

**BOMBAY METROPOLITAN REGION SPECIFIED
COMMODITIES MARKETS (Regulation of Location) ACT,
1983**

42 of 1983

[2nd December, 1983]

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SCHEDULE 1 :- SCHEDULE

BOMBAY METROPOLITAN REGION SPECIFIED COMMODITIES MARKETS (Regulation of Location) ACT, 1983

42 of 1983

[2nd December, 1983]

An Act to regulate location of market areas and wholesale markets in respect of specified commodities in the Bombay Metropolitan Region and to establish market committees to manage and control different markets established in different market areas for different commodities and to provide for matters connected therewith or supplemental or incidental thereto. WHEREAS the Bombay Metropolitan Region Development Authority has been established

under the Bombay Metropolitan Region Development Authority Act, 1974, for the purpose of planning.co-ordinating and supervising the proper, orderly and rapid development of the areas in the Bombay Metropolitan Region; AND WHEREAS,with the fast growth of population and commercial activities, the congestion and consequent traffic, accomodation and other problems in Greater Bombay and particularly in South Bombay have been increasing enormously and therefore the State Government has accepted the policy to decongest the old island City and to shift as many commercial activities as possible to places outside South Bombay, for achieving the objectives for which the Metropolitan Authority is established; AND WHEREAS, with aview to relieving some of the congestion, steps are being taken under the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963,to shift wholesale markets for some of the agricultural produces like onions and potatoes to New Bombay; AND WHEREAS, neccessity is increasingly felt to locate or relocate wholesale markets for some of the non-agricultural products also like textiles and iron and steel immediately and for other commodities as soon as possible ; AND WHEREAS,at present there is no provision of law available to enable the State Government, the Metropolitan Authority or any local authority to take any appropriate steps for establishing or shifting such markets to other localities; AND WHEREAS, it is, therefore, neccessary to enact a law immediately to regulate the location of market areas and wholesale markets in respect of commodities specified,from time to time, under such law and to establish market Committees to manage and control different markets Markets (Regulation of Location) Act, 1983 established for different commodities in different market areas and to provide for matters connected therewith or supplemental or incidental thereto ; It is hereby enacted in the Thirty-fourth Year of the Republic of India as follows :-

CHAPTER 1

Preliminary

1. Short title, extent, commencement and application :-

(1) This Act may be called the Bombay Metropolitan Region Specified Commodities Markets (Regulation of Location)Act,1983.

(2) It shall extend to all the areas for the time being comprised in the Bombay Metropolitan Region as defined in the Bombay Metropolitan Region Development Authority Act, 1974.

(3) It shall come into force in Greater Bombay at once. It shall come into force in any other area in the Bombay Metropolitan Region on such date as the State Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different areas.

2. Definitions :-

In this Act, unless the context otherwise requires.-

(1) "Authority" or "Metropolitan Authority" means the Bombay Metropolitan Region Development Authority established under the Bombay Metropolitan Region Development Authority Act, 1974;

(2) "by-laws" means the by-laws made by a market committee under this Act;

(3) "Chief Executive Officer" means the Chief Executive Officer of the market committee concerned ;

(4) "committee" or "market committee" means the committee constituted in any market area for any specified commodity;

(5). "commodity" or "specified commodity" means any commodity for the time being specified in the Schedule;

(6) "market" means any principal market established in any market area for any specified commodity, and includes a subsidiary market;

(7) "market area" means any area declared under section 3 as market area for any specified commodity;

(8) "market yard" means any area declared under section 3 to be a market yard of any market, and includes a sub-market yard;

(9) "Metropolitan Commissioner" means the Metropolitan Commissioner appointed under the Bombay Metropolitan Region Development Authority Act, 1974;

(10) "prescribed" means prescribed by rules;

(11) "register" means the register prepared and maintained under section 5 ;

(12) "registered trader" means a person whose name is, for the time being, registered in the register for the respective trade ;

(13) "regulations" means regulations made under section 10;

(14) "rules" means rules made by the State Government under this Act;

(15) "sale", with its grammatical variations and cognate expressions, means a sale of any commodity by one person to another for cash or deferred payment or for any other valuable consideration, and includes a transfer of any commodity on the hire purchase or other system of payment of price by installments or a sale by an agent on behalf of another person for commission or other consideration;

(16) "Schedule" means the Schedule appended to this Act;

(17) "specified trade" means the wholesale trade in a specified commodity;

(18) "wholesale trade" means sale or purchase of any commodity for purposes other than direct consumption or use by the purchaser, and shall include holding of stocks or warehousing of the specified commodity at any place in the market area or in any market yard for such trade ; and any such seller, buyer, holder of stock or warehouse -keeper shall be deemed to be " a wholesale trader";

(19) words and expressions used in this Act, and not defined herein, shall have the meanings assigned to them in the Bombay Metropolitan Region Development Authority Act, 1974.

CHAPTER 2

Declaration of market area and market yards and prohibition of carrying trade at unauthorised places

3. Declaration of market area and market yards :-

(1) On the recommendation of the Metropolitan Commissioner, the Metropolitan Authority may, by notification in the Official Gazette, declare any area in the Metropolitan Region described in the notification to be the market area in respect of any specified commodity and shall by the same or by a separate notification specify one or more market yards and sub-market yards for the market area, which may, if necessary, be located outside the market area.

(2) Before making any recommendation for issue of any notification under sub-section (1), the Metropolitan Commissioner shall cause to be published in the Official Gazette and in at least two

newspapers having circulation in the proposed market area, a public notice of his intention to recommend to the Authority to issue such notification in respect of the area and the commodities described in such notice and inviting objections or suggestions in writing in respect of the said intention, within forty days from the date of publication of the public notice in the Official Gazette. Any objections or suggestions which may be received by the Metropolitan Commissioner in time shall be taken into consideration by him, before making his recommendation to the Authority.

(3) A plan showing the boundaries of the market area as declared under sub-section (1) and the boundaries of the market yards shall be made available for inspection at the office of the Metropolitan Commissioner and of the market committee and at such other places as may be notified by him in this behalf.

4. Constitution of first market committee :-

(1) As soon as possible, after any area is declared to be a market area for any commodity under sub-section(1) of section 3, the State Government shall, by notification in the Official Gazette, constitute the first market committee therefor which shall consist of a Chairman, a Vice-Chairman and such number of other members nominated by the State Government may consider necessary.

(2) Every member (including the Chairman and Vice-Chairman, shall hold office for such period as the State Government may fix in each case.

(3) All members (including the Chairman and Vice-Chairman) of the first market committee shall be deemed to vacate office, when the first meeting of the successor market committee duly constituted under sub- section (1) of section 9 is held, at which a quorum is present.

5. Registration of persons lawfully engaged in specified trade :-

(1) As soon as possible, after any area is declared to be a market area for any commodity, the Chief Executive Officer shall issue a notice and publish it in atleast four newspapers having circulation in the market area, inviting all persons lawfully engaged in the specified trade to apply in writing to him for registering themselves with the market committee. Such applications shall be invited within a reasonable period as may be specified in the notice, which

shall not be less than fifteen days and shall not be more than forty-five days, calling upon the applicants to adduce evidence that the applicants have been actively and lawfully engaged in the specified trade in the area immediately before the date of notification issued under subsection area immediately before the date of notification issued under sub-section (1) of section 3.

(2) Any person other than the person referred to in sub-section (1) intending to carry on a specified trade in any market yard shall also apply to the Chief Executive Officer for registering his name with the market committee.

(3) The application for such registration shall be made in such form and shall be accompanied by such documents as the Chief Executive Officer may, with the approval of the Metropolitan Commissioner, notify. It shall also be accompanied by such fee as may be laid down by the bye-laws.

(4) The Chief Executive Officer shall consider all applications received by him. If he is satisfied, on making such further inquiry (if any) as he may deem fit, that any applicants were actively and lawfully engaged in or intending to carry on the specified trade, he shall include their names in the register to be maintained by him and inform the applicants accordingly. Every such registered person shall be eligible to get a licence as provided in section 33.

(6). If the Chief Executive Officer, on application made to him or on his own motion, is satisfied, after such inquiry as he thinks fit, that any entry in the register is erroneous or defective in any particular or should be deleted on the ground that the person concerned has ceased to carry on the specified trade, he may, after giving a reasonable opportunity of being heard to the person concerned, amend or delete the entry.

(7). Any person aggrieved by any decision of the Chief Executive Officer in regard to the refusal of registration or amendment or deletion of an entry of his name in the register make an appeal in writing to the Metropolitan Commissioner within one month of the receipt of the communication from the Chief Executive Officer in that regard.

(8). The decision of the Chief Executive Officer in regard to such registration, and where an appeal is made against it, the decision of the Metropolitan Commissioner, shall be final.

6. Market committee to provide alternative trading facilities to registered persons in market yards :-

7. Prohibition on carrying on specified trade in any market area or market yard without a licence :-

(1) On and after the date specified by the Metropolitan Commissioner, by notification in the Official Gazette (hereinafter referred to as "the appointed date"), no person shall carry on the specified trade in any place in the market area, other than in the market yard or sub-market yard, and except under and in accordance with the conditions of a licence granted in that behalf under this Act.

(2). Save as otherwise permitted by the Metropolitan Authority, no local authority, having jurisdiction in the market area, shall, on and after the appointed date, notwithstanding anything contained in any law for the time being in force, establish, authorise or continue or allow to be established, authorised or continued any place in the market area as a market or a place to carry on the specified trade and any permission or licence already granted by it shall stand cancelled on the appointed date. Upon such cancellation of any permission or licence, the holder of such permission or licence shall not be entitled to claim and receive any compensation, but shall be entitled to claim and receive such amount towards refund of the fees paid by him as is proportional to the unexpired period of such permission or licence.

CHAPTER 3

Constitution of Market Committees

8. Establishment of market committees :-

(1). For every market area, there shall be a market committee. Every market committee shall be a body corporate by the name of "The (name of area and commodities) Market Committee" as may be decided by the Metropolitan Authority. Every committee shall have perpetual succession and a common seal, and may by its corporate name sue and be sued and shall be competent to contract and to acquire, hold and dispose of property, both movable and immovable, and to do all other things necessary for the purposes of this Act.

(2) The market committee shall be deemed to be a local authority within the meaning of the term "local authority" as defined in the

Bombay General Clauses Act, 1904.

9. Constitution of market committee :-

(2) When a market committee is constituted for the first time, all the members thereof shall be nominated by the State Government, as provided by sub-section (1) of section 4.

(4) If any authority, committee, association, union or body fails to elect or nominate any members, the Metropolitan Commissioner shall give notice to them in such manner as he thinks fit, requiring them to elect or nominate a member or members within one month from the date of notice ; and on the failure again to elect or nominate a member or members within the aforesaid period, the Metropolitan Commissioner shall appoint on behalf of them or any of them, as the case may be, a person or persons who are qualified to be elected or nominated, as the case may be, under sub-section (1) as members.

10. Regulations for holding elections of members :-

(1) The Executive Committee of the Metropolitan Authority may make regulations generally to provide for or to regulate all matters relating to elections to be held under this Act. The power to make regulations shall be exercisable by the Executive Committee subject to the previous sanction of the State Government as hereinafter provided.

(4) The Executive Committee shall consider the objections and suggestions received, if any, and may by a resolution approve the final draft of the regulations.

(5) Within seven days of the passing of such resolution, the Chief Executive Officer shall submit the final draft of the regulations approved under sub-section (4) to the State Government and the State Government may sanction the regulations sent to it subject to such modifications, if any, as it may think necessary.

11. Publication of names of members :-

The Metropolitan Commissioner shall, by notification in the Official Gazette, publish the names of all the members of the committee, elected or nominated or, as the case may be, appointed under sub-section (1) of section 9 and the committee shall be deemed to have been constituted from the date of such publication of names of members :

Provided that, if for any reason there is failure to elect or nominate a member on the part of any of the electors or other authority competent to elect or nominate, the committee shall be deemed to have been duly constituted if the names of two-thirds of the total number of members of the committee are published in the Official Gazette, and as regards the names of the remaining members elected, or nominated or appointed under the provisions of sub-section (1) of section 9 thereafter, the Metropolitan Commissioner shall subsequently publish the names of the members in the Official Gazette, as and when a member is elected, or nominated or, as the case may be, appointed.

12. Disputes in respect of election or nomination of members including Chairman and Vice-Chairman :-

No election of a member (including Chairman and Vice-Chairman) may be called in question, except by a petition presented to the City Civil Court or the Civil Judge (Senior Division) within whose jurisdiction the market yard is situated, by a candidate at the election or by any person entitled to vote at the election, within ten days after the publication of the names of members in the Official Gazette.

13. Term of office of members of committee :-

(1) Except as otherwise provided in this Act, the members of a committee (not being a committee constituted for the first time) shall hold office for a period of four years from the date referred to in sub-section (2): Provided that, the State Government may, by an order in the Official Gazette, extend the term of office of members of any committee for a period not exceeding one year.

(2) The term of office of members of a committee shall be deemed to commence on the date of the first meeting of the committee held in accordance with the provisions of sub-section (3).

(3). The first meeting of the committee shall be held on such date as may be fixed by the Metropolitan Commissioner, or by the Chief Executive Officer if authorised by him by a general or special order, in that behalf, which date shall be within thirty days from the date on which the names of members are published in the Official Gazette and the committee is constituted in accordance with the provisions of section 11. Such meeting shall be presided over by the Chief Executive Officer.

(4) Notwithstanding anything contained in sub-section (3) such

meeting shall not be held before the expiry of the term of office of members of an existing committee.

14. Resignation of members :-

Any member of the committee may resign his office by tendering his resignation in writing to the Chief Executive Officer and such resignation shall be effective on its receipt by the Chief Executive Officer.

15. Removal of members :-

16. Casual vacancies :-

(2). Where a person becomes or is elected or nominated or appointed as a member of the committee by virtue of holding any office or being a member of the Parliament, State Legislature, any local authority, filling of casual vacancy .committee, association or body, whether incorporated or not, he shall cease to be a member of the committee, as soon as he ceases to be holder of that office or ceases to be such member, as the case may be.

17. Members to vacate office on expiry of term and appointment of administrator :-

(2). The administrator shall receive such monthly salary and allowances from the Market fund and shall be subject to such conditions of service as the State Government may from time to time determine. When a salaried servant of the State Government is appointed as the administrator, such contribution to his pension, leave and other allowances as may be required by the conditions of his service under the Government to be made by him or on his behalf, shall be paid to the State Government from the Market Fund.

18. Election of Chairman and Vice-Chairman :-

Every committee shall have a Chairman and a Vice-Chairman who shall be elected by the members of the committee in accordance with the regulations made under section 10.

19. Term of office of Chairman and Vice-Chairman :-

The term of office of the Chairman and Vice-Chairman shall be two years from the date of the election or the remainder of their term of office as members, whichever is less, but a retiring Chairman or Vice-Chairman shall be eligible for re-election.

20. Honorarium to Chairman and Vice-Chairman :-

The committee may, subject to the provisions of bylaws made in that behalf, pay to the Chairman and Vice-Chairman an honorarium of such amount as may be specified in the bylaws:

Provided that, no honorarium shall be payable to any Chairman or Vice-Chairman, if he is a member of the Parliament or of the State Legislature.

21. Election of Chairman and Vice-Chairman :-

Subject to the provisions of sub-section (1) of section 4, the Chairman and the Vice-Chairman shall be elected in the first meeting of the committee held in accordance with the provision of sub-section (3) of section 13 and on the expiry of the term of the Chairman and Vice-Chairman under section 19 or, as the case may be, where there is a vacancy of the Chairman, or the Vice-Chairman, they shall be elected by the members in the meeting of the committee to be called by the Chief Executive Officer, within fifteen days from the date on which the term has so expired, or, as the case may be, the vacancy has occurred. Such meeting shall be presided over by the Metropolitan Commissioner.

22. Resignation of Chairman and Vice-Chairman :-

A Chairman or Vice-Chairman may resign his office by tendering his resignation in writing to the Chief Executive Officer and the resignation shall be effective on its receipt by the Chief Executive Officer.

23. Removal of Chairman and Vice-Chairman :-

A Chairman or a Vice-Chairman shall cease to hold office, if the committee by a resolution passed by a majority of not less than two-thirds of the total number of members of the committee, so decides at a meeting.

24. Casual vacancies in office of Chairman and Vice-Chairman :-

If the office of the Chairman or the Vice-Chairman becomes vacant due to any reason, the vacancy shall be filled by election in accordance with the provisions of section 21:

Provided that, the person so elected shall hold office so long only as the member in whose place he is elected would have held office, if the vacancy had not occurred.

25. Chairman and Vice-Chairman to hand over charge of their respective offices and consequences of refusal to

hand-over charge :-

(1) On the election of a new Chairman, or Vice-Chairman, the outgoing Chairman or Vice-Chairman, as the case may be, shall immediately hand over charge of their respective office and all papers and property of the committee to the new Chairman, or as the case may be, to the Vice-Chairman.

(2) If the outgoing Chairman or Vice-Chairman fails or refuses to hand over charge of his office and all papers and property of the committees required under sub-section (1), the Metropolitan Commissioner or any officer empowered by him in writing in this behalf may, by order in writing direct the Chairman or the Vice-Chairman, as the case may be, to forthwith hand over charge of his office and all papers and property of the committee, if any, in his possession as such Chairman or Vice-Chairman, to the new Chairman or Vice-Chairman.

(3) If the outgoing Chairman or Vice-Chairman, to whom a direction has been issued under sub-section (2), does not comply with such direction, the Metropolitan Commissioner or any officer authorised by him under sub-section (2), may apply to the Executive Magistrate within whose jurisdiction the committee is functioning for seizing and taking possession of papers, funds and property of the committee in the possession of such Chairman or Vice-Chairman.

(4) On receipt of an application under sub-section (3), the Magistrate may authorise any police officer, not below the rank of a Sub-Inspector of police, to enter and search any place where the papers, funds and property are kept or likely to be kept and to seize them and hand over possession thereof to the new Chairman or Vice-Chairman, as the case may be.

26. Constitution of standing committee :-

For every market committee, there shall be a standing committee, which shall consist of-

(i) the Chairman of the committee, who shall also be the Chairman of the standing committee ;

(ii) the Chief Executive Officer ; and

(iii) three other members to be elected by the committee, from amongst its members.

27. Appointment of sub-committees :-

A committee may by a resolution supported by not less than half the total number of members of the committee, appoint one or more sub-committees, each consisting of such number of members of the committee as the committee may determine, so however that the number of members of a sub-committee shall not exceed five.

28. Powers, functions, etc., of the standing committee and sub-committee :-

A committee may, by bylaws made for that purpose, delegate any of its powers to and entrust functions and determine the sphere of duties of the standing committee and the sub-committees:

29. Delegation of powers of committee to standing committee or sub-committee :-

Notwithstanding anything contained in section 28, but except the proviso thereto, the committee may, by a resolution supported by not less than half the total number of members of the committee, delegate to the standing committee or a sub-committee such of its powers or duties as it may deem necessary, for a period not exceeding six months.

30. Meetings and conduct of business at meetings :-

The meetings, quorum and procedure of the committee, standing committee and sub-committee shall be regulated in accordance with the by-laws made for the purpose.

31. Members to act during vacancy, acts of committee etc., not to be invalidated by informalities :-

(1) During any vacancy in a committee, standing committee or any sub-committee, the continuing members thereof may act as if no vacancy had occurred.

(2) No disqualification of, or defect in the election, nomination or appointment of any person acting as the Chairman or Vice-Chairman or a member of the committee, standing committee or sub-committee shall vitiate any act or proceeding of the committee standing committee or sub-committee, if such act or proceeding is otherwise in accordance with the provisions of this Act ; and such proceedings of the committee, standing committee or sub-committee shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings, provided the

majority of such persons were entitled to act.

(3) No act or proceeding of a committee standing committee or any of its sub-committees shall be deemed to be invalid on account of any irregularity in the service of notice upon any member provided that the proceedings thereof were not prejudicially affected by such irregularity.

(4) Until the contrary is proved, every meeting of a committee, standing committee or any sub-committee shall be deemed to have been duly convened and held.

CHAPTER 4

Powers and Duties of Market Committee

32. Powers and duties of committee :-

In addition to the powers Powers and duties. conferred and duties imposed upon it by or under this Act, a committee may-

(1) construct, maintain and manage the market yard including any buildings or structures ;

(2) provide, maintain and manage any instruments or implements required in such yard ;

(3) acquire, hold and dispose of any movable or immovable property;

(4) grant, renew, refuse, suspend or cancel licences to carry on a specified trade in the market yard ;

(5) regulate the entry of persons and vehicular traffic into the market yard ;

(6) collect or maintain, disseminate and supply information in respect of production sale, storage, processing, prices and movement of commodities ;

(7) provide for the licensees and other persons visiting the market, common services including transport, storage, grading, weighing, restaurants, petrol pumps, and temporary accommodation for persons visiting the market;

(8) enforce the provisions of this Act and rules, regulations, by-laws and conditions of the licences granted under this Act ; and

(9) perform such other functions and duties as may, from time to time, be necessary or expedient for the purpose of maintaining or

managing the market.

33. Grant of licence to be regulated by bylaws :-

Subject to the rules, if any, made by the State Government, a committee may make bylaws for the grant, renewal, suspension or cancellation of licence for the use of any place in the market yard for carrying on the specified trade :

34. Power of committee to levy fees :-

It shall be competent to a committee to levy and collect fees in the manner and at the rates laid down in the by-laws made,-

(i) subject to the provisions of sub-section (2) of section 35, for stalls, offices, shops, godowns etc. and open spaces in the market yard;

(ii) for the grant and renewal of licences;

(iii) for any common services, amenities and facilities provided arranged by the committee;

(iv) for the entry of persons, vehicles and goods into the market yard; and

(v) for any other matter for which fees is to be or may be levied and collected by it.

35. Provision regarding transfer of immovable property of committee :-

(1) Notwithstanding anything contained in clause(3) of section 32, a committee shall not, except with the previous permission of the State Government, transfer by sale, lease exchange, mortgage, or otherwise, any land vesting in it or acquired by it and situated in the market yard.

(2) Subject to the provisions of sub-section (1), the committee may dispose of by sale, lease, exchange, mortgage, or otherwise any building, stall, shop, stand, pen or things attached to the land or permanently fastened to anything attached to the land, subject to such conditions (including for charging of fees or rent or compensation for use and occupation of any building, stall, shop, stand, pen or things attached to the land or permanently fastened to anything attached to the land where necessary) and such limitations as may be determined by bylaws made for the purpose.

36. Transfer of immovable property of committee by the

licensee :-

(1) Subject to such conditions and limitations as the bylaws may provide, any licensee holding immovable property or any interest in such property granted to him under sub-section (2) of section 35 may, with the previous sanction of the committee, transfer such property or interest by agreement to any person for carrying on a specified trade.

(3) Any person aggrieved by the decision of the committee may, within one month of the receipt of the communication from the committee in that regard, appeal to the Metropolitan Commissioner, whose decision on such appeal shall be final.

37. Execution of contracts :-

(1) Every contract entered into by committee shall be in writing and shall be signed on behalf of the committee by its Chairman, or in the absence of the Chairman by the Vice-Chairman, and two other members of the committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on the committee.

CHAPTER 5

Market Fund, Finance, Accounts and Audit etc.

38. Market Fund, its custody and investment :-

(1) All moneys received by a committee under this Act including all sums realized by way of licence fees, fines, penalties paid to or levied under this Act (other than fines imposed by any Court), all proceeds of land or other property sold by a committee, all rents or compensation accruing from land or property, all loans raised by a committee, and all grants, loans or contributions made by the State Government to a committee shall form part of a fund to be called "the Market Fund".

(2) The amount to the credit of the Market Fund shall be kept or invested in such manner as may be prescribed.

39. Purposes for which Market Fund to be expended :-

(2) It shall be lawful for the committee also to incur, with the previous approval of the State Government, expenditure on works or installations outside the market yard, provided such a proposal is in furtherance of the object of giving effect to any provisions of this

Act and is approved by one half of the total number of members of the committee.

40. Constitution of special funds :-

(2) Every such fund shall form part of the Market Fund and shall be held and applied by the committee for the purposes for which such fund has been constituted.

41. Power to borrow :-

A committee may, with the previous approval of the State Government, borrow, on the security of any immovable property vested in the committee or proposed to be acquired by it under this Act, any moneys for carrying out the purposes of this Act or for servicing any loan obtained by it, at such rates and on such condition as the State Government may determine at the time the moneys are borrowed.

42. Accounts and Audit :-

(1) A committee shall keep accounts in such form and in such manner as it may, by bylaws made in this behalf, determine.

(2) The accounts of the committee shall be audited by Chief Auditor, Local Fund Accounts or by any other auditor appointed by the committee, with the previous approval of the State Government.

(3) The State Government may, if it thinks necessary, appoint a special auditor to audit the accounts of a committee.

(4) The auditor or the special auditor, as the case may be, shall submit his report to the committee and shall forward a copy thereof to the Metropolitan Commissioner and the State Government.

(5) The cost of the audit under sub-section (2) or (3), if any, shall be borne by the committee.

43. Budget :-

(1) The Chief Executive Officer shall prepare, every year, in such form as the committee may by bylaws made for the purpose determine, an annual budget estimate in respect of the financial year next ensuing showing the estimated receipts and disbursement or income and expenditure of the committee, the estimated opening and closing balance of the Market Fund and special funds, if any, and shall submit it to the committee before

thirty-first day of January for approval.

(2) The committee shall adopt the budget estimate with such modifications as it may consider necessary by the first day of March .

(3) The Chief Executive Officer shall before the first day of March forward to the Metropolitan Commissioner for his approval copies of the budget prepared by him and the budget approved by the committee.

(4) If the committee, for any reason, fails to adopt the budget by the first day of March, the Chief Executive Officer shall, before the fifth day of March, submit the budget prepared by him to the Metropolitan Commissioner for approval.

(5) The Metropolitan Commissioner shall approve the budget with such modifications as he may consider necessary before the 31st day of March.

(6) The Chief Executive Officer shall forward a copy of an approved budget to the State Government.

44. Reappropriation of budget provisions :-

The committee may, subject to bylaws, if any, sanction reappropriations within the budget approved under section 43. A copy of statement of such reappropriation shall be submitted to the Metropolitan Commissioner and the State Government:

Provided that, no such reappropriation shall be done from the amounts earmarked for the repayment of any loan or the payment of the interest on any loan and toward contribution to any fund or funds constituted under section 40.

45. Application of property, Funds, etc, :-

All property and Market Fund and all other assets belonging to, or vesting in, the committee shall be held and applied by it, subject to the provisions, and for the purposes of this Act.

46. Annual report :-

(2) The annual report shall be laid before each House of the State Legislature, as far as possible before the expiry of the year next succeeding the year to which it relates.

CHAPTER 6

Acquisition of Land

47. Application of the provisions of Chapter VIII of Mah.IV of 1975 :-

(1) The acquisition of any land by the State Government for the purposes of this Act shall be deemed to be a public purpose.

(2) The provisions of Chapter VIII of the Bombay Metropolitan Region Development Authority Act, 1974, shall mutatis mutandis, apply in relation to the acquisition of any land for the purposes of this Act, as they apply in relation to the acquisition of land by the State Government for the purposes of that Act.

CHAPTER 7

Officers and servants of a Market Committee

48. Appointment of Chief Executive Officer :-

(1) There shall be a Chief Executive Officer for every committee, who shall be appointed by the State Government.

(3) On the appointment of an officer of the State Government as the Chief Executive Officer, such contribution to his pension, leave and other allowances, as may be required by the conditions of his service under the Government to be made by him or on his behalf, shall be paid to the State Government from the Market Fund.

(4) If at a special meeting of the committee not less than two-thirds of the total number of members (other than the Chief Executive Officer) who are for the time being entitled to sit and vote at any meeting of the committee, vote in favour of a resolution requiring the State Government to withdraw the Chief Executive Officer from office, the State Government shall withdraw such officer from service under the committee.

49. Powers and duties of the Chief Executive Officer :-

(1) Subject to the superintendence, direction and control of the committee, all the executive functions of the committee shall be exercised by the Chief Executive Officer.

(3) The Chief Executive Officer may, with the sanction of the committee, delegate any of the powers or duties or functions conferred or imposed upon him by or under this Act, to any officer or servant of the committee.

50. Appointment of other officers and servants :-

(2) The powers and duties of such officers and servants shall be

such as the committee may, from time to time by bylaws made for the purpose, determine.

51. Conditions of service of officers and servants to be regulated by bylaws :-

The committee may, by bylaws made for the purpose, regulate the recruitment and the conditions of service of its officers and servants and such bylaws may provide for the following matters, namely :-

- (i) regulating the grant of leave and the payment of leave salary and allowances while absent on leave ;
- (ii) authorising the payment of travelling or conveyance allowance;
- (iii) regulating the period of service ;
- (iv) determining the conditions under which the employees shall receive pension, gratuity or compassionate allowance and under which heirs or surviving relatives of employees shall receive such pension, gratuity and compassionate allowance ;
- (v) authorising payment of contribution out of the Market Fund to any pension or provident fund, which may be established for the benefit of the employees;
- (vi) determining subsistence allowance in lieu of pay during the period of suspension of any employee pending enquiry ;
- (vii) generally prescribing any other conditions of service of the employees.

CHAPTER 8

Control

52. Inspection, enquiry, submission of statements, etc. :-

(2) If the Committee fails to comply with an order made or direction issued under sub-section(1), the Metropolitan Commissioner or the officer authorised by him may direct the Chief Executive Officer to comply with such order and the Chief Executive Officer shall immediately comply with such direction.

53. Duty of officer, servant or member to furnish information to Metropolitan Commissioner, etc. :-

(1) Any officer, servant or member (including the Chairman and Vice-Chairman) of a committee shall furnish such information in his possession in regard to the affairs or proceedings of the committee,

standing committee or any sub-committee as the Metropolitan Commissioner, or any officer authorised by him or, as the case may be, any officer authorised by the State Government, may require him so to do.

(2) An officer holding an inquiry into the affairs of the committee or examining the proceedings under section 52 shall have powers to summon and enforce the attendance of any officer, servant or member including the Chairman or Vice-Chairman of the committee and compel him to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908. The officer shall thereafter submit a report of the enquiry or examination so made by him to the State Government.

54. Seizure of account books and other documents etc. :-

Where the Metropolitan Commissioner or, any officer authorised by him has reason to believe that the books and records of a committee are likely to be tampered with or destroyed or the funds or property of a committee are likely to be misappropriated or misapplied, the Metropolitan Commissioner or the officer so authorised may seize and take possession of such books and records, funds and property of the committee, and the officers, servants or members (including the Chairman and Vice-Chairman) of the committee responsible for the custody of such books, records, funds and property shall give delivery thereof to the Metropolitan Commissioner or the officer so authorised.

55. Supersession of market committee :-

56. Appointment of Administrator :-

(1) When a committee is superseded, the State Government may, by the same order as issued under sub-section (1) of section 55 or by like order, appoint an Administrator in the first instance for a period not exceeding one year as the State Government may fix, but his term of office may be extended by such period or periods not exceeding three years in the aggregate as the State Government may think fit.

(2) The Administrator shall receive such monthly salary and allowances from the Market Fund and shall be subject to such conditions of service as the State Government from time to time determine. When a salaried servant of the State Government is appointed as the Administrator, such contribution to his

pension, leave and other allowances as may be required by the conditions of his service under the State Government to be made by him or on his behalf, shall be paid to the State Government from the Market Fund.

57. Powers of Administrator :-

(1) When an Administrator is appointed under section 56, during his term of office all the powers vesting in or exercisable by, and the duties and functions imposed on the committee, the standing committee, the Chairman, the Vice-Chairman and the sub-committees, if any, by or under this Act, or any other law for the time being in force, shall vest in and be exercised or, as the case may be, be performed by the Administrator.

(2) The Chief Executive Officer shall be subordinate to the Administrator and the Administrator may delegate such powers and entrust such duties to the Chief Executive Officer as he may think necessary .

58. Re-establishment of committee :-

(1) Within one month before the expiry of the term or the extended term of the Administrator, elections shall be held to elect members or steps shall be taken to nominate members so as to re-establish and constitute the committee in accordance with the provisions of sections 9 and 11.

(2) Notwithstanding anything contained in section 56, the term of office of the Administrator shall be deemed to extend to, and expire with, the date immediately preceding the date of the first meeting of the committee so re-established and constituted.

CHAPTER 9

Appeals and Revision

59. Appeals :-

(2) In the case of an order passed in appeal by the committee, a second appeal shall lie to the Metropolitan Commissioner.

(4) No order shall be passed in any appeal filed under sub-section (1), (2) or (3) unless the appellant is given an opportunity of stating his case; and every order passed in appeal, shall, subject to the provisions of sub-section (2), section 61 and section 62, be final and conclusive.

60. Non-appealable orders :-

No appeal and no application for revision shall lie against -

(i) any notice issued under this Act or the rules, regulations or bylaws, including a notice issued upon a licensee to show cause why his licence should not be suspended or revoked ; or

(ii) an order pertaining to the seizure or retention of account books, registers and other documents ; or

(iii) an order sanctioning a prosecution under this Act.

61. Power of State Government to call for record of any case :-

(2) No order shall be passed under this section which adversely affects any person, unless such person has been given a reasonable opportunity of rendering an explanation.

(3) No such record shall be called by the State Government after one year from the date of the passing of the order.

(4) The order passed by the State Government under this section shall be final and conclusive.

62. Finality of order :-

Save as otherwise expressly provided by or under this Act, every order made by any authority under this Act shall be final and conclusive and shall not be called in question in any Court by a suit,application or otherwise.

63. Bar of jurisdiction :-

No Civil Court shall have jurisdiction to entertain, to decide or to deal with any question (in any suit, appeal, application or other proceeding) which is by or under this Act to be decided or dealt with by the State Government, or a committee, or any officer under this Act, and in respect of which the decision or order of the State Government, committee or officer has been made final and conclusive ; and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

64. Offences and penalties :-

(3) Where any such accused person has been convicted for contravention of the provisions of sub-section (1) of section 7, the stock of the commodity in respect of which any order is made under

sub-section (2) may be forfeited to the State Government; and in case where such person is acquitted or discharged the stock, if it is seized and kept in the custody of the committee, shall be returned to him.

65. Offence by companies :-

66. Cognizance and trial of offences :-

(1) No Court shall take cognizance of any offence punishable under this Act, except with the previous sanction of the Metropolitan Commissioner or the Chief Executive Officer or any person authorised by the Metropolitan Commissioner or the Chief Executive Officer, by general or special order, in this behalf.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence under sub-section (1) of section 64 shall be cognizable and bailable.

(3) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try an offence punishable under this Act.

67. Compounding of offences :-

(1) The Chief Executive Officer may either before or after the institution of proceedings for any offence [other than an offence under clause (a) of sub-section (1) of section 64] punishable under this Act, with the approval of the Metropolitan Commissioner, accept from any person charged with such offence by way of composition of the offence a sum not less than the amount of the maximum fine and not more than double the amount of the maximum fine sum for the relevant offence mentioned in section 64, as he may determine.

(2) On payment of such sum as may be determined by the Chief Executive Officer under sub-section (1), no further proceedings shall be taken against the accused person in respect of the same offence, and any proceedings, if already taken, shall stand abated, and the accused person, if in custody, shall be discharged.

CHAPTER 10

Rules and Bylaws

68. Power to make rules :-

(1) The power to make rules under this Act shall be exercisable by

the State Government by notification in the Official Gazette.

(2) Without prejudice to any power to make rules contained elsewhere in this Act, the State Government may make rules consistent with this Act generally to carry out the purposes of this Act ; and such rules may include rules for levy of fees for any of the purposes of this Act and for refund of any such fees or any part thereof.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before expiry of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, and notify their decision to that effect in the Official Gazette the rule shall, from the date of publication of such notification in the Official Gazette, have effect only in such modified form or be of no effect, as the case may be ; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

69. Power of committee to make bylaws :-

(1) The power to make all bylaws under this Act shall be exercisable by the committee, subject to the previous sanction of the State Government as hereinafter provided.

(2) Without prejudice to any power to make bylaws contained elsewhere in the Act, any committee may make bylaws consistent with this Act and the rules made thereunder for the administration of its affairs and for the guidance of its standing committee, sub-committees, officers and servants.

(4) The committee shall consider the objections and suggestions received, if any, and may by a resolution approve the final draft of the bylaws.

(5) Within seven days of the passing of such resolution, the Chief Executive Officer shall submit the final draft of the bylaws approved

under sub-section(4) to the Metropolitan Commissioner who shall send it with his recommendations to the State Government. The State Government may sanction the bylaws sent to it subject to such modifications, if any, as it may think necessary.

CHAPTER 11

Miscellaneous

70. Power of State Government to amend Schedule :-

(1) The State Government may, either suo motu or on the recommendation of the Authority to that effect, by notification in the Official Gazette, add to, amend or cancel any entry in respect of any commodity or class of commodities in the Schedule.

(2) Before the publication of a notification under sub-section (1), the State Government, or as the case may be, the Authority shall cause to be published in the Official Gazette and also in atleast two newspapers circulating in the Bombay Metropolitan Region, a notice announcing the intention of Government, or as the case may be, of the Authority to make a recommendation, to issue such notification, and inviting all persons who entertain any objection to the said proposal to submit the same in writing with the reasons therefor, to Government, or as the case may be, the Authority within one month from the date of the publication of the notice in the Official Gazette, and the Authority shall forward to Government along with recommendation as aforesaid, the objections, if any received by it. Where the Authority has published the proposal for inviting objections, it shall not be necessary for the State Government to publish the same proposal again for inviting the objections.

(3) No such notification as aforesaid shall be issued by the State Government, unless the objections if any, so received or forwarded are in its opinion insufficient or invalid.

71. Chairman, Vice-Chairman, members, Chief Executive Officer and other officers and servants of committee to be public servants :-

The Chairman, Vice-Chairman, members, Chief Executive Officer and other officers and servants of a committee shall be deemed when acting or purporting to act in pursuance of the provisions of this Act or the rules, regulations or bylaws made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.

72. Protection of action taken in good faith :-

No suit, prosecution or other legal proceeding shall lie against any Chairman, Vice-Chairman, members, officers or servants of a committee, or against the State Government or the Authority, the Metropolitan Commissioner or any officer of the State Government or the Authority, for anything which is in good faith done or intended to be done under this Act, or any rule, regulation or bylaw made thereunder.

73. Recovery of sums due to Government or committee :-

(1) Every sum due from a committee to the State Government shall be recoverable as an arrear of land revenue.

(2) Any sum due to a committee on account of any charge, costs, expenses, fees, rent, compensation or on any other account under the provisions of this Act or any rule, regulation or bylaw made thereunder shall be recoverable from the person from whom such sum is due, in the same manner as an arrear of land revenue.

74. Power to delegate :-

The State Government may, by notification in the Official Gazette, and subject to such conditions, if any, as it may think fit to impose, delegate all or any of the powers conferred upon it, by or under this Act, except the power to make rules, to the Metropolitan Commissioner or to any other officer or person ; and delegate any of the powers, duties or functions of the Metropolitan Commissioner by or under this Act to any other officer of the Authority, specified in the notification.

75. Non-applicability of Bom. LVII of 1947 :-

The Bombay Rents, Hotel and Lodging House Rates Control Act, 1947-

(a) shall not apply to any premises belonging to, or vesting in, the committee under or for the purposes of this Act;

(b) shall not apply as against the committee to any tenancy, licence or other like relationship created by the committee in respect of any such premises;

(c) but shall apply to any premises let, or given on Licence to the committee.

76. Removal of difficulties :-

If any difficulty arises in giving effect to the provisions of this Act,

the State Government may, as occasion requires, by order do anything which appears to it to be necessary for the purposes of removing the difficulty :

Provided that, no order shall be made under this section after the expiry of two years from the date of publication of this Act in the Official Gazette.

SCHEDULE 1

SCHEDULE

SCHEDULE

[Sections 2(16) and 70]