the penalty imposed under sub-R. (9), in a case where such penalty would, in his judgment mean undue hardship to the appellant.

(iv) The order passed by the Chairman shall be final and conclusive.

24. Books to be kept by licensed brokers and warehousemen. :-

Section 49 (2)]. Every broker and every warehouseman licensed under these rules shall

(a) keep such books in such form as the Committee granting the licence may, from time to time, prescribe by its bye-laws ;

(b) render such return at such times and in such forms as the Committee may prescribe ; and

(c) render such assistance as may be required by the Committee, in the collection of cess due under the Act or under the rules or bye-laws made thereunder, in preventing evasion of payment thereof, and generally in the prevention of breaches of the Act or of these rules or of any bye-laws made thereunder.

25. Refund of certain amount :-

Section 49 (2)] (1) When

(a) any sum has been deposited for the grant of licence which has in fact not been issued ; or

(b) a person has wrongly 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 except under these Rules ; or

(e) any money has been paid by mistake, the Chairman of the Board or the Committee, as the case may be, shall on a written application being made within six months of such deposit and after such enquiry as he or it may consider necessary, order the refund of the appropriate amount, which shall be repaid to the person concerned, after preparing a refund bill, out of the marketing development fund or the market committee fund according as it was credited in the first instance to the marketing development fund or the market committee fund.

(2) The powers conferred on the Chairman of the Board by sub-R. (1) may also be exercised by such Officer subordinate to him as he may appoint in this behalf.

(3) The application for refund shall contain such particulars as are necessary to enable the amount for which refund is claimed to be

traced.

26. Preventing of adulteration of agricultural produce :-

Section 49(2) (xxv)]

(1) No person shall adulterate agricultural produce, or place or offer adulterated agricultural produce for sale, in a notified market area.

(2) It shall be the duty of a Committee to prevent adulteration of agricultural produce in the notified market area. The Chairman or Secretary of the Committee may take or allow any steps within his power to stop, prevent or discourage such adulteration.

Explanation. For the purpose of this rule adulteration of agricultural produce shall include mixing of inferior stuff with superior produce, mixing of different varieties or different qualities, mixing sieved remains of the agricultural produce with agricultural produce and mixing of earth, dirt and stones or any other extraneous matter with any agricultural produce.

27. . :-

Preservation of the prescribed forms and production thereof and inspection of the account books. [Section 49 (2)]. The counterfoils of Forms I, J and M shall be preserved by the trader concerned for a period of two years from the date of issue of the foil to which the counterfoil relate. The register in Form L shall be preserved by the trader concerned for a period of two years of the date on which the last entry was made in that register.

28. Publication of marketing information :-

Section 25 (ix) and 49 (/)].

(1) A Committee may, and when required by the Chairman of the Board shall, for the benefit of the persons using the market exhibit in a suitable place outside its offices, and at such other place or places as may be determined by it, bulletins of information on such matters as the prices of agricultural produce ruling at the principal marketing centres in the State and the post serving the State, and the stocks held by mills and the like.

(2) The daily rates of all important agricultural committees authenticated by a person authorised by the Committee in this behalf shall be exhibited in the regional language in conspicuous places.

(3) Such bulletins shall be signed by the Chairman or other person

as may be appointed by him in writing and a copy of each bulletin shall be kept for record in the office of the Committee.

29. Storage accommodation :-

Section 49 (2) (xix)]

(1) A Committee may arrange, when necessary, accommodation for the temporary storage or stocking of agricultural produce.

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

30. Penalties :-

Section 49 (5)]. Any person committing a breach of any of the provisions of these Rules or any of the conditions of his licence shall be punishable with fine which may extend to two hundred rupees :

Provided that no person shall be prosecuted under these Rules without affording him an opportunity to show cause.

31. Procedure for appeals :-

(Section 49 (2) (xii)]

(1) Every appeal preferred under sub-S. (2) of S. 8 and any other section of the Act and Rules made thereunder shall bear a court fee stamp of one rupee and shall be presented to the appellate authority in the form of a memorandum by the appellant or his duly authorised agent. The memorandum shall set forth concisely the grounds of objection to the order appealed from and shall also be accompanied by a copy of such order.

(2) The limitation for filing an appeal under S. 22 (2) shall be thirty days from the date of order appealed from.

(3) In computing the period of limitation for filing an appeal under the Act the period spent in obtaining a copy of the order shall be excluded.

(4) The appeal shall be decided after notice to and hearing the parties concerned, if they so desire, and after making such further enquiry as the appellate authority may consider necessary.

(5) A copy of the decision on the appeal shall be supplied to the Board or the Committee concerned free of charges, and on demand to the appellant on payment of fifty paise per page or a part thereof subject to a maximum of one rupee.

32. Preservation of records :-

The respective records of the Board and the market committee shall be preserved for the period noted against each in the schedule hereto annexed

33. Language of transaction of business :-

Section 49 (2) (xxx)]. The business at the meeting of the Committee and of the Board shall be transacted in the regional languages

34. . :-

Service rules, recruitment rules, provident fund rules, pension rules and such other rules of employment of the staff of the Board and the market committee. [Section 49 (2) (xv)]. Service rules, recruitment rules, provident fund rules and other rules of employment as follows for the employees of the Department of Agriculture of the State Government shall be followed by the Board and by the market committee for their respective employees until such time that separate sub-rules are framed under this rule by the State Government.

35. Financial Rules :-

Until such time that separate financial rules are framed by the State Government for the Board and the market committee the rules as applied for the State Government office shall be applicable for the office of the Board and the market committees.

36. Travelling Allowance Rules :-

Until such time that separate Travelling Allowance Rules are framed by the State Government for the employees of the Board and the Market Committees and also for the Chairman and Secretary of the Board, members of the Board, Chairman and Vice-Chairman of the Committees, members of the committee and other officials and non-officials of the Board or Committee, the Travelling Allowance Rules of the State Government for the employees of equivalent categories of officials and non-officials shall be followed, or the Board may, by a resolution prescribe the rates of such allowances.

37. . :-

Other allowances of the Chairman of the Board, Chairman, Vice-chairman of the market committees and other members of the Board and Committees.

(1) The Chairman of the Board shall be paid a daily allowance of fifty rupees on the days of the meeting of the Board.

(2) The Chairman of the Board shall be paid a monthly allowance of Rs. 850 (Rupees eight hundred fifty) in addition to the daily allowance mentioned at sub-R. (1) above.

(3) The Chairman of the Board shall be provided with a motor car to be used by him as an allotted car as per rules of the State Government for this purpose and he shall be paid a monthly allowance of seventy five rupees for attending office and for his movements in and around a distance of 8 k.m. of the office head quarter.

(4) Members of the Board other than the officials shall be paid a daily allowance of fifty rupees on the days of the meetings of the Board,