

Punjab Agricultural Produce Markets (General) Rules, 1962

CONTENTS

1. Short Title, Extent And Commencement
2. Definitions
3. Constitution Of The Board
4. Functions And Powers Of Chairman Of The Board
5. Matters On Which May Frame Bye-Laws Sec.3(14) (A)
6. Budget Of The Board And Committees
7. Publication Of Notification Under Section 6 -(1)
8. Constitution Of Committees For The First Time Sec.12(4) &43(2)
- 9 . Term Of Office Chairman & Vice- Chairman Of Market Committee. Sec.43(2)
10. Powers Of Chairman & Vice - Chairman Of Committee Sec. 43(2)
11. Resignation Of Member Of Committee (1)
12. Language For Transaction Of Business
13. Appointment Of Disputes Sub-Committee (1)
14. Duties And Powers Of Secretary Of The Committee Sec. 43(2)
15. Allowance Of Members Of Board And Committees
- 15A. Other Allowances Of The Chairman Of Board
- 15b. Other Allowances Of The Chairman And Vice-Chairman Of The Committee
16. References
17. Licenses To Dealers
- 17A. A Special Provision With Regard To License Valid Upto 31St March, 1976
18. Person Exempt From Taking Licences Under Section 6 - Under Sub-Section (3) Of Section 6 The Following Persons Shall Be Exempt From Talking Licences For The Purchase Of Agricultural Produce
- 19 . Licenses To Brokers, Weighmen, Measurers, Surveyors, Godown-Keepers And Palledars
20. Change In Style And Membership Of Firms
21. Renewal Of License And Issue Of Duplicate Thereof
22. Prohibition Against Grant Of Certain Licenses Sec.10,13 & 43 (2) (Viii) & (Ix)
23. Employing A Broker Sec. 10 (Xii)&(Xiv)
24. Sale And Agricultural Produce Sec. 43 (2)
- 24A. Commission Of The Kacha Arhtiya Is Case Of Chilies
- 24B. Seizure Of The Agricultural Produce
25. Weightment - Sec,43(2)- (1)
26. Use Of Weighing Instruments, Weights And Measures, Their Inspection And Seizure - Sec.43(2) (X) & (Xi)- (1)

27. Weigh-Bridges, Measuring Yards And Certificates Of Weighment Or Measurement
28. Places At Which Agricultural Produce Shall Be Weighed Or Measured - Sec.43(2)
29. Levy And Collection Of Fees OnThe Sale And Purchase Of Agricultural Produce Sec.23 &1
30. Section 30
31. Account Of Transaction And Of Fees To Be Maintained
32. Books To Be Kept By Licensed Brokers And Godown-Keeper
33. Refund Of Certain Amounts Sec.43(2) (Vii), (Viii)&(Ix) (1) When
34. Prevention Of Adulteration Of Agricultural Produce. Sec.43(2) (Xxxiii)
35. Preservation Of The Prescribed Form And Production Thereof And Inspection Of The Accounts Books
- 35A. Power To Order Productions Of Accounts, Power Of Entry Inspection, Seizure And Stopping Vehicles
36. Composition
37. Publication Of Marketing Information Sec.28 (Vii) & 43(1)
38. Storage Accommodation Sec- 43 (Xv)
39. Penalties
40. Procedure For Appeals Sec.43 (2) (Xxii)
41. Section 41
42. Section 42
43. Repeal And Savings

Punjab Agricultural Produce Markets (General) Rules, 1962

1. Short Title, Extent And Commencement :-

These rules may be called the Punjab Agricultural produce markets (General) Rules, 1962.

2. Definitions :-

In these rules, unless the context otherwise requires:-

- (1) "Act" means the Punjab Agricultural produce Markets Act, 1961.
- (2) "buyer" includes a person buying any agricultural sub-section (14) of section 3 or sub-section (1) of section 44, as the case may be.
- (3) " bye law" means a bye law made under sub-section (14) of Section 3 or sub section 44, as the case may be;
- (4) "Commission Agent means a dealer who, on behalf of any other person and in consideration of a commission makes or offers to make a purchaser or sale of any agricultural produce or does or offers to do anything for carrying out such purchaser or sale;
- (5) "Director of Agriculture" means the Director of Agriculture,

Punjab;

1(5-a) "District Mandi Officer" , means an officer appointed as such by the Secretary of the Board;]

(6) "Deputy Commissioner" means the Deputy Commissioner of the District having jurisdiction over the notified market area or, if such area is situated in more than one district, such Deputy Commissioner of one of these districts as may be specified by the State Government in this behalf;

(7) "Form" means a form appended to these rules;

(8) "Incidental charges" means the charges payable by the seller in lieu of the services rendered in connection with the handling of agricultural produce prior to the finalisation of the bid at the auction, such as unloading , cleaning.

And dressing charges; 1(-----).

(9) "Kacha Arhtia" means a dealer who, in consideration of commission, offers his services to sell agricultural produce;

2[(9-A) "Licensing Authority" means the authority to whom applications for grant of license be made under section 9 of the Act.]

(10) "Licensee" means a person holding a license issued under these rules or the rules hereby repealed;

3(10-A) "Maintenance" in relation to house shall include the payment of local rates and taxes and charges for electricity and water as also charges for telephone including trunk calls made in connection with the affairs of the Board;

(11) "Market Charges" means all charges payable by the buyer in lieu of the services rendered in connection with the handling of agricultural produce after the finalization of the bid at auction, such as the commission of Kacha-arhtiya, brokerage, auction charges, remuneration for palledari, 4[filling , weighing and sewing]

(12) "Palledar" means a person who assists in loading, inloading, weighing, measuring, cleaning, and dressing of agricultural produce;

(13) "Progressive producer" means a producer who, in the opinion of the Director of Agriculture, carries on agricultural produce on improved lines;

(14) "Register" means the Registrar, cooperative Societies, Punjab;

and

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

3. Constitution Of The Board :-

5[(i) for the purposes of enabling the State Government to nominate non-official members, (1) under sub-clauses (i), (ii), and (iii) of clause (b) of sub-section (1) of section 3, the Secretary of the Board shall submit a panel of two names from each district;

(ii) under sub-clause (iv) of clause (b) or sub-section (1) of section 3, the Director of Agriculture shall submit a panel of eight names;

(iii) under sub-clause (v) of clause (b) of sub-section (1) of section 3, the Director of Agriculture shall submit a panel of nine names, three from each division; and

(iv) under sub-clause (vi) of clause (b) of sub-section (1) of section 3, the Registrar shall submit a panel of eight names.]

1[(2) The panel of names received under clause (i), (ii), (iii), (iv), (v) and (vi) of sub-rule (1) shall not be binding upon the State Government .]

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

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

4. Functions And Powers Of Chairman Of The Board :-

Sec-3(ii)(a) - 2[the chairman of the Board shall be, responsible for the efficient administration of organization and to carry out the provisions of the Act and the provisions of these rules and to exercise general control over the employees of the Board and those of the Committees;

(b) be the competent authority for approving the budget of the Committees;

(c) be responsible for the preparation of the annual budget of the Board

(d) preside over the meetings of the Board;

5. Matters On Which May Frame Bye-Laws Sec.3(14) (A) :-

In addition to the matters specified in sub-section (14) of section 3, the Board may frame bye-laws regulating better marketing of agricultural produce and marketing of agricultural produce on co-operative lines;

(b) the grading and standardization of agricultural produce;

(c) the general improvement in the markets or their respective notified market areas;

1(c-a) the incurring of expenditure on the construction and repair of the link roads and approach roads out of the Market Committee Fund] the maintenance and regulation of rest-house, staff quarters and other building of the Board;

(d) the procedure for giving aid to financially weak committees.

(e) The allowances payable to the members of the Boards or Advisory Committees

(f) Propaganda, demonstration, publicity and education for improvement of marketing and agriculture;

(g) The classification of the committees on the basis of their income for the purpose of fixing the grades of their Secretaries and other employees;

(h) The person by whom, and the manner in which, a contract may be entered on behalf of the Board; and

(i) Any other purpose which, in the opinion of the Board, is calculated to promote the interests of the Board or the Committees, or to lead to improvement of marketing and agriculture in general

6. Budget Of The Board And Committees :-

Sec.(13)(1) the board shall not later than first week of February every year to finalize the budget for the next financial year.

(2) the budget finalised by the Board shall be submitted to the State Government not later than the last week of February proceeding the year to which the budget relates.

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

(4) The Board may re-appropriate any amount under the Head of Accounts to another without prior approval of the States Government.

(5) The provisions of sub-rules (1),(2), and (3) shall, as far as may be., apply to the preparation, finalisation and submission for sanction of the budget of the Committees.

Provided that the budget in the case of committee shall be submitted for sanction to the 1[chairman] of the Board if it is not received back within two months of the date of despatch by the Committee , it shall be presumed to have been sanctioned.

7. Publication Of Notification Under Section 6 -(1) :-

copy of notification issued under section 6 shall be published under the orders and at the discretion of the 2[Chairman] of the Board, in one or more of the modes specified below:-

(a) by publication in the regional language or in such other language and in such newspapers as in the opinion of the 3[chairman] of the Board will give due publicity among persons likely to be affected;

(b) by affixing a copy of the notification in the regional language or in such other language as may be considered necessary by the 4[chairman] of the Board, in the office or every Municipal Committee, notified Area committee, Panchyat Samiti and zila parishad, if any , within whose jurisdiction the notified market area or any part thereof is situated, and at some conspicuous place in the existing market, if any

(c) by affixing a copy of the notification in the regional language or in such other language as may be considered necessary by the 5[chairman] of the Board, in the principal common meeting place, if any, of every village within the notified market area;

(d) by beat of drum in the villages within the notified market area.

(2) The time of publication under clause (a) to (c) and the time and frequency of the drum beating under clause (d) shall be determined by the 1[Chairman] of the Board

(3) The expenses of publication under sub-rule(1) of copies of the notification issued under section 6 shall be met out of the Marketing Development Fund.

8. Constitution Of Committees For The First Time Sec.12(4) &43(2) :-

(i) 2[(1) where a Committee is to be constituted for the first time under sub-section (4) of section 12, the concerned District Mandi

Officer shall send to the secretary of the Board a panel of names equal to double the names of members to be nominated for onward transmission to the State Government for nomination.]

3(1-A) The panel of name received under sub-rule (1) shall not be binding upon the State Government]

(2) The members nominated under sub-section (4) of section 12 shall hold office till the election or appointment, as the case may be, of their successors is notified under sub-section (3) of section 12 or for a period of two years. Whichever may be earlier.

9. Term Of Office Chairman & Vice- Chairman Of Market Committee. Sec.43(2) :-

(1) The term of office of the Chairman and vice Chairman of committee shall be co-terminus with the term of office of the members who had elected them.

(2) A Chairman or a Vice-chairman shall cease to function as such-

(a) on the termination of the membership; or

(b) on the acceptance of his resignation given in writing

(c) on the confirmation by the Chairman of the Board of the resolution passed by the members under sub-section (2) of section 16 ; or

(d) on his removal from the membership by the State Government under section

10. Powers Of Chairman & Vice - Chairman Of Committee Sec. 43(2) :-

(1) The Chairman of the committee shall be its chief executive officer and be responsible for proper management of the affairs of the committee in accordance with the provision of the Act, rules and bye - laws framed thereunder.

(2) The Chairman of the committee shall send report about the annual assessment of the work of the secretary of the committee to the concerned district mandi officer who shall forward the same with his comments to the 2[Chairman] of the board who shall record his opinion thereon.

(3) The report about the annual assessment of the work of other employees of the committee shall be written by the secretary of the committee who shall the same to the Chairman of the committee

who shall record his opinion thereon. If the Chairman of the committee disagree with the opinion of the secretary of the committee, he shall send a copy of his opinion to him]

(4) The Chairman shall forthwith report to the secretary of the board in case any member of the committee dies or become subject to any of the disqualification mentioned in sub-section (5) of section 3 read with sub

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

3[6] The Chairman shall be the authority competent to grant casual leave to the secretary of the committee but other kinds of leave shall be granted to him by the [Chairman of the board] such other officer of the board as may be authorised by him in this behalf;

Provided that the secretary of the committee shall intimate about his being to the concerned district mandi officer before proceeding on leave or as early as possible after that.

(7) The Chairman shall ordinarily attend the office of the committee at least once in a week and if he is likely to be absent from notified market area for more than a week or on account of illness or other circumstances is unable to perform his duties, he shall inform the vice -Chairman in writing accordingly and send a copy of the same to the concerned district mandi officer and the vice- Chairman shall thereupon act for the Chairman and while so doing he shall have all the power and privileges and be responsible for all the duties of the Chairman. In the event of death of the Chairman or in the event of registration of the Chairman having been accepted or a no-confidence motion against him having been confirmed, the powers, privileges and responsibilities of the Chairman shall be exercised enjoyed and discharged by the Vice- Chairman who shall officiate as Chairman until a new Chairman is elected or nominated :

Provided that if the Chairman is absent from the notified market area for over a month or is unable to attend the office of the Committee on account of illness or for other circumstances or for the any other person is unable to perform his duties and where the

Chairman does not inform the Vice- Chairman about his absence in writing the 1[Chairman of the Board] shall direct the Vice-Chairman to officiate as Chairman till the Chairman resumes his duties]

11. Resignation Of Member Of Committee (1) :-

Any member of a committee may resign his office by tendering resignation in writing to its Chairman and if, the member tendering resignation is himself the Chairman he shall submit it to the 2[Chairman] of the board.

Provided that if no Chairman of a committee has been elected the member may submit his resignation to the [Chairman] of the Board.

(2) Every resignation received under sub-rule (1) shall forthwith be forwarded by the Chairman of the committee along with his comments to the 4[Chairman] of the Board who shall, with the least possible delay, forward the same with necessary comments the State Government.

(3) The acceptance of every resignation shall be notified by the State Government in the official Gazette and the member shall cease to function as such from the date of such notification.

12. Language For Transaction Of Business :-

The business at the meeting of the committee shall be transacted in the 1[Punjab Language]

13. Appointment Of Disputes Sub-Committee (1) :-

A committee may appoint a sub-committee called the disputes sub-committee consisting of such number of members and other persons as it may think fit, to arrange for the settlement by arbitration of any dispute between a buyer and seller of agricultural produce or their agents including disputes regarding quality or weight of the article, the price or rate to be paid, allowances for wrappings, dirt or impurities or deduction for any cost :

Provided that the Chairman of the committee shall not be a member of the disputes sub-committee.

(2) The disputes sub-committee shall, for each market yard, appoint a panel of not less than six persons to act as arbitrators in the settlement of the aforesaid disputes. Every person included in the panel shall be either producer living in the notified market area, or a dealer doing business in the market yard for which that panel has been appointed.

(3) Where any such disputes arises the parties thereto may agree to the settlement thereof in accordance with the following provisions:-

(a) The disputes shall be reported to the secretary of the Committee who shall try to settle the dispute. If he fails the dispute shall be stated in the manner provided in clauses (b), (c), (d) and (e).

(b) Each party to the dispute shall select one arbitrator from the panel appointed for the purpose by the disputes sub-Committee. The arbitrators shall, before entering upon the reference, appoint a person from the panel to act as umpire in case they fail to agree.

(c) If the arbitrators fail to agree the matter shall be referred to the umpire appointed under clause (b) for decision.

(d) An appeal against the decision of the arbitrators or umpire, as the case may be, shall be to disputes sub-Committee and shall be filed within a period of fifteen days from the date of the award.

(e) The decision of the arbitrators or umpire or, where in appeal has been made to the disputes sub-committee, the decision of such sub-committee shall be final.

14. Duties And Powers Of Secretary Of The Committee Sec. 43(2) :-

The secretary shall be the executive officer of the Committee. All office establishment of the Committee shall be under his control, and all orders to any member of the staff Committee shall pass through him .

(2) The Secretary shall work under the control of the Chairman of the Committee.

(3) The Secretary shall be entitled to attend all meetings of the Committee or a sub-committee or a joint committee or an ad-hoc Committee, except to him or any of his relatives is to be considered .

Explanation :- Relatives for the purpose of this sub-rule shall mean-

- (a) father, mother, son, daughter, brother and sister of the person concerned; and
- (b) brother and sister of the father of the person concerned; and
- (c) father, mother, son, daughter, brother and sister of the wife of husband of the person concerned.

(4) The Secretary shall advise the Committee and its Chairman in the light of the provisions of the Act, rules and bye- laws framed under the Act and directions of the Board or of the 1[Chairman] of the Board issued from time to time and previous decisions of the Committee. His opinion shall be recorded in the proceedings of the Committee.

(5) It shall be the duty of the Secretary to carry into effect the provisions of Act and instructions of the Board, and the decisions of the Committee and of the Chairman of the Committee consistent with the Act the rules and the bye-laws and instructions of the Board and of the 2[Chairman] of the Board and to effect maximum improvement in the market.

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

(7) Subject to sub-rule (5) the Secretary shall have immediate responsibility for carrying on the day, working of the office of the Committee, maintenance of accounts, punctual rendering of returns, monthly review of the progress made in the enforcement of the Act and safe custody of the cash, the common seal, the minute book and other records and assets of the Committee.

(8) The Secretary shall make an annual assessment of the work of the employees of the Committee which he shall submit to the Chairman of the Committee, The Chairman of the Committee shall take this assessment into consideration while making final assessment of the work of the employees.

15. Allowance Of Members Of Board And Committees :-

For journeys undertaken by the members of the Board for

attending meetings or for any other work of the Board for which they are specially deputed by it, they shall be paid travelling and daily allowances according to the scale fixed by the Government for Government employees of Grade I.

2[provided that in case of members of State legislature they shall be paid travelling allowances and daily allowances according to the rates fixed for such members under the rule governing their allowances.]

3[(2) for journeys undertaken by the members of the Committee including the Chairman and Vice-Chairman (other than official members) for attending meetings of the Committee or sub-Committee or joint Committee, they shall be paid a sitting allowance of rupees twenty-five per day and for journeys undertaken by them for any other work of the Committee for which they are specially deputed by it, they shall be paid travelling and daily allowance according to the scale fixed by the Government for Government Servant of Grade II.]

1[Provided that in case of the members of State Legislature they shall be paid traveling and daily allowance according to the rates fixed for such members under the rules governing such allowances.

2[(3) Omitted.]

(4) If in the opinion of the board the financial position of a Committee does not warrant the payment of the travelling and daily allowances according to the scale prescribed above he may fix such scale of daily and travelling allowances in the case of that Committee as he may think proper

15A. Other Allowances Of The Chairman Of Board :- .

There shall be paid to the Chairman of the Board a monthly allowance not exceeding rupees 1800/- (Rs. One thousand and eight hundred only) as the state Government may fix.

(2). The Chairman of the Board shall be provided with free furnished house, the maintenance charges thereof shall be borne by the Board subject to the condition that electricity and water charges payable by the Board shall not exceed Rs. 1,500/- per annum. Any amount in excess shall be the responsibility of the

incumbent. 4[he shall not retain the possession of the house after 14 days from the date he ceases to hold the office of the Chairman.]

(3) The Chairman of the Board shall also be provided with a motor car, to be maintained by the Board. The expenses on the propulsion of the car incurred in connection with the affairs of the Board only shall be borne by the Board.

15b. Other Allowances Of The Chairman And Vice-Chairman Of The Committee :-

There shall be paid to the Chairman and Vice-Chairman of a Committee monthly allowance as under :-

(i) The Chairman of a Committee having income Rs. 500 of Rs. 15 lacs per annum or above.

(ii) Vice Chairman of a Committee having income Rs. 400 of Rs. 15 lacs per annum or above.

(iii) Chairman of a Committee having income Rs. 400 less than Rs.15 lacs per annum.

(iv) Vice-Chairman of a Committee having income Rs.300] less than Rs.15 lacs per annum.

16. References :-

References from Committee to any Government department other than district authorities and local bodies shall be made through the secretary of the Board.

17. Licenses To Dealers :-

A person desirous of obtaining a license under section under section 10 of the Act shall apply in Form a (to be submitted in duplicate) to the 1[secretary] of the Board through the Committee of the area in which he wishes to carry on his business and shall also deposit with the requisite license fee.

2[(2) The license fee for a licence issued under section 10 of the Act for a period of three years or any part thereof shall be one

hundred rupees.]

(3) If any person, who is not licence, carries on his business as a dealer in a notified market area on the date of issue of notification under sub-section (1) of section 6 and fails to apply for a license on or before the date specified therein for obtaining license, the licensing authority may, before a license is issued , imposed upon the applicant, a penalty according to the following scale:-

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

(ii) if the application is made after the expiry of thirty days of the date specified in the notification, but within a period of forty days of such expiry-one rupee per day for the first thirty days and rupees two per day for each day thereafter.

3[(4} Unless otherwise provided in the license, each license issued under the Act shall expire on the 31st day of March Following two successive years ending on the 31st day of March.

Explanation:- If a license is issued on the 1st day of April, 1988. Or any other day before the 31st day of March, 1998, it shall expire on the 31st day of March, 1991.]

(5) A separate license shall be required by a person for setting up, establishing or continuing or allowing to be continued more than one place for the purchase, sale, storage and processing of agricultural produce in the same notified market area.

Provided that no separate license shall be required in respect of any godown used for storage of agricultural produce by a person holding a dealers license under the Act.

(6) The Secretary of the Committee, or such other official as may be appointed by the Committee to receive such applications, shall on receipt of the application, ensure that the necessary license fee has been paid and shall, after verifying the correctness of the facts stated therein, forward the same to the 1[Secretary] of the Board, within three days of its receipt in the office of the Committee.

(7) On receipt of the application, the 2[Secretary of the Board] may grant a license to the applicant in form b. The license shall be subject to the conditions mentioned therein.

(8) A record of license issued under this rule shall be maintained by the Board as well as by the Committee in form C.

17A. A Special Provision With Regard To License Valid Upto 31st March, 1976 :-

(1) Every person holding a license valid upto 31st march, 1976, in Form b on the date of commencement of the Punjab Agricultural produce Markets (General) (first Amendments) rules, 1975, and carrying on the business of purchase or sale of any agricultural produce notified under section 6 shall, within a period of fifteen days of such commencement, apply to the authority specified in section 9 for an amendment in license for the purpose of specifying such business therein and such amendment shall be made by the aforesaid authority without payment of any fee:

Provided that amendment in the licence may be allowed after the expiry of the aforesaid if the application is made within a period of thirty days of such commencement and the applicant pays such penalty , not exceeding sixty rupees, as the aforesaid authority may specify in that behalf.

(2) Every amendment made in the licence under sub-rule (1) shall have effect from the date of commencement of the Punjab Agricultural produce markets (general) (first Amendment) rules, 1975

18. Person Exempt From Taking Licences Under Section 6 - Under Sub-Section (3) Of Section 6 The Following Persons Shall Be Exempt From Talking Licences For The Purchase Of Agricultural Produce :-

(a) confectioners and purveyors of parched , fried or cooking food;

(b) person using kuhlus, provided that the number of kuhlus installed by them in the notified market area is not more than two;

(c) hawkers and petty retail shop-keepers who do not engage in any dealing in agricultural produce other than such hawking or

retail purchase;

1[Explanation-For the purposes of this clause and clause (b) of sub-rule (2), a person whose turnover of sales and purchase of agricultural produce does not exceed on lakh rupees during a year shall be treated as petty retail shop-keeper:

Provided that a dealer importing agricultural produce from outside the state of Punjab shall not be treated as a hawker or a petty retail shop-keeper.

(d) officials of the state government and the central government when making purchase on behalf of the Government :

Provided that in the case of persons mentioned in clauses (a) and (b) the purchase made for meeting the vocational needs of the persons concerned.

(e) Tanners when making purchases of law hides and skins :

1(f) Omitted ;

2(g) The Punjab Khadi Gram Udyog Sangh when making purchases of wool for manufacturing purposes:] and

(2) The following shall be exempt from taking a licence for the sale of agricultural produce :-

(a) The Scheduled banks when proceeding against any agricultural produce belonging to a producer or a licensee under section 10 of the Act to whom money has been advanced against the security of such agricultural produce;

(b) Hawkers and petty retail shop-keepers who do not engage in any dealing in agricultural produce other than such hawking or retail sales;

(c) Officials of the State Government and Center Government when making sales on behalf of the Government ;

(d) Person licenced under the agricultural produce (Development and Warehousing)Corporations Act, 1956 and the Punjab

Warehousing Act, 1957 who carry on exclusively warehousing business, when selling out agricultural produce belonging to any person to whom money has been advanced against security of such agricultural produce.

(e) Tanners when making sales of cured, tanned and processed hides and skins.

(f) 3 [(f) omitted.]

4[(2.A) The following shall be exempt from taking a licence for processing of agricultural produce , namely:-

5[(a) Chakkiwalas and Arewales who do not make any sales or purchases of agricultural produce but have installed their chakkis and Aras (Saw Mills) only for grinding of agricultural produce or for sawing for using it as fire-wood as the case may be.]

(b). Persons engaged in hand pounding of paddy only.

1[(3) The official of the State Government and Central Government exempted from taking licence under sub-rule (1) (d) and (2) (c) and the Punjab Khadi Gram Udyog Sangh exempted from taking licence under sub-rule(1)

(a) Shall be bound to comply with the provisions of the Act, Rules and bye-laws made thereunder, when making purchase or sales, otherwise than through the agency of a license.]

2[4] A person licensed under the Agricultural produce (Development and Warehousing) Corporations Act, 1956 or the Punjab Warehousing Act, 1957 and the Scheduled banks storing agricultural produce pledged with them by a producer or a license under section 10 of the Act to whom money has been advanced against the security of such agricultural produce shall be exempt from taking license in storage business.]

(5). If a question arises whether a person is entitled to exemption under sub-rule (1) (c) or 2 (b), the 3[Secretary] of the Board shall assess the turnover of the person concerned after giving him an opportunity of being heard. His decision shall be final and conclusive.

19. Licenses To Brokers, Weighmen, Measurers, Surveyors, Godown-Keepers And Palledars :-

A person desirous of obtaining a licenses under sub-section (3) of section 13 shall make an application in Form D to the 4[Secretary of the Committee] of the notified market area concerned after depositing with the Committee the requisite licenses fee. 5[... Omitted.]

6[provided that in case of palledar no such application in Form D, shall be necessary, The dealer shall intimate to the 7[Secretary of the Committee] in writing full particulars such as name, parentage, residence and full address of the palledar engaged by him and such intimation shall be treated as an application for the grant of a licenses.]

(2) On receipt of application the 1[Secretary of the Committee] or any other officer duly authorised by the Committee in this behalf may after making such inquiries regarding the business of the applicant, as he may deem necessary, grant a licenses in Form E. The licenses shall be subject to the conditions mentioned therein.

(3) The Committee shall maintain a record of licenses issued under sub-section (3) of section 13 in Form C.

2[(4) The licenses fee for licenses issued under this rule shall be as follows:-

Category of licenses

licenses fee for three years

Weighman or measurer or surveyor Broken or godown-keeper.

Twenty rupees

One hundred rupees

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

Provided that no such shall be made without giving the licenses an

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

20. Change In Style And Membership Of Firms :-

(a) Where the licenses, holding a licenses under section 10, is a firm, any change occurring in the membership of such firm otherwise than through inheritance, shall mean the constitution of a new firm and shall necessitate a fresh licenses:

Provided that in the case of a Hindu joint family firm, any addition on account of the birth of any male member 3[or deletion on account of death of any male member] shall not be treated as bringing about any change in the membership of the firm.

(b) Where a change, not necessitating a fresh licenses under section 10 takes place in the membership of a firm, or the firm changes its name without any change in membership thereof, and intimation thereof shall within 1[sixty days] from the date of such change, be given to the 2[Secretary] of the Board through the Chairman of the Committee. The chairman of the Committee shall, after making such enquiry as he may deem necessary, forward the application to the 3[Secretary] of the Board with his comments, The 4[Secretary] of the Board, on being satisfied about the correctness of the intimation shall order necessary corrections to be made in the licenses. Intimation of such order shall also be given to the Committee concerned, and necessary corrections shall be made in the Register in Form C maintained in the office of the Board and the Committee.

(c) If in a case covered by clause (b) the firm fails give necessary intimation to the 5(Secretary) of the Board within the specified time, the change in the membership or the name of the firm, as the case may be, shall be deemed to result in the constitution of a new firm necessitating the grant of a fresh licenses.

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

(2) (a) Where the licenses, holding a licenses under section 13w is

a firm, any change occurring in the membership of such firm otherwise than through inheritance shall mean the constitution of a new firm and shall necessitate a fresh licenses:

Provided that in the case of a Hindu-joint-family firm, any addition on account of the birth of any male member 6[or deletion on account of death of any male member] shall not be treated bringing about any change in the membership of the firm.

(b) Where a change, not necessitating a fresh licenses under section 13, taken place in the membership of a firm, or the firm change its name without any change in the membership thereof, and intimation thereof shall, within 7[sixty days] from the date of such change, be given to the Committee concerned, who if satisfied, after such enquiry as it may consider necessary, about the correctness of such intimation, shall order necessary corrections to be made in the licenses. The Register in Form C shall also then be corrected accordingly.

(c) If in a case covered by clause (b), the firm fails to give necessary intimation to the Committee within the specified time, the change in the membership or the name of the firm, as the case may be, shall be deemed to result in the constitution of a new firm necessitating the grant of a licenses .

1[(3) Nothing in this rule shall apply in the case of a licenses granted to a Co-operative Society.

21. Renewal Of License And Issue Of Duplicate Thereof :-

A licenses granted under section 10 or 13 of the Act shall be valid for the period for which it is issued and shall, subject to any order passed under section 10(2) of the Act or rule 19(5) be renewable by the authority granting it, on payment of the annual fee prescribed for the issue of such licenses, Renewal application shall be made in Form F for licenses under section 10 and in Form G for those under section 13 .

(2) If any area is excluded from any notified market area and included in another, the licenses issued under section 10 and 13 for the area so excluded shall be deemed to have been issued by the Committee of the notified market area in which the area is included and shall be renewable by the Committee of that area.

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

2[Provided that 30 days period of grace will be allowed for getting and annual licenses renewal.

3[Provided further that the authority competent to renew a licenses may, on the application s paying a penalty equal to the amount or annual licenses fee, grant an application for renewal made within thirty days after the date of expiry of the licenses or in the case of an annual licenses with in thirty days of the expiry of the period of grace. The authority competent to renew a licenses may remit the penalty in whole or in part if it is satisfied that the delay was for the reasons beyond the control of the applicant]

1[provided further that no licenses shall be renewed for a part of the year.]

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

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

(6) If a licenses granted under section 10 or 13 of the Act, or renewed under sub-rule(1) above is lost , a duplicate may be issued by the authority which issued the original , on payment by the licensee of a fee of 2 [ten rupees]

(7) The fee payable for the renewal of a licence under section 10 or section 13 for its duplicate shall be paid to the committee concerned.

22. Prohibition Against Grant Of Certain Licenses Sec.10,13 & 43 (2) (Viii) & (Ix) :-

(1) Expect as hereinafter provided, no person shall at the same time hold time hold a dealers licence under Section 10 as well as a licence under Section 13 or hold more than one licence under Section 13 to act as a functionary in more than one capacity.

Provided that nothing in this shall apply to persons dealing in

vegetable and fruits. (2) nothing in sub-rule (1) shall be deemed to prohibit person licenced as weighman, surveyor or measure to act in all the three aforesaid capacities.

23. Employing A Broker Sec. 10 (Xii)&(Xiv) :-

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

(2) Where any person enters into any transaction for the purchase or sale of any agricultural produce through a commission agent, and the commission agent, without a written authority from his principal, employs a broker in connection, with such transaction, the brokers. Commission shall be payable by, and may be paid out of the remuneration due to, such commission agent.

(3) The same person shall not act as a broker both for the buyer and the seller of an agricultural produce in the same transaction.

24. Sale And Agricultural Produce Sec. 43 (2) :-

(1) All agricultural produce brought into the market for sale shall be open auction in the principal or sub market yard

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

(3) A committee may, and on being directed by the 1[chairman of the Board or an officer authorised by him] shall fix timings for the starting and closing of the auction in respect of any agricultural produce, other than fruits and vegetables.

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

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

Provided that under special circumstances the 2[chairman of the Board or an officer authorised by him] may allow a Committee to make a permit any alternative arrangement:

Provided further that nothing in this sub-rule shall apply to the auction of vegetables and fruits.

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

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

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

1[(8-A)A register in form HH shall be maintained by the Committee the agricultural produce which remained unsold during the course of auction be entered and it shall be obligatory for every dealer or Kacha Arhtiya or Commission agent, as the case may be, to report about the unsold produce to the Committee as soon as his agricultural.

(9) The buyer shall be responsible to get the agricultural produce weighed immediately after the auction or on the same day the produce is purchased by him 2[and the seller or the buyer shall be liable for any damage to, or loss of, or deterioration in, the produce after the auction according to the local usage or custom 3[or as per provisions of rule 13].

(10) A person engaged by a producer to sell agricultural produce on his behalf shall no act as a buyer either for himself or on behalf of another person in respect of such produce 4[without the prior consent of the producer:]

Provided that a Co-operative Society shall be exempt from the operation of this rule.

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

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

5[Provided that nothing in the sub rule shall apply where

agricultural produce, being vegetable or fruit , not exceeding one quintal in weight is delivered.]

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

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

24A. Commission Of The Kacha Arhtiya Is Case Of Chilies :-

The commission of Kacha Arhtiya for services rendered in connected with the sale, purchase, storage and processing of chilies (dry or green) shall not exceed Rs. 1.50 per hundred rupee of their value.

24B. Seizure Of The Agricultural Produce :-

The agricultural produce belonging to a person trading without a valid licence shall be liable to be confiscated.

(2)(a) The Secretary of the Committee shall seize the agricultural produce referred to in sub-rule (1) and thenceforth he shall prepare a seizure memo, of the agricultural produce so seized giving such of the following particulars as may be available on the spot:

- (i) Name of the agricultural produce;
- (ii) Weight or available description of the vehicle;
- (iii) Name of the driver of the vehicle;
- (iv) Built or consignee No.;
- (v) Name of the consignee or consigner;
- (vi) Place from where the agricultural produce is seized ; and
- (vii) Such other particulars as may be considered necessary.

(b) The seizure memo, shall be signed by the Secretary of the Committee, the driver of the vehicle or the person from whose possession the agricultural produce is seized and if the driver or the person from whose possession the agricultural produce is seized does not sign the seizure memo. It shall be signed by two witness alongwith the signature of the secretary of the Committee.

(3) The Secretary of the Committee shall inform the chairman of the committee about the seizure referred to in sub-rule (2) for convening a meeting of the Committee or of the sub-committee , as the case may be, for taking a decision regarding its confiscation and the meeting of the committee of the sub- committee , as the case may be, shall be convened within forty - eight hours of the seizure of the agricultural produce:

Provided that the order to confiscate the agricultural produce shall not be made without giving the person concerned an opportunity to show cause as to why such an order should not be made.

(4) The confiscated agricultural produce shall be disposed of in an open auction or in such other manner as may be decided by the Committee and the sale proceeds thereof shall be deposited in the Market Committee Fund.

25. Weighment - Sec,43(2)- (1) :-

The Board shall fix standards of net weight of agricultural produce be filled in a packing unit such as bag, a half bag or a palli within each market area.

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

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

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

(5) Test weight men under sub-rule (4) shall be carried out in the presence of both the parties to the contract. In case any of the parties refuses or otherwise evades presence, the other party may

report in writing to the Secretary of the Committee or any employee of the Board not lower in rank to that of 1[the Secretary of the Committee.] who, after satisfying himself as to the correctness of the report, shall cause the test weight men to be made in his presence or in the presence of an other official of the Committee authorised by him in this behalf, and the result of such test weight men shall be final, conclusive and binding on both the parties

(6) Before any agricultural produce weight men in pursuance of a contract of sale or purchase within a notified market area is removal from the place of its weight men , the Chairman , the Secretary of the Committee or any employee of the Board not lower in rank to that of 1[the Secretary of the Committee or Agricultural Inspector (market). or Assistant Marketing Officer of the Marketing section of the department of Agriculture & Forests (Agri. Wing)] shall, with a view to satisfying himself that such weight men has been correctly made or is filled in accordance with standards fixed under sub-rule (1), be entitled at any time the without any previous notice, to check the weight men by means of weights and instruments kept by the Committee or any other agency in the presence of the purchaser and the saller and if either or both of them evade presence, test weight men may be carried out in the presence of any two persons present there.

(7) If the weight men checked under sub-rule (6) is found to be defective, the persons checking the weighment may order the lot to be reweighed the reweighment shall be made at the cost of the buyer ,if it is not filled in accordance with the standards fixed under sub-rule(1),and at the cost of the weighman concerned, if the weighment is otherwise defective. Such orders shall be final and the buyer or the weighman, as the case may be, shall immediately comply with the order. This sub-rule shall operate without prejudice to any other Punishment that may be awarded under the Act, these rules or bye-laws made thereunder.

26. Use Of Weighing Instruments, Weights And Measures, Their Inspection And Seizure - Sec.43(2) (X) & (Xi)- (1) :-

only such weighing instruments as satisfy the requirements of, and such weights and measures as are prescribed by, the Punjab Weights and Measures Act, 1958, and the rules made thereunder

shall be used for weighing or measuring agricultural produce in a notified market area :

Provided that in the transactions of sale and purchase of a Agricultural produce in the principal market yard and sub-market yard of the notified market area the beam scale (Kanda) or platform scale shall only be used.

(2) Every Committee shall Keep in the market yard atleast one weighing instrument of the capacity of one quintal and two sets of weights , and in places where measures are used two sets of measures, verified and Stamped in accordance with the provision of the Punjab weights and Measures Act , 1958, and the rules framed thereunder. The committee shall cause such weights and measures to be tested and verified once in the course of each calendar year through the agency appointed and in accordance with the requirements of the said Act and rules.

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

(4) Weighing instruments, weights and measures kept by a Committee under this rule may at any time be inspected , examined and checked by the Chairman or the Secretary of the Board or by any other employee not lower in rank than that of an Inspector authorised in this behalf by the 1[Secretary] of the Board . After inspection the inspecting authority may give such directions as it may deem proper. The Committee shall be bound to comply with such directions.

(5) The Chairman or the Secretary of the board or the committee, and any other person authorised in this behalf by the 2[Secretary] of the board shall be entitled at any time and without previous notice to inspect, examine and test any weighing instrument, weight or measure used, kept or possessed within a notified market area by a licensee under section 10 or 13 of the act, and every such licensee in possession of any such weighing instrument, weight or measure shall, when required, be bound to produce the same before the person entitled so to inspect, examine and test it.

(6) Any person authorised to inspect and test any weighing instrument, weigh or measure under sub-rule (5) shall, while so

acting, have all the power of an inspector, weights and measurers, appointed under section 15 of the Punjab weights and measures act, 1958.

27. Weigh-Bridges, Measuring Yards And Certificates Of Weighment Or Measurement :-

The committee may erect in the market a weigh bring for the weighing of agricultural produce on payment of such fees as may be prescribed by its bye-laws.

(2) Sec. 43(2) (x) & (xi)- In place where it is customary for any agricultural produce to be measured instead of being weighed, the committee may specify a place within the market of the purpose and make arrangements for the measuring of such produce on payment of such fee as may be prescribed by its bye-laws.

(3) The Committee shall be responsible for maintaining such weigh bridge or measuring yard in proper condition, and for issuing free of cost certificates of weight meant and measurement, as the case may be, in such forms as may be prescribed by its bye-laws.

(4) A certificate issued under sub-rule (3) above shall be accepted as final by all persons transacting business in the notified market area, unless it is proved, to the satisfaction of the Chairman of the Committee or his measurement was done on a defectie weigh-bridge of measuring yard of by means or an incorrect scale or weight or measures.

28. Places At Which Agricultural Produce Shall Be Weighed Or Measured - Sec.43(2) :-

In any notified market area for which tobacco or Chilies has been notified as agricultural produce under section 6, the Committee may prescribe the places at which the aforesaid commodities may be weighed, measured or sold.

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

29. Levy And Collection Of Fees On The Sale And Purchase Of Agricultural Produce Sec.23 &1 :-

[(1) under section 23 a Committee shall levy

- (i) fees on the agricultural produce bought or sold by licenses ; and
- (ii) also additional fees on the agricultural produce when sold by a producer to a licensee;

In the notified market area at the rate fixed by the Board from time to time]

Provided that no such fees shall be levied on the same agricultural produce more than once in the same notified market area. A list of such fees shall be exhibited in such conspicuous place at the office of the committee concerned;

2[Provided further that no such fee shall be levied on the wheat imported from the foreign country]

1[Provided further that no such fees shall be levied on,

- i. The agricultural produce imported from a foreign country.
- ii. the certified seeds;
- iii. the timber if firewood of the following categories imported from outside the State of Punjab:-
 - (a) Kail
 - (b) Deodar
 - (c) Partal (spruce and fir)
 - (d) Hollock (Assam Teak)
 - (e) Champ
 - (f) Teal
 - (g) Sal
 - (h) Chill]

(2) The responsibility of paying the fees prescribed under sub-rule (I) shall be of the buyer and if he is not a license than the seller who may realise the same from the buyer, such fees shall be leviable as soon as an agricultural produce is bought or sold by a licensee .

2[(2-A) The additional fees shall be realised from the producer by the license through whom the producer sales the agricultural produce and if the sale is made by the producer Director to a license the additional fees shall be realised by the license from out

of the sales proceeds of the Agricultural produce; and]

(3) The 3[fees including additional fees] shall be paid to the committed or a paid officer duly authorised to receive such payment with in 4[seven] days of the day of transaction;

Explanation:- In commuting the period of 5[seven] days specified in sub-rule-3 of rule 29 and sub-rule (1) of rule 31, the day of transaction shall be included.

(4) A receipt in from K shall be granted forthwith to the person making payment in respect of any fees paid under these rules.

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

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

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

(a) If the agreement of sales or purchase thereof is entered into in the said areas; or

(b) If in pursuance of the agreement of sale or purchase the agricultural produce is weighed in the said area; or

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

1[(d) If the agricultural produce sold or bought otherwise than in pursuance of an agreement of sale or purchase and is delivered in the said area to the purchaser or to some other person on behalf of the purchaser].

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

Exemption from payment of fees Sec.23 & 43 - 2[(1) No market fee shall be levied on the sale or purchase of any Agricultural produce manufactured or extracted from the agricultural produce in respect of which such fee has already been paid in the same notified market area or in an other notified market area within the State.

30. Section 30 :-

1 [(1.A) The dealer who claims exemption from payment of market fee levied on any agricultural produce manufactured or extracted from the agricultural produce in respect of which the market fee has already been paid in another notified market area shall make declaration and give certificate in form K-1 to the Committee from where exemption is claimed and a copy of the same shall be delivered to the Committee to which the fee has already been paid. The counterfoil shall be retained by the dealer. The book containing K-1 form shall be got attested by the dealer from the Secretary of the concerned Market committee or his authorised officer before giving the certificate within a period of thirty days from the date of transaction to the Committee from where exemption is claimed. The certificate presented after the aforesaid period of thirty days shall not be entertained.]

(2) The dealer concerned in the sale or purchase of any quantity of agricultural produce from which he manufactures or extracts any other agricultural produce shall maintain in form-L true and correct accounts of the sale or purchase as the case may be of the said agricultural produce and of any agricultural produce manufactured or extracted from it .

(3) No market fee shall be leviable on purchase of raw hides and skins and sale of cured tanned and processed hides and skins from the persons who themselves are tanners and are residing in the State.

2[(4) No market fee shall be levied on paddy, cotton, Timber, Firewood and Groundnut taken from one notified market area to another notified market area for the purpose of processing or sawing as the case may be.

(5) No market fee shall be levied during the financial year 1992-93, on the purchase of wheat by the National Committee for Solidarity with Cuba for the purpose to Cuba as a Gift .

(6) No market fee shall be levied on the sale or purchase of Great Millet (Jowar), Gram and abli gram (Channa Kala and Safaid). Cotton seed (Banaula), groundnut shelled (Mugphalli Giri), Cluster Bean(Gaura), Turmeric (Haldi), Henna Mehndi) , goat Hair, camel Hair, Indian Clover,(Senji), Cress/Gardenress (Hallon), Oats(Javi) Gur, Shakkar, Khandsari, Green Gram(Mung), Black Gram (Mash), Phaseolus aconitifolius (Moth), Lentil (Massur), Pigeonpea (Arhar), Rajmaha and Soya bean in a notified market area within the State of Punjab.

(7) No market fee shall be levied in Indian Colza (sarson) Indian Rape (Torra), Rocket (Tara Mira), Linseed (Alsi), Indian Mustard (Raya), Sesamun (Til), Groundnut (unshelled) and Sunflower seed imported from outside the State of Punjab for the purpose of processing and which is not bought or sold as such in the notified market area .

31. Account Of Transaction And Of Fees To Be Maintained :-

[(1) Every licensed dealer and every dealer exempted under rule 18 from obtaining a license shall submit to the Committee a return in Form M showing his purchases and sales of each transaction of agricultural produce within seven days of the date of the transaction .]

Provided that a person exempted from taking a license under rule 18 (2) (b) and 18 (2) (c) shall be exempted from the provisions of this sub-rule in respect of sale of agricultural produce by him person exempted from taking a license under rule 18 (1) (e) and 18 (2) (e) shall be exempted from the provision of this sub-rule in respect of sale and purchase of agricultural produce by him :

Provided further that in case of a dealer, who exclusively deals in fruits and vegetables, it shall not be necessary to fill in Form M the particulars of the person to whom any quantity of fruits and vegetables less than one quintal is sold :

Provided further that in case the Kacha Arhtiya sends one copy of

Form J to the Market Committee, the Hacha Arhtiya will be exempted from sending Form M to the Market Committee and the buyer shall indicate in Form M only the total quantity and the gross value in respect of each commodity purchase from each seller .

(2) The Committee shall maintain a register in Form N showing the total purchase and sales made by dealers and fees recoverable and recovered from them .

(3) The Committee shall levy the fee payable under section 23 on the basis of the return furnished under sub-rule (1) .

(4) If any dealer fails to submit a return as prescribed in sub-rule (1) or the Committee has reason to believe that any such return is incorrect, it shall, after giving a notice in form O to the dealer concerned and after such inquiry as it may consider necessary, proceed to assess the amount of the dealers business during the period in question .

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

(6) After an order under sub-rule (4) is made, the Committee shall inform the dealer of the date and place fixed for the inspection:

Provided that if the dealer so desires and pays such fee as the Committee may fix in this behalf, the inspection shall be made at the dealers premises.

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

(8) Such member or members may be after inspection prepare or may amend the return already furnished, on the basis of transactions, appearing in the dealers accounts books, and the Committee may fee, levy a fee, under section 23 on the basis of such return or amended returns, but if the account books are reported to be unreliable, or as not providing sufficient material for

proper preparation or amendment of the return or if no such books are maintained or produced, the Committee may assess the amount of the dealers business on such information as may be available or on the basis of best judgment, and levy fee on the basis of such assessment .

(9) In addition to the fee or additional fee levied under sub-rule (8) the Committee may recover from the defaulter penalty equal to the fee or additional fee so levied.

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

(11) An assessment order made under sub-rules (8) and (9) shall be communicated to him by means of a demand notice in form p and a copy thereof shall be granted to the dealer on this making a written application, and paying a sum of two rupees as copying fee to the Committee. Every Committee shall maintain a register of Copying fees .

(12) The copy shall be prepared in the office of the committee and certified to be correct by the Secretary or in his absence by another person appointed in this behalf by the Chairman. Such certificate shall give the dates on which application as received and the copy prepared and delivered to the applicant, and shall be conclusive evidence of the correctness of these dates.

(13) 1[An appeal against the assessment order made under sub-rules (8) and (9) shall lie to the Secretary of the Board and shall be preferred within sixty days from the date of communication of the assessment order appealed against in the form of memorandum duly stamped with court fee of twenty rupees and signed by the appellant or his duly authorised agent and shall be presented to the secretary of the Board or to an officer authorised by him.

(ii) If the appellant fails to refer the appeal within the period specified in clause (i) the appellate authority may for reasons to be

recorded in writing condone the delay for filing the appeal if the delay was for reasons beyond the control of the appellant :

Provided that no appeal shall be entertained unless the appellant has deposited with the Committee concerned an amount equal to twenty five percent of the amount of the fee assessed as due from him.]

EXPLANATION:-In computing the period of limitation for filing an appeal, the period spent in obtaining a certified copy of the assessment order shall be excluded.]

(ii) The 2[Secretary of the Board or an officer authorised by him] after hearing the appellant and also the Committee making the assessment, or, if he deems necessary, after such enquiry as he think proper, may accept, modify or reject the assessment order appealed against.

(iii) The 3[Secretary of the Board or an officer authorised by him] after hearing the application and also the committee making the assessment, or, if he deems necessary , after such enquiry as he think proper, may accept, modify or reject the assessment order appealed against.

The order passed by the4[secretary] shall be final and conclusive.

32. Books To Be Kept By Licensed Brokers And Godown-Keeper :-

Sec.43(2)(xxxi) - Every broker and every godown-keeper licensed under these rules shall-

- (a) keep such books in such form as the Committee granting the licence may, from time to time, prescribe by its bye-laws;
- (b) render such return at such time and in such forms as the Committee may prescribe; and
- (c) render such assistance as may be required by the Committee, in the collection of fees due under the Act or under the rules or bye-laws made thereunder, in prevention evasions of payment thereof, and generally in the prevention of breaches of the Act or of these rules or of any bye-laws made thereunder.

33. Refund Of Certain Amounts Sec.43(2) (Vii), (Viii)&(Ix) (1) When :-

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

(b) a person has wrongly applied and paid for and been granted two or more licences of the same nature for the same notified market area; or

(c) any market fee has been recovered in excess of the amount actually due; or

(d) any market fee has been recovered on a transaction which is exempted under these rules ; or

(e) any money has paid by mistake; the 1[Chairman of the Board or Chairman of the committee] as the case may be, shall , on a written application being made within 2[one year] of such deposit and after such enquiry as he or it may consider necessary, order the refund of the appropriate amount, which shall be repaid to the person concerned , after preparing a refund bill, out of the Marketing Development Fund or the Market Committee Fund, according as it was credited in the first instance to the Marketing Development Fund or the Market Committee Fund.

(2) The powers conferred on the 3[Chairman] of the Board by sub-rule (1) may also be exercised by such Officer subordinate to him as he may appoint in this behalf.

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

34. Prevention Of Adulteration Of Agricultural Produce.
Sec.43(2)(Xxxiii) :-

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

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

Explanation:- For the purpose of this rule adulteration of

agricultural produce shall include mixing of inferior stuff with superior produce, mixing of different varieties or different qualities, mixing of served remains of the agricultural produce with agricultural produce and mixing of the earth , dirt and stones or any other extraneous matter with any agricultural produce.

35. Preservation Of The Prescribed Form And Production Thereof And Inspection Of The Accounts Books :-

Sec.43 (2)(xxxi) - The counter foils of form I,J, and M shall be preserved by the dealer concerned for a period of two years from the date of issue of the foil to which the counter foils relate. The register in form L shall be preserved by the dealer concerned for a period of two years of the date on which the last entry was made in that register.

1[(2) omitted]

(3) Every licensee and dealer exempted under rule 18 from taking a licence working within the notified market area, shall on demand by Secretary or chairman of the Committee or any officer of the Board authorised by the 2[Chairman if the Board of an authorised by him] in this behalf , produce all or any of the forms preserved under sub-rule (1) above or the account books maintained in respect of the sale, purchase, storage, transportation or processing of agricultural produce by him for inspection and examination at such time and at such place as he may be required and shall, if required by any of the inspecting officers, hand over any or all of the said forms, or books against a receipt ,

35A. Power To Order Productions Of Accounts, Power Of Entry Inspection, Seizure And Stopping Vehicles :-

Any officer of the Board not below the rank of 2[the secretary of the Committee] or any other officer in empowered by the State Government in this behalf, may requires dealer to produce before him, the books and other documents maintained by him and to furnish any information relating to the purchase, sale, storage, or processing of agricultural produce and also such other information relating to the payment of the market fee by him as may be required necessary.

(2) All accounts and registers maintained by any dealer and

documents relating to the purchase, sales storage, or processing of agricultural produce, in his possession, and his officer, establishment, godown or vehicle shall be open to inspection at all reasonable times by any of the officer specified in sub-rule (1).

(3) If such an officer has reasons to believe that any person is attempting to evade the payment of market for due from him under section 23 of that any person has purchased agricultural produce in contravention of any of the provisions of the Act or the rules or bye laws in force in any market area, he may, for reasons to be recorded in writing, seize such accounts, registers or documents of such person, as may be necessary, and shall grant a receipt for the same and shall retain the same only so long as they may be necessary for examination thereof or for the prosecution of the person concerned.

(4) For the purpose of sub-rule (2) and (3) such officer may enter and search any place of business warehouse , office, establishment, godown or vehicle where he has reason to believe that the dealer keeps or is for the time being keeping any accounts, registers, documents, relating to his business or stock of agricultural produce.

(5) The provisions of Sections 100 and 102 of the Code of Criminal procedure (1973) shall , so far as may , be apply to search and seizure under sub-rules (3) and (4).

(6) At any time when so required by the Government or by nay officer of the Board not below the rank of 1[The Secretary of the Committee] or any officer authorised by the Government in this behalf, the driver or any other person incharge of any vehicle or other conveyance which is taken or proposed to be taken out of the market area shall stop the vehicle or other conveyance, as the case may be keep it stationery as long as may reasonably be necessary and allow such officer to examine the agricultural produce carried in the vehicle or other conveyance , and to inspect all records relating to such agricultural produce, and furnish his name and address and the name and address of the owner of the vehicle or other conveyance and owner of the agricultural produce carried in such vehicle or other conveyances.

36. Composition :-

sec. 46, 43(1) & 43(2) (vi) - (1) In case the chairman of the Committee accepts a sum, by way of composition in the accordance with the provision of 46, 43 (1) Section 46 , he shall report the matter in next meeting of the end 43(2) Committee, placing before the meeting all relevant papers in (vi) that behalf.

(2) The amount so realised by way of composition shall be in addition to any amount due from the offender under the Act or the rules or the bye-laws.

37. Publication Of Marketing Information Sec.28 (Vii) & 43(1) :-

1) A committee may, and when required by the 1[Chairman of the Board or an officer authorised by him] shall, for the benefit of the persons using the market exhibit in a suitable place outside its officer and at such other place or places as may be determined by it, bulletins of information on such matters as the price of agricultural produce ruling at the principal marketing centers in the state and the ports serving the State and the stocks held by mills and the like .

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

(3) Such bulletins shall be signed by the chairman or other person as may be appointed by him in writing and a copy of each such bulletin shall be kept for record in the officer of the Committee.

38. Storage Accommodation Sec- 43 (Xv) :-

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

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

39. Penalties :-

Sec,43(3) (1) Any person committing a breach of any of the provisions of these rules or any of the conditions of his licence shall

be punishable with fine which may extend to five hundred rupees.

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

40. Procedure For Appeals Sec.43 (2) (Xxii) :-

Every appeal preferred under sub-section (4) of section 10, sub-section (3) of section 29 and section 40 shall bear a court fee stamp of 2[tен rupees] and shall be presented to the appellate authority in the form of a memorandum by the appellate or his duly authorised agent. The memorandum shall set forth concisely the grounds of objection to the order appealed from and shall also be accompanied by a copy of such order.

(2) The limitation for filling an appeal under section 40 shall be one month from the date of order appealed from.

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

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

(5) A copy of the decision on the appeal shall be supplied to the Board or the Committee concerned free of charge , and on demand to the appellant on the payment of 3[one rupee] per page or a part thereof subject to a minimum of 4[tен rupees]

41. Section 41 :-

42. Section 42 :-

43. Repeal And Savings :-

The Punjab Agricultural produce markets Rules, 1940, and the Patiala Agricultural produce Markets Rules, 2004 B.K., are hereby repealed:

Provided that such repeal shall not affect-

(a) the previous operation of any rule so repealed or anything duly done or suffered thereunder; or

(b) any right, privilege, obligation or liability , acquired or incurred or any licence issued under any rule so repealed; or
(c) any panality , forfeiture or punishment incurred in respect of any offence committed against any rule so repealed; or
(d) any investigation , legal proceeding or remedy in respect of any such right, privilege obligation, liability, licence, penalty , forfeiture or punishment as aforesaid ;
and any such investigation, legal proceeding or remedy may be instituted continued or enforced, and any such penalty, forfeiture or punishment may be imposed , as if these rules had not been passed.

Provided further that anything done or any action taken under these rules so repealed shall be deemed to have been done or taken under these rules, and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under these rules.