

Jharkhand Agricultural Produce Markets Act, 2000

16 of 1960

[10 September 1960]

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PREAMBLE

An Act to provide for the better regulation of buying and selling of Agricultural Produce and the Establishment of Markets for Agricultural Produce in the State of ²[Jharkhand] and for matters connected therewith.

Be it enacted by the Legislature of the State of Bihar¹ in the Eleventh Year of the Republic of India as follows:-

1. For Statement of Objects and Reasons, see the Bihar Gazette, Extraordinary of the 4th December, 1968; for Report of the Select Committee, see the Bihar Gazette, dated the 24th February, 1960.
2. This Act enacted by the State of Bihar has been adapted by the State of Jharkhand by Notification No. 153 dt. 27.1.2001 (text published above).

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the Jharkhand Agricultural Produce Markets Act, 2000.

(2) It extends to the whole of the State of Jharkhand.

(3) It shall come into force at once.

2. Definitions :-

(1) In this Act, unless there is anything repugnant in the subject or context-

1[(a) Agricultural produce means all produce whether processed or non-processed, manufactured or not, of Agriculture, Horticulture, Plantation, Animal Husbandry, Forest, Sericulture, Pisciculture, and includes livestock or poultry as specified in the Schedule.]

(b) "agriculturist" means a person who ordinarily by himself or by his tenants or hired labour or otherwise, is engaged in the production or growth of agricultural produce, but does not include a trader or broker in agricultural produce notwithstanding that such trader or broker is also engaged in the production or growth;

2[(bb) Board means the Jharkhand Agricultural Marketing Board established under Section 33A;]

1[(c) "broker" means an agent who in consideration of a commission merely negotiates and brings about a contract for the purchase or sale of notified agricultural produce on behalf of his principal, but does not receive, deliver, transport, pay for the purchase of, or collect the payment for the sale of, the notified agricultural produce;]

(d) "bye-laws" means bye-laws made under section 53;

1[(e) "commission agent" means a person who on behalf of his principal and in consideration of a commission or percentage upon the amount involved in each transaction keeps in his custody the agricultural produce of his principal and sells the same and holds himself liable to deliver it to the buyer and to make payment of its price to his principal;]

1[(f) Director or any other officer, appointed by the Board to discharge all or any of the functions of the Director under this Act, and such other officer duly notified by the Managing Director to discharge any one or all functions of the Director.]

(g) "licensee" means a person or association, firm or company granted a licence under this Act;

3[(h) "market" means a market established under this Act for the market area and includes, a principal market yard and sub-market yard or yards, if any;]

(i) "market area" means any area declared to be a market area under section 4;

(j) "market committee" means a committee established under section 6;

(k) "market proper" means any area within the market area including all lands, with the buildings thereon, within such distance of the principal or sub-market yard, as the Jharkhand Government may, by notification, declare to be a market proper under section 5;

3[(ki) Regional Director means a Regional Director of Agriculture Marketing, appointed by the Board to discharge any one or all the functions of the Director under this Act and the Rules made there under and such other officer duly notified by the Managing Director of the Board to discharge any one or all the functions of the Regional Director.

(kii) Assistant Director means an Assistant Director of Agriculture Marketing appointed by the Board to discharge any one or all the functions of the Assistant Director under this Act and the Rules

made there under and such other officer duly notified by the Managing Director of the Board to discharge any one or all the functions of the Assistant Director.

(kiii) Director Vigilance means a Director Vigilance of Agriculture Marketing appointed by the Board to discharge all the functions of the Director Vigilance under this Act and the Rules made there under, and such other officer duly notified by the Managing Director of the Board to discharge any one or all the functions of the Director Vigilance.

(kiv) Deputy Director means a Deputy Director of Agriculture Marketing appointed by the Board to discharge any one or all the functions of the Deputy Director or of the Assistant Director under this Act and the Rules made there under and such other officer, duly authorised by the Managing Director of the Board to discharge any one or all the functions of the Deputy Director.]

(l) "measurer" means a person whose business it is to measure a consignment of agricultural produce for sale;

(m) "municipality" means any local area declared by or under the ⁴[Jharkhand] Municipal Act, 1922 (B. & O. Act VII of 1922), to be a municipality and includes a notified area committee appointed under section 389(c) of the said Act, and a Municipal Corporation;

(n) "prescribed" means prescribed by rules;

¹[(o) "principal market yard" means any enclosure, building or locality within the market area declared to be a principal marked yard under section 5;]

(p) "retail sale" means a sale of any agricultural produce not exceeding such quantity as may, by bye-law or rule, be fixed in respect of such agricultural product;

²[(p-i) means any transfer of property in goods for each or

deferred payment or other valuable consideration and shall include transfer or acquisition of goods on hire purchase or under any other system in which payment of valuable considerations is made by instalment notwithstanding the fact that the seller retains title in goods as valuable security of payment of consideration or for any other reason

Explanation.- Notwithstanding anything contained in any law for the time being in force sale shall be deemed to have taken place for the purpose of this Act within a market area where the goods are transferred from the Principal to his selling-agent or to the factor within the market area or out-side the market area]

(q) "rules" means rules made under section 52;

(r) "Schedule" means a schedule to this Act;

(s) "Secretary" means the persons appointed as such under sub-section (1) of section 20 and includes an officiating or acting Secretary,

(t) "sub-market yard" means any enclosure, building or locality within the market proper declared to be a sub-market yard under section 5;

(u) "surveyor" means a person whose business it is to survey a consignment of agricultural produce for sale in regard to quality, refraction, adulteration and such other purposes;

(v) "trade" means any kind of transaction of sale and purchase or any kind of remuneration on sale and purchase of any agricultural produce;

1[(w) "trader" means a person ordinarily engaged in the business of buying and selling agricultural produce as a principal or as a duly

authorised agent of one or more principals and includes a commission agent or a person ordinarily engaged in the business of processing of agricultural produce;]

Explanation.-The word "person" includes any firm, joint family, association or body of individuals whether incorporated or not.

(x) "weighman" means a person whose business it is to weigh a consignment of agricultural produce for sale :

2[(y) "buyer or purchaser" means a person who buys or agrees to buy any agricultural produce and includes a person who buys or purchases on behalf of any other person as his agent or servant, or commissioned agent;]

2[(z) "seller" means a person who sells or agrees to sell any agricultural produce and includes a person who sells on behalf of any other person as his agent or servant or commission agent; and]

2[(zz) "processor" means a person who processes any agricultural produce, either on his own account, or on payment of charges.]

(2) If a question arises whether any person is or is not an agriculturist or a trader for purposes of this Act, the decision of the Director on such question shall be final, provided that the Director shall give the said person a reasonable opportunity of being heard before giving his decision.

1. Substitute by Act 60 of 1982.

2. Inserted by *ibid*.

3. Inserted by Act 60 of 1982.

4. Subs for Bihar and Orissa" by Notifn No2755 dated 14.11.2002, published in Jnarkhand Gazette (ex-ord) dated 30.11.2002(adapting Bihar Municipal Act, 1922)

CHAPTER 2 CONSTITUTION OF MARKET AND MARKET COMMITTEES

3. Notification of intention of exercising control over purchase, sale, storage and processing of agricultural produce in specified area :-

1[(1) Notwithstanding anything to the contrary contained in any other Act for the time being in force, the Jharkhand Government may, by notification, declare its intention of regulating the purchase, sale, storage and processing of such agricultural produce and in such area, as may be specified in the notification.]

(2) A notification under sub-section (1) shall state that any objection or suggestion which may be received by the Jharkhand Government within a period of not less than two months to be specified in the notification, shall be considered by the Jharkhand Government.

1. Substitute by Act 60 of 1982.

4. Declaration of market area :-

(1) After the expiry of the period specified in the notification issued under section 3 and after considering such objection and suggestions as may be received before such expiry and after holding such enquiry as it may consider necessary, the Jharkhand Government may by notification, declare the area specified in the notification under section 3 or any portion thereof to be a market area for the purposes of this Act, in respect of all or any of the kinds of agricultural produce specified in the notification under section 3.

1[(2) On and after the date of publication of the notification under subsection (1), or such later date as may be specified therein, no municipality or other local authority, or other person, notwithstanding anything contained in any law for the time being in force, shall, within the market area, or within a distance thereof to be notified in the official Gazette in this behalf set up, establish, or

continue, or allow to be set up, established or continued, any place for the purchase, sale, stores or processing of any agricultural produce so notified, except in accordance with the provision of this Act, the rules and bye-laws.

Explanation.-A municipality or other local authority or any person shall not be deemed to set up, establish or continue or allow to be set up, established or continued a place as a place for the purchase, sale, storage or processing of agricultural produce within the meaning of this section, if the quantity is as may be prescribed and the seller is himself the producer of the agricultural produce offered for sale at such place or any person employed by such producer to transport the same and the buyer is a person who purchases such produce for his own use or if the agricultural produce is sold by retail sale to a person who purchases such produce for his own use.]

(3) Subject to the provisions of section 3, the Jharkhand Government may at any time by notification exclude from a market area, any area or any agricultural produce specified therein or include in any market area or agricultural produce included in a notification issued under sub-section (1).

(4) Nothing in this Act shall apply to a trader whose daily or annual turnover does not exceed such amount as may be prescribed.

1. Substitute by Act 60 of 1982.

4A. Sections 3 and 4 not to apply to section 3ft :-

1[(1) The provisions of Government under section 39 to amend the schedule by addition of any item of agricultural produce not specified therein.

(2) The State shall not order the deletion of any item in exercise of its power under section 39 without giving an opportunity for hearing to the affected parties.]

1. Inserted by Act 60 of 1982.

4B. Validating of market feel levied and collected :-

1[Notwithstanding any judgment, decree or order of any Court to the contrary, any market feel levied and collected shall be deemed to be valid as if such levy and collection was made under the provisions of this Act as amended by this Act and notification no. 730 dated 2nd May, 1977 shall be deemed never to have been issued and no suit or other legal proceeding shall be maintained or continued in any Court for the refund of the fee collected under the provisions of this Act and no Court shall entertain any proceedings challenging the fee recovered or the continued levy and recovery of the fee merely on the ground that liability has ceased on the issuing of the notification no. 730, dated 2nd May, 1977.]

1. Inserted by Act 60 of 1982.

5. Declaration of market yards :-

(1) For each market area there shall be one principal market yard and there may also be one or more sub-market yard or yards as may be necessary.

(2) The Jharkhand Government may, by notification, declare-

1[(i) The Jharkhand Government may, by notification, declare any enclosure, building or locality in any market area to be the principal market yard and other enclosures, buildings or localities in such area to be one or more sub-market yards for agriculture produce or for any particular agriculture produce as may be necessary for the said Market area.

(ii) **2**[* * *]

1. Substitute by Act 60 of 1982.

2. Omitted by ibid.

6. Declaration of market yards :-

6

Establishment of the Market Committee

For every market area the Jharkhand Government shall, by notification, establish a Market Committee.

7. Strength of Market Committee :-

1[A Market Committee shall consist of 18 members.]

1. Substitute by Act 60 of 1982.

8. Constitution of the First Market Committee :-

(1) All the members of the First Market Committee shall be appointed by the Jharkhand Government from among persons representing the same interest and in the same proportion as specified in section 9.

1[(2) The Jharkhand Government shall appoint the Subdivisional Officers of the subdivision where the principal market yard is situated, to be the Chairman, and an agriculturist-representative of the Committee to be the Vice-Chairman of the First Market Committee.

(3) The term of office of the members including the Chairman and the Vice-Chairman of the First Market Committee shall save as otherwise provided in this Act, be one year from the date of the publication of their names in the official gazette under section 13, and if on the expiry of one year term and thereafter if within the period of six months, election is not held, the Committee shall cease to function and all powers and duties of the Committee under provision of the Act and Rule made thereunder, shall be exercised

by such person as may be notified by the Jharkhand Government and election under Section 9 shall be held within Six months from the date of such notification:

Provided however, due to any exigencies, the election is not held within six months, the Jharkhand Government may extend the period of election for further six months.]

1. Substitute by Act 60 of 1982.

9. Constitution of the second and subsequent Market Committee :-

¹[(1) There shall be following categories of members in every market area :-

(i) Seven agriculturists constituencies for electing seven representatives of agriculturists, in the manner prescribed.

(ii) Two traders constituencies for entire market area for electing two representatives of the licensed traders under this Act, in the manner prescribed.

(iii) One shall be sub-divisional Officer of the sub-division in which head-quarters of the Market Committee is situated, who shall represent the interest of the Jharkhand Government.

(iv) Two co-operative societies constituencies for the entire market area for electing two representatives of the co-operative societies holding valid licence under this Act.

(v) One shall be a person appointed under sub-section (1) of section 20, who shall be the ex-officio member Secretary of the Market Committee.

(vi) One shall be a person nominated by the State Bank of India, Jharkhand Region/Circle.

(vii) One shall be a person elected from amongst the members of the municipality or notified area committee within whose jurisdiction the principal market yard is situated and in the event there is no municipality or notified area committee, from executive committee of the Gram Panchayat within whose jurisdiction the principal market yard is situated.

(viii) One shall be a person nominated by Zila Parishad from amongst its members.

(ix) One shall be a person nominated by Agriculture Department.

(x) One shall be a member nominated by the Jharkhand Government from amongst the members of the Legislature in whose constituency, the principal market yard is situated.]

(2) A member elected under clauses (i), (ii), (iii) and (iv) of sub-section (1) shall cease to hold office as such member if he ceases to be a member of the electorate by which or one of the persons by whom, he was elected, and in the case of a member elected, under clause (vi) of the said sub-section, if he is granted a licence under this Act for that Market area.

(3) No act done by or on behalf of a Market Committee shall be questioned on the ground merely of the existence of any vacancy or defect in the constitution of the Market Committee.

1[(4) (i) An Officer, nominated by the Jharkhand Government, shall be the Chairman Of the Market Committee for 2 terms or 6 years after the passing of this Act, thereafter the Jharkhand Government shall appoint the Chairman from amongst the members of the Market Committee.

(ii) The elected Market Committee shall elect one of its members, representing the agriculturists interest to be its Vice-Chairman]

1[(5) The term of office of members, including the Chairman and the Vice-Chairman of the elected Market Committee, shall save as otherwise provided in this Act, be three years, from the date of publication of their names as members under section 13, and on the expiry of three years term and thereafter if within a period of 6 months election is not held, the committee shall cease to function and all powers and duties of the Committee under the provisions of Act and Rules made thereunder shall be exercised and discharged by such person as may be nominated by the Jharkhand Government and new Market Committee shall be constituted within six months from the date of such nomination:

Provided, however, due to any exigencies, the election is not held within six months, the Jharkhand Government may extend the period of election for another six months.]

2[(5) (i) A member elected under Clause (i),(ii),(iv) of sub-section (1) shall cease to hold office as such member, if he ceases to be a member of the electorate by which he was elected. Similarly, in the case of a member elected under Clause (vii) of the said sub-section, if he is granted a licence for that Market area under this Act, his membership shall come to an end.]

2[(6) All matters in relation election shall be challenged by an election petition before the prescribed authority and no court shall have any jurisdiction with regard to or in connection with any election under this section.]

1. Substitute by Act 60 of 1982.

2. Inserted by *ibid*.

10. Disqualification of members :-

No person shall be eligible for election or appointment as a member of the Market Committee-

(a) who is less than 18 years of age;

(b) who is of unsound mind;

(c) who is an employee of the Market Committee;

(d) who has applied for being adjudged an insolvent or is an undischarged insolvent;

(e) who has been convicted for an offence-

1 [(i) under this Act or the Essential Commodities Act, 1955 (X of 1955), or]

(ii) involving moral turpitude which in the opinion of the State Government, makes him unfit to be ejected or appointed as a member of the Market Committee; or

(f) who has directly or indirectly any share or interest any contract With by or on behalf of the. Market Committee.

1. Substitute by Act 60 of 1982.

11. Filling of casual vacancies :-

If any member is unable, by reason of his death, resignation, removal or otherwise, to complete his term of office, the vacancy so caused shall be filled by the election or appointment, as the case may be, of another person, and the person so elected or appointed shall fill such vacancy for the unexpired portion of the term for which member in whose place such person is elected or appointed would otherwise have continued in office.

12. Procedure on failure of electorate to elect members :-

If at any election any of the electorates, mentioned in clauses (i) to (iv) of sub-section (1) of section 9 fails, within a period of three months from the date of occurrence of the vacancy, to elect or appoint, as the case may be, a member or members referred to in the said clauses, or on the occurrence of casual vacancy, to fill the said vacancy as provided in section 11, the Jharkhand Government shall give notice in writing to the electorate concerned to elect or appoint a member or members, as the case may be, or fill the vacancy within a month from the date of service of such notice, and on the failure of the said electorate again to elect or appoint members, as the case may be, or to fill the vacancy within the said period, the Jharkhand Government shall appoint on behalf of electorate concerned a person or persons as member or members, as the case may be.

13. Publication of names of members, etc. in the Official Gazette :-

The names of the Chairman and of every member appointed or elected under sections 8, 9, 11 or 12 shall be published by the Jharkhand Government in the Official Gazette.

14. Removal of Member, Chairman or Vice-Chairman from the Market :-

Committee

(1) The Jharkhand Government may, if it thinks fit on the recommendation of the Market Committee supported by at least two thirds of the total number of its members, remove any member, holding the Chairman and Vice-Chairman of the Market Committee elected or appointed under this Act, if such member, Chairman or Vice-Chairman has, in opinion of the Jharkhand Government, been guilty of neglect or misconduct in discharge of his duties or of any disgraceful conduct or has become incapable of performing duties as a member, Chairman or Vice-Chairman as the case may be:

Provided that no resolution recommending the removal of any such

person shall be passed by the Market Committee unless the person to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(2) The decision of the Jharkhand Government under sub-section (1) shall be final.

15. Sale of agricultural produce :-

1[(1) No agricultural produce, specified in notification under sub-section (1) of section 4 shall be bought or sold by any person at any place in the market area other than the relevant principal market yard or sub-market yards established therein except such quantity as may on this behalf be prescribed for retail sale or personal consumption.]

(2) The sale and purchase of such agricultural produce in such area, notwithstanding anything contained in any law, be made by means of open auction or tender system except in cases of such class or description of produce as may be exempted by the Board.]

1. Substitute by Act 60 of 1982.

16. Prohibition of trade allowance except as prescribed :-

No person shall make or recover any trade allowance other than an allowance prescribed by the rules, or bye-laws, in any market area in any transaction in respect of the agricultural produce concerned, and no Court, shall in any suit or proceeding arising out of any such transaction have regard to or recognise any trade allowance not so prescribed.

Explanation.-Every deduction other than a deduction on account of deviation from sample when the purchase is made by sample or on account of deviation from standard when the purchase is made by reference to a known standard or on account of difference between the actual and the standard weight of the container or on account

of the admixture of foreign matter shall be regarded as trade allowance for the purpose of this section.

CHAPTER 3 INCORPORATION OF MARKET COMMITTEE ITS OBJECTS, POWERS AND DUTIES

17. Incorporation of Market Committee :-

Every Market Committee shall be a body corporate by such name as the Jharkhand Government may specify by notification in the Official Gazette, and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to lease, sell or otherwise transfer any such property, subject to the prescribed conditions and restrictions, and may by the said name sue and be sued, and subject to rules, bye-laws and the provisions of this Act, it shall be competent to do all other things necessary for the purpose for which it is established.

17A. Act of Market Committee not to be invalidated :-

1[No act of a Market Committee, or of any sub-committee thereof, or of any person acting as member, Chairman, Vice-Chairman, presiding authority or Secretary shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such Market Committee, sub-committee, member, Chairman, Vice-

1. Inserted by Act 60 of 1982.

18. Powers and duties of the Market Committee :-

1[(1) It shall be the duty of a Market Committee to implement the provisions of this Act, the rule and bye-laws made thereunder in the market area to provide such facilities for marketing of agricultural produce therein as the Board may from time to time direct, and do such other acts as may be required in relation to the superintendence, direction and control of market, or for regulating the marketing of agricultural produce in any place in the market area, and the purpose connected with the matters, and for that

purpose the Market Committee may exercise such powers and perform such functions and discharge such duties as may be provided by or under this Act. (2) Without prejudice to the generality of the foregoing provision, a Market Committee may:-

(i) when so required by the Jharkhand Government, to establish a market for the market area providing for such facilities as the Jharkhand Government may, from time to time, direct in connection with the purchase and sale of the agricultural produce concerned;

1[(ii) where a market is established under sub-clause (i) to issue licences in accordance with the rules to traders, brokers, weighmen, measurers, surveyors, warehousemen and other persons including persons or firms engaged in the processing, storing or pressing of agricultural produce concerned operating in the market area;]

(iii) to maintain and manage the principal market yard and sub-market yards and to control, regulate and run the market in the interest of the agriculturists and licences in accordance with the provisions of this Act and the rules and the bye-laws made thereunder;

(iv) to act in the prescribed manner as mediator, arbitrator or surveyor in all matters of differences, disputes, claims, etc, between licensees inter se or between them and persons making use of the market as sellers of agricultural produce;

1[(v) to control and regulate the admission of persons and vehicular traffic to the principal market yard or sub-market yards to determine the conditions for the use of market and to check and prosecute persons trading without a valid licence in the market area;] (vi) to bring, prosecute or defend, or aid in bringing, prosecuting or defending any suit, action, proceeding, application, or arbitration in regard to any matter on behalf of the committee, or otherwise when directed **1**[by the Board];

(vii) to enforce the provisions of this Act, the rules and bye-laws; and (viii) to perform such other duties and exercise such other powers as are imposed or conferred upon it by or under this Act, the rules or the bye-laws.

1. Substitute by Act 60 of 1982.

19. Appointment of sub-committee or joint committee :-

(1) The Market Committee may appoint from among its members and with the previous approval of 1[the Board] from outsiders, a sub-committee or a joint committee and may delegate to such committee such of its powers or duties as it may think fit.

(2) The Market Committee may revise any decision of a sub-committee or joint committee.

1. Substitute by Act 60 of 1982.

20. Appointment and salaries of officers and servants of the Market Committee :-

(1) Every Market Committee shall have a person as a Secretary appointed by the Jharkhand Government 1[or the Board] on such terms and conditions as may be prescribed.

(2) The Jharkhand Government 1[or the Board] may appoint Engineers and provide such other technical services as it may consider necessary for the efficient working of the market.

(3) The Market Committee shall contribute such sum not exceeding forty percent of its gross income as may be determined by the Jharkhand Government towards the cost of maintenance of the services mentioned in sub-sections (1) and (2) of audit.

(4) Subject to the provisions of sub-sections (1), (2) and (3) and

the rules and bye-laws, the Market Committee may employ also such number of other officers and servants and pay such officers and servants such salaries, as 1[the Board] may sanction.

(5) Subject to the approval of the Jharkhand Government 1[or the Board] the Market Committee may, in the case of any officers and servants provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper and may provide for the creation and management of Provident Fund for compelling contribution thereon on the part of its officers and servants and for supplementing such contribution out of the Market Committee Fund.

1. Substitute by Act 60 of 1982.

21. Power and duties of the officers and servants of the Committee :-

The Chairman, Vice-Chairman, the Secretary, Engineer and other officers and servants of the Market Committee shall exercise such powers and perform such duties as are conferred or imposed on them by or under this Act or by the Market Committee or the rules or bye-laws.

22. Responsibilities of the Chairman of Market Committee :-

(1) The Chairman shall conduct all correspondence in the name of the Committee, and shall be responsible for the maintenance of all records and accounts, for the punctual and correct submission of prescribed reports and accounts and for custody of all money not deposited into the Government treasury or the State Bank of India.

(2) He shall keep a minute book in which shall be entered the proceeding of every meeting of the Committee signed by himself.

23. President of meetings of the Market Committee :-

The Chairman or in his absence the Vice-Chairman shall preside at every meeting of the Market Committee and in the absence of both, the members present shall elect one from among themselves to preside at the meeting.

24. Decision to be by majority of votes :-

(1) Save as otherwise provided by this Act, every matter coming before the Market Committee shall be decided by a majority of votes of the members present and voting in the meeting.

(2) In case of equality of votes, the President of the meeting shall have a second or casting vote.

25. Quorum of meeting :-

Seven members shall form the quorum for a meeting of the Market Committee.

26. Appeal against order passed by Chairman :-

An officer or servant of the Market Committee appointed under sub-section (4) of section 20 considering himself aggrieved by any order of discharge, removal or dismissal passed by the Chairman may ¹[appeal to the Managing Director of the Board] which may thereupon, affirm, modify or set aside any such order or pass such other order as it thinks fit.

1. Substitute by Act 60 of 1982.

27. Power to levy fees :-

¹[(1) The Market Committee shall levy and collect market fees on the agricultural produce bought or sold in the market area at the rate of rupee one per Rs. 100 worth of agricultural produce.

Illustration.-Paddy sold in the market area as well as rice produced from such paddy, shall both be leviable.

Explanation.-All notified agricultural produce leaving a market area, shall, unless the contrary is proved, be presumed to have been bought or sold in such area provided that, when any agricultural produce brought in any market area for the purpose of processing or export is not processed or exported therefrom as the case may be, or any such produce processed in the market area is not exported therefrom within twenty one days from the date of its arrival therein, it shall, until the contrary is proved, be presumed to have been bought or sold in the market area, and shall be liable for the levy of fees under this section, as if, it had been so bought or sold.

(2) The market fee chargeable under sub-section (1) shall be payable by the buyer, in the manner prescribed.

(3) The fee chargeable under sub-section (1) shall not be levied more than once on a notified agricultural produce in the same notified Market Area]

1. Substitute by Act 60 of 1982.

27A. Accounts of purchase and sale and assessment of market fee :-

1[(1) Every Market Committee shall have an assessment sub-committee consisting of the Chairman, Vice-Chairman and the Secretary of the Market Committee for the purpose of assessment and levy of fee, in the manner prescribed.

[(2) Every licenced trader and every trader exempted under section 42 shall within 15 days after the end of each month, submit to the Secretary of the Market Committee, or any other officer empowered by the Board, a return in Form A showing the purchase and sale of

each transaction of an agricultural produce.]

(3) The sub-committee shall maintain a register in Form B showing the total purchase and sales made by traders and the fees recovered from them.

(4) The sub-committee shall levy the fee payable under section 27 on the basis of the return furnished under sub-section (2).

(5) If any trader fails to submit a return as prescribed in sub-section (2) or the sub-committee has reason to believe that any such return is incorrect, it shall after giving a notice in Form C to the trader concerned require him on a date and at a time and place to be specified therein, to attend either in person or through an authorised representative or to produce or cause to be produced any account or other evidence on which such trader may rely in support of such return.

(6) On the date specified in the notice or as soon thereafter as the case may be, the sub-committee, after examining the accounts and other evidence produced by the trader and such other evidence, as the sub-committee, may by notice in writing require at the specified place, shall proceed to assess the amount of market fee leviable on the trader.

(7) If a trader, having furnished a return fails to comply with all the terms of the notice under sub-section (5) or if the accounts and other evidence produced by the trader are in the opinion of the sub-committee, incorrect, incomplete or unreliable, either wholly or partly, the sub-committee shall assess to the best of its judgment, the amount of market fee leviable on the trader.

(8) In addition to the market fee levied under sub-section (7), a defaulter trader may be liable to pay a penalty equal to the fee so levied, if so ordered by the sub-committee.

(9) Habitual default in submission of returns and habitual submission of false return shall be a sufficient ground for suspension or cancellation of or refusal to renew a licence, and provision of this section 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 under this Act or under the rules made hereunder, or by any bye-law or order of a Market Committee.

(10) The assessment order made under sub-section (7) and order imposing penalty under sub-section (8) shall be communicated to the trader by means of a demand notice in Form D and copy thereof shall be granted to the trader on his making written application and on paying a sum of two rupees as copying fee to the committee, the sub-committee shall maintain a register of copying fees.

(11) The copy shall be prepared in the office of the Market 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 date on which the application was received and the copy prepared and delivered to the applicant and shall be conclusive evidence of the correctness of the date.]

1. Inserted by Act 60 of 1982.

27AA. Section 27AA :-

1[If upon an information, which has come into the possession of the Assessment Sub-committee, the Committee is satisfied that reasonable ground exists to believe that any amount of transaction of sale or purchase of a trader in respect of any period has for any reason, escaped assessment, or a trader assessed under section 27A has been underassessed or any deduction therefrom has been wrongly made, the Assessment Subcommittee may:-

(a) within 6 years of the expiry of such period where it has reason

to believe that the trader has concealed, omitted or failed to disclose fully the particulars of his total amount of transaction of sale or purchase or has furnished incorrect particulars of his transaction and thereby has given figures below the real amount.

(b) in any other case, within 4 years of the expiry of such period, the Assessment Sub-committee shall serve on the trader a notice containing all the stipulations which may be included in a notice in Form C and proceed to assess or re-assess the amount of fees due from the trader in respect of the amount of transaction of sale or purchase by such trader.]

1. Inserted by Act 60 of 1982.

27B. Appeal :-

1[(1) Any person dissatisfied with the order passed on assessment may appeal to the Regional Director of Agriculture Marketing of the area concerned.

(2) No appeal under sub-section (1) against the order of assessment passed under sub-section (7) of Section 27-A or against the order of penalty passed under sub-section (8) of section 27A, or assessment under section 27AA shall be entertained unless the appellate authority is satisfied that the appellant has deposited with the Market Committee :

(a) In case of an appeal against the order of assessment and levy of market fee under sub-section (7) of section 27A or section 27AA one third of the fee assessed as due against him or the admitted amount of fee whichever is higher.

(b) In case of an appeal against the order passed under sub-section (8) of section 27A, ten percent of the levy of penalty due from him.

(3) Every appeal under this section shall be filed within thirty days of receipt of the demand-notice.]

1. Inserted by Act 60 of 1982.

27C. Power of Revision of Appeal and Examination of Record :-

1[(1) Subject to such rules as may be made under this Act, an order passed on appeal under sub-section (1) of section 27-B, may on application be revised by the Managing Director of the Board, provided such application is filed within 45 days of the passing of the order.

(2) The Managing Director of the Board may call for and examine the record of any proceeding under this Act in which any order has been passed by any other authority, for the purpose of satisfying himself as to the legality or propriety of such order and may after examining the record and making or causing to be made such enquiry as he may deem necessary, pass such order which he thinks proper.

(3) No order under this section shall be passed without giving the trader and the authority whose order is sought to be reviewed or revised, a reasonable opportunity of being heard.

(4) The order passed by the Managing Director of the Board shall be final and conclusive.]

1. Inserted by Act 60 of 1982.

28. Power to borrow :-

(1) A Market Committee may, with the previous sanction of the Jharkhand Government, raise money required for carrying out the purposes of this Act on the security of any property vested in and belonging to such Committee and of any fee leviable by it under this Act.

⁴[(2) A Market Committee may, for the purpose of meeting the initial expenditure on land, buildings and equipment required, for establishing a market, obtain a loan from the Jharkhand Government or the State Bank of India constituted under the State Bank of India Act, 1955 (no. 23 of 1955) or any subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959 (no. 38 of 1959) or a Bank specified in column 2 of the first schedule to the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (no. 5 of 1970) or any corporate body (including a company as defined in section 3 of the Companies Act, 1956) in which not less than fifty-one percent of the paid up share capital is held by the Central Government or the Jharkhand Government or partly by the Central Government and partly by the Jharkhand Government.

(3) The conditions subject to which such money or loan shall be raised or obtained and the time within which the same shall be repayable, shall be subject to the previous sanction of the Board.]

1. Substitute by Act 60 of 1982.

29. Market Committee Fund :-

All money received by a Market Committee shall be paid into a fund to be called the Market Committee Fund and all expenditure incurred by the Market Committee under or for the purposes of this Act shall be defrayed out of the said fund and any surplus remaining with the Market Committee after such expenditure has been met shall be invested in such manner as may be prescribed in this behalf.

30. Application of Market Committee Fund :-

Subject to the provision of section 29, the Market Committee fund may be applied to the following purposes only namely:-

(i) the acquisition of a site for the market;

(ii) the maintenance and improvement of the market;

(iii) the provision and maintenance of standard weights;

(iv) the construction and repair of buildings, ¹[check posts, market gates and other fixtures] necessary for the purpose of such market and for the health, convenience and safety of the persons using it;

(v) the pay, pensions, leave allowances, gratuities, compensations for injuries resulting from accidents, compassionate allowances and contributions towards leave allowances, pensions or provident fund of the officers and servants employed by it;

(vi) the payment of interest on the loans that may be raised for the purposes of the market and the provision of a sinking fund in respect of such loans;

(vii) the expense of and incidental to elections;

1. Substitute by Act 60 of 1982.