Gazette of India, Pt II, (129)
Sec 3(i), dt 29 6 68,
p 1412. (77)

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 19th June 1968

G.S.R. 1188.—In exercise of the powers conferred by section 6 of the Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962), the Central Government hereby extends to the Union territory of Goa, Daman and Diu, the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra Act No. XX of 1964), as in force in the State of Maharashtra on the date of this notification, subject to the following modifications, namely :—

MODIFICATIONS

1. In the said Act,—

(i) for the expression "State Government", wherever it occurs and unless otherwise expressly provided hereinafter in this notification, the expression "Administrator" shall be substituted with such consequential amedments as the rules of grammar may require;

(ii) for the expression "Director", wherever it occurs, the expression "State Marketing Officer" shall be substituted;

(iii) for the expression "Panchayat Samiti", wherever it occurs, the expression "Panchayat" shall be substituted.

2. In section 1,—

(i) in sub-section (2), for the words "State of Maharashtra", the words "Union territory of Goa, Daman and Diu" shall be substituted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely :—

"(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette of the Union territory of Goa, Daman and Diu appoint.".

3. In section 2, sub-section (1),—

(i) after clause (b), the following clause shall be inserted, namely :—

"(bb) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;";

(ii) for clause (f), the following clause shall be substituted, namely :—

"(f) "State Marketing Officer" means a person appointed as the State Marketing Officer for the Union territory of Goa, Daman and Diu;";

(iii) in clause (g), for the words "Panchayat Samiti", the words "Panchayat Municipality, as the case may be" shall be substituted;

(iv) after clause (j), the following clause shall be inserted, namely :—

(j) "Market Proper" means any area within the market area including all lands, with the buildings thereon within such distance of the principal or sub-market yard as the Administrator may by notification declare to be a market proper under section 5(2);";

(v) for clause (1), the following clause shall be substituted, namely :—

"(1) "Panchayat" means a Panchayat formed under the Goa, Daman and Diu Village Panchayats Regulation, 1962";

(vi) after clause (n), the following clause shall be inserted, namely :—

"(nn) "Official Gazette" means the official Gazette of the Union territory of Goa, Daman and Diu;";

(vii) clause (u) shall be omitted.

4. In section 5, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) The Administrator may by notification declare—

(i) any enclosure, building or locality in the market area to be the principal market yard and other enclosures, buildings or localities in such area to be one or more sub-market yards for the said market area, and

(ii) in any area including all lands with the buildings thereon, within such distance of the market yard or sub-market yard as he thinks fit to be market proper.".

5. In section 13, sub-section (1),—

(i) in clause (f), for the words "Extension Officer, Co-operation", the words "Marketing Inspector" and for the words "Zilla Parishad", the words "State Marketing Officer" shall be substituted;

(ii) in clause (g), for the words "Assistant Cotton Extension Officer", the words "Assistant Marketing Officer" shall be substituted.

6. In section 26, in sub-section (3), for the words "Executive Magistrate", the words "Sub-divisional Magistrate" shall be substituted.

7. In section 32, in sub-section (2), for the words "State Government" where they occur for the first time, the word "Government" shall be substituted.

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8. In section 34, in sub-section (1),—

(i) for the words, brackets and figures "Bombay Weights and Measures (Enforcement) Act, 1958", the words, brackets and figures "Goa, Daman and Diu Weights and Measures (Enforcement) Act, 1968" shall be substituted;

(ii) for the words, brackets and figures "section 20 of the Bombay Weights and Measures (Enforcement) Act, 1958", the words, brackets and figures "section 23 of the Goa, Daman and Diu Weights and Measures (Enforcement) Act, 1968" shall be substituted.

9. In section 36, in sub-section (1), for the words "State Government", the word "Government" shall be substituted.

10. In section 41, in sub-section (2), the following words shall be added at the end, namely:—

"as applied to the Union territory of Goa, Daman and Diu".

11. In section 45, in sub-section (2), in clause (b), for the words "State Government", the word "Government" shall be substituted.

12. In section 53, for the words "State Government", the word "Government" shall be substituted.

13. In section 55, in sub-section (3), for the words and figures "section 54 of the Specific Relief Act, 1877", the words and figures "section 38 of the Specific Relief Act, 1963" shall be substituted.

14. In section 56, in sub-section (1), the words "a Presidency Magistrate or" shall be omitted.

15. In section 57, in sub-section (1), for the words "State Government", the word "Government" shall be substituted.

16. In section 60,—

(i) in sub-section (2), in clause (n), for the words, brackets and figures "appointed under the Bombay Weights and Measures (Enforcement) Act, 1958", the words, brackets and figures "appointed under the Goa, Daman and Diu Weights and Measures (Enforcement) Act, 1968" shall be substituted;

(ii) for sub-section (4), the following sub-section shall be substituted:—

"(4) All rules made under this Act shall be laid on the table of the Legislative Assembly after they are made and shall be subject to such modification as the Assembly may make during the session in which they are so laid or the session immediately following.".

17. In section 63, for the words and figures "Nothing contained in the Markets and Fairs Act, 1862, or in any law", the words "Nothing contained in any law" shall be substituted.

18. Sections 64 and 65 shall be omitted.

19. In the Schedule,—

(i) in the items under "VII. Fruits", the following shall be added at the end, namely:—

"18. Pineapple."

(ii) in the items under "VIII. Vegetables", the following shall be added at the end, namely:—

"9. Ulsande.

10 Ladies finger.

11. Brinjals."

(iii) in the items under "IX. Animal Husbandry Products", the existing items 6—10 shall be re-numbered as 7—11 and before the item 7 as so re-numbered the following items shall be inserted, namely:—

6. Pigs."

(iv) in the items under "XV. forest produce", the following shall be added at the end, namely:—

"6. Myrobalans.

7. Karmal.

8. Bimal.

9. Ambada."

ANNEXURE

The Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, as extended to the Union territory of Goa, Daman and Diu.

MAHARASHTRA ACT No. XX OF 1964

An Act to regulate the marketing of agricultural and certain other produce in market areas and markets to be established therefor in the State: to confer powers upon Market Committees to be constituted in connection with or acting for purposes connected with such markets; to establish Market Fund for purposes of the Market Committees and to provide for purposes connected with the matters aforesaid.

Whereas it is expedient to regulate the marketing of agricultural and certain other produce in market areas and markets to be established therefor in the State; to confer powers upon Market Committees to be constituted in connection with or acting for purposes connected with such markets; to establish Market Fund for purposes of the Market Committees and to provide for purposes connected with the matters aforesaid; It is hereby enacted in the Fourteenth Year of the Republic of India as follows:—

CHAPTER I—*Preliminary*

1. **Short title, extent and commencement.**—(1) This Act may be called the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette of the Union territory of Goa, Daman and Diu, appoint.

2. **Definitions.**—(1) In this Act, unless the context otherwise requires,—

(a) "agricultural produce" means all produce (whether processed or not) of agriculture, horticulture, animal husbandry, apiculture, pisciculture and forest specified in the Schedule;

(b) "agriculturist" means a person who ordinarily by himself or by hired labour or otherwise is engaged in the production or growth of agricultural produce which has not been processed, but does not include a trader, commission agent, processor or broker in agricultural produce although such trader, commission agent, processor or broker may also be engaged in the production or growth of agricultural produce;

(bb) "Administrator" means the Administrator of the Union territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(c) "broker" means an agent who contrives, makes and concludes a bargain or contracts on behalf of his principal for the purchase or sale of agricultural produce for which he receives a fee or remuneration, but does not receive, deliver. transport, or pay for the purchase, or collect payment for the sale, of the agricultural produce;

(d) "bye-laws" means bye-laws made under section 61;

(e) "commission agent" means a person who by himself or through his servants buys and sells agricultural produce for another person, keeps it in his custody and controls it during the process of its sale or purchase, and collects payment therefor from the buyer and pays it to the seller, and receives by way of remuneration a commission or percentage upon the amount involved in each transaction;

(f) "State Marketng Officer" means a person appointed as the State Marketing Officer for the Union territory of Goa, Daman and Diu;

(g) "local authority" includes a Panchayat or Municipality, as the case may be;

(i) "market area" means an area specified in a declaration made under section 4;

(j) "Market Committee" or "Committee" means a committee constituted for a market area under section 11;

(jj) "Market Proper" means any area within the market area including all lands, with the buildings thereon within such distance of the principal or submarket yard as the Administrator may by notification declare to be a market proper under section 5(2);

(k) "member" means a member of a Market Committee;

(l) "Panchayat" means a village Panchayat formed under the Goa, Daman and Diu Village Panchayat Regulation, 1962;

(m) "prescribed" means prescribed by rules made under this Act;

(n) "processor" means a person who processes any agricultural produce on payment of charge;

(nn) "Official Gazette" means the official Gazette of the Union territory of Goa, Daman and Diu;

(o) "retail sale" means, in relation to any agricultural produce, sale of that produce not exceeding such quantity as a Market Committee may by bye-laws determine to be a retail sale;

(p) "rules" means rules made under this Act;

(q) "Schedule" means the schedule to this Act;

(r) "Secretary" means a Secretary of a Market Committee and includes a Joint, Deputy or Assistant Secretary;

(s) "Surveyor" means a person who on arrival of a consignment of agricultural produce for sale in any market area or market, surveys it for ascertaining the quality, refraction, adulteration and other like factors;

(t) "trader" means a person who buys or sells agricultural produce, as a principal or as duly authorised agent of one or more persons;

(2) If any question arises whether a person is or is not an agriculturist for the purposes of this Act, the matter shall be referred to the State Marketing Officer, and the decision of the State Marketing Officer thereon shall be final.

Market Areas and Markets

3. **Notification of intention of regulating marketing of agricultural produce in specified area.**—(1) The Administrator may, by notification in the Official Gazette, declare his intention of regulating the marketing of such agricultural produce, in such area, as may be specified in the notification. The notification may also be published in the language of the area in any newspaper circulating therein, and shall also be published in such other manner as in the opinion of the Administrator is best calculated to bring to the notice of persons in the area, the intention aforesaid.

(2) The notification shall state that any objections or suggestions which may be received by the Administrator within a period of not less than one month from the date of the notification, will be considered by the Administrator.

4. **Declaration of regulation of marketing of specified agricultural produce in market area.**—(1) On the expiry of the period specified in the notification issued under section 3, the Administrator shall consider the objections and suggestions, if any, received before the expiry of such period and may if he considers necessary, hold an inquiry in the manner prescribed.

Thereafter, the Administrator may, by another notification in the Official Gazette, declare that the marketing of the Agricultural produce specified in the notification shall be regulated under this Act, in the area specified in the notification. The area so specified shall be the market area. A notification under this section may also be published in the language of the area in a newspaper circulating therein, and shall also be published in such other manner as in the opinion of the Administrator is best calculated to bring to the notice of persons in the area the declaration aforesaid.

(2) On any declaration being made under sub-section (1) no local authority shall thereafter, 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 for the marketing of that agricultural produce.

(3) Subject to the provision of section 3, the Administrator may, at any time by notification in the Official Gazette, exclude from a market area any area, or include therein an additional area, or may direct that the regulation of the marketing of any agricultural produce in any market area shall cease, or that the marketing of any agricultural produce (hitherto not regulated) shall be regulated in the market area.

5. **Establishment of markets.**—(1) For every market area, there shall be established a principal market and there may be established one or more subsidiary markets.

(2) The Administrator may by notification declare:—

(i) any enclosure, building or locality in the market area to be the principal market yard and other enclosures, buildings or localities in such area to be one or more sub-market yards for the said market area, and

(ii) in any area including all lands with the buildings thereon, within such distance of the market yard or sub-market yard as he thinks fit to be market proper.

CHAPTER II—*Marketing of Agricultural Produce*

6. **Regulation of marketing of agricultural produce.**—(1) Subject to the provisions of this section and of rules providing for regulating the marketing of agricultural produce in any place in the market area, no person shall, on and after the date on which the declaration is made under sub-section (1) of section 4, without, or otherwise than in conformity with the terms and conditions of, a licence (granted by the State Marketing Officer when a Market Committee has not yet started functioning; and in any other case, by the Market Committee) in this behalf,—

(a) use any place in the market area for the marketing of the declared agricultural produce, or

(b) operate in the market area or in any market therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor warehouseman or in any other capacity in relation to the marketing of the declared agricultural produce.

(2) Nothing in sub-section (1) shall apply to sales by retail; nor to sales by a person where he himself sells to another who buys for his personal consumption or the consumption of any member of his family.

7. **Grant of licences.**—(1) Subject to rules made in that behalf, a Market Committee may, after making such inquiries as it deems fit, grant or renew a licence for the use of any place in the market area for marketing of the agricultural produce or for operating therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of agricultural produce; or may, after recording its reasons in writing therefor, refuse to grant or renew any such licence.

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(2) Licences may be granted under sub-section (1) in such forms, for such periods, on such terms and conditions and restrictions (including any provisions for prohibiting brokers and commission agents from acting in any transaction both as buyer or seller, or on behalf of both the buyer and seller, and also provision for prohibiting brokers from acting in any transaction, except between a trader and trader, in respect of agricultural produce other than poultry, cattle, sheep and goats and such other agricultural produce as may be prescribed, and for prescribing the manner in which and the places at which auctions of agricultural produce shall be conducted and the bids made and accepted and places at which weighment and delivery of agricultural produce shall be made in any market or market area) and on payment of fees, not being in excess of such maxima as may be prescribed.

8. **Power to cancel or suspend licences.**—Subject to the provisions of sub-section (3), a Market Committee may, for reasons to be recorded in writting, suspend or cancel a licence—

(a) if the licence has been obtained through wilful misrepresentation, or fraud;

(b) if the holder thereof or any servant or any one acting on his behalf with his express or implied permission, commits a breach of any of the terms or conditions of the licence;

(c) if the holder of the licence in combination with other holders of licences commits any act or abstains from carrying out his normal business in the market with the intention of wilfully obstructing, suspending or stopping the marketing of agricultural produce in the market area in consequence whereof the marketing of any produce has been obstructed, suspended or stopped;

(d) if the holder of the licence has been adjudged an insolvent, and has not obtained his discharge; or

(e) if the holder is convicted of any offence under this Act.

(2) Notwithstanding anything contained in sub-section (1), but subject to the provisions of sub-section (3), the State Marketing Officer may, for reasons to be recorded in writing, by order suspend or cancel any licence granted or renewed under this Chapter.

(3) No licence shall be suspended or cancelled under this section, unless the holder thereof has been given a reasonable opportunity to show cause against such suspension or cancellation.

9. **Appeal.**—Any person aggrieved by an order—

(a) of the Market Committee refusing to grant or renew a licence, or cancelling a licence, or suspending any licence may, within thirty days from the date on which the order is communicated to him, appeal to the State Marketing Officer;

(b) of the State Marketing Officer refusing to grant or cancelling or suspending a licence may within the like number of days appeal to the Administrator.

The State Marketing Officer or, as the case may be, the Administrator shall, on such appeal, make such order as is deemed just and proper;

Provided that, before dismissing an appeal, the State Marketing Officer or, as the case may be, the Administrator, shall give such person a reasonable opportunity of being heard, and record in writing the reasons for such dismissal.

10. **Provision for settlement of disputes.** —(1) For the purpose of settling disputes between buyers and sellers, or their agents, including any disputes regarding the quality or weight or payment of any agricultural produce, or any matter in relation to the regulation of marketing of agricultural produce in the market area, the Market Committee of that area shall constitute from amongst its members a Board.

(2) The Board shall consist of such number of members, and shall be constituted in such manner, and conduct its business in such manner, as may be prescribed. The rules may provide for appointment of arbitrators, payment of fees by parties for the settlement of disputes, and appeal to the Board from their decision.

CHAPTER III—*Constitution of Market Committees*

11. **Establishment of Market Committees.**—For every market area, there shall be established by the Administrator a Market Committee consisting of a Chairman, a Vice-Chairman and other members; and different Market Committees may be established for regulating the marketing of different kinds of agricultural produce for the same market area or any part thereof. The Market Committee shall have all such powers and discharge all such functions as are vested in it by or under this Act.

12. **Incorporation of Market Committees.**—Every Market Committee shall be a body corporate by the name of "the..... Agricultural Produce Market Committee", and shall have perpetual succession and a common seal, and may in its corporate name sue and be sued, and shall be competent to contract, acquire and hold property, both movable and immovable, and to do all other things necessary for the purposes for which it is established.

13. **Constitution of Market Committees.**—(1) Subject to the provisions of sub-section (2), every Market Committee shall consist of the following fifteen members, namely:—

(a) seven agriculturists elected from amongst the agriculturists (not being less than twenty-one years of age on the date specified from time to time by Collector in this behalf) residing in the market area ;

(b) three shall be elected by traders and commission agents, holding licences to operate as such in the market area ;

(c) one shall be the Chairman of the co-operative society doing business of processing or marketing of agricultural produce in the market area ; or in his absence a representative of the co-operative society elected by its managing committee :

Provided that, if there be more than one such co-operative societies in the market area, then the Chairman of any one of such co-operative societies, or in his absence a representative, elected by the managing committees of such societies ;

(d) one shall be the Chairman of the Panchayat within the jurisdiction of which the market area or major portion thereof is situated or the representative elected by such Panchayat ;

(e) one shall be the President or Sarpanch of the local authority (other than a Panchayat) within the jurisdiction of which the principal market is situated or the representative elected by such local authority ;

(f) the Marketing Inspector, appointed by the State Marketing Officer, who shall have no right of vote.

(g) the Assistant Marketing Officer or, where there is no such officer, the District Agricultural Officer of the Department of Agriculture; neither of them shall have the right to vote.

(2) When a Market Committee is constituted for the first time, all the members thereof and the Chairman and Vice-Chairman shall be nominated by the Administrator.

14. **Election and term of office of members.**—(1) Subject to the provisions of sub-section (2), the members shall be elected in the manner prescribed by rules. Such rules may provide also for the determination of constituencies, the preparation and maintenance of the list of voters, persons qualified to be elected, disqualifications for being chosen as, and for being a member, the right to vote, the payment of deposit and its forfeiture, the determination of election disputes and all matters ancillary thereto including provisions regarding election expenses.

(2) If for any reason any persons, co-operative society or its managing committee or a Panchayat or local authority fails to elect any members, the State Marketing Officer shall give notice in writing to them requiring them to elect members within one month from the date of the notice; and on the failure again

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to elect members within the aforesaid period, the State Marketing Officer shall appoint on behalf of such persons, co-operative society, committee, *Panchayat* or the local authority the required number of persons who are qualified to be elected under sub-section (1) of section 13.

(3) Except as otherwise provided in this Act, the members of a Market Committee (not being a Committee constituted for the first time) shall hold office for a period of three years, and the members of a Committee constituted for the first time shall hold office for a period of two years:

Provided that, the Administrator 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.

(4) The names of all the members of a Committee shall be published by the Administrator in the *Official Gazette;* and upon such publication, the Market Committee shall be deemed to be duly constituted.

15. **Commencement of term of office of members:**—(1) The term of office of members of a Market Committee shall be deemed to commence on the date of the first meeting of the Market Committee at which business is transacted:

Provided that, persons who are members by virtue of their being representatives of a co-operative society or of a local authority, shall hold office so long only as they continue to be such representatives, and in the case of persons who are licensees they shall cease to hold office on their ceasing to be holders of their licences.

(2) The first meeting of a Market Committee shall be held on such date as may be fixed by the State Marketing Officer, or any officer authorised by him in that behalf, being a date which is within thirty days from the date on which the names of members are published in the *Official Gazette.* If the first meeting is, for any reason, not held within thirty days as aforesaid, the State Marketing Officer shall report the fact to the Administrator and state therein the reasons for the failure to hold the meeting, and shall, thereafter, act according to the directions of the Administrator issued in that behalf.

(3) The term of office of outgoing members shall be deemed to extend to, and expire with, the date immediately preceding the date of such first meeting.

Resignation, Removal and Casual Vacancies of Members

16. **Resignation of members and nomination in certain circumstances.**—(1) Any member of the Market Committee may resign his office by writing under his hand addressed to the Chairman, and the Chairman may resign his office of member by writing under his hand addressed to the State Marketing Officer. The resignation shall take effect from the date it is accepted by the Chairman, or as the case may be, the State Marketing Officer.

(2) If at any time it appears to the Administrator that any Market Committee by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act, the Administrator may, by order published in the *Official Gazette,* nominate persons to fill the vacancies of the members who have resigned ; but the persons so nominated shall hold office only for the residue of the term of the members in whose place they are nominated or until the vacancies are duly filled in by election whichever is earlier.

17. **Removal of member for misconduct.**—The Administrator may on the recommendation of the Market Committee supported by not less than eight members present and voting at a meeting remove any member if he has been guilty of neglect or misconduct in the discharge of his duties, or of any disgraceful conduct, has become incapable of performing his duties as a member, or is adjudged an insolvent:

Provided that, no such member shall be removed from office unless he has been given reasonable opportunity of being heard by the Administrator.

18. **Casual vacancies.**—Subject to the provisions of sub-section (2) of section 14, in the event of a vacancy occurring on account of death, resignation or removal of a member, or through a member becoming incapable of acting previous

to the expiry of his term of office, or otherwise, the Chairman shall forthwith communicate the occurrence to the State Marketing Officer and the vacancy shall be filled as soon as conveniently may be, by the election, appointment or, as the case may be, nomination of a person thereto, who shall hold office so long only as the member in whose place he is elected, appointed or nominated would have held it, if the vacancy had not occurred:

Provided that, if the vacancy occurs within six months preceding the date on which the term of office of the member expires, the vacancy shall, unless the Administrator directs otherwise, not be filled.

Chairman and Vice-Chairman

19. **Election of Chairman and Vice-Chairman.**—Subject to the provisions of sub-section (2) of section 13, every Market Committee shall be presided over by a Chairman, who shall be elected by the Committee from among its elected members. The Committee shall also elect one of its elected members to be the Vice-Chairman.

20. **Term of office of Chairman, and Vice-Chairman.**—The Chairman and Vice-Chairman shall hold office for such period as may be prescribed.

21. **Chairman and Vice-Chairman to hold office until their successors enter upon office.**—The Chairman and Vice-Chairman shall, notwithstanding the expiration of their term of office, continue to hold office, until their successors enter upon their office.

22. **Procedure for election of Chairman and Vice-Chairman.**—(1) On the constitution of a Market Committee after a general election or otherwise, a meeting shall be called for the election of the Chairman and Vice-Chairman on the date fixed by the State Marketing Officer under sub-section (2) of section 15.

(2) Such meeting shall be presided over by the State Marketing Officer or any person authorised by him in this behalf. The State Marketing Officer or such person shall, when presiding over the meeting, have the same powers as the Chairman when presiding over a meeting of the Market Committee has, but shall not have the right to vote.

(3) If, in the election of a Chairman or Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the officer presiding in such manner as he may determine.

(4) In the event of a dispute arising as to the validity of the election of a Chairman or Vice-Chairman, the State Marketing Officer, if he is the presiding officer shall decide the dispute himself; and in any other case the officer presiding shall refer the dispute to the State Marketing Officer for decision. The decision of the State Marketing Officer, subject to an appeal to the Administrator shall be final; and no suit or other proceeding shall lie in any court in respect of any such decision.

23. **Resignation of Chairman and Vice-Chairman.**—(1) The Chairman may resign his office by writing under his hand addressed to the State Marketing Officer; and the resignation shall take effect from the date it is accepted.

(2) The Vice-Chairman may resign his office by writing under his hand addressed to the Chairman; and the resignation shall take effect from the date it is accepted.

24. **Consequences of absence of Chairman without leave.**—Subject to rules made by the Administrator in this behalf, a Chairman who absents himself from three consecutive meetings of the Committee without leave of the Market Committee shall cease to be Chairman.

25. **Vacancies in office of Chairman and Vice-Chairman to be filled up.**—(1) In the event of a vacancy in the office of the Chairman or Vice-Chairman by reason of death, resignation, removal or otherwise, the vacancy shall subject to the provisions of section 19, be filled as soon as possible by election if elected, or by nomination if nominated of a Chairman or Vice-Chairman.

(2) Every Chairman or Vice-Chairman elected or nominated under this section to fill a casual vacancy shall hold office so long only as the Chairman or Vice-Chairman in whose place he is elected, or as the case may be, nominated would have held it if the vacancy had not occurred.

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26. **Refusal to hand over charge to new Chairman or Vice-Chairman.**—(1) On the election or nomination of a new Chairman or Vice-Chairman, the outgoing Chairman or Vice-Chairman in whose place the new Chairman or Vice-Chairman has been elected or nominated shall forthwith hand over charge of his office to such new Chairman or Vice-Chairman, as the case may be.

(2) If the outgoing Chairman or Vice-Chairman fails or refuses to hand over charge of his office as required under sub-section (1), the State Marketing Officer or any officer empowered by the State Marketing Officer 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 Market 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 State Marketing Officer or any person authorized by him in that behalf may apply to the sub-divisional 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 authorize any police officer, not below the rank of a Sub-Inspector, to enter and search any place where the records 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.

27. **Meeting, etc. of Market Committee.**—The meetings, quorum and procedure of the Market Committee shall be regulated in accordance with the bye-laws made for the purpose.

28. **Members to act during vacancy; acts of Committee, etc., not to be invalidated by informalities.**—(1) During any vacancy in a Market Committee the continuing members may act as if no vacancy had occurred.

(2) A Market Committee shall have power to act, notwithstanding any vacancy in the membership or any defect in the constitution thereof; and such proceedings of the 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.

CHAPTER IV—*The Market Committees: Powers and Duties*

29. **Powers and duties of Market Committee.**—(1) It shall be the duty of a Market Committee to implement the provisions of this Act, the rules and bye-laws made thereunder in the market area; to provide such facilities for marketing of agricultural produce therein as the State Marketing Officer may, from time to time, direct; do such other acts as may be required in relation to the superintendence, direction and control of markets or for regulating marketing of agricultural produce in any place in the market area, and for purposes connected with the matters aforesaid, and for that purpose may exercise such powers and perform such duties and discharge such functions as may be provided by or under this Act.

(2) Without prejudice to the generality of the foregoing provision, a Market Committee may—

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

(b) supervise the behaviour of those who enter the market for transacting business;

(c) grant, renew, refuse, suspend or cancel licences;

(d) provide for settling dispute arising out of any kind of transactions connected with the marketing of agricultural produce and all matters ancillary thereto;

(e) prosecute persons for violating the provisions of this Act, the rules and bye-laws made thereunder;

(f) maintain and manage the market, including admissions to, and conditions for use of, markets;

(g) regulate marketing of agricultural produce in the market area or the market, and the payment to be made in respect thereof, weighment or delivery of the agricultural produce;

(h) acquire, hold and dispose of any moveable or immovable property (including any equipment necessary for the purpose of efficiently carrying out its duties);

(i) collect or maintain, disseminate and supply information in respect of production, sales, storage, processing, prices and movement of agricultural produce (including information relating to crops, statistics and marketing intelligence) as may be required by the State Marketing Officer;

(j) take all possible steps to prevent adulteration and to promote grading and standardization of the agricultural produce as may be prescribed;

(k) enforce the provisions of this Act and rules bye-laws and conditions of the licences granted under this Act;

(l) perform such other duties as may be prescribed.

30. **Appointment of sub-committees; delegation of power.**—A Market Committee may appoint one or more sub-committees consisting of one or more of its members (including any persons co-opted by the Committee with the approval of the State Marketing Officer or of any officer authorised by the State Marketing Officer in this behalf) and may delegate to such sub-committee such of its powers or duties as it may think fit.

31. **Power of Market Committee to levy fees.**—It shall be competent to a market Committee to levy and collect fees in the prescribed manner at such rates as may decided by it (but subject to the minimum and maximum rates which may be fixed by the Administrator by notification in the *Official Gazette* in that behalf), from every purchaser of agricultural produce marketed in the market area:

Provided that, when any agricultural produce brought in any market area for the purposes of processing only or for export is not processed or exported therefrom within thirty days from the date of its arrival therein, it shall, until the contrary is proved, be presumed to have been marketed in the market area, and shall be liable for the levy of fees under this section, as if it had been so marketed:

Provided further that, no such fees shall be levied and collected in the same market area in relation to agricultural produce in respect of which fees under this section have already been levied and collected therein.

32. **Power to borrow.**—(1) A Market Committee may, with the previous sanction of the State Marketing Officer, raise money required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act.

(2) The Market Committee may, for the purpose of meeting the expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government on such terms and conditions as the Administrator may determine.

33. **Execution of contracts.**—(1) Every contract entered into by the Market Committee shall be in writing and shall be signed on behalf of the Market 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 Market Committee.

34. **Certain disputes regarding construction of rules, etc., about weights and measures to be decided by Market Committee.**—(1) Notwithstanding anything contained in the Goa, Daman and Diu Weights and Measures (Enforcement) Act, 1968, if any dispute arises between an Inspector appointed under that Act and any person interested as to the meaning or construction of any rule made under that Act or as to the method of verifying, re-verifying, adjusting or stamping any weight or measure or weighing or measuring instrument, in any market area, such dispute may, at the request of the party interested or by the Inspector of his own accord, be referred to the Market Committee; and the decision of the Market Committee shall, subject to the provisions of sub-section (2), be final and shall be deemed to have been given under section 23 of the Goa, Daman and Diu Weights and Measures (Enforcement) Act, 1968.

(2) An appeal shall lie within the time prescribed from the decision under sub-section (1) to the Administrator or such officer as the Administrator may appoint in this behalf. The decision of the Administrator, or such officer, shall be final.

CHAPTER V—*Officers and Servants of Market Committees*

35. **Power of Market Committee to employ staff.**—(1) A Market Committee may employ a secretary and such other officers and servants as may be necessary for the management of the market, for the collection, maintenance, dissemination and supply of information relating to crops, statistics and marketing intelligence and for carrying out its duties under the Act; and shall pay such officers and servants such salaries as the Market Committee thinks fit.

(2) The Market Committee may in the case of its employees provide for the payment to them all such leave allowance, pension or gratuity as it deems proper and may contribute to any provident fund which may be established for the benefit of such employees.

(3) The powers conferred by this section on the Market Committee shall be exercised subject to any rules which may be made in that behalf by the Administrator.

CHAPTER VI—*The Market Fund*

36. **Market Fund; its custody and investment.**—(1) All monies received by a Market Committee by way of fees under this Act, all sums realised by way of penalty (otherwise than by way of a fine in a criminal case), all loans raised by the Committee, and all grants, loans or contributions made by the Government to the Committee shall form part of a fund to be called the Market Fund.

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

37. **Purposes for which Market Fund may be expended.**—The Market Fund may be expended for all or any of the following purposes, namely:—

(a) the acquisition of a site or sites for the market;

(b) maintenance, development and improvement of the market;

(c) construction of, and repairs to, buildings necessary for the purposes of such market and for the health, convenience and safety of persons using it;

(d) the provision and maintenance of standard weights and measures;

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

(f) the expenses of, and incidental to elections;

(g) the payment of interest on loan, if any, raised by the Market Committee and the provision of sinking fund in respect of such loan;

(h) the collection and dissemination of information regarding matters relating to crop statistics and marketing in respect of the agricultural produce notified under section 4;

(i) propaganda in favour of agricultural improvement and orderly marketing;

(j) payment of allowances and travelling expenses to the members of the Market Committee and sub-committees; and of the Board constituted, if any, under section 10;

(k) expenses of any Tribunal constituted under section 57;

(l) other functions prescribed in this Act and rules thereunder;

(m) for any other purpose, with the previous approval of the Administrator.

38. Manner of preparing budget, etc.—The manner in which any payment from the Market Fund shall be made, its accounts shall be kept and audited or re-audited (including powers to be exercised by the auditor in that behalf), its annual, revised or supplementary budget estimates of income and expenditure shall be made (including provision for modifying, annulling or rescinding such budgets) and its annual administration report shall be prepared, shall be prescribed by rules made in that behalf.

CHAPTER VII—*Trade Allowances Prohibited*

39. Making or recovery of trade allowance prohibited.—No person shall make or recover any trade allowance in any market or market area in any transaction in respect of any agricultural produce.

Explanation.—For the purposes of this section, trade allowance means any deduction in price or rate of the agricultural produce on account of any variation in the quality, weight, container, sample or admixture.

CHAPTER VIII—*Control*

40. **Inspection inquiry, submission of statements, etc.**—The State Marketing Officer or any officer authorised by him by general or special order in this behalf, may—

(a) inspect or cause to be inspected the accounts and offices of a Market Committee;

(b) hold inquiry into the affairs of a Market Committee;

(c) call for any return, statement, accounts or report which he may think fit to require such Committee to furnish;

(d) require a Committee to take into consideration—

(i) any objection which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such Committee, or

(ii) any information he is able to furnish and which appears to him to necessitate the doing of a certain thing by such Committee,

and to make a written reply to him within a reasonable time stating its reasons for doing, or not doing such thing;

(e) direct that anything which is about to be done or is being done should not be done, pending consideration of the reply and anything which should be done but is not being done within such time as he may direct.

41. **Duty of officers and members to furnish information to State Marketing Officer, authorized officers and Administrator.**—(1) When the affairs of a Market Committee are investigated under section 40 or the proceedings of such Committee are examined under section 43, all officers, servants and members of such Committee shall furnish such information in their possession in regard to the affairs or proceedings of the Committee as the State Marketing Officer, officer authorised or, as the case may be, Administrator may require.

(2) An officer investigating the affairs of a Market Committee under section 40 or the Administrator examining the proceedings of such Committee under section 43 shall have the power to summon and enforce the attendance of officers or members of the Market Committee and to compel them 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, (V of 1908), as applied to the Union territory of Goa, Daman and Diu.

42. **Seizure of account books and other documents.**—Where the State Marketing officer has reason to believe that the books and records of a Market Committee are likely to be tampered with or destroyed or the funds or property of a Market Committee are likely to be misappropriated or misapplied, the State Marketing Officer may issue an order directing a person duly authorised by him

in writing to seize and take possession of such books and records, funds and property of the Market Committee, and the officer or officers of the Market Committee responsible for the custody of such books, records, funds and property, shall give delivery thereof to the person so authorised.

43. **Powers of Administrator to call for proceedings of Market Committee and to pass orders thereon.**—The Administrator may at any time call for and examine the proceedings of any Market Committee for the purpose of satisfying himself as to the legality or propriety of any decision or order passed by the Market Committee under this Act. If in any case, it appears to the Administrator that any decision or order or proceedings so called for should be modified, annulled or reversed, the Administrator may pass such order thereon as he thinks fit.

44. **Amalgamation or division of Market Committees.**—(1) Where the Administrator is satisfied that for securing efficient regulation of marketing of any agricultural produce in any market area, it is necessary that two or more Market Committees therein should be amalgamated or any Market Committee therein should be divided into two or more Market Committees, then the Administrator may, after consulting the Market Committees or Committee, as the case may be, by notification in the Official Gazette, provide for the amalgamation or division of such Market Committees into a single Market Committee or into two or more Market Committees, for the market area in respect of the agricultural produce specified in the notification with such constitution, property, rights, interests and authorities and such liabilities, duties and obligations (including provision in respect of contracts, assets, employees, proceedings, and such incidental, consequential and supplementary matters as may be necessary to give effect to such amalgamation or as the case may be, the division) as may be specified in the notification.

(2) Where more Market Committees than one are established in any market area under sub-section (1), the Administrator may, notwithstanding anything contained in this Act, issue general or special directions as to which of the Market Committees shall exercise the powers, perform the duties and discharge the functions of the Market Committee under this Act, in which they are jointly interested or which are of a common nature.

(3) Where any directions are issued under sub-section (2), the cost incurred by a Market Committee in pursuance of the directions shall be shared by the other Market Committee concerned in such proportion as may be agreed upon, or, in default of agreement, as may be determined by the Administrator or such officer as he may direct in this behalf. The decision of the Administrator or such officer shall be final.

45. **Supersession of Market Committee, etc.**—(1) If, in the opinion of the Administrator, a Market Committee or any member thereof, is not competent to perform or persistently makes default in performing the duties imposed on it or him by or under this Act, or abuses its or his powers or wilfully disregards any instructions issued by the Administrator or any officer duly authorised by him in this behalf arising out of audit of accounts of the Market Committee or inspection of the office and work thereof, the Administrator may, after giving the Committee or member, as the case may be, an opportunity of rendering an explanation, by notification in the Official Gazette, with reasons therefor, supersede such Market Committee; or remove the member, as the case may be; and where a member is removed, the Administrator shall appoint any person as a member of such Committee in his place for the remainder of his term of office.

(2) Upon the publication of a notification under sub-section (1) superseding a Market Committee, the following consequences shall ensue, that is to say—

(a) all members of the Market Committee shall as from the date of such publication be deemed to have vacated their office;

(b) all the property vesting in the Market Committee shall, subject to all its liabilities, vest in the Government;

(c) the Administrator may by order, either constitute a new Market Committee in accordance with the provisions of Chapter III or make such arrangements for the carrying out of the functions of the Market Committee as he thinks fit.

(3) If the Administrator makes an order under clause (c) of sub-section (2), he shall transfer the assets and liabilities of the Market Committee, as on the date of such transfer, to the new Market Committee constituted as aforesaid or to the person or persons, if any, appointed for the carrying out of the functions of the Market Committee, as the case may be.

(4) If the Administrator does not make such an order, he shall transfer all the assets of the Market Committee which remain after the satisfaction of all its liabilities, to a local authority within whose jurisdiction the Market Committee is situated and if there are more than one such local authorities, to each of such local authorities, such portion of the property as the Administrator may decide.

(5) The local authority to which the assets of a Market Committee are transferred under sub-section (4) shall utilise such assests for such objects in the area within its jurisdiction as the Administrator considers to be for the benefit of the agriculturists in that area.

CHAPTER IX—*Penalties*

46. **Penalty for contravention of section 6.**—Whoever in contravention of the provisions of sub-section (1) of section 6 uses any place in the market area for marketing of any agricultural produce, or operates as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity, without a valid licence, shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both; and in the case of a continuing contravention, with a further fine which may in the case of contravention of clause (a) of sub-section (1) of section 6 extend to one hundred rupees; and in any other case, to fifty rupees per day, during which the contravention is continued after the first conviction.

47. **Penalty for not complying with directions under section 26(2).**—If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) of section 26 does not, except for reasons beyond his control, comply with such direction, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to five hundred rupees, or with both.

48. **Penalty for making or recovering trade allowance.**—Whoever in contravention of the provisions of section 39 makes or recovers any trade allowance shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

49. **Penalty for failure to obey order under section 40.**—Whoever obstructs any officer in carrying out the inspection of accounts or holding an inquiry into the offices of a Committee or fails to obey any order made under clause (a), (c), (d) or (e) of section 40 shall, on conviction, be punished with fine which may extend to two hundred rupees for every day during which the offence continues.

50. **Penalty for contravening provisions of section 40 or 43.**—If any officer, servant or member of a Market Committee, when required to furnish information in regard to the affairs or proceedings of a Market Committee under section 40 or section 43—

(a) wilfully neglects or refuses to furnish any information, or

(b) wilfully furnishes false information.

he shall, on conviction, be punished with fine which may extend to five hundred rupees.

51. **Penalty for contravention of section 42.**—Whoever in contravention of the provisions of section 42 obstructs any person in seizing or taking possession of any books, records, funds and property of the Market Committee or fails to give delivery thereof to such person shall, on conviction, be punished with fine which may extend to two hundred rupees.

52. **General provision for punishment of offences.**—Whoever contravenes any provision of this Act or any rule, or bye-law thereunder shall, if no other penalty is provided for the offence, be punished with fine which may extend to two hundred rupees.

CHAPTER X—*Miscellaneous*

53. **Members to be held responsible for misapplied funds.**—Every member of a Market Committee shall be personally liable for the wilful misapplication of any funds to which he had been a party or which has happened through, or has been facilitated by, gross neglect of his duty as a member, and may be used for the recovery of the monies so misapplied as if such monies had been the property of the Government:

Provided that, no member shall be personally liable in respect of any contract or agreement made, or for any expenses incurred by or on behalf of the Market Committee, if the contract or agreement is made, or the expenses are incurred in good faith and in the due discharge of his duties; and the Market Fund shall be liable for, and be charged with, all costs in respect of any contract or agreement and all such expenses.

54. **Chairman, Vice-Chairman, members, Secretary and servants of Market Committee to be public servants.**—The Chairman, the Vice-Chairman, the members, the Secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (XLV of 1860).

55. **Bar of suit in absence of notice.**—(1) No suit shall be instituted against any Market Committee or any member, officer or servant thereof or any person acting under the direction of any such Market Committee, member, officer or servant for anything done or purported to be done, in good faith as such member, officer or servant under this Act, until the expiration of two months next after notice in writing, stating he cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of Market Committee, delivered or left at its office, and in case of any such member, officer, servant or person as aforesaid, delivered to him or left at his office or usual place of residence, and the plaint shall contain a statement that such notice has been so delivered or left.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the alleged cause of action.

(3) Nothing in this section shall be deemed to apply to any suit instituted under section 38 of the Specific Relief Act, 1963 (47 of 1963).

56. **Trial of offences.**—(1) No offence under this Act, or any rule or bye-law made thereunder shall be tried by a Court other than that of a Magistrate of the First Class or a Magistrate of the Second Class specially empowered in this behalf.

(2) No prosecution under this Act shall be instituted except by the State Marketing Officer or any officer authorised by him in that behalf or by the Secretary or any other person duly authorised by the Market Committee in that behalf.

(3) No Court shall take cognizance of any offence under this Act or any rule or order made thereunder, unless complaint thereof is made within six months from the date on which the alleged commission of the offence came to the knowledge of the officer or person referred to in sub-section (2).

57. **Recovery of sums due to Government or Market Committee.**—(1) Every sum due from a Market Committee to the Government shall be recoverable as an arrear of land revenue.

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

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(3) If any question arises whether a sum is due to the Market Committee within the meaning of sub-section (2), it shall be referred to a Tribunal constituted for the purpose which shall after making such enquiring as it may deem fit, and after giving to the person from whom it is alleged to be due an opportunity of being heard, decide the question; and the decision of the Tribunal shall be final and shall not be called in question in any court or other authority.

(4) The Tribunal shall consist of one person (possessing the prescribed qualifications) who is not connected with the Market Committee or with the person from whom the sum is alleged to be due.

(5) The expenses of a Tribunal shall be borne by the Market Committee.

58. **Power of Administrator to delegate powers.**--The Administrator may, by notification in the *Official Gazette*, and subject to such conditions, if any, as he may think fit to impose, delegate all or any of the powers conferred upon him or on the State Marketing Officer to any other officer or person specified in the notification.

59. **Power to exempt Market Committees, etc., from provisions of Act.**—The Administrator may, by a general or special order, in the *Official Gazette*, exempt any Market Committee or any class of persons from any of the provisions of the Act or any rules made thereunder, or may direct that such provisions shall apply to such Market Committee or to such class of persons with such modifications not affecting the substance thereof as may be specified in that order:

Provided that, no order to the prejudice of any Market Committee shall be passed, without an opportunity being given to such Market Committee to represent its case.

60. **Rules.**—(1) The Administrator may, by notification in the Official Gazette, make rules for carrying into effect the purposes of this Act.

(2) In particular, but without prejudice to the generality of the foregoing provision, the Administrator may make rules,—

(a) under section 4, for prescribing the manner of holding an inquiry;

(b) under section 7, subject to which licences may be granted, renewed or refused; and for prescribing the form, period and the terms, conditions and restrictions (including provision for prohibiting brokers and commission agents from acting in any transaction both as a buyer or seller or on behalf of both the buyer and seller, and for prescribing the manner in which and the places at which auction of agricultural produce shall be conducted and the bids made and accepted and the the places at which weighment and delivery of agricultural produce shall be made in any market or market area) and the maximum fees for licences;

(c) under section 10, for prescribing the number of members of the Board the manner in which it shall be constituted and shall conduct the business for setting disputes (including provision for appointment of arbitrators, payment of fees and appeal as provided by that section);

(d) under section 14, for prescribing the manner in which members may be elected including all matters referred to in that section;

(e) under section 20, prescribing the period for which a Chairman or a Vice-Chairman shall hold office;

(f) under section 29, sub-section (2), under clause (j), for prescribing grading and standardisation of agricultural produce and under clause (l) for prescribing other duties to be performed by Market Committees;

(g) under section 34, prescribing the time within which an appeal shall be made;

(h) under sub-section (3) of section 35, subject to which the powers conferred by that section on a Market Committee shall be exercised;

(i) under section 36, for prescribing the manner in which the amount to the credit of a Market Fund shall be kept or invested;

(j) under section 37, prescribing other functions of a Market Committee;

(k) under section 38, for matters referred to in that section;

(l) under section 57, under sub-section (4), prescribing the qualifications of a person who shall constitute a Tribunal under that section;

(m) for the periodical inspection of all weights and measures and weighing and measuring instruments in use in a market area;

(n) prescribing the manner of control and supervision to be exercised by the Market Committee over inspectors appointed under the Goa, Daman and Diu Weights and Measures (Enforcement) Act, 1968;

(o) for storing any agricultural produce brought into the market area;

(p) for preparing plans and estimates for works proposed to be constructed partly or wholly at the expense of the Market Committee, and the grant of sanction to such plans and estimates;

(q) for the manner in which the enquiry and inspection of the Market Committee shall be held;

(r) prescribing the persons by whom and the form in which copies of documents or entries in the books of the Market Committee, may be certified and the fees to be charged for the supply of such copies;

(s) for the keeping of a list of prices of agricultural produce in respect of which the Market Committee is established;

(t) prescribing the matters in respect of which a Market Committee may make or the State Marketing Officer may direct the Market Committee to make bye-laws and the procedure to be followed in making, altering and abrogating bye-laws and the conditions to be satisfied prior to such making, alteration or abrogation.

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

(4) All rules made under this Act shall be laid on the table of the Legislative Assembly after they are made and shall be subject to such modification as the Assembly may make during the session in which they are so laid or the session immediately following.

61. **Bye-laws.**—(1) Subject to any rules made by the Administrator under section 60 and with the previous sanction of the State Marketing Officer or and other officer specially empowered in this behalf by the Administrator, the Market Committee may in respect of the market area under its management make bye-laws for determining the quantity of agricultural produce for the purpose of its retail sale, for the regulation of the business (including meeting, quorum and procedure of the Market Committee) and the conditions of trading in the market area,, including provision for refund of any fees levied under this Act.

(2) Any bye-law made under this section may provide that any contravention thereof shall, on conviction, be punished with the fine which may extend to one hundred rupees.

62. **Power of Administrator to amend Schedule.**—The Administrator may, after consulting the Market Committees concerned by notification in the Official Gazette, add to, amend or cancel any of the items of agricultural produce specified in the Schedule.

63. **Savings.**—Nothing contained in any law for the time being in force relating to the establishment, maintenance or regulation of a market shall apply to any market area or any market therein or affect in any way, the powers of a Market Committee or the rights of a holder of a licence granted under this Act.

64. —

65. —

66. **Removal of difficulties.**—If any difficulty arises in giving effect to the provisions of this Act, the Administrator may as occasion requires, by order do any thing which appears to him to be necessary for the purpose of removing the difficulty.

SCHEDULE.

[*See* section 2(1) (*a*) and section 62.]

I. *Fibres*—

1. Cotton (ginned and unginned).
2. Sanhemp.

II. *Cereals*—

1. Wheat (husked and unhusked).
2. Paddy (husked and unhusked).
3. Jowar.
4. Bajri.
5. Nagli.
6. Vari.
7. Kodra.
8. Maize.
9. Sarsav.
10. Bavto.
11. Barley.
12. Banti.
13. Chino.
14. Navani.
15. Savi.

III. *Pulses*—

1. Tur.
2. Gram.
3. Udid.
4. Mung.
5. Val.
6. Chola.
7. Lang.
8. Math.
9. Peas.
10. Kulthi.
11. Splits (Dal) of pulses.
12. Masur.
13. Ghevda Beans.

IV. *Oilseeds*—

1. Groundnut (shelled and unshelled).
2. Linseed.
3. Sesamum.
4. Safflower.
5. Ambadi.
6. Cocoanut.
7. Cotton seed.
8. Castor seed.
9. Khursani.
10. Niger-seed.
11. Thymol (Ajwan seeds)
12. Dilseeds (Shepa).

V. *Narcotics*—

1. Tobacco.

VI. *Gur, sugar and sugarcane.*

VII. *Fruits*—

1. Mango.
2. Mosambi.
3. Santra.
4. Lemon.
5. Banana.
6. Grapes.
7. Pomegranate.
8. Fig.
9. Chickoo.
10. Strawberry.
11. Melons.
12. Water Melon.
13. Papaya.
14. Guava.
15. Bor.
16. Falsa.
17. Custard Apple.
18. Pine Apple.

VIII. *Vegetables*—

1. Potato.
2. Onion.
3. Tomato.
4. Suran.
5. Leafy and fresh vegetable.
6. Yam potatoes.
7. Sweet potatoes.
8. Kochara.
9. Ulsande.
10. Ladies finger.
11. Brinjals.

IX. *Animal Husbandry Products*—

1. Eggs.
2. Poultry.
3. Cattle.
4. Sheep.
5. Goat.
6. Pigs.
7. Wool.
8. Butter.
9. Ghee.
10. Milk.
11. Hides and Skins.

X. *Condiments, spices and others*—

1. Turmeric.
2. Ginger.
3. Garlic.
4. Corriander.
5. Chillies.

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6. Cardamon and pepper.
7. Variali.
8. Betelnuts.
9. Betel leaves.
10. Cashewnuts.
11. Cummin (Jiru).
12. Rai (mustard).
13. Methi.
14. Isabgul.
15. Asarioo.
16. Musli.
17. Gum.
18. Tamarind.

XI. *Grass and fodder*

XII. *Cattle feeds*—
1. Guwar.
2. Punvad.

XIII. *Apiculture*—
1. Honey.

XIV. *Pisciculture*—
1. Fish

XV. 1. *Forest produce*
1. Hilda.
2. Gum.
3. *Bidi* leaves.
4. Lac.
5. Bamboo.
6. Myrobalans.
7. Karmal.
8. Bimal.
9. Ambada.

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(b) no court shall enforce any decree or order directing the refund of any tax so collected on the ground mentioned in clause (a).

22. Certain contraventions not to be offences.—Notwithstanding the retrospective operation of the amendments to the principal Act made by this Act, no contravention of, or no failure to comply with, any of the provisions of the principal Act, as amended by this Act, shall render any person guilty of an offence, if such contravention or failure—

(i) relates either to any provision inserted in the principal Act by this Act or to any existing provision as amended by this Act; and

(ii) occurred on or after the first day of October, 1958, and before the date of extension of this Act to the Union territory of Chandigarh.

23. [Omitted].

[No. F.15/2/68-UTL(i)-104.]

K. R. PRABHU, Jt. Secy.

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