

# *Jharkhand Agricultural Produce Markets Act, 2000*

(Act 16 of 1960)

jhr011

For Statement of Objects and Reasons, see the Bihar Gazette, Extraordinary of the 4th December, 1958; for Report of the Select Committee, see the Bihar Gazette, dated the 24th February, 1960.

[The 1960 Act received the assent of the Governor on the 6th August, 1960, and the assent was first published in the Bihar Gazette Extra-ordinary, of the 10th September, 1960]

An Act to provide for the better regulation of buying and selling of Agricultural Produce and the Establishment of Markets for Agricultural Produce in the State of [Jharkhand] and for matters connected therewith.

Be it enacted by the Legislature of the [State of Bihar] in the Eleventh Year of the Republic of India as follows:-

## CHAPTER I

### *Preliminary*

**1. Short title, extent and commencement.** - This Act may be called the Jharkhand Agricultural Produce Markets Act, 2000.

(2) It extends to the whole of the State of Jharkhand.

(3) It shall come into force at once.

**2. Definitions.** - (1) In this Act, unless there is anything repugnant in the subject or context-

[(a) "*Agricultural produce*" means all produce whether processed or non-processed, manufactured or not, of Agriculture, Horticulture, Plantation, Animal Husbandry, Forest, Sericulture, Pisciculture, and includes livestock or poultry as specified in the Schedule.]

(b) "*agriculturist*" means a person who ordinarily by himself or by his tenants or hired labour or otherwise, is engaged in the production or growth of agricultural produce, but does not include a trader or broker in agricultural produce notwithstanding that such trader or broker is also engaged in the production or growth;

[(bb) "*Board*" means the Jharkhand Agricultural Marketing Board established under Section 33A;]

[(c) "*broker*" means an agent who in consideration of a commission merely negotiates and brings about a contract for the purchase or sale of notified agricultural produce on behalf of his principal, but does not receive, deliver, transport, pay for the purchase of, or collect the payment for the sale of, the notified agricultural produce;]

(d) "*bye-laws*" means bye-laws made under section 53;

[(e) "*commission agent*" means a person who on behalf of his principal and in consideration of a commission or percentage upon the amount involved in each transaction keeps in his custody the agricultural produce of his principal and sells the same and holds himself liable to deliver it to the buyer and to make payment of its price to his principal;]

[(f) "*Director*" means the Director of Marketing of the Board and includes Regional Director or any other officer, appointed by the Board to discharge all or any of the functions of the Director under this Act, and such other officer duly notified by the Managing Director to discharge any one or all functions of the Director.]

(g) "*licensee*" means a person or association, firm or company granted a licence under this Act;

[(h) "*market*" means a market established under this Act for the market area and includes, a principal market yard and sub-market yard or yards, if any;]

(i) "*market area*" means any area declared to be a market area under section 4;

(j) "*market committee*" means a committee established under section 6;

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

[(ki) "*Regional Director*" means a Regional Director of Agriculture Marketing, appointed by the Board to discharge any one or all the functions of the Director under this Act and the Rules made thereunder and such other officer duly notified by the Managing Director of the Board to discharge any one or all the functions of the Regional Director.

(kii) "*Assistant Director*" means an Assistant Director of Agriculture Marketing appointed by the Board to discharge any one or all the functions of the Assistant Director under this Act and the Rules made thereunder and such other officer duly notified by the Managing Director of the Board to discharge any one or all the functions of the Assistant Director.

(kiii) "*Director Vigilance*" means a Director Vigilance of Agriculture Marketing appointed by the Board to discharge all the functions of the Director Vigilance under this Act and the Rules made thereunder, and such other officer duly notified by the Managing Director of the Board to discharge any one or all the functions of the Director Vigilance,

(kiv) "*Deputy Director*" means a Deputy Director of Agriculture Marketing appointed by the Board to discharge any one or all the functions of the Deputy Director or of the Assistant Director under this Act and the Rules made thereunder and such other officer, duly authorised by the Managing Director of the Board to discharge any one or all the functions of the Deputy Director.]

(l) "*measurer*" means a person whose business it is to measure a consignment of agricultural produce for sale;

(m) "*municipality*" means any local area declared by or under the [Jharkhand] Municipal Act, 1922 (B. & O. Act VII of 1922), to be a municipality and includes a notified area committee appointed under section 389 (c) of the said Act, and a Municipal Corporation;

(n) "*prescribed*" means prescribed by rules;

[(o) "*principal market yard*" means any enclosure, building or locality within the market area declared to be a principal marked yard under section 5;]

(p) "*retail sale*" means a sale of any agricultural produce not exceeding such quantity as may, by bye-law or rule, be fixed in respect of such agricultural produce;

[(p-i) "*Sale*" means any transfer of property in goods for each or deferred payment or other valuable consideration and shall include transfer or acquisition of goods on hire purchase or under any other system in which payment of valuable considerations is made by instalment notwithstanding the fact that the seller retains title in goods as valuable security of payment of consideration or for any other reason.]

*Explanation.* - Notwithstanding anything contained in any law for the time being in force sale shall be deemed to have taken place for the purpose of this Act within a market area where the goods are transferred from the Principal to his selling-agent or to the factor within the market area or outside the market area.]

(q) "*rules*" means rules made under section 52;

(r) "*Schedule*" means a schedule to this Act;

(s) "*Secretary*" means the persons appointed as such under sub-section (1) of section 20 and includes an officiating or acting Secretary,

(t) "*sub-market yard*" means any enclosure, building or locality within the market proper declared to be a sub-market yard under section 5;

(u) "*surveyor*" means a person whose business it is to survey a consignment of agricultural produce for sale in regard to quality, refraction, adulteration and such other purposes;

(v) "*trade*" means any kind of transaction of sale and purchase or any kind of remuneration on sale and purchase of any agricultural produce;

[(w) "*trader*" means a person ordinarily engaged in the business of buying and selling agricultural produce as a principal or as a duly authorised agent of one or more principals and includes a commission agent or a person ordinarily engaged in the business of processing of agricultural produce;]

*Explanation.* - The word "person" includes any firm, joint family, association or body of individuals whether incorporated or not.

(x) "*weighman*" means a person whose business it is to weigh a consignment of agricultural produce for sale :

[(y) "*buyer or purchaser*" means a person who buys or agrees to buy any agricultural produce and includes a person who buys or purchases on behalf of any other person as his agent or servant, or commissioned agent;]

[(z) "*seller*" means a person who sells or agrees to sell any agricultural produce and includes a person who sells on behalf of any other person as his agent or servant or commission agent; and]

[(zz) "*processor*" means a person who processes any agricultural produce, either on his own account, or on payment of charges.]

(2) If a question arises whether any person is or is not an agriculturist or a trader for purposes of this Act, the decision of the Director on such question shall be final, provided that the Director shall give the said person a reasonable opportunity of being heard before giving his decision.

## CHAPTER II

### *Constitution of Markets and Market Committees*

#### **3. Notification of intention of exercising control over purchase, sale, storage and processing of agricultural produce in specified area. -**

[(1) Notwithstanding anything to the contrary contained in any other Act for the time being in force, the Jharkhand Government may, by notification, declare its intention of regulating the purchase, sale, storage and processing of such agricultural produce and in such area, as may be specified in the notification.]

(2) A notification under sub-section (1) shall state that any objection or suggestion which may be received by the Jharkhand Government within a period of not less than two months to be specified in the notification, shall be considered by the Jharkhand Government.

**4. Declaration of market area. -** (1) After the expiry of the period specified in the notification issued under section 3 and after considering such objection and suggestions as may be received before such expiry and after holding such enquiry as it may consider necessary, the Jharkhand Government may by notification, declare the area specified in the notification under section 3 or any portion thereof to be a market area for the purposes of this Act, in respect of all or any of the kinds of agricultural produce specified in the notification under section 3.

[(2) On and after the date of publication of the notification under subsection (1), or such later date as may be specified therein, no municipality or other local authority, or other person, notwithstanding anything contained in any law for the time being in force, shall, within the market area, or within a distance thereof to be notified in the official Gazette in this behalf set up, establish, or continue, or allow to be set up, established or continued, any place for the purchase, sale, stores or processing of any agricultural produce so notified, except in accordance with the provision of this Act, the rules and bye-laws.]

**Explanation.** - A municipality or other local authority or any person shall not be deemed to set up, establish or continue or allow to be set up, established or continued a place as a place for the purchase, sale, storage or processing of agricultural produce within the meaning of this section, if the quantity is as may be prescribed and the seller is himself the producer of the agricultural produce offered for sale at such place or any person employed by such producer to transport the same and the buyer is a person who purchases such produce for his own use or if the agricultural produce is sold by retail sale to a person who purchases such produce for his own use.]

(3) Subject to the provisions of section 3, the Jharkhand Government may at any time by notification exclude from a market area, any area or any agricultural produce specified therein or include in any market area or agricultural produce included in a notification issued under sub-section (1).

(4) Nothing in this Act shall apply to a trader whose daily or annual turnover does not exceed such amount as may be prescribed.

**[4A. Sections 3 and 4 not to apply to section 39. -** (1) The provisions of sections 3 and 4 shall not apply to the exercise of powers by the Jharkhand Government under section 39 to amend the schedule by addition of any item of agricultural produce not specified therein.

(2) The State shall not order the deletion of any item in exercise of its power under section 39 without giving an opportunity for hearing to the affected parties.]

**[4B. Validating of market fee levied and collected. -** Notwithstanding any judgement, decree or order of any Court to the contrary, any market fee levied and collected shall be deemed to be valid as if such levy and collection was made under the provisions of this Act as amended by this Act and notification no. 730 dated 2nd May, 1977 shall be deemed never to have been issued and no suit or other legal proceeding shall be maintained or continued in any Court for the refund of the fee collected under the provisions of this Act and no Court shall entertain any proceedings challenging the fee recovered or the continued levy and recovery of the fee merely on the ground that liability has ceased on the issuing of the notification no. 730, dated 2nd May, 1977.]

**5. Declaration of market yards. -** (1) For each market area there shall be one principal market yard and there may also be one or more sub-market yard or yards as may be necessary. (2) The Jharkhand Government may, by notification, declare-

(i) The Jharkhand Government may, by notification, declare any enclosure, building or locality in any market area to be the principal market yard and other enclosures, buildings or localities in such area to be one or more sub-market yards for agriculture produce or for any particular agriculture produce as may be necessary for the said Market area.]

(ii) [ \* \* \* ]

**6. Establishment of the Market Committee.** - For every market area the Jharkhand Government shall, by notification, establish a Market Committee.

**[7. Strength of Market Committee.** - A Market Committee shall consist of 18 members.]

**8. Constitution of the First Market Committee.** - (1) All the members of the First Market Committee shall be appointed by the Jharkhand Government from among persons representing the same interest and in the same proportion as specified in section 9.

[(2) The Jharkhand Government shall appoint the Sub-divisional Officers of the subdivision where the principal market yard is situated, to be the Chairman, and an agriculturist-representative of the Committee to be the Vice-Chairman of the First Market Committee.

(3) The term of office of the members including the Chairman and the Vice-Chairman of the First Market Committee shall save as otherwise provided in this Act, be one year from the date of the publication of their names in the official gazette under section 13, and if on the expiry of one year term and thereafter if within the period of six months, election is not held, the Committee shall cease to function and all powers and duties of the Committee under provision of the Act and Rule made thereunder, shall be exercised by such person as may be notified by the Jharkhand Government and election under Section 9 shall be held within six months from the date of such notification :

Provided however, due to any exigencies, the election is not held within six months, the Jharkhand Government may extend the period of election for further six months.]

**9. Constitution of the second and subsequent Market Committee.** - [(1) There shall be following categories of members in every market area

(i) Seven agriculturists constituencies for electing seven representatives of agriculturists, in the manner prescribed.

(ii) Two traders' constituencies for entire market area for electing two representatives of the licensed traders under this Act, in the manner prescribed.

(iii) One shall be sub-divisional Officer of the sub-division in which head-quarters of the Market Committee is situated, who shall represent the interest of the Jharkhand Government.

(iv) Two co-operative societies' constituencies for the entire market area for electing two representatives of the co-operative societies holding valid licence under this Act.

(v) One shall be a person appointed under sub-section (1) of section 20, who shall be the *ex-officio* member Secretary of the Market Committee.

(vi) One shall be a person nominated by the State Bank of India, Jharkhand Region/Circle.

(vii) One shall be a person elected from amongst the members of the municipality or notified area committee within whose jurisdiction the principal market yard is situated and in the event there is no municipality or notified area committee, from executive committee of the Gram Panchayat within whose jurisdiction the principal market yard is situated.

(viii) One shall be a person nominated by Zila Parishad from amongst its members.

(ix) One shall be a person nominated by Agriculture Department.

(x) One shall be a member nominated by the Jharkhand Government from amongst the members of the Legislature in whose constituency, the principal market yard is situated.]

(2) A member elected under clauses (i), (ii), (iii) and (iv) of sub-section (1) shall cease to hold office as such member if he ceases to be a member of the electorate by which or one of the persons by whom, he was elected, and in the case of a member elected, under clause (vi) of the said sub-section, if he is granted a licence under this Act for that Market area.

(3) No act done by or on behalf of a Market Committee shall be questioned on the ground merely of the existence of any vacancy or defect in the constitution of the Market Committee.

[(4) (i) An Officer, nominated by the Jharkhand Government, shall toe this Chairman of the Market Committee for 2 terms or 6 years after the passing of this Act, thereafter the Jharkhand Government shall appoint, the Chairman from amongst the members of the Market Committee.

(ii) The elected Market Committee shall elect one of its members, representing the agriculturists' interest to be its Vice-Chairman]

[(5) The term of office of members, including the Chairman and the Vice-Chairman of the elected Market Committee, shall save as otherwise provided in this Act, be three years, from the date of publication of their names as members under section 13, and on the expiry of three years term and thereafter if within a period of 6 months election is not held, the committee shall cease to function and all powers and duties of the Committee under the provisions of Act and Rules made thereunder shall be exercised and discharged by such person as may be nominated by the Jharkhand Government and new Market Committee shall be constituted within six months from the date of such nomination:

Provided, however, due to any exigencies, the election is not held within six months, the Jharkhand Government may extend the period of election for another six months.]

[(5) (i) A member elected under Clause (i),(ii),(iv) of sub-section (1) shall cease to hold office as such member, if he ceases to be a member of the electorate by which he was elected. Similarly, in the case of a member elected under Clause (vii) of the said sub-section, if he is granted a licence for that Market area under this Act, his membership shall come to an end.]

[(6) All matters in relation election shall be challenged by an election petition before the prescribed authority and no court shall have any jurisdiction with regard to or in connection with any election under this section.]

**10. Disqualification of members.** - No person shall be eligible for election or appointment as a member of the Market Committee-

(a) who is less than 18 years of age;

(b) who is of unsound mind;

(c) who is an employee of the Market Committee;

(d) who has applied for being adjudged an insolvent or is an undischarged insolvent;

(e) who has been convicted for an offence-

[(i) under this Act or the Essential Commodities Act, 1955 (X of 1955), or]

(ii) involving moral turpitude which in the opinion of the State Government, makes him unfit to be elected or appointed as a member of the Market Committee; or

(f) who has directly or indirectly any share or interest in any contract with, by or on behalf of the Market Committee.

**11. Filling of casual vacancies.** - If any member is unable, by reason of his death, resignation, removal or otherwise, to complete his term of office, the vacancy so caused shall be filled by the election or appointment, as the case may be, of another person, and the person so elected or appointed shall fill such vacancy for the unexpired portion of the term for which member in whose place such person is elected or appointed would otherwise have continued in office.

**12. Procedure on failure of electorate to elect members.** - If at any election any of the electorates, mentioned in clauses (i) to (iv) of sub-section (1) of section 9 fails, within a period of three months from the date of occurrence of the vacancy, to elect or appoint, as the case may be, a member or members referred to in the said clauses, or on the occurrence of casual vacancy, to fill the said vacancy as provided in section 11, the Jharkhand Government shall give notice in writing to the electorate concerned to elect or appoint a member or members, as the case may be, or fill the vacancy within a month from the date of service of such notice, and on the failure of the said electorate again to elect or appoint members, as the case may be, or to fill the vacancy within the said period, the Jharkhand Government shall appoint on behalf of electorate concerned a person or persons as member or members, as the case may be.

**13. Publication of names of members, etc. in the Official Gazette.** - The names of the Chairman and of every member appointed or elected under sections 8, 9, 11 or 12 shall be published by the Jharkhand Government in the Official Gazette.

**14. Removal of Member, Chairman or Vice-Chairman from the Market Committee.** - (1) The Jharkhand Government may, if it thinks fit on the recommendation of the Market Committee supported by at least two thirds of the total number of its members, remove any member, holding the Chairman and Vice-Chairman of the Market Committee elected or appointed under this Act, if such member, Chairman or Vice-Chairman has, in opinion of the Jharkhand Government, been guilty of neglect or misconduct in discharge of his duties or of any disgraceful conduct or has become incapable of performing duties as a member, Chairman or Vice-Chairman as the case may be :

Provided that no resolution recommending the removal of any such person shall be passed by the Market Committee unless the person to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(2) The decision of the Jharkhand Government under sub-section (1) shall be final.

**15. Sale of agricultural produce.** - (1) No agricultural produce, specified in notification under sub-section (1) of section 4 shall be bought or sold by any person at any place in the market area other than the relevant principal market yard or sub-market yards established therein except such quantity as may on this behalf be prescribed for retail sale or personal consumption.

(2) The sale and purchase of such agricultural produce in such area, notwithstanding anything contained in any law, be made by means of open auction or tender system except in cases of such class or description of produce as may be exempted by the Board.]

**16. Prohibition of trade allowance except as prescribed.** - No person shall make or recover any trade allowance other than an allowance prescribed by the rules, or bye-laws, in any market area in any transaction in respect of the agricultural produce concerned, and no Court, shall in any suit or proceeding arising out of any such transaction have regard to or recognise any trade allowance not so prescribed.

**Explanation.** - Every deduction other than a deduction on account of deviation from sample when the purchase is made by sample or on account of deviation from standard when the purchase is made by reference to a known standard or on account of difference between the actual and the standard weight of the container or on account of the admixture of foreign matter shall be regarded as trade allowance for the purpose of this section.

### CHAPTER III

#### *Incorporation of Market Committee: Its Objects, Powers and Duties*

**17. Incorporation of Market Committee.** - Every Market Committee shall be a body corporate by such name as the Jharkhand Government may specify by notification in the Official Gazette, and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to lease, sell or otherwise transfer any such property, subject to the prescribed conditions and restrictions, and may by the said name sue and be sued, and subject to rules, bye-laws and the provisions of this Act, it shall be competent to do all other things necessary for the purpose for which it is established.

**17A. Act of Market Committee not to be invalidated.** - No act of a Market Committee, or of any sub-committee thereof, or of any person acting as member, Chairman, Vice-Chairman, presiding authority or Secretary shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such Market Committee, sub-committee, member, Chairman, Vice-Chairman, presiding authority or Secretary, or on the ground that they or any one of them was disqualified for such office, or that formal notice of the intention to hold a meeting of the market committee or of the sub-committee was not given duly or by reason of such act having been done during the period of vacancy in the office of the Chairman, Vice-Chairman, or Secretary or member of such Market Committee or sub-committee or for any other informality not affecting the merit of the case.]

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

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

- (i) when so required by the Jharkhand Government, to establish a market for the market area providing for such facilities as the Jharkhand Government may, from time to time, direct in connection with the purchase and sale of the agricultural produce concerned;
- [(ii) where a market is established under sub-clause (i) to issue licences in accordance with the rules to traders, brokers, weighmen, measurers, surveyors, warehousemen and other persons including persons or firms engaged in the processing, storing or pressing of agricultural produce concerned operating in the market area;]
- (iii) to maintain and manage the principal market yard and sub-market yards and to control, regulate and run the market in the interest of the agriculturists and licences in accordance with the provisions of this Act and the rules and the bye-laws made thereunder;
- (iv) to act in the prescribed manner as mediator, arbitrator or surveyor in all matters of differences, disputes, claims, etc, between licensees *inter se* or between them and persons making use of the market as sellers of agricultural produce;
- [(v) to control and regulate the admission of persons and vehicular traffic to the principal market yard or sub-market yards to determine the conditions for the use of market and to check and prosecute persons trading without a valid licence in the market area;]
- (vi) to bring, prosecute or defend, or aid in bringing, prosecuting or defending any suit, action, proceeding, application, or arbitration in regard to any matter on behalf of the committee, or otherwise when directed [by the Board];
- (vii) to enforce the provisions of this Act, the rules and bye-laws; and
- (viii) to perform such other duties and exercise such other powers as are imposed or conferred upon it by or under this Act, the rules or the bye-laws.

**19. Appointment of sub-committee or joint committee.** - (1) The Market Committee may appoint from among its members and with the previous approval of [the Board] from outsiders, a sub-committee or a joint committee and may delegate to such committee such of its powers or duties as it may think fit.

(2) The Market Committee may revise any decision of a sub-committee or joint committee.

**20. Appointment and salaries of officers and servants of the Market Committee.** - (1) Every Market Committee shall have a person as a Secretary appointed by the Jharkhand Government [or the Board] on such terms and conditions as may be prescribed.

(2) The Jharkhand Government [or the Board] may appoint Engineers and provide such other technical services as it may consider necessary for the efficient working of the market.

(3) The Market Committee shall contribute such sum not exceeding forty percent of its gross income as may be determined by the Jharkhand Government towards the cost of maintenance of the services mentioned in sub-sections (1) and (2) of audit.

(4) Subject to the provisions of sub-sections (1), (2) and (3) and the rules and bye-laws, the Market Committee may employ also such number of other officers and servants and pay such officers and servants such salaries, as [or the Board] may sanction.

(5) Subject to the approval of the Jharkhand Government [or the Board] the Market Committee may, in the case of any officers and servants provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper and may provide for the creation and management of Provident Fund for compelling contribution thereon on the part of its officers and servants and for supplementing such contribution out of the Market Committee Fund.

**21. Power and duties of the officers and servants of the Committee.** - The Chairman, Vice-Chairman, the Secretary, Engineer and other officers and servants of the Market Committee shall exercise such powers and perform such duties as are conferred or imposed on them by or under this Act or by the Market Committee or the rules or bye-laws.

**22. Responsibilities of the Chairman of Market Committee.** - (1) The Chairman shall conduct all correspondence in the name of the Committee, and shall be responsible for the maintenance of all records and accounts, for the punctual and correct submission of prescribed reports and accounts and for custody of all money not deposited into the Government treasury or the State Bank of India.

(2) He shall keep a minute book in which shall be entered the proceeding of every meeting of the Committee signed by himself.

**23. President of meetings of the Market Committee.** - The Chairman or in his absence the Vice-Chairman shall preside at every meeting of the Market Committee and in the absence of both, the members present shall elect one from among themselves to preside at the meeting.

**24. Decision to be by majority of votes.** - (1) Save as otherwise provided by this Act, every matter coming before the Market Committee shall be decided by a majority of votes of the members present and voting in the meeting.

(2) In case of equality of votes, the President of the meeting shall have a second or casting vote.

**25. Quorum of meeting.** - Seven members shall form the quorum for a meeting of the Market Committee.

**26. Appeal against order passed by Chairman.** - An officer or servant of the Market Committee appointed under sub-section (4) of section 20 considering himself aggrieved by any order of discharge, removal or dismissal passed by the Chairman may [appeal to the Managing Director of the Board] which may thereupon, affirm, modify or set aside any such order or pass such other order as it thinks fit.

**[27. Power to levy fees.** - (1) The Market Committee shall levy and collect market fees on the agricultural produce bought or sold in the market area at the rate of rupee one per Rs 100 worth of agricultural produce.

*Illustration.* - Paddy sold in the market area as well as rice produced from such paddy, shall both be leviable.

*Explanation.* - All notified agricultural produce leaving a market area, shall, unless the contrary is proved, be presumed to have been bought or sold in such area provided that, when any agricultural produce brought in any market area for the purpose of processing or export is not processed or exported therefrom as the case may be, or any such produce processed in the market area is not exported therefrom within twenty one days from the date of its arrival therein, it shall, until the contrary is proved, be presumed to have been bought or sold in the market area, and shall be liable for the levy of fees under this section, as if, it had been so bought or sold.

(2) The market fee chargeable under sub-section (1) shall be payable by the buyer, in the manner prescribed.

(3) The fee chargeable under sub-section (1) shall not be levied more than once on a notified agricultural produce in the same notified Market Area.]

**[27A. Accounts of purchase and sale and assessment of market fee.** - (1) Every Market Committee shall have an assessment sub-committee consisting of the Chairman, Vice-Chairman and the Secretary of the Market Committee for the purpose of assessment and levy of fee, in the manner prescribed.

(2) Every licenced trader and every trader exempted under section 42 shall within 15 days after the end of each month, submit to the Secretary of the Market Committee, or any other officer empowered by the Board, a return in Form 'A' showing the purchase and sale of each transaction of an agricultural produce.]

(3) The sub-committee shall maintain a register in Form B showing the total purchase and sales made by traders and the fees recovered from them.

(4) The sub-committee shall levy the fee payable under section 27 on the basis of the return furnished under sub-section(2).

(5) If any trader fails to submit a return as prescribed in sub-section (2) or the sub-committee has reason to believe that any such return is incorrect, it shall after giving a notice in Form C to the trader concerned require him on a date and at a time and place to be specified therein, to attend either in person or through an authorised representative or to produce or cause to be produced any account or other evidence on which such trader may rely in support of such return.

(6) On the date specified in the notice or as soon thereafter as the case may be, the sub-committee, after examining the accounts and other evidence produced by the trader and such other evidence, as the sub-committee, may by notice in writing require at the specified place, shall proceed to assess the amount of market fee leviable on the trader.

(7) If a trader, having furnished a return fails to comply with all the terms of the notice under sub-section (5) or if the accounts and other evidence produced by the trader are in the opinion of the sub-committee, incorrect, incomplete or unreliable, either wholly or partly, the sub-committee shall assess to the best of its judgement, the amount of market fee leviable on the trader.

(8) In addition to the market fee levied under sub-section (7), a defaulter trader may be liable to pay a penalty equal to the fee so levied, if so ordered by the sub-committee.

(9) Habitual default in submission of returns and habitual submission of false return shall be a sufficient ground for suspension or cancellation of or refusal to renew a licence, and provision of this section shall apply in addition to and not in derogation of any other law penal or otherwise applicable to non-compliance or defective compliance with any duty imposed upon a trader under this Act or under the rules made hereunder, or by any bye-law or order of a Market Committee.

(10) The assessment order made under sub-section (7) and order imposing penalty under sub-section (8) shall be communicated to the trader by means of a demand notice in Form D and copy thereof shall be granted to the trader on his making written application and on paying a sum of two rupees as copying fee to the committee, the sub-committee shall maintain a register of copying fees.

(11) The copy shall be prepared in the office of the Market Committee and certified to be correct by the Secretary or in his absence by another person appointed in this behalf by the Chairman. Such certificate shall give the date on which the application was received and the copy prepared and delivered to the applicant and shall be conclusive evidence of the correctness of the date.]

**[27AA.** - If upon an information, which has come into the possession of the Assessment Sub-committee, the Committee is satisfied that reasonable ground exists to believe that any amount of transaction of sale or purchase of a trader in respect of any period has for any reason, escaped assessment, or a trader assessed under section 27A has been under assessed or any deduction therefrom has been wrongly made, the Assessment Sub-committee may:-

(a) within 6 years of the expiry of such period where it has reason to believe that the trader has concealed, omitted or failed to disclose fully the particulars of his total amount of transaction of sale or purchase or has furnished incorrect particulars of his transaction and thereby has given figures below the real amount.

(b) in any other case, within 4 years of the expiry of such period, the Assessment Sub committee shall serve on the trader a notice containing all the stipulations which may be included in a notice in Form 'C and proceed to assess or re-assess the amount of fees due from the trader in respect of the amount of transaction of sale or purchase by such trader.]

**[27B. Appeal.** - (1) Any person dissatisfied with the order passed on assessment may appeal to the Regional Director of Agriculture Marketing of the area concerned.

(2) No appeal under sub-section (1) against the order of assessment passed under sub-section (7) of Section 27-A or against the order of penalty passed under sub-section (8) of section 27A, or assessment under section 27AA shall be entertained unless the appellate authority is satisfied that the appellant has deposited with the Market Committee :

(a) In case of an appeal against the order of assessment and levy of market fee under sub-section (7) of section 27A or section 27AA one third of the fee assessed as due against him or the admitted amount of fee whichever is higher.

(b) In case of an appeal against the order passed under sub-section (8) of section 27A, ten percent of the levy of penalty due from him.

(3) Every appeal under this section shall be filed within thirty days of receipt of the demand-notice.]

**[27C. Power of Revision of Appeal and Examination of Record.** - (1) Subject to such rules as may be made under this Act, an order passed on appeal under sub-section (1) of section 27-B, may on application be revised by the Managing Director of the Board, provided such application is filed within 45 days of the passing of the order.

(2) The Managing Director of the Board may call for and examine the record of any proceeding under this Act in which any order has been passed by any other authority, for the purpose of satisfying himself as to the legality or propriety of such order and may after examining the record and making or causing to be made such enquiry as he may deem necessary, pass such order which he thinks proper.

(3) No order under this section shall be passed without giving the trader and the authority whose order is sought to be reviewed or revised, a reasonable opportunity of being heard.

(4) The order passed by the Managing Director of the Board shall be final and conclusive.]

**28. Power to borrow.** - (1) A Market Committee may, with the previous sanction of the Jharkhand Government, raise money required for carrying out the purposes of this Act on the security of any property vested in and belonging to such Committee and of any fee leviable by it under this Act.

[(2) A Market Committee may, for the purpose of meeting the initial expenditure on land, buildings and equipment required, for establishing a market, obtain a loan from the Jharkhand Government or the State Bank of India constituted under the State Bank of India Act, 1955 (no. 23 of 1955) or any subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959 (no. 38 of 1959) or a Bank specified in column 2 of the first schedule to the Banking Companies (Acquisition and Transfer of Undertaking ) Act, 1970 (no. 5 of 1970) or any corporate body (including a company as defined in section 3 of the Companies Act. 1956) in which not less than fifty-one percent of the paid up share capital is held by the Central Government or the Jharkhand Government or partly by the Central Government and partly by the Jharkhand Government.

(3) The conditions subject to which such money or loan shall be raised or obtained and the time within which the same shall be re-payable, shall be subject to the previous sanction of the Board.]

**29. Market Committee Fund.** - All money 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 and any surplus remaining with the Market Committee after such expenditure has been met shall be invested in such manner as may be prescribed in this behalf.

**30. Application of Market Committee Fund.** - Subject to the provision of section 29, the Market Committee fund may be applied to the following purposes only namely:-

(i) the acquisition of a site for the market;

(ii) the maintenance and improvement of the market;

(iii) the provision and maintenance of standard weights;

(iv) the construction and repair of buildings, [check posts, market gates and other fixtures] necessary for the purpose of such market and for the health, convenience and safety of the persons using it;

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

(vi) the payment of interest on the loans that may be raised for the purposes of the market and the provision of a sinking fund in respect of such loans;

(vii) the expense of and incidental to elections;

(viii) the construction, repair and maintenance of means of communication which are useful for the purposes of [regulation, control and]development of a market or for the convenience and safety of the persons using it;

[(viii-A) In the concerned Market Committee Area, for commutation of farmers to the villages, arrangement for link roads connecting the main road, shall be made on priority basis out of the Development Fund.]

(ix) the planting and rearing of trees, and making arrangement for providing water to the persons and cattle coming to a market and like purposes;

(x) with the previous sanction of the Director or any other officer specially empowered in this behalf by the [Board,] and other purpose whereon the expenditure of the market fund is in the public interest;

(xi) such travelling and other allowances of the members of the Market Committee as may be prescribed; and

(xii) any other purposes which the Jharkhand Government may notify by a special order.

**31. Execution of contracts.** - (1) Every contract required to be entered into by the Market Committee shall be in writing and signed on behalf of the Market Committee by its Chairman and [Vice-Chairman and Secretary] of the Committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on the Market Committee.

**[31A. Establishment of check posts.** - The Market Committee may set up and erect check posts, market gates and other fixtures at any place in the market area, with a view to prevent evasion of market fee payable under this Act and to control, regulate and run the market with prior approval of the Board, in such manner as may be prescribed.]

**31B. Power to order production of accounts and power of entry, inspection and seizure.** - [(1) The Secretary of the Market Committee, and any officer or servant of the Market Committee or Board duly authorised by the Chairman of the Market Committee or the Managing Director of the Board, the Regional Director, the Director Vigilance, may require any person carrying on business in any kind of notified agricultural produce to produce before him the accounts and other documents and to furnish any information relating to the stocks of such agricultural produce or purchases, sales and deliveries of such agricultural produce by such person and also any other information relating to payment of the market fees by such person

- (2) All accounts and registers maintained by any person in the ordinary course of business in any notified agricultural produce and documents relating to the stock of such agricultural produce or purchase, sales and deliveries of such agricultural produce in his possession and the office establishment, godowns, vessel or vehicle of such person shall be open to inspection at all reasonable time by such officers and servants of the Market Committee as may be authorised by (he Chairman of the Market Committee in this behalf.
- (3) If any such officer or servant has reason to suspect that any person is attempting to evade the payment of any market fee due from him under subsection (2) of section 27 or that any person has purchased any notified agricultural produce in contravention of any of the provisions of this Act or the Rules, or the bye-laws in force in the market area, he may for reasons to be recorded in writing seize such accounts, registers or documents of such persons as may be necessary and shall grant a receipt for the same and shall retain the same only so long as may be necessary for examination thereof.
- (4) For purpose of sub-section (2) or sub-section (3) such officer or servant may enter or search any place of business, warehouse, office establishment, godown, vessel or vehicle where such officer or servant has reason to believe that such person keeps or for the time being keeps any accounts, registers or documents of his business, or stock of notified agricultural produce relating to his business
- (5) Where any book of accounts or other documents are seized from any place and there are entries therein making reference to quantity, quotations, rates, receipt of payment of money or sale or purchase of agricultural produce, such book of accounts or other documents shall be admitted in evidence without witness having to appear to prove the same and such entries shall be *prima facie* evidence of the matters, transactions and accounts purported to be therein recorded.
- [(6) If any person, by himself, or by any person in his employment-
- (i) voluntarily obstructs, offers any resistance to or impedes, or otherwise interferes with; or
  - (ii) refuses or fails to give or wilfully gives false or misleading information to the officer duly appointed under section 318; who is acting in accordance with his duty thereunder.

Such person shall be liable to penalty which may extend to one thousand rupees. The Regional Director on receiving report from the authorised officer of such resistance, obstruction or impediment or interference shall cause a notice to be served on the person complained of and after giving an opportunity of hearing may impose penalty and pass necessary orders. An appeal may be filed against the order of the Regional Director within one month before the Director of Marketing. The order passed by the Director of Marketing in this regard shall be final.]

[(7) The Secretary of the Market Committee or any officer or servant of the Board or of the Market Committee duly empowered by the Chairman of the Market Committee or the Managing Director of the Board, the Regional Director, the Director Vigilance may detain any person (or vehicle) found carrying or removing any notified agricultural produce for transport of which market fee has not been paid or realised or not shown in the account to have been realised, and may examine the goods and may require production of the documents, authorising removal thereof. If the document tallies with the goods the officer or servant of the Board or the Market Committee may endorse thereon the time, date and place of his examination thereof.]

**[31C. Power to stop vehicles etc. -** (1) At any time, when so required by any officer or servant of the Market Committee or the Board empowered in this behalf by the Managing Director of the Board or Chairman of the Market Committee, the Director Vigilance or Regional Director, the driver or any other person in charge of any vehicle, vessel or other conveyance, shall stop the vehicle, vessel or other conveyance, as the case may be, and keep it stationary as long as may reasonably be necessary, and allow such officer or servant to examine the contents in the vehicles, vessel or other conveyance and inspect all records relating to the notified agricultural produce being carried and give his name and address and the name and address of the owner of the vehicle, vessel or other conveyance.

(2) The person empowered under sub-section (1) shall have power to seize any notified agricultural produce if such officer or servant has reason to believe that any fee or other amount due under this Act in respect of such produce has not been paid or not entered into the account or documents relating to transaction and such seizure shall forthwith be reported by the officer or servant, aforesaid, to a Magistrate having jurisdiction to try the offence under this Act and the provisions of sections 457, 458 and 459 of the Code of Criminal Procedure, 1973 (Act II of 1974) shall as far as may be apply in relation to the notified agricultural produce seized as aforesaid as they apply in relation to property seized by a police officer.

(3) No person shall remove or cause to be removed or transport any goods unless market fee payable under the Act has been paid or realised. Any vehicle or conveyance and the owner or the driver or the person in charge of the vehicle or the conveyance shall carry with himself a document showing the payment of market fee on such produce having been paid or realised or charged by the trader or by the staff of the Market Committee.

(4) The Secretary of the Market Committee or any other officer or staff of the Market Committee or of the Board duly authorised by the Chairman of the Market Committee or the Managing Director of the Board may seize or remove stock of the agricultural produce and the animals, vehicles, vessels or other conveyance used in carrying or transporting the said produce in contravention of any provision of the Act, Rules, by-laws or order issued in this behalf or of the licence issued under the rules.]

## CHAPTER IV

### ***Supersession or Dissolution of Market Committee***

**32. Supersession of Market Committee. -** If in the opinion of the Jharkhand Government a Market Committee is not competent to perform, or persistently makes default in performing, the duties imposed on it by or under this Act or exceeds or abuses its powers, the Jharkhand Government may, by notification supersede such Market Committee :

Provided that before issuing a notification under this section, the Jharkhand Government shall give a reasonable opportunity to the Market Committee for showing cause why it should not be superseded and shall consider the explanations and objections, if any of the Market Committee.

**33. Consequences of supersession. -** (1) Upon the publication of a notification under Section 32 superseding a Market Committee, the following consequences shall ensue :

- (i) all the members including the Chairman and the Vice-Chairman of the Market Committee shall, as from the date of such publication, be deemed to have vacated their office.
- (ii) the Jharkhand Government shall by order-
  - (a) constitute a new Market Committee under Section 9 within one year of the date of the publication of the notification under Section 32, or
  - (b) subject to the provision of sub-clause (a) make such arrangements for a period not exceeding one year for carrying out the functions of the Market Committee as it thinks fit and may for that purpose, direct that all the powers and duties which under the provisions of this Act are to be exercised and performed by the Market Committee or its Chairman shall be exercised and performed by such person or persons as the Jharkhand Government may appoint in this behalf:

Provided that the person who held the office of Secretary of the superseded Market Committee shall not be eligible for such appointment ;

- (iii) All the assets vesting in the Market Committee shall, subject to all its liabilities, vest in the Jharkhand Government except that in case a new Market Committee is constituted, they shall vest in the Jharkhand Government only till the date of the first meeting of the new Market Committee at which a quorum is present and thereafter re-vest in the new Market Committee.

(2) If the Jharkhand Government does not make such an order under clause (ii) of sub-section (1) it shall transfer all the assets of the Market Committee, which remain after satisfaction of all its liabilities, to the municipality or other local authority, as the case may be, within whose jurisdiction the Market Committee is situated, or if there are more than one such municipalities or other local authorities to each of such municipalities or other local authorities, such portion of the assets as the Jharkhand Government may determine.

(3) A municipal or other local authority to which the assets of a Market Committee have been transferred under sub-section (2) shall utilise such assets for such object in the area within its jurisdiction as the Jharkhand Government considers to be for the benefit of the agriculturists in that area.

#### [CHAPTER IV-A]

### **Marketing Board**

**[33A. Establishment of Board.** - (1) For the purposes of exercising superintendence and control over Market Committee, and for exercising such other powers and performing such functions as are conferred or entrusted under this Act, the Jharkhand Government shall, by notification in the official Gazette, establish a Board called the Jharkhand Agricultural Marketing Board.

(2) The Chairman of the Board shall be the person nominated by the Jharkhand Government. The number of the members of the Board shall not exceed fifteen. These members shall be appointed by the Jharkhand Government.

(3) The members of the Board shall be appointed by the Jharkhand Government by notification in the Official Gazette, from amongst the following categories of persons, namely :

- (a) an officer of Finance Department of the Jharkhand Government;
- (b) two officers of the Agriculture Department of the Jharkhand Government;
- (c) an officer of the Revenue Department of the Government;
- (d) Chief Engineer of the Rural Engineering Organisation of the Jharkhand Government, *ex-officio*;
- (e) The Chief Town Planner of the Jharkhand Government, *ex-officio*;
- (f) an officer of the Ministry of Agriculture of the Government of India to be nominated by that ministry;
- (g) Managing Director of the State Bank of India or his nominee;
- (h) five members to be nominated from amongst the members of the Market Committee;
- (i) Director, Marketing;
- (j) The Managing Director of the Board shall function as the member Secretary of the Board.

(4) The Managing Director of the Board shall function as the Chief Executive Officer of the Board who shall be an officer of the State Government not below the rank of a Collector.

(5) The membership of persons, other than the official members shall be at the pleasure of the Government.]

**[33B. Incorporation of Marketing Board.** - The Board shall be a body corporate by the name of the Jharkhand Agricultural Marketing Board having perpetual succession and common seal with power to acquire and hold property, both movable and immovable and to lease, sell or otherwise transfer any such property, subject to the prescribed conditions and restrictions, and, may by the said name sue and be sued, and subject to the rules, bye-laws and the provisions of this Act, it shall be competent to do all other things necessary for the purposes for which it is established.]

**[33C. Board's Fund.** - (1) Every Market Committee shall, out of its fund, pay to the Board as contribution, such percentage of its income derived from licence fees and market fees as may be prescribed to meet expenses of the establishment of the Board and also those incurred in the interest of the Market Committee.

(2) The Board may from time to time, with the previous sanction of the Jharkhand Government and subject to the provisions of this Act and to such conditions as the Jharkhand Government may by general or special order determine, borrow any sum required for the purposes of this Act whether by issue of bonds or stocks.

(3) The Board may at any time have on loan under sub-section (1), apart from the amount of loans from the Jharkhand Government an amount excluding such amount as the Jharkhand Government may from time to time fix in that behalf.

(4) Stocks issued by the Board under this section shall be issued, transferred, dealt with and re-deemed in such manner as the Jharkhand Government may by general or special order direct.

(5) All moneys received by or on behalf of the Board shall constitute the 'Marketing Development Fund.')

**[33D. Audit of accounts of the Board.** - (1) The accounts of the Board shall be subject to audit under the [Jharkhand and Orissa Local Fund Audit Act, 1925 (Part II) (B. and O. Act II of 1925)] and for the purpose of the said Act, the Board shall be deemed to be local authority whose accounts have been declared by the Jharkhand Government to be subject to audit under section 3 of the said Act.

(2) The Board may make arrangement for internal audit of its accounts as it may deem fit.]

**[33E. Appointment of officers and servants.** - (1) The Board may appoint such officers and servants it considers necessary for efficient performance on such terms and conditions as may be provided for in regulation made by the Board.

(2) The Board may, with previous approval of the Jharkhand Government or the Central Government as the case may be, appoint a servant of the Central or the Jharkhand Government as an officer or servant of the Board or of a market committee on such terms and conditions as it thinks fit.

(3) Notwithstanding anything contained in any other provisions of this Act, the Board may constitute cadre of officers and other servants common to all committees as it may deem fit.

(4) Every person who was holding a post comprised in a cadre referred to in sub-section (3) in any Market Committee (including a Government servant serving on deputation) shall on and from the date of constitution of the cadre (hereinafter in this section referred to as the said date) become a member of the cadre and shall hold his office or service therein by the same tenure, at the same remuneration, and upon the same other terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as he would have held the same on the said date but for the constitution of the cadre and shall continue to do so until his employment as a member of a cadre is terminated or until his remuneration or other terms and conditions of service are revised or altered by the Board under or in pursuance of any law or in accordance with any provision which for the time being governs his service :

Provided that nothing contained in this section shall apply to any such person who, by notice in writing given to the Jharkhand Government may within such time as the Jharkhand Government may by general or special order specify, intimate his intention of not becoming a member of the said cadre.]

**[33F. Supervision and control of the Managing Director.** - Subject to the superintendence of the Board the general control and direction over all the officers and servants of the Board shall be vested in Managing Director.]

**[33G. Authentication of orders and other instruments of the Board.** - All proceedings of the Board shall be authenticated by the signature of Managing Director or the Secretary and all other orders and other instruments issued by the Board shall be authenticated by signature of the Managing Director, Secretary, Under-Secretary or such other officer of the Board as may be authorised in this behalf by regulation.]

**[33H. Delegation of Powers.** - Subject to the provisions of this Act, the Board may by general or special order, delegate, either unconditionally or subject to such conditions as may be specified in the order, to the Managing Director or sub-committee appointed by it to the Director or any other officer of the Board such of its powers, and duties under the Act as it may deem fit.]

**[33I. Act not to be invalidated by informality, vacancy, etc.** - No act done or proceeding taken under this Act by the Board, or a sub-committee appointed by the Board shall be invalidated merely on the ground of-

- (a) any vacancy or defect in the constitution of Board or sub-committee; or

(b) any defect or irregularity in the appointment of a person acting as a member thereof; or

(c) any defect or irregularity in such act or proceeding, not affecting the substance.]

**[33J. Powers and functions of the Board.** - (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 those functions:-

(i) superintendence and control over the working of the market committees and other affairs thereof including programmes undertaken by such market committees for the development of markets and market areas;

(ii) giving direction to market committees in general or any market committee in particular with a view to ensure efficiency thereof;

(iii) any other function specifically entrusted to it by this Act;

(iv) such other functions of like nature as may be entrusted to the Board by the Jharkhand Government.

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

(i) to approve proposal for selection of new sites by the Market Committee for development of market;

(ii) to supervise and guide the market committees in the preparation of plans and estimates of construction programme undertaken by the Market Committee;

(iii) to execute all works chargeable to the Board's fund;

(iv) to maintain accounts in such forms as may be prescribed and get the same audited in such manner as may be laid down in the regulation of the Board;

(v) 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;

(vi) to make necessary arrangement for propaganda and publicity on matters related to regulated marketing of an agricultural produce;

(vii) to provide facilities for the training of officers and servants of the market committees;

(viii) to prepare and adopt budget for the ensuing year;

(ix) to grant subventions to market committees for the purposes of this Act on such terms and conditions as Board may determine;

(x) to do such other things as may be of general interest to market committees or considered necessary for the efficient functioning of the Board.]

**[33K. Execution and Registration of contracts etc.** - Every contract or assurance of property on behalf of the Board shall be in writing and executed by such authority and in such manner as may be provided by regulations.]

**[33L. Regulation.** - (1) The Board may, with the previous approval of the Jharkhand Government make regulations, not inconsistent with this Act and rules made thereunder for the administration of the affairs of the Board.

(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) the summoning and holding of meetings of the Board, the time and date when such meetings are to be held, the conduct of business at such meetings and the number of persons necessary to form a quorum thereat;

(b) the powers and duties of the officers and other employees of the Board;

(c) the salaries and allowances and other conditions of service of officers and other employees of the Board and of officers referred to in subsection (2) of section 20;

(d) the management of the property of the Board;

(e) the execution of contracts and assurances of property on behalf of the Board;

(f) the maintenance of accounts and the preparation of balance sheet by the Board;

(g) the procedure for carrying out the functions of the Board under this Act;

(h) any other matter for which provision is to be or may be made in regulations.]

#### [CHAPTER IV-B

#### *Contribution in the State Fund by the Committee*

**33M.** Every Market Committee shall out of its fund contribute to the Jharkhand Government Fund such percentage of its income derived from licence fees and market fees as may be prescribed by Rules from time to time by the Jharkhand Government.]

#### CHAPTER V

#### *Miscellaneous*

**34. Duty of members, officers and servants of the Committee to furnish information.** - All members, including the Chairman and Vice-Chairman and all officers and servants of the Market Committee shall furnish information in their possession in regard to the affairs or proceedings of the Committee to the [Board or such other officer authorised by the Board in this behalf, as and when required by it.]

**[35. Power of inspection.** - (1) The Managing Director of the Board or any officer authorised in this behalf by him, by general or special order, shall have power to inspect or cause to be inspected the accounts of the Market Committee or to institute an inquiry into the affairs of the Market Committee and to require the Market Committee or its Chairman to do a thing or to desist from doing a thing which he considers necessary in the interest of the market or the Market Committee and to make a written reply within a reasonable time stating its or his reason for not desisting from doing it or for not doing such a thing and after considering the reasons given by Market Committee, the Managing Director of the Board or any officer authorised by him may pass such order thereon as he thinks fit.

(2) The Managing Director of the Board or any other officer authorised under sub-section (1) shall for the purposes of the said sub-section have powers to summon, and enforce the attendance of witnesses and to compel the production of documents by the same means and, so far as may be, in the same manner as provided in the Code of Civil Procedure, 1908 (V of 1908).]

**36. Power of Director to suspend or cancel licence in case of the emergency.** - In case of an emergency, the Director may for reasons to be recorded in writing suspend or cancel the licence of any market functionary and take such other steps as he may deem fit in the interest of the

market:

Provided that before passing an order under this section the Director shall give a reasonable opportunity to the functionary concerned to be heard.

**[37. Power of the Board to make arrangements for the performance of the duties and functions of the Market Committee and the Chairman in certain cases.** - Where a Market Committee is unable or not competent due to any order or decision of a court or any other cause to perform the duties, imposed by or under this Act the Board shall make such arrangements as it deems fit for the performance of the duties and functions of such Market Committee and of the Chairman of the Committee.]

**38. Power to pass orders.** - (1) The [Managing Director of the Board] may, at any time, call for and examine the proceedings of any Market Committee for the purposes of satisfying himself as to the legality of any decision or order passed by the Market Committee and he may after giving an opportunity to the Market Committee to be heard pass order thereon as he thinks fit.

(2) The [Managing Director of the Board] may, pending the examination and disposal of the matter under sub-section (1), direct that the execution of the decision or orders of the Market Committee be stayed.

**39. Power to amend the Schedule.** - The Jharkhand Government may, by notification, add to, amend or cancel any of the items of agricultural produce specified in the Schedule.

**40. Acquisition of land for the Market Committee.** - (1) If any land is required for the purpose of this Act, the Jharkhand Government may proceed to acquire it under the provisions of the Land Acquisition Act, 1894 (1 of 1894), or any other law for the time being in force.

(2) The land shall vest in the Market Committee on payment by the Market Committee of the compensation awarded under the Land Acquisition Act, 1894 (1 of 1894), or any other law for the time being in force and of all other charges incurred by the Jharkhand Government on account of the acquisition.

41. [x x x x x]

**42. Power to exempt specified persons, articles or trades from provisions of the Act.** - The Jharkhand Government may, by notification and subject to such conditions and restrictions as it may consider fit to impose, exempt any class of persons, any commodity, trade or class of trades from all or any of the provisions of this Act.

**43. Recovery of sums due of Government from Market Committee.** - Every sum recoverable by the Market Committee or due from a Market Committee to the Jharkhand Government [or the Board] under this Act, shall be recoverable as a public demand.

**44. Differences regarding construction of rules, etc. about weight.** - (1) Notwithstanding anything contained in the [Bihar Weights Act, 1947 (Bihar Act XVII of 1947), or the [Bihar Weights and Measures (Enforcement) Act, 1959 (Bihar Act VII of 1959) when a difference arises between an Inspector appointed under sub-section (1) of Section 14 of Bihar Act XVII of 1947 or sub-section (1) of Section 15 of Bihar Act VII of 1959 and any person interested as to the meaning or construction of any rule or regulation as to the method of verifying, adjusting or stamping any weight or weighing instrument in any market area such difference may at the request of the person interested or by the Inspector of his own accord, be referred to the Chief Inspector of Weights, Jharkhand or the Controller of Weights and Measures, Jharkhand, having jurisdiction over the subject matter of dispute, as the case may be, and the decision of the said officer shall, subject to the provisions of sub-section (b) be final.

(2) An appeal shall lie within the prescribed time from the decision under subsection (1) to the Director of Agriculture, Jharkhand, or such other officer as the State Government may appoint in this behalf and the decision of the Director of Agriculture or such officer, as the case may be, shall be final.

**45. Employees to be public servants.** - The Chairman, the Vice-Chairman, the members of the Market Committee on duty and every employee of the Market Committee shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (XIV of 1860).

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

Provided that nothing in the section shall be applicable to any suit or other legal proceeding by the Jharkhand Government, the Chairman, the Market Committee, or the Board against any member, officer, servant or other person.]

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

(3) [x x x x]

**47. Protection to persons acting in good faith.** - No suit, prosecution or other legal proceedings shall be instituted against any person for anything done or intended to be done in good faith under this Act or the rules or bye-laws.

**[48. Penalty.** - (1) Any person who contravenes any provision of the Act or any rule or bye-laws or order issued thereunder shall be punishable with imprisonment for a term which may extend to one year and with a fine which may extend to Rs. 1,000 or both:

Provided that in absence of adequate reason to the contrary to be recorded in the judgement of the Court such imprisonment shall not be for a term of less than one month and a fine not less than a sum of Rs. 500.

(2) If any person is convicted under this section and is again convicted under the Act, Rules or Bye-laws then he shall be punishable f Provided that in absence of adequate reason to the contrary to be recorded in the judgement of the court such imprisonment shall not be for a term of less than 3 months and a fine of Rs. 1,000.

*Explanation.* - (1) If a person contravening any provision of the Act, Rules or Bye-laws made thereunder, is a company, every person incharge of, and responsible to the company or firm for conduct of the business of the company or the firm including the Director, Manager or Secretary of the Company or firm shall be guilty for the contravention and shall be liable to be proceeded against and punished accordingly.

(2) 'Company' means any body corporate and includes a firm or other association of individuals; and

(3) 'Director' in relation to a firm, means and includes a partner of the firm.]

**49. Trial and cognizance of offences.** - (1) No court inferior to the court of a Magistrate of the second class shall take cognizance of or try, any offence under this Act or under the rules or bye-laws made thereunder.

(2) No court shall take cognizance of alleged contravention of the provisions of this Act, the rules or bye-laws or of any order made thereunder except with the previous sanction of the authority prescribed in this behalf.

**50. Audit of the accounts of Market Committee.** - The accounts of a Market Committee shall be subject to audit under the [Jharkhand and Orissa Local Fund Audit Act, 1925 [Part II] (B. & O. Act II of 1925)], and for the purpose of the said Act. the Committee shall be deemed to be a local authority whose accounts has been declared by the Jharkhand Government to be subject to audit under section 3 of the said Act and the Market Committee Fund shall be deemed to be a local fund.

**[51. Power of Government to delegate its power.** - (1) The Jharkhand Government may delegate any of its powers or functions under this Act to the Board or any officer of the Jharkhand Government not below the rank of a Class I Officer.

(2) With a view to implement the provisions of this Act, the Jharkhand Government may issue, from time to time general or specific direction on policy matters to the Board, as it considers appropriate. The Board shall carry out such direction.]

## CHAPTER VI

### Rules and Bye-Laws

**52. Power to make rules.** - (1) The Jharkhand Government may make rules not inconsistent with this Act, for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Jharkhand Government may make rules with respect to all or any of the following matters:-

- (i) the election and appointment of members of a Market Committee, the number of members to be elected or appointed by each of the bodies or groups of individuals referred to in Section 9 and the manner of their appointment and election;
  - (ii) the preparation and revision of the list of voters from time to time;
  - (iii) the filling of casual vacancies in the office of Chairman, Vice-Chairman or other members of the Market Committee;
  - [(iv) the election of the Vice-Chairman of a Market Committee;]
  - (v) the meeting of the Market Committee and the procedure to be observed at such meetings;
  - [(vi) the powers to be exercised and the duties to be performed by a Market Committee, the Chairman, Vice-Chairman and the Secretary;]
  - [(vii) the management, control and regulation of a Market and the fee which may be levied by the Market Committee, and subject to the provisions of this Act, the recovery and disposal of such fees;]
  - (viii) the issue of licences to traders, commission agents, brokers, weighmen, measurers, surveyors, warehousemen and other persons including persons or firms engaged in the processing or pressing of agricultural produce, operating in the market, the terms on which and the conditions subject to which such licences shall be issued or renewed and the fees to be charged therefor;
  - (ix) the provision of facilities for the settlement of any dispute between a buyer and a seller of agricultural produce or their agents, including disputes regarding the quality or weight of the articles, the allowances for wrappings, containers, dirt or impurities or deductions from any causes;
  - (x) the prohibition of brokers from acting on behalf of both the buyer and the seller of agricultural produce in any transaction;
  - (xi) the provision of accommodation for storing any agricultural produce brought into the market;
  - (xii) the preparation of the plans and the estimates of works proposed to be constructed partly or wholly at the expense of the Market Committee and the grant of sanction to such plans and estimates;
  - (xiii) the registers and books to be maintained by a Market Committee;
  - (xiv) the form in which the accounts of a Market Committee shall be kept, the manner in which they shall be audited and the time or times at which they shall be published;
  - (xv) the preparation and submission for sanction of the annual budget and report and returns to be furnished by a Market Committee;
  - (xvi) the investment and disposal of the surplus fund of a Market Committee;
  - (xvii) the regulation of advances, if any, given to agriculturists by brokers, commission agents or traders;
  - (xviii) the kind and description of the weights and measures and the weighing and measuring instruments which shall be used in transaction of any agricultural produce in a market area;
  - (xix) the periodical inspection of all weights and measures and weighing and measuring instruments in use in a market area;
  - (xx) the trade allowance which may be made or received by any person in any transaction in an agricultural produce in a market area;
  - (xxi) the prevention of adulteration of agricultural produce;
  - (xxii) the grading and standardisation of agricultural produce;
  - (xxiii) the keeping of a list of prices of agricultural produce in respect of which the market is established;
  - (xxiv) the time within which an appeal shall lie to the Jharkhand Government or the officer appointed by it in that behalf under sub-section (2) of Section 44:
  - (xxv) the manner in which auction of agricultural produce shall be conducted and bids made and accepted in any market;
  - (xxvi) the quantity of agricultural produce for retail sale and consumption under section 15;
  - (xxvii) the conditions subject to which the Market Committee may lease, sell or otherwise transfer any property under this Act;
  - (xxviii) the procedure and conduct of meetings of the Market Committee;
  - (xxix) the discipline, control, punishment, dismissal, discharge, removal of officers and servants of the committee;
  - (xxx) any other matter which is required to be or may be prescribed;
  - [(xxxi) the preparation and revision of the list of voters, the division of market area into constituencies and the election;]
  - [(xxxii) the person by whom and the form in which copies of documents and entries in the books of a Market Committee or the Board may be certified and the charges to be levied for the supply of such copies;]
  - [(xxxiii) the manner in which the inquiry and inspection of the Market Committee shall be held;]
  - [(xxxiv) the restrictions and conditions subject to which a Market Committee may enter into contracts;]
  - [(xxxv) the circumstances in which any agricultural produce shall be deemed to be adulterated;]
  - [(xxxvi) the fees payable in respect of appeals and revision under this Act or the rules and the fees payable in respect of any other matter; and]
  - [(xxxvii) any other matter for which there is no provision in this Act and for which provision is, in the opinion of the Jharkhand Government, necessary for giving effect to the purposes of this Act.]
- (3) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.
- (4) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule 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.

**53. Power to make bye-laws.** - (1) The Market Committee may with the previous sanction of the Director or any other officer specially empowered in this behalf by [the Board,] in respect of the market area under its management, make bye-laws not inconsistent with this Act and the rules, for carrying into effect the purposes of this Act.

(2) Such bye-laws shall be made after previous publication.

[(3) In particular and without prejudice to the generality of the foregoing provisions, the bye-laws may be provided for-

- (i) the regulation of business of the Market Committee;
- (ii) the regulation of the business of sub-committee of the Market Committee;
- (iii) the conditions of delegations of powers, functions and duties of the Market Committee to sub-committee;
- (iv) the appointment and conditions of services of officers and servants of the Market Committee;
- (v) the assignment of powers, functions and duties to the officers and servants of the Market Committee;
- (vi) the procedure for granting renewal, suspension or cancellation of licences under this Act and the circumstances in which any suspension or cancellation of a licence may be annulled by the Market Committee;
- (vii) the conditions for trading or operating in any capacity as a market functionary within the market area;
- (viii) the control and regulation of dealing between sellers and buyers;
- (ix) the enforcement of the weighing of notified agricultural produce in due time;
- (x) the enforcement of issue of immediate receipt to the producer in respect of agricultural produce entrusted by the producer to the trader for sale;
- (xi) the procedure of sales of notified agricultural produce in the yards and outside within the market area;
- (xii) the sales of notified agricultural produce in the yards under the direct supervision of the staff of the Market Committee;
- (xiii) the execution of agreement of sale soon after the sale is agreed upon;
- (xiv) the taking of delivery of goods soon after the agreement of sale is effected;
- (xv) the payment of price of agricultural produce by the purchasers to the sellers at the time of taking delivery of goods in all cases of direct purchases made from the producer without the assistance of a commission agent;
- (xvi) the fixing of the maximum period of credit permissible to the purchaser from the commission agent from the date of agreement of sale;
- (xvii) the enforcement of prompt payment by the commission agent to his principal soon after delivery of agricultural produce is given to the purchaser;
- (xviii) the enforcement of payment of the price of agricultural produce by the purchaser to the commission agent as and when it falls due in accordance with the terms of credit where the commission agent has allowed credit before the expiry of the maximum terms of credit permissible under the bye-laws;
- (xix) the procedure to be adopted where any licenced trader suspends payment or becomes insolvent or is otherwise unable or refuses or neglects to discharge his liabilities and obligations in relation to transactions in agriculture produce in the market area and the rights, duties and liabilities of such trader and those with whom he had such transaction and the manner in which and terms upon which they are to be closed or passed on;
- (xx) the enforcement of the submission of returns, reports and statements from the market functionaries to the Market Committee and recovery of the market fee;
- (xxi) the enforcement of the production of account books, files and documents of the market functionaries for inspection;
- (xxii) the prevention of adulteration of agricultural produce;
- (xxiii) the licence fee payable in respect of licences issued to different classes of market functionaries;
- (xxiv) the fixing of the percentage of the security amount to be deposited or the amount of Bank guarantee to be furnished by traders;
- (xxv) the travelling allowances and daily allowance of the members of the Market Committee;
- (xxvi) the procedure for entry and inspection of places of business and other places;
- (xxvii) the assistance to be rendered to a seller where he sells his agricultural produce directly to a purchaser without the assistance of a commission agent;
- (xxviii) the regulation of admission of market functionaries in the market and control over the behaviour of such functionaries;
- (xxix) the form of application for licence, the qualifications and disqualifications for securing the renewal of different kinds of licences, the procedure for the enquiry for verifying the correctness of the statements made in the application for licences;
- (xxx) the opening and closing of marketing in the yards;
- (xxxi) the books, registers and documents to be kept and maintained and the compilation of statement to be prepared from the return received from the market functionaries and the registers, books and documents to be kept and maintained by the market functionaries; and
- (xxxii) any other matter in respect of which bye-laws are required to be or may be made under this Act and the rules made thereunder.

(4) If the Market Committee fails to make such bye-laws or such amendments of the bye-laws and forward the same to the Director for approval in accordance with the provisions of sub-section (3) within the time specified in such order, the Director may, after giving the Market Committee a reasonable opportunity of being heard, by order make such bye-laws or amendments thereto as the case may be and they shall be deemed to have been made as amended by the Market Committee in accordance with the provisions of this Act.]

[Form A]

[See Section 27A(2)]

**Counterfoil**

1. Market Committee.....

2. Date.....  
 3. Name of trader.....  
 4. Licence No.....  
 5. Last date when market fee paid with receipt no.....

Purchased						Sold				
Date of transaction	Name of Agricultural Produce	Name of Seller	Weight/ Rate/ Value	Whether fee leviable, if not why?	Amount of fee leviable	Name of buyer	Weight/ Rate/ Value	Whether fee leviable, if not, why?	Amount of fee leviable	Remarks
1	2	3	4	5	6	7	8	9	10	11
Total.....										
Signature of trader.....										

**Form B**

[See Section 27(3)]

**Register of Sale and Purchase of Agricultural Produce**

Date	Name of Agricultural Produce purchased	Name and License No. of trader	Quantity	Rate	Value of Agricultural Produce	Whether fee is leviable, if not, why?	Fee chargeable	Fee recovered	No. and date of the receipt issued	Balance of fee to be recovered	Date of recovery of Balance of fee	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13
Monthly.....												
Total												

**Form C**

[See Section 27A (5) and (7)]

**Assessment Notice**

Office of the Agricultural Produce Market Committee.....

To,

M/s.....Trader Licence No.....Address

Whereas.

(a) You have not furnished return/correct return in Form A for the period from.....to.....

(b) You have habitually made default in the submission of return for the period from.....to and it appears to the Market Committee that you have wilfully failed to furnish such return in respect of the above mentioned period.

And whereas, it appears to be necessary to make assessment under section 27A (7) of the Bihar Agricultural produce Markets Act in respect of the above mentioned period. You are hereby directed to attend in person or by an authorised agent at (Place).....on (Date).....at time.....and produce or cause there to be produced, at the said time and place, accounts specified below for the purpose of such assessment, together, with the objection which you may wish to prefer and evidence you may wish to adduce in support thereof and show cause why in addition to the Market fee levied on the basis of assessment, a penalty prescribed under sub-section (8) should not be imposed upon you.

In the event of your failure to comply with this notice, the Market Committee shall proceed to assess the amount of market fee leviable under sub-section (7) of section 27A, to the best of its judgement.

Date.....

*Secretary*  
**Market Committee**

**Form D**

[See sub-section (10) of Section 29A]

**Demand Notice.**

Market

Committee.....No.....date.....

M/s.....Licence No.....Address.....

You are hereby informed that your purchases during the period from.....to.....has been assessed for the levy of market fee and penalty, etc., as under.

(a) Assessed value of purchases made.....

(b) Market Fee chargeable.....

(c) Deduct Market Fee already paid, if any.....

(d) Net payable (b-c).....

(e) Penalty.....

(f) Total (b + c).....

You are hereby directed to pay the sum of.....to the.....Market Committee.....at its office at (Place).....on or before (Date) failing which the said sum will be recovered from you as Public demand.

Secretary  
Market Committee

Date.....

**Appendix 2**  
*List of Agricultural Markets in Bihar*

District	Name of the Market Committee	*Market area	Date of establishment of market committee
1	2	3	4
<b>Patna</b>	Patna City		11.11.1970
	Mussalahpur		9.6.1965
	Fatwah		9.6.1965
	Barh		9.6.1965
	Mokameh		2.10.1963
	Danapur		9.3.1970
	Bihta		9.3.1970
	Massaurhi		15.4.1974
<b>Nalanda</b>	Biharsharif		6.5.1970
	Hilsa		28.2.1974
<b>Gaya</b>	Gaya		2.10.1963
	Jehanabad		4.11.1970
	Sherghati		3.6.1970
	Arwal		25.9.1970
<b>Nawadah</b>	Warsaliganj		31.8.1974
	Nawadah		26.2.1976
<b>Rohtas</b>	Sasaram		2.10.1963
	Nokha		9.6.1965
	Mohania		14.9.1976
	Natwar		15.5.1974
<b>Bhojpur</b>	Arrah		9.6.1965
	Buxar		2.10.1963
	Behea		28.2.1976
	Hasan Bazar		10.4.1976
<b>Aurangabad</b>	Daudnagar		14.4.1973
	Aurangabad		30.6.1986
<b>Bhagaipur</b>	Bhagaipur		2.10.1963
	Naugachia		4.11.1970
	Colgong		11.11.1970
	Sultanganj		29.9.1975
	Barahat		7.11.1975
<b>Monghyr</b>	Lakhisarai		9.6.1965
	Khagaria		9.9.1965
	Barbigha		Not available
	Monghyr		11.11.1970
	Sheikhpura		24.6.1970
	Jamui		-----
	Deoghar		6.5.1970
<b>Santhal Pargana</b>	Sahebganj		11.7.1969
	Barharwa		25.9.1975
	Dumka		9.3.1970
	Madhupur		17.10.1975
	Pakur		31.5.1966
	Godda		10.1.1979
	Jamtara		10.1.1979
	Begusarai		14.9.1967
<b>Begusarai</b>	Teghra		18.4.1973
	Bakhari		28.2.1975
	Darbhanga		2.10.1963
<b>Darbhanga</b>	Behera		
	Madhubani		
<b>Madhubani</b>	Ghoghardiha		31.10.1973
	Jainagar		1.5.1965
	Jhanjharpur		20.12.1974
	Madhubani		3.5.1975
	Benipatti		3.5.1975
<b>Samastipur</b>	Samastipur		9.6.1965

	Saidpurhat	20.7.1974
	Dalsinghsarai	9.6.1965
	Rosera	9.3.1965
	Sahpur Patori	29.9.1975
<b>Ranchi</b>	Ranchi	2.10.1963
	Khunti Gumla	28.2.1975
	Lohardagga	13.12.1975
	Simdega	3.4.1976
<b>Singbhum</b>	Chakulia	11.11.1970
	Saraikela	20.7.1981
	Jugsalai Chaibasa	11.11.1970
<b>Palamau</b>	Daltonganj	11.11.1970
	Garhwa	15.5.1974
	Latehar	10.1.1979
<b>Hazaribagh</b>	Hazaribagh	11.11.1970
<b>Giridih</b>	Giridih	11.7.1969
	Koderma	23.3.1976
<b>Dhanbad</b>	Jharia	9.3.1970
	Bokaro	20.7.1976
<b>Purnea</b>	Gulabghat	2.10.1965
	Kishanganj	9.6.1965
	Kasba	9.6.1965
	Banmankhi	9.6.1965
	Araria	9.6.1965
	Thakurganj	7.11.1965
	Bahadurganj	24.11.1974
	Bhawanipur	26.2.1976
	Forbesganj	
<b>Saharsa</b>	Supaul	9.6.1965
	Bihariganj	9.6.1965
	Murliganj	9.6.1965
	Nirmali	6.5.1970
	Singheshwarsthan	8.4.1973
	Tribeniganj	19.10.1975
	Birpur	15.9.1974
	Saharsa	14.4.1976
	Simri Bakhtiarpur	30.3.1976
<b>Katihar</b>	Katihar	2.6.1965
	Barsoi	28.2.1975
<b>Muzaffarpur</b>	Mazaffarpur	2.10.1963
	Motipur	20.7.1974
	Saraiya	29.9.1975
	Sahebganj	29.9.1975
<b>Sitamarhi</b>	Sitamarhi	2.10.1963
	Bairgania	14.9.1967
	Puri	14.9.1967
	Sursand	20.7.1974
	Sonbarsa	20.7.1974
<b>Vaishali</b>	Bhagwanpur	6.8.1975
	Goraul	6.8.1975
	Hajipur	8.9.1975
<b>East Champan</b>	Chakia	9.6.1965
	Motihari	9.3.1970
	Raxaul	20.7.1974
<b>West Champan</b>	Bettiah	9.6.1965
	Narkatiaganj	20.7.1975
	Chanpatia	25.9.1974
	(Ramnagar)	17.7.1976
	Bagaha	
<b>Saran</b>	Chapra	11.7.1976
	Dighwara	15.5.1974
<b>Gopalganj</b>	Gopalganj	-----
<b>Siwan</b>	Siwan	17.10.1975
	Maharajganj	11.11.1970

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For Market area see Notification No. S.O. 229 dated 31.8.1992 and also other Notifications issued under Section 4 of the Act.

***Notifications***

**[S.O. 550 the 22nd March, 1976 [Published in Bihar Gazette (extraordinary) dated 22.3.1976].** - In exercise of the powers conferred under section 42 of the Bihar Agricultural Produce Markets Act, 1960, the Governor of Bihar is pleased to exempt all sugar mills from the provisions of section 15 of the Bihar Agricultural Produce Markets Act, 1960 with regard to their sale and purchase of Agricultural Produce notified under sub-section (1) of section 4 of the said Act.]



## The Jharkhand State Agriculture Produce Market (Amendment) Act, 2007

Act 15 of 2008

**Keyword(s):**

Text of Act is in Hindi, Niryat, Niryatak, Aayat, Aayatak, Prasanskaran, Panjiyanm, Pariwahan, Transporter, Bajaronmukh Krishi

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# झारखण्ड गजट

असाधारण अंक

## झारखण्ड सरकार द्वारा प्रकाशित

संख्या - 827

15 अग्रहायण, 1930 शकाब्द

राँची, शनिवार 6 दिसम्बर, 2008

विधि (विधान) विभाग

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अधिसूचना

5 दिसम्बर, 2008

संख्या-एल0जी0-1/2006-77/लेज0--झारखण्ड विधान मंडल का निम्नलिखित विधेयक जिस पर राज्यपाल दिनांक 17 नवम्बर, 2008 को अनुमति दे चुके हैं, इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है।

**झारखण्ड राज्य कृषि उपज बाजार (संशोधन ) अधिनियम, 2007**

**झारखण्ड अधिनियम 15, 2008**

झारखण्ड राज्य के कृषि उपज अधिनियम 2000 (अंगीकृत) का संशोधन करने के लिए अधिनियम। भारत गणराज्य के संतावनवें वर्ष में झारखण्ड राज्य विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो :-

1. संक्षिप्त नाम, विस्तार और प्रारंभ:-

- i. यह अधिनियम झारखण्ड राज्य कृषि उपज बाजार (संशोधन) अधिनियम 2007 कहा जा सकेगा।
- ii. यह सम्पूर्ण झारखण्ड राज्य में लागू होगा।
- iii. यह तुरंत प्रवृत्त होगा।

2- झारखण्ड राज्य कृषि उपज बाजार अधिनियम 2000 (अंगीकृत) की धारा 2 के उपबंध (र) के पश्चात् निम्नलिखित खण्ड अन्तः स्थापित किया जाता है अर्थात्-

- (ल) "नर्यात" से उत्पाद का भारत से बाहर भेजा जाना अभिप्रेत है।
- (व) "निर्यातक" से कृषि उत्पाद करने वाला व्यक्ति/फार्म अभिप्रेत है।
- (श) "आयात" से भारत के बाहर से कृषि उत्पाद लाना अभिप्रेत है।
- (ष) "आयातक" से भारत के बाहर से कृषि उत्पादों का आयात करने वाले व्यक्ति/फार्म अभिप्रेत है।
- (स) "निजी बाजार यार्ड" से आशय बाजार क्षेत्र के बाजार यार्ड/उप बाजार यार्ड से भिन्न ऐसे स्थान से हैं जहां की आधारीक संरचना का विकास और प्रबंध ऐसे व्यक्ति द्वारा किया गया हो जिसे इस अधिनियम से अधीन अधिसूचित कृषि उत्पाद के विपणन के लिए अनुज्ञप्ति प्राप्त हो।
- (ह) "प्रसंस्करण" से कच्चे कृषि उत्पादन या इसके उत्पादों के उपचार के लिए अपनाई जाने वाली उपचार श्रृंखला यथा चूर्ण बनाना, पीसना, भूसा अलग करना, पार बॉयलिंग, पॉलिशिंग, जिनिंग, प्रेसिंग, क्योरिंग या अन्य कोई मैनुयूल यांत्रिक रसायनिक या भौतिक उपचार में से एक या अधिक उपचार अभिप्रेत है।
- (क्ष) "प्रसंस्करणकर्ता" से आशय उस व्यक्ति से है जो किसी अधिसूचित उत्पाद के प्रसंस्करण का कार्य अपनी मर्जी से या भुगतान लेकर करता हो।
- (त्र) "पंजीयन" से अभिप्राय इस अधिनियम के अधीनी किये गये पंजीयन से हैं।
- (ज्ञ) "अनुसूचित जातियों" और "अनुसूचित जनजातियों" से वही अभिप्रेत है, जो भारत के संविधान के अनुच्छेद 366 की क्रमशः खण्ड (24) और (25) में दिया गया है।
- (ज्ञ-I) "परिवहन" से अभिप्राय व्यापार के दौरान कृषि उत्पाद को विपणन के लिए ठेलागाड़ी, बैलगाड़ी, ट्रक या अन्य वाहन द्वारा एक स्थान से दूसरे स्थान तक ले जाना है।
- (ज्ञ-II) "ट्रांसपोर्टर" से ऐसा व्यक्ति अभिप्रेत है जो कृषि उत्पाद का परिवहन करता हों।

(ज़-III) "मूल्य वृद्धि" का अर्थ है- प्रसंस्करण, श्रेणीकरण, पैकिंग या अन्य क्रियाकलाप जिनकी वजह से कृषि उत्पाद का मूल्य बढ़ जाता है।

(ज़-IV) "बाजारोन्मुख कृषि" का अर्थ कृषक या कृषक समूह द्वारा कृषि उपज के क्रेता के साथ भारतीय संविदा अधिनियम के अंतर्गत ऐसे समझौते पत्र/एकरारनामा/ संविदा के आधार पर कृषि कार्य होगा, जिसमें कृषि उपज के सुनिश्चित क्रय हेतु प्रावधान रहेंगे परन्तु ऐसे प्रावधान किसी भी परिस्थिति में कृषक या कृषक समूह के स्वार्थ के विरुद्ध नहीं होंगे।

(ज़-V) "बाजारोन्मुख कृषि एकरारनामा" का कृषि उपज उत्पादक एवं कृषि उपज क्रेता के मध्य समझौते/एकरारनामा से अभिप्रेत है।

3. झारखण्ड राज्य कृषि उपज अधिनियम, 2000 (अंगीकृत) की धारा 5 (2) के पश्चात् निम्नलिखित उपधारा स्थापित की जाय अर्थात्,

5.(3) (क) प्रत्येक बाजार क्षेत्र में निम्नलिखित को शामिल किया जा सकता है:-

- i. बाजार समिति द्वारा प्रबंधित मंत्र यार्ड।
- ii. बाजार समिति द्वारा प्रबंधित एक या एकाधिक उप बाजार यार्ड।
- iii. बाजारसमिति से भिन्न किसी व्यक्ति द्वारा प्रबंधित एक या एक से अधिक निजी बाजार यार्ड/निजी मंडियाँ।
- iv. बाजार समिति से भिन्न किसी व्यक्ति द्वारा प्रबंधित एक या एक से अधिक किसान/उपभोक्ता मंडियाँ।

(ख) प्रत्येक बाजार यार्ड या उक्त बाजार यार्ड में एक मुख्य बाजार होगा।

(ग) राज्य सरकार अधिसूचना द्वारा किसी भी बाजार क्षेत्र के "विशेष बाजार" या "विशेष वस्तु बाजार" घोषित कर सकते हैं।

(4) राज्य सरकार यथासंभव शीघ्र धारा 4 के अधीन अधिसूचना द्वारा बाजार क्षेत्र में स्थित किसी संरचना, अहाते, खुली जगह, मुहल्ले को बाजार यार्ड या उप बाजार यार्ड, जैसे भी स्थिति हो, घोषित कर सकती है और अधिसूचित मार्केट क्षेत्र को बाजार यार्ड या उप मार्केट यार्ड के जो भी हो, मुख्य बाजार घोषित कर सकती है।

निदेशक/प्रबंध निदेशक/प्राधिकृत पदाधिकारी एक या एक से अधिक बाजार क्षेत्र में निजी यार्ड की स्थापना करके या सीधे कृषक से निम्नलिखित के लिए कृषि उपज खरीदने हेतु अनुज्ञप्ति मंजूर कर सकता है।

- (क) अधिसूचित कृषि के प्रसंस्करण के लिए।
- (ख) विशिष्ट विनिर्देशन वाले अधिसूचित कृषि उपज या व्यापार करने के लिए।
- (ग) अधिसूचित कृषि उपज का व्यापार करने के लिए।
- (घ) अधिसूचित कृषि उपज का, मूल्य संवर्द्धन द्वारा अन्य रीति से, श्रेणीकरण, पैकिंग और संव्यवहार करने के लिए।

उपभोक्ता/कृषक बाजार यथा विहित आधारित संरचना को विकसित कर के किसी भी व्यक्ति द्वारा किसी भी बाजार क्षेत्र में स्थापित की जा सकती है। ऐसे स्थान पर कृषि उपज का उत्पादक स्वयं यथाविहित रीति से , अपनी उपज को सीधे उपभोक्ता को बेचता है।

परंतु उपभोक्ता द्वारा उपभोक्ता बाजार में 5 क्वींटल से ज्यादा सामग्री एक बार में खरीद नहीं किया जा सकता है।

4. झारखण्ड राज्य कृषि उपज बाजार अधिनियम, 2000 (अंगीकृत) की धारा 15 (1) के पश्चात् निम्नलिखित प्रावधान अन्तः स्थापित किया जाए।

परन्तु इस धारा के अंतर्गत किसी भी अधिसूचना कृषि उपज, जो निजी बाजार यार्ड/निजी बाजार/किसान/उपभोक्ता बाजार में खरीद बिक्री के लिए हो पर लागू नहीं होगा।

5. झारखण्ड राज्य कृषि उपज बाजार अधिनियम, 2000 (अंगीकृत) की धारा 27 के स्थान पर निम्नलिखित प्रतिस्थापित की जाय, अर्थात्

27. (i) प्रत्येक बाजार समिति बाजार शुल्क का उदग्रहण करेगी:-

प्रत्येक 100 रुपये के अधिसूचित कृषि उपज, चाहे वह राज्य के भीतर से या राज्य के बाहर से बाजार क्षेत्र में लाई गई हो के क्रय विक्रय पर दो रुपये के दर से बाजार फीस लगायगी और उदग्रहण करेगी।

- (ii) प्रत्येक 100 रुपये के अधिसूचित कृषि उपज पर, चाहे वह राज्य के भीतर से या राज्य के बाहर से बाजार क्षेत्र में प्रसंस्करण के लिए लाई गयी हो, बाजार शुल्क दो रुपये की दर के अध्यक्षीन रहते हुए नियत की जायेंगी तथा, विहित रीति में शुल्क का उदग्रहण करेगी।

- (2) (i) उपधारा (1) में विनिर्दिष्ट किया गया बाजार शुल्क राज्य के किसी बाजार क्षेत्र में दूसरी बार उद्ग्रहित नहीं किया जाएगा, बशर्ते कि राज्य के किसी बाजार में उस कृषि उपज पर पहले ही बाजार शुल्क का भुगतान किया जा चुका हो तथा इस आशय की सूचना, कि दूसरे बाजार में बाजार शुल्क का भुगतान पहले ही किया जा चुका है, संबंधित व्यक्ति द्वारा विहित रूप से दिया जा चुका हो।
- (ii) किसी बाजार क्षेत्र में एक से अधिक बार बाजार शुल्क उद्ग्रहित नहीं किया जाएगा। अगर कृषि उपज व्यापारियों के बीच संव्यवहार की प्रक्रिया में या उपभोक्ताओं को पुनः बेची जाती है, बशर्ते कि संबंधित व्यक्ति द्वारा ऐसी प्रारूप में, जो विहित किया जाये, इस आशय की सूचना दे दी गई हो कि इस पर देय बाजार शुल्क का भुगतान पहले ही किया जा चुका है।
- (3) यदि क्रेता या प्रसंस्करणकर्ता ने धारा 54 के अधीन जारी किया गया अनुज्ञा पत्र प्रस्तुत किया है, तो वाणिज्यिक संव्यवहार के लिए या प्रसंस्करण के लिए बाजार क्षेत्र में लाई गई कृषि उपज पर बाजार शुल्क यथास्थिति क्रेता या प्रसंस्करणकर्ता द्वारा बाजार समिति के कार्यालय में चौदह दिन के भीतर लेकिन विक्रय या पुनर्विक्रेता या प्रसंस्करण बाजार क्षेत्र के बाहर निर्यात करने से पूर्व जमा किया जाएगा। परन्तु यदि यह पाया जाय कि अधिसूचित कृषि उपज, ऐसी उपज पर देय बाजार शुल्क के भुगतान के बिना प्रांगण के बाहर प्रसंस्कृत उपज के बाजार मूल्य या कृषि उपज के मूल्य के पांच गुने के हिसाब से उद्ग्रहित तथा वसूल किया जाएगा।
- (4) बाजार शुल्क अधिसूचित कृषि उपज के क्रेता द्वारा संदेय होगा और विक्रेता को संदेय कीमत में से काटा जाएगा।  
परन्तु यह और कि बाजार क्षेत्र में व्यापारियों के बीच वाणिज्यिक संव्यवहार होने की दशा में बाजार शुल्क विक्रेता द्वारा संग्रहीत किया जाएगा तथा संदत्त किया जाएगा।
- (5) बाजार कर्मी, जैसा कि बाजार समिति, उपविधियों द्वारा विनिर्दिष्ट करे विक्रय तथा क्रय या प्रसंस्करण या मूल्य संवर्द्धन से संबंधित लेखे अपेक्षित प्रारूपों में रखेंगे तथा बाजार समिति को ऐसे नियतकालिक विवरणियां प्रस्तुत करेंगे जैसी कि विहित की जाए।
- (6) बाजार यार्ड/उप बाजार यार्ड में प्रवेश करने वाली गाड़ियों पर बाजार समिति ऐसी दर से, जैसी कि उपविधियों में विनिर्दिष्ट की जाए, प्रवेश शुल्क का उद्ग्रहण तथा संग्रहण कर सकेगी।

6- झारखण्ड राज्य कृषि बाजार अधिनियम, 2000 (अंगीकृत) की धारा 53 के पश्चात् निम्नलिखित नई धाराएं अंतः स्थापित किया जाए।

54. 1. कोई भी अधिसूचित कृषि उपज ऐसी रीति में तथा ऐसा प्रारूप में जैसा कि निदेशक/प्रबंध निदेशक, झारखण्ड राज्य कृषि विपणन पर्षद द्वारा विहित किया जाए, जारी किए गए अनुज्ञा पत्र के अनुसार ही बाजार क्षेत्र से बाहर हटाई जाएगी, अन्यथा नहीं, बशर्ते कि विक्रेता द्वारा जारी किया गया बिल, कृषि उपज के प्रसंस्कृत उत्पादन के परिवहन के समय पास में रखा होगा।

बशर्ते यह भी कि कृषि उपज का उत्पादन स्वयं बिना अनुज्ञा पत्र के जैसा कि प्रबंध निदेशक/निदेशक, झारखण्ड राज्य कृषि विपणन पर्षद द्वारा विहित किया जाए, बाजार क्षेत्र में एक स्थान से दूसरे स्थान तक भेजा जाएगा।

#### 55. बाजारोन्मुख कृषि के एकरारनामा का प्रकार-

- 1- कोई भी बाजारोन्मुख कृषि तब तक मान्य नहीं होगा जब तक कि निम्न शर्तवलयों का पालन नहीं होता है और जिन्हें अधिनियम के परिषिष्ट- II में संरक्षित किया गया है।
  - (i) बाजार समिति प्रयोजक स्वयं को बाजार समिति में या निर्धारित अधिकारी से यदि बाजारोन्मुख कृषि उत्पादन का जमीन एक से अधिक बाजार क्षेत्र में हो, ऐसी रीति से पंजीकृत कराएगा जैसा कि विहित हो।
  - (ii) बाजारोन्मुख कृषि एकरारनामा के इस निमित्त विहित किये गये अधिकारी से या बाजार समिति से अभिलेखबद्ध कराएगा जिसके करार का स्वरूप ऐसा होगा कि उसमें से विवरण वशर्तों का उल्लेख हो जो कि विहित की जाय। बाजारोन्मुख कृषि एकरारनामा के किसी बात के होते हुए भी बाजारोन्मुख कृषि एकरारनामा से उद्भूत परिणाम के रूप में किसी हक, अधिकार, दखल, स्वामित्व या अधिग्रहण का अंतरण या अन्य संक्रामक या बाजारोन्मुख कृषि प्रायोजक या बाजारोन्मुख कृषि क्रेता या उसके उत्तराधिकारी या एजेंट में निहित नहीं किया जाएगा।
- 2- बाजारोन्मुख कृषि एकरारनामा के प्रावधानों में यदि उभय पक्षों में कोई विवाद उत्पन्न होता है तो कोई भी पक्ष अपना आवेदन संबंधित बाजार समिति या विहित पदाधिकारियों के समक्ष आवेदन दे सकते हैं, जिससे विवाद की मध्यस्त हो। विवाद के निबटारा के लिए बाजार समिति या विहित पदाधिकारियों उभयपक्षों को सुनवाई का समुचित अवसर देते हुए अधिकतम एक सप्ताह के अंदर निबटारा करेंगे।
- 3- बाजार समिति या विहित पदाधिकारियों के निर्णय से व्यथित पार्टी उप धारा 3 के अधीन निर्णय, दिये जाने के तारीख से 15 दिनों के अन्दर निदेशक/प्रबंध निदेशक

या कोई पदाधिकारी जो प्रबंध निदेशक, झारखण्ड राज्य कृषि विपणन पर्षद द्वारा प्राधिकृत हो, के यहाँ अपील दायर कर सकते हैं। निदेशक/ प्रबंध निदेशक या प्रबंध निदेशक, झारखण्ड राज्य कृषि विपणन पर्षद द्वारा प्राधिकृत पदाधिकारी उभयपक्षों को सुनवाई का समुचित मौका दिये जाने के बाद वाद का निष्पादन 15 दिनों के अंदर करेंगे और निदेशक/प्रबंध निदेशक या प्रबंध निदेशक, झारखण्ड राज्य कृषि विपणन पर्षद द्वारा प्राधिकृत अधिकारी का निर्णय इस संबंध में अंतिम होगा।

- 4- बाजारोन्मुख कृषि एकरारनामा से संबंधित या इससे उठने वाले विवादों को इसमें किये गये उपर्युक्त उपबंधों के सिवाय किसी न्यायालय में नहीं उठाया जाएगा।
- 5- बाजारोन्मुख कृषि एकरारनामा के दायरे में आने वाले कृषि उपज को बाजार यार्ड के बाहर बाजारोन्मुख कृषि प्रायोजक को बेचा जा सकता है और बाजार शुल्क कृषि उपज पर बाजारोन्मुख कृषि क्रेता से उस दर पर लिया जाएगा जो उपबंधित होगा।

#### 56- (क) अनुज्ञप्ति

- 1- ऐसा कोई व्यक्ति, जो धारा 55 के अधीन अधिसूचित कृषि उपज सीधे कृषकों से खरीदना चाहता हो या निजी यार्ड स्थापित करना चाहता हो या धारा 5 (4) के अधीन उपभोक्ता/कृषक बाजार, एक या एक से अधिक बाजार क्षेत्र में स्थापित करना चाहता हो, यथास्थिति अनुज्ञप्ति के मंजूरी या नवीकरण के लिए निदेशक/प्रबंध निदेशक, झारखण्ड राज्य कृषि विपणन पर्षद या उनके द्वारा प्राधिकृत पदाधिकारी को ऐसी रीति में तथा ऐसी कालाविधि के भीतर, जैसा कि बोर्ड द्वारा विहित की जाए, आवेदन करेगा।
- 2- लाइसेंस के लिए ऐसा प्रत्येक आवेदन पत्र के साथ ऐसा शुल्क जमा किया जाएगा जैसा कि प्रबंध निदेशक द्वारा विहित किया जाए।
- 3- उपधारा (1) के अधीन लाइसेंस की मंजूरी/नवीकरण के लिए प्राप्त आवेदन, प्रबंध निदेशक द्वारा विहित किए गए प्राधिकारी द्वारा यथास्थिति स्वीकृत या अभिलिखित किए जाने वाले कारणों से रद्द किया जा सकता है।

#### अगर

- i. बाजार समिति को संदेय, राशि आवेदक पर बकाया हो।
- ii. आवेदक नाबालिग हो या सदाशयी न हो।
- iii. इस अधिनियम तथा इसके अधीन बनाए गए नियमों और उपविधि द्वारा आवेदक व्यतिक्रमी घोषित कर दिया गया हैं

iv. आवेदक को किसी फौजदारी मामले में दोषी करार दिया गया हो और कारावास का दण्ड दिया गया हों।

4. इस अधिनियम के तहत मंजूर या नवीकृत किए गए सभी अनुज्ञप्ति इस अधिनियम के तथा इसके अधीन बनाए गए नियमों या उपविधियों के उपबंधों के अध्याधीन होंगे।

(ख) 1. अधिनियम की धारा 56 (क) की उपधारा (4) के उपबंधों के अध्याधीन रहते हुए निदेशक या प्रबंध निदेशक या विहित प्राधिकारी या बाजार समिति जिसने भी यथास्थिति अनुज्ञप्ति या पंजीकरण जारी किया हो, अनुज्ञप्तिधारी/पंजीकरण धारक को लिखित में कारण बताते हुए अनुज्ञप्ति/पंजीकरण को निलंबित या रद्द कर सकेगा।

- i. यदि अनुज्ञप्ति या पंजीकरण जानबूझकर मिथ्या निरूपण या कपट द्वारा प्राप्त किया गया हो, या
- ii. अगर कोई अनुज्ञप्ति पंजीकरण धारक या कोई कर्मचारी या उसकी अनुज्ञप्ति पंजीकरण धारक अभिव्यक्ति या विवक्षित अनुज्ञा से उसकी ओर से कार्य करने वाला कोई भी व्यक्ति अनुज्ञप्ति/पंजीकरण के निबंधनों या शर्तों में से किसी भी निबंधन या शर्त को भंग करता है, या
- iii. अगर अनुज्ञप्ति/पंजीकरण धारक अन्य अनुज्ञप्ति/पंजीकरण धारकों के साथ मिलकर अधिसूचित कृषि उपज के विपणन को बाजार यार्ड/उप बाजार यार्ड में जानबूझ कर बाधित करने या रोकने के आशय से बाजार क्षेत्र में कोई कार्य करें या अपना सामान्य कारोबार चलाने से प्रविरत हरे और जिसके परिणामस्वरूप किसी अधिसूचित कृषि उपज का विपणन, बाधित, निलंबित हुआ हो या रूक गया हो, या
- iv. अगर अनुज्ञप्ति/पंजीकरण धारक दिवालिया हो गया हो, या
- v. अगर अनुज्ञप्ति/पंजीकरण धारक कोई ऐसी निरर्हता, जैसी कि विहित हो, उपगत कर लें, या
- vi. अनुज्ञप्ति/पंजीकरण धारक इस अधिनियम के अधीन किसी अपराध का सिद्धदोषी ठहराया जाए, अगर सिद्धदोष पहली बार हो या तीन वर्षों में उत्तरवर्ती सिद्धदोष हो।

2. अधिनियम की धारा 56 (क) की उपधारा (4) के उपबंधों के अध्याधीन रहते हुए अध्यक्ष या मुख्य कार्यपालक अधिकारी किसी अनुज्ञप्ति/पंजीकरण, को, किसी ऐसे कारण से, जिस कारण से कि कोई बाजार समिति किसी अनुज्ञप्ति/पंजीकरण को उपधारा (1) के अधीन निलंबित कर सकती हो, एक माह से अनाधिक कालावधि के लिए अनुज्ञप्ति/पंजीकरण धारक को लिखित में कारण बताने के बाद, निलंबित कर सकेगा,

परन्तु ऐसा आदेश, उसके लिए जाने की तारीख से दस दिन की कालावधि का अवसान होने पर प्रभावी नहीं रहेगा अगर ऐसी अवसान के पूर्व उस आदेश की पुष्टि बाजार समिति द्वारा नहीं कर दी गई हो।

3. अधिनियम की धारा 56 (ख) की उपधारा (1) में अंतर्विष्ट किसी बात के होते हुए भी किन्तु धारा 56 (ख) की उपधारा (4) के उपबंधों के अधीन रहते हुए निदेशक/प्रबंध निदेशक, झारखण्ड राज्य कृषि विपणन पर्षद लिखित में अनुज्ञप्ति/पंजीकरण धारक को ऐसी कारणों की सूचना देते हुए, आदेश द्वारा बाजार समिति द्वारा मंजूर या नवीकृत किए गए अनुज्ञप्ति/पंजीकरण को निलंबित या रद्द कर सकेगा।

परंतु इस उपधारा के अधीन कोई भी आदेश, बाजार समिति को सूचना दिए बिना जारी नहीं किया जाएगा।

4. इस धारा के अधीन कोई अनुज्ञप्ति/पंजीकरण तब तक निलंबित या रद्द नहीं किया जाएगा, जब तक कि उसके धारक को ऐसे निलंबन या रद्दकरण के विरुद्ध कारण दर्शाने या युक्तियुक्त अवसर न दिया गया हो।

(ग) 1. बाजार समिति के मुख्य कार्यपालक पदाधिकारी या अध्यक्ष या निदेशक/प्रबंध निदेशक के किसी आदेश द्वारा, जो कि यथास्थिति धारा 56 के अधीन पारित किया गया हो, व्यथित कोई भी व्यक्ति अपील कर सकेगा।

- i. ऐसा आदेश की प्राप्ति के सात दिन के भीतर बाजार समिति को, जहाँ, ऐसा आदेश अध्यक्ष/मुख्य कार्यपालक पदाधिकारी द्वारा पारित किया गया हो।
  - ii. इस आदेश की प्राप्ति के तीस दिन के भीतर निदेशक/प्रबंध निदेशक को जहाँ ऐसा आदेश बाजार समिति द्वारा पारित किया गया हो, और
  - iii. इस आदेश की प्राप्ति के तीस दिन के भीतर यथा निर्धारित रीति में राज्य सरकार को जहाँ ऐसा आदेश, निदेशक/प्रबंध निदेशक, झारखण्ड राज्य कृषि विपणन पर्षद द्वारा पारित किया गया हो।
- 2- अपील पदाधिकारी, यदि वह ऐसा करना आवश्यक समझे, उस आदेश को जिसके विरुद्ध अपील की गयी हो, ऐसी कालावधि के लिए जैसी की वह उचित समझे, रोक सकेगा।
- 3- अध्यक्ष, बाजार समिति और निदेशक/प्रबंध निदेशक, झारखण्ड राज्य कृषि विपणन पर्षद द्वारा पारित किया गया आदेश इस धारा के अधीन अपील में दिए गए आदेश के अधीन रहते हुए अंतिम होगा तथा किसी विधिक न्यायालय में प्रश्नगत नहीं किया जाएगा।

**परिशिष्ट II**  
**बाजारोन्मुख कृषि मॉडल एकरारनामा**  
**(धारा 55 (1) के अंतर्गत)**

(इस एकरारनामा के सभी "बाजारोन्मुख कृषि मॉडल एकरारनामा की विषय-वस्तु" में दी गयी संबंधित स्पष्टीकरण टिप्पणियों के अध्यक्षीन हैं)

यह करार..... (वर्ष)

200..... में

..... से ..... की आयु के लोगों के बीच जो ..... के रहने वाले हैं, जिसे पहले भाग का पहला पक्षकार कहा गया है (जब कि संदर्भ से असंगत नहीं है इससे अभिप्रेत है और इसके अंतर्गत उसके वारिस, निष्पादक, प्रशासक और समनुदेशिती) किया गया, मेसर्स ..... कम्पनी अधिनियम, 1956 के उपबंधों के अंतर्गत संस्थापित एक प्राईवेट/पब्लिक लिमिटेड कम्पनी है और इसका पंजीकृत कार्यालय ..... पर है जिसे दूसरे भाग का दूसरा पक्षकार कहा गया है (जब तक संदर्भ से असंगत नहीं है इससे अभिप्रेत है इसके अंतर्गत उसके उत्तरवर्ती और समनुदेशिती भी हैं)।

पहले भाग का पक्षकार कृषीय भूमि का स्वामी/कृषक है जिसका ब्यौरा निम्नानुसार दिया गया है:-

ग्राम	गट संख्या	क्षेत्र, हेक्टेयर में	अंचल और जिला	राज्य

दूसरे भाग का पक्षकार कृषि उपज का व्यापार कर रहा है और भूमि तैयार करने, नर्सरी, उर्वरण, नाशीजीव प्रबंधन, सिंचाई, फसल कटाई और सदृश बातों के संबंध में तकनीकी जानकारी भी प्रदान कर रहा है।

दूसरे भाग का पक्षकार विशेषकर यहां संलग्न सूची में उल्लिखित कृषि की मदों में अधिक आकृष्ट है और दूसरे भाग के पक्षकार के अनुरोध पर, पहले भाग का पक्षकार यहां संलग्न सूची में उल्लिखित कृषि उपज की मदों की खेती और उपज बढ़ाने के लिए सहमत हो गया है।

दोनों पक्षकार, इसमें आगे लिखी गई रीति से लिखित में, शर्तें कम करने के लिए करार करते हैं।

यह करार इस बात का साक्षी है कि यह नियमानुसार इसके पक्षकारों और उनके बीच किया गया ।

#### **खण्ड-1**

पहले भाग का पक्षकार कृषि का उत्पादन करने और दूसरे भाग के पक्षकार को देने के लिए सहमत हैं और दूसरे भाग का पक्षकार पहले भाग के पक्षकार से कृषि उपज की मर्दों की खरीद करने के लिए सहमत हैं, मर्दों के व्यौर, गुणवत्ता, मात्रा और मर्दों की कीमतें उपाबद्ध सूची में विशेष रूप से उल्लिखित है।

#### **खण्ड-2**

कृषि उपज जिसके व्यौर इससे उपाबद्ध सूची में उल्लिखित किये गये हैं, पहले भाग के पक्षकार द्वारा दूसरे भाग के पक्षकार को इसकी ..... तारीख के ..... माह/वर्ष की अवधि के अंदर प्रदान की जाएगी

#### **अथवा**

दोनों पक्षकारों के बीच स्पष्ट रूप से सहमति है कि यह करार कृषि उपज जिसके व्यौर का वर्णन इसकी उपाबद्ध सूची में किया गया है, के लिए और यह ..... माह/वर्षों की अवधि के लिए और इस अवधि के समाप्त होने पर यह करार स्वतः समाप्त हो जाएगा।

#### **खण्ड-3**

पहले भाग का पक्षकार खेती करने और इससे उपाबद्ध सूची में उल्लिखित मात्रा को दूसरे भाग के पक्षकार को देने के लिए सहमत है।

#### **खण्ड-4**

पहले भाग का पक्षकार अनुसूची में निर्धारित गुणवत्ता विनिर्देशनों के अनुसार संविदागत मात्रा को देने के लिए सहमत हैं। यदि कृषि उपज सहमत किये गये गुणवत्ता मानकों के अनुसार नहीं है, तो दूसरे भाग का पक्षकार इसके कारण कृषि उपज की सुपुर्दगी को मना करने का पात्र होगा।

(क) पहले भाग का पक्षकार दूसरे भाग के पक्षकार को पारस्परिक बातचीत से पुनः तय की गई कीमत पर उपज को बेचने के लिए मुक्त होगा

### अथवा

(ख) मुक्त बाजार में (थोक क्रेता अर्थात निर्यातक/संसाधन/निर्माता आदि) और यदि वह संविदागत कीमत से कम कीमत प्राप्त करता है तो दूसरे भाग के पक्षकार को अपने निवेश के अनुपात में कम देगा।

### अथवा

(ग) बाजार यार्ड में और यदि प्राप्त की गई कीमत संविदागत कीमत से कम है तो वह अपने निवेश के अनुपात में, निवेश के अनुपात में दूसरे भाग के पक्षकार को कम लौटाएगा।

यदि दूसरे भाग का पक्षकार अपने किन्हीं कारणों से संविदागत उपज की सुपुर्दगी को लेने से मना करता है/लेने में असफल है तो पहले भाग का पक्षकार उपज को मुक्त बाजार में बेचने के लिए मुक्त होगा और यदि प्राप्त की गई संविदागत कीमत से कम है और यह अंतर दूसरे भाग के पक्षकार के कारण होगा तो दूसरे भाग का पक्षकार उक्त अंतर को पहले भाग के पक्षकार को ..... दिनों के अवधि के अंदर देगा।

### खण्ड-5

पहले भाग का पक्षकार दूसरे भाग के पक्षकार द्वारा समय-समय पर दिये गये सुझावों के अनुसार भूमि तैयार करने, नर्सरी, उर्वरण, नीशीजीव प्रबन्धन, सिंचाई, फसल कटाई और अन्य बातों के बारे में अनुदेशों/पद्धतियों को स्वीकार करने अनुसूची में उल्लिखित विनिर्देशनों के अनुसार मदों की खेती करने के लिए सहमत है।

### खण्ड -6

दोनों पक्षकारों के बीच स्पष्ट रूप से यह सहमति है कि क्रयन (खरीदारी) निम्नशर्तों के अनुसार होगी और खरीद के तुरन्त बाद क्रय पर्ची दी जाएगी।

तारीख	सुपुर्दगी स्थल	सुपुर्दगी की लागत

यह भी सहमति हुई है कि दूसरे भाग के पक्षकार की यह जिम्मेदारी होगी कि वह सुपुर्दगी के बाद सुपुर्दगी स्थल पर संविदागत उत्पाद को कब्जे में ले और यदि वह ..... अवधि के अंतर सुपुर्दगी लेने असफल होता है तो पहले भाग का पक्षकार संविदागत कृषि उत्पाद को निम्नानुसार बेचने के लिए मुक्त होगा।

(क) मुक्त बाजार में (थोक क्रेता अर्थात् निर्यातक/संसाधन/निर्माता आदि) और यदि वह संविदागत कीमत से कम कीमत प्राप्त करता है तो दूसरे भाग के पक्षकार को अपने निवेश के अनुपात में कम देगा।

(ख) बाजार यार्ड में और यदि प्राप्त की गई कीमत संविदागत कीमत से कम है तो वह अपने निवेश के अनुपात में, निवेश के अनुपात में दूसरे भाग के पक्षकार को कम लौटाएगा।

#### खण्ड -7

फसल की कटाई के बाद जब उसे दूसरे भाग के पक्षकार को सौंप दिया जाता है, तब दूसरे भाग का पक्षकार, पहले भाग के पक्षकार को दिये गये सभी अग्रिमों की बकाया राशि की कटौती के भुगतान के लिए निम्न सूची का अनुपालन किया जाएगा।

तारीख	भुगतान का तरीका	भुगतान का स्थान

#### खण्ड-8

इसके पक्षकार इससे उपबद्ध अनुसूची में उल्लिखित संविदागत उपज को दैवीय प्रकोप, विनिर्दिष्ट परिसम्पत्तियों के नाश, ऋण दोष और उत्पादन एवं आय में हानि और अन्य कार्य अथवा घटनाएं जो पक्षकारों के नियंत्रण से बाहर है जैसे गंभीर बीमारी, महामारी फैलने से अथवा असामान्य मौसम, बाढ़, सूखा, ओलावृष्टि, तूफान, भूकम्पों, आग अथवा अन्य महाविपत्तियों, युद्ध के कारण बहुत कम उत्पादन और सरकार के कार्य जो इस करार के समय अथवा इसकी प्रभावी तारीख पर किये गये हैं जो कृषक के दायित्व के पूरा होने के पूर्णतः अथवा बाधित करते हैं, के कारण होने वाली हानियों के जोखिम से बचाने के लिए..... की अवधि के लिए बीमा करवाएंगे। अनुरोध पर ऐसे कार्यों को करने वाला पहले भाग का पक्षकार तथ्यों की विद्यमानता

की पुष्टि दूसरे पक्षकार को देगा। ऐसे साक्ष्य में समुचित सरकार विभाग के प्रमाण-पत्र का विवरण शामिल होगा। यदि ऐसा विवरण अथवा प्रमाण पत्र युक्तिपत्र प्रकार से प्राप्त नहीं होता है तो ऐसे कार्यो का दावा करने वाला पहले भाग का पक्षकार इसके विकल्प के रूप में नोटरी विवरण तैयार करेगा।

जिसमें दावा किये गये तथ्यों के व्यौरों और कारणों का वर्णन होगा कि क्यों इस प्रकार का प्रमाण-पत्र अथवा विवरण ऐसे तथ्य की विद्यमानता की पुष्टि करता है विकल्पतः दोनों पक्षकारों के बीच पारस्परिक सहमति के अध्यक्षीन पहले भाग का पक्षकार उपज के अपने कोटे को अन्य स्रोतों से पूरा कर सकता है और कीमत अंतर के कारण उसके द्वारा उठाई गई हानि बीमा कम्पनी से प्राप्त राशि को ध्यान में रखकर दोनों पक्षकारों के बीच बराबर बांटा जाएगा। बीमा प्रीमियम दोनों पक्षकारों के बराबर बांटा जाएगा।

#### **खण्ड -9**

दूसरे भाग का पक्षकार खेती और फसलोपरान्त प्रबंधन की अवधि के दौरान पहले भाग के पक्षकार को निम्नलिखित सेवाएं प्रदान करने के लिए सहमत है। इस सेवाओं का ब्यौरा निम्नानुसार है:-

- 1.
- 2.
- 3.
- 4.

#### **खण्ड- 10**

दूसरे भाग का पक्षकार अथवा इसके प्रतिनिधि करार की अवधि के दौरान पहले भाग के पक्षकार द्वारा स्थापित/नामित कृषक फोरम के साथ नियमित बातचीत करने के लिए सहमत है।

#### **खण्ड-11**

दूसरे भाग के पक्षकार अथवा इसके प्रतिनिधियों को अपनी लागत पर समय-समय पर स्वीकृति कृषि पद्धतियों और उपज की गुणवत्ता का निरीक्षण करने के लिए पहले भाग के पक्षकार के परिसरों/खेतों में प्रवेश करने का अधिकार होगा।

#### **खण्ड-12**

दूसरे भाग का पक्षकार यह पुष्टि करता है कि उसने स्वयं को दिनांक ..... को पंजीकरण प्राधिकरण ..... के साथ पंजीकृत करवा लिया है और इस

संबंध में प्रचलित कानून के अनुसार वह उस पंजीकरण प्राधिकरण को शुल्क प्रदान करेगा जिसके क्षेत्राधिकार में उस कृषि उपज के विपणन का विनियमन है जिसकी खेती उस भूमि पर की जाती है जिसका वर्णन

### अथवा

दूसरे भाग के पक्षकार ने स्वयं को दिनांक ..... को एकल बिन्दु पंजीकरण प्राधिकरण नामतः ..... के साथ पंजीकृत कर लिया है जो इस संबंध में राज्य द्वारा विहित किया गया है। संबंधित पंजीकरण प्राधिकरण द्वारा उद्धृत शुल्क केवल दूसरे भाग के पक्षकार द्वारा वहन किया जाएगा और किसी भी रीति के पहले भाग के पक्षकार को दी गई राशि से काटा नहीं जाएगा।

### खण्ड -13

इस करार के दौरान दूसरे भाग के पक्षकार को पहले भाग के पक्षकार की भूमि सम्पत्ति पर हक, स्वामित्व, कब्जा करने का अधिकार नहीं होगा न ही यह किसी भी तरह पहले भाग के पक्षकार को विशेषकर भूमि सम्पत्ति से अन्य संक्रान्त कर सकता है और न ही किसी भी तरह से पहले पक्षकार की भूमि सम्पत्ति को अन्य दूसरे व्यक्ति/संस्थान को बंधन स्वरूप, पट्टे पर, उप पट्टे पर दे सकता है अथवा अंतरित कर सकता है।

### खण्ड -14

दूसरे भाग का पक्षकार इस करार की सही प्रति दोनों पक्षकारों द्वारा हस्ताक्षरित करवाकर इसके करने की तारीख से 15 दिन के अवधि के अंदर इस उद्देश्य के लिए विहित ए0पी0एम0आर0 अधिनियम द्वारा यथा अपेक्षित ..... मंडी समिति/पंजीकरण प्राधिकरण/अन्य कोई पंजीकरण प्राधिकरण को प्रस्तुत करेगा।

### खण्ड -15

करार का विघटन पर्यवसान, रद्दकरण दोनों पक्षकारों को सहमति से होगा। ऐसे विघटन अथवा पर्यवसान/रद्दकरण का विलेख इस प्रकार के विघटन पर्यवसन/रद्दकरण होने के 15 दिनों के अंदर पंजीकरण प्राधिकरण को भेज दिया जाएगा।

## खण्ड-16

इस विषय में दोनों पक्षकारों के बीच होने वाले विवाद अथवा मतभेद या इस करार के अंतर्गत अधिकारों और उत्तरदायित्वों के कारण या एक पक्षकार का दूसरे पक्षकार के विरुद्ध कोई आर्थिक दावा अथवा अन्यथा या इस करार की किन्हीं शर्तों की व्याख्या और प्रभाव के कारण ऐसे विवाद अथवा मतभेद, इस संबंध में राज्य सरकार द्वारा निर्दिष्ट एकल विवाचक द्वारा किया जायेगा।

## खण्ड-17

इस करार के किसी भी पक्षकार का पता परिवर्तन होने के मामले में यह पता दूसरे पक्षकार और पंजीकरण प्राधिकरण को भी सूचित किया जाना चाहिए।

## खण्ड-18

इस विषय में प्रत्येक पक्षकार इस करार के अंतर्गत अपने उत्तरदायित्वों के निष्पादन में दूसरे पक्षकार के साथ सद्भावपूर्वक, तत्परतापूर्वक और ईमानदारी से कार्य करेगा और दूसरे के हित को जोखिम में नहीं डालेगा।

इसके साक्ष्य स्वरूप इसके पक्षकारों ने इसमें सर्वप्रथम उल्लिखित तारीख ..... दिन ..... माह ..... और ..... वर्ष में इस करार में हस्ताक्षर कर दिये हैं।

पहले भाग के पक्षकार ..... ने )

1- .....)

2- .....)

की उपस्थिति में हस्ताक्षर किए, मुद्रा लगाई और परिदान किया।

दूसरे भाग के पक्षकार ..... ने )

1- .....)

2- .....)

की उपस्थिति में हस्ताक्षर किए, मुद्रा लगाई और परिदान किया।

## अनुसूची

### श्रेणी विनिर्देशन, मात्रा और कीमत चार्ट

श्रेणी	विनिर्देशन	मात्रा	कीमत/दर
श्रेणी 1 अथवा क	आकार, रंग सुवास (एरोमा) इत्यादि		
श्रेणी 2 अथवा ख			

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झारखण्ड राज्यपाल के आदेश से,  
प्रशान्त कुमार,  
सरकार के सचिव।