

THE PUJAB 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) They shall come into force at once.

2. Definitions

In these rules, unless the context otherwise requires :-

⁵ “**Act**” means the Punjab Agricultural Produce Markets Act, 1961;

¹[(1-a) “**Assessing Authority**” means the Secretary of the concerned committee who shall be an authority to make the assessment under these rules;]

²[(2) “**Buyer**”omitted.]

3. “**Bye-Law**” means a bye-law made under sub-section (14) of Section 3 or sub-section (1) of Section 44, as the case may be;

³[(4) “**Pacca Arhtia**” means a dealer, who for himself or on behalf of any other person makes or offers to make a purchase or sale of any authorizeds produce or does or offers to do anything for carrying out such purchase or sale];

5. “**Director of Agriculture**” means the Director of Agriculture, Punjab;

⁴[(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 authorizeds of the bid at the auction, such as unloading, cleaning and dressing charges ; ⁵[(------)]

9. “**Kacha Arhtia**” means a dealer who, in consideration of commission, offers his service to sell agricultural produce;

⁶[9-A] “**Licensing Authority**” means the authority to whom applications for grant of licence by made under section 9 of the Act];

¹ Added vide Notification No. GSR 19/P.A-23/61/S.43/Amd. (51)/99 dated 15.3.1999.

² Omitted vide Notification No. GSR 30/PA-23/61/S.43/Amd (52)/99 dated 30.3.1999, published in the Gazette, dated 1.4.1999.

³ Substituted vide Ibid.

⁴ Inserted vide Notification No. 11 (13)-M-III-83/9379 dated 4.5.1988.

⁵ Omitted vide Notification No. 1593-RD-1-74/8126 dated 3.5.1974.

⁶ Inserted vide Notification No. 11 (13)-M-I-83/21424 dated 13/14-10-1987.

10. **“Licensee”** means a person holding a licence issued under these rules or the rules hereby repealed;
- ¹[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 authorized bids of the bid at auction, such as the commission of Kacharthia, brokerage, auction charges, remuneration for palledari, ²[filling, weighing sewing and loading];
12. **“Palledar”** means a person who assists in loading, unloading, 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. **“Registrar”** means the Registrar, Co-operative Societies, Punjab; and
- ³[15. **“Seller”**Omitted]

⁽⁵⁾ **Constitution of the Board**

- Sec 3 & 4[(1) For the purposes of enabling the State Government to nominate non-
43(2)(1) authorized members,
- ⁽⁵⁾ 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) of sub-section (1) of section 3, the Director of Agriculture shall submit a panel of eight names;
- ⁽⁵⁾ 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].
- ⁵[(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.

¹ Inserted vide Notification No. GSR 24/PA 23/61/S-43/Amd. (15) 71 dated 18.3.1971.

² Substituted vide Notification No. 11/03/2003-M-3/3788, dated 5.6.2003.

³ Omitted vide Notification No. GSR 30/PA 23/61/S.43/Amd (52)/99 dated 30.3.1999, published in the Gazetted, dated 1.4.1999.

⁴ Substituted vide Notification No. 11 (13)-H-III-83/9379 dated, 4.5.1988.

⁵ Substituted vide Notification No. 11(7)-M-I-79/8388, dated 26.6.1984.

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

¹[3-A. Meetings of the Board

A meeting of the Board shall ordinarily be held at least once in three months at a time and date and place fixed by the Chairman and he shall preside over such a meeting].

²4. Functions and powers of Chairman of the Board

- Sec. 3 (II) (1) The Chairman of the Board shall-
- & 43 (2 (ii) (a) be responsible for the efficient authorizedse of the uthorizeds and to carry out the provisions of the Act and the provision of those rules and to exercise general control over the employees of the Board and those of the ³[committees; and]

⁴[(b).....Omitted]

- © be responsible for the preparation of the annual budget of the Board.
- (2) The Chairman of the Board shall preside over the meetings of the Board.]

5. Matters on which Board may frame bye-laws

In addition to the matters uthorize in sub-section (14) of section 3, the Board may frame bye-laws regulating-

- Sec.3 (14) (a) better marketing of agricultural produce and marketing of agricultural produce on co-operative lines;
- (b) the grading and uthorizedse of agricultural produce;
- © the general improvement in the market or their respective notified market areas;
- ⁵[(c –a) the incurring of expenditure on the construction and repair of the link roads and approach roads out of the Market Committee Fund];
- (d) the maintenance and regulation of rest-house, staff quarters and other building of the Board;
- (e) the procedure for giving aid to financially weak committees;
- (f) the allowances payable to the members of the Board or Advisory committees;
- (g) propaganda, uthorizeds, publicity and education for improvement of marketing and agriculture;
- (h) the classification of the committees on the basis of their income for the purpose of uthor the grades of their Secretaries and other employees;

¹Added vide Notification No. G.S.R. 27/P.A. 23/61/Ss. 3 & 43/Amd. (57) /2001 dated 1.3.2001, published in the Gazettee dated 9.3.2001.

²Substituted vide Notification No. 11/13/93-M-3/5762 dated 27.8.2003.

³Substituted vide Notification No. 11/16/06-M-3/4495 dated 24-7-2006, published in the gazette dated 4-8-2006.

⁴Omitted vide ibid.

⁵Added vide No. Notification No. 11/13-M-III-83/9379 dated 4-5-1988.

- (i) the person or persons by whom, and the manner in which, a contract may be entered on behalf of the Board; and
- (j) any other purpose which, in the opinion of the Board, is calculated to promote the interest of the Board or the committees, or to lead to improvement of marketing and agricultural in general.

6 ¹[Budget of the Board]

- Sec.3(13) (1) The Board shall meet not later than first week of February every year to finalise 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 Account to another without prior approval of the State Government.

²[(5)Omitted.]

³[6-A Budget of the Committee]

- (1) Each market Committee shall meet not later than the first week of February every year to pass the budget of the Committee for the next financial year and the budget shall be in consonance with the provisions of section 28 of the act and the rules made there under. The budget shall be passed in accordance with the guidelines issued by the Chairman of the Board from time to time.
- (2) The Market Committee after passing the Budget, shall send the same to the Chairman of the Board, who may amend the budget according to the requirement of the Market Committee or as per the need of notified market area. The Committee shall implement the budget as approved by the Chairman of the Board. If the Market Committee does not receive the budget from the Chairman of the Board within a period of two months from the date of its receipt by him then the budget as passed by the Market Committee shall be deemed to have been approved by the Chairman.
- (3) If the Chairman of the Board finds that expenditure has not been incurred in accordance with the provisions of the Act and the rules made there under, he would refer the matter to the State Government along with his authorized s e for talking necessary action under the Act and the rules made there under.]

7. Publication of notification under section 6

- (1) Copies of notification issued under section 6 shall be published under the orders and at the discretion of the ⁴[Chairman] of the board, in one or more of the modes specified below:-

- Sec.6(1) (a) by publication in the regional language or in such other language and in such newspapers as in the opinion of the ⁵[Chairman of Board] of the Board will give due publicity among persons likely to be affected thereby;

¹Substituted vide Notification No. G.S.R. 3/P.A.-23/61/s.43/Amd. (56)/2001, dated 5.1.2001.

²Omitted vide Notification No. 11/16/06-M-3/4495 dated 24-07-2006, published in the Gazettee dated 4-8-2006.

³Inserted vide ibid.

^{4&5}Substituted vide Notification No. 11/13/93-M3/5762, dated 27.8.2003

- (b) by affixing a copy of the notification in the regional language or in such other language as may be considered necessary by the ¹[Chairman of the Board] in the office of every Municipal Committee, Notified Area Committee, Panchayat 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;
- © by affixing a copy of notification in the regional language or in such other language as may be considered necessary by the ²[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 ³[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

- Sec12(4) ⁴[(1) Where a Committee is to be constituted for the first time under sub-
- 43(2)(i) 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].
- ⁵[(1-A) The panel of names 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 year, whichever may be earlier.

9. Term of Office of the Chairman & Vice-Chairman of Market Committee

- Sec 43(2) (1) The term of office of the Chairman and Vice-Chairman of Committee shall
- (iii) 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

¹⁻³Substituted vide Notification No. 11/13/93-M3/5762 dated 27-8-2003.

⁴Substituted vide Notification No. 11(13)-M-III-83/9379 dated 4-5-1988.

⁵Added vide Punjab Govt. Gazette Notification dated 8-12-1976.

- (b) on the acceptance of his resignation given in writing to the Board; or
- © 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 15.

10. Powers of Chairman & Vice-Chairman of Committee

Sec 43(2) ¹[(1) The Chairman of the committee shall be its chief executive officer and be authorized 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 send 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 ³[Chairman of the Board] in case any member or the committee dies or becomes subject to any of the disqualifications mentioned in sub-section (5A) of section 3 read with sub-section (6) of section 12.
- (5) The Chairman may by an order in writing delegate any of his powers 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 order.

¹Substituted vide Notification No. 11 (13)-M-III 83/9379 dated 4.5.1988.

^{2&3}Substituted vide Notification No. 11.13.93-M-3/5762 dated 27.8.2003

- ¹[(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 ²[Chairman of the Board] or such other officer of the Board as may be authorized by him in this behalf:

Provided that the Secretary of the Committee shall intimate about his being on leave 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 the notified market area for more than a week or on account of illness or other authorized reasons 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 powers 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 resignation of the Chairman having been accepted or a no-confidence motion against him having been confirmed, the powers, privileges and authorized deeds 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 authorized or for other circumstances or for any other reason is unable to perform his duties and where the Chairman does not inform the Vice-Chairman about his absence in writing the ³[Chairman of the Board] shall direct the Vice-Chairman to officiate as Chairman till the Chairman resumes his duties].

⁵ **Resignation of member of Committee**

Sec17& (1) Any member of a Committee may resign his office by tendering resignation

43(2) in writing to its Chairman and if, the member tendering resignation is himself the Chairman he shall submit it to the ⁴[Chairman of the Board].

Provided that if no Chairman of a committee has been elected the member may submit his resignation to the ⁵[Chairman of the Board].

- (2) Every resignation received under sub-rule (1) shall forthwith be authorized by the Chairman of the Committee alongwith his comments to the ⁶[Chairman of the Board] who shall, with the least possible delay, forward the same with necessary comments to the State Government.

¹ Substituted vide Notification No. 11 (13)-M-III- 83/9379, dated 4.5.1988.

^{2 to 6} Substituted vide Notification No. 11/13/93-M-3/5762, dated 27.8.2003

- (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

- Sec.43(2) The business at the meeting of the committee shall be transacted in the
(vi) ¹[Punjabi language].

13. Appointment of disputes sub-committee

- Sec19&43 (1) A committee may appoint a sub-committee called the disputes sub-committee consisting of such number of members and other person 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 deductions 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 person 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 panels has been appointed.
- (3) Where any such dispute arise 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 settled in the manner provided in clause (b), (c), (d) and (e).
- (b) Each party to the dispute shall select one arbitrator from the penal 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.
- © 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 lie to the 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 an 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 Committee

Sec.43(2)(1) The Secretary shall be the executive officer of the Committee. All office
(ii) establishment of the committee shall be under his control, and all orders to any member of the staff of the 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 a meeting wherein anything pertaining to him or any of his relatives is to be considered.

Explanation : Relative 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

© father , mother , son, daughter, brother and sister of the wife or 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, rules and by-laws framed under the Act and instructions of the Board, and the decision 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 circumstances may require.

(7) Subject to sub-rule (5) the Secretary shall have immediate uthorized s e for carrying on the day to 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 munite book & 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 his assessment into consideration while making final assessment of the work of the employees.

¹[15. Allowances of members of Board and Committees

- ⁽⁵⁾ 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 [□]authorize 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 [□]authorize allowances and daily allowances according to the rates fixed for such members under the rule governing their allowances].

- ³[(2) For journeys undertaken 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 ⁴[rupees fifty] 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 [□]authorize and daily allowance according to the scale fixed by the Government for Government Servant of Grade II]:

⁵[Provided that in case of the members of State Legislature they shall be paid [□]authorize and daily allowances according to the rates fixed for such members under the rules governing such allowances].

- ⁶[(3) Omitted].

- ⁽⁵⁾ If in the opinion of the Board the financial position of a committee does not warrant the payment of the [□]authorize and daily allowances according to the scale prescribed above he may fix such scale of daily and [□]authorize allowances in the case of that committee as he may think proper.

¹Substituted vide Notification No. 11 (7) M-I-79/8388, dated 26-6-1984.

²Inserted vide Notification No.G.S.R./118/P.A./23/61/S43 Amd. (6)/64, dated 17-4-1964.

³Substituted vide Notification No.G.S.R./23/PA23/61/S.4/AMD. (24) 86, dated 24.4.1986.

⁴Substituted vide Notification No. 11/16/06-M-3/4495 dated 24-7-2006, published in the Gazette dated 4-8-2006.

⁵Substituted vide Notification No. G.S.R./118/P.A.-23/61/S43/AMD. (24) 64, dated 17.4.1969.

⁶Substituted vide Notification No. G.S.R./92/P.A.-23/61/S43/AMD. (9) 66, dated 22.4.1966.

¹[15-A. Other allowances of the Chairman of Board]

- (1) 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. 1500/- per annum. Any amount in excess shall be the responsibility of the incumbent. ²[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.

³[15-B. 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) Chairman of a Committee | Rs. 2,500 |
| (ii) Vice-Chairman of a Committee | Rs. 2,000] |

⁵ References

Sec.3(9) References from Committee to any Government Department other than District

&43(1) authorities and local bodies shall be made through the Secretary of Board.

⁵ Licences to dealers

Sec.10&43 ⁴[(1) A person desirous of obtaining a licence under section 10 of the Act shall

- 2(1) apply in Form A (to be submitted in duplicate) to the 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 committee the prescribed licence fee alongwith a cash security of five thousand rupees and also furnishes a bank guarantee of ruppes ten thousands or an amount equal

¹Inserted vide Notification No. G.S.R.24/P.A.23/61/S43 Amd. (15)/71 dated 18-3-1971.

²Added vide Notification No.4651-RD-I-73/3549 ated 21.2.1974.

³Substituted vide Notification No. 11/16/06-M-3/4495 dated 24-7-2006, published in the Gazette dated 4-8-2006.

⁴Substituted vide Notification No. G.S.R-44/P.A.23/61/S.43/Amd. (53)/99 dated 9.6.1999.

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- to two per cent of the annual turn-over of the previous year which ever is more;
- (5) the aforesaid cash security by a dealer or Commission Agent shall not form part of the Market Committee Fund, but shall be deposited by the concerned committee in the Bank approval by the Board. The amount of the cash security shall be deemed to have been enhanced to the extent of the interest credited by the bank in respect of the security deposited in Bank;
 - (ii) the aforesaid cash security as deposited or a bank guarantee as furnished by a licensee under sub-rule (1), shall be liable to forfeiture by the committee for any default made by the licensee in payment of any money payable by him to the committee or produce seller, under the Act, or the rules or bye-laws made thereunder. The committee shall have its first charge on the said cash security or bank guarantee;
 - (5) the aforesaid bank guarantee furnished by the licensee under sub-rule (1) shall be unconditional and the amount guaranteed by the bank or a part thereof, as the committee may demand, shall be payable to the committee on demand; and
 - (iv) the aforesaid cash security deposited by a licensee with the committee shall be refunded to him within six months from the date of his ceasing to be a licensee, if the committee is satisfied that there are no liabilities due by such licensee to the committee].
- ¹[(2) The licence 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 licensee, 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 licence on or before the date specified therein for obtaining licence, the licensing authority may, before a licence 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.

¹Substituted vide Notification No. G.S.R.24/P.A.-23/61/S43/Amd. (25)/89 dated 13.2.1989, published in the gazette dated 24.2.1989.

¹[(4) Unless otherwise provided in the licence, each licence 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 licence is issued on the 1st day of April, 1988. or any other day before the 31st day of March, 1988, it shall expire on the 31st day of March, 1991].

²[(5) Omitted].

(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 licence fee has been paid and shall, after verifying the correctness of the facts stated therein, forward the same to the ³[Secretary] of the Board, within three days of its receipt in the office of the committee.

(7) On receipt of the application, the ⁴[Secretary of the Board] may grant a licence to the applicant in Form B. The licence shall be subject to the conditions mentioned therein.

(8) A record of licences issued under this rule shall be maintained by the Board as well as by the committee in Form C.

⁵[17-A. A Special provision with regard to licences utho upto 31st March, 1976]

(1) Every person holding a licence utho 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 licence 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 period if the uthorized 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.

⁶(5) 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].

¹Substituted vide Notification No. G.S.R./24/P.A.-23/61/S43/Amd.(25)/89 dated 13.2.1989, published in the gazette dated 24.2.1989.

²Omitted vide Notification No. G.S.R.30/P.A.23/61/S.43 Amd. (52)/99 dated 30-3-99, published in the Gazette dated 1-4-99.

³Substituted vide Notification No.11(13) M-I-83/21424 dated 13/14.1987.

⁴Substituted vide *ibid*.

⁵Inserted vide Notification No. G.S.R. 86/P.A.23/61/S.43/Amd. (16)/75 dated 26/8/75. Date of commencement of this rule is 26-8-1975.

18. Persons exempt from taking licences under section 6

Sec.6 Under sub-section (3) of section 6 the following persons shall be exempt from taking licences for the purchase of agricultural produce :

- (a) confectioners and purveyors of parched, fried or cooked food;
- (b) persons using kuhlus, provided that the number of kuhlus installed by them in the notified market area is not more than two;
- © hawkers and petty retail shop-keepers who do not engage in any dealing in agricultural produce other than such hawking or retail purchases ;

¹[**Explanation** – For the purposes of this clause and clause (b) of sub-rules (2), a author whose turnover of sales and purchases of agricultural produce does not exceed ²[three lakhs] rupees during a year shall be treated as a 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 purchases on behalf of the Government :

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

- ⁵ Tanners when making purchases of raw hides and skins :

³[(f) Omitted] ;

⁴[(g) The Punjab Khadi Gram Udyog Sangh when making purchases of wool for manufacturing purposes], and

⁵[(h) The spinning mills when making purchases of ginned and fully pressed cotton bales for which fee has been paid for manufacturing thread].

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 ;
- © Officials of the State Government and Central Government when making sales on behalf of the Government;

¹Substituted vide Notification No. 11(13)-M-III-83/9379 dated 4.5.1988.

²Substituted vide Notification No. G.S.R 46/P.A. 23/61/S.43/Amd. (45) 62/98 dated 11.6.1998.

³Omitted vide P.A.P.M (General) (Third Amd.) Rules, 1964, dated 3.9.1964.

⁴Added vide Notification No.G.S.R. 291/P.A. dated 28.11.1963.

⁵Inserted vide Notification No. G.S.R. 48/P.A.23/61/S.43/Amd. (45)/98 dated 23.6.1998

- (d) Persons licenced under the Agricultural Produce (Development and Warehousing) Corporation 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.
- ¹[(f) Omitted].
- ²[(2-A)The following shall be exempt from taking a licence for processing of agricultural produce, namely :-
- ³[(a) Chakkiwalas and Arewalas 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 of timber for using it as fire-wood as the case may be].
- (b) Persons engaged in hand pounding of paddy only.
- ⁴[(3) The official of the State Government and Central Government exempted form taking licence under sub-rule (1) (d) and (2) © 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 purchases or sales, otherwise than through the agency of a licensee].
- ⁵[(4) A person licenced under the Agricultural produce (Develoment and Warehousing) Corporation Act, 1956, or the Punjab Warehousing Act, 1957 and the scheduled banks storing agricultural produce pledged with them by a producer or a licensee under section 10 of the Act to whom money has been advanced against the security of such agricultural produce shall be exempt from taking licence in storage business].
- ⁶(5) If a question arises whether a person is entitled to exemption under sub-rule (1) © or 2(b), the ⁶[Secretary] of the Board shall assess the turnover of the person concerned after giving him an oppoutunity of being heard. His decision shall be final and conclusive.

¹Omitted vide P.A.P.M (General) (Third Amd.) Rules, 1964, dated 3.9.1964.

²Added vide Notification No.P.A.P.M. (General) (Third Amd.) Rules, 1964, dated 3.9.1964.

³Substituted vide Notification No. 11(13)-M-III-83/9379 dated 4.5.1988.

⁴Substituted vide Notification No.GSR 291/P.A dated 28-11-1983.

⁵Substituted vide Notification No. P.A.P.M (General) (Second Amendment) Rules, 1963, No. GSR 219/P.A. 23/61/S.43/ Amd.(2). 63 dated 10.9.1963.

⁶Substituted vide Notification No. 11(13)-M-I-83/21424 dated 13/14-10-1987/Corrigendum 11 (13)-M-I-83/25831 dated 9.12.87, published in the Gazette dated 9.12.87.

19. Licences to brokers, weighmen, measurers, surveyors, godown-keepers and palledars

Sec.13&43 (1) A person desirous of obtaining a licence under sub-section (3) of
 (2) (viii) Section 13 shall make an authorized in Form D to the ¹[Secretary of the committee] of the notified market area concerned after depositing with the committee the requisite licence fee. ²[..... Omitted]:

³[Provided that in case of palledar no such application in Form D, shall be necessary. The dealer shall intimate to the ⁴[Secretary of the committee] in writing full particulars such as name, parentage, residence and full address of the palledar engaged by him and such authorized shall be treated as an authorized for the grant of a licence].

(2) On receipt of authorized the ⁵[Secretary of the committee] or any other officer duly authorized by the committee in this behalf may after making such enquiries regarding the conduct and business of the applicant, as he may deem necessary, grant a licence in Form E. The licence shall be subject to the conditions mentioned therein.

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

⁶[(4) The licence fee for licence issued under this rule shall be as follows :

Category of licence	Licence fee for three years
Weighman or Measurer or Surveyor	Twenty rupees
Broker or Godown-Keeper	one hundred rupees]

(5) The committee may, on being satisfied that there has been a breach of any of the conditions specified in a licence, by an order in writing, cancel or suspend such licence may also direct that such licence 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 order shall be made without giving the licensee an opportunity to show cause why such an order should not be made.

¹Substituted vide Notification No. 11 (13) M-III-83/9379 dated 4.5.88.

²Omitted vide ibid.

³Inserted vide Notification No. GSR/219/P.A. 23/61/S.43 AMD (2)/63 dated 10.9.63.

⁴Substituted vide Notification No. 11 (13) M-III-83/9379 dated 4.5.88.

⁽⁵⁾ **Charge in style and membership of firm**

Sec.10 & 13 (1) (a) Where the licensee, holding a licence under section 10, is a firm, any change authorize in the membership of such firm otherwise than through inheritance, shall mean the constitution of new firm and shall necessitate a fresh licence :

Provided that in the case of Hindu Joint Family firm, any addition on account of the birth of any ¹[male member 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 licence 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 ²[Sixty days] from the date of such change, be given to the ³[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 ⁴[Secretary] of the Board with his comments. The ⁵[Secretary] of the Board, on being satisfied about the correctness of the intimation shall order necessary corrections to be made in the licence. 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.

© If in a case covered by clause (b) the firm fails to give necessary intimation to the ⁶[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 licence.

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

(2) (a) Where the licensee, holding a licence under section 13 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 licence :

Provided that in the case of a hindu-joint-family firm, any addition on account of the birth of any male member ⁷[or deletion on account of death of any

¹Substituted vide Notification No. 11 (13) M-III-83/9379 dated 4.5.88.

²Substituted vide ibid.

³Substituted vide Notification No. 11 (13) M-I-83/21424 dated 13/14-10/1987.

⁴Ibid.

⁵Ibid.

⁶Ibid.

⁷Substituted vide Notification No. 11 (13) M-III-83/9379 dated 4.5.88.

male member] shall not be treated bringing about any change in the membership of the firm.

- (b) Where a change, not necessitating a fresh licence under section 13, takes place in the membership of a firm, or the firm changes its name without any change in the membership thereof, and intimation thereof shall, within ¹[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 licence. The Register in Form C shall also then be corrected accordingly.
- © 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 licence.
- ²[(3) Nothing in this rule shall apply in the case of a licence granted to a Co-operative Society].

⁽⁵⁾ **Renewal of licence and issue of duplicate thereof**

- Sec.43(2) (1) A licence 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 (viii)&(ix) 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 licence. Renewal application shall be made in Form F for licences 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 licences issued 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 licence shall be made at least thirty days before the date on which the licence is due to expire :

³[Provided that 30 days period of grace will be allowed for getting an annual license renewal].

⁴[Provided further that the authority competent to renew a licence may, on the applicant's paying a penalty equal to the amount or annual licence fee, grant an application for renewal made within thirty days after the date of expiry of the licence or in the case of an annual licence within thirty days of the expiry of the period of grace. The authority competent to renew a licence may remit the

Substituted vide Notification No. 11 (13)/M-III-83/9379 dated 4.5.1988

²Added vide ibid.

³Substituted vide GSR-10/PA-23/61/S.43 Amd. (1)/63 dated 3.1.1963.

⁴Substituted vide ibid.

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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 licence shall be renewed for a part of the year].

- (4) Every renewal of a licence granted under this rule shall be deemed to take effect from the date following that on which the licence expired.
- (5) Except as provided in sub-rule (3), every application for renewal of a licence made after the date of expiry thereof shall be treated as an application for the grant of a fresh licence.
- (6) If a licence 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 licence 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 licences

Sec10.13 (1) Except as hereinafter provided, no person shall at the same time hold

&43(2) a dealer's licence under section 10 as well as a licence under section 13 (viii)&(ix) 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 measurer to act in all the three aforesaid capacities.

⁽⁵⁾ **Employing a broker**

Sec.43(2) (1) No person shall be bound to employ a broker in any transaction, or be (xii) & (xiv) 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 broker's 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 of agricultural produce

Sec. 43(2) (1) All agricultural produce brought into the market for sale shall be sold by ⁽⁵⁾ open auction in the principal or sub market yard.

¹Substituted vide Notification No. 11 (1)/M-III-83/9379 dated 4.5.1988.

²Substituted vide ibid.

¹[Sub-market yard :

Provided that with the permission of the ²[Chairman of the Board] or any officer authorized by him in this behalf, the agricultural produce may also be brought or sold through bi-lateral transaction within the notified market area of a committee at a place of business of a licensee outside the principal or sub market yard on the terms and conditions as may be specified by the board. The buyer shall maintain a register in form 'R' and furnish information in form R-I to the committee alongwith return in Form 'M'].

- (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 ³[Chairman of the Board or an officer authorized 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 signs 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 ⁴[Chairman of the Board] or an officer authorized by him may allow a committee to make or 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 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 the buyer and the seller or their respective representatives, whoever may be present at the spot.

⁵[(8-A) A register in form HH shall be maintained by the committee wherein the agricultural produce which remained unsold during the course of auction

¹Added vide Notification No. G.S.R. 30/P.A. 23/61/S.43 Amd. (52)/99 dated 30.3.1999.

²^{to4}Substituted vide Notification No. 11/13/93-M 3/5762 dated 27.8.2003

⁵Substituted vide Notification No. 11(13) M-III-83/9379 dated 4.5.1988

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SEE AMENDMENT (Noti.No.M-3/2424Year2008)

SEE AMENDMENT (Noti.No.M-3/2424Date2.5.08)

- shall be entered and it shall be obligatory for every dealer or Kacha Arhita or commission agent, as the case may be, to report about the unsold produce to the committee as soon as his agricultural produce is sold].
- (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 ¹[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 ²[local usage or custom or as per provision of rule 13].
- (10) A person engaged by a producer to sell agricultural produce on his behalf shall not act as a buyer either for himself or on behalf of another person in respect of such produce ³[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 day 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:
- ⁴[Provided that nothing in this 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, the buyer has given to the seller a sale voucher in Form J, the counterfoil who of shall be retained by the Kacha Arhtiya or the buyer, as the case may be.

⁵[24-A. **Commission of Kacha Arhtia**

The commission of Kacha Arhtia for services rendered in connection with the sale, purchase, storage and processing of agricultural produce mentioned below,

¹ Substituted vide Notification No. GSR 167/PA dated 3.7.66.

² Substituted vide Notification No. 11(13) M-III-83/9379 dated 4.5.88.

³ Substituted vide Notification No. GSR 167/PA dated 3.7.66.

⁴ Added vide ibid.

⁵ Substituted vide Notification No. GSR 43/PA 23/61/S.43/Amd. (44)/98 dated 22.5.1998.

shall be paid at the following rates, namely:-

	Name of Agricultural Produce	Rate of Commission
(i)	cereals i.e. Wheat (Kanak) Barley (Jau), Maize (Makki), Great Millet (Jowar), Spiked Millet (Bajra), Paddy and Rice (Dhan and Chawal).;	2.5 percent
(ii)	all fruits and vegetables except Chillies (dry and green)	5 percent
(iii)	Chillies (dry and green)	1.5 percent
(iv)	dry and green fodder; and	3 percent
(v)	all other items (other than those specified in items (i) to (iv) mentioned in the schedule of the Act]	¹ [2.5 percent]

²[24-B. Seizure of the agricultural produce

- (1) The unauthorized 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 unauthorized produce referred to in sub-rule (1) and henceforth he shall prepare a seizure memo of the agricultural produce so seized giving such of the following particulars as may be available the spot:
 - (i) Name of the agricultural produce;
 - (ii) Weight or available unauthorized of the vehicle;
 - (iii) Name of the driver of the vehicle;
 - (iv) Builty or consignment 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.

¹ Substituted vide Notification No. G.S.R. 13/P.A. 23/61/S.43/ Amd. (60) /2004 dated 19.2.2004.

² Inserted vide Notification No. 11/13-M-III-83/9379 dated 4.5.1988.

produce is seized does not sign the seizure memo. It shall be signed by two witnesses alongwith the signatures 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 to be
- (x) filled in a packing unit such as bag, a half bag or a palli within each notified market area.
 - (2) No person shall fill or cause to be filled any agricultural produce except 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 accordance with standards fixed under sub rule (1)
 - (4) Immediately on the completion of weighment of a lot of agricultural produce within a notified market area, either party to the contract may cause a test weighment of ten percent of the units of packing in a lot or two packing units whichever is more. The test –weighment shall be carried out at the site of weighment and if no test weighment is held at the site, the produce shall be deemed to have been correctly weighed.
 - (5) Test weighment 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 weighment to be made in his presence or in the presence of any other official of the

¹Substituted vide Notification No. GSR 25/P.A 23/61/S.43/AMD (26)/89 dated 15.2.1989, published in the Gazette dated 24.2.89 .

committee authorized by him in this behalf, and the result of such test weighment shall be final, conclusive and binding on both the parties.

- (6) Before any agricultural produce weighed in pursuance of a contract of sale or purchase within a notified market area is removed from the place of its weighment, 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 weighment has been correctly made or is filled in accordance with standards fixed under sub-rule (1), be entitled at any time and without any previous notice, to check the weighment by means of weights and instruments kept by the Committee or any other agency in the presence of the purchaser and the seller and if either or both of them evade presence, test weighment may be carried out in the presence of any two persons present there.
- (7) If the weighment 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(I), 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) (1) Only such weighing instruments. As satisfy the requirements of, and such
(x)&(xi) 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 yards of the notified market area the beam scale (kanda) or platform scale shal only be used.

- ⁽⁵⁾ 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

¹Substituted vide Notification No. GSR 7/P. A. 23/61/S43 AMD (29)/90, dated 2-2-90, published in the Gazette dated 6-2-90.

Stamped in accordance with the provisions 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 authorized 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 authorized 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 authorized to inspect, examine and test any weighing instrument, weight or measure under sub-rule (5) shall, while so acting, have all the powers of an Inspector, Weights and Measures, appointed under section 15 of the Punjab Weights and Measures Act, 1958.

27. Weigh-Bridge, measuring yards and certificates of weightment or measurement

- Sec. 43 (1) The committee may erect in the market a weigh bridge for the weighing of agricultural produce on payment of such fees as may be prescribed by its bye-laws
- (x) & (xi) .
- (2) In places where it is customary for any agricultural produce to be measured instead of being weighed, the committee may specify a place within the market for that purpose and make arrangement for the measuring of such produce on payment of such fees as may be prescribed by its bye-laws.

¹ Substitute vide Notification No.11(13)-M-I-83/21424 dated 13/14-10-1987.

² Ibid

SEE AMENDMENT (Dated : 17.11.06)

- (3) The committee shall be responsible for maintaining such weigh bridges or measuring yard in proper condition, and for issuing free of cost certificate of weighment 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 authorized representative that the weighment or measurement was done on a defective weigh-bridge or measuring yard or by means of an incorrect scale or weight or measures.

28. Places at which agricultural produce shall be weighed or measured

- Sec.43 (1) In any notified market area for which tobacco or chillies 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 measurements of agricultural produce intended for sale, shall be made through licensed weighmen or measurers 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
43 (2)

- (i) fees on the agricultural produce bought or sold by licensee; 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].

²[Provided that no fee shall be levied on the agricultural produce bought or sold in respect of which fee has already been paid in the same or other notified market area within the State. The licensee dealer who claims exemption from payment of fee shall make declaration and give certificate to that effect in Form 'KK' within a period of thirty days of the transaction of agricultural product in question to the Committee from where the exemption is claimed]:

The certificate in Form 'KK' shall be prepared in quadruplicate from the book-let, duly attested and issued by the Secretary of the concerned committee or its authorized officer, against the payment, fixed by the committee. It shall be the duty of the dealer, claiming exemption from the payment of fee to send the original copy of Form 'KK' to the committee within whose market area the

¹Substituted vide Notification No. GSR 154/P.A./23/61/3-43/ Amd. (22)/82 dated 29.11.1982.

²Substituted vide Notification No. 11/12/2002-M/3/7394 dated 15-11-2002

SEE AMENDMENT (Dated : 17.11.06)

agricultural produce is brought. The second copy shall be sent to the office of the committee within whose market area such agricultural produce is bought and the third copy shall be retained by the dealer, who purchased the agricultural produce and the fourth copy shall be retained by the dealer who sold the agricultural produce and the same shall be kept as a part of their accounts, maintained in respect of payment of the fee. The certificate referred to above presented after the aforesaid period of thirty days, shall not be entertained and no exemption from payment of fee shall be granted to the dealer:

Provided further that the dealer claiming exemption from the payment of fee under sub-rule (1), shall also produce a copy of the railway receipt, forwarding note, bill, bilty or challan, as the case may be, duly signed by him or his authorized agent in the office of the committee where the agricultural produce is bought before it is loaded the second copy shall be produced by the said dealer in the office of the committee, within whose market area the agricultural produce is brought before it is unloaded and the third copy shall be retained by him. In case no such copy is produced by the dealer in the office of concerned committee, no claim for exemption shall be entertained.]

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

- (5) the agricultural produce imported from a foreign country;
- ii. the certified seeds;
- iii. the timber or firewood of the following categories imported from outside the State of Punjab
 - (a) Kail;
 - (b) Deodar;
 - © Partal (Spruce and Fir);
 - (d) Hollock (Assam Teak);
 - (e) Champ;
 - (f) Teak;
 - (g) Sal;
 - (h) Chil].
- (2) The responsibility of paying the fees prescribed under sub-rule (I) shall be of the buyer and if he is not a licensee then the seller who may authorize the same from the buyer. Such fees shall be leviable as soon as an agricultural produce is bought or sold by a licensee.

¹Substituted vide Notification No. 11 (13) –M-111-83/9379 dated 4.5.88

¹[(2-A) The additional fees shall be uthoriz from the producer by the licensee through whom the producer sells the agricultural produce and if the sale is made by the producer direct to a licensee the additional fees shall be uthoriz by the licensee from out of the sale proceeds of the agricultural produce; and]

(3) The ²[fees including additional fees] shall be paid to the committee or a paid officer duly authorised to receive such payment with in ³[seven] days of the day of transaction;

Explanation:- In computing the period of ⁴[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 Form 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 sale or purchase thereof is entered into in the said area; or

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

© 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 purchaser.

⁵[(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 has been weighed in pursuance of the

¹Inserted vide Notification No. GSR-154/PA-23/61-S/43/Amd. (22)/82 dated 29-11-82.

²Inserted vide ibid.

³Substituted vide Notification No. GSR – 85/PA-23/61-S/43 Amd. (27)/89 dated 21.11.89 published in the Gazette dated 06-02-90.

⁴Substituted vide ibid.

⁵Substituted vide GSR-230/PA23/61/S. 43/ Amd. (3) 63 dated 5-10-1963.

SEE AMENDMENT (Dated : 17.11.06)

agreement of sale or, if no such weighing has taken place to the committee, within whose jurisdiction the agricultural produce is delivered.

¹[29-A. Power to lease for collection of fee

A committee may subject to the previous approval of the Secretary of the Board, lease out on contract basis the collection of fee levied under section 23 of the Act read with sub rule (1) of rule 29 of the rules in the notified market area of the committee on such terms and conditions as may be prescribed in the bye-laws of the committee for any period not exceeding one year. The contractor and other persons employed by him for the management and collection of fee, shall:-

- (i) be bound by the provisions of the Act, rules and bye-laws and any other order passed by the committee for their guidance and for performing their duties.
- (ii) have such powers exercisable by employee of a committee under the Act, rules or bye-laws as the authorize may confer upon them from time to time; and
- (iii) be entitled to the same remedy and be subjected to the same responsibility as if they were employed by the committee for the management and collection of fee.]

⁽⁵⁾ **Exemption from payment of fees**

Sec.23& ²[(1) No market fee shall be levied on the sale or purchase of any agricultural
43(2)(vii) 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].

³[(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 authorized officer before giving the requisite certificate. The dealer shall produce 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 ⁴[entertained and no exemption from payment of fee shall be granted to the dealer].

⁵[(1-B) A dealer claiming exemption from the payment of fee under sub-rule (1), shall produce a copy of the railway receipt, forwarding note, bill, bilty or challan, as the case may be, duly signed by him or his authorized agent, in the office of the committee where the agricultural produce is bought before it is loaded, the second copy shall be produced by the said dealer in the office of the Committee within whose market area the authorized s produce is bought before it is unloaded and the third copy shall be retained by him. In case no such copy is produced by the dealer in the office of concerned Committee, no claim for exemption shall be entertained].

- (2) The dealer concerned in the sale or purchase of any quantity of agricultural produce from which he manufacturers 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.

¹Added vide notification No. 11/13/203 M-3/7738 dated 19-11-2003.

²Substituted vide Notification No. 11(13) M.III.83/9379 dated 4-5-1988.

³Substituted vide GSR-85/P.A.-23/61/S.43/Amd. 89 dated 21-11-1989 published in the Gazette dated 01-12-1989

⁴Inserted vide Notification No. GSR 64/P.A. 23/61/S.43/Amd. (49) 98, dated 4.9.1998.

⁵Inserted vide ibid.

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- ¹[(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 on 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 of export to Cuba as a gift.
- ²[(6) No market fee shall be levied on the sale or purchase of Great Millet (Jowar), Gram and Kabli Gram (Channa Kala and Safaid, Cotton Seed (Banaula), Ground Nut (Shelled and unshelled), Cluster Bean (Guara), Turmeric (Haldi), Heena (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, Soya Bean, Indian Colza (Sarson), Indian Rape (Torina), Maize (Makki), Barley (Jau) and Spiked Millet (Bajra) in a notified marked area within the State of Punjab).
- ⁵) No market fee shall be levied on Indian Colza (Sarson) Indian Rape (Torina), Rochet (Tara Mira), Linseed (Alsi), Indian Mustard (Raya), Sesamus (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.
- ³[(8) Omitted]
- ⁴[(9) No market fee shall be levied on paddy (Basmati) imported from outside the State of Punjab:
- Provided that the proof of making payment of market fee in the State from which paddy (Basmati) has been imported alongwith the purchase bill, documents relating to transportation and Form K-2, is furnished by the dealer to the] ⁵[concerned committee within a period of thirty days from the date of transaction].
- ⁶[(10) The committee shall refund the market fee deposited by a dealer regarding fruits and vegetables exported by him to other countries from the State of Punjab on production of export documents and Form K-3 duly verified by the Punjab Agricultural Export Corporation].
- ⁷[(11) The Committee shall refund the Market fee deposited by a dealer of rice or paddy out of which rice is extracted and exported, by him to other countries from the State of Punjab on production of export documents and clearance by the,

¹Substituted vide Notification No. GSR 45/PA-23/61/S.43/Amd. 35/93, dated 7.5.1993.

²Substituted vide Notification No. GSR 19/P.A. 23/61/S. 43/ Amd. (61)/2004 dated 27.2.2004.

³Omitted vide Notification No. GSR 30/P.A. 23/61/S.43/Amd.(43) 98 dated 17.4.1998.

⁴Added vide Notificaiton No. GSR 52/48/P.A.23/61/S.43/Amd.(38)/94 dated 24.8.94, published in the gazette dated 25.8.94.

⁵Substituted vide Notification No. GSR 49/P.A. 23/61/S.43/Amd.(47)/98 dated 23.6.98, published in the Gazette dated 25.6.98.

⁶Added vide Notification No. GSR 46/P.A. 23/61/S.43/Amd. (45)/98 dated 11.6.98.

⁷Added vide Notification No. GSR 63/P.A.23/61/S43/Amd.(48)/98, dated 3.9.98.

authorities by making payment of duty of custom, if any leviable under the Customs Act, 1962, within the State of Punjab and on production of Form K-4]

¹[(12) No market fee shall be levied on the sale or purchase of flowers and Sericulture (raw-silk) in the notified market areas within the State of Punjab].

²[(13) (i) No market fee shall be levied on wheat and maize purchased by the wheat and maize processing industries for manufacture of products therefrom such as wheat flour and its secondary/tertiary products such as bread, biscuits, pasta, noodles etc; starch and its derivatives gluten etc. in the State of Punjab.

(v) No Market fee shall be levied on fruits and vegetable purchased by fruit and vegetable processing industries through contract farming.

(iii) For new fruit and vegetable processing units who have not established the contract farming relationship with farmers shall be granted exemption from the market fee for a period of ³[four years] to source their raw material from the farmers].

⁴[(14). No market fee shall be levied on:

(1) (a) the organic produces grown under organic practices whether under contract farming or otherwise which are certified by the Punjab Agricultural Export Corporation Limited;and

(b) The durum wheat grown under the contract farming by the farmers or the dealers, as the case may be, who are registered with the Punjab Agro Food grains Corporation.]

⁵[30A. Sale and purchase of agricultural produce for export out of the State

(1) Where any sale or purchase of agricultural produce is made for the purpose of export outside the State of Punjab, the dealer shall make a declaration and give certificate to that effect in form 'Q' in triplicate. The dealer shall alongwith other documents furnish one copy of the declaration to the Committee within the notified market area of which the sale or purchase of agriculture produce was made, against stamped receipt, where any market fee has been paid or is to be paid. The second copy shall be delivered by the dealer at the inter-state barrier and the third copy shall be retained by him. When the agricultural produce is authorized by rail, one copy of the declaration shall be furnished by the dealer to the officer or the official of the Board or the Committee, as the case may be posted at the concerned railway station.

(2) If a dealer fails to comply with provisions of sub-rule(1), the agricultural produce shall be deemed to have been bought or sold in the notified market area of the place where the vehicle or other conveyance carrying the agricultural produce is checked. If the defaulting dealer is not a licensee of that notified market area, the transaction of the agricultural produce shall be deemed to have been made without a valid licence and the agricultural produce shall be liable to be confiscated as provided in rule 24-B.

30-B Powers to exempt

The State Government may for reasons to be recorded in writing, exempt any class or category of dealers from the provisions of rule 30-A]

¹Added vide Notification No. GSR 4/P.A. 23/61/S43/Amd. (50)/99 dated 21.1.1999.

²Added vide Notification No.GSR 96/P.A. 23/61/S.43/ Amd. (58)/2001 dated 11.9.2001

³Substituted vide Notification No. 11/8/04-M-3/4816 dated 27-6-05

⁴Add vide Notification No. 11/19/2004-M-3/759 dated 1-2-2005

⁵Inserted vide Notification No. 11/9/2000-M-3/1663 dated 20.3.2002.

6[30-C Power to exempt from payment of market fee.—Notwithstanding anything contained in these rules, where the State Govt. considers it necessary or expedient to do so in Public interest, it may for the reasons to be recorded in writing, exempt any dealer or category of dealers or any transaction or category of transactions from the payment of market fee leviable under these rules.]

(5) **Account of transaction and of fees to be maintained**

Sec.23 ¹[(1) Every licensed dealer and every dealer exempted under rule 18 from
&43(2) obtaining a licence shall submit to the committee a return in Form ‘M’

(5) 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 licence 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 and person exempted from taking a licence under rule 18 (1) (e) and 18 (2) (e) shall be exempted from the provisions 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 Arhitya sends one copy of Form J to the Market Committee, the Kacha Arhitya 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 purchased from each seller.

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

²[(3) The assessing authority shall determine the rate of fee to be levied by the Committee under section 23 of the Act on the basis of return furnished under sub-rule (1) by the dealer]

(4) If any dealer fails to submit a return as prescribed in sub-rule (1) or ³[the assessing authority] 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 enquiry as it may consider necessary, proceed to assess the amount of the dealer’s business during the period in question.

(5) If a dealer habitually makes default in the submission of returns or if in the opinion of ⁴[the assessing authority] the dealer habitually submits false returns, the committee may order for the inspection of the dealer’s accounts.

(6) After an order under sub-rule (4) is made, ⁵[the assessing authority] 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 dealer’s premises.

¹Substituted vide Notification No. GSR 85/P.A. 23/61/S43/Amd.(89) dated 21.11.99 published in the Gazette dated 1.12.89.

²Substituted vide Notification No. GSR 19/ P.A. 23/61/S.43/Amd. (51)/99 dated 15.3.1999 published in the Gazette dated 16.3.99

³Inserted vide ibid.

⁴Substituted vide Notification No. GSR 19/ P.A. 23/61/S.43/Amd. (51)/99 dated 15.3.1999.

⁵Inserted vide ibid.

6.Inserted vide Notification No. 11/19/04-M-3/8095 Dated 11.11.05

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¹[(7) The assessing authority may after inspection prepare a return or may amend the return already furnished, on the basis of transactions, appearing in the dealer's account books, and the assessing authority may determine or as the case may be an additional fee levied 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 assessing authority may assess the amount of the dealer's business on such information as may be available or on the basis of best judgement, and determine fee due on the basis of such assessment].

²[8. Omitted]

³[(9) In addition to the fee or additional fee levied or determined under sub-rule (3) or sub-rule (7) the assessing authority may recover from the defaulter penalty equal to the fee or additional fee found due to be payable.]

(10) Habitual default in the submission of returns and habitual submission of false return shall be a sufficient ground for suspension or cancellation of or refusal to renew, a licence, and 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 ⁴[sub rule (7)] 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 ⁵[assessing authority or in his absence by any other person appointed in this behalf by him].

Such certificate shall give the dates on which application was received and the copy prepared and delivered to the applicant, and shall be conclusive evidence of the correctness of these dates.

(13)(i) ⁶[An appeal against the assessment order made under ⁷[sub-rules (7) 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

¹Substituted vide Notification No. GSR 19/P.A. 23/61/S.43/ Amd. (51)/99 dated 15.3.1999 .

²Omitted vide ibid.

³Substituted vide Notification No. GSR 19/P.A. 23/61/S.43/ Amd. (51)/99 dated 15.3.1999 published in the Gazette dated 16.3.1999.

⁴Substituted vide ibid.

⁵Inserted vide ibid.

⁶Substituted vide Notification No. GSR 79/P.A. 23/61/S.43/Amd (33)/92 dated 11.11.1992 published in the Gazette dated 12.11.1992

⁷Substituted vide Notification No. GSR 19/P.A.23/61/S.43/ Amd. (51)/99 dated 15.3.99 published in the Gazette dated 16.3.99.

memorandum duly stamped with court fee of twenty rupees and signed by the appellant or his duly authorized agent and shall be presented to the Secretary of the Board or to an officer authorized by him.

- (5) If the appellant fails to prefer 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:

¹[Provided that no appeal shall be entertained unless the appellant has deposited with the assessing authority concerned an amount equal to twenty-five percent of the amount of the fee assessed or rupees twenty five lac, which ever is less.]

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.

- ²[(ii-a)] The ³[Secretary of the Board or an officer authorized by him] after hearing the appellant and also the ⁴[assessing authority] 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 ⁵[Secretary of the Board or an officer authorized by him] may waive the whole or a part of the penalty imposed under sub-rule (9), in a case where such penalty, would, in his judgement mean undue hardship to the appellant.
- (iv) The order passed by the ⁶[Secretary] shall be final and conclusive.

(5) **Books to be kept by licensed brokers and godown-keeper**

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

(xxxix)

- (a) keep such books in such form as the Committee granting the licence may, from time to time, prescribed by its bye-laws;
- (b) render such return at such times and in such forms as the Committee may prescribe; and
- © render such assistance as may be required by the committee, in the collection of fees under the Act or under the rules or bye-laws made thereunder, in preventing 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.

¹Substituted vide notification No. 11/14/2003/654 dated 27-1-2005

²Substituted vide Notification No. G.S.R. 19/P.A. 23/61/S.43/Amd. (51)/99 dated 15-3-1999 published in the gazette dated 16-3-1999.

³Substituted vide Notification No. 11 (13)-M-I-83/21424 dated 13/14.10.1987.

⁴Substituted vide Notification No. GSR 19/P.A. 23/61/S.43/ Amd. (51)/99 dated 15.3.1999 published in the Gazette dated 16.3.1999.

⁵Substituted vide Notification No. 11(13)-M-I-83/21424 dated 13/14.10.1987.

⁶Substituted vide ibid.

⁽⁵⁾ **Refund of certain amounts**

- Sec.43(2) (1) When –
(vii)(viii) (a) any sum has been deposited for the grant of a license which has in fact not
& (ix) 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
 - © 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 been 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)(1) No person shall adulterate agricultural produce, or place or offer
(xxxiii) agricultural produce for sale, in a notified market area.

- ⁽⁵⁾ 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 purposes 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 author remains of the agricultural produce with agricultural produce and mixing of earth, dirt and stones or any other extraneous matter with any agricultural produce.

¹Substituted vide Notification No. 11/13/93-M3/5762 dated 27.8.2003.

²Substituted vide Notificaion No. 11/13-M-Iil-83/9379 dated 4.5.1988.

³Substituted vide Notification No. 11/13/93-M-3/5762 dated 27.8.2003.

(5) Preservation of the prescribed form and production thereof and inspection of the accounts books

Sec.43(2) (1) The counter foils of form I, J, and M shall be preserved by the dealer
(xxxii) 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 authorized by the ²[Chairman of the Board of an officer authorized 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.

³[35-A. Power to order production of accounts, powers of entry inspection, seizure and stopping vehicles]

(1) Any officer of the Board not below the rank of ⁴[the Secretary of the committee] or any other officer empowered by the State Government in this behalf, may require any 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, sale, storage or processing of agricultural produce, in his possession, and his office, establishment, godown or vehicles 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 or 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

¹Omitted vide Notification No. GSR 10/P.A. 23/61/S. 43/Amd. (1)/63 dated 3.1.1963.

²Substituted vide Notification No. 11/13/93-M-3/5762 dated 27.8.2003.

³Inserted vide Notification No. 1863-RD-I-74/9925 dated 3.6.1974 published in the gazette dated 4.6.1974.

⁴Substituted vide Notification No. G.S.R. 25/P.A. 23/61/S. 43/ Amd. (26) 89 dated 15.2. 1989, published in the gazette dated 24.2.1989.

- 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-rules (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 any officer of the Board not below the rank of ¹[The Secretary of the Committee] or any officer authorized 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 stationary 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 conveyance.

36. Composition

- Sec.46,43 (1) In case the Chairman of the Committee accepts a sum, by way of
(1)&43(2) composition in accordance with the provision of section 46, he shall report
- (vi) the matter in next meeting of the Committee, placing before the meeting all relevant papers in that behalf.
 - (2) The amount so uthoriz 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 (1) A Committee may, and when required by the ²[Chairman of the Board or
(vii) & an officer uthorized by him] shall, for the benefit of the persons using the
43(1) market exhibit in a suitable place outside its office and at such other place or places as may be determined by it, bulletins of information on such matters as the prices of agricultural produce ruling at the principal marketing centres in the State and the ports serving the State and the stocks held by mills and the like.

¹Substituted vide Notification No. G.S.R. 85/P.A. 23/61/S. 43/Amd. (36)/93 dated 4.11.93 published in the gazette dated 5.11.1993

²Substituted vide Notification No. 11/13/93/M 3/5762 dated 27.8.2003.

- (2) The daily rates of all important agricultural commodities authenticated by a person authorized 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 office of the Committee.

38. Storage accommodation

- Sec. 43(2) (1) A Committee may arrange when necessary, accommodation for the temporary storage or stocking of agricultural produce.
- (xv) (5) The committee shall charge such fees for such storage and stocking as may be prescribed by its bye-laws.

¹[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].

(5) Procedure for appeals

- Sec. 43(2) (1) Every appeal preferred under sub-section (4) of section 10, sub-section (xxii) (3) of section 29 and section 40 shall bear a Court fee stamp of ²[ten rupees] and shall be presented to the appellate authority in the form of a memorandum by the appellant or his duly authorized 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 filing 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 authorized on the payment of ³[one rupee] per page or a part thereof subject to a minimum of ⁴[ten rupees]

¹Substituted by G.S.R. 10/ P.A/23/61/S.43/Amd. (1) 63 dated 3.1.1963.

²Substituted vide Notification No. 11 (13)- M-III-83/9379 dated 4.5.1988.

³Ibid.

⁴Ibid.

¹[41 (Omitted)]

⁽⁵⁾ **Preservation of records**

The respective records of the Board and the Market committees shall be preserved for the period noted against each in the schedule here to annexed :-

SCHEDULE

<i>Description</i>	<i>Period</i>
Budget	5 years
General Cash Book	Permanently
Establishment Bill	35 years
General Bills	3 years
Balance Sheet	10 years
Ledger	10 years
Register of deposits	Permanently
Application form	Permanently
Application form	3 years
Returns of daily purchases and sale	One year after audit
Receipt	3 years
Register of sale and purchase of agricultural produce	10 years
Register of licences	10 years
Provident Fund Register to	10 years or till all accounts which it relates are closed.
Service books of the employees	5 years after retirement or death (whichever is earlier)
Register of proceedings of the Board or committee or Sub-committee	Permanently
Register of authorized persons	Permanently
Cheque Books	10 years
Pass Books	10 years
Travelling allowance bills	3 years
Lease Deeds Allowance Bills	10 years from the date they cease to have effect.
Security Bonds	Ditto
Treasury Challans	3 years
Imprest Account Register	3 years

¹Omitted vide Notification No.10/P.A.23/61/S.43/ Amd. (1) 63 dated 3.1.1963.

Attendance Register
Movable Property Register
Library Register
Demand and Collection Register
Register of Stamps
Stock Register
Register of Court cases
Investment Register
Files about the appointment, removal
and dismissal of employees
Other Record which the Board or
committee may decide to preserve for
more than three years

¹[42-A. Accounts and audit

The accounts of the Board shall be post audited by the Accountant General, Punjab or such other authority, which the State Government may notify in the official gazette and the report of accounts so audited shall be submitted to the Board and a copy thereof shall be forwarded to the State Government.]

⁽⁵⁾ 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
- © any penalty, 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 utho superseded by anything done or any action taken under these rules.

¹Added vide Notification No.15-3-2001-M-3/5938, dated 24-9-2002.