

Delhi Agricultural Produce Marketing Regulation Act 1976

Chapter 3 - Establishment of Markets and Constitution of Market Committees

(1) For every market area, there shall be established a principal market, and there may also be established one or more subsidiary markets, for the marketing of agricultural produce.

(2) The Director shall, as soon as possible after a declaration is made under sub-section (1) of section 4, by notification, establish any place (including any structure, enclosure, open space or locality) in any market area to be the principal market for the marketing of the agricultural produce specified in such notification and may, by the same notification or by a subsequent notification, establish in any other like places in the market area subsidiary markets for the marketing of such agricultural produce.

Section 7 - Establishment of special markets

(1) Where the Administrator is satisfied that on account of the specialised nature of marketing of any commodity, like fish, fresh fruits, fresh vegetables, sheep, wool or cattle, in any area, it is expedient to ensure the efficient regulation of the marketing of such commodity in such area, he may establish,--

(a) in such area special markets for such commodities, and

(b) independent market committees in relation to such special markets notwithstanding that such area falls within the local limits of the jurisdiction of any other Market Committee or Committees already functioning in that area,

and every such special market and independent market committee shall be established and constituted in the same manner in which a market and Market Committee is established and constituted under this Act.

(2) Where a special market is established under sub-section (1), the Administrator may, by notification, declare that the provisions of this Act shall, with such modifications, restrictions or limitations as may be specified in the notification, apply in respect of such special market.

Section 8 - Constitution of Market Committees

(1) Without prejudice to the provisions of section 7, there shall be constituted by the Administrator, for every market area, a Market Committee; and different Market Committees may be constituted for regulating the marketing of different kinds of agricultural produce marketed in the same market area or any part thereof.

(2) Every Market Committee shall exercise such powers and discharge such functions as may be vested in it by or under this Act.

Section 9 - Composition of Market Committees

(1) Subject to the provisions of sub-section (2), every Market Committee shall consist of the following fourteen members, namely:--

(a) six members to be elected by the agriculturists residing in the market area and holding agricultural land in the Union territory of Delhi:

Provided that where the Administrator is satisfied that the bulk of the arrivals in any market in the market area are from outside the Union territory of Delhi, he may nominate such number of members, not exceeding fifty per cent, of the members representing agriculturists, as he may think fit, and such nomination shall be made from among the residents of the six neighbouring States, namely, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan and Uttar Pradesh;

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

(c) the Chairman of the co-operative society engaged in the business of processing or marketing of agricultural produce in the market area:

Provided that, if there be more than one such co-operative societies in the market area, then the managing committees of all such societies shall meet together and elect the Chairman of one of such co-operative societies as a member of the Market Committee:

Provided further that where there is no such co-operative society in the market area, the Administrator may nominate a member to represent the persons doing the business of processing or marketing of agricultural produce in the market area;

(d) one member to be elected by the members of the local authority within the local limits of whose jurisdiction the principal market in relation to that Market Committee is situated:

Provided that a person to whom a licence has been granted under section 34 shall not be eligible for election under this clause;

(e) one member to be elected by the licenced weighmen and measurers;

(f) one member of the Metropolitan Council of Delhi to be elected by that Council from amongst its members, to represent the interests of consumers;

(g) two members to be nominated by the Administrator of whom one shall represent the interests of consumers.

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

(3) Without any prejudice to the provisions of sub-section (2), the Chairman of a Market Committee shall be nominated by the Administrator from among the members of the Committee.

(4) Subject to the provisions of sub-section (2), every Market Committee shall elect one of its elected members to be its Vice-Chairman.

Section 10 - Incorporation of Market Committees

Every Market Committee shall be a body corporate by such name as the Administrator may, by notification, specify and shall have per-petual succession and a common seal and may, in its corporate name, sue and be sued and shall, subject to such restrictions as are imposed by or under this Act, be competent to contract and to acquire, hold and dispose of property, both movable and immovable, and to do all other things necessary for the purposes for which it is constituted.

Section 11 - Election and term of office of members

(1) Except as otherwise provided in this Act and subject to the provisions of sub-section (2) of section 9, the members of a Market Committee shall be elected by the individuals, authorities or bodies referred to in sub-section (1) of section 9.

(2) The manner of election, preparation and maintenance of the lists of voters, qualifications of members, disqualifications for being chosen as, and for being, a member, the right of vote, the payment of deposit and its forfeiture, determination of election disputes, publication of the names of

members elected, and all matters ancillary thereto shall be such as may be prescribed.

(3) If, for any reason, any body of persons, local authority or co-operative society or managing committee thereof fails to elect members of any Market Committee, the Director shall give notice in writing requiring such body of persons, local authority or co-operative society or managing committee thereof to elect members within one month from the date of service of such notice; and on the failure of such body, authority, society or committee to elect members within the aforesaid period, the Director shall nominate the required number of persons who are qualified to be elected under this Act representing such body of persons, local authority or co-operative society or managing committee thereof.

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

Provided that the Administrator may, by notification, extend the term of office of members of any Market Committee for a period not exceeding one year.

(5) The names of the members of a Market Committee who have been elected or nominated shall be published in the Official Gazette.

(6) Upon the publication of the names of all the members of a Market Committee after election or nomination or, as the case may be, upon the publication of the names of at least nine members of such Committee in the Official Gazette, the Market Committee shall be deemed to be duly constituted.

Section 12 - Creation of Election Fund

(1) The superintendence, direction and control of the preparation of the list of voters for, and conduct of, all elections to Market Committee shall be vested in the Director, and, for the purpose of preparing the list of voters and conduct of elections, every Market Committee shall constitute an Election Fund consisting of an amount equal to five per cent, of all money received by it by way of fees under this Act during any year or two thousand rupees per annum, whichever is less.

(2) The Election Fund shall be invested in such manner as the Director may direct, regard being had to elections to be held during a year, and the necessity to have the moneys available from the Fund for meeting the expenses in relation to the preparation of the list of voters, or for the conduct of elections, or both.

(3) Every Market Committee shall, not later than the 31st day of October each year, inform the Director or any person authorised by him in this behalf of the amount standing to the credit of the Election Fund on the 30th day of September and also at any other time when required by the Director.

(4) Whenever the list of voters is to be prepared or revised or any election to the Market Committee is to be held, the Director or any person authorised by him in this behalf shall in writing inform the Market Committee to deposit with him such amount and before such date as may be specified in the direction for meeting the expenses for preparing or revising the list of voters or, as the case may be, for conducting the election, or both and the Market Committee shall comply with such direction.

(5) The Director or any person authorised by him in this behalf shall, after the preparation or revision of the list of voters or after the declaration of the result of the election, draw up a statement of expenditure incurred in preparing or revising such list or in conducting the election and shall, within a period of three months from such preparation or revision of the list or declaration of the result, as the case may be, forward the same to the Market Committee for information.

(6) The balance of the amount remaining unspent, if any, shall be refunded to the Market Committee and, if the expenditure incurred exceeds the amount of deposit, the Director, or any person authorised by him in this behalf, shall direct the Market Committee to pay the excess amount, as specified by him in the direction, within one month from the date of the receipt of the direction and the Market Committee shall comply with such direction.

Section 13 - Commencement of term of office of members

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

Provided that, a person, who is a member, by virtue of his being the Chairman of a co-operative society or member of a local authority or of the Metropolitan Council of Delhi, shall cease to hold office on his ceasing to be such Chairman or member, and in the case of a person who is a licensee he shall cease to hold office on his ceasing to be the holder of the licence.

(2) The first meeting of the Market Committee, to be called by the Chairman, shall be held on such date as may be fixed by the Director, or any officer authorised by him in that behalf, being a date not later than thirty days from the date on which the Committee is deemed, under sub-section (6) of section 11, to be duly constituted.

(3) Where the first meeting cannot, for any reason, be held within the said period of thirty days, the Director shall report the fact to the Administrator stating the reasons for the failure to hold the meeting, and shall act according to the directions of the Administrator issued in that behalf.

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

Section 14 - Resignation of members and nomination in certain circumstances

(1) A member of a Market Committee may resign his office by writing under his hand addressed to the Chairman and the Chairman may resign his office of member by writing under his hand addressed to the Director, and the resignation shall take effect from the date on which it is accepted by the Chairman or, as the case may be, the Director.

(2) If at any time it appears to the Administrator that any Market Committee, by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act, he may, by notification, nominate persons to fill the vacancies of the members who have resigned; and the persons so nominated shall hold office for the remainder of the term of the members in whose place they are nominated or until the vacancies are duly filled by election or nomination, as the case may be.

Section 15 - Removal of members for misconduct

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

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

Section 16 - Casual vacancies

Subject to the provisions of sub-section (3) of section 11 and sub-section (2) of section 14, in the event of a vacancy occurring on account of the death, resignation or removal of a member, whether elected or nominated, before the expiry of his term of office, or otherwise, the Chairman of the Market Committee shall forthwith communicate the occurrence of such vacancy to the Director and the vacancy shall be filled as soon as conveniently may be, by election, or, as the case may be, nomination, of a person, who shall hold office for the remainder of the term of office of the member in whose place he is elected or nominated:

Provided that, if the vacancy occurs at any time within six months immediately preceding the date on which the term of office of the member is due to expire, the vacancy shall not, unless the Administrator directs otherwise, be filled.

Section 17 - Term of office of Chairman and Vice-Chairman and honorarium payable to them

(1) The Chairman and the Vice-Chairman shall held office for such period as may be prescribed and shall, notwithstanding the expiry of their term of office, continue to hold office until their respective successors enter upon their office.

(2) There shall be paid to the Chairman and the Vice-Chairman an honorarium of such amount as the Board may, having regard to the finances of the Market Committee, specify; so, however, that the total amount of honorarium to be paid to each shall not exceed rupees one thousand and eight hundred per annum.

Section 18 - Procedure for election of Vice-Chairman

(1) The Vice-Chairman shall be elected in the first meeting of the Market Committee.

(2) Such meeting shall be presided over by the Director or any person authorised by him in this behalf.

(3) The Director or such person shall, when presiding over the meeting, have the same powers as the Chairman has while presiding over a meeting of the Market Committee, but shall not have the right to vote.

(4) If, in the election of the Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the person presiding over the meeting and in such manner as he may determine.

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

Section 19 - Resignation of Chairman and Vice-Chairman

(1) The Chairman of the Market Committee may resign his office by writing under his hand addressed to the Director; and the resignation shall take effect from the date on which it is accepted by the Director.

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

Section 20 - Consequences of absence of Chairman without leave

Subject to the rules made by the Administrator in this behalf, a Chairman of the Market Committee who absents himself from three consecutive meetings of the Market Committee without leave of the Board shall cease, on and from the date on which the third such meeting is held, to be the Chairman.

Section 21 - Vacancies in office of Chairman and Vice-Chairman

(1) In the event of a vacancy in the office of the Chairman or the Vice-Chairman by reason of death, resignation, or otherwise, the vacancy shall be filled as soon as possible,--

(a) by nomination, in the case of a Market Committee constituted for the first time; and

(b) in any other case, in the manner provided in sub-section (3) or, as the case may be, sub-section (4) of section 9.

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

Section 22 - Refusal to hand over charge to new Chairman or Vice-Chairman

(1) On the nomination or election of the Chairman or Vice-Chairman, the outgoing Chairman or Vice-Chairman shall forthwith hand over charge of his office to the successor-in-office,

(2) If the outgoing Chairman or Vice-Chairman fails or refuses to hand over charge of his office, as required under sub-section (1), the Director or any person authorised by the Director in this behalf may, by order in writing, direct such Chairman or Vice-Chairman, as the case may be, to forthwith hand over charge of his office to the successor-in-office together with all records, funds and property of the Market Committee, if any, in his possession as such Chairman or Vice-Chairman.

(3) If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) does not comply with such direction, the Director or any other person authorised by him in this behalf may apply to the Executive Magistrate within the local limits of whose jurisdiction the Market Committee is functioning for seizing and taking possession of the records, funds and property of the Market Committee in the possession of such Chairman or Vice-Chairman and handing over possession thereof to the successor-in-office.

(4) On receipt of an application under sub-section (3), the Executive Magistrate may authorise any police officer, not below the rank of a sub-inspector, to enter and search any place where the records, funds and property are kept or are likely to be kept and to seize them and hand over possession thereof to the person specified in such application.

(5) The provisions of the Code of Criminal Procedure, 1973, shall apply to every search and seizure made under this Act.

Section 23 - Meeting, etc., of Market Committee

The quorum for a meeting of the Market Committee and the procedure to be followed thereat shall be regulated in accordance with the bye-laws made for the purpose by the Market Committee.

Section 24 - Members to act during vacancy; acts of Market Committee, etc., not to be invalidated by informalities

A Market Committee shall have power to act, notwithstanding any vacancy in the membership, or any defect in the constitution thereof; and the proceedings of a Market Committee shall be valid notwithstanding that some person, who was not entitled to be a member, had sat, voted or otherwise taken part in the proceedings of any such Committee.