

TAMIL NADU SPECIFIED COMMODITIES MARKETS (REGULATION OF LOCATION) ACT, 1996

NfÉÉNT öF fAmiL NÄDu TAMIL NADU GOVERNMENT c {Pfice 1.95 GAZETTE k). 4221 EXTRAORDINARY BY MADRAS, MONDAY, AUGUST 26, 1996 Aavani 11, Thadhu, •.L'hiruvalluvar Aandu —2027 Part IV 2 Section 2 ' Tamil Nadu Acts and Ordinances, THE TAMIL NADU SPECIFIED COMMODITIES MARKEYS (igeÜLATION OF LådATION) ACT, 1996. ARRANGEMENT OF sECTioks

CHAPTER 1. pRiiiiâNARY. SECTIONS : 1. Short title, extent and commencement

2. Definitions.CHAPTER n. DECLARATJON OP MARKET AREA AND ESTABLISHMENT OP - MARKET coMMrrrEE AND MARKET. .Nrajficatrorj of intention ('1 dclclaring a market area and recmnmdatim of Joaal authority to Governm2nt to declare market area. Declaration 01 rmarket area, Establishment of market committee. 4. 5. 6

7. Market committee to ba a of 1914.Alteration of mavket area, 1 local authority tor purposes of Contral Acts of 1894 and etc. 116 TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 8. 9. IO. 11. 12. 13. 14. 15, 17. 18

19. Constitution of market committee.Nomination of Chairman and Vice-Chairman of market committee. Publication of names of Chairman, Vice-Chairman and members of market comrittee Disqualification of Chairman, Vice-Chairmarj and member of market committee. Term of office of Chairman, Vice-Chairman and members. Nominated person to cease to be a member in certain cases. Resignation of members of market Resignation of Chairman and Vice-Chairman of mat'et comlüttee, Removal of Chairman and Vice-Chairman of market committee. Meetings of market committee. Establishmont of rmarkets. Establishment of special markets. CHAPTER REGISTRATION OF WHOLESALE TRADERS AND IWHOLESALE TRADING 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. .36

37. JN SPECIFIED COMMODITY IN MARKET AREA UNDER LICENCE.Registration of wholesale traders. Wnolesale trading in specmed commodity in :market -area to be regulated hy lieience, Market Committee to provide alternative trading facilities to registered wholesale traders in market. CHAPTER IV. POWERS AND DUTIES OF MARKET COMMITTæ. Powers and duties of market committee. Power (Of market committee to levy fees regarding ptransfer pf ;immovable prop-ety of market committee. Execution of contracts by market committee. Power to acquire land under Land Acquisition Act, 1894± Acquisition of land. Officers and servants of market committee. Powers and duties of Chief Administrative Cficer. Acts of market committee not to be invalidated by irregulariy, vacancy, etc. ,CHAVILR N. MARKET COMMirrEE FUND ANDFINANCE, Market Committe Fund. Purposes for which Market Committee Fund may be expended, Power to borrow. Budget, Annual audit accounts, A plication ot property, funds, etc. 117 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66

67. NADU GOVBRNNCNT GAZETTE EXTRAORDINARY CHAPTER VI.CONTROL OF MARKET COMMITTEE. Inspection, enquiry, submission ot statements, etc. Duty of omcers, servants or members to furnish information to local authority. Seizure of account books and other documents. Supersession of market committee. Appointment of Special Offcer. Powers of Special Offcer. Delivery pf possession of records and properties of market committee, CHAPTER u. APPEAL AND REVISION. Appeal. Revision

CHAPTER VIII. OFFENCES AND PENALTIES. Penalties, LiLbility of accused to pay fee or other amounte Composition of offences. Power of Magistrate to recover summarily fee or other amount. Trial of offences. Offences by companies, CHAPTER IX. MISCELLANEOUS. Bar of certain proceedings. Chairman and Vicc-Chairman and the Chief Administrative Officer to be public servants. Limitaion for cerlain suits and prosecutions, Recovery of sums. Registration of documents executed on behalf of market committee. Iniunction not to be granted in certain proceedings, etc, Liability of Chairman, Vice-Chairman and Member for loss, Waste or misapplication, Exemption. Power to amend Schedule. Power to write off irrecoverable amount, etc, Act to override other laws. Power to remove difficulties. Power to make rules.

Power to make by-laws, Rules, notifications and orders to be placed before the Legislative Assembly, THE SCIEDCLE 51 1 NÅbÜ The following Act of the Tamil Nadu Legislative Assembly received assent of the on the 03rd 'August and is hereby published Acr No. 24 OF 1996. An •of market • areas and wholesale" {hhrkh" : ine réspécte of specified commodities in the Madras Metropolitan Planniig • Aiea ånd' other r 10"l areas and to establish market committees to manage andßcontrot diff\$ent markets established in. .differently:markg arep • .for.djfferent' 'pecified eomhÜitié• to prâi'ide• for matters conne&iä therewith or incidental *hereto. WHEREAS with ; th'é• fast growth ' of population and comm'eréal.% åctivities, the congestion and consequential traffic, accommodation and othéf• p*Obléms in the Madras Metropolitan Planning Area and in other •local areas. • have been increasing enormously ; AND WHEREAS in view of such congestion and consequent tramc, it is necessary •the public interest to d&ongest certâiri p*ts• of io shift as many commercial activities as possible to places' ou'tside •Sâéh} parts?" thefebY' paving way for, planned development of such areas and better public health ; AND WHEREAS in order to achieve the aforesaid objective. it is necessary to declare market areas and to establish. market committees and markets thereon at suitable lccations in the Io cal areas for the wholesale ltrade •,the specified commodities ; BE it enacted by the Legislative Assembly of the State of Tamil •Nadu id thé Fortv• seventh Year of the Republic of India as follows : CHAPTER.11, PRELIMINARY. (1) This Act may be called the Tamil Nadu Specified Commodities Markets Short title 1. (Regulation of Locatioq) Act, * 1996, (2).' It' extends toat'he whole. ot the State of' Tamil. •Nadu.'ið!i.. extent aaG .comtneaoe.pel,c, u (3) It shall come into force in the Madras Metrcpolitan Planning Area at once and in any other local area, on such date as the Government may, by notifi- cption,, appoint. and different dates may be appointed for different local areas

2. In this Act, unless the context othgwise areguip».— Defioitions. the:., bylaws made by a market committee under (1) "bylaws" means section 66; (2) "Chief • Adhifiistrative Officer" means the Chief Administrative Officer of a market committee appointed by the Government under section 29 ; (3) "Government", means the 'Stat? . .QQ.yexnment the area within the limits of— (4) "Incal area" means - the GMadtas,MeMopolitan Planning {Area •defined lit'S élauSé o! Tamil Nadu Town and COUUtly Planning' Gronp) 1 V-2 . 120 GOVERNbBT. GAZETTE, EXTRAORDINARY (b) the City of Mådlhai as defnéd in tho Maduaii City Municipal Tamil Nadu 15 ot 1971, Corporation Act, 1971, or (c) the City of Coimbatore as defined in the Coimbatore City Municipal Corpoyatipn 4ct.,1981, •r (d) 'the City of •Tiruchirappållf as ' defined in the Tiruchirappalli City Municipal Corporāti6A Act, 1"4,'•,• ern (e) the City of Tirunelveli as defined in the Tirunelveli City Municipal Corporation Act, 1994, or (f) the City 'Of Salem as defiliedi in the Salem City Municipal Corpöration Act, 1994, or (g) any other ,Municipal Corporation that may be constituted under any law for the time being in force, or (h) any munic;pality, constituted under the Tamil Nadu District Munici- palities Act, 1m ; (5) "local authority" (a) Ibe, MadrasbMetropoli.tao Authority esta>lisbed under section 9-A of the Tamil, Nadu ,gndr Coun!ry Planning 'Act; 1971 ; or (b) the Municipal Corporations of Madurai, Coimbatore, Tiruchirappalli, Tirunelveli, Salem or any other Municipal •Corporation constituted under any law ter the tine being in force; • or (c) a municipa counel' constituted -under the Tamil .Nadu District Munici- palities Act, 1920 ; Tamil Nadu 25 ot 1981'. Tamil Nadu 27 or 1994. Tamil Nadu 28 ot 1994. Tami}Nadu 2' of 1994. Tamil Nadu V of 1920, Tamil 35 of 19 Tamil N v of Ina ot (6) "Market" nears any •arket established in any market area under Tamil Nae section 18 and includes a special üäüet established under section 19 but does 27 of 19", ••'aet include tne narkets established under the Tamil Nadu -Agricultural Prodrcc Marketing (Regulatiu) Act, 1987 ; (7) "market area"- means any • areal declared under L section 4 to a narketara ; ancrket . commi;tee" . sub-section (1) 01 section 51 meus , the committee established under means the. •register ' maintained under subsection (l) (9) "'register" of section 20; • (IO) wholesale trader'..'. means a whQlesa.lß trader whose name is.for the time being, registergd;inuthe under section 20; (lil) iwitb expressions, ',.meanx a sale of; any spedfied edmmodity by:.one, for gash or.for deter(ed paymcD& on any •other (includes, ofl .commodity on:the 4ther,BysQem.øÆ by anst41qnen(8 or a sale hv an agent on behalf of another. M tsou {or commission, or •tie t NadurAcc Nadu of TAMIL" GAZETTE .ÄT.RAORDINÆRY '12) ScheduF ' ' mans the Schedule tp this Act ; (13) " specified commodity " means any commodity specified in the Schedule ; (14) " wholesale trade " means sale or purchase •of ad} sße&fiéd eommodity fo• purposes other than direct consumption or use by the purchaser, and shall ;of stqcks or cqmmmodity at any place in ihe market area (but does not include.any or. aw primary producer or retail trader, as the case

may be, of such specified commodity); and any such seller, buyer, holder of stock warehouse-keeper shall be deemed to be a wholesale (15) words and expressions used in this Act and not defined herein shall be deemed to be in the Town and Country Planning Act, 1971. CHAER, 11. DECLARATION OF MARKET AREA AND ESTABLISHMENT OF MARKET COMMITTEE. 121. (1) Whenever a local authority of any, District, or for the purpose of declassification or extension of any part of the local area, considers necessary to, shift the commercial activity - declaring a market in respect of any specified commodity to places outside such part, such market area local authority may, by notification, specify its intention to recommend and to the Government to declare any other areas within such local area to be a market area in respect of such specified commodity as such of local authority to notification. Government to declare market area. The notification shall state that any objection suggestion which may be received by the local authority, within such period be specified in the notification, will be considered by it. (k) copy of the notification shall also be published in such other manner as may be prescribed. 3, After the expiry of the period in the notification under sub-section (1) after considering the objections and suggestions as may be made before such expiry and also after considering the interest of the wholesale traders carrying on business in such specified commodity and such other factors, if any, the local authority shall recommend to the Government to declare such area to be a market area for such commodity as specified in the notification under sub-section (1): Provided that the local authority may make recommendation in respect of more than one commodity for the same area provided that the market in such area shall be established as a market committee. Market committee to be a local authority for purpose of the Acts, 1 of 1894 and of 1914. Alteration of market area, etc., TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (b) A copy of the notification shall also be published in such as may be prescribed. (2) A notification under section 3 or under sub-section (1) shall have full force and effect notwithstanding any irregularity or defect in the publication of such notification.

5. The Government shall establish a market committee for every market area... It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bylaws made under this Act in such market area. (2) Every market committee shall be a body corporate by such name as the Government may specify, shall have perpetual succession and a common seal, may sue and be sued in its corporate name, and shall, subject to such restrictions as are imposed by or under this Act; be competent to acquire and hold property, both movable and immovable, shall, lease or otherwise transfer any movable or immovable property which may have been vested in or been acquired by it and to contract and to do all other things necessary for the purposes for which it is established: Provided that any land required for the purposes of this Act shall be acquired Central Act 1 of 1894 under the provisions of the Land Acquisition Act, 1894 as provided in section 28 of this Act: Provided further that no immovable property shall be transferred by way of sale, lease or otherwise by a market committee without the prior permission of the Government. (3) Where, after the establishment of a market committee under sub-section (1), any declaration is made in respect of any other specified commodity under section 4 in relation to that market area, then, the market committee shall be deemed to have been established in respect of that specified commodity also.

6. Every market committee shall be deemed to be a local authority for the Central Act purposes of the Land Acquisition Act, 1894 and the Local Authorities Loans Act, 1 of 1914. 1914. date as Central Act 1 of 1914. (1) The Government may, by, notification, with effect on and from such date as may be specified in the notification;— (a) include any area in, or exclude any area from, any market area; (b) divide any market area into two or more separate market areas; (c) amalgamate two or more market areas into one market area; (d) declare that the market in any specified commodity in any market area shall cease of that market area of any specified commodity hitherto carried on shall be carried on in any market area: Provided that the power conferred by this section shall, in relation to any market area or subject to the provisions of sections 3 and 4. (2) When the limits of the market area for which a market committee is established (hereinafter referred to as the market area), with effect from and from such date specified in the notification, the market committee shall be dissolved, and members shall vacate office. QS. such members; TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (b) a new market committee shall be established and constituted for the new market area in accordance with the provisions of sections 5 and 8; (c) the licence, if any, granted by the dissolved market committee shall be deemed to have been granted

by the new market committee having jurisdiction and shall continue to have effect accordingly for the remainder of the period for which it was granted; (d) there shall be transferred to the new market committee such portion of the dissolved market committee's funds and other assets, debts and obligations as the Government may, by order, direct and the rights and liabilities of the dissolved market committee in respect of civil and criminal proceedings, contracts, agreements and every other matter or thing arising in, or relating to, any part of the market area within the jurisdiction of the new market committee, shall vest in the new market committee

8. Every market committee shall consist of a Chairman, Vice-Chairman and Constitution of the following members, namely market committee.²³ (a) three representatives nominated by the

following members, namely market committee. 23 (a) three representatives nominated by the Government from among the wholesale traders holding valid licences for carrying wholesale trade in the market area ; (b) three representatives nominated by the Government from among the members of the trade association in the market area recognised by the local authority; (c) two non-officials nominated by the Government in consultation with the local authority ; (d) (i) in the Madras Metropolitan Planning Area,— (A) the Commissioner, Corporation of Madras, ex-officio or his nominee ; (B) the Chief Planner, Madras Metropolitan Development Authority, ex-officio and (C) the Chief Executive Officer, Madras Metropolitan Development Authority, ex-officio ; and (ii) in any other local area, the Commissioner or the Executive Authority, of the local authority concerned, ex-officio ; (e) Director of Agricultural Marketing, ex-officio or his nominee not below the rank of Deputy Director of Agricultural Marketing ; (f) two officials nominated by the Government in consultation with the local authority; and (g) the Chief Administrative Officer, ex-officio: Provided that the first market committee after the date of commencement of this Act shall be constituted without the members specified in clauses (a) and (b) and it shall be reconstituted in accordance with the provisions of this section as soon as the licences are granted to the wholesale traders by the first market committee and the trade associations are formed in the market area, 9. (1) The Government may nominate, in such manner as may be prescribed, any person, who possesses such qualifications as may be prescribed, to be the Chairman or the Vice-Chairman of any market committee, (2) The Chairman and Vice-Chairman shall be deemed to be members of the market committee and shall have voting and other rights as the members of the market committee. Nomination and Vice-Chairman of market committee. 124 Publication of names of Vice-Chairman and members of market committee. Disqualification of Chairman, Vice-Chairman and member of market committee. term of office of TAM (L GOVERNMENT GAZETTE, PXTFAORDINARY 10. The names of the members, the Chairman and the Vice-Chairman of the market committee nominated under section 8 and 9 shall be published by notification by the Government in the Tamil Nadu Government Gazette

11. A person shall be disqualified for being nominated as, and for being, the Chairman or the Vice-Chairman or a member of a market committee—(a) if he is a minor or of unsound mind ; (b) if he is an applicant to be adjudicated as insolvent or is an undischarged insolvent ; (c) if he has been sentenced for any offence involving moral turpitude punishable under any law with imprisonment for one year and upwards, such sentence not having been annulled and a period of five years has not elapsed from the date of expiration of the sentence; (d) if* and for so long as, there subsists a contract entered into by him in the course of his trade or business with that market committee for the supply of goods to, or for the execution of any works undertaken by, that market committee. Explanation.—For the purposes of this clause, where a contract has been fully performed by the person by whom it has been entered into with the market committee, the contract shall be deemed not to subsist by reason only of the fact that the market committee has not performed its part of the contract either wholly or in part ; (e) if he is in default for a period exceeding fifteen days by failing to pay any fee or any other amount due to the market committee, from the date on which a demand or notice has been served on him in that regard ; Chairman, vice-Chairman and member. (f) if he is employed as legal practitioner on behalf of the market committee or against it; or (g) if he is a paid officer or servant of any market committee other than the Chief Administrative Officer. 12. (1) The term of office of the Chairman, Vice-Chairman and the members of a market committee, other than the ex-officio members, shall be three years from the date of publication of the notification in the Tamil Nadu Government Gazette under section 10 and such Chairman, Vice-Chairman and members shall be eligible for nomination for another term of three years: Provided that for the purposes of this sub-section, a person who has held office in a casual vacancy for a period of not less than one year shall be deemed to have held office for one full term of three years: Provided further that the Chairman or the Vice-Chairman

or a member, notwithstanding the expiry of his term of office, shall continue to hold office and function as the Chairman or the Vice-Chairman or a member, as the case may be, of the market committee until the nomination of his successor, or for a period of three months, whichever is earlier : ' Provided also that the Government may, by notification, on or before the expiry of the term of office of the Chairman, the Vice-Chairman and the members of a market committee, for sufficient cause, direct that the term of office of such Chairman, Vice-Chairman and members of the market committee as a whole be extended by such period not exceeding six months at any one time, but not exceeding one year in the aggregate, as may be specified therein. (2) (a) The Chairman or Vice-Chairman or a member of every market committee, other than the ex-officio member or the members nominated under clause (f) of section 8, shall cease to hold office if he absents himself from three consecutive meetings of the market committee, including meetings which, for want of quorum could not be held. (b) For the purposes of clause no meeting of the market committee from which the Chairman or the Vice-Chairman or a member absents himself shall be counted against him if due notice of that meeting was not given to him. (3) Where a person ceases to be the Chairman or the Vice-Chairman or a member under sub-section (2), the Chief Administrative officer shall intimate the fact in writing to such person and report the same to the Government. The Government may, on their own motion, or on an application made by such person within fifteen days of the receipt by him of such intimation, restore him to his office as the Chairman or the Vice-Chairman or the member, as the case may be: Provided that the Chairman or the Vice-Chairman or a member shall not be so restored more than twice during his term of office. (4) Every casual vacancy in the office of the Chairman or the Vice-Chairman or any member of the market committee shall ordinarily be filled up not later than three months from the date of occurrence of the vacancy by a fresh nomination in the manner prescribed : Provided that no casual vacancy shall be filled up within four months before the expiry of the term of office of the Chairman or the Vice-Chairman or the member in whose office the casual vacancy has occurred. (5) The Chairman or the Vice-Chairman or the member nominated to fill up a casual vacancy under sub-section (4) shall hold office only so long as the Chairman or the Vice-Chairman or the member in whose place he is nominated would have been entitled to hold office if the vacancy had not occurred. Explanation: -For the purpose of this section, "casual vacancy" means a vacancy occurring otherwise than by efflux of time. (6) If at any time it appears to the Government that any person nominated by them as a member has shown himself to be unsuitable for his office, or has been guilty of any misconduct or neglect which renders his removal expedient, the Government may, after giving him an opportunity of making his representation against the proposal by notification, remove such person from his office

13. Any person nominated under clause (a) or clause (b) of section 8 in his Nominated capacity as a member of a particular body or the holder of a licence under sub-section (1) of section 21 shall, if he ceases to be a member of that body or the holder of that licence, as the case may be, for a period of more than three months, cease to be a member in certain cases.

14. Any member of the market committee nominated under clause (a), Resignation of clause (b) or clause (c) of section 8 may resign his office by tendering his resignation in writing to the Chief Administrative Officer and such resignation shall be effective on its receipt by the Chief Administrative Officer.

15. A Chairman or a Vice-Chairman of a market committee may resign his office by tendering his resignation in writing to the Government and the resignation shall be effective on its receipt by the Government.

16. If at any time it appears to the Government that the Chairman or the Vice-Chairman of a market committee has shown himself to be unsuitable for his office, or has been guilty of misconduct or neglect which renders his removal expedient, the Government may, after giving him an opportunity of making his representation against the proposal, by notification, remove, such Chairman or Vice-Chairman, as the case may be, from office.

17. The meetings, quorum and procedure of the market committee shall be regulated in accordance with the bylaws made in this behalf.

18. Every market committee shall establish in the market area such number of markets providing such facilities, as the Government may, from time to time, direct for the wholesale trade of the specified commodity. ef markets, 3stabbhment special markets. Reøuation of •holesa»e trad"". TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY 19, Notwithstanding anything contained in section18, where a market ce, nn mittec is satisfied that on account of the specialised nature of the wholesale trade of any specified commodity like fresh fruits, fresh vegetables, fresh flowers, or other perishable is expedient to ensure the emcient regulation goods in any market area, it of the wholesale trade of such specified commodity in such market area, the market committee may establish, in such market area, special market for such specified commodity

CHAPTER 111. REGISTRATION OF WHOLESALE TRADERS AND WHOLESALE TRADING IN SPECIFIED COMMODITY IN MARKET AREA UNDER LICENCE. 20. (1) 'The Chief Administrative Officer of every market committee shall maintain a reglue. , for every specified commodity for registering the wholesale traders, In such form and in such manner as may be prescribed. (2) As soon as may be, after any area is declared to be a market area for any specified commodity, the Chief Administrative Officer shall issue a notice in such form and publish it in such manner as may be prescribed, inviting all she whole-sale traders actively engaged in the wholesale trade of such specified commodity in the local area, to apply in writing to him for registering themselves with the market Such applicat;ons shall be invited within such period as may be prese committee. cribed, calling upon the applicants to adduce evidence that the applicants have been actively engaged in the wholesale trade of such specified commodity in the local area immediately before the date of publication of the notification under sub-section (1) of section 4. (3) Every person other than the persons referred to in sub-section (2) intending carry on the wholesale trade of such specified commodity in any market area shall also apply to the Chief Administrative Omcer for registering his name with the market committee. (4) The application for such registration shall be made in such form and shall be accompanied by such fees and documents as may be prescribed. (5) The Chief Administrative Officer shall consider all applications received by him and if he is satisfied on making such further inquiry, ifany, as he may deem fit that an applicant was actively engaged in, or intending to carry on, the wholesale-trade, he shall include his name in the register maintained by him under sub-sec- Gon (1) and inform the applicant accordingly. Every such registered wholesale Eader shall be eligible to get a licence as provided in section 21. (6) If the Chief Administrative Officer refuses to register the name of any person who has applied for the same, he shall communicate his decision in writing with reasons therefor to such person: Provided that no order under this sub-section shall be passed unless the person concerned is given a reasonable opportunity of being heard. (7) If the Chief Administrative Officer, on application made to him or ülformation received by him or on his own motion, is satisfied after such inquiry as he deems fit, that any entry in the register is erroneous or defective in any parti• cular or should be omitted on the ground that the person concerned has ceased to on the wholesale trade in such specified commodity, he may, after giving the afrected person a reasonable opportunity of being heard, amend or omit the en&y in the register. (8) Any person by any deasion of the Clief Administrative Officer regard to the refusal of regisâ•ation or amendment or omission of any entry •of his the register, may make an appeal in writing to the local authority within such period as may be prescribed. tÄMJi NADU GOVERNMENT<GAZETTE EXTRAORDINARY (9) The decision of the Chief Adminisfrative Offcerin rebatta such regls- tration, and where an appeal is made against such decision, the decision of the local authority, shall be final. (l) On and after the date specified by the lobal authority, by' notificati6n 21. 127 (hereafter in this section referred to as the notified date), no person shall, within Wholesale trading in a market area,— specified commodity in (a) set up, establish or use, or continue or allow to be continued, any market area to beregulatee place tor the wholesale trade of any specified commodity; or by licence. (b) operate as weighman, measurer, trader, warehouserhan or in any other capacity in relation to the wholesale trading of any specified eommodity; or (c) carry on any wholesale trade of any specified commodity in any place in the market area other than in the market br special market, ds the case may except under, and in accordance with the of, a lieence ga•niéd to him in that behalf by the market committee under this Act: Ptövided thali— (i) all orders granting, refusing to grant or. refusing' •to renew, caieen•inÉ o'r sdspending any' in writing and no order iefusing.io gabt 01' fénéw or cancelliHÉ or quspendine; ligence shall be. made without giving the person con'cerned a reasonable opportunity of stating His cage ; (ii) the reasons for any such refusal, cancellation or suspension of a liceu shall be recorded in writing ; (iiD the market cömmittée shall not to era'dt iäiialf

licence to any registered wholesale trader. (2) Nothing contained in sub-section (1) shall apply to a Warehouse Corporation established or maintained by the State or Government or a warehouseman licensed under the Tamil Nadu Warehouses Act, 1951 in respect of storage, weighing or measurement of any specified commodity accepted for warehousing. (3) A licence under sub-section may be refused to person,— (a) whose licence was cancelled, and a period of three years has not elapsed since the date of the cancellation ; or (b) who has been convicted of an offence where such offence relates to his business or his integrity as a man of business ; or (c) in regard to whom the market committee is satisfied, after such enquiry as considers adequate, that he is a benamidar for, or a partner with, any other person to whom a licence may be refused under clause (a) or clause (b) If a market committee is satisfied, either on a reference made to it in (4) this behalf, or otherwise, that— (a) a licence granted under sub-section (1) has been obtained by misrepresentation or fraud, or (b) the holder of a licence has contravened, or failed to comply with, any of the provisions of this Act or the rules or laws made under this Act or any of the conditions of the licence, then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the market committee may, subject to such rules as may be made in this behalf, cancel or suspend the licence, after giving the holder of the licence a reasonable opportunity of showing cause against such or suspension. 128 Market committee to provide alternative trading facilities to registered wholesale traders in market. TAMIL NADU GOVERNMENT GAZETTE (5) Any person aggrieved by the decision of the market committee,— (a) refusing to grant, or (b) cancelling or suspending a licence may, within such time as may be prescribed, appeal to the local authority and the local authority may make such order in the case as it may think fit. (6) A licence granted under sub-section (1) shall be valid for a period of three years and may be renewed from time to time and the provisions of this Act shall, so far as may be, apply in relation to the renewal of a licence as they apply in relation to the grant of a licence. (7) A person to whom a licence is granted under sub-section (1) shall comply with the provisions of this Act, the rules and by laws made under this Act and the conditions specified in the licence. (8) (a) Notwithstanding anything contained in any law for the time being in force, no local authority, including the Madras City Municipal Corporation Tamil Nadu constituted under the Madras City Municipal Corporation Act, 1919 having jurisdiction over the market area, shall, on and after the notified date, establish, authorise or continue, or allow to be established, authorised or continued, any place in the local area including the market area as a market or a place to carry on the wholesale trade in respect of any specified commodity and any permission or licence already granted by such local authority shall stand cancelled on the notified date. (b) Upon the cancellation of any permission or licence, if the holder of such permission or licence refuses to discontinue his wholesale trade in respect of any specified commodity in the place referred to in clause (a), the market committee may, by notice in writing, direct such person, within a period of one month or such further period as may be specified therein, to stop carrying on the wholesale trade in such place, (c) If any direction given under clause (b) is not complied with, within the time specified in the notice, the market committee may, without prejudice to any penalty that may be imposed for any contravention of the provisions of this section, have such direction carried into effect at once and have the amount thereof recovered from the defaulter in the same manner as arrears of land revenue. (d) Upon such cancellation of any permission or licence, the holder of such permission or licence shall not be entitled to claim and receive any compensation, but shall be entitled to claim and receive such amount towards refund of the fees paid by him as is proportional to the unexpired period of such permission or licence. 22. (1) It shall be incumbent on the market committee to provide every registered wholesale trader with suitable alternative facilities at such places in the market, of such nature and size, and on such terms and conditions as the market committee may determine, to enable him to carry on his wholesale trade in the market : Provided that If any such person fails to utilise the alternative facilities so provided, within such period as may be prescribed, the liability of the market committee to provide such facilities shall cease, (2) Any registered wholesale trader aggrieved, by anything done by the market committee under sub-section (1), may appeal to the local authority within such period as may be prescribed and the order of the local authority, on such appeal, shall be final: provided that no order shall be passed by the local authority on such appeal against any registered wholesale trader without giving him a reasonable opportunity of being heard. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY CHAPTER IV. POWERS AND DUTIES OF MARKET COMMITTEE

23. Without prejudice to the generality of the powers conferred and duties powers and imposed upon it by or under this Act* a market committee may—duties of market (1) construct, maintain and manage the buildings or structures in the market area ; (2) provide, maintain and manage any instruments or implements required 129 in the market; (3) grant, renew, refuse, suspend or cancel licences to carry on wholesale trade in the market; (4) regulate the entry of vehicular traffic into the market area and up check posts or erect barriers or both at such place or places as may be necessary; (5) collect or maintain, disseminate and supply information in respect of production, sale, storage, processing, prices and movement of specified commodities ; (6) provide for the licensees and other persons visiting the market, common services including transport. grading, weighing, restaurants, petrol pumps, and temporary accommodation for persons visiting the market; (7) enforce the provisions of this Act, rules, bylaws made thereunder and conditions of the licences granted under this Act; and (8) perform such other functions and duties as may, from time to time, be necessary or expedient for the purpose of maintaining or managing the market. 24. (1) It shall be competent to a market committee to levy and collect fees in such manner and at such rates as may be laid down in the bylaws,— (a) subject to the provisions of sub-section (2) of section 25, for stalls, offices, shops, godowns, and other open spaces in the market area; (b) the grant and renewal of licences; (c) for any common services, amenities and facilities provided or arranged by the market committee; (d) for the entry of vehicles and goods into the market area; and (e) for any other matter for which fee is to be levied or may be levied and collected by it. Fee or other amount payable under this (2) shall be conclusive in any or other proceedings. (3) The validity of the levy or collection of any fee or other amount made under this Act or the liability of any person to any fee or other amount so assessed or levied shall not be questioned in any criminal court in any prosecution or other proceeding, whether under this Act or otherwise. 25. (1) Notwithstanding anything contained in section (2) of section 5, a market committee shall not, except with the concurrence of the local authority and the previous sanction of the Government, transfer by sale, lease, exchange, mortgage or otherwise any land or building vested in it or acquired by it and situated in the market area. (2) Subject to the provisions of sub-section (1), the market committee may dispose of by sale, lease, exchange, mortgage or otherwise any building, shop, stand, enclosure or things attached to the land or fastened to anything to the land, subject to such conditions and such limitations as may be determined by bylaws made in that behalf. Power of market committee to levy fees. Provisions transfer immovable property of market committee Execution of contracts by market committee. Power to acquire land under Land Acquisition Act, 1894. Acquisition of land. TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY) 26. (1) Every contract entered into by the market committee shall be in writing and shall be signed on behalf of the market committee by the Chairman, the Chief Administrative Officer and one other member of the market Committee, or where a Special Officer has been appointed under sub-section (1) of section 42 in respect of a market committee, such Special Officer and the Chief Administrative Officer. (2) No contract other than a contract executed as provided in sub-section (1) shall be binding on the market committee

27. Any land acquired for the purpose of this Act shall be deemed to be land needed for a public purpose, within the meaning of the Land Acquisition Central Act of 1894 and such land may be acquired under the said Act. of 1894. 28. (1) Where any land is required for the purposes of this Act, the market committee may make an application to the Government for acquiring such land under the Land Acquisition Act, 1894. (2) On receipt of an application under sub-section (1) if the Government is satisfied that the land specified in the application is needed for a public purpose under the Land Acquisition Act, 1894, they may acquire such land in accordance with the provisions— of 1894, of the Land Acquisition Act, 1894. 29. (1) There shall be a Chief Administrative Officer for every market committee, who shall be appointed by the Government. (2) The market committee may, with the approval of the local authority, appoint other persons and servants as are necessary for the performance of its functions. (3) The Chief Administrative Officer and other paid officers and servants of the market committee shall be whole time Government servants. (4) The salaries, allowances, pensions and other remuneration of the Chief Officer and other paid officers and servants of the market committee shall be paid in the first instance from the Consolidated Fund of the State and the market committee shall, out of the Market Committee Fund, repay to the Government the amount paid by the Government under this sub-section. (5) Notwithstanding anything contained in this Act and subject to the provisions of Article 311 of the Constitution, the Government may make rules regulating the conditions of service of the

Chief Administrative Officer and other paid officers Powers and duties of Administrative Officers of market committee not to be invalidated by irregularity, etc. and servants of the market committee, 30. (1) Subject to the superintendence, direction and control of the market committee, all the executive functions of the market committee shall be exercised by the Chief Administrative Officer. (2) With effect to the provisions of sub-section (1), the Chief Administrative Officer shall— (i) supervise the financial and executive administration of the market and exercise such powers and perform such duties and functions as may be conferred or imposed upon him by this Act or the rules made thereunder; and (ii) be responsible for collection of all dues to the market committee and payment of all dues payable by the committee. 31. Nothing shall be taken under this Act by the market committee shall be invalidated merely on the ground— or a defect in the constitution of the market committee ; (b) of any defect or irregularity in the appointment of a person acting as member thereof ; or TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (c) of any defect or irregularity in such act or proceeding. CHAPTER V. MARKET COMMITTEE FUND AND FINANCE. Market 32. (1) All moneys received by a market committee shall be paid into a fund to be called the "Market Committee Fund". expenditure incurred by the market committee under, or for the purposes of, this Act shall be defrayed out of the said fund ; and any surplus remaining after such expenditure has been met shall be invested in such manner as may be prescribed. (2) (a) Every market committee shall, in addition to the amounts payable under sub-section (4) of section 29, out of the Market Committee Fund, pay to the Government the cost of any special or additional staff employed by the Government in consultation with the market committee for giving effect to the provisions of this Act in the market area. (b) The Government shall determine the cost of special or additional staff and shall, where the staff is employed for the purposes of more than one market committee, apportion such cost among the market committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market committee shall be final. (3) All amount received to the credit of the Market Committee Fund shall be kept or invested in such manner as may be prescribed.

33. Subject to the provisions of section 32, the amount standing to the credit of the Market Committee Fund may be expended for all or any of the following purposes, namely (a) acquisition or requisitioning of any site or building or purchase of other assets for the market committee for carrying out the purposes for which it is established ; (b) establishment, maintenance and improvement of the markets and providing such facilities in the market as the Government may direct under section 18 ; (c) construction and repair of buildings which are necessary for the purposes of such markets and for the health, convenience and safety of the persons using it ; (d) provision and maintenance of standard weights and measures ; (e) payment of amount to the Government under sub-section (4) of section 29 ; (f) payment of amount under subsection (6) of section 42 ; (g) payment of interest on loans that may be raised by the market committee for carrying out the purposes for which it is established and the provision of a sinking fund in respect of such loans ; (h) collection and dissemination of information regarding all matters relating to the specified commodities : and (i) call for and examine the proceedings of the market committee; and (e) exercise such other powers as may be prescribed. (2) The local authority may issue such directions as may be necessary to the market committee for carrying out the purposes of this Act and if the market committee fails to comply with such directions, the local authority or any officer authorised by it may direct the Chief Administrative Officer to comply with such directions and the Chief Administrative Officer shall forthwith comply with such directions. 39. (1) Any officer, servant or member (including the Chairman and Vice-Chairman) of the market committee shall furnish such information in his possession or in regard to the affairs or proceedings of the market committee, as the local authority may require him to do. (2) An officer holding an enquiry into the affairs of the market committee or examining the proceedings under section 38 shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 when trying a suit in respect of the following matters, namely :— (a) discovery and inspection ; (b) enforcing the attendance of any person and examining him on oath ; (c) compelling the production of books of account and other documents; and (d) issuing

commissions. 40. Where the local authority or any officer authorised by it reason to believe Seizure of account that the books and records of the market committee are likely to be tampered with, books and otbeg or destroyed or the funds or property of the market committee ace likely to be mis- documents appropriated, the local authority or an officer authorised by it may seize and take possession of such books and records, funds and property of the market committee. and the officers, servants or members (including the Chairman and Vice-Chairman) of the market committee responsible for the custody of such books, records, funds and property shall give delivery thereof to the local authority or the officer so authorised.

41. The Government may, either on their own motion or on the recommendation of the local authority, by order, supersede the market committee, if in the opinion of the Government, it is not competent to perform or persistently makes default in performing the duties imposed on it by law or exceeds or abuses its powers or if in their opinion the financial stability of the committee is threatened : Provided that no such order shall be made by the Government without giving the market committee an opportunity of being heard.

42. (1) When a market committee is superseded under section 41, the Government, by order, appoint a Special Officer for a period not exceeding one year to manage the affairs of the market committee pending the constitution of a new market committee or, as the case may be, the entering upon office by a new market committee : Provided that the period specified in such order may, for special reasons to be recorded in writing by the Government, be extended from time to time, but such order shall not remain in force for more than three years in the aggregate. (2) A Special Officer may be appointed under subsection (1) for one or more periods as the Government may, by order, specify. (3) The Government, by order, may appoint a Special Officer under subsection (1) for one or more periods as the Government may, by order, specify. (4) The Government may, by order, transfer, under subsection (1), the assets and liabilities of the market committee to the Special Officer subject to the provisions of section 43. (5) The Government may, by order, appoint an advisory board to advise the Special Officer and the advisory board shall consist of the following members, namely:— (a) three persons licensed under subsection (1) of section 21 in the market area; (b) the Deputy Director of Agricultural Marketing having jurisdiction over the market area; (c) two other officers of the Government. (6) The Government may fix the remuneration payable to the Special Officer appointed under subsection (1) and the amount of remuneration so fixed and such other expenditure incidental to the management of the market committee, during the period of appointment of the Special Officer as may be approved by the Government, shall be payable from the Market Committee Fund. (7) At any time before the expiry of the period referred to in subsection (1), the Government may constitute a new market committee in accordance with section 8 and transfer thereto all the assets and liabilities of the market committee as on the date of such transfer. (1) When a Special Officer is appointed under section 42 during his term of Special Delivery of possession of records and properties of market committee, of office, all the powers vesting in, or exercisable by, and the duties and functions imposed on the market committee, the Chairman and the Vice-Chairman, by or under this Act or any other law for the time being in force, shall vest in, and be exercised or, as the case may be, performed by the Special Officer. (2) The Special Officer may delegate such powers and entrust such duties and functions to the Chief Administrative Officer as he may deem necessary.

44. (1) Where a Special Officer is appointed under section 42 and such Special Officer is resisted in, or prevented from, obtaining possession of the books, accounts, documents, securities, cash and other properties, whether movable or immovable of the market committee (hereafter in this section referred to as the records and properties of the market committee), by any person who is not entitled to be in possession of the records and properties of the market committee, any Metropolitan Magistrate or any Judicial Magistrate of the first class in whose jurisdiction the office of the market committee or the records and properties of that market committee is situate or are kept shall, on application by the Special Officer and on the production of the order of appointment, and of a certificate by the local authority, in the prescribed form setting forth that the records and properties mentioned therein belong to the market committee, direct delivery to the Special Officer of the possession of the records and properties of the market committee. (2) Every application under subsection (1) shall be accompanied by copies of the orders made under subsections (1) and (4) of section 42. (3) On receipt of an application under subsection (1), the Metropolitan Magistrate or the Judicial Magistrate of the first class, as the case may be, shall by a warrant authorise any police officer not below the rank of a Sub-inspector of Police to take possession of the records and properties of the market committee.

EXTRAORDINARY to enter and search any place where the records and properties of the market committee are kept or believed to be kept and to seize such records and properties if the records and properties so seized shall be handed, over to the Special Officer, under this section shall be carried out (4) All searches and seizures in accordance with the provisions of the Code of Criminal Procedure, 1973 relating to search or seizure made under the authority of a warrant issued by a Magistrate

CHAPTER VII. APPEAL AND REVISION. 45. (1) Save as otherwise provided in this Act, an appeal from every Appealable order passed under this Act or the rules or by laws made thereunder shall lie— (i) if the order is made by the Chief Administrative Officer or any committee; other officer of the market committees to the market is made by the market committee, to the, Local (ii) if order authenticity; and (iii) if the order is made, by the local authority, to the Government. In the case of an order passed in appeal by the market committee or the local authority, a second appeal shall lie to the Government. (3) No appeal or second appeal shall be entertained unless: it is filed as prescribed. (4) No order prejudicial to any person shall be passed in any appeal or second appeal unless the person concerned is given an opportunity of being heard. 46. (1) The Government may, at any time, call for and examine any proceeding to satisfy itself: as to, or rectify if necessary may accordingly: accordingly, any order under this sub-section, the (2) to such person a reasonable opportunity of being heard; and (b) as they deem fit, (2) The Government may stay the execution of any such order pending appeal or revision under sub-section (1) if (a) evades the payment of any dues due to him or under this Act. or when (b) under this Act. to make any statement or furnish any information, makes any statement or furnishes any information which he knows or has reasonable cause to believe to be false, or not any material particular, or TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY (2) Notwithstanding anything contained in sub-section where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the such secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Explanation.— For the purposes of this section, — (a) 'company', means any body and includes firm, or other association of individuals; and in relation to a firm, means a partner in the firm, CHAPTER, 'X. MISCELLANEOUS. 137 53. (1) No suit or other proceeding shall lie against the market committee Bar of proceedings for any act done or, purporting to be done under this Act. (2) (a) No suit, prosecution or other proceeding shall lie against the Chairman or Vice-Chairman or Chief Administrative Officer or any officer or servant of the market committee for anything which is in good faith done or intended to be done under this Act or any rule, by law or notification issued under this Act. (b) No Chairman or Vice-Chairman or Chief Administrative Officer or other officer or servant of the market committee shall be liable in respect of any such act in any criminal proceeding if the act was done in good faith in the course of, the execution of the duties or the discharge of functions assigned to him by or under this Act

form in which, and the conditions subject to which, the said sub-section (1) of section 21 may be issued or renewed; (h) the preparation of plans and estimates for work proposed to be done wholly or partly at the expense of the market committee, and sanction to such plans and estimates; the order to be followed by the market committee in respect of financial matters, including the manner in which, and the conditions subject to which, expenditure may be incurred by it; the form in which the accounts of the market committees shall be kept, the audit and publication of such accounts and the charges in connection with such audit; preparation and submission for approval of an annual budget and the returns and returns to be furnished by the Chairman of the committee; the investment and disposal of the surplus funds of the committee; the methods of recruitment and conditions of the Chairman and Administrative Officers of the committee; the remuneration and conditions of the Chairman and Administrative Officers and other servants of the market committee; (n) the grant and other allowances that may be payable to the officers and employees of the market committee; (o) the manner in which the inspection of the market committee shall be conducted; (p) the procedure to be followed in respect of receipts and disposal of market committee funds and matters connected thereto; and (q) any other matter which has to be, or may be prescribed. (3) Any rule made under this section may provide that any contravention thereof or any of the conditions of any licence issued under this Act shall be punishable with fine which may extend to one thousand and five hundred rupees. 66. (t) Subject to the rules made by the Government under section 65, the market committee may, with the previous approval of the Government, in respect of the market, do all or any of the following things, namely:— (a) to regulate the business and the conditions of trading therein and for such other matters relating to the day-to-day regulation and administration of markets including market charges and any other matter for which provision is made or may be made in the bylaws: Provided that where a market committee fails to make bylaws under this section, action within one month from the date of its constitution under section 8, the local authority in which the market is situated, may make such bylaws as it thinks fit and the bylaws so made shall be deemed to be bylaws made by the market committee and may be amended or varied by the local authority or by the market committee, with the previous approval of the Government. (2) Any rule made under this section may provide that any contravention thereof shall be punishable with fine which may extend to three hundred rupees. 67. (1) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette, and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published. (b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published. (2) Every rule, order or notification made or issued by the Government under this Act shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Legislative Assembly makes any modification in any such rule or order or notification, or the Legislative Assembly decides that the rule or order or notification should not be made or issued, the rule or order or notification shall thereupon have effect only in so far as it is not so modified or annulled, as the case may be, so that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder or otherwise. THE SCHEDULE. Section 2(12), 2(13) and Serial 2, 4, 5, 6. Specified commodities. (2) Vegetables, fruits, flowers perishable goods. Textiles. Iron and Steel. Poodgeaios, Timoeec. Iron scrap. and other. (By order of the Governor) A. K. RAYAN, Secretary to Government, Law Department. PRINTED AND PUBLISHED BY THE COMMISSIONER OF STATIONERY AND PRINTING, MADRAS ON BEHALF OF THE GOVERNMENT OF TAMIL NADU.