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## **NAJAFGARH AGRICULTURAL PRODUCE MARKET COMMITTEE BY-LAWS, 1980**

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## **NAJAFGARH AGRICULTURAL PRODUCE MARKET COMMITTEE BY-LAWS, 1980**

Whereas in exercise of the powers conferred upon it by section 65(1) of the Delhi Agricultural Produce Marketing (Regulation) Act, 1976 and with the previous sanction of the Delhi Agricultural Marketing Board, the Najafgarh Agricultural Produce Market Committee made the following By-laws which may be provided for retail sale and for purposes of regulating of business (including meeting quorum and procedure) of the Committee and conditions of trading in the Market Area, including the rates and manner of collection or refund of Market fee or any other fee mentioned in the Act : Now, in exercise of the powers conferred by sub-section (4) of the said section 65, the following By-laws having been confirmed by the Board are certified in the official Gazette.

### CHAPTER 1

LEVY AND COLLECTION OF MARKET FEES

### CHAPTER 2

LEVY AND COLLECTION OF MARKET FEES

### CHAPTER 3

Market Committee Fund, Expenditure and Account

## **12. Market Committee Fund :-**

1. All remittances to a bank shall be accompanied by a challan in duplicate and a pass book.
2. All entries made in the pass book by the bank official shall be examined by the Secretary or such other officer, as may be authorised by the Chairman, after such transactions and if any discrepancy is discovered, it shall at once be brought to the notice of the bank and the Committee.

## **13. Budget :-**

The Market Committee shall annually hold a special meeting during the first week of December, to prepare a budget of Income and Expenditure for the ensuing year. The Budget shall be submitted to the Secretary of the Board not later than 25th December for approval and the abstracted account of receipt and expenditure of the previous financial year shall be submitted to the Secretary of the Board not later than 1st June. No expenditure shall be incurred

for which there is no sanctioned Budget provision unless it is met from the savings from other heads which are located for reappropriation with the approval of the Secretary of the Board.

**14. Travelling allowance to Market Committee members :-**

TA. may be paid to members of the Market Committee for journey undertaken and for halts to attend meetings or in connection with any work of the Market Committee for which a member/members has/have been so deputed at such rates as are prescribed under the rules.

**15. Passing of urgent expenditure :-**

Subject to Rule 9(3) while passing any bill for urgent expenditure the Chairman shall record his reasons as to why he considers the expenditure as of an urgent nature. The expenditure so incurred shall be placed for approval before the next meeting of the Market Committee. No expenditure shall be incurred unless there is budgetary provision and duly approved by the Committee.

**16. Passing of urgent expenditure :-**

**17. Passing of urgent expenditure :-**

**18. Imprest :-**

The Committee shall decide the maximum amount of imprest which shall be kept in the custody of the Secretary of the Market Committee subject to the approval of the Secretary of the Board.

CHAPTER 4

Market Committee Fund, Expenditure and Account

CHAPTER 5

Market Committee Fund, Expenditure and Account

CHAPTER 6

MISCELLANEOUS

**27. Acceptance of bids :-**

Ordinarily, agricultural produce shall be sold to the highest bidder. The seller, however, shall have the option to refuse to sell to the highest bidder or to postpone the sale of his produce to a later hour or date.

**28. Units of quotations :-**

All licensed traders or commission agents shall give their quotations only in terms of such unit/units as are specified by the Market Committee with the previous approval of the Secretary of the Board.

## **29. Storage :-**

(1) The agricultural produce brought into the Market when unsold shall be stored in the godown owned or hired by the licensed trader for that purpose with prior intimation to the Market Committee. The goods so stored shall be weighed in the presence of the seller or his representative at the time of storing and acknowledgment indicating the kind and quality of goods shall be given by the Commission agent to the seller.

(2) The owner of the godown in which agricultural produce has been stored or is withdrawn shall intimate the Committee about the stored produce on Form B-2.

(3) No agricultural produce shall be stored in a godown or laid by the licensees which is not approved by the Committee. For registration of godown a licensee will have to apply to the Committee.

(4) The Committee may issue such direction, as it thinks necessary for regulating the storage of agricultural produce in the Market Area, from time to time.

## **30. Trading hours and closing days :-**

(1) The Market shall open on all days except Wednesday and other National Holidays during the year as may be decided by the Committee from time to time.

(2) The Chairman or in his absence the Vice-Chairman with the written consent of two members may under compelling circumstances order that trading on any particular day shall commence and terminate at hours other than those specified by the Market Committee in respect of auction and trading.

(3) Only licensed buyers shall be allowed to offer bids in auction to purchase through open auction.

## **31. Duties of licensed traders and commission agents :-**

(1) Every licensed trader shall furnish a daily report in Form L as in Rule 35(1) of the purchases and/or sale made by him or through him within the Market Area and all such other returns as may be required by the Committee.

(2) It shall be the duty of the buyer or his agent, if any, to

examine the agricultural produce closely and make separate note of the quality etc., of the lots to be sold by the sellers and/or their commission agents half an hour before the sale time, so that he may bid when the produce is auctioned by the Market Committee. When the rate is fixed, the transaction shall be entered in the Form prescribed by the Committee. The bargain so struck shall be binding on both the parties.

(3) Every trader acting as a commission agent shall keep regular and separate accounts of his sales and purchases. Such an account shall be produced for inspection on demand by the Chairman or other members of the Market Committee or the Secretary and the Inspector/Supervisor of the Market Committee.

(4) All traders shall have their weights and measures or weighing scales or machines kept in prominent places. No weighing or measurement shall be done after the trading hours prescribed by the Committee.

(5) All weighments and measurements of agricultural produce in spot or ready auctions shall be made on the day of purchase. If for any unavoidable reason, weighing is not possible on the same day it shall be done on the next day and the rate of purchase shall be the rate originally agreed upon.

(6) The accounts in respect of the sale and purchase of agricultural produce and other such dealing shall be kept in the form approved by the Market Committee and they shall furnish the details of the daily transactions made. The account shall be produced to the Chairman of the Committee members or the Secretary of the Committee, inspector, supervisor or any officers authorised by the Committee on demand for inspection.

(7) It shall be the duty of every licensee to enter agricultural produce in the arrival register as soon as it has arrived. Licensee shall intimate the office in writing with the hours of arrival of such agricultural produce which is due to be entered in the auction register.

(8) Every commission agent shall prepare a receipt in quadruplicate in the prescribed form supplied by the Market Committee on payment. The original receipt shall be given to the seller at the time of payment of the sale proceeds, the duplicate shall be submitted to the Market Committee the following day, triplicate shall be given to the buyer and the fourth copy shall be retained by

the commission agent for his record. Where no commission agent is engaged, the buyer shall prepare the receipt in triplicate and shall distribute the same as above.

General

**32. Assistants of traders and commission agents :-**

(1) Traders and commission agents may employ assistants to work on their behalf, in the Principal Market or in the Market Area.

(2) The maximum number of such assistants shall be such as the Committee may from time to time determine.

(3) The names and addresses of such assistants shall be stated in the application for a licence by a trader and a commission agent as the case may be.

(4) No person other than those whose names appear in the licence of a trader and commission agent shall be allowed to work in the Market Area on his behalf.

(5) The licence of a trader, commission agent, or broker is liable to be cancelled, if he allows or continues to allow any person/persons whose names does not/do not appear in the register of the Market Committee to operate in a Market Area, on his behalf irrespective of whether the person/persons was/were once an authorised assistant working on his behalf.

(6) The Market Committee may refuse to grant a licence to a trader or commission agent, if, in its opinion any one or more of the assistants whose names are stated by the firm in his application are not such that their operations in the Market Area are likely to further the efficient working of the Market.

(7) On valid grounds the Market Committee may at any time remove any of the names of the assistants from the names appearing in the licence of a trader or commission agent. The person whose name has been so removed shall not be allowed to work on behalf of his employer anywhere in the Market Area.

(8) All acts of assistants shall be deemed to have been performed by their employers, who shall be fully responsible for the same.

**33. Duties of Weighmen, Measurers and Surveyors :-**

(1) Every licensed weighman or measurer or surveyor shall keep

such book or books and in such manner and render such daily and monthly returns at such time and in such form as the Market Committee may prescribe from to time with the approval of the Secretary of Delhi Agricultural Marketing Board.

(2) He shall render such assistance in collection and prevention of the cession of the Market fee and/or any breach of Rules and By-laws as may be required by the Market Committee.

(3) He shall not take up any service under a trader or a commission agent.

(4) He shall send the weighment and the measurement books daily to the office of the Market Committee for verification.

(5) Every weighman and measurer shall use only the standard weights and measurers.

**34. Prevention of unauthorised person from operating in the Market Area :-**

(1) The Chairman, the members of the Committee, the Secretary and any other employee of the Committee shall be empowered to demand the production of such proof of his bona fides from any person/persons suspected of operating in the Market Area without proper authorisation.

(2) All licensees shall report to the Market Committee all cases of operation by persons suspected to be operating without a licence and/or badge etc.

**35. Badges and token to be worn :-**

(1) Every weighman and measurer and palledar shall be supplied free of cost with a suitable badge as soon as the licence is issued.

(2) In case of loss, mutilation or any other defacement of the badge the Committee shall be entitled to require the licensees to reimburse to the Committee the cost of badge as decided by the Committee or by any other officer empowered in this behalf.

(3) Badges shall be worn only by the persons holding a licence in respect of which such badges are granted and are in any case not transferable. A breach of this By-law shall cause the cancellation or suspension of the licence.

**36. Equipment :-**

The Committee shall direct the traders, the commission agents, the weighmen, the measurers and the surveyors to keep such equipment as it thinks necessary.

**37. Price to be fixed for produce :-**

The price/quotation given or communicated by the traders or the commission agent shall be deemed to be for the agricultural produce only and not for the articles used as a container thereof unless otherwise specifically provided in the By-laws.

**38. Counter balance in weighment :-**

The weighman, when the produce is weighed, shall in each case clearly state in his weighment slip, the counter balancing weight equivalent to the weight of the rope or gunny bag or any other article used as a container for the agricultural produce weighed, which was added on the weight side of the scale.

**39. Payment of sale proceeds :-**

As soon as weighment of the agricultural produce is over the licensed commission agent/trader will make the payment to producer/seller of his produce.

**40. Advance to agriculturist :-**

All licensed commission agents shall keep a separate account book in respect of each borrower for the advance given by them.

**41. Disposal of complaints :-**

On receipt of a written complaint regarding matters relating to the sale and purchase of agricultural produce in the market, the Secretary shall conduct an enquiry and shall make a report to the Chairman. The Chairman shall take such steps as he thinks necessary, in accordance with the provisions of the Act, Rules and By-laws.

**42. Publication of directions :-**

(1) All directions issued by the Market Committee for the general guidance of persons using the Market shall be deemed to have been published when notices containing such directions are pasted on the notice board.

(2) The Market Committee may, if it thinks necessary, cause such notice to be served on the persons concerned or to be published in the local newspapers.

**43. Licensee to assist in smooth working of the Market :-**



The Market Committee may, take action as it deems necessary, e.g. suspension, cancellation, or debarment from holding a licence from the Market Committee, or the forfeiture of a part or the whole of the deposit/security kept with the Market Committee, against any person, who in its opinion is responsible for such commission or omission, as is calculated to impede the smooth working of the Market.

**44. Inspection and submission of account books etc :-**

(1) All traders and commission agents may be required to submit for examination and inspection their account books, ledgers, etc. on demand by the Chairman or in his absence the Vice-Chairman of the Market Committee or the Secretary of the Market Committee.

(2) Such inspections shall be limited to obtaining information relevant to the matter under investigation, and information so obtained, shall be used only for the legitimate purposes of the Market Committee.

**45. Composition of offences :-**

When an offence committed under the Act or Rules or By-laws made thereunder, is resolved to be compounded under section 70(1) the Committee may in addition to the fee or additional fee levied may levy on the defaulter a penalty not exceeding the amount equal to the amount of fee.

**46. Publication of proceedings :-**

Proceedings of the Market Committee or any of its sub-committees shall not be published in the press by any person unless so authorised by the Chairman.

**47. Sale of By-laws :-**

The Market Committee shall make available copies of By-laws for sale at a price fixed by the Market Committee from time to time.

**48. Market Intelligence :-**

(1) The Market Committee shall collect the data of prices and furnish the same to the authorities according to the direction given by the Director.

(2) It shall collect information relating to arrival along with their places of origin, stock, despatches, destinationwise and submit weekly reviews and returns on the prescribed proforma every Friday.

(3) The information relating to ruling prices shall be sent by Telegram/Telephone to quarters concerned or any other agency suggested by the Director.

(4) The daily ruling market prices shall be displayed by the Committee on the notice board. It may get prepared charts, graphs and other statistical data, relating to the marketing and displaying the same in its office.

(5) The Market Committee shall follow any other instructions given to it by the Director from time to time in this behalf.