

STATE AGRICULTURAL MARKETING BOARD, PUNJAB, PATIALA.

NOTIFICATION

The 9th August, 1963

No. SAMB/I-In exercise of the powers conferred by Section 44 of the Punjab Agricultural Produce Markets Act, 1961 (XXIII of 1961) and all other powers enabling him in this behalf, the Chairman, State Agricultural Marketing Board, Punjab, Patiala, confirms and notifies the following Bye-Laws for the Market Committee functioning in the State.

1. Short title

The Bye-laws may be called Punjab Market Committees Bye-Laws.

2. Commencement

These shall come into force at once.

3. Definitions

In these Bye-laws, unless there is anything repugnant in the subject or context

- (1) “**Act**” means the Punjab Agricultural Produce Markets Act, 1961.
- (2) “**Rules**” means the Punjab Agricultural Produce Markets (General) Rules, 1962.
- (3) “**Committee**” means the Market Committee established and constituted under section 11 and 12 of the Act.
- (4) “**Chairman**” means the Chairman of the Market Committee.
- (5) “**Weighing**” shall mean and include putting the filled bag or container on the scale, adjustment of weight and putting it down from the scale.
- (6) “**Unit**” means the Standard filling in a bag or a container as fixed by the Board for various items of agricultural produce under rule 25 (1).
- (7) The words and expressions defined in the Act and Rules shall have the same meaning in these Bye-laws as have been assigned to these in the Act and Rules.

4. Time and Place of meeting

- (1) A meeting of the Committee shall ordinarily be held in the office of the Committee at least once in three months at a time and date and place fixed by the Chairman. The Chairman may on his own discretion and shall on requisition in writing of not less than half the existing strength of the Committee, call an emergent meeting.

- ¹(2) If the Chairman or Vice-Chairman acting as Chairman is not available for reasons of long absence or if the requisition of members has been received for calling meeting for no confidence against the Chairman or Vice-Chairman, the meeting

¹Inserted vide Notification No. 3066 dated 28-01-88, published in the Gazette dated 19-02-1988.

May be convened with the approval of District Mandi Officer by the Secretary, Market committee, giving at least seven days notice.

Explanation –

The following shall be instances of long absence :-

- (a) absence from the country for a period of one month or above;
 - or
 - (b) absence from the state for a period of one month or above; or
 - © failure to attend office of Market committee for a period of 15 days continuously.
- (3) If the meeting is called by the Secretary under sub-clause (2) for reason of long absence of Chairman or Vice-Chairman, he will certify that the Chairman or Vice-Chairman or both are not available for reasons of long absence due to any of the reasons indicated in the explanation to sub-clause (2) and this certificate shall be duly countersigned by District Mandi Officer before the meeting is convened by the Secretary. A copy of the notice of meeting so convened shall be sent to the Secretary Board also].

5. Manner of convening a meeting and of giving notice thereof

- (1) Notice of every meeting with agenda shall be issued by the Chairman or under instruction of the Chairman, by Secretary of the committee, at least seven days before the date of meeting. Every such notice shall state the place, the date and the hour of such meeting. Every item on agenda shall be in form of a regular proposal complete in itself. Papers relating to any subject included in the agenda of any meeting shall be open for inspection to every member at the office of the committee to be continuous during the usual office hours. Emergent meeting under bye-law 4 may be convened at a shorter notice, not less than 24 hours.

¹[(2) If the Chairman or the Vice-Chairman fails to convene a meeting requisitioned by the members of the Market committee within two days of the receipt of the requisition, the Secretary shall call an emergent meeting under intimation to District Mandi Officer and Secretary Board].

- (3) Requisition of members under bye-law 4 shall be received in the office of the committee in the same way as other papers or letters are received on behalf of the committee and shall be duly entered into the register of 'letters received' maintained by the committee.

6. Conduct of proceedings and presidency of a meeting

- (1) Any member wishing to bring any proposition before the committee shall give a written intimation to the Chairman of his intention of doing so, with a draft of the proposition so as to reach the Chairman' at least ten days before the date of

¹Inserted vide Notification No. 3066 dated 28-01-88, published in the Gazette dated 19-02-1988.

Meeting and every such proposition shall be included in the agenda of the meeting.

- (2) Any matter which is not included in the agenda shall not be brought forward for discussion at any meeting except with the permission of the Chairman of the meeting or by the vote of the majority of the members present.
- (3) Every proposition, other than the one brought officially by the Chairman, and every amendment shall be proposed by one member and seconded by another, and until so proposed and seconded and reduced to writing under the direction of the Chairman of the meeting, no proposition or amendment shall be discussed.
- (4) Amendments to any proposition before the committee be moved after the original proposition has been duly moved, seconded and recorded.
- (5) Every proposition and amendment so moved shall be recorded in the minutes with the names of the proposers and seconders.
- (6) When a proposition or an amendment has been proposed, seconded and recorded, the members present shall be entitled to discuss the same.
- (7) The Chairman of the meeting may allot time to different members desirous of speaking on any proposition or any amendment.
- (8) When an amendment has been brought to any proposition, the amendment be put to vote first and if it is carried, it shall become a substantive proposition and shall be put to vote as such. If it is not carried, the original proposition shall be put to vote. When there are more amendments than one, they shall be put to vote in the order reverse to that in which they were proposed.
- (9) Every meeting of the committee shall be presided over by its Chairman or in his absence by its Vice-Chairman, but if both are absent the members present shall elect one of the members present to act as Chairman for the occasion and such Chairman shall have, for that meeting, all the powers of the Chairman and be designated as such :

Provided that if the Chairman or the Vice-Chairman returns during the meeting, he shall resume his powers as Chairman from the temporary Chairman:

¹[Provided further that if the meeting is convened by the Secretary, Market Committee under sub clause (2) of bye-law 4 the meeting of the Market Committee shall be presided over by any of the members elected as Chairman for the occasion by the members present in the meeting].

- (5) The Chairman shall be responsible for preserving order in the meeting and shall decide all points of order that may be raised therein. There shall be no discussion at the points of order unless the Chairman considers it necessary to seek the

¹Inserted vide Notification No. 3066 dated 28-01-1988, published in the Gazette dated 19-02-1988.

Opinion or advice of any member present and the Chairman's decision shall be final.

- (11) Any member may call attention of the Chairman to a point of order even when a member is speaking. On a point of order being raised, the member addressing the meeting shall resume his seat until the question has been decided by the Chairman.
- (12) If anyone or more members present at a meeting refuse to obey the ruling of the Chairman of the meeting on any matter, he may adjourn the meeting at once and when he has declared the meeting adjourned, the subsequent proceeding of the meeting, if any, shall be void and shall not appear in the minutes. In all such cases the Chairman shall record in his own handwriting in the Minute Book the reasons for such adjournment unless he is prevented by sufficient cause from doing so.
- (13) After calling the attention of the meeting to the conduct of a member who persists in speaking or in arguing upon a matter, which in the opinion of the Chairman is irrelevant, or is repeating his own arguments or the arguments used by the other members or is exceeding the time allotted to him, the Chairman may direct the member concerned to discontinue his speech.
- (14) The Chairman of the meeting may direct any member, whose conduct, in his opinion, is disorderly, to withdraw immediately from the meeting and any member so ordered to withdraw shall do so forthwith and shall, unless recalled by the Chairman, absent himself during that meeting. The Chairman may cause to be summarily removed from the meeting any member who disobeys any order made under this bye-law.
- (15) When a proposition or an amendment has been declared by the Chairman as duly carried, no further proposal for amending it shall entertained at that meeting.
- (16) The Chairman may, for sufficient reason, adjourn any meeting from time to time but no business other than that left over from the previous meeting shall be transacted at the adjourned meeting unless a separate notice and a separate agenda has been issued in accordance with bye-law 5.
- (17) The Chairman may for reasons to be recorded in the Minute Book postpone or cancel any meeting called under these bye-laws.

7. Quorum at meeting

- (1) Quorum for a meeting, not otherwise provided, shall be $2/5^{\text{th}}$ of the existing strength of the committee.
- (2) Quorum of a meeting at which the annual budget of the committee is to be concerned shall not be less than $2/3^{\text{rd}}$ of the existing strength of the committee.

- (3) If Quorum at a meeting of the committee is not complete within half-an-hour of the scheduled time of the meeting, or if it falls short while the meeting is continuing it shall deem to have been adjourned.
- (4) If a meeting called in accordance with these bye-laws cannot be held for want of quorum, no quorum shall be necessary in the next meeting called for transacting the same business.
- (5) If any member fails to attend three consecutive meetings without reasons that are beyond his control, the Chairman shall forthwith report the matter to the Board.

8. Manner of voting

- (1) Except otherwise provided in the Act, the Rules or these Bye-Laws, all questions that may come before a meeting of the committee shall be decided by majority of votes of the members present and voting and in case of equality of votes, the Chairman of the meeting shall have and may exercise a second or casting vote.
- (2) Voting shall be done by show of hands. Voting by proxy shall not be permissible and any member may decline to vote on any subject without assigning any reasons therefore :

Provided that if any three members request in writing, the votes may be secured by ballot in cases of appointment of sub-committee, joint committee, ad-hoc committee or delegation or withdrawal of powers under section 19.

9. Minutes of meeting

- (1) Proceedings of the meeting of the committee shall be recorded in ¹[Punjabi (Gurmukhi Script)] by the Secretary of the committee under the instructions and the supervision of the Chairman of the meeting and shall be signed by the Chairman.
- (2) Recorded proceedings of the meeting shall be read out in the next meeting of the committee as the first time on the agenda and the members who were present in the former meeting shall have the right to questioning the correctness of the recorded minutes, which shall be corrected with such modifications as may be decided upon to bring those in conformity with the facts. In case of any dispute about the correctness of the minutes, the opinion of the Chairman under whose signatures the record was made, if he be present, shall be final. If, however, the said Chairman be not present, when the dispute arises, the matter shall be decided in accordance with the majority of votes of the members who had attended the former meeting and are present.
- (3) Proceedings of each meeting shall be recorded in Minute Book kept by the committee for the purpose in Form 'A' annexed to these bye-laws and shall be placed on the table of the committee for reference by the members thereof and

¹Substituted vide Notification No. 7290 dated 30-3-87 published in the Gazette dated 24-4-87.

Shall at all reasonable times and without any charge be open to their inspection. The Secretary of the committee shall keep the Minute Book in his custody.

- (4) A resume of every discussion with the number of votes for and against each motion and amendment shall be recorded by the Secretary under the instructions of the Chairman of the meeting. A complete and accurate record shall be kept in the Minute Book to indicate whether a member did not cast vote or voted for or against a proposition or an amendment. ¹[If any member records his dissent from the decision taken by the committee, the dissenting note of such member shall be recorded by the Secretary, in the Minute Book and signature of the member concerned shall also be obtained].

If a resolution is based on a certain report, letter or document, substance of such report, letter or documents shall be incorporated in the Minute Book.

10. General

- (1) Any member of the committee may ask for any information regarding anything done or purporting to be done by the committee or regarding the affairs of the committee by written notice and shall be supplied with such information by the Chairman of the meeting. The requisition for such information shall reach at least 4 days before the meeting in the office of the committee:

Provided that the Chairman may refuse to supply any information divulgence of which, in the opinion of the Chairman, be against the interest of the committee.

- (2) Except with the recorded consent of not less than half of the total members of the committee no subject once finally disposed of shall be reconsidered within three months.
- (3) A copy of resolution of no confidence passed by the committee under section 16(2) shall be sent to the Chairman of the Board per Registered Acknowledgement Due post on the date of the resolution or the following day be the Secretary of the committee for confirmation.
- (4) Every member, before entering the place where a meeting of the committee is to take place or is being held, shall mark his presence in the register kept by the committee for this purpose.
- (5) Immediately after the confirmation of the recorded minutes of the last meeting, the Chairman shall present note regarding the action taken on the decision taken in the last meeting and reasons for not taking action on any previous decision of the committee.

¹Inserted vide Notification No. 3066 dated 28-01-88, published in the Gazette dated 19-02-1988.

SEE AMENDMENT Dated 2.8.07 & 26.9.07

- (6) Immediately after presentation of the note under clause (5) the Chairman shall give information requisitioned under clause (1) above.

11. Conditions for the use of market

- (1) Where Kacha Arhtiya is authorised to conduct auction himself, he shall be responsible to keep and maintain register in the same manner as are to be kept by the auctioneer.

¹[(1-A)Arrival/Keep Register

The licensee shall maintain a register as prescribed in Form 'F' annexed to these Bye-Laws for agricultural produce coming to him or brought by him for sale. He shall enter the agricultural produce in the register immediately on its arrival at his shop or platform for sale through him. The register shall be written in Punjabi or Hindi and approximate weight shall be recorded in words and figures. The licensee shall also record in the register the Market and incidental charges received and paid to the labour engaged for the purpose. Any cutting or overwriting in the register shall be authenticated by the Secretary, Market committee or Mandi Supervisor-cum-fee-collector authorised by him:

Provided that if any agricultural produce is recorded as unsold or having been taken back by the seller, a written intimation shall be sent to the Secretary, Market committee to this effect immediately by the licensee.

Provided further that Secretary of the Board may permit, "Boli Bahi" or any other book with such columns as he may consider necessary in place of register in Form 'F' in fruit and vegetable trade or retail trade or in any other trade]. ²[Arhtia will submit a copy of transactions made by him to Market Committee daily].

- (2) The least difference between two bids offered for a lot of agricultural produce, in case of cotton, chillies, oil seeds and wool shall not be less than ³[rupee one] while in other cases not less than ⁴[fifty paise].
- (3) Rates offered in auction shall be on basis of one quintal and at decimal coinage.
- (4) When once the price of a lot of the agricultural produce has been settled by open auction, in favour of a person, the lot shall be delivered to such person and papers executed in its favour. No buyer shall be allowed to associate, any other person in such a transaction before he has taken delivery and has made the payment in respect of such a transaction.
- (5) The buyer shall take delivery of entire lot of an agricultural produce auctioned to him including the portion of agricultural produce left over after the weighment of the lot into standard unit of filling.

¹Substituted vide Notification No. 34867 dated 22.12.1989 published in the Gazette dated 01.12.1990.

²Added vide Notificaiton No. 4226 dated 31.3.2004 published in the Gazette dated 14.5.2004.

³Inserted vide Notification No. 7290 dated 30.3.1987 published in the Gazette dated 24.4.1987

⁴Inserted vide ibid

(6) If any agricultural produce is being traded without a licence in a notified market area, Secretary of the Committee may seize such produce for the purposes of confiscation by the Market Committee. Decision regarding confiscation in such matters shall be promptly made by the Market Committee.

¹[(7) The buyer shall lift the agricultural produce brought by him within ²[72] hours of auction or purchase. In case of failure to so lift the produce, the buyer shall be liable to pay 25 paise per unit per day as demurrage to the Market Committee. If produce is not lifted within seven days, it may be lifted or removed from the Principal Market Yard or Sub-Market Yard or Purchase Center by the Secretary Market Committee at the cost of the buyer. The buyer shall also be liable to pay all costs incurred by the Secretary, MarketCommittee in keeping the produce till it is lifted by the purchaser:

Provided that Market Committee may exempt buyer on request in writing from the operation of this bye-law partially or fully.

(8) If any person encroaches upon the auction platform or roads in the market, or otherwise misuses such premises or other property in the market, it shall be lawful for the Secretary, Market Committee to remove such encroachments after serving notices to the concerned persons, agency or licensee as the case may be, at his cost.]

³[11-A. Setting up of check post or barrier

The Market Committee or its Secretary or any its officers authorised by it in this behalf may require a vehicle or other conveyance or a common carrier loaded with agricultural produce which is on its way to market, to stop and give particulars of the agricultural produce, its owner, buyer, seller, commission agent or arhtiya or licensee, quantity and the value of the produce. The driver or any other person incharge of such vehicle or conveyance or common carrier shall stop the vehicle, other conveyance or common carrier, keep it stationary as long as may reasonably be necessary and allow the Market Committee or its Secretary or such officer authorised by it to examine the produce and other records, bills or bilties. The Committee may also require that such vehicles, other conveyances or common carrier entering the market shall have their vehicles, conveyances or common carriers weighed on the weigh bridge of the Market Committee and that person concerned shall obtain entry vouchers from the clerk of the concerned Market Committee on duty at the gate, barrier or check post in such manner as may be laid down by the Committee.]

¹ Inserted vide Notification No. 7290 dated 30-3-87 published in the Gazette dated 24-4-87.

² Substituted vide Notification No. 10857 dated 17-6-1994.

³ Inserted vide Notification No. 7290 dated 30-3-87 published in the Gazette dated 24-4-87.

[11-B. The issuance of the Gate Pass

- (1) All agricultural produce coming or brought to the Market/Principal Market Yard or sub market yard shall be recorded in register maintained in Form - I by the committee.
- (2) For the Agricultural Produce taken out of the Market/ Principal Market Yard or Sub-Market Yard, the buyer/dealer shall issue a Gate pass in Form-H in triplicate two copies of which shall be given to the driver of the vehicle or other conveyance carrying the agricultural produce who shall give one copy to the Gate Clerk of the committee and retain the other. The counterfoil shall be retained by the dealer/ buyer concerned.

Provided that the Secretary Board may for reasons to be recorded in the writing exempt any agricultural produce from the operation of this bye-law if in his opinion the issuance of gate pass in Form - H is not practicable.

- (3) If the agricultural produce is purchased by a person who is not a licensee, the gatepass shall be issued by the Kacha-arhtiya or the seller as the case may be.
- (4) The gate clerk of the committee shall maintain a register on the basis of entries in the gatepass.]

12. Weighment of agricultural produce

- (1) Fee for the weighment on a weigh bridge installed by the committee for the weighment of the agricultural produce shall not exceed the following :-
 - ²[(i) Rupee five per cart
 - (ii) Rupee ten per trolley (Tractor)
 - (iii) Rupee twenty per Truck]

Provided that no fee shall be chargeable if the weighment is made for the purpose of test weighment of agricultural produce.

- (2) For every weighment at the weigh bridge under clause (1), a certificate under rule 27(3) shall be issued free of cost in form 'B' annexed to these bye-laws.
- (3) Weights, measures and weighing instruments shall be provided by the Kacha-Arhtia for weighment of every agricultural produce which is sold through him.

³[(3-A)The Kacha-Arhtiya shall provide all kinds of seivers to the labourers engaged for the purpose and also keep sufficient number of tarpulins for protection of agricultural produce as specified by the licensing authority from time to time.]

¹Inserted vide Notification No. 34867, dated 22-12-1989 published in the Gazette dated 12-01-1990.

²Substituted vide Notification No. 98/6782 dated 1-1-1999.

³Inserted vide Notification No. 3066, dated 28-1-1988, published in the Gazette dated 19-2-1988.

- (4) Weighment of a lot of agricultural produce shall be carried out at the place of display of lot. No produce shall be removed or caused to be removed or required to be removed from the place of display to any other place for weighment.

¹[12-A. Auction of Cotton in loaded vehicle]

Notwithstanding the provisions of bye-law 12 when a weighbridge has been installed by the Committee and when so directed by the Board, the cotton shall be sold in the vehicles without being heaped. The loaded vehicles shall be weighed on the weigh-bridge and taken to the purchaser's premises for unloading. The empty vehicle shall again be weighed on the same weigh bridge for drawing net weight:

Provided if any other weigh-bridge of the standard and specifications similar to the one installed by the committee is available in or around the Market Yard, the weighment of vehicles of cotton may be made on that weigh bridge also:

Provided further that where weight of the cotton in the vehicle is 10 quintals or less or where there are more than one varieties of cotton in a vehicle or where the cotton in vehicle is adulterated the cotton may be sold in the market yard by auction in heaps].

²[12-B. Collection of fee on contract basis]

- (1) Not-with-standing anything contained in the Act, Rules and Bye-laws, a committee with the previous approval of the Secretary Board shall have the powers to lease out by public auction the collection of fee leyied under section 23 of the Act read with Rule 29(1) of the Rules in the notified market area at the rate fixed by the Board. The provisions contained in the Act, Rules and Bye-laws for regulation of agricultural produce, levy, assessment, collection and recovery of fee shall mutatis mutandis be applicable except the provisions hereunder provided.
- (2) After the approval of the Secretary of the Board a public notice/tender for auction of the collection of fee in the notified market area of a committee, specifying the limits of the areas for the collection of fee shall be published by the committee with 15 days clear notice and reserve price shall be fixed at least 25% more than the highest fee received during the previous three years by the committee from the said area. ³[For those committees which have given the collection of fee on contract basis in the previous year the reserve price for the next year for such committee shall be the amount equal to the auction amount of the previous year. In the case other Market Committee where such previous contract was for less than a year then the reserve price shall be calculated on a pro-rata basis for the whole year.]
- (3) A contractor shall be competent to give bid/tender on deposit five percentage of reserve price as security by a crossed demand draft or a pay order drawn in favour of the committee through a nationalized or scheduled bank. After acceptance of

¹ Inserted vide Notification No. PSAMB/Proj/747 dated 20.3.1985, published in the Gazette dated 12.4.1985.

² Added vide Notification No.7287 dated 18.6.2004, published in the Gazette dated 27.8.2004.

³ Added vide Notification No. 5135 dated 17-4-2006, published in the Gazette dated 14-7-2006.

bid/tender the contractor shall be liable to execute a contract in terms of section 22 of the Act with the committee failing which the security deposited with the committee shall stand forfeited and then second bidder will be given an opportunity on the highest bid/tender for contract of the first bidder/tender. Securities of remaining unsuccessful bidders/tenders shall be refunded by the committee:

Provided that as soon as bid/tender is accepted, the committee shall immediately convey the acceptance to the contractor personally or under a registered cover and execute an arrangement with him or his legally authorized agent within a period of 7 days. The contractor shall furnish Bank guarantee of 15% of the total amount of contract value at the time of allotment of the contract.

- (4) Following Committee will finalize the tenders/auction:-
- Concerned District Mandi Officer;
 - Concerned Administrator/Chairman, Market Committee;
 - Concerned Secretary, Market Committee;
 - One Official will be nominated by the Secretary Board from the Head Office.

Provided that for finalizing/accepting/rejecting the bids, quorum of at least any three members shall be necessary.

- (5) The execution of the contract will be as per the provisions contained in Punjab Agricultural Produce Markets Act, 1961. After execution of the agreement the contractor shall ensure the proper collection of fee at prescribed rate in accordance with the provisions of Act, Rules and Bye-laws during the contract period through his employees engaged for the purpose. All the provisions of Act, Rules and Bye-laws enacted from time to time regarding exemption from the payment of market fee shall be applicable and complied with by the contractors. He shall bring to the notice of Secretary, Market Committee any contravention of law or evasion of market fee, if any, so that the remedial measures may be taken by the committee forthwith.
- (6) The committee shall ³[adjust the contract money in 12 equal monthly installments the income realized on account of market fee] and in case there is any deficiency the same shall be deposited by the contractor within 7 days. In case of surplus amount from the said percentage the same shall be paid to the contractor. No concession or deferment for payment scheduled above, shall be permissible to the contractor including strike, Bandh, natural calamity which may occur during the said period. The contractor shall be allowed to cover up the deficiency of amount, if any, within next month subject to payment of interest one per cent per month on the balance amount. In case of continuing default in payment of balance amount, the due amount shall be recoverable as arrear of land revenue, besides the termination of contract.

¹⁻³Substituted vide Notification No. 5135 dated 17-4-06 published in the gazette dated 14-7-06.

- (7) The contractor shall not be competent to enter into partnership, transfer, web-let or assign the contract or any part thereof in any manner whatsoever. In the event of any contravention of the conditions prescribed, the committee shall be competent to terminate the contract and to forfeit the entire amount of security deposit. The committee shall not be liable to any act, deed or action of the contractor or his employees engaged by him relating to third party and the contractor shall solely be liable for the said action.
- (8) In case the contractor desires to hire the services of the employees of the Market committee for his assistance for collection or fee then on written request and on payment of service charges at the rate at which they are drawing salary and allowances from the concerned Market Committee. If the contractor engaged his own employees then such employees would be required to bear badges as prescribed in the Bye-laws and will wear light brown colour uniform and will also possess Identity Card duly countersigned by the Secretary, market Committee and he will always keep with him and will show as and when asked for. The contractor shall furnish complete information such as names and addresses of such employees to the Secretary, Market Committee and whenever there is any change due to resignation, termination or removal etc., the same shall be intimated by him to the Secretary, Market Committee. The contractor shall comply with or cause to be complied with the provisions of the various existing laws, rules and regulations applicable to such persons employed by the contractor. The contractor shall also indemnify the Market Committee in respect of all claims that may be made against Committee for non-compliance thereof by the contractor.
- (9) In case of any dispute between the Contractor and the committee the same shall be referred to the Secretary of the Board for arbitration and his decision shall be final and binding on both the parties:
- Provided that jurisdiction in case of any type of litigation relating to agreement executed between the contractor and the Market Committee shall be the courts in the State of Punjab.
- (10) The contractor shall be responsible for any accident or mishappening to any employee engaged by him. The Committee shall not liable for any damage or loss caused to the employee of the contractor and any compensation of benefit accrued _____ to _____ such employee shall be paid by the contractor. However where an employee of the Committee is hired, he/she will be entitled for all the benefits etc. under his/her service rules.
- (11) Employee of the Market Committee will ensure the open auction and other provisions of Act, Rules and bye-laws on sale/purchase of agricultural produce. The employee of the contractor will maintain the register as per auction register duly attested by the Secretary, Market Committee and will daily submit sale

proceed of every licence as per performa to Market Committee within official time:-

Date	Name of the firm and licence No.	Amount on which Market Fee is recoverable	Total Amount of Market fee	Remarks
1	2	3	4	5

- (12) The collection of the Market Fee on the commodities will be as per the schedule given in section 38 ¹[] notified from time to time.
- (13) It will be the responsibility of the concerned contractor to maintain the cleanliness of the Mandi Yard from time to time.

Not-with-standing anything contained hereto before the Market Committee shall have absolute powers to take such action as may be necessary for compliance of the various existing clause and recover the due amount under Land Revenue Act from the Contractor. The contractor shall ensure that the persons employed by him are clearly given to understand in writing that they shall have no right or claim for absorption in the service of the Market Committee at any time or on any ground. They shall not be the servants of the Committee and Committee shall have no liability directly or indirectly whatsoever qua them.]

13. Test weighment of agricultural produce

²[The test weighment may be done by the Secretary or any other employee of the Committee not below the rank of Mandi Supervisor authorised by the Secretary. The result of test weightment so done under rule 25(5) or 25(6) shall be recorded in form ‘C’ annexed to these bye-laws.]

14. Duties of weighmen, measurers and surveyors

- (1) A licensed weighman, or measurer or surveyor shall correctly weigh or measure or assess the quality, as the case may be, of the agricultural produce brought to him for weighment or measurement or survey.
- (2) Every licensed weighman, measurer or surveyor shall deposit a sum of Re.1 with the committee to cover the cost of a badge to be issued to him. The badge shall not be transferable. The deposit shall be returned to him when the badge is returned to the committee in good condition and the Secretary of the committee shall be the sole and final authority whether the badge is in good condition or not. The badge shall be returned to the committee within three days of the suspension or cancellation of a licence and if the badge is not returned the

¹Omitted vide Notification No. 5131 dated 17-4-2006, published in the Gazette dated 14-7-2006.

²Substituted vide Notification No. 3066, dated 28.1.1988, published in the Gazette dated 19.2.1988.

security shall be deemed to have been forfeited in addition to such other punishment as may be awarded for non compliance of this clause. If a badge is lost, a duplicate badge shall be issued on application and on payment of Re. 1 to the committee.

- (3) Such badge shall be serially numbered, with name of the Committee inscribed on it. No weighman, measurer or surveyor shall act as such within the notified market area unless he is actually wearing the badge.
- (4) No person shall wear or attempt to wear or use a forfeited badge.

¹[15. Books to be kept by broker and weighman

Every broker shall keep a book in form 'G' in which he shall record his daily work.]

16. Market hours

- (1) Subject to the provisions of any law for the time being in force in regard to the opening and closing of shops and commercial establishments, the auction and weighing of agricultural produce in the market yard shall be held during the hours to be specified by the Committee.
- (2) Such timings shall be exhibited at conspicuous places.
- (3) The buyer desirous of purchasing agricultural produce shall personally or through an approved and bonafide representative attend the auction within one hour of the time of the start of auction fixed under sub-clause (1). In case of his inability to attend the auction in time, he shall intimate explicitly to the office of the Market Committee before auction commences.

17. Trade assistants

- (1) Name of employees, taken in service by a licensed dealer or godown keeper to assist him in the sale, purchase, storage or processing or for any other act incidental to such matters shall be notified to the committee giving the name, parentage and present address of such employees immediately after one has been appointed or removed from service.
- (2) The committee shall keep a register of trade assistant in which information received under sub-clause (1) above shall be written.

18. Control and regulation of admission to the market

- (1) Consignment of agricultural produce shall be unloaded for display and unloaded carts and pack animals shall be parked or tethered at such places in market yard as are determined by the Committee.

¹Substituted vide Notification No. 7290 dated 30-3-87, published in the Gazette dated 24-4-87.

- (2) The committee may determine routes for ingress and egress of vehicles, carts or pack animals leading to or from the principal or sub-market yard.
- (3) For the information of the persons visiting or using the market yard, orders under clause (1) and (2) shall be exhibited outside the office of the Committee and at such other conspicuous places in the market as may be determined by the Chairman.

19. Sub-committees, Joint-committees and Ad-hoc committees

- (1) A sub-committee or a joint-committee or an ad-hoc committee appointed under section 19 of the Act may be for the full term of the committee or for a shorter fixed period. The appointment or removal of members of such a committee and delegation or withdrawal of powers and duties shall be by a resolution of the committee in a regular meeting:

Provided that decision of a joint committee shall be valid only when the same has been ratified by the committee.

- (2) The committee while setting up a sub-committee or a joint committee or an adhoc committee, shall fix the quorum for its meetings and shall appoint one of its members as its Chairman in each case, who shall be convener of its meetings and shall submit a record of all the work done by it in every meeting of the committee through the Chairman.

Provided that the Chairman of the committee when appointed on a sub-committee, a joint-committee or an ad-hoc committee shall, subject to the provisions of rule 13 be the ex-office Chairman of such a sub-committee, a joint committee or an ad-hoc committee.

- (3) Unless ptherwise provided in these bye-laws the procedure for convening and conduct of meetings of the committee shall be applicable to the meeting of sub-committee or a joint committee or ad-hoc committee in so far as it is applicable.
- (4) Subject to the provisions of rule 14(3), the Secretary to the committee shall act as Secretary to a sub-committee, a joint committee or an adhoc committee.

20. Complaint register, institution of prosecutions

- (1) (i) The committee shall keep a register in Form 'D' annexed to these bye-laws which all offences punishable by or under the Act, the Rules or these Bye-laws detected by an officer or servant of the committee or which may be reported to the committee by any person shall be recorded under the signature of the reporting officer or the complainant, as the case may be.
- (ii) All the cases recorded in such a register shall be enquired or cause to be enquired into by the Secretary and result noted in the appropriate column of the register by him.

- (2) The report register shall be put up before the committee in every ordinary meeting together with the reasons for instituting or not instituting prosecutions in respect of each case.

21. Complaints, notices; suits against or on behalf of the Committee- How to be dealt with

- (1) Unless otherwise provided for in the Act, the Rules and these Bye-laws, all applications, notices, summons, warrants, appeals, letters complaints and any other documents or papers addressed to the committee delivered at its office shall be received by the Secretary or on his behalf by an employee of the Committee as may be authorised by him. The Secretary shall put before the Chairman all such papers for his order.
- (2) Unless otherwise provided for in the Act, the Rules and these Bye-laws, all letters, applications, notices and complaints on behalf of the Committee may be given, issued and lodged by the Secretary under his hand and seal of his office.

22. Disposal of papers on behalf of the Committee

- ¹[(1) Secretary shall have immediate responsibility of proper management of the affairs of the Committee and disposal of day to day papers of the Committee. If decision on such papers involves policy matter the papers shall be put up to the Chairman for decision.
- (2) The Chairman or the Market Committee shall before passing any order or taking decision on a matter, obtain the opinion of the Secretary on every such matter and every order or decision taken by the Chairman or the Committee, as the case may be, shall include a reference to the opinion given by the Secretary on the matter. Where the Chairman or the Committee disagrees with the opinion of the Secretary, it will record reasons for the same.]

23. Grant of licences

Applications for grant and renewal of licences under rule 19(1) shall be received at the office of the committee. The Secretary shall enquire or cause to be enquired into the contents of the application to satisfy that the information supplied is correct and also regarding the conduct and business of the applicant and record his findings on the application within three days of its receipt by him. The Chairman or any other employee authorised by the Committee under rule 19(2) shall, on being satisfied that the conduct and the business of the applicant are satisfactory and that the information contained in the application is correct, issue a licence forthwith under his signature, stamps of his office and common seal of the committee.

¹Substituted vide Notification No. 3066 dated 28-1-1988, published in the Gazette dated 19-2-1988.

Provided that the Committee may, for reasons to be recorded, amend, alter or rescind any order of the Chairman or any other employee authorised by the Committee under rule 19(2) refusing grant or renewal of a licence:

Provided further that every order of such refusal shall be recorded in a brief statement of reasons for the same and every such matter shall be reported to the committee in the first meeting taking place next after the date of such order -

24. Control of staff

¹[(1) Secretary shall be the head of the office of the Committee. All employees of the Market Committee shall report to him. He may call for any return of work done by a member of staff during a specified period. His order shall be complied with promptly.

(2) The duties to be discharged by various employees of the Market Committees shall be as under:-

(1) Head Clerk-cum-Accountant

1. In-charge of office of Market Committee in absence of Secretary or Assistant Secretary;
2. Personal files and service books of the employees;
3. Maintenance of accounts including Cash Book, P.F. Ledger, Budget Ledger, Establishment Check Register and Bills etc;
4. Preparation of bills;
5. Preparation of Cheques;
6. Preparation of Budget of Market Committee;
7. General Correspondence;
8. If any other employee viz., Clerk or Mandi Supervisor or Auction Recorder is posted to assist Head Clerk-cum-Accountant the work shall route through Head. Clerk-cum-Accountant. Where there are more than one posts of Head Clerk-cumAccountant the work shall be divided among them by the Secretary, Market Committee according to the local needs and circumstances.

(2) Mandi Supervisor-cum-fee Collector

1. Collection of fees;
2. Accounts checking of dealers when authorised by Secretary;
3. Mandi inspecting;.
4. Enforcement of the Act, Rule and Bye-laws;
5. To supervise auction, weighment and market transactions;

¹Substituted vide Notification No. 3066 dated 28-1-1988, published in the Gazette dated 19-2-1988.

6. In-charge of the work in the market area;
7. Seasonal arrangements.

(3) Auction Recorder

1. To start auction;
2. To record auction in the register in Form 'H' of the rules;
3. To ensure entries in Heap Register or Boli Bahis;
4. Cross checking of sale-purchase returns in Form 'M';
5. Cross checking of gate register with 'M' returns;
6. To maintain gate register;
7. To collect market fee where need be;
8. To assist Mandi Supervisor in accounts checking;
9. To maintain account of market fee in Dealer Ledger;
10. To maintain revenue stamp reister.

(4) Clerk

1. Receipt;
2. Despatch;
3. Type;
4. Record Keeping;
5. Maintain of stamp register;
6. To assist the Head Clerk-cum-Accountant in matters pertaining to general correspondence and accounts;
7. Store, Stock and Stationery.

(5) Kanda Moharar

1. To weigh loaded and empty vehicles and agricultural produce on the weigh bridge of Market Committee;
2. To issue receipts in token of having received weighment charges;
3. To issue certificate of weighment;
4. Maintenance of accounts of weighment charges.

(6) Care Taker

1. Work Connected with the rest house of the Committee;
2. Maintenance of equipment of the rest house like beddings, sheets, cots, utensils, furniture, fixture etc;

SEE AMENDMENT Enf Dated 15.1.09

3. Maintenance of register of person staying in the rest house;
4. To receive fees for stay in the rest house and keep its account.
- (3) Secretary of the Committee may add or modify or allocate the duties according to the local needs and circumstances. Secretary of the Committee may also assign to the employees of the Committee apart from their regular duties such other duties as he may consider necessary for the discharge of official duties and shall see that the employee under him perform their duties properly and efficiently.
- (4) Secretary of the Market Committee shall be competent to grant earned leave upto one month, causal leaves and annual increments of the employees of the committee.
- (5) No case of promotion or efficiency bar or punishment or leave shall be considered by the Committee without obtaining and considering a report from the Secretary.]

25. Copies of order, resolution and balance sheets

- (1) Any person may be granted a copy of resolution of the Committee or of a balance sheet. Copies of order made by or on behalf of the Committee shall only be supplied to the person affected by such order.
- (2) For the grant of copy under clause (1) following fee shall be charged :-
Resolution and orders: ¹[Rupee one] per 100 words or fraction thereof subject to a minimum of ²[Rupee two] per copy.
Balance Sheet ³[Rupee one] per document.

Note:- Copies of orders against an employee shall be supplied to him free of charge.

- (3) The application for copy shall contain such particulars as may be sufficient to enable the case to be traced.
- (4) The application for the grant of the copy under sub-clause (1) shall be accompanied by an earnest money of Rs. 2 and shall be duly entered in the register maintained for this purpose. The fee for issuing a copy shall be adjusted from this amount and balance, if any, paid to the applicant with the copy. The copying fee charged shall be transferred to the funds of the Committee.
- (5) A copy under this bye-law shall be prepared by such person as may be authorised by the Chairman and certified to be true by the Secretary or in his absence by another person appointed by the Chairman in this behalf. Such certificate shall give the date on which the application was received and the copy prepared and

¹Substituted vide Notification No. 7290 dated 30.3.1987 published in the Gazette dated 24.4.1987.

² Substituted vide ibid.

³Substituted vide ibid.

delivered to the applicant, and shall be conclusive evidence of the correctness of these dates.

Name of applicant with parentage and address	Date of receipt of application	Nature of documents copy
		of Which is applied fo No. of receipt in token of earnest money
1	2	3
Date of preparation of copy	Date of delivery of copy	Copying free charged
5	6	7
Balance of earnest money refunded,if any,or amount charged above the earnest money.	Signature or thumb impression of the recipient of the copy	Initials of the secretary
9	10	11

26. Payments of office of the committee

- (1) A sum due to the Committee shall be paid at its office during hours as may be fixed by the Market Committee and shall be received by a person appointed for the purpose who shall sign and issue receipts thereof:

¹[Provided that receipts for amount exceeding Rupees One Hundred shall be counter signed by the Secretary or any other employee authorised by him not lower in rank to that of Mandi Supervisor-cum-Fee Collector:

Provided further that the counter - signature shall not be necessary in cases where the amount is received through Account Payee Cheques].

- (2) An employee of the committee appointed to receive or handle money on behalf of the Committee shall, before entering on his duties, furnish a cash security of Rs. 500 or personal security equal to four times the amount which he is expected to handle within a week. The Chairman shall be the final authority to determine the amount which a servant is expected to handle within a week. The Chairman shall be the final authority to determine the amount which a servant is expected to handle within a week, on behalf of the Committee:

Provided that the clause shall not apply to a person who has been appointed in stop gap arrangement within from the office.

¹Substituted vide Notification No. 7290 dated 30-3-87, published in the Gazette dated 24-4-87.

[SEE AMENDMENT \(Dated : 05.04.07\)](#)

[SEE AMENDMENT \(Dated : 08.05.07\)](#)
[SEE AMENDMENT \(Dated : 20.09.07\)](#)
[SEE AMENDMENT \(Noti.No.3133/Apr2008\)](#)

27. Trade allowance

- (1) The following trade allowance shall only be made and received within the market area in connection with ready or spot transactions: -
 - (i) Tare: - The exact weight of the gunny bag or the packing material used.
 - (ii) Adjustment of weight:- Full adjustment of increase or decrease in the weight of the produce found in the test weightment under rule 25.
 - (iii) An allowance determined in arbitration under rule 13.
- (2) Each item of allowance charged under sub-clause (1) shall be separately mentioned in Form "I" and "J" prescribed under the rules.
- (3) All samples shall be paid for at sale price, except those taken under bye-law 32.

28. Remuneration of different market functionaries

- (1) For services actually rendered by them in connection with sale, purchase, storage and processing and agricultural produce, different market functionaries whether licenced or not shall not demand or receive remuneration in excess of rate specified below:

**¹ [CATEGORY 'A']
(COTTON AND WOOL)**

1.	Unloading	Rs. 0.99 paise per unit
2.	Dressing	Rs. 0.80 paise per unit
3.	Weighing & filling	Rs. 1.92 paise per unit
4.	Stitching :-	
	(a) Stitching by machine	Rs. 0.75 paise per unit
	(b) Manual stitching	Rs. 0.35 paise per unit

Note: Out of the charges mentioned at Serial No.3, 0.69 paise shall be paid to the weighman and rest 1.23 paise shall be paid to the labourers engaged for this purpose.

¹Categories 'A' to 'F' substituted vide Notification No P.P.-1/4848 dated 21-9-2006, published in the Gazette dated 20.10.2006.

[SEE AMENDMENT \(Dated : 20.09.07 & 26.09.07\)](#)

[SEE AMENDMENT \(Noti.No.3133/Apr2008\)](#)

CATEGORY 'B'
(CHILLIES DRY AND GROUNDNUT)

1.	Unlodng	Rs. 0.67 paise per unit
2.	Sieving	Rs. 0.76 paise per unit
3.	Dressing	Rs. 0.48 paise per unit
4.	Weighing & filling	Rs. 1.73 paise per unit
5.	Stitching :-	
	(a) Stitching by machine	Rs. 0.75 paise per unit
	(b) Manual stitching	Rs. 0.35 paise per unit

Note: Out of the charges mentioned at Serial No.4, 0.63 paise shall be paid to the weighman and rest 1.10 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.5, 0.20 paise shall be paid to the labourers engaged for this purpose.

CATEGORY 'C'
(GUR SHAKKAR, KHANDSARI & GROUNDNUT SHELLED)

1.	Unlodng	Rs. 1.00 paise per unit
2.	Dressing:-	
	(a) Gur, Shakkar, Khandsari	Rs. 0.64 paise per unit
	(b) Groundnut shelled	Rs. 0.90 paise per unit
3.	Weighing & filling	Rs. 2.04 paise per unit
4.	Stitching :-	
	(a) Stitching by machine	Rs. 0.75 paise per unit
	(b) Manual stitching	Rs. 0.35 paise per unit

Note: Out of the charges mentioned at Serial No.3, 0.68 paise shall be paid to the weighman and rest 1.36 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.4, 0.20 paise shall be paid to the labourers engaged for this purpose.

[SEE AMENDMENT \(Dated : 20.09.07 & 26.09.07\)](#)

[SEE AMENDMENT \(Noti.No.3133/Apr2008\)](#)

CATEGORY 'D'
(BAJRA, URD, MOONG, SARSON, TORIA, TARAMEERA, SUNFLOWER SEED)(MAXIMUM TWO SIEVING OPERATIONS ARE ALLOWED)

1.	Unlodng	Rs. 1.10 paise per unit
2.	Sieving (per sieve)	Rs. 1.09 paise per unit
3.	Weighing & filling	Rs. 2.11 paise per unit
4.	Stitching :-	
	(a) Stitching by machine	Rs. 0.75 paise per unit
	(b) Manual stitching	Rs. 0.35 paise per unit

Note: Out of the charges mentioned at Serial No.3, 0.73 paise shall be paid to the weighman and rest 1.38 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.4, 0.20 paise shall be paid to the labourers engaged for this purpose.

CATEGORY 'D-1'
(WHEAT & PADDY)
(MAXIMUM TWO SIEVING OPERATIONS ARE ALLOWED FOR MANUAL CLEANING)

1.	Unlodng	Rs. 1.27 paise per unit
2.	Sieving (per sieve)	Rs. 1.04 paise per unit
	or	
	Sieved by power operated cleaner	Rs. 2.08 paise per unit
3.	Weighing & filling	Rs. 2.39 paise per unit
4.	Stitching :-	
	(a) Stitching by machine	Rs. 0.75 paise per unit
	(b) Manual stitching	Rs. 0.35 paise per unit

Note: Out of the charges mentioned at Serial No.3, 0.86 paise shall be paid to the weighman and rest 1.53 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.4, 0.20 paise shall be paid to the labourers engaged for this purpose.

[SEE AMENDMENT \(Dated : 20.09.07 & 26.09.07\)](#)

[SEE AMENDMENT \(Noti.No.3133/Apr2008\)](#)

CATEGORY 'D-II'
(WHEAT FOR 50 KGS AND PADDY FOR 33 KGS STANDARD UNIT)
MAXIMUM TWO SIEVING OPERATIONS ARE ALLOWED
FOR MANUAL CLEANING)

1.	Unlodging	Rs. 0.70 paise per unit
2.	Sieving (per sieve)	Rs. 0.63 paise per unit
	or	
	Sieved by power operated cleaner	Rs. 1.26 paise per unit
3.	Weighing & filling	Rs. 1.86 paise per unit
4.	Stitching :-	
	(a) Stitching by machine	Rs. 0.75 paise per unit
	(b) Manual stitching	Rs. 0.35 paise per unit

Note: Out of the charges mentioned at Serial No.3, 0.69 paise shall be paid to the weighman and rest 1.17 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.4, 0.20 paise shall be paid to the labourers engaged for this purpose.

CATEGORY 'D-III'
(PADDY FOR 50 KGS. STANDARD UNIT)
MAXIMUM TWO SIEVING OPERATIONS ARE ALLOWED FOR
MANUAL CLEANING)

1.	Unlodging	Rs. 0.99 paise per unit
2.	Sieving (per sieve)	Rs. 0.83 paise per unit
	or	
	Sieved by power operated cleaner	Rs. 1.66 paise per unit
3.	Weighing & filling	Rs. 2.13 paise per unit
4.	Stitching :-	
	(a) Stitching by machine	Rs. 0.75 paise per unit
	(b) Manual stitching	Rs. 0.35 paise per unit

Note: Out of the charges mentioned at Serial No.3, 0.78 paise shall be paid to the weighman and rest 1.35 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.4, 0.20 paise shall be paid to the labourers engaged for this purpose.

[SEE AMENDMENT \(Dated : 20.09.07 & 26.09.07\)](#)
[SEE AMENDMENT \(Noti.No.3133/Apr2008\)](#)

CATEGORY 'D-IV'
(WHEAT FOR 75 KGS. STANDARD UNIT) MAXIMUM TWO SIEVING OPERATIONS ARE ALLOWED FOR MANUAL CLEANING)

- | | | |
|----|----------------------------------|-------------------------|
| 1. | Unlodging | Rs. 1.00 paise per unit |
| 2. | Sieving (per sieve) | Rs. 0.83 paise per unit |
| | or | |
| | Sieved by power operated cleaner | Rs. 1.66 paise per unit |
| 3. | Weighing & filling | Rs. 2.09 paise per unit |
| 4. | Stitching :- | |
| | (a) Stitching by machine | Rs. 0.75 paise per unit |
| | (b) Manual stitching | Rs. 0.35 paise per unit |

Note: Out of the charges mentioned at Serial No.3, 0.78 paise shall be paid to the weighman and rest 1.31 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.4, 0.20 paise shall be paid to the labourers engaged for this purpose.

CATEGORY 'E'
(MAIZE BARLEY, GUARA, GRAM & KABLIGRAM, CHANE KALE & SAFAID)(IF NEED BE ONLY ONE SIEVE MAY BE ALLOWED)

- | | | |
|----|--------------------------|-------------------------|
| 1. | Unlodging | Rs. 1.14 paise per unit |
| 2. | Sieving (per sieve) | Rs. 1.13 paise per unit |
| 3. | Weighing & filling | Rs. 2.12 paise per unit |
| 4. | Stitching :- | |
| | (a) Stitching by machine | Rs. 0.75 paise per unit |
| | (b) Manual stitching | Rs. 0.35 paise per unit |

Note: Out of the charges mentioned at Serial No.3, 0.74 paise shall be paid to the weighman and rest 1.38 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.4, 0.20 paise shall be paid to the labourers engaged for this purpose.

[SEE AMENDMENT \(Dated : 20.09.07 & 26.09.07\)](#)

[SEE AMENDMENT \(Noti.No.3133/Apr2008\)](#)

CATEGORY 'F'

**(ALL OTHER AGRICULTURAL PRODUCE NOT LISTED ABOVE EXCEPT
FRUITS AND VEGETABLES)**

(IF NEED BE ONLY ONE SIEVE MAY BE ALLOWED)

- | | | |
|----|--------------------------|-------------------------|
| 1. | Unlodng | Rs. 1.12 paise per unit |
| 2. | Sieving (per sieve) | Rs. 1.15 paise per unit |
| 3. | Weighing & filling | Rs. 2.12 paise per unit |
| 4. | Stitching :- | |
| | (a) Stitching by machine | Rs. 0.75 paise per unit |
| | (b) Manual stitching | Rs. 0.35 paise per unit |

Note: Out of the charges mentioned at Serial No.3, 0.74 paise shall be paid to the weighman and rest 1.38 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.4, 0.20 paise shall be paid to the labourers engaged for this purpose.

[CATEGORY 'G']

(POTATO, SHAKKARKANDI, DRY ONION, ARBI DRY, GARLIC,GINGER)

- | | | |
|----|--------------------------|-------------------------|
| 1. | Unlodng | Rs. 0.73 paise per unit |
| 2. | Weighing & filling | Rs. 1.00 paise per unit |
| 3. | Stitching :- | |
| | (a) Stitching by machine | Rs. 1.00 paise per unit |
| | (b) Manual stitching | Rs. 0.33 paise per unit |

Note: Out of the charges mentioned at Serial No.2, 30 paise shall be paid to the weighman and rest 70 paise shall be paid to the labourers engaged for this purpose.

Out of the charges mentioned at Serial No.3, 20 paise shall be paid to the labourers engaged for this purpose.

CATEGORY 'H'
(Vegetables other than 'G' above)

1.	Unloading	
	Upto 20 kg.	48 paise per unit
	Above 20 kg.	57 paise per unit
2.	Display	52 paise per unit

CATEGORY 'I'
(All Fruits)

1.	Unloading	0.61 paise per unit
2.	Display	0.56 paise per unit

¹[The rate of commission of Katcha Arhtiya on all items of category 'A', 'B', 'C', 'D', 'E' and 'F' shall be ²[Rs. 2.00] percent and ³[Rs. 5.00] per cent in all other items of category 'G', 'H', and 'I']

CATEGORY 'J'
(Dry and Green Fodder)

Incidental Charges	Weightment	⁴ [50] paise per cart
	(by weighbridge)	⁵ [70] paise per trolley
		⁶ [100] paise per truck
Market Charges	Commission	Rs. 3 percent

¹Substituted vide Notification No. 15315 dated 24.03.83, published in the Gazette dated 1.4.1983.

²Substituted vide Notification No. 682 dated 11.04.1990, published in the Gazette dated 20.4.1990.

³Substituted vide Notification No. 1107 dated 7.02.1992, published in the Gazette dated 14.2.1992.

⁴Substituted vide Notification No. 15315 dated 24.03.83, published in the Gazette dated 1.4.1983.

^{5&6}Substituted vide *ibid.*

! [CATEGORY 'K']

(Timber and Firewood)

- | | | |
|----|---|--|
| 1. | Commission | Rs.4% |
| 2. | Weighment
(When done on the weighbridge other than that of committees) | Rs. Five, Rs. Three and Rs. two for loaded Truck, loaded Trolley and Loaded Cart respectively and Rs. Three, Rs. Two and Rupee one respectively for empty Truck, empty Trolley and empty Cart. |
| 3. | Unloading | Rs. 0.45 per quintal subject to Maximum of Rs.60 per truck and Rs. 40 per trolley attached to a tractor. |
- (a) The charge of unloaded is meant for payment to the labour engaged for the purpose of un-loading the vehicles. This charge is to be borne by the seller. If the seller does it himself or through his own men no, such charge shall be levied.
- (b) If the seller and buyer agree that loaded vehicle should be un-loaded at the premises of the buyer the seller would be entitled to transportation charges at the rates as may be mutually agreed between them.
- (c) If the weighment is done on the weighbridge installed by the committee, the charges for weighing shall be as fixed in bye-law 12.
- (d) Wherever a weighbridge has been installed by the committee in the principal Market Yard or Sub Market Yard the vehicle shall be weighed on the weighbridge of the Market Committees.
- ²[(e) The charges of commission (or Arhat) shall be levied only where the produce (Timber or Firewood is bought or sold through commission agent.

Commission for all categories fixed under this bye-law shall be charged only by the Katcha Arhtiya who is in consideration of commission offers his services to sell by auction agricultural produce displayed for the purpose.

Where the Katcha Arhitya do not conduct auction themselves the auctioners may be engaged by the committee on the basis of commission, fixed above-as auction

¹Added vide Notification No. 14450 dated 12.5.1988, published in the Gazette dated 13.5.1988.

²Substituted vide Notification No. 11037 dated 12-8-1998, published in the Gazette dated 21-8-1998.

[SEE AMENDMENT \(Dated : 08.05.07\)](#)

[SEE AMENDMENT \(Dated : 20.09.07 & 26.09.07\)](#)

[SEE AMENDMENT \(Noti.No.3133/Apr2008\)](#)

charges. The auction charges collected by the Katcha Arhitya in such cases shall be paid to the auctioners in the manner to the specified by the market committee].

- (2) It will not be necessary for any seller of agricultural produce to engage any of the functionaries entered under sub-clause (1) above unless he wishes to do so and no one shall be required to pay functionary who has not in fact been engaged.
- (3) No allowance or deduction subject to the Act or the Rules or charges of any kind and in any form not permitted by these bye-laws shall be charged, claimed or allowed in connection with any transaction of sale or purchase or storage or processing of agricultural produce or any act incidental to these.
- (4) A Katcha Arhitya shall recover incidental and market charges payable to different functionaries and his commission under this bye-law and shall disburse the same to different functionaries:

Provided that charges relating to palledars, filling and sewing may be paid by the buyer directly to the functionaries if such functionaries are engaged by him.

- ¹[(5) A commission Agent or Katcha Arhitya or buyer, as the same case may be, shall maintain a register in form ²[F] of these Bye-laws. Account of market and incidental charges received and paid to the labour engaged for the purpose shall be recorded in this register].
- ³[(6) Dressing, cleaning & sieving shall be done to the satisfaction of parties or Secretary, Market Committee or any official authorised by him even if more than two sieving operators have to be resorted to.
- ⁴[(7) In the categories 'D-1' of clause (1) maximum charges of two sieving operations per unit are to be allowed in case of hand driven cleaner. In case markets where cleaning is done by power driven cleaners, the maximum charges of Rs. 2.08 paise per unit for category 'D-I'. Rs. 1.26 paise per unit for category 'D-II'. Rs. 1.66 paise per unit for category 'D-III' and category 'D-IV' shall be allowed. If in the process of sieving hand cleaner, hand driven cleaner is also used before use of powers cleaner, the maximum charges of sieving shall be Rs. 2.08 paise per unit for category 'D-I' Rs. 1.26 paise per unit for category 'D-II' Rs. 1.66 paise per unit for category 'D-III' and D-IV' shall be allowed].
- ⁵[(8) The charges for stitching by machine mentioned at Sr.No. 4 (a) in category A,C, D, D-I, D-II, D-III, D-IV, E, F and Sr. No.5 (a) in category B of bye-laws 28(1) shall be maximum upto 0.75 paise per unit. The purchase agencies can also invite tenders for stitching by machine at any rate below 0.75 Paise.]

¹ Inserted vide Notification No. 3066 dated 28-01-1988, published in the Gazette dated 19.02.1988.

² Substituted vide Notification No. 34867 dated 22-12-1989, published in the Gazette dated 12.01.1999.

³ Inserted vide Notification No. Enf. 1721 dated 21.04.1993, published in the Gazette dated 30.4.1993.

⁴ Substituted vide Notification No. P.P.-1/4848 dated 21.9.2006, published in the Gazette. Published in the Gazette dated 20.10.2006.

⁵ Substituted vide Notification No. Enf 1/7667 dated 19.7.2004 published in the Gazette dated 25.2.2005.

¹[28-A Additional facilities to be provided by Arhtias

- (1) A Katcha Arhtia in Cotton Market shall keep at least one fire extinguisher. The names of cotton markets and the capacity, make or quality of the fire extinguisher shall be such as maybe specified by Secretary of the Board.
- (2) A Katcha Arhtia shall keep a dustbin at his shop to ensure Cleanliness of the platform in front of the shop. All dust, waste and garbage of the shop or the platform in front of his shop shall be deposited in the Bin. The specifications of Bin shall be given by the Secretary Board.
- (3) The agricultural produce shall not be auctioned till it is cleaned and the Katcha Arhtias shall ensure that the produce is properly cleaned. Where the produce is being sold without employment of Katcha Arhita, the proper cleanliness of the produce shall be responsibility of the seller himself.
- (4) Notwithstanding anything contained in clause (3-A) , of Bye-law 12 and with effect from such date as may be specified by the Secretary Board, a Katcha Arhtia shall provide electrical driven blowers for cleaning of sieving of agricultural produce. The power connection shall be provided by the ²[Katcha Arhtia] and the charges of electricity may be suitably shared by the Arhtias and labour in ratio as may be specified by the Secretary Board.
³[Provided that Market Committee may, with prior approval of the Secretary Board, pay the charges of electricity consumed in running of power cleaners in part or in whole for a particular period only.]
Facility for cleaning or produce also, if necessary.
- (5) With effect from the date which may be specified by the Secretary of the Board, an Arhtia or Arhtias in Combination with others shall install mechanical devices for filling, weighment, and stitching of bags. Such mechanical device may contain facility for cleaning of produce also, if necessary.
- (6) From such date as may be specified by the Secretary Board, the work of stitching of bags filled with the agricultural produces and tying of pallies in case of cotton or putting the produce in containers, shall be done by the labour of Katcha Arhtias and the Katcha Arhtias will recover the cost of labour as fixed in Bye-law 28 from the purchaser. The bags so stitched or containers so filled shall be stamped by the Katcha Arhtia by means of a stencil mark or by any other satisfactory mode to show that the produce has been handled by a particular Katcha Arhtias.
- (7) A Katcha Arhtia shall render willing co-operation in various development and projects schemes introduced for improving the agricultural marketing and will fulfill the targets, which may be fixed by the Secretary, Mandi Board, for an Arhtia or for a group of Arhtias in a particular market].
- ³[(8) The charges for stitching by machine mentioned at Sr. No. 4(a) in category A, C, D, D-I, D-II, D-III, D-IV, E, F and Sr. No. 5(a) in category B of Bye-laws 28(1)

¹ Inserted vide Notification No. 682 dated 11.4.1990 published in the Gazette dated 20.4.1990.

² Substituted vide Notification No. Enf. 1/9026 dated 18.9.2003.

³ Inserted vide Notification No. Enf. 1/31574 dated 15.10.1992 published in the Gazette dated 23.10.1992

⁴ Inserted vide Notification No. Enf. 1/7667 dated 19.7.2004.

shall be maximum upto 0.75 paise per unit. The purchase agencies can also invite tenders for stitching by machine at any rate below 0.75 paise.]

29. Supply of prescribed forms by the committee

¹[(1) All forms and registers prescribed under the rules or these bye-laws to be maintained or executed by the persons licenced shall be serially numbered and properly bounded in books of at least one hundred or multiples thereof. The Heap Register maintained for seasonal markets shall contain 25 pages.

No such form or register shall be valid for use unless first or last page of the same is signed, stamped and dated by the Secretary or any officer authorised by him in this behalf and each page of such form or register where the stamp of the committee maintained for such purpose.

That book number, serial number, name of firm, licence number and date of validity shall be written on every page of all forms and registers prescribed under the rules of these Bye-Laws to be maintained or executed by the persons licenced].

- (2) A Market Committee shall keep a record of forms and registers stamped and signed by it under sub-clause (1) in the Form 'E' annexed with these Bye-Laws.
- (3) The committee may arrange for the supply of forms if the dealers give in written to do so.
- (4) Form I, J and M books may be sold to any licensee in any number, but the licensee shall put into use only one book at a time and forms written in serially numbered order of the book.

30. Publications, notices and directions of the committee-How to be notified

- (1) Orders, publications, directions and notices to the general public shall deem to have been published when these are pasted on the notice board of the committee outside its office premises.
- (2) The committee may cause notices to be served on the persons likely to be affected by such publications, notices, directions or orders of the committee or may cause their publication in any newspaper or Government Gazette.

31. Imprest money

²[(1) The Secretary of a committee having annual income of rupees seventy lacs or above shall have the power to keep in hand a sum not exceeding rupees ³[five thousand] and in case of other committees rupees ⁴[three thousand] as imprest money and to reimburse the same weekly for the expenditure met out of it].

¹Substituted vide Notification No. 5036 dated 17.4.1995. published in the Gazette dated 28.4.1995.

²Substituted vide Notification No. 7290 dated 30.3.87. published in the Gazette dated 24.4.87.

³Substituted vide Notification No. 5086 dated 07.04.94. published in the Gazette dated 15.4.94.

⁴Substituted vide ibid.

- (2) The Secretary may require the money to be kept by the ¹[Head Clerk or Accountant or Head Clerk-cum-Accountant] of the committee who under orders and instructions of the Secretary shall keep regular accounts of all expenditure met out of it and its reimbursement in the same manner as other accounts of all committee are maintained.
- (3) Subject to provision of bye-law 31-A. The Chairman and the Secretary shall be entitled to sanction expenditure out of this amount for meeting petty expenses not exceeding ²[rupees one thousand five hundred] and ³[rupees eight hundred] respectively in one instance:

⁴[Provided that the bills of water, electricity and telephone upto rupees one thousand may be paid by the Secretary from the imprest money].

⁵[31-A Deposit of funds and operation of accounts

- (1) All money received by the Market committee shall be deposited in the banking institutions situated within its notified market area which have been or may hereafter be approved for the purpose by the Board.
- (2) All payments except from imprest shall be made by account payee cheques or crossed cheques or order cheques but not by bearer cheques.
- (3) Every cheque drawn on behalf of the committee shall be signed by the Secretary, Market committee and Accountant or Head Clerk-cum-Accountant of the Committee after the payment has been sanctioned or approved by the competent authority.
- (4) The competent authority for sanctioning of payments shall be Secretary, Market Committee in case of contribution payable to the Board, salaries of the fixed establishment as per the norm, bills of electricity, water, telephone and audit fee. ⁶[He shall also be competent to release the funds out of Market Committee funds for the works administratively approved/technically sanctioned to the Executive Engineer, P.W.D./B&R and Executive Engineer, Punjab Mandi Board]. For sanction of other expenditures the competent authority shall be Market Committee. Where the Market Committee has not yet been constituted or the Chairman or Vice-Chairman have not been elected or appointed or where the Chairman are not working the competent authority shall be the Marketing Enforcement Officer or Senior Marketing Enforcement Officer or District Mandi Officer or any other officer authorised by Secretary Board.

¹Substituted vide Notification No. 7290 dated 30.3.87, published in the Gazette dated 24.4.87.

²Substituted vide Notification No. 5086 dated 7.4.94, published in the Gazette dated 15.4.94.

³Substituted vide Notification No. 7290 dated 30.3.87, published in the Gazette dated 24.4.87.

⁴Inserted vide *ibid*.

⁵Substituted vide Notification No. 3066 dated 28.1.88, published in the Gazette dated 19.2.1988.

⁶Inserted vide Notification No. 101328 dated 13.3.1990, published in the Gazette dated 6.4.1990.

- (5) No cheque shall be drawn except against the bill which has been examined and passed by the Secretary and Accountant or Head. Clerk-cum-Accountant of the Committee.
- (6) Contribution payable by the Market Committee under sub-section (2) of section 27 of the Act would become due for each month at the close of the month and shall be paid to the Board by the Secretary of the Committee by the end of the following month. If the amount of Contribution is not so received by the Board it shall be payable with interest @ 5% per annum :-

Provided that if the contribution is not received by the Board within 90 days of its having become due, Secretary of the Board shall send a requisition to the bank where the funds of the Market Committees are kept. The bank shall thereupon transfer the amount so claimed to the account of Marketing Development Fund under intimation to the concerned Market Committee and the Secretary of the Board].

32. Propaganda against adulteration and manner of taking samples from the adulteration produce

- (1) The Committee shall take such steps to educate the general public against adulteration of agricultural produce as it may consider necessary.
- (2) The Chairman or the Secretary of the committee or any other person authorised by it in this behalf may take samples of any produce against a receipt granted for the same. No person shall refuse or otherwise obstruct in taking such samples.
- (3) The samples shall be taken in three different packages and shall be sealed in such a manner that the contents can not be removed from the package without breaking it or without removing seals from it. On demand one of such packages shall be given to the owner of the produce or the person with whom it is kept by its owner against receipt, the second shall be kept in committee's office till final decision of the case.
- (4) The samples shall be taken in the presence of the owner of the produce or if it is in the custody of any other person in presence of such a person or if nobody is present there, in the presence of any two persons.

¹[32-A Prohibition of benami transactions

No licensee shall, buy, sell, store or process any agricultural produce on behalf of any firm (or partner in the firm), dealer or person holding licence under the Act, whose licence has been cancelled or suspended during the period of such suspension or cancellation as the case may be].

33. Punishment

Whosoever contravenes the provisions of bye-laws 11, ¹[11-A], 12, 14, 15, 16, 17, 18, 27, 28, 29 and 32(2) of these bye-laws shall, on conviction, be punishable with a fine which may extend to fifty rupees.

¹Added vide Notification No. 32755 dated 13.10.87, published in the Gazette dated 23.10.1987.

34. Repeal and savings

The bye-laws framed under repealed The Patiala Agricultural Produce Market Act, 2004 B.K. and the Punjab Agricultural Produce Market Act, 1939 and the Bye-laws of Market committee, Jalandhar, published in Government Gazette, dated 31st May, 1963, are hereby repealed:

Provided that such repeal shall not effect :-

- (a) The previous operation of any bye-law so repealed or anything duly done or suffered there-under; or
- (b) Any right, privilege, obligation or liability acquired or incurred or any licence issued under any bye-law so repealed; or
- (c) Any penalty, forfeiture or punishment incurred in respect of any offence committed against any bye-law 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 bye-laws had not been passed :

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

¹Inserted vide Notification No. 7290 dated 30.3.87. published in the Gazette dated 24.4.1987.

FORM A

(See Bye-law 9 (3))

Date of meeting	Presence	Agenda	Secretary's opinion	Brief resume of discussion final resolution	Name of member voting against
1	2	3	4	5	6

Signature of Chairman

FORM B

[SEE BYE-LAW 12 (2)]

Name of the person bringing the produce with registration No. or any identification mark, if any, of the vehicle	Nature of the produce	Gross weight including weight of vehicle and packing material, if any	*[Weight of empty vehicle]	Weight of the produce excluding the weight of cart, truck or trolley	Weighment Charges received	Remarks
1	2	3	[*3-A]	4	5	6

Signature of the person
Incharge of the weighbridge
or beam scale.

*Inserted vide Notification No. PSAMB/Proj/747 dated 20.3.1985, published in the Gazette dated 12.4.1985.

FORM C
REPORT OF TEST WEIGHMENT
(See Bye-Law 13)

Name of the seller with parentage and address	Name of the katcha Arhtiya with address & licence No.	Name of buyer with address & licence No.	Name with licence No. of the weightmen, who made the weightment	Date of weightment etc.	Commodity
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1	2	3	4	5	6
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No. of units weighed	Person by whom test weighment has been made	Result of test weighment	Signature or thumb impression weighment	Signature or thumb impression of kacha Arhita or two witness, if the Arhtiya is not present	Signature of buyer or two witness if the buyer is not present	Remarks
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7	8	9	10	11	12	13
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Signature of the person making report

FORM D

(See Bye-Law 2 (1))

Sr. No.	Date of report	Name of the person complaint against with licence No. if any	Complaint as reported and the section,rule,bye-law offended	Signature of the person making report	Enquiry report of Secretary	A brief Statement of reasons in case prosecution is not instituted
1	2	3	4	5	6	7
Comments of the chairman if the prosecution is not in instituted or in case the Chairman has ordered for prosecution	If prosecuted its result or if & if compounded,the composition fee	Authority for composition & report of amount received with receipt No. and cash book page	Reasons for not taking action on complaints one month old. if any	Order of the committee,if any	Remarks	
8	9	10	11	12	13	

FORM E
[See bye-law 29(2)]

Sr. No.	Date	Name of Form	Kind of Form	Serial No. of pages	Serial No. of books
1	2	3	4	5	6

[FORM F]
[See Bye-Law II (1) -A]

Sr.No.	Date	Name & address of producer / seller /owner	Name of produce	Weight		
				Apprximate	Actual	Units
1	2	3	4	5(a)	5(b)	5(c)

Name of purchaser	Price per quintal	Labour Charges	Signature / thumb impression of labourer Weighman	Remarks
6	7	8	9	10

[FORM G]
(See Bye-Law 15)

Sr. No.	Date	Name of the produce	Weight	Rate	Total Amount	Name of the purchaser	Rate of brokerage
1	2	3	4	5	6	7	8

Amount of brokerage received from the seller	Amount of brokerage Received from the purchaser	Total brokerage	Remarks
9	10	11	12

Gate Pass
'[FORM H]

[Bye Law 11-B(2)]

Name and Address of licensee

- _____
1. Vehicle _____
(No. if any)
 2. Produce _____
 3. Units of weight _____
 4. Name of purchaser _____
 5. Destination _____

¹[FORM I]
(See Bye-Law 11-B)

Sr. no.	Date	Type of vehical with no. If any	Name and address Of seller	Commodity
1	2	3	4	5

Approx. weight or quantity or no. of units.	Name of kacha Arthtiyas with Shop no.	Remarks
5	7	8

¹Substituted vide Notification No. 34867 dated 22.12.1989 published in the Gazette dated 12.01.1990.

