

GOVERNMENT OF THE [KHYBER PAKHTUNKHWA]
AGRICULTURE, LIVESTOCK AND
COOPERATION DEPARTMENT.

NOTIFICATION

Peshawar, dated the 14th April, 2011.

No. SOA II (AD) 4(5)/2010/Inq-DSR.PMC:--In exercise of powers conferred by section 35 of the ¹[Khyber Pakhtunkhwa] Agricultural and Livestock Produce Markets Act, 2007 (²[Khyber Pakhtunkhwa] Act No. IV of 2007), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules:

THE KHYBER PAKHTUNKHWA AGRICULTURAL PRODUCE MARKETS
GENERAL RULES, 2011.

1. Short title and commencement.---(i) These rules may be called the Khyber Pakhtunkhwa Agricultural Produce Markets General Rules, 2011.

(ii) They shall come into force at once.

2. Definitions.--- (i) In these rules, unless there is anything repugnant in the subject or context,-

(a) “Act” means the ³[Khyber Pakhtunkhwa] Agricultural and Livestock Produce Markets Act, 2007 (⁴[Khyber Pakhtunkhwa]. Act No. IV of 2007);

¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 211.

² Subs. by the Khyber Pakhtunkhwa Act No. IV of 211.

³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 211.

⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 211.

- (b) “Administrator” means an Officer appointed under sub-section (5) of section 28 of the Act;
- (c) “Advisor” means Advisor of the Market Committee concerned;
- (d) “Association” means an Association registered under the Khyber Pakhtunkhwa Industrial Relation Act, 2010 (Khyber Pakhtunkhwa Act No. XVI of 2010);
- (e) “Buyer” means buyer and also includes a person buying any agricultural produce on behalf of another as his agent or servant or commission agent;
- (f) “bye-laws” mean bye-laws made by a Market Committee under section 36 of the Act;
- (g) “Commission Agent” means a person, who on behalf of another and in consideration of a commission, offers to make a purchase or sale of any agricultural produce or does or offers to do anything for carrying out such purchase or sale;
- (h) “Committee” means Market Committee concerned established under section 7;
- (i) “Deputy Director” means Deputy Director (Economics and Marketing) of Agriculture (Extension), Khyber Pakhtunkhwa;
- (j) “Director General Agriculture” means the Director General of the Agriculture (Extension) of the Khyber Pakhtunkhwa;
- (k) “Employees” mean Employees of the Market Committee concerned;
- (l) “Form” means the Form appended to these rules;
- (m) “Fund” means Fund of the Market Committee concerned;
- (n) “Government” means Government of the Khyber Pakhtunkhwa;
- (o) “Prescribed” means prescribed by rules or bye-laws made under the Act;
- (p) “Licensee” means a License Holder under section 6 or 9 of the Act;
- (q) “Rules” mean the rules made under the Act;

- (r) “Schedule” means the Schedules appended to these rules;
- (s) “Section” mean a section of the Act; and
- (t) “Sub-committee” means a sub-committee of the Market Committee concerned.

(ii) The words and expressions used but not defined in these rules shall have the same meanings, as are assigned to them by the Act.

3. Publication of notification.

- (i) Copies of a notification issued under section 3 of the Act shall be publicized in one or more of the under mentioned modes, under the orders and at the discretion of the Director General of Agriculture:
 - (a) in Urdu, and, if necessary in such other language and in such newspaper as in the opinion of the Director General Agriculture will give it publicity among persons likely to be affected by, or interested in the sale and purchase of agricultural produce in the notified market area;
 - (b) By affixing a copy of the notification in Urdu, and, if necessary, in such other language as may be considered necessary by the Director General Agriculture, in the office of District Coordination officer, Notified Area Committee within whose jurisdiction the notified market area or any part thereof is situated and at some conspicuous place in the existing mandi, if any; or
 - (c) By affixing a copy of the notification in Urdu or native language if required, at the principal common meeting place, if any, of every village, within the notified market area.
- (ii) The expenses of the publication of the notification issued under section 3 shall be met out of the funds of the market committee at the district headquarters, in case market committee does not exist already.
- (iii) The District Officer Agriculture (Extension) shall consider and forward the objections or suggestions received by him within the period specified in the notification to the District Coordination Officer within ten days after the expiry of the period specified in the notification.
- (iv) The District Coordination Officer shall, within thirty days from the receipt of suggestions or objections from the District Officer Agriculture forward the same

to the Government under intimation to the Director General, Agriculture for issuing a notification under section 4.

4. Declaration of notified area.---(i) Besides, as provided in section 4, the market area shall be notified as under:

- (a) by putting up a notice, giving the boundaries of the notified market area, outside the office, if any, of the market committee, or if there be no such office at the office of the District Council, Municipal or Town Committee; and
- (b) at some other conspicuous places in the notified market area to be selected by the Director General, Agriculture.

(ii) The expenses of notifying a market area shall be met out of the funds of the market committee at the district headquarters, in case market committee does not exist.

5. Period for which licences are to be issued.---(i) A licence issued to a dealer under section 6 shall be for one calendar year ending on 31st day of December.

- (ii) A grace period of thirty days shall be allowed for the renewal of a licence issued under section 6.
- (iii) Full fee shall be paid for a licence for any part of the year involved.

6. Fees to be paid by the dealers.---For the licences to be issued under section 6, the schedule of licence fee for each kind of licence shall be as specified in Schedule-I.

7. Licence under section 6 of the Act.---(i) Any person desirous of obtaining a licence under section 6 of the Act,

- (a) with a view to setting up, establishing or continuing or allowing to continue any place for the purchase or sale of agricultural produce in the notified market area; or
- (b) as a seller or buyer or both buyer and seller of agricultural produce, shall apply to the market committee concerned in Form 'A' given in the schedule appended to these rules and shall deposit the fee prescribed under rule 6.

(ii) The Secretary of the market committee or any other employee of a market committee authorized by him to receive such applications shall immediately examine the particulars of the application and satisfy himself, whether the applicant fulfils the

requirements of section 6. After verification the application shall be commented upon and forwarded to the market committee, which shall grant or refuse the licence, as the case may be.

(iii) In case the licence is refused by the market committee under the provision of sub-section (2) of section 6, the person aggrieved by such an order may prefer an appeal to the District Officer Agriculture (Extension) at any time within one month of the passing of the order. The order of the District Officer Agriculture (Extension) passed in appeal shall be final.

(iv) The licence shall be subject to such conditions as are stated therein or printed or noted on it or which may separately be notified in that behalf.

⁵[(v) New Licenses will not be issued to those licensees who are defaulters of Market Committee and their old once shall also not be renewed]

8. Persons exempted from taking out licences.---The following persons shall be exempted from taking out a licence for the purchase and sale of agricultural produce:

- (i) Scheduled Bank when proceeding against any person or a licensee under section 6, to whom money has been advanced against the security of such agricultural produce;
- (ii) hawkers who are not engaged in dealing of agricultural produce.
- (iii) persons purchasing agricultural produce for vocational or defence needs, for hospitals or for welfare agencies.

9. Constitution of a market committee.---(i) A notification under section 8 shall determine the numerical strength of the members of the market committee to be constituted.

(ii) For the purpose of constituting a market committee, Government of the Khyber Pakhtunkhwa, Agriculture Department shall fix and notify a date by which market committees are to be constituted. The District Coordination Officer shall furnish panels of growers, consumers and licencees under section 6 and 9 to Government before that date.

(iii) The District Coordination Officer shall consult in writing with the District Officer Agriculture (Extension) and also the Associations of growers, consumers and the

⁵ Rule 7 (v) added Vide Notification No. SOAII(AD)4(5)/2012/Vol-XXII Dated: 17th July, 2012.

licencees, if any, existing within the notified market area, in obtaining the names which may form panel for the selection of the members of the market committee.

(iv) The District Coordination Officer shall submit his recommendations in the manner as provided under section 8 to Government, for appointment of members of the market committee by the date fixed in the notification by the Secretary to Government of the Khyber Pakhtunkhwa, Agriculture Department.

(v) Government shall, as it may deem proper, select and notify the names of the members appointed:

Provided that if the Government does not accept the recommendations made by the District Coordination Officer, as the case may be, as a whole or in part, it shall ask the District Coordination Officer to submit fresh names or panel of names in the manner prescribed above.

(vi) The notification issued under sub-rule (5) shall specify the date from which market committee is to function. This information, besides being communicated to the members appointed, shall be notified to the public by exhibiting a copy in the office of the market committee, or if there be no such office, at some conspicuous place within the notified market area, to be selected by or under the orders of the Director General, Agriculture (Extension).

10. Persons not eligible for membership.---No person shall be appointed as a member of a market committee, who:

- (i) is a minor, or
- (ii) is of unsound mind; or
- (iii) is declared insolvent; or
- (iv) has been found guilty of misappropriation or criminal breach of trust or cheating or any other offence involving moral turpitude or abetment of or attempt to commit such offence by a court of competent jurisdiction, provided that this disqualification will not operate if a period of three years has elapsed since the expiry of the term of sentence imposed on any person in respect of any such offence; and
- (v) has directly or indirectly any share or interest in any contract with the market committee.

11. Termination of membership and filling of casual vacancies.---(i)

Membership of a market committee shall terminate:

- (a) when the term for which the appointment has been made expires under section 10;
- (b) by death;
- (c) by acceptance of resignation tendered under sub-rule (2);
- (d) by becoming subject to any one of the disqualification mentioned in rule 10; or
- (e) by removal under section 11;
- (f) by transfer or retirement in case of Government servants; or
- (g) if a member fails to attend three meetings of the market committee consecutively without reasonable and good cause.

(ii) Any member of the market committee may resign from his office by tendering resignation in writing to the Chairman, and if the member tendering resignation is himself the Chairman, he shall submit his resignation to the District Coordination Officer who shall forward the same to Government.

(iii) So long as resignation tendered under sub-rule (2) above is not accepted by Government, the person concerned shall continue to be a member.

(iv) The resignation of a member received by a Chairman shall along with a report of the facts, in so far as these may be known to him forthwith be sent to the District Coordination Officer, who shall without any delay, forward the same with necessary comments to Government.

(v) The acceptance of resignation of a member shall be communicated through the District Coordination Officer to the market committee and the member concerned.

(vi) The procedure prescribed in rule 9 shall, so far as it may be applicable, apply to the filling up of a casual vacancy and the member so appointed shall be presumed to have entered upon his duties from the date of the application of the notification under sub- rule (5) of rule 9.

12. Election of Chairman and Vice-Chairman.---(i) The market committee at its first meeting shall elect a Chairman and Vice-Chairman. For this purpose a meeting shall

be called under the orders of the District Coordination Officer on a date and at a time to be fixed by him by a notice issued fifteen days before the said meeting, and it shall be presided over by the District Coordination Officer himself, or by an officer appointed by him in this behalf.

(ii) For such a meeting the quorum shall be not less than two-third of the existing strength of membership of the market committee.

(iii) A candidate for the office of the Chairman or Vice-Chairman shall be proposed in the meeting by one member and seconded by another, and the names of all candidates so proposed and seconded, shall be read out by the president of the meeting.

(iv) If there be only one candidate, he shall be declared elected unopposed, but if there be more candidates then the decision shall be taken by the majority of votes of members present in the meeting, which shall be by ballot, and shall be declared by the president.

(v) The president shall count the votes, and declare the members, who secures the largest number of votes, to have been elected Chairman, or Vice-Chairman, as the case may be.

(vi) In the event of a tie between two or more candidates, the president shall, there and then, draw lots in the presence of the members present, and the person whose name is drawn first shall be declared elected.

(vii) The Chairman and the Vice-Chairmen shall be deemed to have assumed office when their election has been confirmed by the District Coordination Officer, and this fact has been communicated to them in writing. If the District Coordination Officer refuses to confirm any election, a fresh election in accordance with these rules shall be held.

(viii) The president of the meeting shall record the proceedings of the election in the minute book of the market committee, and send a copy thereof to the District Coordination Officer and Director General, Agriculture.

⁶[(ix) Market Committee shall elect from amongst its members, a Chairman and a Vice Chairman under Section 6 of the Act, provided that the Chairman shall be elected only from amongst the members belonging to growers and Vice Chairman shall be elected only from amongst the memebbers belonging to licensees under section 6 of the Act.

⁶ Rule 12 (ix) amended and rule 12 (x) added and sub-rule x converted to sub-rule ix Vide Notification No. SOAII(AD)4(5)/2012/Vol-XX Dated: 29th July, 2011.

(x) “Only those members of a market committee shall be eligible to be elected as chairman or Vice Chairman and minimum qualification of Matriculation”.

(xi) No member of a market committee shall be eligible to be elected as Chairman and Vice-Chairman for three consecutive terms.]

13. Terms of office of Chairman and Vice-Chairman and filling of casual vacancies.---(i) A Chairman and Vice-Chairman elected under rule 12 shall hold office during the period of membership, and if on the expiry of this period no person is appointed to succeed him, such member shall, unless Government otherwise directs, continue to hold office of a Chairman or Vice-Chairman, as the case may be, until his successor is appointed.

(ii) A Chairman or Vice-Chairman shall cease to function as such.

(a) on the termination of membership; or

(b) on his resignation, in writing, being accepted by Government.

(iii) If office of a Chairman or Vice-Chairman falls vacant, before the expiry of full term, it shall be filled by selection at a meeting of the market committee, called, presided over and conducted in accordance with the provisions of rule 12.

14. Powers and duties of a Chairman and Vice-Chairman and Advisor.---(i) The Chairman shall be the chief executive officer of the market committee, and all officers and servants of the market committee shall, subject to these rules, and bye-laws, if any, made in this respect by the market committee, be subject to his control.

(ii) The Chairman shall conduct all correspondence and be responsible for the keeping of accounts and custody of all cash not deposited in the treasury.

(iii) The Chairman shall, forthwith report the death of any member of the market committee to the District Coordination Officer, who shall take steps to get the vacancy filled up in accordance with law.

(iv) The Chairman shall, further more, bring to the notice of the District Coordination Officer any fact, factor or disqualification, which in his opinion debars a member from continuing as such.

⁷[(v) The Chairman may, for reasons to be recorded in writing, delegate any of his duties to the Vice-Chairman, generally or for such period as may be determined by

⁷ Rule 14 (v) added Vide Notification No.SOAI(AD)4(5)/2011/Vol-XX Dated: 29th July, 2011.

him: The Chairman and Vice Chairman both shall have separate offices with honoraria, telephone/ mobile, security, vehicle and POL facilities.

Provided that if the Chairman is absent from the notified market area, or on account of illness or any other circumstances is unable to perform his duties, the Vice-Chairman shall act in place of the Chairman, when he shall have all the powers of and be responsible for all the duties of the Chairman.]

⁸[(vi) An Advisor shall be nominated by the Chairman and notified by the Government from amongst the members of the committee. The advisor shall give his opinion to the Committee/Sub-Committee in all matters as and when required and He/She shall perform the duty during tenure/pleasure of the nominating chairman.]

15. Powers and duties of market committee.---(i) A market committee shall draw up, and may, if necessary, amend its bye-laws, under sub-section (4) of section 36 in order to regulate its procedure and effectively discharge its functions. Subject to the provisions of the Act, these rules and bye-laws shall inter-alia prescribe,-

- (a) The time and place of the meeting of a market committee;
- (b) The manner of convening the meeting of a market committee and giving notice/intimation there for;
- (c) The conduct of proceedings at a meeting of a market committee;
- (d) The distribution of duties among members of market committee and its sub-committee;
- (e) Payment of travelling expenses to the members of the market committee, provided that no bye-law made under this sub-rule shall be brought into operation until and unless the Director General Agriculture certifies that the market committee's financial position permits the grant of such travelling expenses;
- (f) The person by whom the receipt may be issued on behalf of the market committee for money paid to it;
- (g) The member or members of the market committee by whom licences to be issued by it may be signed;

⁸ Rule 14 (vi) amended Vide Notification No. SOAII (AD)4(5)/2012/Vol-XXIII Dated: 17th July, 2012.

- (h) Procedure for the reception, hearing and disposal of complaints by market committee or by its sub committees;
- (i) Fees to be levied by it for the transaction relating to purchase and sale of agricultural produce, or for weighment, measurement or storage of such produce through its agency;
- (j) Security to be furnished by the officers and servants of the market committee or sub committee authorized to handle money on its behalf;
- (k) Regulation of the duties of the persons holding licences from the market committee and the fees, trade allowances remuneration to be charged by them or by the dealers;
- (l) Leasing out and management of the immovable property owned by or vesting in the market committee;
- (m) Regulation of traffic in a market or sub-market;
- (n) Hours of business for the purchase or sale of agricultural produce in a market or sub-market;
- (o) Rules regarding the imprest money to be kept under the control of the chairman of the market committee;
- (p) Appointment and punishment of the employees;
- (q) Regulation of business and conditions of trading;
- (r) manner for the grant and renewal of licences to brokers, weighmen, measurers, surveyors, warehousemen, changers, palledars, boriotas, tollas, tokrewalas and rehriwalas and fees therefor;
- (s) The administration of the market committee;
- (t) The manner how to create and maintain peaceful condition and environments for business;
- (u) Regulation of sanitation within the market premises;
- (v) Provision of facilities like shade, shelter, drinking ater, etc;

- (w) Maintenance of library;
- (x) Such other matters as are in the opinion of Government necessary or expedient to be provided for the purpose of carrying out the provisions and objects of the Act and these rules; and
- (y) Allotment, transfer, sale and purchase of movable, immovable property.

(ii) Bye-laws framed by a market committee or any amendment thereof shall be publicised for one week at a prominent place in the notified market area to be selected by the market committee. Any objection in writing received by the market committee within ten days of the first day of publication shall be considered in a meeting of the market committee. The bye-laws as finally approved by the market committee shall be submitted to the Director General Agriculture, who shall at his discretion be competent to remit the same for the reconsideration of the market committee along the lines to be indicated in his order. The market committee, after making such modifications, if any, as it may consider necessary, shall return the bye laws to the Director General Agriculture, who shall then forward the same to Government with such recommendations as he may deem proper, and Government shall confirm the bye-laws with such modifications as it may consider necessary, without any further publication.

16. Chairmanship of market committee meetings and transaction of business.-

(i) A meeting of a market committee shall, subject to any bye-laws made by the market committee, be called under the order of the Chairman.

(ii) The quorum for a meeting not otherwise provided for in these rules, shall be eight in a committee of seventeen and five in a market committee of ten.

(iii) The quorum of a meeting, in which the annual budget is to be considered, shall be not less than two-third of the existing strength of the market committee.

(iv) Every meeting of a market committee shall be presided over by the Chairman, or in his absence by the Vice-Chairman, and if both are absent, the advisor to act as Chairman for the occasion, and such Chairman shall have for that meeting, all the powers of a Chairman, and be designated as such:

Provided that if the Chairman or the Vice-Chairman turns up during the meeting he shall assume his powers and duties as Chairman and the temporary Chairman shall cease to function as such.

(v) The Chairman of the meeting shall be responsible for preserving order in the meeting, and shall decide all points of order that may be raised therein. There shall be no discussion on points of order, unless the Chairman considers it necessary to seek the opinion or advice of any member present or allows any one to discuss, and the Chairman's decision shall be final.

(vi) All questions that may come up before a meeting shall be decided by majority of votes of the members present, and in case of equality of votes, the Chairman shall have and may exercise a second or casting vote.

17. Members not to take part in certain proceedings.---No member of a market committee shall be present at, or take any part in the proceedings of the market committee, or of any sub-committee constituted by it, relating to a matter in which he or any one of the persons enumerated in rule 47 has a direct or indirect pecuniary interest.

18. Minutes Book.---(i) A market committee shall maintain a minutes book, in which the record of the proceedings of every meeting shall be entered and the same shall be signed by the Chairman of the meeting.

(ii) In order to ensure that the minutes of meeting are correctly recorded, these shall be read out in the next meeting of the market committee, as the first item of the agenda, and the members, who were present at the former meeting, shall have the right to question the correctness of recorded minutes, which shall be confirmed with such modifications, as may be decided upon to bring them in conformity with the facts position. In case of any dispute about the correctness of minutes, the opinion of the Chairman under whose signature the record was prepared, if he be present, shall be final, if, however, the said Chairman is not present when the dispute arises, the matter shall be decided by majority of votes of such members present who had attended the former meeting.

19. Copies of the proceedings to be sent to the Director General Agriculture.---(i) A copy of the proceedings of every meeting of a market committee shall forth-with be forwarded to the Director General Agriculture and District Officer Agriculture (Extension) for information.

(ii) The Director General Agriculture shall safely keep a permanent record of the proceedings sent to him under sub-rule (1) without any further publication.

20. Appointment of sub-committee.---(i) The sub-committee shall be constituted under section 15. The appointment and dismissal of members of a sub-committee and

delegation and withdrawal of powers and duties shall be by resolution of the market committee.

(ii) The market committee shall fix the quorum of the meeting of the sub-committee appointed by it, and shall nominate its Chairman who except as provided in rule 11 of these rules shall be the convenor of the meeting of the sub-committee, and shall submit to the Chairman a record of all the proceedings conducted and work done by the sub-committee to the Chairman of the market committee.

(iii) The rules of procedure applicable to meetings of the market committee shall, in so far as these may be applicable, apply to a meeting of a sub-committee.

21. Appeals against market committees decision.---(i) An order passed by a market committee, other than service matter, under the Act or these rules, shall be appealable, to the District Officer Revenue of the respective notified market area.

(ii) Except as may otherwise be provided by these rules, every appeal shall be stamped with a court-fee of Rs. 50/-.

(iii) Every appeal shall be presented to the appellate authority by the appellant, or his duly appointed agent within thirty days of the date of the order appealed against. It shall be accompanied by a copy of such order, and shall set out the grounds for assailing the order of attack, together with a clear statement of the facts relevant thereto, and the relief claimed. It shall state clearly the name and full description of the appellant, who shall sign the memorandum of appeal and verify the correctness of the facts stated therein.

(iv) The appeal shall be decided after notice to and after hearing the appellant, the market committee concerned, and the person in whose favour the order under appeal had been made, and after making such further enquiry as the appellate authority may consider necessary.

(v) A revision against the order passed in appeal by the District Officer Revenue, referred to in sub-rule (1), shall lie to the Executive District Officer Revenue.

22. References.---All references from a market committee to any officer of Government shall be made through the head of the department or office concerned.

23. Control and conservancy of the market.---(i) A market committee shall exercise such control over the market, and the sale and purchase of agricultural produce therein, as may be required for the due observance of the provisions of the Act, and these rules, and shall manage the affairs of the market in the best interests of the trade.

(ii) A market committee shall, as far as the funds at its disposal permit, provide shelter and drinking water for men and animals coming to the market. It shall keep all property vested in it in a sanitary condition.

(iii) A market committee may, and, if so required by Government shall make a general order providing for regulation of ingress and egress of traffic in the market and specifying places where vehicles shall be unloaded and parked and where animals shall be unloaded and tethered. For information of the persons visiting the market, such an order shall be exhibited outside the office of the market committee and at such conspicuous place or places in the market as the Chairman of the committee may determine.

24. Trade Allowance.---Every market committee shall, with the approval of Government, prescribe in its bye-laws a list and scale of trade allowances which alone may be levied within the notified market area.

25. Budget.---For the purpose of budget and for the following these rules, the agricultural produce market year shall commence on 1st day of July every year and end on 30th day of June.

26. Budget Committee.---(i) There shall be a Budget Committee which shall include the member of the market committee appointed under sub-section (2) of section 8 of the Act as a member thereof. The Budget Committee shall draft budget proposals for development works, plans and estimates for the construction, repairs of premises, provisions of amenities and facilities; and

(ii) The draft budget proposals shall be prepared and placed before the market committee by 15th day of April each year.

(iii) A market committee shall annually hold a special meeting, not later than 30th day of April, to prepare and adopt the budget of income and expenditure for the ensuing year.

(iv) A duplicate copy of budget so adopted shall be submitted to the District Officer Agriculture who shall after such scrutiny as may consider necessary forward the same with his comments to the Director General Agriculture by 15th day of May, who shall have the power to sanction the same with such modifications as he may consider proper. The market committee shall be bound to regulate its expenditure in accordance with the sanctioned budget.

(v) If the budget is not prepared and got sanctioned by a market committee before the commencement of any financial year, the Director General Agriculture may have the necessary statement prepared and certified and such certified statement shall be deemed to be the sanctioned budget of the market committee.

(vi) At any time before the expiry of the financial year, to which the budget relates, a revised or supplementary budget for the year may, if necessary, be prepared and got sanctioned from the Director General Agriculture.

(vii) A market committee may, if necessary, during the budget year make a re-appropriation in the budget and such re-appropriation shall not be made except by a majority of the votes of the members present in the meeting.

(viii) No expenditure shall be incurred, for which there is no provision in the budget, unless it can be met by re-appropriation from savings under other heads or by a supplementary grant from the available reserve sanctioned at a meeting of the market committee and approved by the Director General Agriculture.

27. Accounts and Audit of the market committee.---(i) The accounts of a market committee shall be kept in such form as appended to these rules and shall be audited in such manner as the Local Fund Audit Department, may determine.

(ii) A market committee shall prepare and publish a statement of its assets and liabilities at the close of each financial year, with a balance sheet by 31st day of July following, and shall furnish, on payment of such fee as may be fixed by it, a copy of the statement to any grower, licensee, buyer or seller, within the notified market area, applying for it.

(iii) The Chairman or the Secretary of the market committee shall at the time of audit, cause to be produced all accounts, registers, documents and other papers which may be required by the audit authority for audit purposes and any explanation called for by him in regard to any discrepancy shall immediately be furnished.

(iv) To meet the cost of audit, every market committee shall deposit such an amount of audit fee to the provincial revenues, as may be prescribed by Government from time to time.

28. Receipts to be credited daily into Government treasury or scheduled bank.---

(i) Except where Government otherwise directs, all the receipts made by the market committee shall be credited daily into Government treasury, sub-treasury or scheduled bank, in accordance with the instructions issued by Government from time to time in this behalf and a resolution to this effect having been passed by the market committee and shall not be withdrawn except as provided in the rules.

(ii) All remittances under these rules to a treasury, sub-treasury or a scheduled bank shall be made and acknowledged in accordance with the rules of business of the treasury, sub-treasury or the scheduled bank, as the case may be.

(iii) At the close of each month or at such shorter intervals as may be the practice, the market committee shall in accordance with the rules of business of the treasury, sub-treasury or scheduled bank, as the case may be, either get a balance as worked out in the pass book of the market committee or get a statement of accounts from it. The market committee shall compare such balance or statement of accounts with its own books.

29. Refund of certain Amounts.---(I) When,

- (a) Any sum has been deposited or paid in the market committee fund for the grant of a licence which in fact has not been issued; or
- (b) A person has wrongly applied and paid for and has been granted two or more licences of the same nature for the same notified market area; or
- (c) Any market fee has been recovered in excess of the amount actually due; or
- (d) Any market fee has been recovered on a transaction which is exempted under these rules; or
- (e) Any money has been paid by mistake, the market committee shall, on a written application being made within 30 days from the date of payment of the amount claimed back, and after making such enquiry as it may consider necessary, order the refund of an appropriate amount, which shall be repaid to the person concerned out of the funds of market committee.

(ii) The power conferred on the market committee by sub-rule (1) may also be exercised by the Chairman of the market committee, if so authorized by a resolution of the market committee.

(iii) The application for refund shall contain such particulars as are necessary in enabling the amount to be traced.

30. Licences to brokers, weighmen, measurers, surveyors, warehousemen, etc.---

(i) Subject to the provisions of sub-rule (4) of this rule, a market committee shall grant licences to persons who apply for the same to work in the notified market area as brokers,

weighmen, measurers, surveyors, warehousemen, changers, palledars, boriwalas, tolas, tokrewalas and rehriwalas. These licences shall be necessary only for a transaction, which falls within the purview of the Act. An application for the grant of a licence shall be in Form 'D' and the licence in Form 'E', as appended to these rules. The licence shall be subject to the conditions which shall be stated therein or as may be notified from time to time as being applicable to such licences.

(ii) Where the licensee is a firm, any change occurring in the membership of such firm, otherwise than through inheritance, shall mean constitution of a new firm and shall necessitate issuance of a fresh licence.

(iii) Where a change, not necessitating a fresh licence, takes place in the membership of a firm, intimation thereof, shall, within two weeks from the date of such change, be given to the market committee concerned, which after such enquiry as it may consider necessary, satisfy itself about the correctness of such intimation and shall order necessary alterations to be made in the licence and the entries in the Register in Form 'K', as appended to these rules shall also accordingly be corrected or amended.

(iv) Where a licensee firm changes its name, without any change in its membership, it shall, within two weeks from the date on which such change is effected, give intimation thereof to the market committee, which, after such enquiry as it may consider necessary shall satisfy itself about the correctness of such intimation and shall order necessary alteration/correction to be made in the licence, and the entries in the register in Form 'K' shall also be corrected or amended accordingly.

(v) If in a case covered by sub-rules (3) or (4), the licensee firm fails to give necessary intimation to the market committee, the change in the membership or the name of the firm, as the case may be, shall be presumed to have entailed composition of a new-firm.

(vi) A market committee shall through its bye-laws draw up a list of fees to be paid for the grant or renewal of licences to brokers, weighmen, measurers, surveyors, warehousemen, changers, palladars, boriotas, tollas, tokrewalas and rehriwalas.

(vii) In case of breach of any condition of a licence the market committee may, after giving to the licensee an opportunity to be heard, and for reasons to be recorded in its minutes book, suspend or cancel its licence, without being liable to refund the licence fee or any part of it.

(viii) While suspending or canceling a licence, a market committee may order that the licensee concerned shall not be entitled to the renewal of such licence, or to grant of a new one, for such period not exceeding six months, as it may consider expedient.

(ix) No person shall advance money for the purchase of, or have in his possession the document of title relating to agricultural produce in connection with which he is employed as a broker.

(x) No person shall at one and the same time hold dealer's licence under section 6 and a licence under section 9, or hold a licence under section 9 for acting as a functionary in more than one capacity:

Provided that licences as dealer and warehouseman may be granted to and be held by the same person and a person holding a weighman's licence may work thereunder as measurer and vice versa.

(xi) A licenced dealer, broker, weighman, measurers, surveyor, warehouseman, changer, palledar, boriotas, tolla, tokrewala and rehriwala, shall be bound to supply any information required by the market committee with regard to the agricultural produce bought, sold, stored or processed by him.

31. Licenced weighmen, measurers, surveyors, etc., to wear badges.---(i) All changers, palledars, weighmen, measurers, surveyors, boriotas, tokrewalas, and rehriwalas and tolas shall be supplied with badges bearing serial numbers allotted to them. The badges shall be of such pattern as may be approved by the market committee and no licenced changer, weighman, measurer, palledar, boriotas, tolla, tokrewala and rehriwala, shall act as such in a notified market area unless he actually wears the badge. A deposit of Rs. 100.00 as security shall be made with the market committee by every licenced changer, palledar weighman, measurer, surveyor, boriotas, tokrewala and rehriwala and tola before grant of a badge to him. When a licence expires or is suspended or cancelled the badge shall be returned to the market committee and on such return the deposit therefor shall be refunded.

(ii) If any licensee fails to return the badge to the market committee within one month of the expiry, suspension or cancellation of his licence, the security deposit therefore shall be forfeited to the market committee.

32. Fees to be charged by licencees and other functionaries.---A person, when acting as a commission agent, changer, palledar weighman, measurer, broker, surveyor, boriotas, tokrewala and rehriwala and tola or any other functionary, whether licenced or not, shall not in respect of service rendered by him in connection with purchase or sale of agricultural produce, receive from the person employing him a higher remuneration than

that prescribed in the rules or the bye-laws of the market committee concerned. Where agricultural produce is bought or sold through the agency of commission agent, who is himself an intermediate owner, in the course of a transaction, such commission agent shall charge remuneration in respect either of the purchase or of the sale but not in respect of both:

Provided that in the absence of any agreement to the contrary, the fee chargeable by a weighman, measurer, or surveyor shall be payable by the buyer and seller in equal shares.

33. Employing a broker.---(i) No person shall, in the absence of any express agreement be bound to employ a broker in the transaction, or be required to pay for a broker employed by any other party to the transaction, or to pay for a broker when none has been employed.

(ii) Where any person enters into any transaction for the purpose of sale of any agricultural and livestock produce through a commission agent and the commission agent, without a written authority from his principal, employs a broker in connection with such transaction, the broker's remuneration shall be payable by, and may be paid out of the remuneration due to such commission agent.

(iii) The same person shall not act as broker both for the buyer and the seller of an agricultural and livestock produce in the same transaction.

34. Employment of auctioneers.---(i) A market committee may employ on such terms, as may be fixed by it, one or more auctioneers for sale by auction of any agricultural produce.

(ii) Such auction of agricultural produce shall be held at such time and such place or places in the market as may be fixed by the market committee.

(iii) Bids made at the auction shall be recorded by the auctioneer in Form "G" as appended to these rules.

(iv) The auctioneer shall conduct the auction on the terms, as to the payment of price, as set out in rule 35, which shall be made known to the prospective bidders before the auction is held.

(v) After the sale is completed, the auction form duly completed shall be forwarded by the auctioneer to the market committee, which shall preserve it for three years.

35. Payment of sale price.---In the absence of any written agreement to the contrary, the sale price of agricultural produce purchased or sold under these rules shall be paid on delivery.

36. Execution of memorandum in Form “H”.---On completion of a transaction liable to the levy of a fee the buyer shall immediately execute a memorandum in Form “H”, as appended to these rules. The foil of the memorandum shall be given to the seller and the counter foil retained by the buyer.

37. Levy and collection of fees on the sale and purchase of agricultural produce.--
 -(i) Fees prescribed under sub-rule (10) shall be leviable as soon as an agricultural produce is bought or sold by the licensee. In case the buyer and the seller are both licensees, the fee shall be paid by them in equal shares, otherwise it shall be paid in full by whosoever is a licensee under section 6:

Provided that in the case of a transaction liable to imposition of fee, entered into by a kacha arhatia, directly on behalf of a grower, the whole fee shall be payable by the licensee buyer and the kacha arhtia shall not be liable to pay any portion of it.

Provided further that for the purpose of this rule the buyers and sellers exempted under rule 8 from taking licence shall be considered as licensees.

(ii) It shall be the duty of a licensee, liable to payment of any fee in connection with the sale or purchase of any agricultural produce, to pay the same to the market committee.

(iii) The market fee shall be paid to the market committee or to an officer duly authorized by it to receive such payment, on the day of the transaction or on the following day:

Provided that in case of hardship, the Chairman of market committee may, by an order in writing, extend this period to a maximum of seven days from the day of the transaction.

(iv) A receipt in Form “I”, as appended to these rules shall forthwith be issued to the person making payment of fee.

(v) Every officer or servant employed by the market committee for the collection of fees shall be supplied out of its fund, a standard uniform and a badge of office in such form as may be prescribed by the market committee. The standard uniform shall be worn by all such employees while discharging their duties.

(vi) Every such officer or servant shall before entering into service furnish such security, as may be prescribed by the bye-laws of the market committee.

(vii) Every person authorized to collect fees shall be provided with a counterfoil receipt book in Form 'I' and a locked money box. The key of the box shall remain with the chairman or under his written order with the Secretary of the market committee. The amount shall be promptly put in the box by the person receiving it. The box shall be opened daily in the evening at a fixed time in the office of the market committee by the Secretary and the money contained therein shall be counted in the presence of the Secretary or an employee authorized by the chairman. The person in whose presence the box is opened shall be responsible for comparing the counterfoil receipts with the amount actually received and for giving a certificate to this effect over his dated signature on the back of the last counterfoil.

(viii) For the purpose of this rule agricultural produce shall be deemed to have been bought or sold in a notified area,-

- (a) If the agreement of sale or purchase thereof is entered into in the said area; or
- (b) If in pursuance of the agreement of sale or purchase the agricultural produce is weighed in the said area; or
- (c) If in pursuance of the agreement of a sale or purchase the agricultural produce is delivered in the said area to the purchase or to some other person on behalf of the purchaser.

(ix) If in the case of any transaction any two or more of the acts mentioned in sub-rule (8) have been performed within the boundaries of two or more notified market areas, the market fee shall be payable to the market committee within whose jurisdiction the agricultural produce has been weighed in pursuance of the agreement of sale, otherwise it shall be payable to the market committee within whose jurisdiction the agricultural produce is delivered as provided by sub-clause (c) of sub-rule (8).

(x) The market fee prescribed for the agricultural produce, chargeable by the market committees shall be as mentioned in Schedule-II.

⁹[(xi) The Market Committee is also authorized for auctioning of Levy and collection of fee and handing over of the contract to the successful bidder.

⁹ Rule 37 (xi) and (xii) added Vide Notification No. SOAI (AD) 4(5) /2012/Vol-XXIII Dated: 17th July, 2012.

(xii) “Where there exist the above said tax, no other taxes can be implemented by the TMA or other authority”.]

38. Exemption from payment of fees.---(i) If a fee is leviable on sale or purchase of any quantity of agricultural produce in a notified market area and the dealer has complied with the provisions of sub-rule (1) of rule 37, then no fee shall be chargeable on the sale or purchase, within the same notified market area, of any agricultural produce manufactured or extracted from the agricultural produce in respect of which the fee has already been paid.

(ii) In case of a dispute about the payment of market fee with respect to sale or purchase of any agricultural produce, in respect of which the fee has already been paid within the notified market area the decision of District Officer Agriculture shall be final.

(iii) 10 Kilogram or less shall be ignored for levy of market fee.

39. Account of transaction and fees to be maintained.---(i) Every licenced dealer and every dealer not being a hawker, exempted under rule 8 from obtaining a licence shall submit on the same day or on the following day to the market committee a return in Form ‘H-A’, appended to these rules showing his purchase in respect of each commission agent (known as pacca arhtia), and sales in respect of each dealer, as regards each item of agricultural produce:

Provided that in special cases of hardship the chairman of the market committee may, by an order in writing, extend this period to a maximum of seven days from the date of the transactions.

(ii) The market committee shall maintain a register in Form “J” showing the total purchases and sales made by dealers and the fees recoverable and those recovered from them.

(iii) The market committee shall levy the fee payable under section 19 on the basis of the return furnished under sub-rule (1):

Provided that if the market committee has reason to believe that any such return is incorrect, it shall, after notice to the dealer concerned, and after such enquiry, as it may consider necessary, assess the amount of the dealer’s business during the period in question and levy fee on the basis of such assessment.

(iv) If a dealer fails to submit a return as prescribed under sub-rule (1), the market committee may, after issue of notice to him, assess the amount of his business

during the period in question on the basis of such information as may be available and levy the fee accordingly.

(v) The Chairman, Vice-Chairman, Advisor or the Secretary of the Market Committee may at any time and without previous notice enter upon the premises of business of a licenced dealer within the notified market area and inspect and examine the accounts of transactions of agricultural produce and of the fee paid by him, and the dealer shall if required, be bound to produce forthwith his accounts before the Chairman or the Secretary so as to enable him to inspect and examine the same.

(vi) The market committee shall inform the dealer by a notice about the date and place fixed for the inspection of accounts; provided that if the dealer so desires, and pays such fee as the market committee may fix in this behalf, the inspection may be made at the dealer's premises.

(vii) The market committee shall either generally, or in each case, appoint one or more of its employees to conduct such inspection of dealer's account books

(viii) The Chairman or the Secretary, as the case may be, may after inspection prepare a return, or may amend the return already furnished, on the basis of transactions shown in the dealer's account books, and the market committee may levy a fee, or, as the case may be; an additional fee, under section 19 on the basis of such return or amended return; but if the account books are reported to be unreliable, or as not providing sufficient material for proper preparation or amendment of the return, or if no such books are maintained or produced, the market committee may assess the amount of the dealer's business on such information as may be available and levy fee on the basis of such assessment.

(ix) Habitual default in submission of return and habitual submission of false returns shall be a sufficient ground for cancellation of a licence or refusal to renew it, and the provision of this rule shall apply in addition to and not in derogation of any other law.

(x) As assessment order made under the proviso to sub-rule (3) or under sub-rule (4) or sub-rule (8) shall, unless passed in presence of the dealer concerned, be communicated to him by means of a written notice, and a copy thereof shall be supplied to the dealer on his making a written application and paying a sum of Rs. 2.00 as copying fee to the market committee. Every market committee shall maintain a register of copying fee.

(xi) The copy shall be prepared in the office of the market committee and shall be 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 dates on which the application was received and the copy prepared, and delivered to the applicant, and it shall be conclusive evidence of the correctness of these dates.

(xii) An assessment made by a market committee under the proviso to sub-rule (3) or under sub-rule (4) or sub-rule (8) shall be deemed to be an order for the purpose of rule 21. The Court-fee shall be an ad valorem fee under Article-I of the Court-Fee Act on the amount in dispute assessed under sub-rule (10) of this rule.

40. Places at which agricultural produce shall be weighed or measured.---(i) In any notified market area, the market committee may prescribe the places at which tobacco; chillies and fish may be weighed, measured or sold.

(ii) Subject to the provisions of sub-rule (i) weighments and measurements of agricultural produce intended for sale, may be made through licenced weighmen or measurers any-where in a notified market area.

41. Weighment.---(i) Market Committee shall prescribe in its bye-laws standards of net weight of agricultural produce, to be filled in a packing unit, such as bag, a half bag or a pulli, as regards its notified market area.

(ii) No person shall fill, or cause to be filled, any agricultural produce, except in accordance with the standards fixed under sub-rule (1).

(iii) All transactions in a market in terms of packing units shall be deemed to have been entered into in accordance with the standard fixed under sub-rule (1).

(iv) Immediately on the completion of weighment of a lot of agricultural produce, within a notified market area, either party to the contract may cause a test weighment of ten percent of the units of packing in a lot or two packing units, whichever is more. The test weighment shall be carried out at the site of weighment, and if no test weighment is held at the site, the produce shall be deemed to have been correctly weighed.

(v) Test weighment under sub-rule (4) shall be carried out in the presence of both the parties to the contract. If a party fails to attend or refuses or evades participation, the other party may report it in writing to the Secretary of the committee, or any employees of the market committee not lower in rank to that of an Inspector, who after satisfying himself as to the correctness of the report, shall cause the test weighment to be made in his presence, or in the presence of any other official of the committee authorized by him in this behalf, and the result of such test weighment shall be conclusive as also binding on both the parties.

(vi) Before any agricultural produce weighed, in pursuance of a contract of sale, or purchase, within a notified market area, is removed from the place of its weighment, the chairman or the secretary of the market committee, or any employee of the market

committee not lower in rank to that of an inspector shall, with a view to satisfying himself that such weighment has been correctly made, or has been filled in accordance with the standards fixed under sub-rule (1), be entitled, at any time and without any previous notice, to check the weighment by means of weights and instruments kept by the committee or any other agency, in the presence of the purchaser and the seller, and if either or both of them avoid attendance, test weighment may be carried out in the presence of any two persons present there.

(vii) If the weighment checked under sub-rule (6) is found to be defective, the persons checking the weighment may order the lot to be reweighed. The reweighment shall be made at cost of the buyer, if it has not been filled in accordance with the standards fixed under sub-rule (1), and at the cost of the weighment concerned, if the weighment is otherwise defective. Such orders shall be final, and the buyer or the weighman, as the case may be, shall immediately comply with the order. This sub-rule shall operate without prejudice to any other punishment that may be awarded under the Act, these rules or bye-laws made thereunder.

42. Credit of fund with Government.---Every market committee shall deposit not less than 10 per cent of its annual income in a fund maintained and operated by Government, for covering the salaries of officers to be appointed for the better working of the market committees, or for meeting the expenditure to be incurred on carrying out the purposes common to or for the overall interest of the market committees of the Province as provided under sub-section (3) of section 20. Such amount shall be deposited by every market committee by 31st day of July every year in the fund maintained and operated by Government.

43. Use of weighing instruments, weights and measures, their inspection and seizure.---(i) Only such, weighing instruments, as satisfy the requirements of, and such weights and measures, as are prescribed by the ¹⁰[Khyber Pakhtunkhwa] Weights and Measures (International System) Enforcement Act, 1975 and the rules made thereunder, shall be used for weighing or measuring agricultural produce in a notified market area.

(ii) Every market committee shall keep in its office at least one weighing instrument of the capacity of 100 kilogram and two sets of weights and, at places where measures are used, two sets of measures also, verified and stamped in accordance with the provisions of ¹¹[Khyber Pakhtunkhwa] Weights and Measures (International System) Enforcement Act, 1975 and the rules framed thereunder. The market committee shall cause such weights and measures to be tested and verified once in the course of each calendar year through the agency appointed under and in accordance with the requirements of the said Act and the rules.

¹⁰ Subs. by the Khyber Pakhtunkhwa Act No. IV of 211.

¹¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 211.

(iii) The Chairman of a market committee shall allow any person to check free of charges any weight or measure in his possession with the weights and measures maintained under this rule.

(iv) Weighing instruments and measures kept by a market committee under this rule may at any time be inspected, examined and checked by the Director General Agriculture or by Deputy Director of Agriculture (Economics and Marketing) or by District Officer Agriculture or by an Inspector appointed under ¹²[Khyber Pakhtunkhwa] Weights and Measures (International System) Enforcement Act, 1975.

(v) Any member of a market committee, and any employee of a market committee authorized by it in this behalf, shall be entitled, at any time and without previous notice, to inspect, examine and test any weighing instrument, weight or measure used, kept or possessed within a notified market area by a licensee under sections 6 or 9 of the Act, or used, kept or possessed by any other person for weighing or measuring agricultural produce within the limits of the notified market area, and every such licensee or other person in possession of any weighing instrument, weight or measure shall, when required, be bound to produce the same before the person entitled so to inspect, examine and test it.

(vi) If on examination any weighing instrument, weight or measure is found to be not in conformity with the ¹³[Khyber Pakhtunkhwa] Weights and Measures (International System) Enforcement Act, 1975 and the rules made thereunder it shall at once be seized and if it is convenient be forwarded forthwith along-with a report to the Inspector appointed under the ¹⁴[Khyber Pakhtunkhwa] Weights and Measures (International System) Enforcement Act, 1975 within whose jurisdiction the notified market area lies so that action in accordance with law is taken; the report shall be in the following form set out in Schedule-III:

44. Payments how to be made by the market committee.---(i) All payments by a market committee, except from imprest, shall be made by cheques.

¹⁵[(ii) Every cheque drawn on behalf of market committee shall be signed jointly by the Chairman and District Director Agriculture of the District concerned where the notified fruit & Vegetable Market area exists, or if the Chairman is absent from the headquarters of the market committee, or is on account of illness or any other circumstances unable to perform his duties, by the Vice-Chairman or if both are absent or unable to perform their duties as stated above, by any two members of market committee,

¹² Subs. by the Khyber Pakhtunkhwa Act No. IV of 211.

¹³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 211.

¹⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 211.

¹⁵ Rule 44 (ii) amended Vide Notification No.SOAI (AD)4(5)/2012/Vol-XXIII Dated: 17th July, 2012.

provided that no cheque shall be drawn except against a bill, which has been examined and passed by the Chairman, or for recoupment of the impress, if any, provided that the Chairman shall not pass any bill for payment without the previous sanction of the market committee, except, however,-

- (a) For payment of the salaries of the establishment; or
- (b) For making payment for works and repairs for which budget provision has been made; or
- (c) For meeting urgent expenditure for which there is budget provision and which does not exceed Rs.500.00:

Provided that in the absence of the Chairman from the headquarters of the market committee, or in case of his inability on account of illness or other circumstances to perform his duties, bills for payment of the above nature may be passed and signed by the Vice-Chairman, or if both are absent, or unable to do so, by any two members or Advisor of the market committee:

Provided further that where a market committee has ceased to function and a new committee has not been constituted, or if constituted, the Chairman, or the Vice-Chairman, as the case may be, has not assumed office, or the Chairman or Vice-Chairman having resigned or having died, no one has been elected to fill up the vacancy, any gazetted officer appointed by the Government in this behalf may pass bills and sign cheques on behalf of the market committee.]

45. Surplus fund, how to be disposed.---The balances shown in the balance-sheet shall, after audit, be transferred to the reserve fund of the market committee, or be invested in such manner as may be approved by Government.

46. Writing off irrecoverable and other dues or losses.---Whenever it is found that any amount due to the market committee is irrecoverable or should be remitted or whenever any loss of the market committee's money or stores or other property occurs through fraud or negligence of any person or for any other cause, and such property or money is found to be irrecoverable, the fact shall be reported to the District Coordination Officer, who may order the amount or value of property to be written off as lost, irrecoverable or remitted, as the case may be:

Provided that if in any case the amount involved or value of such property is in excess of Rs.10,000.00 such order shall not take effect without the approval of Government.

47. Persons not eligible for the service of market committee.---(i) The following persons shall not without the permission in writing of the Director General Agriculture be appointed as officers or servants of a market committee,-

- (a) a member's parents, descendants, or the husband or wife of any such descendant;
- (b) a member's wife, her parents, or descendant or the wife or husband of any such descendant; and
- (c) the descendants of the parents of any member or of his wife, or the wife or husband of any such descendant.

(ii) No person, who is a whole time salaried official in the service of Government or a local body, or who has been dismissed from the service of Government or a local body, or who is a member of a local body, shall be appointed as an officer or servant of a market committee without the previous sanction of Government.

(iii) No person, who is an officer or a servant of a market committee, shall seek election to any local body, or without the permission of the market committee, seek employment elsewhere:

Provided that where the officer or servant is a Government servant on deputation with the market committee, the permission of the market committee shall not be sufficient for seeking employment elsewhere:

Provided further that an employee retired from the service of a market committee may seek employment in any private institution.

48. Publication of marketing information.---(i) A market committee may, for the benefit of the persons using the market, exhibit at a suitable place outside its office, and at such other place or places as may be determined by it, bulletins of information regarding such matters as prices of Agricultural Produce prevailing at the principal marketing centres in the province and the posts serving the province, and the stocks held by mills and the like.

(ii) Such bulletins shall be signed by the Chairman or the Secretary or a person appointed by the Chairman in writing in that behalf and a copy of every such bulletin shall be kept for record in the office of the market committee.

49. Storage accommodation.---(i) A market committee may arrange, when necessary, accommodation, permanent or temporary, for the storage or stocking of agricultural produce.

(ii) The market committee shall charge such fees for such storage and stockings as may be prescribed by its bye-laws.

50. Boards of Arbitrators, constitution thereof.---(i) Government shall by notification constitute a Board of Arbitrators for each notified market area.

(ii) A Board shall consist of five members, including the Chairman, who shall be a grower, all to be appointed by Government, out of a panel of names recommended by the District Officer Agriculture and the Chairman, market committee concerned, equal to twice the number of vacancies to be filled, in the manner provided hereunder, that is to say,-

- (a) Two members besides the Chairman from growers of the notified market area concerned;
- (b) One member from persons licenced under section 6 of the Act; and
- (c) One member from persons licenced under section 9 of the Act.

(iii) The proposed panels shall be submitted by the District Officer Agriculture, in consultation with the Chairman of the market committee concerned, to the Director General Agriculture for onward transmission to Government for constitution of the Board of Arbitrators for the notified market area concerned in accordance with sub-rule (2):

Provided that Government may, at its discretion, after such enquiry as it may deem proper, if not satisfied with the panel submitted to it, make such changes in the panel as it considers necessary in the circumstances.

(iv) The Secretary of the market committee concerned shall act as the Secretary of the Board.

(v) The term of office of the Board shall be for a period of three years commencing on such dates as may be specified in the notification under sub-rule (1), and where no such date is specified in the said notification, the period of three years shall be reckoned from the date of the notification.

(vi) If on the expiry of the term of office of a Board, no new Board has been appointed, the old Board shall continue to perform its functions till a new Board is appointed by Government.

(vii) Government may at any time by notification remove the Chairman or any member of the Board who in its opinion has been guilty of misconduct or negligence of duty or who has been wrongly or improperly appointed in violation of sub-rule (2), or who has lost the qualification on the strength of which he was appointed or whose continuance as a Chairman or member in the opinion of Government is not desirable provided that before taking such action the person to be removed shall be given an opportunity of being heard and showing cause against the proposed action.

(viii) A Chairman or a member of a Board may resign his office by tendering his resignation to Government.

(ix) If a Chairman or a member resigns under sub-rule (viii) or dies or is removed under sub-rule (vii), Government shall appoint another person in his place in accordance with the provisions of sub-rules (ii) and (iii) and the person so appointed shall hold office as Chairman or member of the Board, as the case may be, for the remaining term of office.

51. Functions of Board of Arbitrators.---(i) Where any dispute arises between buyer and seller of agricultural produce of any kind, including disputes regarding the quality or weight or price of the agricultural produce, regarding the allowances of wrapping for containers, for dirt or for impurities or about deductions to be affected due to any reasons or in regard to unfixed bargain (mudda), the party or parties aggrieved may refer the dispute for settlement thereof in accordance with the provision hereinafter provide:

Provided that the Board of Arbitrators shall not entertain any dispute pertaining to unfixed bargain (mudda), where a written agreement has not been executed between the buyer and seller.

(ii) The party aggrieved shall submit a written application on a judicial paper, bearing a Court-fee stamp of fifty rupees addressed to the Chairman of the Board giving therein the name or names of the other party or parties to the dispute, the cause of the dispute and the nature of relief claimed.

(iii) The following rates of fees shall be payable by the party referring a dispute to the Board,-

(a) for disputes relating to monetary transactions two paisas per rupee on amounts up to Rs.25,000.00 and four paisas per rupee on amounts exceeding to Rs.25,000.00; and

(b) For any other dispute, a fixed fee of five rupees shall be payable.

(iv) If a question arises as to whether any dispute is or is not a monetary transaction, the decision of the Board shall be final.

(v) On receipt of the application, the Chairman of the Board shall, after proper scrutiny, fix up a date for the hearing of the case and shall summon the other party and the witnesses for appearance before the Board alongwith necessary documents, if any.

(vi) On the date fixed for the hearing of the case or on any subsequent date to which the case may be adjourned by the Board, the Board shall proceed to hear the parties and examine the witnesses and the documents produced by them, provided that no case shall be adjourned for a period longer than fifteen days.

(vii) After hearing the parties and examining the witnesses and documents, if any, the Board shall announce its decision in the presence of the parties.

(viii) If, on the date fixed for the hearing of the case or on any date to which the hearing has been adjourned, any party fails to appear before the Board without any reasonable cause, the Board may dismiss the application for non-prosecution or may decide it ex parte, as the case may be. Any party against whom such an order or decision has been made, may within thirty days of the date of the passing of the order or the decision move an application for setting aside the same. The Board may, if satisfied that the party applying was prevented by sufficient cause from appearing before it on the date so fixed, when such an order or decision was made, may set aside that order or decision.

(ix) The Board shall make every endeavour to ensure that a dispute referred to it is to be decided within one month of the reference made to it.

(x) All proceedings and decisions of the Board shall be in writing and a regular record thereof shall be maintained by the Board.

(xi) Every proceeding before a Board of Arbitrators shall be deemed to be a judicial proceeding within the meaning of sections 193 and 288 of the Pakistan Penal Code, 1860 (Act No.XLV of 1860).

(xii) The Chairman and at least one member representing the growers and the persons licenced under section 6 shall form the quorum of the Board and no proceedings of the Board shall be valid unless the requisite quorum is present.

(xiii) Every meeting of the Board of Arbitrators shall be called and presided over by the Chairman.

(xvi) A Board of Arbitrators shall be competent to order the costs involved in a case to be borne by one or both the parties in any proportion considered reasonable by the Board.

(xv) Minors and persons of unsound mind may be represented before the Board by their guardians, appointed with the approval of the Board, and those who for any unavoidable circumstances are unable to appear before the Board, may be represented by a duly accredited personal provided that no lawyer shall be engaged by any party.

52. Monthly statements to be submitted by the Board.---The market committee shall submit to the Director General Agriculture (Extension), Khyber Pakhtunkhwa, for record a monthly statement showing the total number of disputes referred to the Board and the nature of such disputes, as also the number of disputes, settled during the preceding month.

53. Income and expenditure of the Board.---The income of the Board of Arbitrators shall be credited to the market committee fund and all expenses of the Board shall be met from the market committee fund. The chairman and the members of the Board shall be entitled to receive travelling allowance as permissible under the rules.

54. Dispute relating to another market area.---If a dispute relates to another notified market area, the chairman of the Board shall remit the same to the Board concerned, alongwith the fee, if any, paid by the complainant.

55. Inspection of record.---(i) The record of the Board of Arbitrators may be examined by the party concerned on payment of fee of fifty rupees only.

(ii) A copy of the following documents may be obtained from a Board by the party concerned on a written application made to the Board on payment of the following copying fee-

- | | | |
|-----|---|--------------------|
| (a) | Copy of application; | Rs. 3.00 per page. |
| (b) | Copy of the written reply; | Rs. 5.00 per page. |
| (c) | Copy of statement of a witness; | Rs. 2.00 per page. |
| (d) | Copy of final decision or any other order of the Board; and | Rs. 5.00 per page. |
| (e) | copy of decree. | Rs. 5.00 per page. |

56. Power of inspection and seizure of agricultural produce by an officer or servant of market committee.---(i) An officer or servant of the market committee, in the course of performance of his duties, may-

- (a) enter into any building, enclosure or place used for sale and purchase, weighment or measurement of an agricultural produce in a notified market area and may himself inspect, weigh or measure or cause to be inspected, weighed, or measured any agriculture produce found in the said building, enclosure or place;
- (b) himself inspect, weigh or measure or cause to be inspected, weighed or measured, any agricultural produce being transported, by any mechanical or other means, through the notified market area; and
- (c) seize any agricultural produce in respect of which, or any material by which, any breach of the provisions of the Act, or of the rules or bye-laws and made thereunder, is reasonably suspected to have been committed.

(ii) An inventory of the agricultural produce or the articles so seized shall be prepared by the officer or servant proceeding under this rule and a copy thereof shall be given to the person from whose custody the agricultural produce or other articles have been taken into possession.

(iii) An officer or servant of the market committee seizing property under this rule shall keep such property either in his own custody or require any licenced dealer in the notified market area to take it into his possession and keep the same in his charge till such time as the inquiry in regard to the said property is completed and final orders regarding its disposal are passed by the competent authority:

Provided that the Chairman of the market committee may for reasons to be recorded in writing, at any time, direct that the property be released and restored to the person from whom it was seized or taken possession of.

(iv) The expenses incurred on transportation and storage of the property seized under this rule shall be recoverable from the person to whom the property is to be restored. If such person refuses or fails to pay such expenses, the property or such part thereof, as may fetch the amount of money so expended, shall be sold or auctioned under the orders of the chairman of the market committee and the amount realized by such sale or auction shall be adjusted towards transportation and storage charges, and the balance, if any, paid to the person to whom the property belonged or was due to be restored.

(v) When the property is required to be restored to person from whom it was seized, a notice shall be issued to him for appearance at such place and time as may be specified in the notice for the purpose of taking its delivery. If such person refuses or fails to take delivery of the property at the appointed place and time, the property shall be sold or auctioned, under the orders of the chairman of the market committee and the amount realized by such sale or auction shall be adjusted towards the expenditure incurred in this behalf, and the balance, if any, shall be paid to the person to whom the property was due to be restored; provided that such person applies for it to the market committee within 90 days of the sale or auction.

(vi) The licenced dealer required by an officer or servant of the market committee to take possession of the property seized shall not refuse to do so.

57. Penalty for non-payment of fee.---If a person, firm or dealer habitually fails to deposit the market fee, the market committee on satisfying itself may charge any amount up to eleven times the fee as penalty.

58. Compounding of offences.---(i) In case the Chairman of the market committee receives an application for the compounding of an offence, he shall place the matter in the next meeting of the market committee in accordance with the provisions of sub-section (4) of section 37 of the Act.

(ii) The market committee while compounding an offence shall in no case accept an amount less than five percent of the maximum fine that can be imposed for the offence:

Provided that the amount so realized by way of composition shall be in addition to any amount payable by the offender under the Act or rules or bye-laws.

59. Travelling Allowance to be paid to the chairman, members and the staff of the committee.---(i) If the chairman, member or staff of a market committee undertakes any journey, in the interest and under the orders of the market committee, he shall be paid travelling expenses out of the market committee's funds at a rate admissible under Government Rules, provided that a Chairman and Vice-Chairman and Advisor of 'A' and 'B' Class market committees shall be treated as grade 18 officers and those of 'C' Class market committees as grade-16 officers and members of a market committee of any class as grade-16 officers.

(ii) In case of any enquiry, survey or investigation being conducted by the Directorate General Agriculture or such enquiry or survey being conducted by Government, for the benefit of growers or for the improvement of market committees, the officers/officials other than the market committee's staff, performing such duties may be

paid travelling allowance out of the funds of the market committee concerned at the permissible rates. For the officers lower in rank than the Director General Agriculture, approval shall be obtained from the Director General Agriculture to draw the travelling allowance, whereas in the case of officers of the rank of Director General Agriculture (Extension) Khyber Pakhtunkhwa and higher than that such an approval shall be obtained from Government.

60. Sale and purchase of essential commodities of agricultural produce and model commission shops.---(i) A market committee may, if so required, provide funds in its annual budget for the expenditure to be incurred on supply of essential commodities of agriculture products to be supplied to the public on no profit no loss basis.

(ii) A market committee may open a model commission shop or shops in any notified market area for the benefit of and in the interests of the growers.

61. Purchase of load carriers, vehicles, agricultural implements, etc.---(i) A market committee may, subject to the previous sanction of Government-

- (a) purchase load carriers, vehicles, trucks, tractors or trollies, for bringing agricultural produce of the farmers to the market and for agricultural marketing improvement; and
- (b) Purchase agricultural implements and machinery to be distributed amongst the growers of the market area.

(ii) Such implements and machinery shall be rented out to the deserving growers of the notified market area at the rates prescribed by Government.

62. Control by Government.---(i) The Director General Agriculture or the Deputy Director of Agriculture (Economics and Marketing) within his jurisdiction, or any officer not below the rank of an District Officer Agriculture appointed in writing by the Deputy Director of Agriculture (Economics and Marketing) or any officer appointed by Government in this behalf, by general or special order, may:

- (a) Enter into, inspect and survey or cause to be entered into, inspected and surveyed, any immovable property owned or occupied by any market committee or any work in progress under its supervision;
- (b) By an order in writing addressed to the Chairman or Secretary, call for and inspect, or cause to be inspected, any book or document in possession or under control of the market committee, and the

Chairman or Secretary, as the case may be, shall immediately comply with such order;

- (c) By an order in writing, addressed to the Chairman or Secretary, require the market committee to furnish within a specified period any statements, accounts, reports, or copies of documents in possession of the market committee or pertaining to its proceedings or working; and
- (d) Enquire generally into the affairs of the market committee with a view to ascertaining whether the same are being satisfactorily administered, and for the purposes of such enquiry make use of any property of the committee, and exercise the powers mentioned in clauses (a), (b) and (c) of this rule, and the members, officers and servants of the market committee shall render such assistance in the enquiry as the person or persons making the enquiry may deem necessary.

(ii) The officers mentioned under sub-rule (1) may record in writing for the consideration of any market committee such observations as he may think proper in regard to the proceedings working functions or duties of the market committee;

(iii) Every committee shall submit such reports, daily or periodically to the Director General Agriculture, the Deputy Director of Agriculture (Economics and Marketing) the District Officer Agriculture or Government, as directed.

63. Daily prices of agricultural produce and their exhibition.---(i) Every market committee shall exhibit the daily rates or prices of agricultural produce at such conspicuous places in the notified market area as may be determined by it so as to make the growers aware of the prevailing market rates/prices of agricultural produce of all kinds.

(ii) It shall be the duty of the market committee to supply the daily rates to Government, autonomous or semi-autonomous bodies and such other centres as may from time to time be determined.

64. Renewal of a licence and the issue of a duplicate.---(i) An application for the renewal of a licence shall be made at least seven days before the date on which the licence is due to expire.

(ii) If any licensee makes an application after expiry of the licence, the authority competent to renew a licence may renew the licence, if he deposits a penalty in

cash with the market committee, for the period elapsed after the expiry of the licence, as under:

- (a) In case of a licence under section 6 and rule 6:
 - (i) Licence of the kind of Group 'A'; Rs. 25.00 P.M.
 - (ii) Licence of the kind of Group 'B'; and Rs. 15.00 P.M.
 - (iii) Licence of the kind of Group 'C'. Rs. 10.00 P.M.
- (b) In case of licence under section 9 and rule 29:
 - (i) Warehouseman; and Rs. 10.00 P.M.
 - (ii) Others. Rs. 5.00 P.M.

Provided that the penalty charged by the market committee under sub-rule (2) shall not exceed the annual licence fee in any case.

Note: 15 days or more shall be treated as a full month for the purpose of computing the period for penalty.

(iii) Every renewal of a licence made under this rule shall be deemed to take effect from the date following that on which the licence expired.

(iv) If a licence granted under section 6 or 9, or renewed under this rule is lost, a duplicate may be issued by the authority, which issued the original, on payment of a fee of Rs.100.00 in the case of a licence for a dealer or warehouseman, and Rs.50.00 in case of other licences.

65. Incidence of market fee.---The following procedure shall be adopted for payment of market fee in respect of wheat, sugar (refined), atta and rice which are handled by the Food Department:

- (a) In respect of indigenous wheat:
 - (i) Full market fee shall be paid by the Food Department if the same is purchased from the growers and dealers other traders who are not licencees of the market committee; and

- (ii) where the same is supplied to the flour mills, depot holders or any other agency out of the stock received from the Provincial Reserve Centres located in other market committees, the fee shall be paid in equal shares by both the Food Department and the other aforesaid agency concerned, duly licenced, as the case may be.

- (b) In respect of imported wheat:

Market fee shall be paid in equal shares by the Food Department and the roller flour mills or depot holders or any other agency, as the case may be, if the stocks are sold to them at the time of first transaction.

- (c) In respect of atta:

No market fee shall be paid on the sale of atta if sold to the depot-holders out of the stocks received from the roller flourmills operating in the same notified market area. However, if atta is sold out of the stocks received from any Provincial Reserve Centre of another 'notified market area the market fee shall be paid to the market committee in equal shares by Government and the depot-holders.

- (b) In respect of sugar:

- (i) If the same is sold out of the stock received from a Provincial Reserve Centre located in the area of another market committee, market fee shall be paid by the Food Department, and the depot-holders in equal shares; and
- (ii) The persons exempted under rule 8 from obtaining dealer's licence shall be treated as licencees for the purpose of levy of market fee under this rule.

66. Classification of market committees.---(i) The market committees in the Province shall be classified and notified in the official Gazette by the Government on the basis of their average annual income under the heads 'Market Fee' and 'Licence Fee' during the last three years as below:

Class 'A' A market committee with an annual income of one million six hundred thousand rupees or above.

Class 'B' A market committee with an annual income of more than eight hundred thousand and less than one million six hundred thousand rupees.

Class 'C' A market committee having an annual income of less than eight hundred thousand rupees.

(ii) All newly established market committees shall fall in class 'C' for at least three years and, thereafter, Government may determine their class on the basis of their average annual income of the preceding three years, as provided in sub-rule (1).

67. Rate of commission and remuneration of a functionary.---(i) In regard to any sale or purchase of agricultural produce no functionary shall charge for the services actually rendered by him a remuneration in excess of the rates specified below:

- (a) Commission agent:
 - (i) 2 percent in the case of food grain and other crops.
 - (ii) 5 percent in the case of fruits, and
 - (iii) 7 percent in the case of vegetables, worked out on the basis of the value of the agricultural produce
- (b) Broker:

Twenty paisa per quintal of agricultural produce bought or sold;
- (c) Weigh man:

0.30 Percent of the value of agricultural produce weighed;
- (d) Palledar:
 - (i) unloading 0.20 per cent of the value of agricultural produce
 - (ii) weighing 0.30 per cent of the value of agricultural produce
 - (ii) bori ultai 0.20 per cent of the value of agricultural produce

- | | | | |
|------|-------------|-----|---|
| (iv) | dheri legai | ... | 0.10 percent of the value of agricultural produce |
| (v.) | changar | ... | 0.20 percent of the value of agricultural produce |

(ii) The seller shall not be liable to pay the remuneration mentioned in sub-rule (1) if he does not hire the services of any of the functionaries.

(iii) Remuneration due to a broker, weighman, measurers, palledar or changar shall be payable by the owner of the produce sold through a commission agent within the meaning of 'Kacha Arhtia'. The commission agent will get his commission from seller/owner. In other transactions the remuneration to any functionary shall be payable by the person employing him.

(iv) For the purpose of these rules a bag shall be deemed to contain one quintal of agricultural produce unless it is actually weighed (without bardana). A quintal shall not be treated as anything, more or less than 100 Kilogram and a sainkara shall not be counted as anything more or less than hundred.

(v) It shall not be necessary for any seller of agricultural produce to engage any one of the functionaries enumerated in sub-rule (1), unless he wishes to do so and no one shall pay or be required to pay for a functionary who has not actually been engaged.

(vi) No allowance, deduction/or charges of any kind in any form, not permitted by these rules shall be allowed in respect of any transaction of sale or purchase of agricultural produce.

(vii) Every dealer shall give a receipt in Form 'C' appended to these rules for the amount received by him as commission agent and on behalf of other functionaries, viz., broker, weighman, warehouseman, palledar, changer, etc., who were actually employed for the sale or purchase of agricultural produce.

¹⁶[(viii) The Association concerned in notified market area with the cooperation of Market Committee concerned will issue/sale the price lists of the Fruit or Vegetable and name of the President of Association concerned will be included on the Price Lists.]

68. Establishment of a feeder market.---(i) Government may allow the establishment of a feeder market in any notified market area in manner hereinafter provided.

¹⁶ Rule 67 (viii) amended Vide Notification No. SOAII (AD) 4(5) /2012/Vol-XXIII Dated: 17th July, 2012.

(ii) Any market committee intending to establish a feeder market within its notified market area invite application after due publicity, giving full details of the site where market is intended to be established with the coordination of Association concerned and Pakistan Agriculture & Arhtian Federation.

(iii) The market committee shall forward the application to District Officer Agriculture with its comments who, shall inspect the site and undertake necessary scrutiny and forward the case with his report to the District Coordination Officer.

(iv) The District Coordination Officer shall forward the case with his comments to the Director General Agriculture, who with his own remarks shall transmit the case to the Government for orders.

(v) Government, after considering the aforesaid reports/ comments/remarks, may allow or disallow the establishment of the new market. The decision of Government in this regard shall be final.

(vi) Establishment of Feeder market shall be subject to the following conditions:

- (a) The owner of the land shall sell the selected site at market prevailing rates per marla and execute the sale-deed in favour of the market committee within a period of two months from the date of communication of the decision of the Government, failing which the Government may withdraw the decision about establishment of the new market;
- (b) The market committee shall prepare a plan for the development of the selected site and carve out commercial plots and auction the same through a committee to be constituted by the District Coordination Officer;
- (c) The market committee shall have the right to retain two plots for construction of its office and one for association concerned or Pakistan Agriculture & Arhtian Federation:

Provided that in establishing new markets in future, 70 per cent of the plots shall be reserved for allotment to the already working commission agents and the remaining thirty per cent shall be sold through open auction to the growers;

- (d) The market committee shall construct roads, water supply system, sewerage, public baths and latrines and shall install street lights in the

new market, and shall be responsible for their proper maintenance and for general cleanliness of the premises;

- (e) one-third of the auction proceeds of commercial plots shall be paid by the market committee to the owner of the land; and
- (f) In case of forfeiture of a plot and re-auction thereof, the landowner shall not be entitled to claim an amount in excess of what he has already received.

69. Grading of agricultural produce.---The market committee shall be responsible to undertake grading of agricultural produce according to the provisions of the Agricultural Produce Grading and Marketing Act, 1937. The market committee may appoint necessary staff for this purpose, with the prior approval of Government.

70. Duties and powers of secretary of market committee.---(i) The secretary shall be the executive officer of the committee. The office establishment of the committee shall be under his control. Any order to any member of the staff of the market committee shall pass through him.

(ii) The Secretary shall work under the control of the Chairman, Vice-Chairman and Advisor of the market committee.

(iii) The Secretary shall be entitled to attend all meetings of the market committee or a sub-committee except a meeting wherein anything concerning him or any one of his relatives is to be considered.

Explanation.-Relative for the purpose of this sub-rule shall mean-

- (a) Father, mother, son, daughter, brother and sister of the person concerned;
- (b) Brother and sister of the father of the person concerned; and
- (c) Father, mother, son, daughter, brother and sister of the wife or husband of the person concerned.

(iv) The Secretary shall advise the market committee and its chairman in the light of the provisions of the Act, rules and bye-laws framed there under, the decisions earlier taken by the market committee and directions given from time to time by Government. His opinion shall be recorded in the proceedings of the committee.

(v) It shall be the duty of the Secretary to carry into effect the provisions of the Act, rule and bye-laws, the instructions or directions of Government, of the Directorate General of Agriculture and the Chairman of the market committee, with a view to effect maximum improvement in the market.

(vi) The secretary shall deal with the correspondence received from Government or the Directorate promptly and efficiently. He shall lay all correspondence of the market committee with Government and the Directorate before the Chairman of the market committee for information of action as required.

(vii) Subject to sub-rule (5), the secretary shall have immediate responsibility for the day-to-day working of office of the market committee, maintenance of accounts, punctual rendering of returns, safe custody of cash, common seal, minute book and other records and assets of the committee, and for periodical review of the progress made towards implementation of the provisions of the Act and these rules.

(viii) The Secretary shall make an annual assessment of the work of employees of the market committee and shall submit the same to the Chairman of the market committee. The Chairman of the market committee shall take this assessment into consideration while making final assessment of the work of the employees before recording remarks in their character rolls.

(ix) The Secretary of the market committee shall have the power to take necessary disciplinary action against the staff in grades 1 to 3. He may also report against the other employees for the misconduct, in-discipline, disobedience, dishonesty, neglect of duty and other such aspects of their conduct as in his opinion may impair the service discipline or may be prejudicial to the aims and objects of this law.

71. Appointment terms and conditions of service of employees.---(i) The pay scales as prescribed in Schedule 'IV' annexed hereto shall apply to all the employees of a market committee.

(ii) Recruitment/promotion to the posts of a market committee in future shall be made in accordance with-

- (a) The pay scales as prescribed in Schedule 'IV'; and
- (b) The qualifications as prescribed in Schedule 'V'.

(iii) No new posts other than those sanctioned in the budget for the year 1978-79 shall be created without the previous sanction of Government.

(iv) Government may, from time to time, modify Schedules 'IV' and 'B' in the manner it deems fit.

(v) If any person already employed by a market committee is not covered by Schedule 'IV' he shall be allowed to continue as such or may be absorbed at his request at place where such vacancy exists, with the prior approval of Government.

(vi) In respect of service conditions including disciplinary matters and other matters ancillary thereto, the employees of the market committee shall be governed mutatis mutandis by the rules applicable, from time to time, to the employees of Government.

(vii) Where the operation of these rules causes any hardship to a market committee employee, Government may, for reasons to be recorded in writing, relax any of the provisions of these rules in his favour.

(viii) Annual confidential reports, of the market committee staff, shall be countersigned by District Officer Agriculture:

Provided that the annual confidential report of the secretary of market committee shall be countersigned by the Director General Agriculture or by such officer duly authorized by him.

72. Transfer of employees of market committee.---(i) The services of the employees of market committees shall be transferable from one market committee to another in the corresponding scale.

(ii) The employees of market committee can also perform their duties with the association or Pakistan Agriculture & Arhtian Federation for the betterment of the market subject to approval of the Chairman of the market committee concerned.

73. Relaxation of rules.---Any of these rules may, for reasons to be recorded in writing, be relaxed in an individual case by Government, if Government is satisfied that a strict application of the rule would cause hardship to the individual concerned.

74. Delegation of powers.---(i) For the purposes of appointments, punishments, appeals, transfers and controlling travelling allowance, in respect of each person holding post mentioned in column 2 of Schedule 'VI' shall be such as are specified against the post of such person in columns 3 to 6 of the said Schedule.

(ii) An authority empowered under these rules to impose penalties on the holder of a post shall be competent to impose such penalties on every person holding such post whether such person was appointed by such authority or not.

75. Engagement of a lawyer.---A market committee individually, or jointly with other market committees, may engage a lawyer for the conduct of its cases in Courts, subject to the following:

- (a) Market committee shall not be competent to sanction a fee to a lawyer exceeding Rs.100000.00; and
- (b) If the fee of a lawyer who is being engaged by a market committee exceeds Rs. 100000.00, a prior sanction of the Director General Agriculture shall be necessary, upto Rs.200000.00 and that of Government, if it exceeds Rs.200000.00.

76. Penalty for breach of rules or of any condition of a licence.---Any person committing a breach of these rules or any licensee committing a breach of the conditions of his licence shall on conviction be punishable with fine which may amount to five thousand rupees; provided that the maximum fine which may be imposed for the breach of the conditions of a licence granted under section 9 shall not exceed one hundred rupees for each breach.

77. Appeals.---Appeal, not provided in the Act, or the rules shall-

- (a) Against the order of a Secretary of market committee, lie to the Chairman, against whose orders the person aggrieved may appeal to the market committee; and
- (b) Against the orders of the market committee, lie to the District Officer Agriculture, whose decision shall be final.

78. Registers, account books and forms to be maintained by a market committee.---Every market committee shall maintain registers, account books and forms, as prescribed under the Act, rules and bye-laws framed there under, as are given in Schedule 'VII'.

79. Preservation of record.---The record of the committee shall be preserved for a period noted against each item in Schedule 'VIII'.

80. Conduct of business.---Where a regular market has been established by the market committee with the approval of Government, all transactions of sale and purchase of agricultural produce shall be conducted within the market premises and not outside the same.

81. Pension rules.---The rules applicable to the servants of Government from time to time in the matter of pension and gratuity shall be applicable to the servants of market committees in the manner provided hereunder:

- (a) Prior to retirement, each employee of market committee shall give his option to the competent authority indicating the market committee, from where he intends to get pension and gratuity:

Provided that market committee so indicated by the employee must be one, where the retired employee has served.

- (b) Market committee opted by the employee shall be liable to make the payment of pension and gratuity to the retired employee in full. The market committees, where the employee has served, shall pay the due share of pension and gratuity as determined by Local Fund Audit Department to the market committee opted by the retired employee.
- (c) In case of any dispute, the decision of Director General Agriculture shall be final.

¹⁷**[82. Gate Entry Fee, Weighing Bridge Fee, Import Export Fee and Tehbazari etc.**

(i) The Market Committee concerned shall be authorized to receive gate entry fee (load un-load), weighing bridge fee, import export fee and tehbazari etc in the notified market area at the rate given in schedule-IX. The scheduled fee/ tax can be changed from time to time by the Committee subject to approval of the Govt”.

(ii) “The above fees, except tehbazari shall be received from those loaded vehicles, which enter the notified premises or leave the said premises and shall be deposited in the Market Committee Fund”.

(iii) “The Competent Authority shall fix different dates in one advertisement, with terms and conditions of the contract, for auctioning the contract. If no reasonable bid is offered then another advertisement will be published in renowned and widely circulated newspapers”

(iv) “The Chairman will be authorized to assign any reason to cancel or accept any tender”.

(v) “The contractor will not be authorized without work order and work order will be only issued when the contractor enters into a written agreement with the

¹⁷ Rule 82 (i) to (vii) added Vide Notification No.SOAI (AD)4(5)/2012/Vol-XXIII Dated: 17th July, 2012.

Committee through its Chairman. The terms and conditions will be decided mutually by both the parties”.

(vi) “The on the application of the contractor regarding any grievance pertaining to the contract, the Chairman will be bound to call a meeting within a period of thirty days and any decision passed by simple majority of the Committee will be final”.

(vii) “The Market Committee will be authorized to impose or levy any taxes under the notified market area as per schedule and no other authority shall be authorized to impose any short of taxes, give any contract, nor make any interference in the notified area of the Market Committee”.]

¹⁸**[83. Construction/Building in the Market.**

(i) Any allottee/ transferee who desire to raise construction of building for the business of Agricultural or Livestock Produces under the Act in the area of notified market will under the Law be required to present a plan/design before the Chairman for its approval.

(ii) “It is mandatory for the allottee/ transferee that the design/ plan for construction of building must be prepared by qualified architect and the same must be verified from any authorized Sub-Engineer/ SDO or Sub-Engineer of Agricultural Engineering University”.

(iii) “That after the approval of the said design/ plan from the Chairman, the allottee/ transferee will be bound to deposit Rs.5/- per square foot of the covered area or as per approved rates of Government in the account of the Market Committee”.

(iv) “No encroachment is to be made from the approved design/ plan”.

(v) “The owner may approve the design/ plan from TMA or PDA but subject to issuance of NOC by the Chairman or Vice Chairman”.

(vi) “In the notified market, no-body shall be allowed to raise construction in the thoroughfare, or raise huts or encroach upon any part”.

(vii) “The allottee/ transferee shall be bound to raise construction according to the approved design/ plan and shall also be bound to use quality material in the construction”.

¹⁸ Rule 83 (i) to (ix) added Vide Notification No.SOAII (AD)4(5)/2012/Vol-XXIII Dated: 17th July, 2012.

(viii) “That the Town Municipal Administration shall have no authority to seal or demolish any building, or part thereof without issuance of prior NOC by the Market Committee”.

(ix) “If any allottee/ transferee intends to get electricity, gas, telephone or water connection he shall obtain prior NOC from the Chairman/ Vice Chairman and Arhtian Association”]

¹⁹**[84. Allotment and Transfer and Moveable & Immoveable property.**

(i) “The Committee within the notified area may allot or transfer, sale or purchase any moveable and immoveable property, and the decision of the Committee shall be final subject to three-fourth majority and will be bound to inform the Department within fifteen days of its decision for information and approval of the Government”.

(ii) “If any complaint received to the chairman/ Vice Chairman regarding the default of any allottee or transferee, the Chairman / Vice Chairman shall be bound to issue a notice to the defaulter to deposit the outstanding amount within a period of fifteen days and in case of failure on the part of the defaulter the Chairman/ Vice Chairman shall call a meeting of the Committee, where the decision passed by simple majority shall be final”.

(iii) “No authority shall be authorized to cancel the allotment/ transfer of those allottees / transfers to whom the allotment/ transfer has been made in terms of section- 14 of the Act, and proper deed executed with them, and no outstanding amount exists against them”.

(iv) “In case of any conflict regarding the affairs of the Market Committee the same will be decided on mutual consultation amongst the officials of the Committee, Director General Agriculture (Extension) and Arhtian Association”.]

Sd/
Secretary Agriculture, Livestock
And Cooperation Department.

¹⁹ Rule 84 (i) to (iv) added Vide Notification No.SOAII (AD)4(5)/2012/Vol-XXIII Dated: 17th July, 2012.



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK &
COOPERATION DEPARTMENT

SCHEDULE-I
(Under rule 6)

Group	Kind of licence	Fee
A.	Cotton Ginning and Pressing Factory, Oil Mills, Textile Mill, Ghee Mill, Rice Mill (Sheller and huller), importer and exporter of agricultural produce, sugar mill, purchaser of agricultural produce on behalf of mill, dairy and other such concern dealing in agricultural produce, wool factory, jute mill, tannery flour mill, tobacco wholesale dealer, roti plant, cold storage, refrigeration plant,	Rs. 1000.00
B.	Commission agent of grain market vegetable and fruit market, wool, hides and skin merchant, wholesale karyana merchant, cotton seed and oil-cakes wholesaler, atta machine "chakky", rice husking "chakky" pulses processing plant.	Rs. 500.00
C.	Retail shopkeeper of karyana, fruits and vegetables (dry and fresh), meet, wool, hair, beef, mutton, fish and egg sellers, oil-cake and cotton seed sellers, fodders (green or dry), tobacco and its products, kohloo and depot-holder, pharria.	Rs. 200.00



GOVERNMENT OF
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SCHEDULE-II
(Under rule 37(10))

S.No.	Name of the Agriculture Produce.	Rate of market fee per 100 kg.
1.	Wheat, Rice (Paddy), rice (cleaned), rice (broken), atta, maida, suji, gur, shakkar, sugar (desi and refined), molasses, sugarcane juice, pulses (whole and split), viz. Moong, mash, masoor, moth, raj mash, rewah, arhar, lobia, gram and other beans;	Rs. 1.00
2.	Maiz cobs (dry and green), atta, maiz (grains), barley, bajra, jowar, atta of jowar, atta of bajra;	Rs. 1.00
3.	Oil seeds viz, cotton seed, linseed, sarsoon, raya, toria, taramira, soyabeen sunflower, til, ground nut, castor, palm, their oils, oilcakes, seed and vegetable ghee;	Rs. 1.00
4.	Wool, hair and desi ghee;	Rs. 1.00
5.	Cotton un-ginned (phutti), cotton ginned (lint), jute (seed and fiber), chillies (green, dry and ground), tobacco, leaves, tobacco cured and guraku;	Rs. 1.00
6.	Meal and waste of maiz;	Rs. 1.00
7.	Fruit and vegetables (fresh and dry) and their marmalade;	Rs. 1.00
8.	Fodders, viz; senji, lucern, shaftal, berseem, shalgham, guara, ohari, bajra, maiz, javi, barely, wheat, jowar (green and dry) and their seeds, methi metha, oats, bran, bhusa of wheat, phak, parali, rice silur, bhusa of barley, gram cholia, kera, surri, bura, wanda, cotton waste and sugarcane;	Rs. 0.50
9.	Livestock products viz; beef, mutton.	Rs. 1.00.



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SCHEDULE-III
(Under sub-rule (6) of rule 43)

REPORT OF SEIZURE OF
WEIGHING / INSTRUMENT / WEIGHT / MEASURE

Name, parentage, caste and residence of the person from whom the weighing instrument, weight or measure is seized.	Description of the weighing instruments or weight or measure seized.	Date of seizer.	Person by whom seized.	Why seized.	Person in whose presence seized.	Remarks
1.	2.	3.	4.	5.	6.	7.
			Signature of the person making report			
Signature of witnesses 1			Signature of Witnesses 1			

Note: The report is to be signed by the person who examined and tested any weighing instrument, weight or measures.



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SCHEDULE -IV
(Under rule 71)

Class of Market Committee

Sr. No.	Name of Post	A	B	C
		(BS)	(BS)	(BS)
1.	Secretary	17	16	15
2.	Superintendent	16	--	--
3.	Chief Inspector	15	15	--
4.	Accountant/Head Clerk	14	14	--
5.	Inspector	11	11	--
6.	Sub Engineer	11	11	--
7.	Data entry Operator/Key Punch Operator	11	11	--
8.	Senior Clerk	9	9	9
9.	Sub Inspector	8	8	8
10.	Asst. Sub Inspector	7	7	7
11.	Auctioneer, Checker, Demand Clerk, Rate Announcer & Supervisor	5	5	5
12.	Tractor Driver	5	5	5
13.	Tubwell Operator	5	5	5
14.	Vehicle Driver	5	5	5
15.	Dafti	2	2	2
16.	Traffic Controller	2	2	2
17.	Field Man	1	1	1
18.	Tractor Helper, Cleaner & Greaser	1	1	1
19.	Chowkidar / Beldar	1	1	1
20.	Mali / Water Carrier	1	1	1
21.	Naib Qasid	1	1	1
22.	Sweeper	1	1	1

Schedule IV under rule 71 amended at Sr. No 14 Vide Notification No. SOAII (AD)4(5)/2012 /Vol-XXIII Dated: 17th July, 2012



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SCHEDULE-'V'
[Under rule 71(2) (b)]

S.No	Nomenclature of the posts.	Minimum qualification for appointment by initial recruitment.	Age Limit	Method of recruitment.
1.	2.	3.	4.	5.
1.	Secretary "A" Class Market Committees (BS-17).	Second Class Master's Degree in Economics or Statistics or M.Sc Agriculture (Economics), from a recognized University.	21 to 35 years.	(a) Twenty-five per cent by initial recruitment; and (b) seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from Secretaries "B" class Market Committees with five years as such.
2.	Secretary "B" Class Market Committees (BS-16).	Second Class Master's Degree in Economics or Statistics or B.Sc (Hons) Agriculture (Economics), from a recognized University.	21 to 35 years.	(a) Twenty-five per cent by initial recruitment; and (b) seventy-five per cent by promotion, on the basis of seniority-cum-fitness, from Secretaries "C" Class Market Committees with five years service as such.
3.	Superintendent (BS-16).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Accountants/Head Clerks in BS-14 with five years service as such.
4.	Secretary "C" Class Market Committees (BS-15).	Second Class B.Sc (Hons) Agriculture (Economic) or Master's Degree in Statistics, from a recognized University.	21 to 35 years.	(a) Seventy-five per cent by promotion, from amongst the Chief Inspectors with three years service as such; or (b) if no suitable person is available for promotion, then by transfer from amongst the Chief Inspectors; and (c) twenty-five per cent by initial recruitment.



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Schedule V
under rule 71(2)
(B) amended at
Sr. No 5 & 7
Vide
Notification No.
SOAR (AD) 4(5)/
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Dated: 17th July,
14

1.	2.	3.	4.	5.
5.	Chief Inspector (BS-15).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst Inspectors with five years service as such.
6.	Accountant/ Head Clerk (BS-14).	--	--	By promotion, on the basis of seniority-cum-fitness, from amongst the Senior Clerks with three years service as such.
7.	Inspector (BS-11).	(a) Second Class Graduate from a recognized University; and (b) five years experience in the relevant field.	21 to 35 Years.	(a) Seventy-five per cent by promotion, from amongst the Sub Inspectors with three years service as such; and (b) twenty-five per cent by initial recruitment.
8.	Sub-Engineer (BS-11).	Three years of diploma of Associate Engineering (Civil) from a recognized institute.	21 to 35 years	By initial recruitment.
9.	Data Entry Operator/ Key Punch Operator (BS-11).	Intermediate with Statistics/ Economics/ Mathematics/ Physics as one of the subject, from a recognized Board.	18 to 28 Years	By initial recruitment.
10.	Senior Clerk (BS-09).	-do-	-do-	By promotion, on the basis of seniority-cum-fitness, from amongst the Junior Clerks, Cashiers, Account Clerks, Rate Clerks, Record Keepers, Fee Collector and Rent Clerks with two years service as such.



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1.	2.	3.	4.	5.
11.	Sub-Inspector (BS-08).	-do-	-do-	By promotion, on the basis of seniority-cum-fitness, from amongst the Assistant Sub-Inspectors.
12.	Assistant Sub-Inspector (BS-07).	Second Class Secondary School Certificate from a recognized Board.	21 to 28 years.	By initial recruitment.
13.	Junior Clerk, Cashier, Account Clerk, Rate Clerk, Record Keeper, Fee Collector and Rent Clerk (BS-07).	Second Class Secondary School Certificate from recognized Board with one year Certificate in the relevant field from a recognized Institute.	21 to 28 years.	By initial recruitment.
14.	Auctioneer, Checker, Demand Clerk, Rate Announcer and Supervisor (BS-05).	Second Class Secondary School Certificate from a recognized Board.	18 to 28 years	By initial recruitment.
15.	Electrician (BS-05).	Secondary School Certificate from a recognized Board with one year certificate in the relevant field from a recognized Institute.	18 to 58 years.	By initial recruitment.
16.	Vehicle / Tractor Driver (BS-05).	Literate having with driving license at least two years experience of the job.	18 to 28 years.	By initial recruitment.



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1.	2.	3.	4.	5.
17.	Tube Well Operator (BS-05).	Middle having at least two years experience of the job.	18 to 40 years.	By initial recruitment.
18.	Field man (BS-02).	Literate.	18 to 40 years.	a) Fifty per cent by initial recruitment; and b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids, Chowkidars and Beldars.
19.	Daftari (BS-02).	Middle.	18 to 40 years.	(a) By promotion, on the basis of seniority-cum-fitness, from amongst the holder of the post of Naib Qasid, who are Middle passed; (b) If no suitable candidate is available for promotion then by initial recruitment.
20.	Traffic Controller (BS-02).	Literate.	18 to 40 years.	(a) Fifty per cent by initial recruitment; and (b) fifty per cent by promotion, on the basis of seniority-cum-fitness, from amongst the Naib Qasids and Chowkidars and Beldars.
21.	Tractor Helper/Cleaner/Greaser (BS-01).	Literate.	18 to 40 years.	By initial recruitment.
22.	Chowkidar/Beldar (BS-01).	Literate.	18 to 40 years.	By initial recruitment.
23.	Mali/Water Carrier (BS-01).	Literate.	18 to 40 years.	By initial recruitment.
24.	Naib Qasid (BS-01).	Literate.	18 to 40 years.	By initial recruitment.
25.	Sweeper (BS-01).	Literate.	18 to 40 years.	By initial recruitment.
26.	Arms Gurad (BS-01).	Literate.	18 to 40 years.	By initial recruitment.



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SCHEDULE - 'VI'
(See rule 74)

S.No.	Basic Pay Scale of the employees of Market Committees.	Appointing Authority.	Authority competent to suspend reduce in rank, retire compulsory, removal or dismissal.	Appellate authority in case of suspension, reduction in rank, compulsory retirement, removal or dismissal	Controlling officers
1.	2.	3.	4.	5.	6.
1.	Officer in (BPS-17).	Chief Secretary Khyber Pakhtunkhwa	Secretary Agriculture Khyber Pakhtunkhwa	Chief Secretary Khyber Pakhtunkhwa	Chairman Market Committees.
2.	Officer in (BPS-16).	Secretary Agriculture.	Secretary Agriculture.	Secretary Agriculture.	Chairman Market Committees.
3.	Officials in (BPS-11-15).	Director General Agriculture (Ext) Khyber Pakhtunkhwa.	Director General Agriculture (Ext) Khyber Pakhtunkhwa.	Director General Agriculture (Ext) Khyber Pakhtunkhwa.	Chairman Market Committees.
4.	Officials in (BPS-1-10).	Chairman Market Committee.	Chairman Market Committee.	Director General Agriculture (Ext) Khyber Pakhtunkhwa.	Chairman Market Committees .



SCHEDULE –‘VII’

(See rule 78)

1. Register 'K'.	26. Record Register
2. Register 'J'.	27. Establishment
3. Register 'J-A'	28. T.A. Register
4. Jinswara.	29. Service Book
5. General Cash book	30. ACRs, File
6. Ladger	31. Field Staff Diary
7. Form 'I'	32. Permanent Advance Register
8. Form 'H'	33. Despatch Register
9. Form 'H-A'	34. Diary Register
10. Form 'A'	35. Stamp Register
11. Form 'D'	36. Cheque Collection Register
12. Form 'B-A'	37. Cheque book
13. Form 'D-A'	38. Cheque/Bill Book
14. Form 'E'	39. Stationery Register
15. Form 'B'	40. Form Register
16. Stock Register.	41. Leave Account Register
17. Movable Property Register.	42. Library Register
18. Immovable Property Register.	43. Composition Register
19. Security Deposit Register.	44. Prosecution Register
20. Demand and Collection Register.	45. Office Order Book
21. Minutes Book	46. Newspaper Register
22. Attendance Register	47. Register of Disputes referred to Board of Arbitrators.
23. Tender Register	48. Measurement Book
24. Chest Book	49. Register of Petitions, Complaints and Writs, etc.
25. Guard File.	50. Register of Proceedings of Board of Arbitrators.



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SCHEDULE - 'VIII'
(See rule 79)

No of Form	Description	Period
1.	Budget	5 years.
2.	General Cash Book	Permanently.
3.	Establishment bills	35 years.
4.	General Bills	3 years.
5.	Balance Sheets	10 years.
5-A.	Ledger	10 years.
6.	Register of Deposit	Permanently.
D	Application Form	3 years.
E	Licence Form	3 years.
H-A	Register for Daily Purchase & sale	1 year after audit.
I	Receipts	3 years.
J	Register of Purchase & Sale of Agricultural Produce	
K	Register of Licence	10 Years or till accounts. to which it relates are closed.
	P.F Register	
	Service Book of employees	5 years after death or retirement whichever is earlier.
	Register of proceeding of the committee or subcommittee.	Permanently
	Committee or subcommittee, Cheque Book	
	Pass Books	10 years.
	T.A Bills	3 years.
	Leads Deeds	10 years from the date they cease to have effect.
	Security Bond	10 years from the date they cease to have effect.
	Treasury Challans	3 years.
	Imprest Account Register	3 years.
	Attendance Register	1 year.
	Movable Property Register	10 years.
	Library Register	10 years.
	Demand & Collection Register	10 years.
	Register of stamps	3 years.
	Stock Register	10 years.
	Register of court cases	10 years.
	Investment Register.	Permanently
	File about the appointment, removal and dismissal of employees.	35 years.
	Other record which the committee may decide to preserve for more than three years.	Such period (not less than 10 years) as may be prescribed by the committee.
A.	Application for the grant of licence under rule 7.	3 years.
B.	Application for the grant of licence for the purchase/sale of agricultural produce.	3 years.
A-B.	Application for the Purchase and sale of agricultural produce.	3 years.



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SCHEDULE – ‘IX’
(Under Sub-rule 01 of rule 82)

Schedule IX
under rule 82 (i)
added vide
Notification No.
SGAH (AD)4(5)/
2012 /Vol-XXIII
Dated: 17th July,
2012

<u>Entry Fee:</u>	<u>Kanta Fee:</u>	<u>Import/Export Fee:</u>	<u>Tehbazari Fee:</u>
i. Load Troller, Rs. 70/-	i. Load Troller Rs. 130/-	i. Load Troller: Rs.400/-	i. Per Rs. 20/-
ii. Load Truck, Rs. 60/-	ii. Load Truck Rs. 80/-	ii. Load Truck / Shehzore: Rs.300/-	
iii. Load Datsun Rs.30/-		iii. Load Pick-up Datsun / Suzuki Rs.200/-	
iv. Unloaded Troller & Truck Rs.30/-			
v. Unload Veh: Rs.10/-			
vi. Tanga Rerha etc Rs.5/-			



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK &
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FORM - 'A'
(The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011)

Application for the grant of a license for:	a	Setting up, establishing of continuing or allowing to continue any place for the purchase and sale of agricultural produce; or
	b	Purchase and sale of agriculture produce.
Application for the grant of a licence under section 6 of the Act		
In the office of the market committee		
Notified Market Area		
		Here give the name of the Notified Market Area as set out in the Government Notification under Sec. 4(1) of the Act.
Name of Licensee		
Name of the applicant with parentage, residence and complete address.		
	Notes:	
	1	Column need to be filled only when a licence is required for setting up, establishing or continuing or allowing to continue any place for the purchase and sale of Agricultural produce.
	2	In case the application is made by a firm it may be signed by the managing partner only.
	3	If the same person applies for two licence one for setting up, establishing or continuing or allowing to continues any place for the purchase and sale of agricultural produce and the other for the purchase and sale of such produce only one fee shall be leviable.



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FORM 'B'

(The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011)

LICENCE FOR		Setting up, establishing of continuing or allowing continuing any place for the purchase and sale of agricultural produce and / or Sale and purchase of agricultural produce (Rule 7), Khyber Pakhtunkhwa Agricultural Produce Markets General Rules, 2011.						
Notified Market Area for which the licence is granted	No of licence.	Particular of the place for which licence is granted.	Name Parentage residence and address, in full of the licence see.	Date from which the licence takes effect.	Date on which the licence expire.	Any additional condition under which the licence is granted.	Fee paid	Remarks

(date and place of issue)

Signature of the Officer
Issuing the Licence with Designation.

Notes:

1. Cross out the portion not required.
2. Column No 3 is to be filled only when the licence is required for setting up, establishing of continuing or allowing to continue any place for the purchase and sale of agricultural produce.
3. Separate licences should be issued for (1) setting up, establishing of continuing or allowing to continue any place for the purchase and sale of agricultural produce, and (2) for purchase and sale of agricultural produce.



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Form B (Continued)

CONDITION OF THE LICENCE:

The licence is granted subject to the following conditions:

1. The licensee shall comply with the provisions of the Khyber Pakhtunkhwa Agricultural Produce Markets General Rules, and the bye laws of the market committee constituted for the area mentioned in column No 1 of the licence, for the time being in force.
2. Licensee shall not permit evasion or infringement of any of the provisions of the Act, the rules and the bye-laws and shall report in writing to the market committee any evasion or breach which come to his knowledge.
3. The licensee shall surrender his licence, on demand, to the authority issuing or renewing it, or any authority competent to take action or the market committee of the area for which the licence is available.
4. The licensee shall conduct his business honestly according to the principles of fair dealings.
5. The licensee shall be liable to have his licence cancelled,-
 - (a) If he boycotts or encourages the boycotts of any other licensee, or
 - (b) If he resigns from membership of the market committee for any reason which is not sufficient in the opinion of the Government to justify such resignation, or
 - (c) For any other cause which is sufficient in the opinion of Government to justify such cancellation.

A Licensee shall intimate immediately to the market committee, the date on which he suspends or gives up his business or profession, failing which he shall be black listed on the expiry of a period of grace of fifteen days, if he wishes to start his business again in the same or some other market, he shall be allowed to do so on payment of a penalty of Rs.200.00 (Two hundred) in addition to the late fee so prescribed.

An application for the renewal of a licence shall be made at least 7 days before the date on which the licence is due to expire.



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FORM 'C'
(Second leaf)
Renewals of the licence

1.	2.	3.	4.	5.	6.
Date of renewal	Date from which renewal takes effect	Date of expiry	Fee paid	Remarks	Signature of the renewing authority with designation.

ORDERS PASSED UNDER SECTION 6 (4) OF THE ACT.

1.	2.	3.	4.	5.	6.	7.
Serial No	Date of the order	Nature of the offence	Substance of the order	Name and designation of the office making the order	Signature of the officer making the order	Remarks



GOVERNMENT OF
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Form - 'D'

Application for the grant of a Broker's /Weighman/Measurer's /
Surveyors /Warehouseman's / Palladar's/ Changer's/ Boriota's /
Rehriwala's /Tokrewala's Licence.

(The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011)

In the office of the market committee.	
Notified market Area	(Here give the name of the notified market areas set out by Government vide notification No.
(a)(i) Name of the applicant with percentage, residence and address in full.	
(b) If the applicant is a firm, has it been registered or not?	
(c) If the applicant is a firm give the names of all persons consisting of with parentage, residence and address, in full of each.	
Name of the managing proprietor or manager who shall actually conduct the business.	
Name or style under which the applicant shall ply his trade.	
Does the applicant wish to be licensed as a Broker's /Weigh-man/Measurer's /Surveyors /Warehouseman's / Palladar's/ Changer's/ Boriota's /Rehriwala's/ Tokrewala's etc.	
Has the applicant, or, where the applicant is a firm has any member thereof singly or in collaboration with anybody else been granted a dealer's licence, in any notified market area in the Province and has such licence been suspended or cancelled? If so, when, where and for what period.	

Certified that all the facts set out in the application are true to my knowledge except paragraph _____ which are, true to my belief being based on information supplied by _____

(Signature of person making the verification
and place of doing.)

Signature of applicant with date with date

- Note:** (1) Licensee to work as broker, weighman, measurer, changar, palladar, surveyor, tokrewala shall only be granted to individual and not to the firms.
(2) In case the application is made by a firm, it may be signed by the managing partner only



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FORM - 'E'

Broker /Weigh-man/Measurer /Surveyors /Warehouseman/
Palladar/ Changer/ Boriota /Rehriwala /Tokrewala.

(The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011)

1.	2.	3.	4.	5.	6.	7.	8.	9.
Notified Market Area for which the licence is granted	No of licence.	Is the licence for working as a broker?	Name Parentage residence and address of the licence with the name of he style under which	Date on which the licence takes effect	Date on which the licence expire.	Any additional condition under which the licence is granted.	Fee paid	Remarks

(DATE AND PLACE OF ISSUE)
(SEAL OF THE MARKET COMMITTEE)

(SIGNATURE OF THE CHAIRMAN OR OTHER
OFFICIAL OF THE MARKET COMMITTEE)

(AUTHORISED TO SIGN)

This licence is granted subject to following conditions:

1. The licensee shall comply with the provisions of the Khyber Pakhtunkhwa Agricultural Produce Market Act, 2007 and rules framed there under, and the bye laws of the market committee constituted for the area mentioned in column No 1 of the licence, for the time being in force.
2. Licensee shall not permit evasion or infringement of any of the provisions of the Act the rules and bye-laws mentioned under (I) above, and shall report in writing to the market committee any evasion or breach which come to his knowledge.
3. The licensee shall surrender his licence, on demand, to the authority issuing or renewing it, or any authority competent to take action or the market committee of the area for which the licence is available.
4. The licensee shall conduct his business honestly according to the principal of fair dealings.
5. An application for the renewal of a licence shall be made at least 7 days before the date on which the licence is due to expire.



GOVERNMENT OF
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FORM - 'F'

Application for the sale, by Auction of Agricultural Produce.

(Rule 34 of The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011)

Market Committee	
Name, parentage, residence, address and licence No. If any, of the owner of Agricultural produce	
Description of Agriculture Produce.	
Approximately quantity of the Agriculture produce.	
Date on which sale by auction may be held.	

I hereby apply for the sale, by auction of the above mentioned agricultural produce to the provision of the Khyber Pakhtunkhwa Agricultural Produce Markets General Rules, 2011 the rules framed there under, and the bye laws of the market committee, mentioned above and agree to abide by the same.

Signature of the applicant
Dated _____

(To be filled by the committee's office)

Monthly serial No of the application _____

Auctioneer deputed _____

Signature Of The Member Of The Market
Committee Deputing The Auctioneer with Date

(To be filled auctioneer)

1- Date of auction _____

2- Time of auction From _____ to _____

3- Name, parentage, cast, residence, address _____

4- Licence No of any of buyer. _____

5- Rule at which agricultural produce sold _____

6- Total sale price to be paid by the buyer _____

Dated

Signature of the Auctioneer



GOVERNMENT OF
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FORM -'G'

Auction Form.

(Rule 34 of The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011)

Name of the Market _____

Auction of agricultural produce described in application No. _____

held on _____ At auction depot No. _____

Name of the bidders, with parentage residence and licence number, if any				Bid made		Signature of the bidder whose bid is accepted			
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.

Auction started at _____ am / Pm Auction
closed at _____ a.m / Pm

Signature of the auctioneer _____

Signature of the broker, if any, with licence No. _____

Signature of the seller _____

Signature of the buyer _____

Signature of the market committee's employee, if any _____



GOVERNMENT OF
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FORM - 'H'

Receipt Counterfoil.

(Rule 36 of The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011)

Notified market area _____

No. _____ date _____

Name of the purchaser _____

Name of seller _____

Nature and weight of the agricultural produce purchased. _____

Total price assessed _____

Signed _____

Purchaser _____

FORM - 'H'

Receipt Foil.

(Rule 36 of The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011)

Notified market area _____

No. _____ date _____

Name of the purchaser _____

Name of seller _____

Nature and weight of the agricultural produce purchased _____

Total price assessed _____

Signed _____

Purchaser _____



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK &
COOPERATION DEPARTMENT

FORM 'H-A'

Receipt Foil

(Rule 39 of *The Khyber Pakhtunkhwa*
Agricultural Produce Markets General Rules, 2011)

Date _____ Market Committee _____

Name of dealer _____

No of licence _____

S.No.	Commodities	Purchase		Sale		Market fee due	Remarks
		Total weight	Rate of purchase	Total weight	Rate of sale		
1.	2.	3.	4.	5.	6.	7.	8.

SIGNATURE OF DEALER



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK &
COOPERATION DEPARTMENT

FORM 'I'
Counter foil of receipt

(Rule 36 of *The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011*)

Notified Market Area _____
Market Committee _____
Book No. _____ Receipt No. _____
Amount paid _____
Nature of payment _____
Name, parentage, residence or licence No, if any of _____
the person on whose behalf the payment is made.
Name and designation of the person receiving payment _____
Initials of the checking authority with the date of so doing _____
Initials of the checking authority with the date of so doing _____

Signature of the person receiving payment _____

FORM "J"
Register Of Sale And Purchase Of Agriculture Produce
(Rule 39 of *The Khyber Pakhtunkhwa*
Agricultural Produce Markets General Rules, 2011)

MONTH

[illegible]

FORM "K"

(Rule 30(3) (4) of The Khyber Pakhtunkhwa
Agricultural Produce Markets General Rules, 2011)

[illegible]