

AUTHORITATIVE ENGLISH TEXT

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**THE HIMACHAL PRADESH AGRICULTURAL PRODUCE MARKETING
(PROMOTION AND FACILITATION) BILL, 2019**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

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**THE HIMACHAL PRADESH AGRICULTURAL PRODUCE MARKETING
(PROMOTION AND FACILITATION) BILL, 2019**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

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BILL

to re-enact the law to provide for geographically restriction-free trade transaction of agricultural produce across the State; to give freedom to the agriculturists to sell their produce across time and space; to enhance transparency in trade operations and price settlement mechanism through adoption of electronic and other innovative form of technology; to promote emergence of multiple channels for competitive marketing, agro-processing and agricultural export; to encourage investments in development of markets and marketing infrastructure in the State of Himachal Pradesh; and whereas it is expedient to put in place facilitative regulation, professional management and conducive policy framework therefor, and purposes connected therewith and to lay down procedures and systems thereto.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Seventieth Year of the Republic of India as follows:—

**CHAPTER-I
PRELIMINARY**

- 5 1. (1) This Act may be called The Himachal Pradesh Agricultural Produce Marketing (Promotion and Facilitation) Act, 2019. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the Rajpatra (e-Gazette), Himachal Pradesh, appoint.
2. In this Act, unless the context otherwise requires,- Definitions.
- 10 (a) “agricultural produce” means all produce and commodities, whether processed or unprocessed of

agriculture, horticulture, apiculture, sericulture, livestock and products of livestock, fleeces (raw wool) and skins of animals, forest produce and fisheries as are specified in THE SCHEDULE to this Act or declared by the Government by notification under section 3 of this Act, and also includes a mixture of two or more than two such products; 5

(b) “agriculturist” means a person who is a bonafide Himachali and owns and possesses agricultural land in Himachal Pradesh and who is engaged in production of agricultural produce by himself or by hired labour or otherwise, but does not include any market functionary; 10

(c) “aggregation centre” means aggregation centre declared as sub-market yard under section 11;

(d) “assaying lab” means a laboratory set up, as may be prescribed in the rules/bye-laws/guidelines/ instructions by the Directorate of Marketing and Inspection, Government of India, for testing of quality parameters as per the tradable parameters or grade-standards or any other parameters notified by the competent authority; 15
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(e) “Board” means the Himachal Pradesh State Agricultural Marketing Board, established by the State Government under section 66;

(f) “buyer” means a person, a firm, a company or a Cooperative Society or Government Agency, Public Undertaking, Public Agency or Corporation, commission agent, who himself or on behalf of any other person or agent buys or agrees to buy agricultural produce in the notified market area; 25

(g) “bye-laws” means subject to provisions of this Act or any rules made by the State Government under this Act, bye laws made by the Market Committee, in respect of 30

principal market yard and sub-market yard(s) under its management, for the regulation of business and conditions of trading therein;

- 5 (h) “cold storage” in relation to market yard means cold storage declared to function as sub-market yard under section 11;
- (i) “cold atmospheric storage” means cold atmospheric (CA) storage as declared under section 11 to function as sub-market yard;
- 10 (j) “collection centre” means collection centre as declared under section 11 to function as sub-market yard;
- (k) “commission agent” means a person who buys or sells agricultural produce on behalf of his principal, or facilitates buying and selling at primary and other level of transaction, on e-platform or any other mode of transaction and activities ancillary thereto, keeps it in his custody and controls it during the process of its sale or purchase, and collects payment thereof, if required, from the buyer and pays it to the seller, and receives by way of remuneration a commission or percentage upon the amount involved in such transaction;
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- (l) “delineated market area” means a geographical area notified under section 5 for the purpose of appointment or election of members of Market Committee, as the case may be; and undertaking marketing related development therein;
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- (m) “Director” means Director of Agricultural Marketing or any other officer, except Managing Director of State Agricultural Marketing Board, appointed by the State Government under section 84;
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- (n) “direct marketing” in relation to agricultural produce, means direct wholesale purchase of agricultural produce from the farmers by the processors, exporters, bulk buyers, etc. outside the market yard, private market yard under section 12; 5
- (o) “e-trading” means trading of notified agricultural produce in which registration, auctioning, billing, booking, contracting, negotiating, information exchanging, record keeping and other connected activities are done electronically on computer network/ internet; 10
- (p) “e-trading platform” means electronic platform set up by Government or its agencies or a person licensed under section 39 for conducting trading in notified agricultural produce through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting and negotiating are carried out online through computer network or internet or any other such electronic device; 15
- (q) “export” means dispatch of agricultural produce outside India; 20
- (r) “farmer-consumer market yard” means market yard established under section 10;
- (s) “Farmer-Producer Company (FPC)” means a company of farmer-producer members as registered under the Indian Companies Act, 2013; 18 to 2013
- (t) “Farmers’ Cooperative, Farmers’ Producer Organization (FPO) and Processor or Exporter” means an entity formed by primary producers, viz. farmers, milk producers, or any other legal form registered under any law in force for the purpose of this Act; 30
- (u) “Government or “State Government” means the Government of Himachal Pradesh;

- (v) “Government Agency” means Himachal Pradesh State Agricultural Marketing Board, Directorate of Agricultural Marketing and Agricultural Produce Market Committee (APMC) established and constituted under this Act;
- 5 (w) “license” means license granted for the purpose of this Act;
- (x) “licensee” means a person holding a license issued under this Act;
- 10 (y) “livestock” means cows, buffaloes, bullocks, bulls, goats and sheep, and includes poultry, fish and such other animal as specified in THE SCHEDULE;
- (z) “Local Authority” means a Municipal Corporation constituted under section 3 of the Himachal Pradesh Municipal Corporation Act, 1994 or a Municipal Council or a Nagar Panchayat constituted under section 3 of the Himachal Pradesh Municipal Act, 1994 or a Panchayat constituted under the Himachal Pradesh Panchayati Raj Act, 1994 or a Contonment Board or any other authority notified by the State Government for the purpose of this Act;
- 12 of 1994
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- (za) “Managing Director” means Managing Director of the Himachal Pradesh State Agricultural Marketing Board, except the Director of Agricultural Marketing, appointed by the State Government amongst officers from State/ Board services under section 79;
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- (zb) “Market Committee” means the Agricultural Produce Market Committee established under the provisions of this Act;
- (zc) “Marketing” in relation to agriculture produce means all activities involved in the flow of agricultural produce from production point commencing at the stage of harvest till the same reaches the ultimate consumers viz. grading,
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processing, storage, transport, channels of distribution and all other functions involved in the process;

- (zd) “market yard” in relation to delineated market area includes principal market yard and sub-market yard in such delineated market area notified by the Government, and managed and operated by the Agricultural Produce Market Committee; 5
- (ze) “market functionary” means a trader, a commission agent, buyer, hamal, processor, a stockist, and any other person as may be declared by the State Government, by notification, to be a market functionary; 10
- (zf) “National Agriculture Market (NAM)” means an integrated market, without prejudice to any law for the time being in force, where buying and selling of notified agricultural produce and activities incidental thereto, are carried out in India; 15
- (zg) “notified agricultural produce” means agricultural produce, specified in THE SCHEDULE;
- (zh) “over trading” in relation to a trader means the amount exceeding the value of the agricultural produce purchased at any point of time with regard to the amount of security deposited with or the bank guarantee he has furnished to the Market Committee; 20
- (zi) “person” includes individual, a co-operative society, Hindu Undivided Family, a company or firm or processor or an association or a body of individuals, whether incorporated or not; 25
- (zj) “petty trader” in relation to agricultural produce means a non licensee trader, who carries on purchasing or selling of notified agricultural produce in the quantity not exceeding of such quantity as may be prescribed; 30

- (zk) “place” shall include any structure, enclosure, open space, locality, street including warehouse/silos/pack house/cleaning, grading, packing and processing unit etc.;
- 5 (zl) “prescribed” means prescribed by rules, regulations and bye-laws made under this Act;
- (zm) “principal market yard” means an enclosure, building or locality declared to be a principal market yard in the delineated market area by way of notification by the State Government;
- 10 (zn) “private market yard” means a market yard established under section 9;
- (zo) “processor” in relation to agriculture produce means a person that undertakes processing of any notified agricultural produce on his own accord or on payment of a charge;
- 15 (zp) “processing unit” means a site where any one or more a series of treatments relating to cleaning, ripening, powdering, crushing, decorticating, de-husking, parboiling, polishing, ginning, pressing, curing or any other manual, mechanical, chemical or physical treatment to which raw notified agricultural produce or its product is subjected to;
- 20 (zq) “registration” means registration made under this Act;
- (zr) “regulation” means regulation made by the Board under section 107;
- 25 (zs) “retail sale” in relation to a notified agricultural produce means, a sale not exceeding such quantity as may be specified under this Act and rules made thereunder or notified by the State Government;

- (zt) “Revolving Marketing Development Fund” means a non-lapsable fund maintained by the Director under section 86;
- (zu) “rules” means rules made under this Act;
- (zv) “sale” means sale of agricultural produce within the delineated market area whether brought from within the State or from outside the State; 5
- (zw) “SCHEDULE” means THE SCHEDULE appended to this Act;
- (zx) “section” means section of this Act; 10
- (zy) “seller” means a person who sells or agrees to sell agricultural produce for consideration of price;
- (zz) “silo” means silo declared as sub-market yard under section 11;
- (zaa) “special commodity market yard” means a market yard as notified under section 8; 15
- (zab) “State” means the State of Himachal Pradesh;
- (zac) “sub-market yard” means warehouse/ silos/ cold storage/ aggregation-centre/collection-centre/cold-atmospheric storage or other such structure or place declared to be sub-market yard under section 11; 20
- (zad) “trader” means, a person who buys notified agricultural produce either for himself or as an agent of one or more persons for the purpose of selling, processing, manufacturing or for any other purpose, as the case may be, except for the purpose of domestic consumption; 25
- (zae) “year” means the market year running from 1st April of preceding year and 31st March of succeeding year;

(zaf) “warehouse” means any building, structure or other protected enclosure which is or may be used for the purpose of storage of agricultural produce declared as sub-market yard under section 11; and

5 (zag) “wholesale adhoc buyer” means a buyer registered under section 59;

CHAPTER-II ESTABLISHMENT OF MARKETS

10 **3.** (1) The Government on its own or on the representation made by the growers or on the recommendation of the Board or the Director may, subject to the condition of previous publication, by notification in the Rajpatra (e-Gazette), Himachal Pradesh, declare its intention of regulating the marketing of such agricultural produce in the State, as may be specified in the notification. Notification of intention of regulating marketing of specified agricultural produce.

15 (2) The Government may in consultation with the Panchayati Raj Institutions (PRIs) and other stakeholders, who own and operate rural periodical markets or haats or any other such markets for marketing of agricultural produce within their jurisdictional area, to bring such markets under the regulation of this Act, so as to develop these markets to efficiently function as marketing platform nearest to the farm gate.

20 **4.** Subject to the notification made under section 3 and after previous publication, the Government may declare the whole State as one unified market area specified in the said notification for the purpose of regulation of marketing of all or any of the kinds of agricultural produce. Declaration of whole State as one unified market area.

25 **Explanation.**—The area so declared shall be a single unified market area for the whole State for regulation of marketing of notified agricultural produce.

5. Subject to the provisions of sections 3 and 4, the Government may, by notification, delineate geographical area for a Market Committee as a delineated market area for undertaking developmental activities therein. Notification of delineated market area.

Alteration,
amalgamation
of delineated
market area.

6. Subject to the provisions specified in section 3 and section 5, the Government may, at any time by notification, exclude from any delineated market area, any area or include therein an additional area or split one delineated market area in two or more such areas or amalgamate two or more such areas in one delineated market area, or may exclude any notified agricultural produce from regulation or include any agricultural produce, hitherto not regulated, for regulation under this Act.

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Market yard,
private
market yard,
farmer-
consumer
market yard
and e-trading
platform.

7. (1) In the State, there may be,-

- (a) market yard(s) managed by the Market Committee;
- (b) private market yard(s) managed by a person, holding a license under this Act;
- (c) farmer-consumer market yard(s) managed by the Market Committee; and
- (d) e- trading platforms.

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(2) The Government shall, as soon as possible after the issue of notification under sections 3, 4 and 5, by a notification, declare any place in the delineated market area as market yard or farmer-consumer market yard, as the case may be, managed by a Market Committee, for the purpose of regulation of marketing of notified agricultural produce expressly or impliedly in physical, electronic or other such mode.

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(3) The Government may, by notification, declare a place, licensed under section 55, to be private market yard, private farmer-consumer market yard, as the case may be, for marketing of notified agricultural produce.

Establishment
and
notification
of special
commodity
market yard.

8. The Government may designate any market yard or farmer-consumer market yard established under section 7 as special commodity market yard or establish and notify any market yard as special commodity market yard after consideration of aspects such as throughput of particular agriculture produce and special infrastructure requirements therefor, which may includes,-

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- (a) fruits, vegetables and flowers markets, grain market including apple market, orange market and other such market;

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- (b) medicinal, floriculture and aromatic plants market;
- (c) livestock market including cattle market, fish market, poultry market and other such market; or
- (d) any other such markets.

5 **9.** (1) Subject to such conditions and such fee as may be ^{Establishment} prescribed, the Director or the officer authorized by him may grant a license ^{of private} to a person to establish a private market yard for trading of notified agricultural ^{market yard.} produce.

10 (2) The private market yard licensee, or its management committee, by whatever name it is called, may register commission agents and other market functionaries to operate in the licensed private market yard.

15 (3) The private market yard licensee, or its management committee, may collect user charges on notified agricultural produce transacted in the private market yard, at the rate not exceeding the rate as notified by the Government:

 Provided that no user charge shall be collected from agriculturist-seller.

20 (4) The private market yard licensee shall contribute, of such user charge collection and registration fee, to the Revolving Marketing Development Fund at the rate in percentage at par with Market Committee.

 (5) The private market licensee shall formulate a Standard Operating Procedure (SOP) for conduct of business and activities ancillary thereto in the licensed private market yard.

25 **10.** (1) Subject to such conditions and fee, as may be prescribed, ^{Establishment} the Director or the officer authorized by him may grant license to a person to ^{of farmer-} establish farmer-consumer market yard for marketing of specified agricultural ^{consumer} produce in retail. ^{market yard.}

30 (2) Such farmer-consumer market yard may be established by a person by developing infrastructure, as may be prescribed, and at a place accessible to both farmer(s) and consumer(s):

Provided that the consumer shall not purchase at a time more than such quantity of agriculture produce in this market, as may be prescribed.

(3) The farmer-consumer market yard licensee may collect the user charge on the sale of agriculture produce from the seller in a manner as may be prescribed:

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Provided that Government in public interest may from time to time, by notification, put ceiling on the rate of collection of user charge.

Declaration
of sub-
market
yard.

11. (1) Save as otherwise provided in this Act, the Government may, by notification declare warehouse, silos, cold storage(CS), cold atmospheric(CA) storage, collection centre, aggregation centre, or other such structure or place with infrastructure and facilities as may be prescribed, to function as sub-market yard.

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(2) The owner of such warehouse, silos, cold storage, cold atmospheric (CA) storage, collection centre or other such structure or place, as the case may be, desirous to declare such place as sub-market yard under sub-section (1), shall apply to the Director or an officer authorized by him, in such form and in such manner and such fee; and also for such period, but not less than five years, as may be prescribed.

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(3) The licensee of such warehouse, cold Storage, cold atmospheric (CA) storage, collection centre or other such structure or place, may collect user charge on notified agricultural produce transacted at the declared private sub-market yard, not exceeding the rate as notified by the Government:

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Provided that no user charge shall be collected from agriculturist-seller.

(4) A licensee of such sub-market yard shall contribute user charge collection to the Revolving Marketing Development Fund at the rate in percentage at par with Market Committee.

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Direct
marketing.

12. (1) Aggregation centres in the proximity of the production areas may be set up by a person with infrastructure in the manner as may be prescribed, for marketing of notified agricultural produce. Such person shall

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make an application for obtaining license in accordance with the provisions of section 57.

5 (2) Notwithstanding anything contained under sub-section (1), direct wholesale purchase may also be carried out outside the market yard, private market yard by declaring the place of such purchase, without establishment of any permanent aggregation centre in the manner as may be prescribed.

10 (3) Direct marketing licensee shall have to maintain records and all accounts relating to daily trade transactions and shall submit monthly report in the manner as may be prescribed, to the Licensing Authority.

(4) The Licensing Authority can seek any type of additional information from the direct marketing licensee; and can also inspect and issue direction relating to functioning of such wholesale purchases and the activities incidental thereto.

15 (5) The direct marketing licensee shall be liable to pay one-fourth of the applicable market fee on wholesale purchases made. Such licensee shall deposit the due amount towards Revolving Marketing Development Fund for the month by 7th day of the next month.

20 CHAPTER-III CONSTITUTION OF THE MARKET COMMITTEE

13. (1) The State Government shall, by notification, establish Market Committee for every delineated market area and shall specify its headquarter. Establishment of the Market Committee.

25 (2) Every Committee established under sub-section (1) shall be a body corporate, having perpetual succession and a common seal, may sue and be sued in its corporate name and competent to hold property both moveable and immovable and to lease, sell or otherwise transfer any such property which may have become vested in it and to contract and to do all other things necessary for the purposes for which it is established:

30 Provided that no Market Committee shall permanently transfer any immovable property except in pursuance of a resolution passed at its meeting

especially convened for the purpose by a majority of not less than three-fourth of the members of the Committee and with the prior approval of the Board.

Acquisition of land for the Market Committee or the Board.

14. When any land is required for the purposes of this Act, the State Government may, on the request of the Board or a Committee, as the case may be, proceed to acquire land under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and on payment by the Board or Committee, as the case may be, of the compensation awarded under that Act and of all other charges incurred by the State Government on account of the acquisition, the land shall vest in the Board or the Committee, as the case may be.

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Constitution of Market Committee.

15. (1) A Market Committee shall consist of sixteen members of whom six shall be ex-officio members and ten non-official members.

(2) Ex-officio members shall consist,-

- (a) The Deputy Commissioner *Vice Chairperson;* 15
- (b) Deputy Director of Agriculture *Member;*
- (c) Deputy Director of Horticulture *Member;*
- (d) Deputy Director of Animal Husbandry *Member;*
- (e) Divisional Forest Officer *Member; and* 20
- (f) Secretary of the Market Committee *Member Secretary.*

(3) The non-official members nominated by the State Government out of a panel, shall consist,-

- (a) eight members from amongst the agriculturists of the delineated market area; 25
- (b) one representatives of registered trader; and

- (c) one representative of the Co-operative Marketing Society or farmer producer company:

Provided that the panel shall be prepared in the manner as may be prescribed.

- 5 **16.** No person shall be eligible to become a member of the Market Committee who,- Disqualifi-
cations of
member of
the Market
Committee.
- (a) does not ordinarily reside within the State;
- (b) is below 25 years of age;
- (c) is of unsound mind; or
- 10 (d) has been declared insolvent or sentenced by a criminal court, whether within or outside Himachal Pradesh for an offence involving moral turpitude:

Provided that the disqualification under clause (d) on the ground of a sentence by a criminal court shall not apply after the expiry of four years from the date on which the sentence of such person has expired.

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- 20 **17.** Any non official member of the Market Committee may resign from his membership, in writing delivered or caused to be delivered to the Chairperson of the Market Committee, who shall acknowledge the receipt of same and the seat of such member shall become vacant on the expiry of fifteen days from the date of acknowledgement of resignation unless within such period such member withdraws his resignation in writing addressed to the Chairperson. Resignation
of the
members.

- 25 **18.** Every Market Committee shall elect from amongst its members a Chairperson: Election of
the
Chairperson
of the
Market
Committee.
- Provided that only agriculturist members of the Committee shall be eligible for election of the Chairperson.

Resignation
by the
Chairperson
and vacancy
in his
office.

19. (1) The Chairperson may resign from his office at any time in writing addressed to the Director; and the office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days he withdraws the resignation in writing addressed to the Director.

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(2) During the vacancy caused by resignation, death, removal or otherwise in the office of the Chairperson, the Vice-Chairperson, shall exercise the powers and perform the functions of the Chairperson till the Chairperson is duly appointed.

No
confidence
motion
against the
Chairperson.

20. (1) A motion of no confidence may be moved against the Chairperson at a meeting specially convened for the purpose under sub-section (2), and if the motion is passed by a majority of the total members of the Committee and not less than two-third of the members present he shall cease to be the Chairperson of the Market Committee.

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(2) For the purpose of sub-section (1) a meeting of the Market Committee shall be held in the manner, as may be prescribed within thirty days from the date of receipt of the notice of motion of no confidence. No ex-officio member of the Market Committee shall move the notice of no confidence. The ex-officio member shall not have the power to vote on no confidence motion.

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(3) The Chairperson shall not preside over the meeting, but such meeting shall be presided over by an officer, which the Director may, appoint for the purpose. However, the Chairperson shall have the right to speak and otherwise to take part in the proceedings of the meeting.

(4) If the motion of no confidence is failed or if the meeting could not be held for want of quorum, no notice of any subsequent motion of confidence shall be made until the expiry of period of six months from the date of such scheduled meeting.

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Leave of
absence to
the
Chairperson
and non-
official
members and
consequences
of absence
without
leave.

21. (1) The Chairperson, who absents himself from three consecutive meetings of the Committee, without leave of the Director, shall cease to be the Chairperson on and from the date on which such third meeting is held.

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(2) Subject to the provisions of sub-section (1), every non-official member, who absents himself from three consecutive meetings of the

committee, without leave of the Chairperson, shall cease to be the member on and from the date on which such third meeting is held.

5 (3) Leave under sub-section (1) or (2) shall not be granted for six consecutive meetings of the Market Committee. Whenever such leave in extreme exigencies is granted to the Chairperson or member, the Market Committee shall elect/nominate such eligible members to discharge the duties and functions as Chairperson and member of the Market Committee in the manner as may be prescribed.

10 22. (1) On election of the Chairperson, the outgoing Chairperson shall be deemed to be ceased to hold the office forthwith and shall hand over the charge of his office to the successor in office. Refusal to handover the charge to the new Chairperson.

15 (2) If the outgoing Chairperson fails or refuses to hand over the charge of his office, under sub section (1), the Director or any officer authorized by him in this behalf may, with the prior approval of the Government, by order in writing direct the outgoing Chairperson forthwith to hand over the charge of his office together with all records, funds and property of the Market Committee, if any, in his possession.

20 (3) If the outgoing Chairperson to whom a direction has been issued under sub-section (2) does not comply with such direction, the Director or any officer authorized in this behalf shall have the same powers as are (5 of 1908) vested in a Civil Court under the Code of Civil Procedure, 1908 while executing a decree.

25 23. (1) Where the Director is satisfied that the books and records of a Market Committee are likely to be suppressed, tampered with or destroyed, or the funds and property of a Market Committee are likely to be misappropriated or misapplied, the Director may order for seizure and taking possession of the record and property of the Market Committee. Seizure and taking possession of record and property of the Market Committee under certain conditions.

30 (2) On receipt of the Order under sub-section (1), the police officer not below the rank of Sub-Inspector of the local area shall enter and search any place where the records and property are kept or are likely to be kept and to seize them and hand over possession thereof to the Director or the person authorized by him, as the case may be, by following due procedure under law.

CHAPTER-IV
CONDUCT OF BUSINESS AND POWERS AND DUTIES OF
THE CHAIRPERSON AND THE MARKET COMMITTEE

Powers and duties of the Chairperson.	<p>24. (1) Without prejudice to the powers conferred under any other provision of this Act, the Chairperson of the Market Committee shall be supervising officer of the Market Committee.</p> <p>(2) The Chairperson shall preside over the meetings of the Market Committee and the sub-committees and conduct business of such meetings.</p>	5
Meeting of the Market Committee.	<p>25. A Market Committee shall meet with prior notice of seven days to all members for the transaction of its business, atleast once in every month on such date and at such time, as the Chairperson may determine:</p> <p style="padding-left: 40px;">Provided that the Market Committee may, in special circumstances, meet at any time and at any place in the delineated market area, as may be prescribed.</p>	10
Quorum and procedure at meeting.	<p>26. One-third of the total number of members of Market Committee shall form a quorum for transacting the business at a meeting of the Committee. The procedure of the meeting will be such, as may be prescribed.</p>	15
Powers and duties of the Market Committee.	<p>27. (1) Subject to the provisions of this Act, it shall be the duty of the Market Committee,-</p> <p>(a) to implement the provisions of this Act, the rules and the bye-laws made there-under in the market yard(s) in delineated market area;</p> <p>(b) to provide such facilities for marketing of notified agricultural produce therein as the Director or the Managing Director or the Government may from time to time direct;</p> <p>(c) to perform such other acts as may be required in relation to the superintendence, direction and control of market yard for facilitating marketing of notified agricultural produce therein, and for the purposes connected with the matters aforesaid; and</p>	20 25

(d) to do all such other acts to bring about complete transparency in pricing system and transactions taking place in the market yard(s).

5 (2) Without prejudice to the generality of the forgoing provisions, Market Committee shall,-

(a) maintain and manage the market yard(s) within the delineated market area;

10 (b) provide the necessary facilities for the marketing of notified agricultural produce within the market yard(s) in the delineated market area;

(c) grant or renew a license to market functionaries, except traders;

(d) suspend or cancel license granted or renewed to market functionaries, except traders, and supervise the conduct of the market functionaries and enforce conditions of license;

15 (e) regulate or supervise the auction, including e-auction of notified agricultural produce in accordance with the provision and procedure prescribed under the rules or bye-laws of the Market Committee;

20 (f) regulate the making, carrying out and enforcement or cancellation of agreements of sales, weighment, delivery, payment and all other matters relating to the market of notified agricultural produce in the manner as prescribed;

25 (g) provide for the settlement of all disputes between the seller and the buyer arising out on any kind of transaction, including online transaction, connected with the marketing of notified agricultural produce and all matters ancillary thereto as may be prescribed;

30 (h) promote public private partnership for carrying out extension activities in its delineated market area viz., collection, maintenance and dissemination of information in respect of production, sale, storage, processing, prices and movement of notified agricultural produce;

- (i) take measures for the prevention of purchases and sales below the minimum support prices as fixed by the Government from time to time;
- (j) levy, take, recover and receive rates, charges, fees, developmental cess, user charges and other sums of money to which the Market Committee is entitled; 5
- (k) employ the necessary number of officers and servants for the efficient implementation of the provisions of this Act, the rules and the bye-laws;
- (l) prosecute persons for violating the provisions of this Act, the rules and the bye-laws and compound such offences; 10
- (m) possess land and any moveable or immovable property for the purpose of efficiently carrying out its duties;
- (n) impose penalties on persons who contravenes the provisions of this Act, the rules or the bye-laws or the orders or directions issued under this Act; 15
- (o) institute or defend any suit, prosecution, action, proceeding, application or arbitration and compromise such suit, action proceeding, application or arbitration;
- (p) handle the issues relating to pay, pension, advances, loan, allowances, gratuities, contribution towards leave allowance, provident Fund of the officers and staff employed by the Market Committee in the manner as may be prescribed; 20
- (q) administer Market Committee Fund and maintain the account thereof in the manner as may be prescribed; 25
- (r) carry out publicity about the benefits of regulation, the system of transaction, facilities provided in the market yard(s) through such means as poster, pamphlets, hoardings, cinema slides, film shows, group meetings, electronic media etc., or through any other means considered more effective or necessary; and 30

- (s) ensure payment in respect of transactions which take place in the market yard(s) or at e-trading platforms to be made on the same day to the seller or by next day.

(3) Without prejudice to the generality of the forgoing provisions,
5 Market Committee may,-

- (a) take all possible steps to prevent adulteration of notified agricultural produce;
- (b) set up and promote Public Private Partnership in management of the agricultural markets;
- 10 (c) promote linking of consumers to farmers or their groups through appropriate digital technology;
- (d) regulate the entry of persons and vehicles, traffic into the market yard(s);
- 15 (e) inspect and verify scales, weights and measures in use in a market yard and also the books of accounts and other documents maintained by the market functionaries in such manner as may be prescribed;
- (f) arrange to obtain fitness (health) certificate from veterinary doctor in respect of animals, cattle, birds etc., which are bought or sold in the market yard(s);
- 20 (g) recover the charges in respect of weighmen and hammals (loaders) and distribute the same to weighmen and hammals (loaders or un-loaders) if not paid by the purchaser or seller as the case may be;
- 25 (h) collect and maintain information in respect of production, sale, storage, processing, prices and movement of notified agricultural produce and disseminate such information as directed by the Director or Managing Director or the Government; and
- 30 (i) reasonably act in the manner that traders do not hoard the agricultural produce and market functionaries may not form

any cartel to jeopardize the interest of agriculturist –sellers or defeat spirit of trade or discourage the fair price discovery.

(4) With the prior sanction of the Board, the Market Committee may undertake, –

(a) construction of internal, connecting roads, godowns and other infrastructure in the market yard(s) and delineated market area to facilitate marketing of agricultural produce and for the purpose, give grant or advance funds to the Board, or any other Department or undertaking of the State Government or any other agency authorized by the Government; 5
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(b) maintenance of stocks of fertilizer, pesticides, improved seeds, agricultural equipments, inputs for sale and establish Soil Testing Laboratories; and

(c) to provide on rent storage facilities for stocking of agricultural produce to agriculturists. 15

(5) In order to promote and encourage e-trading, Market Committee may establish regulatory system, create infrastructure and undertake other activities and steps needed thereto.

(6) Market Committee may establish or allow to be established third party assaying or testing labs and therefore, constitute a sub-committee in the manner as may be prescribed, to promote assaying, grading and activities and services incidental thereto. 20

Constitution of sub-committee and delegation of powers.

28. Subject to such conditions and restrictions as may be prescribed, the Market Committee may constitute one or more sub-committees consisting of such members of the committee, as it may think fit, for the performance of any of its duties or functions, as it may think fit to assign. 25

Power to borrow.

29. (1) The Market Committee may, with the previous sanction of the Director, raise money from banks, financial institutions or issue debentures required for carrying out the purpose for which it is established

on the security of any property vested in it and of any fees or user charge leviable by it under this Act.

5 (2) The Market Committee may, for the purpose of meeting the initial expenditure on lands, building, staff and equipments required for establishing the market, obtain a loan or secure grant from the Government or the Board or other financial institutions.

10 (3) The conditions subject to which money or loan or grant under sub-section (2) shall be raised or obtained and the time within which the same shall be repayable shall be subject to the previous sanction of the Director.

15 **30.** The Market Committee may write off any fee or user charge or amount whatsoever due to it, whether under a contract or otherwise, or any amount payable in addition therewith if in its opinion such a fee or user charge or an amount is irrecoverable: Power to write off irrecoverable fee etc.

Provided that the Market Committee shall, before writing off any such fee or user charge, or amount obtain the sanction of the Director, if the fee or amount exceeds rupees twenty five thousand.

20 **31. (1)** Any officer or official of the Market Committee, empowered by the Director in this behalf, shall have power to remove any encroachment, illegal occupation or illegal possession of any movable or immovable property in a space in the market yard (s) and the expenses of such removal shall be paid by the person who has caused the said encroachment and shall be recovered in the same manner as arrears of land revenue. Power to remove encroachment on market yard.

25 (2) The existence of encroachment in the market yard(s) will be treated as misconduct of Committee, if it does not resolve to remove it; and it will be misconduct on the part of the Chairperson and the Secretary, if they fail to remove it even after the resolution of the committee.

30 (3) Any officer or official of the Committee empowered under sub section (1) or any officer of the Board empowered by the State Government, by notification, in this behalf shall have the power to remove any encroachment

over the property owned by the Committee or the Board including the market yard(s), and the expenses of such removal shall be paid by the encroacher, if he fails to pay such expenses, the same shall be recovered in the same manner as arrears of land revenue.

(4) All Police Officers and Revenue Authorities shall be bound to assist the officers empowered under sub-section (1), when required, in the performance of their duties under this Act, and for that purpose, shall have the same powers, which they have in the discharge of their duties in ordinary course. 5

(5) If any officer or official of the Board or the Committee empowered under sub-sections (1) and (4) fails to remove the encroachment, he shall be subjected to disciplinary action or prosecution as per gravity of dereliction. 10

Use of weighing instruments, weight and measure, their inspection.

32. (1) Only electronic weighing instruments which also satisfy the requirements of such weights and measures as are prescribed by the Himachal Pradesh Weights and Measures (Enforcement) Act, 1968 and rules made thereunder shall be used for weighing or measuring agricultural produce as required, in the market yard (s), private market yard (s) and farmer – consumer market yard(s): 15
23 of 1968

Provided that in transactions of sale and purchase of agricultural produce, electronic balance shall preferably be used. 20

(2) Weighing instruments, weights and measures kept by the Market Committee under this section may at any time be inspected, examined and checked by the Director or the Managing Director or any other authorized officer. 25

Mode of making contract.

33. Every contract or agreement entered into by a Market Committee for the purchase, sale, lease, mortgage or other transfer of immovable property shall, in writing, be executed on behalf of Market Committee jointly by its Chairperson and the Secretary, with the sanction of the Market Committee in the manner as may be prescribed. 30

34. No act of Market Committee or of any sub-committee thereof or of any person acting as a member, Chairperson, presiding authority or the Secretary of the Market Committee shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such Market Committee, sub-committee, members, Chairperson, presiding authority or the Secretary or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Committee or of the sub-committee was not given duly or by reason of such act having been done during the period of any vacancy in the office of the Chairperson, or the Secretary or member of such Committee or sub-committee or for any other infirmity not affecting the merits of the case.

Act of the
Market
Committee
etc. not to be
invalidated.

CHAPTER-V STAFF OF THE MARKET COMMITTEE

35. Every Market Committee shall have a Secretary, who shall be the chief executive officer of the Market Committee administering market yard(s) and custodian of all records and properties of the market yard(s) in the delineated market area:

Secretary of
the Market
Committee.

Provided that the Secretary should be atleast graduate in agriculture or horticulture or agricultural economics or marketing or agribusiness and should also have undergone minimum three months in-service training or such training undertaken after recruitment:

Provided further that the Director may appoint Secretary in the manner as may be prescribed.

36. The Secretary shall exercise and perform the following powers, functions and duties in addition to such other duties as may be specified in this Act, the rules or bye-laws, namely,-

Powers,
functions
and duties
of the
Secretary.

- (a) to convene the meetings of the Market Committee and of the sub-committee(s), if any, and maintain minutes of the proceedings thereof;

- (b) to attend the meetings of the Market Committee and of every sub-committee and take part in the discussions but shall not move any resolution or vote at any such meeting;
- (c) to take action to give effect to the resolution of the committee and of the sub-committees, and report about all actions taken in pursuance of such resolution to the Committee as soon as possible; 5
- (d) to prepare the budget proposal;
- (e) to furnish to the Market Committee such returns, statements, estimates, statistics and reports as the Market Committee may from time to time require, including reports regarding,- 10
 - (i) fines and penalties levied on and any disciplinary action taken against the members of the staff and the market functionaries and others;
 - (ii) over-trading by any trader; 15
 - (iii) contravention of the provisions of the Act, the rules, the bye-laws, the standing orders by any person;
 - (iv) suspension or cancellation of license by the Chairperson or the Director; and
 - (v) administration of the Market Committee and the regulation of the marketing in the market yard(s); and 20
- (f) to produce before the Market Committee such documents, books, registers and the likes as may be necessary for the transaction of the business of the committee or the sub-committee, and also whenever called upon by the Market Committee to do so; 25
- (g) to exercise supervision and control over the acts of all officers and staff of the Market Committee;

- (h) to collect fees or user charge and other money leviable by or due to the Market Committee;
- (i) to be responsible for all money credited to or received on behalf of the Market Committee;
- 5 (j) to make disbursements of all money lawfully payable by the Market Committee;
- (k) to report to the Chairperson and the Director as soon as possible in respect of fraud, embezzlement, theft or loss of Market Committee Fund or property; and
- 10 (l) to prefer complaints in respect of prosecutions to be launched on behalf of the Market Committee and conduct proceedings, civil or criminal, on behalf of the Market Committee.

15 **37.** The Director with prior approval of the Government may, with such qualification as may be prescribed, appoint an Accountant, who shall be responsible for maintenance of books of accounts of the Market Committee and assist the Secretary in discharge of his duties and perform such duties as may be delegated to him by the Market Committee or the Secretary.

20 **38.** (1) Every Market Committee with the prior approval of the Director may appoint such other officers and officials as may be necessary and proper for the efficient discharge of its duties:

Provided that no post shall be created save with the prior sanction of the Government.

25 (2) Subject to provisions in this Act or rules, the Marketing Board may make bye-laws or service regulations for regulating the appointment, pay, leave, allowances, gratuity, pension, contribution to provident funds and other conditions of service of officers and officials appointed under subsection (1).

30 (3) Notwithstanding anything contained in this Act or rules or bye-laws made thereunder, the Managing Director may, transfer on deputation any officer or servant of any Market Committee carrying a maximum scale of pay as prescribed to any other Market Committee within the State.

CHAPTER-VI
E-TRADING

Establishment
of e-trading
platform.

39. (1) No person shall establish and run any e-trading platform for trading in notified agricultural produce without obtaining a license under this Act.

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(2) Save as provided in sub-section (1), the Government or its agencies may, however, establish and run e-trading platform for trading in notified agricultural produce, as may be prescribed.

Grant or
renewal of
license to
establish
e-trading
platform.

40. (1) Any person desirous of establishing an e-trading platform shall apply to the Director or the officer authorized by him in such form and manner along with such fee and security or bank guarantee and fulfilling such conditions, as may be prescribed.

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(2) The application received under sub-section (1) for grant or renewal of license may be accepted or rejected for the reasons to be recorded in writing by the Licensing Authority.

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(3) The e-trading platform managed and operated by a person or Government or its agencies, as the case may be, shall provide all infrastructures and services connected to e-trading, as may be prescribed:

Provided that no commission shall be collected from agriculturist.

(4) The licensee or its management committee, may collect user charge on sale transaction of notified agricultural produce on the e-trading platform:

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Provided that no user charge shall be collected from agriculturist:

Provided further that Government in public interest may from time to time, by notification, put ceiling on the rate of collection of user charge.

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(5) The e-trading platform licensee shall contribute, of such user charge collection, to the Revolving Marketing Development Fund at the rate in percentage at par with the Market Committee.

5 **41.** (1) Notwithstanding anything contained in this Act, payment of notified agricultural produce traded on e-trading platform shall be made on same day to the seller or by next day. In procedural exigencies on e-trading platform the payment to the seller may be made in the manner as may be prescribed.

Payment to the sellers and maintenance of accounts.

(2) The licensee or Market Committee, as the case may be, shall maintain accounts of all the transactions taken place on e-trading platform and submit such periodical reports and returns to the Director or the authorized officer, at such time and in such forms, as may be specified from time to time.

10 **42.** The Director may, for the reasons to be recorded, specifying the breach of any provision of Act, rules and the bye-laws made thereunder, instructions and orders, suspend or cancel the license under this chapter by passing a speaking order:

Suspension or cancellation of license of e-trading platform.

15 Provided that no order for suspension or cancellation of license shall be passed without giving a reasonable opportunity of being heard to such licensee.

20 **43.** Any dispute arising between licensees of e-trading platforms, or between the licensees and Market Committee shall be resolved by the Director or the officer authorized by him, in summary manner within thirty days, after giving the parties reasonable opportunity of being heard.

Dispute settlement with regard to e-trading.

25 **44.** In case of any dispute with regard to intra-State transaction on e-trading platform, the redressal thereof shall be done at the level of Management Committee of the licensee or the Market Committee, as the case may be, through a process of conciliation and arbitration, or otherwise within seven working days and in case of perishables it shall be within three working days. The Management Committee or Market Committee, as the case may be, shall dispose of the matter by issuing speaking order.

Dispute settlement with regard to intra State trade transaction.

30 **45.** In case of any dispute arising out of inter-State trade transaction on e-trading platform or any other such platform, the Government can subscribe to become part of such Authority, which may be constituted by the State Government under the existing law.

Dispute settlement with regard to inter-State trade transaction.

CHAPTER-VII
REGULATION OF TRADING

Sale
transaction
of notified
agricultural
produce.

46. (1) All notified agricultural produce shall ordinarily be sold in the market yard(s), private market yards and e- trading platforms under this Act:

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Provided that the notified agricultural produce may be sold at other places of license holder under this Act:

Provided further that the provision of this sub-section shall not apply on purchasing or selling of livestock not exceeding such value as may be prescribed.

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(2) In relation to agricultural produce, nothing in the sub-section (1) shall apply to the following sale and purchase where,—

- (a) sale is made by the producer himself to any person for his domestic consumption in quantity up to the limits as may be prescribed;
- (b) brought for sale by head load;
- (c) purchase and sale is made by a petty trader;
- (d) purchase is made by an authorized fair price shop dealer from the Food Corporation of India or any other agency or institution authorized by the Central or State Government for distribution of essential commodities through the public distribution system; and
- (e) the transfer of such agricultural produce to a co-operative society for the purpose of securing an advance there from.

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(3) The price of the notified agricultural produce brought for sale into the market yard(s) and private market yard(s) shall be settled by tendering bid or open auction including e-auction or any other transparent system of negotiation. No deduction shall be made from the seller.

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(4) Weighment or measurement or counting of all the notified agricultural produce so purchased shall be done by such a person and such method in the manner as may be prescribed.

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5 **47.** (1) Except in the commercial transaction between two traders, ^{Terms and procedure of buying and selling.} any other person who buys notified agricultural produce in the market yard(s) shall execute an agreement in triplicate in such form and manner, as may be prescribed, in favour of the seller. Each copy of the agreement shall be kept by the buyer, seller and the Market Committee respectively.

10 (2) (a) The price of the notified agricultural produce transacted in the market yard(s), private market yard(s) or at e-trading platform(s) shall be paid on the same day to the seller or by next day. Payment on notified agricultural produce shall also be made to agriculturist-seller, if sold to the direct marketing licensee, on the same day.

15 (b) In case buyer does not make payment under clause (a), he shall be liable to make additional payment at the rate of one percent per day of the total price of the agricultural produce to the seller not more than a period of five days.

20 (c) In case the buyer does not make payment with additional payment to the seller under clause (a) and (b) above, within five days from the day of such purchase, his license shall be deemed to have been cancelled on the sixth day and he shall not be granted any license or permitted to operate under this Act for a period of one year from the date of such cancellation.

25 (3) The Commission agent may recover his commission from his principal trader at the rate not exceeding five percent *ad valorem* on transacted agriculture produce, including all expenses as may be incurred by him in storage of the produce and other services rendered by him:

Provided that no commission shall be collected from farmer-seller.

30 **48.** (1) The Market Committee shall levy and collect market fee ^{Levy of market fee.} from buyer in respect of notified agricultural produce bought in the market yard(s) either brought from outside the State or from within the State at such rate as may be notified but not exceeding two percent *ad valorem* on

transacted produce in case of non-perishable agricultural produce and not exceeding one percent *ad valorem* in case of perishable agricultural produce:

Provided that market fee specified under this section shall not be levied for the second time, in whatever name it is called, i.e. cess, user charge or service charge etc., in any market yard, private market yard or e- trading platform within the State: 5

Provided further that the evidence to the effect that the market fee at applicable rate has already been paid on that notified agricultural produce in any market yard or private market yard or e-trading platform within the State, has to be furnished by the person concerned: 10

Provided further that if any person is found to have been carrying the agricultural produce beyond threshold limit as may be prescribed without payment of market fee for the purpose of sale within or from outside to delineated market area, it shall be deemed to have been purchased or sold within the delineated market area. In that event the market fee shall be levied and recovered two times of the market value of the notified agricultural produce whether processed or unprocessed: 15

Provided further that in case of commercial transactions between traders, the market fee shall be collected and paid by the seller trader:

Provided further that in case buyer is not licensee and seller is farmer, the liability of payment of market fee shall be of commission agent, who will collect the market fee from buyer and deposit to the Market Committee in the manner as may be prescribed. 20

(2) The Market Committee may levy and collect entrance fee on vehicles which may enter into market yard(s) at such rate as may be specified: 25

Provided that no such fee shall be levied and collected from agriculturist–sellers.

49. (1) Notwithstanding anything contained in this Act, the Market Committee may allow trade even in those item(s) of the agricultural produce which are not notified for regulation under the Act. Levy of user charge by the Market Committee.

5 (2) The Market Committee may collect user charges, as specified in bye-laws, for allowing trade as provided under sub-section (1) at the rate not exceeding two percent *ad valorem* in case of non-perishables and not exceeding one percent *ad valorem* in case of perishable agricultural produce.

10 **50.** The State Government may, by notification and subject to such conditions and restrictions, if any, as may be specified therein, exempt in whole or in part any agricultural produce brought for sale, bought or sold in the market yard(s) specified in such notification, from the payment of market fee for such period as may be specified therein. Any notification issued under this section may be rescinded before the expiry of the period for which it was to have remained in force, and on such rescission such notification shall cease to be in force. Power to grant exemption from market fee.

15 **51.** (1) Subject to the provisions of this Act and rules made thereunder, every person who, in respect of notified agricultural produce, desires to operate in the market yard as commission agent, weighman, measurer, hammal (loader-unloader) or such other market functionary, except trader, shall apply to the Market Committee for grant or renewal of license in such form and such manner as may be prescribed. Grant or renewal of license to market functionaries other than traders.

20 (2) The Market Committee or its Chairperson, if so authorized by the Market Committee may, on an application made under sub-section (1) and after making such inquiries as it deemed fit, grant or renew the license, or may refuse to grant or renew any such license on following reasons,-

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- (a) the applicant is minor or not bonafide;
 - (b) the applicant has been declared defaulter under the Act or rules or bye-laws made thereunder;
 - (c) the applicant has been found guilty under the Act;
 - 30 (d) any dues relating to Market Committee, Board, department or Directorate of Agricultural Marketing are outstanding against the applicant; and
 - (e) any other reason(s), as may be prescribed.

(3) The Market Committee or its Chairperson, if so authorized under sub-section (2) shall dispose of the application received under sub-section (1) within twenty days from such date when application is complete in all respects.

Explanation.—The Market Committee shall, on scrutiny of application and the documents annexed therewith within five working days from the date of its receipt; grant or renew the license, as the case may be, within twenty working days from such date when application is found complete in all respects; or may, after recording the reason (s) in writing therefor, refuse to do so.

(4) On expiry of a period of twenty working days as specified under sub-section (3), if the application has not been disposed of, it shall be deemed that license has been granted or renewed, as the case may be.

(5) The Market Committee or its Chairperson, if so authorized may, for reasons to be recorded, specifying the breach of any provision of Act, rules, bye-laws, instructions or orders, suspend or cancel the license by passing a speaking order:

Provided that no order for suspension or cancellation of license shall be passed without giving a reasonable opportunity of being heard.

Grant or renewal of unified single trading license.

52. (1) There shall be a single license applicable to the whole of the State, for the trader to be granted or renewed by the Director or the officer authorized by him in such manner and in such form, as may be prescribed, to operate as trader in any market yard, private market yard, farmers-consumer market yard and e-trading platform or any other space identified for the purpose, in the State. The existing traders' license granted by the Market Committees shall be converted into State wide single trader license by the Director or the officer authorized by him, within six months from the date of commencement of this Act. Until then, the existing traders' license granted by the Market Committees shall be deemed to have been the State wide single traders' license.

Explanation.—Private market licensee or other such licensee or its Management Committee may register the unified single trading license holder

issued by Director or the officer authorized by him, to allow to operate in such market yards.

5 (2) Any person desirous of obtaining or renewing a license under sub-section (1) as trader, shall apply to the Director or the officer authorized by him in such form with fee, as may be prescribed.

(3) Subject to the provisions of this Act and the rules made in this behalf, the Director or the officer authorized by him, on application under sub-section (2), after making such inquiries as deemed fit, may grant or renew the license in the form and for such a period, as may be prescribed:

10 Provided that notwithstanding anything contained in this Act and the rules, there shall be no consideration of domicile, compulsory requirement of purchase or collection centre and minimal quantity for grant or renew of such license.

15 (4) The license issued by the Director or the officer authorized by him under this section shall bear Unicode, as may be prescribed.

53. (1) The Director or the officer authorized by him may, after such inquiry as he deems fit to make and after giving reasonable opportunity of being heard to the licensee under section 52 suspend or cancel the license issued on any of the following ground(s),-

20 (a) that the license has been obtained through willful misrepresentation or fraud;

25 (b) that the licensee himself or in collusion with other licensee(s) commits any act or abstains from carrying on his normal business in the market with intention to willfully obstruct, suspend or stop the marketing of notified agricultural produce in any type of market and in consequence whereof, the marketing of notified agricultural produce has been obstructed, suspended or stopped;

30 (c) that the licensee is found to have contravened any of the provisions of this Act or the rules or bye-laws;

Suspension
or
cancellation
of unified
single
trading
license.

- (d) that the licensee has been convicted of an offence punishable under this Act or rules or regulations;
- (e) that the licensee has become insolvent; or
- (f) that the licensee incurs any disqualification on grounds as may be prescribed. 5

(2) On suspension or cancellation of license under this section, the holder of such license shall forthwith produce the same in the office of the Director or the officer authorized for being endorsed in the in the manner as may be prescribed and shall not be entitled to any claim on account of such suspension or cancellation any compensation or refund of the whole or any part of the license fee or any of the other money. 10

Recognition of unified single trading license for inter-state trade.

54. (1) Notwithstanding anything contained in this Act, the State may allow the holder of unified single trading license bearing Unicode, issued by any other State or Union Territory to undertake trade transaction within its geographical jurisdiction on e-trading platform or any other format including physical market that may be in operation, as trader, as may be prescribed. 15

(2) Such licensee shall be liable to pay the market fee and other marketing charges at the rate applicable in the State, where trade transaction has taken place, in the manner as may be prescribed.

(3) In case of contravention of any of the provisions of this Act, rules, bye-laws, instructions or orders, the Director or Market Committee, as the case may be; shall after giving an opportunity to be heard, blacklist such licensee for trading purpose for a certain period or forever based on the gravity of breach or violation of provisions of this Act, rules, bye-laws, instructions or orders. 20
25

(4) The Director or the Market Committee of the respective jurisdiction, wherein the contravention occurs, may simultaneously submit a proposal detailing the type and nature of contravention with evidence, to the concerned license issuing State Authority for taking further appropriate action against the contravener. 30

5 **55.** (1) Any person desirous to establish private market yard or farmer-consumer market yard or sub-market yard declared under sections 9, 10 or 11 respectively, shall apply to the Director or the officer authorized by him for grant or renewal of license, as the case may be, in such form and in such manner; and also for such period but not less than five years, as may be prescribed.

Grant or renewal of license for private market yard, farmer-consumer market yard.

(2) An application received under sub-section (1) for grant or renewal of license may be accepted or rejected after inquiry for the reasons recorded in writing by the Licensing Authority:

10 Provided that the application received under this section shall be liable to be rejected on the condition(s),-

- (a) that, the applicant is a minor or not bonafide;
- (b) that, the applicant has been declared defaulter under this Act, rules or bye-laws;
- 15 (c) that, any dues relating to Market Committee or Board or Department or Directorate of Agricultural Marketing are outstanding against the applicant;
- (d) that, the concerned authority is satisfied that the applicant does not possess the infrastructure credentials, experience or adequate capital for investment or any other requirements as may be prescribed for establishment of a private market yard or farmer-consumer market yard; and
- 20 (e) for any other reasons, as may be prescribed.

25 (3) The license granted or renewed under this section shall be subject to such terms and conditions, as may be prescribed; and the licensee shall be bound to follow the terms and conditions of the license as prescribed.

56. (1) Subject to the provisions of section 55, the Licensing Authority may for the reasons to be communicated to the license holder in writing, suspend or cancel the license, if,-

Suspension or cancellation of license.

- 30 (a) the license has been obtained through willful misrepresentation or fraud;

- (b) the holder of license or its representative or anyone acting on his behalf with his expressed or implied permission, commits a breach of any of the rules, regulations and terms or conditions of license;
- (c) the holder of license himself or in combination with other license holder commits any act or abstains from carrying on his normal business in the market area with the intention of willfully obstructing, suspending or stopping the marketing of notified agricultural produce; 5
- (d) the holder of the license has become insolvent; 10
- (e) the holder of the license incurs any disqualification, as may be prescribed; or
- (f) the holder of the license is convicted of any offence under this Act.

(2) No license shall be suspended or cancelled under this section without giving a reasonable opportunity of being heard to its holder. 15

(3) The Licensing Authority shall communicate to the license holder by passing speaking order to suspend or cancel the license.

Grant or
renewal of
license for
direct
marketing.

57. (1) Any person including a Farmers' Co-operative, Farmers' Producer organization (FPO), Processor or Exporter, desires to purchase agricultural produce directly from farmers outside the market yard(s), private market yard shall apply to the Director or the officer authorized by him for grant or renewal of license, as the case may be, in such form and in such manner; and also for such period, as may be prescribed. 20

(2) An application for direct marketing shall accompany such license fee and security or bank guarantee, as may be prescribed. 25

(3) The application received under sub section (1) for grant or renewal of license may be accepted or rejected in the cause and manner *mutatis mutandis* to sub-section (2) of section 55.

(4) A direct marketing license granted or renewed under this section shall be subject to such terms and conditions, as may be prescribed; and the licensee shall be bound to follow the same. The licensee shall also follow the provisions of this Act and rules made thereunder.

5 **58.** Subject to the provisions of section 12, the Licensing Authority, who has issued the license, may suspend or cancel the license granted or renewed under section 57 in the cause and manner *mutatis mutandis* to section 56. Suspension or cancellation of direct marketing license.

10 **59.** Any person desirous of wholesale buying either from the market-yard or from outside the market-yard, on day to day basis for own consumption even without valid license granted under section 57, may register with the concerned Market Committee, in the form and in the manner, as may be prescribed and,- Registration of wholesale ad-hoc buyer.

15 (a) such buyer will specify the place and day of purchase while making the registration; or afterward before purchase; and

20 (b) in case of such buying undertaken in the market yard, the buyer shall be liable to pay Market fee at the applicable rate to the Market Committee and on buying undertaken outside the market yard, the buyer shall pay three-fourth of the applicable market fee to the Market Committee:

Provided that such wholesale purchases cannot be made more than three times in a month across the State.

25 **60.** Any dispute arising amongst the licensees of private market yard, farmer-consumer market yard, sub-market yard and direct marketing, or between licensee (s) and Market Committee (s) may be resolved by the Director or the officer authorized by him, in a summary manner within thirty days, after giving the parties a reasonable opportunity of being heard. Dispute settlement with regard to market yards.

30 **61.** (1) Any person aggrieved by the order of the Market Committee or Management Committee of private market yard, farmer-consumer market yard, market sub-yard, e-trading platform may prefer an Appeal.

appeal to the Director or the officer authorized by him within thirty days from the date of receipt of such order, in such form and manner as may be prescribed. The Appellate Authority shall dispose of the appeal within thirty days, after giving the parties a reasonable opportunity of being heard.

(2) Any person aggrieved by the order of the Director or the officer authorized by him, may prefer an appeal to the Government or the officer duly authorized, within thirty days from the date of receipt of such order in the form and manner as may be prescribed. The Appellate Authority shall dispose of the appeal within thirty days, after giving the parties a reasonable opportunity of being heard.

(3) The Appellate Authority, if it considers necessary so to do, grant a stay on the order appealed against for such period as it may deem fit, but not exceeding the period of disposal of appeal as provided in sub-section (2).

(4) The order passed in the appeal by the Appellate Authority under this section shall be final and binding on all parties. Such order issued by the Appellate Authority shall have the force of the decree of a Civil Court and shall be enforceable as such.

Bar on jurisdiction of the Civil Courts.

62. (1) No Civil Court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with.

(2) No court shall take cognizance of an offence under this Chapter, except upon a complaint by the Director or by any other Officer authorized by him in this behalf.

**CHAPTER-VIII
BUDGET AND MARKET COMMITTEE FUND**

Preparation and sanction of budget.

63. (1) Every Committee shall prepare and pass the budget of its income and expenditure for the ensuing year in such manner and in such form and within such period as may be prescribed and shall submit it to the Managing Director of the Board, who shall place the same before the Board for approval. The Board shall approve the budget with or without modification within one month from the date of receipt thereof.

(2) A Committee at any time during the year for which any budget has been sanctioned, cause a revised or supplementary budget to be passed and sanction in the same manner as if it were an original budget.

5 (3) No expenditure shall be incurred by a Market Committee on any item if there is no provision in the sanctioned budget thereof unless it can be met by re-appropriation from saving under any other head. The sanction for re-appropriation may be obtained from the Managing Director provided that in case of re-appropriation from minor heads under one major head, sanction for re-appropriation will not be required.

10 (4) The Board while according sanction for construction work may at its discretion, direct that the execution of the works shall be entrusted to its in House Engineering Cell as per their capacity or the Public Works Department of the Government or any other agency authorized by the Government for this purpose.

15 **64.** (1) Save as provided in sub-section (2) all moneys received by a Market Committee shall be paid into a fund to be called the Market Committee Fund and all expenditure incurred by the Market Committee under or for the purposes of this Act shall be defrayed out of the said fund. Any surplus remaining with the Market Committee after such expenditure has
20 been met, shall be invested in such manner as may be prescribed.

(2) Any money received by the Market Committee by way of arbitration fee or as security for costs in arbitration proceedings relating to disputes or any money received by the Committee by way of security deposit, contribution to provident fund or for payment in respect of any notified
25 agricultural produce, or charges payable to market functionaries as required and such other money received by the Market Committee may be provided in the rules or bye-laws, shall not form part of Market Committee Fund, and shall be kept in such manner as may be prescribed.

30 (3) Save as otherwise provided in this Act, the amount to the credit of the Market Committee Fund and also other money received by the Market Committee shall be kept in a Scheduled Nationalized Banks or in post office saving bank or in any other mode with the prior approval of the Managing Director.

(4) Every Market Committee shall pay to Marketing Development Fund maintained by Board twenty-five percent of its income derived from license fees, user charges, development cess, fine and market fees etc., to meet the expenses of establishment of the Board and expenses incurred in execution of the functions assigned to the Board under this Act.

5

65. Subject to the provisions of section 64, the Market Committee in order to discharge functions and perform duties entrusted to it under this Act, may use the Market Committee Fund. Without prejudice to the generality of this provision the Market Committee Fund may be used for the following purposes, namely:—

Application
of Market
Committee
Fund.

10

- (a) the establishment, maintenance and improvement of the market yard(s);
- (b) the construction and repairs of building necessary for the purpose of the market yard and for convenience or safety of the persons using the market yard;
- (c) the maintenance of standard weights and measures;
- (d) the meeting of establishment charges including payment and contribution towards provident fund, pension and gratuity of the officers and servants employed by a Market Committee;
- (e) the loans and advance to the employee of the Market Committee;
- (f) the payment of interest on the loans that may be raised for the purpose of development of the market yard(s) and other works as included in the work plan; and provisions of sinking fund in respect of such loans;
- (g) the collection and dissemination of information relating to crop statistics and efficient marketing of agricultural produce;
- (h) the expenses incurred in auditing the account of the Market Committee;
- (i) the payment of honorarium, travelling allowance, sitting fee to the Chairperson, and other members except ex-officio member(s) of the Market Committee as may be prescribed;

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- (j) the contribution to Marketing Development Fund maintained by the Board;
- (k) the contribution to any scheme for development of agricultural marketing including transport and other logistics;
- 5 (l) providing facilities like grading, standardization and quality certification services and activities incidental thereto;
- (m) incurring of all expenses on research, journals, publications, workshops, seminars, legal expenses, arbitration etc., extension and training in development of marketing of agricultural produce;
- 10 (n) incurring expenses on promotion of pledge financing and marketing credit;
- (o) creating and promoting on its own or through public private partnership infrastructure of post harvest handling of agricultural produce, cold storages, pre-cooling facilities, pack houses and all such infrastructure to develop modern marketing system;
- 15 and
- (p) any other purpose(s) connected with the marketing of agricultural produce under this Act whereon the expenditure of the Market Committee Fund is in the public interest subject to the prior sanction of the Managing Director.
- 20

CHAPTER-IX
CONSTITUTION OF THE HIMANCHAL PRADESH STATE
AGRICULTURAL MARKETING BOARD

- 25 **66.** (1) The Government shall, for coordinating and undertaking the activities relating to development of markets and marketing infrastructures and services incidental thereto and also exercising such other powers and performing such functions as are conferred or entrusted by or under this Act, establish and constitute the Himachal Pradesh State Agricultural Marketing Board.
- Establishment
of the
Himachal
Pradesh
State
Agricultural
Marketing
Board.

(2) The Board shall be a body corporate having perpetual succession and common seal and may sue and be sued in its corporate name and shall be competent to hold property both moveable and immovable and to lease, sell or otherwise transfer any such property, to contract and to do all other things necessary for the purpose for which it is established.

5

Constitution
of the
Board.

67. The Board shall consist of a Chairperson, who shall be appointed by the State Government and twenty members including Vice-Chairperson of whom ten shall be ex-officio members and ten non-official members to be nominated by the State Government in the following manner, namely:-

- (a) Ex-officio members,- 10
- (i) The Secretary (Agriculture) who shall also be Vice-Chairperson;
 - (ii) The Secretary (Finance) or his nominee not below the rank of Under Secretary;
 - (iii) The Secretary (Animal Husbandry) or his nominee not below the rank of Under Secretary; 15
 - (iv) The Secretary (Forest) or his nominee not below the rank of Under Secretary;
 - (v) Director of Agriculture, Himachal Pradesh;
 - (vi) Director of Horticulture, Himachal Pradesh; 20
 - (vii) Agricultural Marketing Advisor to the Government of India or his nominee not below the rank of Under Secretary;
 - (viii) Chief General Manager of National Bank for Agriculture and Rural Development, Shimla;
 - (ix) Registrar of Co-operative Societies; and 25
 - (x) Managing Director of the Board, who shall also be Member-Secretary.
- (b) Non – official members,-
- (i) two shall be nominated from amongst the Chairpersons of the Committees; 30

- 5
- (ii) three shall be from amongst the agriculturists;
 - (iii) one shall be from amongst the licensee of market yard(s);
 - (iv) one shall be from amongst the licensees of private market yard or sub-market yard or direct marketing or e-trading platform;
 - (v) one shall be from amongst the registered Farmers-Producer Company or Registered Cooperative Society;
 - (vi) one shall be from amongst the single unified license holders or interstate trade license holder; and
 - 10 (vii) one shall be from amongst experts having experience in agricultural marketing;

Provided that the vacancy of a non-official member, if any, shall be filled in as early as practicable.

15 **68.** (1) The Chairperson and the non-official members of the Board shall hold office during the pleasure of the State Government. In the event of supersession of the Committee from where the members have been nominated in the Board, the concerned member shall cease to be a member of the Board.

Term of the Chairperson and non-official members of the Board.

20 (2) Whenever there is a temporary vacancy in the office of the Chairperson, the Vice- Chairperson shall act as the Chairperson during the vacancy.

69. No person shall be a member of the Board who,-

Disqualification of member of the Board.

- (a) is, or at any time has been, adjudged insolvent; or
- (b) is or has been convicted of an offence which, in the opinion of the Government involves moral turpitude; or
- 25 (c) is of unsound mind and stands so declared by the competent court; or
- (d) is, or at any time been, found guilty under this Act; or
- (e) has so abused, in the opinion of the Government, his position as a member, as to render his continuance on the Board detrimental to interest of the general public.

30

Allowances to
the
Chairperson
and members
of the Board.

70. The chairperson and non-official members of the Board shall be paid from the Marketing Development Fund for such sitting fee and allowances for attending its meetings and for attending to any other work as may be fixed by the Government from time to time.

Powers and
functions of
the Board.

71. (1) The Board shall, subject to the provisions of this Act, perform the following functions and shall have power to do such thing as may be necessary or expedient for carrying out these functions,-

- (a) to coordinate of the working of the Market Committees and other affairs thereof including programs undertaken by such Market Committees for the development of market yards and also the delineated market areas; 10
- (b) to undertake State level planning of the development of agricultural produce in market yards;
- (c) to administer the Marketing Development Fund;
- (d) to maintain accounts and get the same audited in such form and in such manner as may be prescribed; 15
- (e) to publish annually at the close of the year its progress report, balance sheet and statement of assets and liabilities and send copies thereof to each member of the Board and the State Government; 20
- (f) to give direction to the Market Committees in general or any Market Committee in particular with a view to ensuring improvement thereof;
- (g) to employ the necessary number of officers and staff for the efficient discharge of its functions and duties under this Act, the rules and the bye-laws in the manner as may be prescribed; 25
- (h) to allow pay scale, allowances, upgradations, leave salaries advances, loan, gratuities, contribution towards provident Fund to its officers and staff in the manner as may be prescribed; and
- (i) such other functions as may be entrusted by the Government. 30

(2) Without prejudice to the generality of the foregoing provisions, such functions of the Board shall include,-

- 5
- (a) to approve of the proposals for selection of new sites by the Market Committees for establishment of market yard(s) in the manner as may be prescribed;
- (b) to approve the proposals for constructing infrastructure facilities, major repairs, maintenance, alteration and modification, if needed in the market yard(s) and also in delineated market area;
- 10
- (c) to supervise and guide the Market Committees in preparation of plans and estimates of construction programme undertaken by the Market Committee;
- (d) to approve of the proposals for constructing infrastructure facilities in the delineated market area such as grading, pack houses, storages, processing, other post harvest management facilities etc.;
- 15
- (e) to execute of all works chargeable to the Board's fund;
- (f) to maintain the accounts in such form as may be prescribed and get the same audited in such manner as may be laid down in the regulation of the Board;
- 20
- (g) to publish annually at the close of the year its progress report, balance sheet and statement of assets and liabilities; and send copies thereof to each member of the Board and the Government;
- 25
- (h) to set up separate Marketing Extension, Legal Administration, Enforcement, Economic and Market Intelligence Cell and Project Cell in the Board;
- (i) to hire or engage consultancies, ropeway expertise in the relevant field of marketing development, engineering, legal, finance, accounts, auditing, information technology and administrative reforms as and when required;
- 30

- (j) to make necessary arrangements for awareness generation campaign on matters related to regulated marketing of an agricultural produce and development of marketing facilities therefor;
- (k) to provide the facilities for the training of officers and officials of the Market Committees and Board after assessing the demand for trained personnel in agricultural marketing at all levels; 5
- (l) to set up a training cell with college or centers for training in agricultural marketing for various market functionaries, Market Committee members and farmers etc., with necessary academic support from the Directorate of Marketing and Inspection of Government of India, a National level Nodal agency; 10
- (m) to undertake marketing extension activities in the Board for the transfer of marketing technology and extension services. It may also depute officers for training and workshops within and outside the Country, make necessary arrangements for propaganda and publicity on matters related to regulate marketing of an agricultural produce and development of marketing; 15
- (n) to provide the facilities for linking of consumers to farmers or their groups through appropriate technology; 20
- (o) to help to prepare budget for the ensuing year;
- (p) to grant subventions on loans or grant to Market Committee for the purposes of this Act on such terms and conditions as it may determine; 25
- (q) to arrange or organise seminars, workshops, exhibitions, training programs or exposure visits etc. on subjects related to agricultural marketing, enforcement and regulations thereto;
- (r) to do such other things as may be of general interest to Market Committees or considered necessary for the efficient functioning of the Board; 30

- (s) to facilitate Market Committee in promoting grading and standardization of notified agricultural produce, setting up of assaying labs and other infrastructures for on-line trading and activities incidental thereto;
- 5 (t) to provide logistic support to promote online trading to develop barrier free market for notified agricultural produce;
- (u) to make provisions or policy to support, promote and provide with ancillary services and aid to the marginal farmers-agriculturist;
- 10 (v) to set up an advisory committee with technical support of Directorate of Marketing and Inspection to promote efficient marketing of notified agricultural produce, including issues relating to grading, standardization, packaging, independent quality certification, as may be prescribed;
- 15 (w) to create infrastructure facilities and other ancillary activities auxiliary to promote the trade;
- (x) to organise and promote grading and standardization of notified agricultural produce and e-trading; and
- 20 (y) to set up an Agricultural Produce Marketing Standards Bureau to perform such functions and duties as may be prescribed for the purpose of promotion of grading, standardization and quality certification of agricultural produce in the State.

72. Without prejudice to the powers conferred under any other provision of this Act, the Chairperson of the Board shall,- Powers and duties of the Chairperson.

- 25 (a) preside over the meetings of the Board and conduct business of such meetings;
- (b) watch over the developmental issues; and
- (c) exercise such powers and duties as may be prescribed.

Meeting of the Board.	<p>73. (1) The Board shall meet for the transaction of its business at least once in every three months at such a place, ordinarily at premises of the Board and such times as the Chairperson or in his absence the Vice Chairperson may determine.</p>	
	<p>(2) All proceedings of the Board shall be authenticated by the Chairperson and the Managing Director of the Board.</p>	5
	<p>(3) The Board shall conduct the business in such manner as may be prescribed by regulations.</p>	
Quorum.	<p>74. One third of the total members shall constitute a quorum at a meeting of the Board. All questions that may come up before a meeting of the Board shall be determined by a majority of votes of the members present and voting; and in case of equality of votes, the Chairperson shall have a casting vote:</p>	10
	<p>Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting called for transacting the same business.</p>	15
Acts of the Board not to be invalidated.	<p>75. No act or proceeding of the Board shall be invalid by reason only of any vacancy among its members or any defect in the constitution thereof.</p>	
Constitution of sub-committee.	<p>76. The Board may constitute sub-committees consisting of three or more of its members which shall also include Chairperson and the Managing Director or any of its officers for the performance of any of its duties or functions or for giving advice on any matter incidental thereto and may delegate to such sub-committee any of its duties or functions as it may deem necessary.</p>	20
Superintendence of the Board.	<p>77. The Government shall exercise superintendence and control over the Board and its officers and may call for such information as it may deem necessary and, in the event of it being satisfied, that the Board is not functioning properly, it may suspend the Board and, till such time as a new Board is constituted, make such arrangements for the exercise of the functions of the Board as it may think fit:</p>	25

Provided that the Board shall be constituted within six months from the date of its suspension.

78. (1) The State Government may delegate to the Board any of powers conferred on it by or under this Act except power to make rules. Delegation of powers.

5 (2) Subject to the provisions of this Act, the Board may by general or special order delegate to the Managing Director of the Board or sub-committee appointed by it or to any officer of the Board, any of powers and duties conferred on it by or under this Act as it may deem fit.

10 (3) The Chairperson or the Member-Secretary of the Board may delegate any of his power under this Act to any officer of the Board for efficient discharge of their functions and duties.

79. (1) The Board shall have a Managing Director, who shall be appointed by the State Government. He shall also be the Chief Executive Officer of the Board. Appointment of Managing Director, officers and staff of the Board.

15 (2) The Managing Director appointed under sub-section (1) shall also function as Member-Secretary of the Board.

20 (3) The Board with prior approval of the Government may appoint other officers with professional background and experience in the field of finance, administration, agriculture, marketing, planning, enforcement, rural agricultural marketing, legal, engineering and technical; and the staff as may be necessary for the efficient discharge of its duties and functions under the Act.

(4) The superintendence and control over all the officers and staff of the Board shall vest in the Managing Director.

25 80. The Managing Director shall,- Powers and functions of the

30 (a) exercise supervision and control over officers and staff of the Board and Committees in matters of executive administration, concerning accounts, records and disposal of all questions relating to the service of the employees including their service conditions as per procedure prescribed; Managing Director.

- (b) appoint officer and staff of the Board as per direction and procedure prescribed by the Board;
- (c) incur expenditure from the Marketing Development Fund maintained by the Board on the sanctioned items of work;
- (d) have the same powers as are conferred under the financial rules of the State Government on the Head of the Department and exercise such other powers and discharge such other duties as may be prescribed; 5
- (e) shall exercise the powers controlling and sanctioning authority to depute staff for training, seminars, workshops, conferences other special assignments and official tours within State and outside the State and mode and expenditure thereto; 10
- (f) have the power to transfer employees on deputation as provided under sub-section (3) of section 38;
- (g) in case of emergency, direct the executions or stoppage of any work and doing of any act which requires the sanction of the Board; 15
- (h) prepare annual budget of the Board;
- (i) arrange for internal audit of the Board;
- (j) arrange for the meetings of the Board and maintain records of the proceedings of the meetings of the Board as per procedure prescribed; 20
- (k) take such steps as deemed necessary for execution of the decision of the Board;
- (l) inspect the construction work undertaken by the Market Committees either from their own funds or loans or grants provided by the Board or any other agencies and take corrective measures; 25
- (m) report, such acts either of the Market Committees or of the Board which are contrary to the provisions laid down under this Act or rules and bye-laws made thereof, to the Government; and 30

- (n) take such steps as deemed necessary for effective discharge of the functions of the Board.

81. (1) All money received by or on behalf of the Board shall be credited into a fund to be called the Marketing Development Fund. Marketing Development Fund.

5 (2) All moneys received under sub-section (1) shall be deposited in the Scheduled Nationalized Bank.

(3) All payments made by the Board shall be defrayed out of the said fund.

10 (4) The Board may for carrying out the provisions of this Act, borrow money from the State Government or may with the previous approval of the State Government,-

(a) borrow money from any other agency; or

15 (b) issue debentures on the authority of any property vested in it or on the security of a part of its future income accruing to it under this Act in the manner as may be prescribed.

(5) (a) The Marketing Development Fund shall be utilized by the Board for the discharge of functions entrusted to it under this Act.

20 (b) Without prejudice to the generality of this provision, the Marketing Development Fund may be utilized for the following purposes, namely:-

(i) payment of administrative expenditure of the Board;

(ii) payment of travelling and other allowance to the Chairperson, and members of the Board;

25 (iii) payment of legal and consultancies expenses incurred by the Board;

(iv) granting aid to financially weak Market Committees in the form of loan or grant for development proposes;

- (v) propaganda and publicity on matters relating to marketing or agricultural produce;
- (vi) training of the officers and staff of the Market Committees and Board and also to market functionaries and agriculturists; 5
- (vii) organizing and arranging workshops, seminars, exhibitions etc., on development of marketing;
- (viii) promotion and construction of infrastructural facilities in the market yard(s) and common market infrastructural facilities in the delineated market area; 10
- (ix) undertaking skill development and pledge financing activities;
- (x) undertaking market survey and research, grading and standardization, quality assaying, quality certification of agricultural produce, on-line trading and other activities connected thereto; 15
- (xi) acquisition or constructions or hiring by lease or otherwise of buildings or land for performing the duties of the Board;
- (xii) internal audit of the Board and the Marketing Committees; 20
- (xiii) development of Haat Bazars and farmer-consumer markets for marketing of agricultural production in the delineated market areas; and
- (xiv) any other purpose, deemed necessary for execution of the functions assigned to the Board under this Act or as directed by the Government. 25

Annual
Budget of
the Board.

82. (1) An estimate of the annual income and expenditure of the Board for the ensuing year shall be prepared by the Board and submitted for sanction to the State Government not later than first week of February each year. On the sanction of the budget by the State Government, the Board shall have power to operate upon it. 30

(2) The State Government shall sanction and return the budget within a month from the date of the receipt thereof.

5 **83.** (1) The Board shall prepare once in every year, in such form and at such time as may be prescribed, an annual report, giving a true and full account of its activities during the previous year, and shall forward a copy thereof to the State Government. Accounts, audit and annual report of the Board.

(2) The accounts of the Board shall be audited annually by the Examiner of the Local Audit Department or by such other person or authority as the State Government may direct.

10 (3) As soon as the accounts of the Board are audited, the Board shall send a copy of the audit report to the State Government.

(4) Soon after the submission of the audit report under sub-section (3), and the annual report under sub-section (1), by the Board, the State Government shall cause the said reports to be laid before the State Legislative Assembly:

Provided that when the reports are to be laid in the Budget Session, these shall be laid on the table of the House on the first sitting of the said session:

20 Provided further that the period intervening the close of the financial year to which the reports pertain and the laying of reports, shall not exceed six months.

**CHAPTER-X
APPOINTMENT OF THE DIRECTOR AND ITS POWERS AND
FUNCTIONS**

25 **84.** The Government may, by notification, appoint any officer to exercise or perform such of the powers or functions of the Director of Agricultural Marketing under the provisions of this Act and the rules made thereunder: Appointment of the Director.

30 Provided that the Director of Agricultural Marketing shall not concurrently hold the office of Managing Director of the Board.

Powers and
functions of
the Director.

85. (1) Subject to the provisions of this Act, the Director may exercise such powers and perform such functions other than those prescribed for the Managing Director of the Board under this Act, which would enable proper execution of the provisions of this Act. The State Government may delegate any or all the regulatory powers vested in it under this Act to the Director.

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(2) In particular and without prejudice to the generality of the provisions of the Act, the functions of the Director may include,-

- (a) to grant or renew and suspend or cancel the license granted to the person for establishing or operating private market yard, farmer-consumer market yard, private market sub-yard, e-trading platform, contract farming and direct marketing; 10
- (b) to grant or renew and suspend or cancel the unified single trading license for the State;
- (c) to grant or renew and suspend or cancel the inter-State trading license; 15
- (d) to blacklist the operation of inter-State trading license issued by another State within the State jurisdiction;
- (e) to supervise the Market Committees for effective execution of provisions of the Act and rules made thereunder relating to transaction of agricultural commodities taking place in the market yard(s); 20
- (f) to enforce regulations in the delineated market areas;
- (g) to launch the prosecution for contravening the provision(s) of the Act and rules made thereunder; 25
- (h) to suggest the Government to undertake amendments to the Act and rules made thereunder for effective execution of the objectives of the Act;

- (i) to approve the bye-laws framed by the Market Committee under this Act and rules made thereunder;
- (j) to identify person(s) or organization for conducting the audit of accounts of the Market Committee and Board;
- 5 (k) to convey the approval of the budget of the Market Committee;
- (l) to accord sanction to the creation of posts of officers and staff of the Market Committee;
- (m) to appoint and transfer of the personnel of the State Agricultural Marketing Services, if any, and act as the cadre controlling authority for them;
- 10 (n) to take steps for timely and proper conduct of the elections of the Market Committee and Board and activities connected thereto;
- (o) to accept the resignation of the Chairperson of the Market Committee;
- 15 (p) to act as dispute resolution authority for the licensee of private market yard, farmer-consumer market yard, sub-market yard, e-trading platform and direct marketing and holder of single unified license and inter-State trading license;
- 20 (q) to act as Appellate Authority for any person aggrieved by a order of the Market Committee;
- (r) to initiate the removal of Chairperson or member(s) of the Market Committee in the manner as may be prescribed;
- (s) to approve the resolution passed by the Market Committee; and
- 25 (t) to inspect or cause to be inspected accounts and offices of the Market Committee, if so required.

Revolving
Marketing
Development
Fund.

86. (1) The Director shall maintain a separate Revolving Marketing Development Fund to account the receipts realized as contribution from licensees of private market yard, e-trading platform, direct marketing including contributions made by the Market Committee.

(2) The Director will spend the fund, so maintained under sub-section (1), in development of common marketing infrastructure, skill development, training, research and pledge financing and such other activities as will aid in creating an efficient marketing system in the State.

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Offices and
staff of the
Director.

87. (1) The Director, to discharge such duties and perform such functions as assigned under this Act or rules, may, with the previous sanction of the Government, establish offices at district level.

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(2) The district level offices shall be headed by an officer, with such qualification and experience as the Government may determine.

CHAPTER-XI PENALTY

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Penalty for
contravention
of Act, rules
and bye-laws.

88. Any person who contravenes any provision of this Act, or of any rule or bye-laws or order issued thereunder shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to twenty thousand rupees or with both:

Provided that in the case of a continuing contravention of the provisions of the Act, he shall be liable to be punished with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after the first conviction.

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Recovery of
market dues.

89. Whenever any person is convicted of any offence punishable under this Act, the Magistrate shall in addition to any fine which may be imposed, recover summarily and pay over to the Market Committee the amount of fees or any other amount due from him under this Act or rules or bye-laws made thereunder and may, in his discretion, also recover and pay over to the Market Committee costs of the prosecution.

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5 **90.** No court shall take cognizance of any offence punishable under this Act or any rule or any bye-laws made thereunder except on the complaint made by the Director or officer authorized in this behalf or by the Board or Secretary of the Market Committee or any officer or any person duly authorized by the Market Committee in this behalf. Cognizance of offences.

91. (1) The Market Committee may accept, from any person who has committed or is reasonably suspected of having committed an offence under this Act or the rules or bye-laws made thereunder, by compounding of such offence,- Power to compound offence.

10 (a) where the offence consists of the failure to pay or the evasion of any fee, or other amount recoverable under this Act or the rules or the bye-laws made thereunder in addition to the fee or other amount so recoverable, a sum of money not less than the amount of fee or other amount and not more than two times
15 the amount of fee or other amount; and

(b) in other cases a sum of money not exceeding twenty thousand rupees.

(2) On the compounding of any offence under sub-section (1), no proceeding shall be taken or continued against the person concerned in respect of such an offence, and if any proceedings in respect of that offence have already been instituted against him in any court, the compounding shall have effect of his acquittal.
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CHAPTER-XII CONTROL

25 **92.** (1) The Director or any officer authorized by him, may,- Inspection, inquiry and submission of statements etc.

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

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

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

(d) require a Market Committee to take into consideration,-

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

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

and to make written reply to him within a reasonable time stating the reason for doing or not doing such thing; and

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

(2) When the affairs of a Market Committee are investigated under this section or the proceedings of any Market Committee are examined by the Director under this Act, the Chairperson, Secretary and members and all other officers and staff of such Committee shall furnish such information in their possession in regard to the affairs or proceedings of the Market Committee as the Director, or the officers authorized by him, may require.

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(3) An officer investigating the affairs of a Market Committee under sub-section (1) or the Director or the Government examining the proceeding of any Market Committee under this Act shall have the power to summon and enforce the attendance of officer(s) or member(s) of the Market Committee and to compel him/ them to give evidence and to produce documents in the same manner as is provided to a Civil Court under the Code of Civil Procedure, 1908.

25

5 of 1908

(4) Where the Director has reason to believe that the books and records of a Market Committee are likely to be tampered with or destroyed or the funds or property of a Market Committee are likely to be misappropriated or misapplied, the Director may issue order directing a person

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duly authorized by him in writing to seize and take possession of such books and records, funds and property of the Market Committee and the officer (s) of the Market Committee responsible for the custody of such books, records, funds and property shall give delivery thereof to the person so authorized.

5 **93.** Where the Director, on his own motion or after considering the report from the Managing Director, is of the opinion that a Market Committee has failed to perform the functions or duties or has exceeded or abused the powers conferred on it by or under this Act, may, with prior consultation of Government, by notification in the Rajpatra (e-Gazette), Himachal Pradesh, 10 supersede the Market Committee:

Provided that no order of supersession shall be passed unless the Director has given a reasonable opportunity to the Market Committee of being heard in respect of the allegations made against it.

15 **94.** Upon publication of the notification superseding a Market Committee,- Consequences of supersession of the Market Committee.

(a) the Chairperson and all the members of the Market Committee shall, as with effect from the date of publication of the notification, be deemed to have vacated their offices; and

20 (b) the Government shall direct that the steps be taken for constitution of a new Market Committee and till such time as a new Market Committee is constituted as aforesaid, the Director shall make such arrangements for carrying out the functions of the Market Committee as he may deem fit for the period not exceeding six months and may, for that purpose, direct that all 25 the functions, powers and duties of the Market Committee and its Chairperson, under this Act, shall be performed, exercised and discharged by such person or authority as the Director may appoint in this behalf and such person or authority shall be deemed to be the Market Committee or Chairperson, as the 30 case may be.

Power of the Director to direct Market Committee for amending bye-laws.

95. (1) If it appears to the Director, that it is necessary or expedient in the interest of agricultural marketing to make any bye-law (s) or to amend any existing bye-law(s), he may, by order, direct the Market Committee concerned to make bye-law(s) or amend existing bye-law (s) within such time as he may specify in such order.

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(2) If the Market Committee fails to make such bye-law(s) or such amendment of the bye-law(s) within the time specified, the Director may, after giving the Market Committee a reasonable opportunity to explain, make such bye-law (s) or such amendment of the bye-law (s) and thereupon subject to any order under sub-section (3), such bye-law (s) or such amendment of the bye-law (s) shall be deemed to have been made or amended by the Market Committee in accordance with the provision of this Act or the rules made thereunder and there upon such bye-law (s) or amendment (s) shall be binding on the Market Committee.

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(3) An appeal shall lie to the Government against any order of the Director under sub-section (2) within thirty days from the date of such order and decision of the Government on such appeal shall be final and binding.

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Power of the Director to prohibit execution.

96. (1) The Director may, on his own motion, or on report or complaints received, by order, prohibit the execution or further execution of a resolution passed or order made by the Market Committee or its Chairperson or any of its officers or servants, if he is of the opinion that such resolution or order is prejudicial to public interest, or is likely to hinder efficient running of the business in any market yards or is against the provisions of this Act or rules or bye-laws made thereunder.

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(2) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Market Committee, if so required by the Director, take such action which the Market Committee would have been entitled to take if the resolution or order had never been made or passed and which is necessary for preventing the Chairperson or any of its officers or servants from doing or continuing to do anything under the resolution or order.

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5 **97.** (1) The Director may, on his own motion, or on an application made to him, call for and examine the proceeding of any Market Committee and the Government may on its own motion or on an application made to it, call for and examine the proceedings of the Director, as the case may be, as to the legality or propriety of any decision taken or order passed. If in any case, it appears to the Director or the Government that any such decision or order or proceeding should be modified, annulled, reversed, or remitted for reconsideration he or it may pass such order thereon as he or it may deem fit:

Power to call for proceedings of the Market Committee.

10 Provided that every application to the Government under this section shall be preferred within sixty days from the date on which the decision or order to which the application relates, was communicated to the applicant:

15 Provided further that no such order shall be passed under sub-section (1) without giving a reasonable opportunity of being heard to the parties affected thereby.

(2) The Government may suspend the execution of the decision taken or order passed by the Director, by exercising its powers under sub-section (1).

20 **98.** (1) If in the course of enquiry or inspection or in the course of audit under this Act, it is found that any person who is or was entrusted with the management of Market Committee or any deceased, past or present Chairperson, member, Secretary or any other officer or employee of Market Committee or an Officer of the Government has made or directed by assenting or concurring or participating in any affirmative vote or proceeding related thereto, any payment or application of any money or other property belonging to, or under the control of such Committee to any purpose contrary to the provisions of this Act or rules or bye-laws made thereunder or has caused any deficiency or loss by gross negligence or misconduct or has misappropriated or fraudulently retained any money or other property belonging to the Market Committee, the Director may, on his own motion or on the application of the Market Committee, enquire himself or direct any officer subordinate to him duly authorized by him by an order in writing in this behalf to enquire into the conduct of such person within one year of the date of report of audit, enquiry or inspection as the case may be.

Liability of the Chairperson, members and employees for loss, waste or mis-appropriation etc.

(2) If on enquiry made under sub-section (1), the Director is satisfied that there are sufficient grounds for an order thereunder, he may make an order requiring such person, or in the case of a deceased person, his legal representative who inherits his estate, to repay or restore the money or property and any part thereof, with interest at such rate, or to pay contribution and costs or compensation to such extent as he may consider just and equitable:

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Provided that no order under this sub-section shall be made unless the person concerned has been given a reasonable opportunity of being heard in the matter:

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Provided further that the liability of a legal representative of the deceased shall be to the extent of the property of the deceased, which is inherited by such legal representative.

(3) Any person aggrieved by an order made under sub-section (2) may, within thirty days from the date of communication of the order to him, appeal to the Government and the order of the later shall be final and binding:

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Provided that in computing the period of limitation, the time required for obtaining a copy of the order appealed against shall be excluded.

(4) No order passed under sub-section (2) or sub-section (3) shall be called in question in any Court of Law.

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(5) Any order made under sub-section (2) or sub-section (3) shall, on the application of the Director; be-enforced by any Civil Court having local jurisdiction in the same manner as if it were a decree of such court, or any sum directed to be paid by such order may be recovered as arrears of land revenue.

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Power of the
Government
to amend
THE
SCHEDULE.

99. The Government may, by notification, add to or amend or delete any of the items of agricultural produce specified in THE SCHEDULE and thereupon THE SCHEDULE shall be deemed to have been amended accordingly:

Provided that no notification shall be issued under this section without previous publication for a period not less than 30 days.

5 **100.** The Government may give directions to the Board, the Director and Market Committees. The Board, the Director or the Market Committees as the case may be, shall be bound to comply with such directions as may be issued by the Government.

Power of the Government to give direction.

10 **101.** Any sum due to a Market Committee or the Director or the Board on account of any charge, costs, expenses, fees, rent and any other account under the provision of this Act or any rule or bye-laws made thereunder shall be recovered as arrears of land revenue.

Recovery of sums due to Board or Market Committee.

45 of 1860 **102.** The Chairperson, the members, Member-Secretary, other officers and staff of a Market Committee and the Chairperson, the members, Managing Director, Director, all officers and staff of the Board and Directorate shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

The Chairperson, members, officers and staff etc. of the Market Committee and Board to be public servants.

20 **103.** No suit, prosecution or legal proceedings in respect of anything done in good faith or intended to be done under this Act or rule or bye-laws made thereunder, shall lie against the Director or the Managing Director or officer of the Government or against the Board or any Market Committee or against any officer or staff of the Board or any Market Committee or against any person acting under and in accordance with the directions of the Director or Managing Director, such officer or such Committee.

Protection of action taken in good faith.

25 **104.** Notwithstanding anything contained in this Act, no suit shall be instituted against the Board or any Market Committee, until the expiration of two months next after notice in writing stating the cause of action, name and place of abode of the intending plaintiff and the relief which he claims, has been delivered to, or left at its office. Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of alleged cause of action.

Bar to suit in absence of notice.

Duty of the
Local
Authority to
give
information
and
assistance.

105. It shall be the duty of every Local Authority to give all the necessary information in the possession of or under the control of its officers to the Director or its officers authorized in that behalf, relating to the movement of notified agricultural produce into and out of the area of the local authority, free of any charges. It shall also be the duty of every Local Authority and its officers and staff concerned with the collection of octroi to give all the possible assistance to any officer of the Market Committee in exercising his powers and discharging his duties under this Act.

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CHAPTER-XIII RULES AND BYE LAWS

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Power to
make rules.

106. (1) The Government may by notification in the Rajpatra (e-Gazette), Himachal Pradesh and after previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rules should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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Regulations.

107. (1) The Board may, with the previous approval of the Government, make regulations, not inconsistent with this Act and rules made thereunder for the administration of the affairs of the Board.

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(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters,-

(a) summoning and holding of meetings of the Board, the time and date when such meetings are to be held, the conduct of business

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at such meetings and the number of persons necessary to form a quorum thereof;

- (b) powers and duties of the officers and other employees of the Board;
- 5 (c) salaries, allowances and other conditions of service of officers and other employees of the Board and the Market Committees;
- (d) management of the property of the Board;
- (e) execution of contracts and assurances of property on behalf of the Board;
- 10 (f) maintenance of accounts and the preparation of balance sheet by the Board;
- (g) procedure for carrying out the functions of the Board under this Act;
- 15 (h) formulation of public procurement policy and financial manual, human resource management, policies of market development, allotment, e- tendering civil works etc.; and
- (i) other matters for which provision is to be or may be made in the regulations.

20 **108.** (1) Subject to the provisions of this Act rules and regulations made thereunder, a Market Committee in consultation with the Board may, in respect of a market yard under its management, make bye-laws for,-

- (a) the regulation of business of the Market Committee;
- (b) the condition of trading in market yard;
- 25 (c) delegation of powers, duties and functions to the officers and staff, appointment, pay, punishment, pensions, gratuities, leave, leave allowances, contributions by them to any provident Fund

which may be established for the benefit of such officers and staff and other conditions of service;

- (d) the delegation of powers, duties and functions to a sub-committee, if any;
- (e) market functionaries, other than traders, who shall be required to take license; 5
- (f) enabling and regulating provisions relating to e-trading and activities and services incidental thereto; and
- (g) any other matters for which bye-laws are to be made under this Act or it may be necessary to frame bye-laws for effectively implementing the provisions of this Act and the rules made thereunder. 10

(2) No bye-laws under sub-section (1) shall take effect until it has been confirmed by the Director.

(3) In making any bye-laws, the Market Committee may direct that a breach thereof shall be punishable with fine which may extend to two thousand rupees and where the breach is a continuing one with further fine which may extend to two hundred rupee for everyday after first, during which the breach is provided to have been persisted in. 15

CHAPTER-XIV MISCELLANEOUS 20

Power to
remove
difficulty.

109. If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may by order do anything not inconsistent with the provisions thereof, which appears to it to be necessary or expedient for the purpose of removing the difficulty and every order so made under this section shall be laid on the table of the State Legislature: 25

Provided that no such order shall be made under this section after expiry of the period of two years from the commencement of this Act.

20 of 2005 **110.** (1) The Himachal Pradesh Agricultural and Horticultural Produce Marketing (Development and Regulation) Act, 2005, is hereby repealed. ^{Repeal and savings.}

5 (2) Notwithstanding such repeal, any action taken or anything done under the repealed Act shall be deemed to have been done or taken under the corresponding provisions of this Act.

10 (3) Unless the Government directs otherwise, the Marketing Board or the Market Committee or the Chairperson and members thereof shall continue until the expiry of their term under the repealed Act or till a Market Committee or the Marketing Board is constituted in accordance with the provisions of this Act, whichever is earlier.

15 (4) The Himachal Pradesh Agricultural and Horticultural Produce Marketing (General) Rules, 2006, except to the extent that a provision may be inconsistent with the provisions of this Act, continue to be in force for a period one year from the date of commencement of this Act or till new rules are framed under this Act, whichever is earlier; and shall have an effect as if these are made under the corresponding provisions of this Act.

THE SCHEDULE

(See section 2 and section 99)

ITEM	ENGLISH NAME	HINDI NAME
1	2	3
1. Cereals	1. Paddy	Dhan
	2. Rice	Chawal
	3. Wheat	Kanak
	4. Maize	Makki
	5. Barley	Jau
	6. Buck Wheat	Kutu
	7. Triticum sp.	Wheat Flour
	8. Zea mays	Maize Flour
	9. Oryza sativa	Rice Flour
	10. Oryza sativa	Rice Chidwa
	11. Cicer arietinum	Besan
	12. Triticum sp.	Maida
	13. Triticum sp.	Sooji
	14. Triticum sp.	Dalia
	15. Saccharum officinarum	Mishri
	16. Phoenix dactylifera	Chhuhara
2. Pulses	17. Pigeon pea	Arhar
	18. Lentil	Massur
	19. Black gram	Urd
	20. Green gram	Moong
	21. Peas dry	Matar khushk
	22. Cow peas	Lobhia
	23. Pulses split	Dal Dali
	24. Gram	Chana
	25. French bean/ Soyabean.	Rajmash/Bhararh.
3. Oilseeds	26. Mustard	Sarson
	27. Indian rape	Toria
	28. Linseed	Alsi
	29. Groundnut shelled and unshelled	Mungphali
	30. Sesamum	Til
4. Fruits	31. Mango	Aam
	32. Banana	Kela
	33. Lichies	Lichies
	34. Sweet orange	Malta

1	2	3
	35. Lemon	Neemboo
	36. Grapes	Angoor
	37. Pomegranate-seed.	Anardana
	38. Apple	Seab
	39. Orange	Sangtra
	40. Peach	Aru
	41. Plum	Alucha
	42. Pears	Naspati
	43. Guava	Amrood
	44. Chilgoza	Niyoz
	45. Apricot	Khurmani
	46. Persimon	Japani Phal
	47. Watermelon	Tarbooz
	48. Walnut	Akhrot
	49. Almond	Badam
	50. Musk-Melon	Kharbooz
	51. Papaya	Papeeta
	52. Prunus avium	Cherry
	53. Actinidia deliciosa	Kiwi fruit
	54. Corylus Americana	Pecan nut
	55. Fragaria ananassa	Strawberry
	56. Citrus sp.	Kinnow
	57. Citrus sp.	Mousambi
	58. Olea europaea	Olive, Jatoon
	59. Catanea sp.	Chestnut
	60. Ficus carica	Fig, Anjeer, Fegura
	61. Zyzyphus mauritiana	Ber
	62. Achras Zapota	Cheeku, Sapota
	63. Phoenix dactylifera	Date Palm
	64. Anacardium occidentale	Cashewnut
	65. Corylus avellana	Hazelnut
	66. Punica granatum	Pomegranate
	67. Raisins	Daakh, Kishmish
	68. Cocos nucifera	Coconut
	69. Cocos nucifera	Coconut (Dry) Copra
	70. Ananas comosus	Pineapple
	71. Eriobotrya japonica	Loquat
	72. Citrus sp.	Galgal
	73. Prunus amygdalus	Badam Giri

1	2	3
	64. <i>Juglans regia</i>	Akhrot Giri
	75. <i>Syzygium Cumini</i>	Jamun
	76. <i>Artocarpus Heterophyllus</i>	Jack Fruit
	77. <i>Citrus Paradisi</i>	Grape fruit (Citrus)
	78. <i>Phyllanthus emblica</i>	Aonla
	79. <i>Carissa carandas</i>	Karonda
5. Vegetables	80. Potatoes	Aalu
	81. Onion dry	Piaz Khushk
	82. Brinjal	Baingan
	83. Bottle gourd	Ghia
	84. Lady's finger	Bhindi
	85. Red gourd	Halwa Kadu
	86. Tomato	Tamator
	87. Cauliflower	Phulgobhi
	88. Cabbage	Bandhgobhi
	89. Sponge gourd	Ghia-tori
	90. Green peas	Matar hari
	91. French bean	Pharas bean
	92. Leaves of Indian colza mustard and spanich etc.	Sag
	93. Carrot	Gajar
	94. Raddish	Mooli
	95. Turnip	Salgam
	96. Tinda gourd	Tinda
	97. Jack Fruit	Kathal
	98. Yam	Zami Kand
	99. Arum	Arbi
	100. Taro	Kachalu
	101. Fenu greek	Methi hari
	102. Hill capsicum	Mirch badi
	103. Bitter gourd	Karela
	104. Ash gourd	Petha
	105. Cucumber	Kheera
	106. Brassica sp.	Broccoli
	107. Brassica caulorapa	Knol-Khol
	108. <i>Lactuca sativa</i>	Lettuce
	109. <i>Petroselinum crispum</i>	Parsley
	110. <i>Colocasia Spp</i>	Arbi, Kachalu, Gandhyali
	111. <i>Beta vulgaris</i>	Beet Root, Chukander

1	2	3
	112. Cucurbita sp.	Kaddu, Chapan Kaddu, Zucchini
	113. Cucurbita sp.	Pandol, Pandrol, Snake Gourd
6. Fibres	114. Cotton ginned and unginned	Kapas Aur rui
7. Animal Husbandry Products and livestock	115. Poultry	—
	116. Eggs	Anda
	117. Cattle	
	118. Sheep	Bhed
	119. Goat	Bakri
	120. Wool	Oon
	121. Butter	Makhan
	122. Ghee	Ghee
	123. Milk	Doodh
	124. Goat meat and Mutton.	Bakri aur Bhed ka gosht
	125. Fish	Machhali
	126. Cheese	Paneer
	127. Curd	Dahi
	128. Khoa	Khoya
	129. Yoghurt	Lassi
	130. Pork Meat	Pork Meat
	131. Angoora wool	Angoora uun.
	132. Lamb's wool	Lamb's wool
	133. Cashmere wool	Pashmina
	134. Broiler	(murga ka ghost)
	135. Chicken	(Anda wali murgi ka gostht)
8. Condiments, spices and other	136. Ginger	Adarak
	137. Garlic dry	Lahasn khushk
	138. Chillies dry and green.	Mirch
	139. Turmeric	Hali
	140. Coriander	Dhaniya khushk and hara
	141. Elettaria cardamomum	Cardamom (Small)
	142. Amomum sublatum	Cardamom (Large)
	143. Crocus sativus	Saffron
	144. Ferula asafoetida	Asafoetida
	145. Trachyspermum ammi	Ajowan
	146. Syzygium aromaticum	Laung
	147. Piper nigrum	Black Pepper
	148. Trigonella foenum graceum	Fenugreek

1	2	3
	149. <i>Cinnamomum verum</i>	Cinnamon
	150. <i>Murraya koenigii</i>	Curry Leaf
	151. <i>Trigonella foenum graceum</i>	Kasturi Methi
	152. <i>Cinnamomum tamala</i>	Tezpat
	153. <i>Zingiber officinale</i>	Saunth
9. Narcotics	154. Tabacco	Tambaku
10. Medicinal and Aromatic Plant species	155. <i>Aloe Babadensis</i>	Ghritkumari
	156. <i>Tinospora cordifolia</i>	Giloe
	157. <i>Syzygium cumini</i>	Jamun
	158. <i>Centella asiatica</i>	Mandukparni
	159. <i>Citrus pseudolimon</i>	Galgal
	160. <i>Aconitum heterophyllum</i>	Atis
	161. <i>Phyllanthus urinaria</i>	Bhumi Amla
	162. <i>Cyperus scariosus</i>	Nagarmotha
	163. <i>Plumbago zeylanica</i>	Chitrak Roots
	164. <i>Rauwolfia serpentina</i>	Sarp Gandha Roots
	165. <i>Withania Somnifera</i>	Ashwagandha
	166. <i>Bacopa Monnieri</i>	Brahmi
	167. <i>Gloriosa superba</i>	Kalihari
	168. <i>Glycyrrhiza glabra</i>	Mulethi
	169. <i>Stevia rabaudiana</i>	Stevia
	170. <i>Ocimum sanctum</i>	Tulsi
	171. <i>Asparagus racemosus</i>	Shatavar
	172. <i>Terminalia chebula</i>	Harar
	173. <i>Podophyllum hexandrum</i>	Bankakri
	174. <i>Nardostachys jatamansi</i>	Jatamansi
	175. <i>Valeniana wallichii</i>	Sugandhwala
	176. <i>Picrorhiza kurrooa</i>	Kutki
	177. <i>Rheum emodi</i>	Revand Chini
	178. <i>Berberis aristata</i>	Daruhaldi
	179. <i>Chlorophytum borivillianum</i>	Safed Musli
	180. <i>Inula racemosa</i>	Pushkar Mool
	181. <i>Cymbopogon flexuosus</i>	Lemon grass
	182. <i>Lavendula species</i>	Levender
	183. <i>Discoria Singli</i>	Mingli
	184. Kmru Patti/Pathis	Pattis
	185. Catechu	Katha/kherwood
	186. <i>Emblica officinolis</i>	Ambla

1	2	3
	187. Sausarealappa	Kuth
	188. Terminalia bellirica	Baherha
	189. Heydchium acuminatum	Kapur Kachri
	190. Acorus calamus	Bach
	191. Cinnamomum tamala	Tejpatra;
	192. Angelica lauca	Chora
	193. Bergenialigulata	Pashanbhed
	194. Dactylorhizahatagirea	Salam panja
	195. Dioscoreadeltoidea	Singlimingli
	196. Gentianakurro	Kadu
	197. Heracleumcandicans	Patrala
	198. Melaxisacuminata	Rishbhak
	199. Melaxismucifera	Jeevak
	200. Paris poliphylla	Ksheerkakoli
	201. Polygonatumcirrhifolium	Mahameda
	202. Pverticellatum	Meda
	203. Geranium	Geranium
	204. Viola spp.	Banfasha
	205. Vitexnegundo	Nirgundi
	206. Sidacordifolia	Bala
	207. Saracordifolia	Ashok
	208. Mucunapruriens	Kaunch
	209. Ricinuscommunis	Erand
	210. Spilanthescmella	Akarkara
	211. Mentha spp.	Pudina
	212. Aeglemarmelos	Vilav
	213. Andrographispaniculata	Kalmegh
	214. Albizzialebbek	Shiris
	215. Bauhinia variegata	Kachnar
11. Flowers, potted plants and their seeds	(i) Cut Flowers	
	216. Rose	Gulab
	217. Carnation	Carnation
	218. Chrysanthemum	Guldaudi
	219. Gerbera	Gerbera
	220. Gladiolus	Gladiolus
	221. Lilium	Lilium

1	2	3
	222. Tulip	Tulip
	223. Tuberose	Tuberose
	224. Orchids	Orchids
	225. Alstromeria	Alstromeria
	226. Eustoma	Eustoma
	(ii) Loose Flowers	
	227. China aster	China aster
	228. Crossandra	Crossandra
	229. Dahlia	Dahlia
	230. Jasmine	Jasmine
	231. Calendula	Calendula
	232. Marigold	Marigold
	233. Zinnia	Zinnia
	234. Paper flower	Paper flower
	235. Gomphrena	Gomphrena
	236. Gaillardia	Gaillardia
	237. Zypsophylla	Zypsophylla
	(iii) Potted plant	
	238. Flowering	
	239. green Foliage
12. Miscellaneous	240. Sugarcane	Ganna
	241. Gur and Shakkar	Gur aur Shakkar
	242. ..	Khandsari
	243. Bark of walnut	Dandassa
	244. ..	Dhoop
	245. Edible mushroom	Guchi
	246. ..	Banakhsa
	247. Bhabar grass	Bhabar ghas
	248. Timber	Imarti Lakri
	249. Honey	Sehad
	250. Camellia sinensis	Tea
	251. Edible oils	..
	252. Coffee robusta	Coffee
	253. Khair wood (catechu)	Khair ki lakri
	254. Acacia catechu	Katha

STATEMENT OF OBJECTS AND REASONS

The Himachal Pradesh Agricultural and Horticultural Produce Marketing (Development and Regulation) Act, 2005 (Act No. 20 of 2005) was enacted to regulate the marketing of agricultural produce in the State. However, with the passage of time and emergence of new challenges as well as technologies in the field of agricultural marketing, there is a need to revamp the existing regulatory mechanism. Thus, keeping in view the tide of time, the Government has envisioned to double the income of the farmers, which has necessitated to revisit the existing market structure in the State so as to make the same compatible with the competitive marketing environment.

In the Modern Era the need is being felt to have a unified market area in the State. Today the Nation's economy is more integrated with the Global economy than ever before hence the concept of disintegrated market is required to be done away with. Therefore, the proposed legislation provides for declaration of the whole State as one unified market area which is likely to give freedom to the agriculturist to sell their agricultural produce to the buyers at the place and time of their choice to derive the maximum benefits of their produce. The promotion of e-trading is likely to enhance transparency in the trade operations and integration of market across geographies.

The proposed legislation also provides for single point levy of market fee across the State and integrated single trading license to realize cost effective transactions. The promotion of national market for agricultural produce through the provisions of inter-state trading license is likely to be beneficial to the agriculturist. The legislation rationalizes market fee and commission charges.

There is a need to provide for a level playing field for both public and private sector players to enter into the domain of agricultural marketing. Thus, the legislation provides for a level playing field to the licensees of private market yard, e-trading platforms, direct marketing vis-a-vis Government agencies. Further, it has been noticed that agriculturist do not get payments of their agriculture produce in a time bound manner and therefore, the legislation provides for making payment to the agriculturist in a specific time preferably on the same day or the next day. All the measures are likely to be proved beneficial to the agriculturists in a long run.

This Bill seeks to achieve the aforesaid objectives.

(DR. RAM LAL MARKANDA)
Minister-in-Charge.

SHIMLA :
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FINANCIAL MEMORANDUM

The provisions of this Bill, when enacted, are to be enforced through the existing Government machinery and therefore, there will be no additional expenditure from the State exchequer.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 106 of the Bill seeks to empower the State Government to make rules and clauses 107 and 108 seek to empower the Marketing Board and the Market Committee to make regulations and bye-laws respectively for carrying out the purposes of this Act. The proposed delegation of powers are essential and normal in character.

**THE HIMACHAL PRADESH AGRICULTURAL PRODUCE MARKETING
(PROMOTION AND FACILITATION) BILL, 2019**

A

BILL

to re-enact the law to provide for geographically restriction-free trade transaction of agricultural produce across the State; to give freedom to the agriculturists to sell their produce across time and space; to enhance transparency in trade operations and price settlement mechanism through adoption of electronic and other innovative form of technology; to promote emergence of multiple channels for competitive marketing, agro-processing and agricultural export; to encourage investments in development of markets and marketing infrastructure in the State of Himachal Pradesh; and whereas it is expedient to put in place facilitative regulation, professional management and conducive policy framework therefor; and purposes connected therewith and to lay down procedures and systems thereto.

(DR. RAM LAL MARKANDA)
Minister-in-Charge.

(YASHWANT SINGH CHOGAL)
Pr. Secretary (Law).

SHIMLA :
THE.....2019.

राजकीय मुद्रणालय, हि०प्र०, शिमला—877—जुड० / 2019—28—8—2019—175 प्रतियां ।