

ZAKHIRA AGRICULTURAL PRODUCE MARKET COMMITTEE BY-LAWS, 1984

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ZAKHIRA AGRICULTURAL PRODUCE MARKET COMMITTEE BY-LAWS, 1984

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BY-LAWS, 1984

CHAPTER 1 CHAPTER

1. Short title :-

These by-laws shall be called the Zakhira Agricultural Produce Market Committee By-Laws, 1984.

2. Commencement :-

They shall come into force with effect from the date of their publication in the Official Gazette.

3. Definition :-

In these by-laws, unless the context otherwise requires

(a) 'Act' means the Delhi Agricultural Produce Marketing (Regulation) Act, 1976.

(b) 'Agricultural Produce' means all agricultural produce as notified under section 4(1) of the Act.

- (c) 'Auction Site' means the place or places in the market, approved by the committee for auction of agricultural produce.
- (d) 'Committee' means the Agricultural Produce Market Committee, Zakhira as constituted under section 8 of the Act.
- (e) 'Licensee' means a person who is holder of valid licence, granted by the committee.
- (f) 'Office of the Committee' means the Head Office including the branch offices of the committee, if any.
- (g) 'Principal Market/Subsidiary Markets' means area/areas as may be notified under sub-section (2) of section 6 of the Act.
- (h) 'Proposition' means formal proposal.
- (i) 'Rules' means the Delhi Agricultural Produce Marketing Regulation (General) Rules, 178.
- (j) 'Transporter' means a person who is either the owner or the person in-charge of the vehicle employed for carrying agricultural produce for marketing in the market area.
- (k) 'Unit' means the filling in a bag or a container as fixed by the Board for various items of agricultural produce under Rule 27(1).
- (l) 'Weighing' includes putting the filled bag or container on the scale, adjustment of weight and putting it down from the scale.

CHAPTER 2

CHAPTER

4. Time and place of meeting :-

A meeting shall ordinarily be held at the head office of the committee at least once a month on the date, time and place fixed by the Chairman. The Chairman may at his own discretion or shall on requisition in writing of not less than half of the members constituting the committee call an emergent meeting. The Chairman may for administrative convenience on a matter urgent and important, which cannot wait till the next meeting, get the opinion of the committee by circulation of papers amongst the members; the papers so circulated shall, however, be placed before the committee for confirmation at its next meeting.

5. Manner of convening a meeting and of giving notice thereof :-

Notice of every meeting with agenda shall be issued by the

Chairman or under instructions of the Chairman, by the Secretary of the Committee, at least ten days before the date of the meeting. Every such notice shall state the place, the date and the hour of such meeting. Every item of agenda shall be in the form of a regular proposal complete in itself. A copy of the notice shall also be sent to the Secretary of the Board or any other person authorised by him in this behalf for information. Papers relating to any subject included in the agenda of any meeting shall be open for inspection to every member at the office of the Committee during the usual office hours. An emergent meeting under by-law 4 may be convened at a shorter notice but not less than two days.

6. Quorum at meeting :-

(1) Five members shall constitute the quorum at a meeting of the committee.

(2) If quorum at a meeting of the Committee is not complete within half an hour of the scheduled time of the meeting, or if it falls short while the meeting is continuing it shall deem to have been adjourned.

(3) No business shall be transacted at a meeting of the committee unless there is a quorum contemplated above.

(4) If a meeting has been adjourned for want of a quorum, no quorum shall be necessary for the next meeting for transaction of the business.

(5) If any member fails to attend three consecutive meetings without leave of the committee, it shall amount to misconduct and negligence on his part and the committee may proceed to take action against him under section 15 of the Act.

7. Conduct of proceeding and presidency of meeting :-

(1) Any member wishing to bring any proposition before the committee shall give a written intimation to the Chairman of his intention of doing so, with a draft of the proposition so as to reach the Chairman at least 15 days before the date of the meeting and every such proposition shall be included in the agenda of the meeting.

(2) Any matter which is not included in the agenda shall not be brought forward for discussion at any meeting except with the permission of the Chairman of the meeting or by the vote of the

majority of the members present.

(3) Every proposition, other than the one brought officially by the Chairman, and every amendment shall be proposed by one member and seconded by another, and until so proposed and seconded and reduced to writing, under the direction of the Chairman of the meeting, no proposition or amendment shall be discussed.

(4) Amendments to any proposition before the committee be moved after the original proposition has been duly moved, seconded and recorded.

(5) Every proposition and amendment so moved shall be recorded in the minutes with the name of the proposers and seconders.

(6) When a proposition or an amendment has been proposed, seconded and recorded, the members present shall be entitled to discuss the same.

(7) The Chairman may allot time to different members desirous of speaking on any proposition or amendment.

(8) When amendment has been brought to any proposition, the amendment shall be put to vote first and if it is carried, it shall become a substantive proposition and shall be put to vote as such. If it is not carried, the original proposition shall be put to vote. When there are more amendments than one, they shall be put to vote in the order reverse to that in which they were proposed.

(9) Every meeting of the committee shall be presided over by its Chairman, or in his absence by its Vice-Chairman, but if both are absent, by any one of the members elected by the members present to act as Chairman for the occasion and such Chairman shall have, for that meeting, all the powers of the Chairman and be designated as such :

Provided that if the Chairman or the Vice-Chairman returns during the meeting, he shall resume his powers as Chairman from the temporary Chairman.

(10) The Chairman shall be responsible for preserving order in the meeting and shall decide all points of order that may be raised therein. There shall be no discussion at the points of order unless the Chairman considers it necessary to seek the opinion or advice of any members present and the Chairman's decision shall be final.

(11) Any member may call attention of the Chairman to a point of order even when a member is speaking. On a point of order being raised, the member addressing the meeting shall resume his seat until the question has been decided by the Chairman.

(12) If any one or more members present at a meeting refuses/refuse to obey the ruling of the Chairman of the meeting on any matter, he may adjourn the meeting at once and when he has declared the meeting adjourned, the subsequent proceeding of the meeting, if any, shall be void and shall not appear in the minutes. In all such cases, the Chairman shall record in his own handwriting in the Minutes Book the reasons for such adjournment unless he is prevented by sufficient cause from doing so.

(13) The Chairman may, after calling, the attention of the meeting to the conduct of the member who persists in irrelevant or in tedious repetition of his own arguments or of arguments used by other members, direct him to discontinue his speech.

(14) The Chairman of the meeting may direct any member whose conduct, in his opinion, is disorderly to withdraw immediately from the meeting and any member so ordered to withdraw shall do so forthwith and shall, unless recalled by the Chairman, absent himself during that meeting. The Chairman may cause to be summarily removed from the meeting any member who disobeys orders made under this by-law.

(15) When a proposition or any amendment has been declared by the Chairman as duly carried, no further proposal for amending it shall be entertained at that meeting.

(16) The Chairman may for sufficient reason, adjourn any meeting from time to time but no business other than that left over from the previous meeting shall be transacted at the adjourned meeting unless a separate notice and a separate agenda has been issued in accordance with by-law 5.

(17) The Chairman may, for reasons to be recorded in the Minutes Book, postpone or cancel any meeting called under these by-laws. This information should reach the members before the date of the said meeting.

8. Manner of voting :-

(1) Except as otherwise provided in the Act, Rules or these by-laws,

all questions that may come up before a meeting of the Committee shall be decided by majority of votes of the members present and in case of equality of votes, the Chairman of the meeting shall have and may exercise a second or casting vote.

(2) Voting shall be done by show of hands. Voting by proxy shall not be permissible and any member may decline to vote on any subject without assigning any reasons thereafter.

9. Proceedings of the meeting :-

(1) Proceedings of the meeting of the Committee shall be recorded in Hindi by the Secretary of the Committee under instruction and the supervision of the Chairman of the meeting and shall be signed by the Chairman.

(2) Recorded proceedings of the meeting shall be read out in the next meeting of the Committee as the first item on the agenda and the members who were present in the former meeting shall have the right to question the correctness of the recorded proceeding, which shall be corrected with such modifications as may be decided upon to bring these in conformity with the facts. In case of any dispute about the correctness of the proceedings the matter shall be decided in accordance with the majority of the votes of the members who had attended the former meeting and are present.

(3) Proceedings of each meeting shall be recorded in the Minutes Book kept by the committee for the purpose and shall be placed on the table of the committee for reference by the members thereof and shall at all reasonable times and without any charge be open to their inspection. The Secretary of the committee shall keep the Minutes Book in his custody.

(4) A resume of every discussion with the number of votes for and against such motion or amendment shall be recorded by the Secretary under the instructions of the Chairman of the meeting. A complete and accurate record shall be kept in the Minutes Book to indicate whether a member did not cast vote or voted for or against a proposition or amendment. If a resolution is based on a certain report, letter or document, the substance of such report, letter or document shall be incorporated in the Minutes Book.

10. General :-

(1) A member of the committee may ask for the information

regarding anything done or purported to be done by the Market Committee or regarding the affairs of the committee by written notice and shall be supplied with such information by the Chairman of the committee. The requisition for such information shall reach at least four days before the meeting in the office of the committee :

Provided that the Chairman may refuse to supply any information disclosure of which in the opinion of the Chairman be against the interest of the committee.

(2) Except with the recorded consent of not less than half of the total members of the committee, no subject once finally disposed of, shall be reconsidered within three months.

(3) No member shall be entitled to attend a meeting in which a matter in or against his interest is to be discussed.

11. Powers and duties of members :-

Every member of the committee shall be watchful over the activities of the market functionaries in the market and all cases of contraventions of the Act, Rules and the by-laws shall be reported to the Chairman or the Secretary there and then.

CHAPTER 3

Market Committee Fund, Expenditure and Accounts

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 mutually 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 and located for reappropriation with the approval of the Secretary of the Board.

14. Travelling Allowance to Market Committee Members :-

T.A. may be paid to the 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 member/members has/have been deputed at such rates as are prescribed under the rules.

15. Passing of Urgent Expenditure :-

Subject to rule 9(3) while passing any bills 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. Authority who can Pass Bills and sign cheques :-

All cheques drawn on the Market Fund kept in the scheduled bank shall be signed by the Chairman and the Secretary jointly.

17. Execution of work :-

Work for which there is the provision in the budget shall be executed with administrative approval of the Secretary of the Board or any other officer authorised by him.

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

CHAPTER

19. Market Fee :-

Subject to Rule 34 the market fee shall be on ad valorem basis at the rate of fifty paise per hundred rupees worth of produce purchased.

20. Exemption from payment of fees :-

No market fee shall be levied on the sale or purchase of any agricultural produce in respect of which such fee has already been paid in the same market area.

21. Refund of certain amount dues :-

(1)

(a) If any sum has been deposited for the grant of a 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 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 exempt under these rules, or

(e) Any money has been paid by mistake. The Chairman of the committee shall, on a written application being made within six months of such deposit and after such enquiry as he may consider necessary order the refund of appropriate amount, which shall be repaid to the person concerned after preparing a refund bill, out of the market fund.

(2) The application for refund shall contain such particulars as are necessary to enable the amount of refund claimed to be traced.

CHAPTER 5

CHAPTER

22. Grant of licence :-

(1) All applications for licences may be tendered in the office of the committee and on the form prescribed for the purpose and shall be accompanied by full fee, security amount and copies of documents as a proof of legal possession over the business premises, in all cases.

(2) All applications received shall be chronologically entered in the Register maintained for the purpose by the committee.

(3) Acknowledgment of the receipt of application fee and security shall be issued by the Secretary or any other officer authorised by the committee.

23. Non-transferability of licence :-

(1) Every licence issued by the Market Committee is valid for the person in whose name it is issued. The licensee shall not transfer it.

(2) A licence shall be deemed to have been cancelled if it is transferred or sublet.

24. Marketing of Agricultural Produce Retail sale :-

All sales to a consumer of one or more than one agricultural produce in a day not exceeding 5 quintals shall be construed to have been made in retail sale.

25. Sale of Agricultural Produce :-

(1) Agricultural produce intended for sale shall be brought into the market in such manner and at such times as the Market Committee may from time to time direct.

(2) All vehicles and persons with head-loads entering the market yard must pass through the entrance gate after obtaining the necessary gate pass issued by the Market Committee at the entrance and on payment of such fees as prescribed.

(3) All consignments of agricultural produce processed or unprocessed, arriving in the market area for purpose of sale shall be brought into the principal market yard/subsidiary market in the first instance.

(4) As soon as the vehicle-load or head-load arrives at the premises of the commission agent, it will be incumbent on such commission agent to get them unloaded on the auction site for inspection of purchasers.

(5) Soon after the transaction is over the purchaser shall arrange its counting/weightment through a licensed weighman. The weighman shall execute weightment slip in triplicate on Form B-I. The first copy shall be delivered to the seller, the second to the commission agent and the third retained by himself. It shall be incumbent on every weighman to produce their weightment books to the office of the Market Committee for inspection every day.

(6) On receipt of the weightment slip the commission agent will execute his bill in Form J, appended to the rules.

26. Method of Sale :-

(1) All sales as far as possible shall be effected in lots or by sample, through open auction and in the presence of a representative of the committee.

(2) Daily auction shall start and end in all blocks in the market at such time as may be decided by the Market Committee.

(3) Only licensed buyers shall be allowed to offer bids in auction. All the prospective buyers should assemble at the auction sites at least half an hour before the start of auction.

(4) If any trader, commission agent or any other person is found trading in contravention of the instruction issued by the Market Committee in this behalf the Chairman, Secretary or any other officer of the committee duly authorised by it may take his goods into his possession and dispose it of in the manner as may be specified by the committee after consideration of the reply given in response to the show-cause notice.

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 Quotation :-

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) The committee may issue such direction, as it thinks necessary for regulating the storage of agricultural produce in the market area.

30. Trading hours and closing days :-

(1) The market shall open on all days except Sundays 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 or through him within the market area and all such other returns as may be required by the Market Committee.

(2) It shall be the duty of the buyer or his agent, if any, to examine the agricultural produce closely and make a 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 and other members of the Market Committee or the Secretary and the Inspector of the Market Committee.

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

(5) All weightments and measurements of agricultural produce on 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 dealings shall be kept in the form approved by the Market Committee and they shall furnish the details of the daily transactions made.

(7) 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 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,

32. Assistants of traders and commission agents :-

(1) Traders and commission agents may employ assistants to work on their behalf, in the principal market yard or in the market area.

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

(3) The name and address of such assistants shall be stated in the application for a licence by a trader and the 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 name(s) does not/do not appear in the register of the Market Committee to operate in the Market Area, on his behalf irrespective of whether such person/persons was/were once authorised assistant(s) 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 operation in the market area are likely to further the efficient working of the market in the opinion of the Market Committee.

(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 a 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) AH 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 time 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 evasion of the market fee and of 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 measures.

34. Prevention of unauthorised person from operating in the market area :-

(1) The Chairman, the members of the Market 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 the 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 badges 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

badges the committee shall be entitled to require the licensee 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 agent, the weighman, the measurer 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 agents shall be deemed to be for the agricultural produce only and not for the articles used as a container there of 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 was weighed, which was added on the weight side of the scale.

39. Payment of sale proceeds :-

It shall be incumbent on the buyer to settle the accounts and to make arrangement for prompt payment of sale proceeds. In the case of agriculturist seller, the sale proceeds shall be paid immediately after the transaction is over.

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 concerning 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 the 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 notices 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, with the previous sanction of the Board take any 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 :-

(1) All traders or 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 inspection 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 of five rupees per copy.

48. Market Intelligence :-

(1) The Market Committee shall collect the data on 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 and stock despatches destination-wise and submit weekly reviews and returns on the prescribed performa 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 Market Committee shall disseminate weekly market report covering the above data to all the panchayats of the market area for the information of the producers.

(5) 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.

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

49. Market Service Fee and incidental Service Fee :-

No trader/commission agent of any other market functionary shall, in any transaction, make any charge or any deduction on any account, whatsoever, which is not specified hereinbelow, and shall charge for various services at the rate not exceeding those specified in the Table given below :