

The Balochistan Agricultural Produce Market General Rules, 1995

Sections		Page
1.	Short title, Commencement and application:	1
2.	Definitions.	1
3.	Publication of Notification under Section 3 of the Act and inviting Objections/Suggestions on that behalf.	3
4.	Deceleration of Notified Area.	4
5.	Period for which licenses are to be issued under Section 6 of the Act and their Renewal.	4
6.	Fee to be paid by the dealers for the licenses to be issued under section 6 of the Act.	4
7.	License under section 6 of the Act.	5
8.	Persons exempted from obtaining Licenses.	6
9.	Constitution of Market Committee.	6
10.	Persons not Eligible for Membership.	7
11.	Termination of Membership and filling of casual vacancies.	8
12.	Election of Chairman and Vice-Chairman.	9
13.	Term of Office of Chairman and Vice-Chairman and filling of Casual Vacancies.	10
14.	Duties and powers of Chairman and Vice-Chairman.	11
15.	Duties and powers of Market Committee.	11
16.	Chairman ship of Market Committee Meeting and transaction of business.	14
17.	Members not to take part in certain proceedings.	14
18.	Minutes book.	14
19.	Copies of proceedings to be sent to the Director of Agriculture (Economics and Marketing).	15
20.	Appointment of Sub-Committee.	15
21.	Appeals against Market Committee's decision.	16
22.	Reference.	16
23.	Control and Conservancy of the Market.	16
24.	Trade Allowances.	17
25.	Budget.	17

26.	Accounts and Audit of the Market Committee.	18
27.	Receipts to be credited daily into the Scheduled Bank.	18
28.	Refund of certain amounts.	19
29.	Licenses to Brokers, Weighmen, Measures, Surveyors, Warehousemen etc.	19
30.	Licensed Weighmen, Measurers, Surveyors, etc, to wear badges.	21
31.	Fees to be charged by Licensees and other functionaries.	22
32.	Employing a Broker.	22
33.	Employment of Auctioneers.	22
34.	Payments of sale-price.	23
35.	Execution of Memorandum in form "H".	23
36.	Levy and collection of fees on the sale and purchase of Agricultural Produce.	23
37.	Exemption from payment of fee.	26
38.	Accounts of Transaction and of fee to be maintained.	27
39.	Places at which Agricultural Produce shall be weighed or measured.	29
41.	Credit of fund with the Government.	30
42.	Use of weighing Instruments, Weights and Measurers, their Inspection and Seizure.	30
43.	Payment by the Market Committee.	32
44.	Surplus fund- How to be disposed.	33
45.	Writing of irrecoverable and other dues or losses.	33
46.	Persons not Eligible for the service of Market Committee.	34
47.	Publication of Marketing Information.	34
48.	Storage Accommodation.	35
49.	Boards of Arbitrators, Constitutions thereof.	35
50.	Functions of Board of arbitrators.	36
51.	Quarterly Statement to be submitted by the Board.	38
52.	Income and expenditure of the Board.	39
53.	Dispute relating to another Market area.	39
54.	Inspection of record.	39
55.	Power of Inspection and Seizure of Agricultural produce by an officer or Officials of Market Committee.	39
56.	Penalty for non-payment of fee.	41

57.	Compounding of offences.	41
58.	Travelling allowance to be paid to the Chairman, Members, and staff of the Committee.	41
59.	Sale and purchase of essential commodities of Agricultural Produce and Model Commission shops.	42 ✓
60.	Purchase of load Carries, Vehicles, Agricultural Implements, etc.	42 ✓
61.	Control by Provincial Government.	43 ✓
62.	Daily price of Agricultural Produce and their exhibition.	44
63.	Renewal of a Licenses and the issue of a duplicate.	44
64.	Incidence of Market Fee.	45
65.	Classification of Market Committees.	46
66.	Rate of commission and remuneration of a functionary.	46
67.	Establishment of a Feeder Market.	48
68.	Grading of Agricultural Produce.	49
69.	Duties and powers of Secretary Market Committee	49
70.	Appointment and conditions of service of employees and their pay scales.	51
71.	Relaxation of Rules.	51
72.	Delegation of powers for the purpose of appointment, punishment etc.	51
73.	Engagement of a Lawyers.	52
74.	Penalty for breach of Rules or of any condition of a License.	52
75.	Appeals.	52
76.	Registers, Account books and forms to be maintained by a Market Committee.	52
77.	Preservation of record.	52
78.	Emergency power supercession of Market Committee.	53

EXTRAORDINARY

REGISTERED NO.S-2771



THE BALOCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

NO. 22/A QUETTA SUNDAY FEBRUARY 19, 1995.

GOVERNMENT OF BALOCHISTAN AGRICULTURE & COOPERATIVE DEPARTMENT.

No.SOA(II) 5-50/86-DAP-Misc:.. In exercise of powers conferred by Section 35 of the Balochistan Agricultural Produce Markets Act, 1991 (1 of 1991) the Government of the Balochistan is pleased to make the following rules:-

1. SHORT TITLE, COMMENCEMENT AND APPLICATION:

- (1) These rules may be called The Balochistan Agricultural Produce Market General Rules, 1995.
- (2) They shall come into force at once.
- (3) They extend to the entire Province of Balochistan

2. DEFINITIONS.-

In these rules, unless there is anything repugnant in the subject or context:-

- (a) "Act" means the Balochistan Agricultural Produce Markets Act, 1991 (1 of 1991);
- (b) "Board of Arbitrators" means the Board constituted under Section 24 of the Act;
- (c) "Broker" means a person (not being a private servant) usually employed on commission to arrange for or enter into contracts on behalf of others for purchase or sale of agricultural produce and to whom a license under Section 9 of the Act has been issued;

- (d) "Buyer" includes a person buying any agricultural produce for himself/or on behalf of another as his agent or servant or as a commission agent;
- (e) "Bye-law" means a bye-law made by a market committee under Section 36 of the Act;
- (f) "Chairman" means the chairman of market committee duly elected under Section 12 of the Act;
- (g) "Commission agent" means a person, who on behalf of another and in consideration of commission, makes or 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, and for that purpose maintains a business office;
- (h) "Department of Agriculture Balochistan" means Director General of Agriculture Balochistan.
- (i) "EADA Market Committee" means the Extra Assistant Director of Agriculture Market Committee concerned.
- (j) "Employee" means a person appointed by a market committee under Section 16 of the Act;
- (k) "Form" means the form appended to these rules;
- (l) "Functionary" means any person working as broker, weighman, measurer, surveyor, warehouseman, Mashakhori, palledar, boriotta, tolla, tokriwala and rehriwala in the notified market area, licensed under Section 9 of the Act, whether working on daily wages or at fixed charges;
- (m) "Malpractice" means any act or practice, performed in a clandestine manner with an object to defraud or fleece parties to a transaction in contravention of the provisions of the Act, or Rules or bye-law framed thereunder;
- (n) "Market Fee" means fee levied under Section 19 of the Act on sale or purchase of agricultural produce within the limits of the notified market area;
- (o) "Member" means a member of a market committee;
- (p) "Seller" means a person who sells agricultural produce either himself or on behalf of another as his agent or servant or as a Commission Agent;

- (q) "Unauthorized trade allowance" means any trade allowance not allowed by the Act, rules or bye-law of a market committee such as " 'Karta', 'batta', 'chung', 'dharat', 'thal', 'kasa', 'chungi', 'masjidana', 'munshiana', 'soak buk', etc";

3. **PUBLICATION OF NOTIFICATION UNDER SECTION 3 OF THE ACT AND INVITING OBJECTIONS/SUGGESTIONS ON THAT BEHALF.**

- (1). Copies of a notification issued under Section 3 of the Act shall be published in one or more of the under mentioned modes, under the orders of the Director of Agriculture (Economics and Marketing):-
- (a) In Urdu, and, if necessary in such other language and in such newspaper as in the opinion of the Director of Agriculture (Economics and Marketing) will give it publicity among persons likely to be affected 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 of Agriculture (Economics and Marketing) in the office of the District Council, Municipal/Town Committee, 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, at the principal common meeting place, if any, of every village, within the notified market area.
- (2). The expenses of the publication of the notification issued under Section 3 of the Act shall be met out of the funds of the concerned market committee and if such as market committee does not exist then the expenses will be met from the district headquarter market committ funds.
- (3). The Extra Assistant Director of Agriculture (Market Committee) shall forward the objections/suggestions received by him within the period specified in the notification to the Deputy Commissioner within ten days after the expiry of the period specified in the notification.
- (4). The Deputy Commissioner, shall, within ten days from the receipt of suggestions/objections from the Extra

Assistant Director of Agriculture (Market Committee) forward the same to the Government under intimation to the Director of Agriculture (Economics and Marketing) for issuing a notification under Section 4 of the Act.

4. **DECLARATION OF NOTIFIED AREA.**

- (1). Besides, as provided in Section 4 of the Act, 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/Town Committee; and
 - (b) At some other conspicuous places in the notified market area to be selected by the Extra Assistant of Agriculture (Economics and Marketing).
- (2). The expenses of notifying a market shall be met out of the funds of the market committee at the district headquarters, in case market committee does not exist elsewhere.
- (3). A cooperative society registered under the Cooperative Societies Act, (VII OF 1925), may set up or use any place owned by it for the purchase and sale of agricultural produce without obtaining any license under the Act or the rules made thereunder except places of public use/utility.

5. **PERIOD FOR WHICH LICENSES ARE TO BE ISSUED UNDER SECTION 6 OF THE ACT AND THEIR RENEWAL:**

- (1). A license issued to a dealer under Section 6 of the Act shall be for one calendar year ending 31st December:
- (2). A grace period of 30 days will be allowed for the renewal of a license issued under Section 6 of the Act.
- (3). Full fee shall be paid for a license for any part of the year involved.

6. **FEE TO BE PAID BY THE DEALERS FOR THE LICENSES TO BE ISSUED UNDER SECTION 6 OF THE Act:**

The schedule of license fee for each kind of license shall be as under:-

GROUP	KIND OF LICENSE	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, milk plant, tobacco wholesale dealer, fruit-processing industry, soap factory, roti plant, cold storage, refrigeration plant, bone processing factory.	Rs.2000.00
B.	Commission agent of grain market vegetable and fruit market, wool, bone, hides and skin merchant, wholesale karyana merchant, wholesale fire-wood merchant, live-stock dealer, poultry dealer, cotton seed and oil-cakes wholesaler, baker, atta machine "chakky", rice husking "chakky", pulses processing plant.	Rs.1000.00
C.	Retail shopkeeper of karyana, fruits and vegetables (dry and fresh), meat, wool, skin, hides, bones, hair, beef, mutton, fish and egg sellers, oil-cake and cotton seed sellers, fodder (green or dry), tobacco and its products, Kohloo, halvyee and depot-holder, confectioner, hotel, pharria, rehriwala and rehriwalas, dealing in agricultural produce.	Rs.500.00

7. **LICENSE UNDER SECTION 6 OF THE ACT.**

(1). Any person desirous of obtaining a license 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 and/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 on Form "A" given in the schedule appended to these rules and shall deposit the fee prescribed under rule 6.

- (2). The Secretary of a 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 fulfills the requirements of sub-section 2 of the Section 6 of the Act. After verification the application shall be commented upon and forwarded to the market committee which shall grant or refuse the license, as the case may be.
- (3). In case the license is refused by the market committee under the provision of sub-section 2 of Section 6 of the Act, the person aggrieved by such an order may appeal to the Extra Assistant Director of Agriculture (Market Committee) at any time within fifteen days of the passing of the order. The order of the Extra Assistant Director of Agriculture (Market Committee) passed on appeal shall be final.
- (4). The license shall be subject to such conditions as are stated therein or printed or noted on it or which may separately be notified on that behalf.

8. PERSONS EXEMPTED FROM OBTAINING LICENSES:

The following persons shall be exempted from taking a license for the purchase and sale of agricultural produce:-

- a. Cooperative societies registered under the cooperative societies Act, (VII OF 1925).
- b. Scheduled Bank when proceeding against any person or a licensee against the security of such agricultural produce.
- c. Hawkers who are not engaged in dealing of agricultural produce.
- d. Persons purchasing agricultural produce for vocational or defence needs, for hospitals or for welfare agencies.
- e. Government owned utility stores, Army welfare shops,

9. CONSTITUTION OF MARKET COMMITTEE:

- (1). A notification under Section 7 of the Act shall determine the numerical strength of the members of the market committee to be constituted.
- (2). For the purpose of constituting a market committee, the Secretary to the Government of the Balochistan,

Agriculture Department shall fix and notify a date by which panels of growers, consumers and licensees under Section 6 and 9 of the Act respectively shall be submitted by the Deputy Commissioner to the Government.

- (3). The Deputy Commissioner shall consult in writing the Extra Assistant Director of Agriculture (Market Committee) and also the Associations of growers, consumers and licensees, 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.
- (4). The Deputy Commissioner shall submit his recommendations in the manner as provided under Section 8 of the Act to the Government for appointment of members of the Market Committee by the date fixed in the notification by the Secretary to the Government of Balochistan Agriculture Department.
- (5). Government shall, after such enquiry, as it may deem proper, select and notify the names of the members appointed:

Provided that if the Government do not account the recommendations made by the Deputy Commissioner, as the case may be as a whole or in part, it shall ask the Deputy Commissioner to submit fresh names or panel of names in the manner provided above.

- (6). 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 the Extra Assistant Director of Agriculture (Market Committee).

10. PERSONS NOT ELIGIBLE FOR MEMBERSHIP:

No person shall be appointed as a member of a market committee, who:

- (a) is a minor, or
- (b) is a unsound mind; or
- (c) is declared insolvent; or

- (d) 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 dis-qualification 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; or
- (e) has directly or indirectly any share or interest in any contract with the market committee.

11. **TERMINATION OF MEMBERSHIP AND FILLING OF CASUAL VACANCIES:**

- (1). Membership of a market committee shall terminate:-
 - (a) when the term for which the appointment has been made expires; or
 - (b) by death; or
 - (c) disabled as a result of accident, disease or by birth; or
 - (d) by acceptance of resignation tendered under sub-rule 2 infra; or
 - (e) by becoming subject to any one of the disqualifications mentioned in rule 10 supra; or
 - (f) by removal under Section 11 of the Act by an order of the Government; or
 - (g) by transfer or retirement in case of Government servants; or
 - (h) if a member fails to attend three meetings of the market committee consecutively without reasonable and good cause.
- (2). 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 Deputy Commissioner who shall forward the same to the Government.
- (3). So long as a resignation tendered under sub-section 2 above is not accepted by the Government, the person concerned shall continue to be a member.

- (4). 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 Deputy Commissioner, who shall without any delay, forward the same with necessary comments to the Government.
- (5). The acceptance of resignation of a member shall be communicated through the Deputy Commissioner to the market committee and the member concerned.
- (6). The procedure prescribed in Rule 9 shall, so far as it may be applicable, apply to 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 publication of the notification under sub-rule 5 of rule 9.

12. **ELECTION OF CHAIRMAN AND VICE-CHAIRMAN:**

- (1). The market committee at its first meeting shall elect a chairman and vice-chairman. For this purpose the meeting shall be called under the orders of the Deputy Commissioner on a date and at a time to be fixed by him i.e. the Deputy Commissioner himself, or by the Assistant Commissioner of the Sub-Division concerned, appointed on his behalf.
- (2). For such a meeting the quorum shall be not less than two-third of the existing strength of membership of the market committee.
- (3). A candidate for the office of a 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.
- (4). 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 votes of members present in the meeting, which shall be by show of hands, and result shall be declared by the president.
- (5). The president shall count the votes, and declare the member, who secures the largest number of votes, to have been elected chairman or vice-chairman, as the case may be.
- (6). In the event of 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.

- (7). The Chairman and the vice-chairman shall be deemed to have assumed office when their election has been confirmed by the Deputy Commissioner, and this fact has been communicated to them in writing. If the Deputy Commissioner refuses to confirm any election, a fresh election in accordance with these rules shall be held.
- (8). The president of the meeting shall record the proceedings of the election in the minutes book of the market committee, and send a copy thereof the Deputy Commissioner and Director of Agriculture (Economics and Marketing).
- (9). Only those members of a market committee shall be eligible to be elected as Chairman or Vice-Chairman who are literate.
- (10) The Chairman will be from the growers and the Vice-Chairman from the remaining members excluding Extra Assistant Director of Agriculture (Market Committee).
- (11) No member of a market committee shall be elected as a Chairman for two consecutive terms.

13. **TERM OF OFFICE OF CHAIRMAN AND VICE-CHAIRMAN AND FILLING OF CASUAL VACANCIES:**

- (1). 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 until his successor is appointed.
- (2). 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 the Government; or
 - c. death
- (3). 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. **DUTIES AND POWERS OF CHAIRMAN AND VICE CHAIRMAN**

- (1). 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.
- (2). The Chairman shall conduct all correspondence and be responsible for the keeping of accounts and for the safe custody of all cash not deposited in the Bank Account.
- (3). The Chairman shall, forthwith report the death of any member of the market committee to the Deputy Commissioner, who shall take steps to get the vacancy filled up in accordance with law.
- (4). The Chairman shall, further more, bring to the notice of the Deputy Commissioner any fact, factor or disqualification, which in his opinion debars a member from continuing as such.
- (5). 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 him:

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.

15. **DUTIES AND POWERS OF MARKET COMMITTEE:**

- (1). A market committee shall draw up, and may, if necessary, amend its bye-laws, under section 36 of the Act 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 and giving notice/intimation therefor;
 - (c) the conduct of proceedings of a meeting;
 - (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 of Agriculture (Economics and Marketing) certifies that the 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 licenses to be issued by it may be signed;
- (h) procedure for the reception, hearing and disposal of complaints by market committee or by its sub-committees;
- (i) fee to be levied by it for 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-market committee authorize to handle money on its behalf;
- (k) regulation of the duties of the persons holding licenses from the market committee; and the fee, 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 subject to prior approval of the Government;
- ✓(m) regulation of traffic in a market or sub-markets;
- (n) hours of business for the purchase or sale of agricultural produce in a market or sub-markets;
- (o) rules regarding the imprest money to be kept under the control of the chairman of the market committee;
- (p) appointment and punishment of its employees (Rule 73);
- (q) regulation of business and conditions of trading;

- (r) manner for the grant and renewal of licenses to brokers, weighment, measurers, surveyors, warehousemen, Mashakhor, palledars, boriotas, tollas, tokriwalas and rehriwalas, and fee therefore'
 - (s) the administration of the market committee;
 - (t) the manner how to create and maintain peaceful conditions and environments for business;
 - (u) regulations of sanitation within the market premises;
 - (v) provision of facilities like shade, shelter, drinking water, etc;
 - (w) maintenance of library; and
 - (x) such other matters as are in the opinion of the Government necessary or expedient to be provided for the purposes of carrying out the provisions and objects of the Act and these Rules.
 - (y) conduct or participate in Agriculture Exhibitions arranged by its or any other agency for the promotion of Agriculture produce inside the Country or abroad.
- (2). 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 of Agriculture (Economics and Marketing), who shall at his discretion be competent to remit the same for the reconsideration for 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 of Agriculture (Economics and Marketing), who shall then forward the same to the Government with such recommendations as he may deem proper, and the Government shall confirm the bye-laws with such modifications as it may consider necessary, without any further publication.

16. **CHAIRMANSHIP OF MARKET COMMITTEE MEETING AND TRANSACTION OF BUSINESS:**

- (1). 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.
- (2). The quorum for a meeting, not otherwise provided for in these rules, shall be nine in a committee of seventeen and six in a committee of ten.
- (3). 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.
- (4). 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 members shall elect one of the members present 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.

- (5). The chairman of a 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.
- (6). 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 46 has a direct or indirect pecuniary interest.

18. **MINUTES BOOK:**

- (1). A market committee shall maintain a minutes book in which

the record of the proceedings of every meeting shall faithfully be entered and the same shall be signed by the chairman of the meeting.

- (2). 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 agenda, and the members, who were present at the former meeting, shall have a right to question the correctness of recorded minutes, which shall be confirmed with such modifications, as may be decided upon in order to bring them in conformity with the factual position. In case of any dispute about the correctness of minutes, the opinion of the chairman under whose signatures the record was prepared, if he be present, shall be final if, however the 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 PROCEEDINGS TO BE SENT TO THE DIRECTOR OF AGRICULTURE (ECONOMICS AND MARKETING):**

- (1). A copy of the proceedings of every meeting of a market committee shall forth-with be forwarded to the Director of Agriculture (Economics and Marketing) and Extra Assistant Director of Agriculture (Market Committee) for information.
- (2). The Director of Agriculture (Economics and Marketing) shall keep a permanent record of the proceedings sent to him under sub-rule (1) without further publication.

20. **APPOINTMENT OF SUB-COMMITTEE:**

- (1). A sub-committee may be constituted under section 15 of the Act. The appointment and dismissal of members of a sub-committee and delegation and withdrawal of powers and duties.
- (2). 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, shall be the convener of the meeting of the sub-committee, and shall submit a record of all the proceedings conducted and work done by the sub-committee to the chairman of the market committee.
- (3). 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 COMMITTEE'S DECISION:

- (1). An order passed by a market committee, other than service matter, under the Act or these rules, shall be appealable, to the Assistant Commissioner of the respective notified market area.
- (2). Except as may otherwise be provided by these rules, every appeal shall be stamped with a court-fee of Rs.15
- (3). Every appeal shall be presented to the appellate authority by the appellant, or his duly appointed agent within thirty days of the date of order appealed against. It shall be accompanied by a copy of such order, and shall set out the grounds 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 and verify the correctness of the facts stated therein.
- (4). 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.
- (5). A revision against the order passed in appeal by the Assistant Commissioner, referred to in sub-rule 1, shall lie in the jurisdiction of Commissioner of the division concerned.

22. REFERENCE:

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

23. CONTROL AND CONSERVANCY OF THE MARKET:

- (1). 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 interest of the trade.
- (2). A market committee shall, as far as the funds at its disposal permit, provide shelter and drinking water for human beings and animals coming to the market. It shall keep all property vested in it in a sanitary condition.

- (3). A market committee may, and, if so required by the 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 ALLOWANCES:**

Every market committee shall, with the approval of the 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:**

- (1). For the purpose of budget and for following these rules, the agricultural produce market year shall commence on 1st July every year and end on 30th June following.
- (2). A market committee shall annually hold a special meeting, not later than 30th April, to prepare and adopt budget of income and expenditure for the ensuing year.
- (3). A duplicate copy of budget so adopted shall be submitted to the Extra Assistant Director of Agriculture (Market Committee) who shall after such scrutiny as may consider necessary forward the same with his comments to the Director of Agriculture (Economics and Marketing) by 15th 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.
- (4). If the budget is not prepared and got sanctioned by a market committee before the commencement of any financial year, the Director of Agriculture (Economics and Marketing) may have the necessary statement prepared and certified and such certified statement shall be deemed to be the sanctioned budget of the Market Committee.
- (5). 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 of Agriculture (Economics and Marketing).

- (6). 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 and final approval by Director of Agriculture (Economics and Marketing) Balochistan.
- (7). 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 of Agriculture (Economics and Marketing).

26. ACCOUNTS AND AUDIT OF THE MARKET COMMITTEE

- (1). 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, Balochistan may determine.
- (2). A market committee shall publish a statement of its assets and liabilities at the close of each financial year, with a balance sheet by 31st 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.
- (3). 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.
- (4). 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 the Government from time to time.

27. RECEIPTS TO BE CREDITED DAILY INTO THE SCHEDULED BANK:

- (1). Except where the Government otherwise directs, all the receipts made by the market committee shall be credited daily into a scheduled bank, in accordance with the instructions issued by the 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 provided in the rules.

- (2). All remittances under these rules to a scheduled bank shall be made and acknowledged in accordance with the rules of business of the scheduled bank, as the case may be.
- (3). 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 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.

28. REFUND OF CERTAIN AMOUNTS:

(1). When

- (a) any sum has been deposited or paid in the market committee fund for the grant of a license which in fact has not been issued; or
- (b) a person has wrongly applied and paid for and been granted two or more licenses 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 thirty 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 be repaid to the person concerned out of the funds of market committee.
- (2) The powers 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.
- (3) The application for refund shall contain such particulars as are necessary to enabling the amount to be traced.

29. LICENSES TO BROKERS, WEIGHMEN, MEASURERS, SURVEYORS, WAREHOUSEMEN, ETC :

- (1) Subject to the provisions of sub-rule (4) a market

committee shall grant license to persons who apply for the same for working in the notified market area as brokers, weighmen, measures, surveys, warehousemen, mashakhor, palledars, boriotas, tollas, tokriwala and rehriwalas. These licenses shall be necessary only for a transaction which falls within the purview of the Act. An application for the grant of a license shall be in Form 'D' and the license in Form 'E'.

The license 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 licenses.

- (2) 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 license.
- (3) Where a change, not necessitating a fresh license, 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 shall satisfy itself about the correctness of such intimation and shall order necessary alteration/corrections to be made in the license, and the entries in the Register in Form 'K' shall also accordingly be corrected or amended.
- (4) 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 license, and the entries in the register in Form 'K' shall also be corrected or amended accordingly.
- (5) If in a case covered by sub-rule (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.
- (6) A market committee shall through its bye-laws draw up a list fee to be paid for grant or renewal of licenses to brokers, weighmen measurers, surveyors, warehousemen, mashakhor, changers, palledars, boriotas, tollas, tokriwalas and rehriwalas.

- (7) In case of breach of any condition of a license 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 license, without being liable to refund the license fee or any part of it.
- (8) While suspending or canceling a license, a market committee may order that the licensee concerned shall not be entitled to the renewal of such license, or to grant of a new one, for such period not exceeding six months, as it may consider expedient.
- (9) No broker shall advance money for the purchase of, or have in his possession the document of title relating to an agricultural produce in connection with which he is employed as a broker.
- (10) No person shall at one and the same time hold dealer's license under Sec. 6 and a license under Sec. 9, or hold a license under Sec. 9 for acting as a functionary in more than one capacity.

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

- (11) A licensed dealer, broker; weighman, measurer, surveyor, warehouseman, mashakhori; palledar; boriota, tola, tokriwala 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.

30. LICENSED WEIGHMEN, MEASURERS, SURVEYORS, ETC., TO WEAR BADGES:

All mashakhori, palledars, boriotas, weighmen, measurers, surveyors, tokriwalas and tollas shall be supplied with badges bearing serial number allotted to them. The badges shall be of such pattern as may be approved by the market committee and no licensed mashakhori, palledar, boriota, tola, weighman, measurer, rehriwala, tokriwala and surveyor 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 licensed mashakhori, palledar, boriotta, weighman, measurer, surveyor, rehriwala and tokriwala and tola before grant of a badge to him, when a license expires or suspended or cancelled the badge shall be returned to the market committee and on such return the deposit therefor shall be refunded.

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

31. FEES TO BE CHARGED BY LICENSEES AND OTHER FUNCTIONARIES.

A person, when acting as a commission agent, broker, weighman, measurer, surveyor, mashakhor, palledar, boriota, tokriwala, rehriwala and tolla or any other functionary, whether licensed 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 of either of the purchase or sale but not 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.

32. EMPLOYING A BROKER:

- (1) No person shall, in the absence of any expressed 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.
- (2) Where any person enters into any transaction for the purpose or sale of any agricultural produce through a commission agent and the commission agent, without a written authority from his principal employe 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.
- (3) The same person shall not act as broker both for the buyer and the seller of an agricultural produce in the same transaction.

33. EMPLOYMENT OF AUCTIONEERS:

- (1) 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.

- (2) 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.
- (3) Bids made at the auction shall be recorded by the auctioneer in Form 'G'.
- (4) The auctioneer shall conduct the auction on the terms, as to the payment of price, as set out in rule 34, which shall be made known to the prospective bidders before the auction is held.
- (5) 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.

34. 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.

35. 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'. The foil of the memorandum shall be given to the seller and the counter foil retained by the buyer.

36. LEVY AND COLLECTION OF FEES ON THE SALE AND PURCHASE OF AGRICULTURAL PRODUCE:

- (1) Fee 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 Sec. 6 of the Act.

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 arhatia shall not be liable to pay any portion of it.

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

- (2) 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.
- (3) 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.

- (4) A receipt in Form 'I' shall forthwith be issued to person making payment of fee.
- (5) Every officer or servant employed by the market committee for the collection of fee 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.
- (6) 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.
- (7) Every person authorized to collect fee shall be provided with a counter foil 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 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 counter foil receipts with the amount actually received and for giving a certificate to this effect over his dated signature on the back or the last counter foil.
- (8) For the purpose of this rule agricultural produce shall be deemed to have been bought and or sold in a notified area:-
- (a) If the agreement of sale or purchase hereof 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 purchaser or to some other person on behalf of the purchaser.
- (9) 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).
- (10) The following is the schedule of market fee prescribed for the stated agricultural produce, chargeable by the market committees in Balochistan :-

Sr.No	Name of the agricultural produce	Rate of market fee per 100 Kgs.
(i)	Wheat, rice (paddy), rice (cleaned), rice (broken), gur, shakkar, sugar (desi and refined), pulses (whole and split), viz. moong, mash, masoor, moth, raj mash, arhar, lobia, gram and other beans, maize (grains), barley, bajra jowar; cumen, spices etc;	Rs.1.50
(ii)	Atta, maida, suji, dalia, starch, bran, bhusa of wheat, phak, parali, hulls, husks (rise silver) of rice, molasses, sugarcane, juice, maize cobs (dry and green), maize and sugar (glucose), gluten, meals and wastes of maize, sattu, bhusa of barley, atta of bajra, atta of jowar, basin, cholia, kera, sorrhn bura,wanda;	Rs.1.50
(iii)	Fruits and vegetables (fresh and dry) and their products.	Rs.2.50
(iv)	Sugar cane	Rs.1.50
(v)	Oil-seeds, viz, cotton seed, linseed, sarsoon, raya, toria, taramira, soyabean, sunflower, 'til', ground-nut, castor, palm, their oils, oilcakes, hulls, meals, seeds and vegetable ghee;	Rs.2.50

(vi)	Livestock (male or female), milch or draught, i.e., goat, sheep, buffalow, cow, camel, horse, etc.;	Rs. 5.00 per head.
(vii)	Poultry, including trukeys (dressed or otherwise), fish, livestock, prouducts, viz, beef, mutton;	Rs. 2.00
(viii)	Hides and skins (dry and wet) bones, bone meals, feeds, wool, hair;	Rs. 2.00
(ix)	Eggs (a crate containing 20 to 30 dozens)	Rs. 5.00 per crate
(x)	Cheese, butter, desi ghee	Rs. 2.50
(xi)	Milk and curd (dahi)	Rs. 1.50
(xii)	Cotton, unginne (phutti), cotton ginne (lint), cotton waste, jute (seed and fibre);	Rs. 2.00
(xiii)	Fodder, viz., senji, lucern, shaftal, berseem, shalgham, guara, chari, bajra, maize, javi, barley, wheat, jowar (green and dry) and their seeds, methi, metha, oats, ajwain;	Rs. 1.00
(xiv)	Chillies (green, dry and ground), mehndi (leaves and powder), tobacco leaves, tobacco, cured. Its snuff or naswar and guraku; betel leaf, cigarettee, bidi; and	Rs. 2.50
(xv)	Firewood and tanning bark.	Rs. 2.00

37. EXEMPTION FROM PAYMENT OF FEE :

- (1) If a fee is leviable on sale or purchase of any quantity of agricultural produce in a notified market area and dealer has complied with the provisions of sub-rule (1) of rule 36, 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.
- (2) 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 Extra Assistant Director of Agricultural (Market Committee) shall be final.

- (3) 20 Kg. or less shall be ignored for levy of market fee.

38. ACCOUNT OF TRANSACTION AND OF FEE TO BE MAINTAINED:

- (1) Every licensed dealer and every dealer not being a hawker exempted under rule 8 from obtaining a license shall submit on the same day or on the following day to the market committee a return in Form 'H-A' 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 transaction.

- (2) The market committee shall maintain a register in Form 'J' showing the total purchase and sales made by dealers and the fee recoverable and those recovered from them.
- (3) The market committee shall levy the fee payable under Section 19 of the Act 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.

- (4) 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.
- (5) The chairman or the secretary of the market committee may at any time and without previous notice enter upon the premises of business of a licensed dealer within the notified market area and inspect and examine the accounts of transaction or 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.
- (6) 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.

- (7) 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.
- (8) 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 of the Act 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.
- (9) Habitual default in submission of returns and habitual submission of false returns shall be a sufficient ground for cancellation of a license or refusal to renew it, and the provision of this rule shall apply in addition to and not in derogation of any other law.
- (10) An assessment order made under the proviso to sub-rule (3) or under sub-rule (4) or (8) shall, unless passed in presence of the dealer concerned, be communicated to him by means of a written notice, and copy hereof shall be supplied to the dealer on his making a written application and paying a sum of Rs.5.00 as copying fee to the market committee. Every market committee shall maintain a register of copying fee.
- (11) 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 on his 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.
- (12) An assessment made by a market committee under the proviso to sub-rule (3) or under sub-rule (4) or (8) shall be deemed to be an order for the purpose of rule 21. The court-fee shall be an ad-valorem assessed under sub-rule (9).

39. **PLACES AT WHICH AGRICULTURAL PRODUCE SHALL BE WEIGHED OR MEASURED.**

- (1) In any notified market area, the market committee may prescribe the places at which tobacco, chilies and fish may be weighed, measured or sold.
- (2) Subject to the provisions of sub-rule (1) weighments and measurements of Agricultural produce intended for sale, may be made through licensed weighmen or measurers anywhere in a notified market area.
- (3) All transactions in a market in terms of packing units shall be deemed to have been entered into in accordance with the standards fixed under sub-rule(1).
- (4) 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.
- (5) Test weighment under sub-rule (4) shall be carried out in the presence of both the parties of 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 employee 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 on his behalf, and the result of such test weighment shall be conclusive as also binding on both the parties.
- (6) 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 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 instrument 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.

- (7) 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 re-weighment 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 weighman 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 the bye-laws made thereunder.

41. CREDIT OF FUND WITH THE GOVERNMENT

Every market committee shall deposit not less than 10 percent of its annual income in a fund maintained and operated by the 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 Market committees of the Province as provided under sub-section (3) of Section 20 of the Act. Such amount shall be deposited by every market committee by 31st of July every year in the fund maintained and operated by the Government.

42. USE OF WEIGHING INSTRUMENTS, WEIGHTS AND MEASURES, THEIR INSPECTION AND SEIZURE:

- (1) Only such weighing instruments, as satisfy the requirements of, and such weights and measures, as are prescribed by, the Balochistan Weights and Measures (International System) Ordinance Enforcement Rules, 1977 and the rules made thereunder, shall be used for weighing or measuring agricultural produce in a notified market area.
- (2) 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, with the provisions of the Balochistan Weights and Measures (International System) Ordinance Enforcement Rules, 1977 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.

- (3) 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.
- (4) Weighing instruments and measures kept by a market committee under this rule may at any time be inspected, examined and checked by the Director of Agriculture (Economics and Marketing) or by Deputy Director of Agriculture (Economics and Marketing) or by Extra Assistant Director of Agriculture (Economics and Marketing) or by an Inspector appointed under the Balochistan weights and measures (International System) Ordinance Enforcement Rules, 1977.
- (5) 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 Section 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 to inspect, examine and test it.
- (6) If on examination any weighing instrument, weight or measure is found to be not in conformity with the Balochistan weights and measures (International System) Ordinance Enforcement Rules, 1977 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 Balochistan weights and measures (International System) Enforcement Act, 1991 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:-

**REPORT OF SEIZURE OF
WEIGHING/INSTRUMENT/WEIGHT/MEASURE
(UNDER RULE 42 (6) THE AGRICULTURAL PRODUCE MARKETS
GENERAL RULES, 1995)**

Name parentage, caste & residence of the person from whom the weighing instrument, weight or measure seized.	Description of the weighing instruments or weight or measure seized.	Date of seizure	person by whom seized.	why seized	person in whose presence seized.	Remarks
--	--	-----------------	------------------------	------------	----------------------------------	---------

1	2	3	4	5	6	7
---	---	---	---	---	---	---

Signature of two witness

Signature of the persons making report

1. _____

1. _____

2. _____

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

43. PAYMENTS BY THE MARKET COMMITTEE:

- (1) All payments by a market committee, except from imprest fund, shall be made by cheque.
- (2) Every cheque drawn on behalf of market committee shall be signed jointly by the chairman and the secretary, or if the chairman is absent from the headquarters of the market committee, or is on account of illness or any other circumstance 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, 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 imprest fund 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.5,000.00.

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 may be passed and signed by the vice-chairman, or if both are absent, or unable to do so as stated above, by any two members 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, Extra Assistant Director of Agriculture (Market Committee) Agriculture Department may pass bills and sign cheque on behalf of the market committee.

44. SURPLUS FUND - HOW TO BE DISPOSED:

The balance shown in the balance-sheet shall, after audit, be transferred to the reserve fund of the market committee, or be invested for the development of the market/marketing system by the market committee.

If at any stage department of Agriculture feels that the surplus funds are not being used properly, it can forthwith stop the market committee from incurring such an expenditure and constitute a committee to enquire into the matter and recommend any action as may deem fit to the Government for proceeding against the Chairman Market Committee.

45. 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 Commissioner, 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.1,000:00 such order shall not take effect without the approval of the Government.

46 **PERSONS NOT ELIGIBLE FOR THE SERVICE OF MARKET COMMITTEE:**

- (1) The following person shall not without the permission in writing of the Director of Agriculture (Economics and Marketing) 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 of the wife or husband of any such descendant.
 - (c) The descendants of the parents of any member or of his wife, or the wife or husband of any such descendant.
- (2) 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 the Government.
- (3) No person, who is an officer or a servant of a market committee, shall (a) seek election to any local body, or (b) 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.

47. **PUBLICATION OF MARKETING INFORMATION:**

- (1) 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 centers in the province and the posts serving the province, and the stocks held by mills and the alikes.
- (2) Such bulletins shall be signed by the chairman or the secretary of 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.

48. **STORAGE ACCOMMODATION:**

- (1) A market committee may arrange, when necessary, accommodation, permanent or temporary, for the storage or stocking of agricultural produce.
- (2) The market committee shall charge such fee for such storage and stockings as may be prescribed by its bye-laws.

49. **BOARDS OF ARBITRATORS, CONSTITUTION THEREOF:**

- (1) Government shall by notification constitute a Board of Arbitrators for each notified market area.
- (2) A Board shall consist of five members, including the chairman, who shall be a grower; all to be appointed by the Government, out of a panel of names recommended by the Extra Assistant Director of Agriculture (Economics and Marketing) 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 member besides the chairman from growers of the notified market area concerned;
 - (b) one member from persons licensed under Section 6 of the Act; and
 - (c) one member from persons licensed under Section 9 of the Act.
- (3) The proposed panel shall be submitted by the Extra Assistant Director of Agriculture (Economics and Marketing), in consultation with the chairman of the market committee concerned, to the Director of Agriculture (Economics and Marketing) for onward transmission to the Government for constitution of the Board of Arbitrators for the notified market area concerned in accordance with sub-rule (2):

Provided that the 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.

- (4) The Secretary of the market committee concerned shall act as the secretary of the Board.
- (5) 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.
- (6) 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 the Government.
- (7) 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.
- (8) A chairman or a member of a Board may resign his office by tendering his resignation to the Government.
- (9) If a chairman or a member resigns under sub-rule (8) or dies or is removed under sub-rule (7), Government shall appoint another person in his place in accordance with the provisions of sub-rules (2) and (3) 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.

50. FUNCTIONS OF BOARD OF ARBITRATORS:

- (1) 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 reason 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.

- (2) The party aggrieved shall submit a written application on a judicial paper, bearing a court-fee stamp of fifteen 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.
- (3) The following rates of fee shall be payable by the party referring a dispute to the Board:
 - (a) For disputes relating to monetary transactions five paises per rupee on amounts upto Rs.50,000.00 and ten paises per rupee on amounts exceeding Rs,50,000.00.
 - (b) For any other dispute, a fixed fee of hundred rupees shall be payable.
- (4) If a question arises as to whether any dispute is or is not a monetary transaction, the decision of the Board shall be final.
- (5) 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 along-with necessary documents, if any.
- (6) On the date fixed for the hearing of the case or on any subsequent date of 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.
- (7) After hearing the parties and examining the witnesses and documents, if any, the Board shall announce its decision in the presence of the parties.
- (8) 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, when such an order or decision was made, may set aside that order or decision.

- (9) The Board shall make every endeavour to ensure that a dispute referred to it is decided within one month of the reference made to it.
- (10) All proceedings and decisions of the Board shall be in writing and a regular record thereof shall be maintained by the Board.
- (11) Every proceeding before a Board of Arbitrators, shall be deemed to be a judicial proceeding within the meaning of Section 193 and 228 of the Pakistan Penal Code 9 Act NO.XLV of 1860.
- (12) The chairman and at least one member representing the growers and the persons licensed under Section 6 of the Act shall form the quorum of the Board and no proceedings of the Board shall be valid unless the requisite quorum is present.
- (13) Every meeting of the Board of Arbitrators shall be called and presided over by the chairman.
- (14) A Board of Arbitrators shall be competent to order the costs involved in case to be borne by one or both the parties in any proportion considered reasonable by the board.
- (15) 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 persons provided that no lawyer shall be engaged by any party.

51. **QUARTERLY STATEMENT TO BE SUBMITTED BY THE BOARD:**

The market committee shall submit to the Director of Agriculture (Economics and Marketing), Balochistan; Quetta for record a quarterly 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 proceeding quarter.

52. **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 allowances as permissible under the rules.

53. **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, along-with the fee, if any, paid by the complainant.

54. **INSPECTION OF RECORD:**

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

(2) 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.

(i)	Copy of application	Rs. 5.00
(ii)	Copy of the written reply	Rs. 5.00
(iii)	Copy of statement of a witness	Rs. 5.00
(iv)	Copy of final decision or any other order of the Board.	Rs.10.00
(v)	Copy of decree	Rs.10.00

55. **POWER OF INSPECTION AND SEIZURE OF AGRICULTURAL PRODUCE BY AN OFFICER OR OFFICIALS OF MARKET COMMITTEE:**

(1) An officer or official 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 agricultural produce in a notified market area and may himself inspect, weigh or measure or cause to be inspected, weighed, or measured any agricultural 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.
- (2) An inventory of the agricultural produce or the articles so seized shall be prepared by the officer or official proceeding under this rule, and a copy of thereof shall be given to the person from whose custody the agricultural produce or other articles have been taken into possession.
- (3) An officer or official of the market committee seizing property under this rule shall keep such property either in his own custody or require any licensed 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.
- (4) 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.
- (5) 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.

- (6) The licensed dealer required by an officer or official of the market committee to take possession of the property seized shall not refuse to do so.

56. **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.

57. **COMPOUNDING OF OFFENCES:**

- (1) 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.
- (2) The market committee while compounding an offence shall in no case accept an amount less than five percent of the maximum in 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 the rules or the bye-laws.

58. **TRAVELLING ALLOWANCE TO BE PAID TO THE CHAIRMAN, MEMBERS AND STAFF OF THE COMMITTEE:**

- (1) 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 given below :-

Travelling Allowance Schedule for Chairman, Vice-Chairman and members of Market Committee

<u>Post</u>	<u>Daily Allowance</u>
Chairman	Rs.3,000/- per day.
Vice Chairman	Rs.2,500/- per day
Members	Rs.2,000/- per day
Travelling fare	As per actual fare (submitting the vouchers).

Provided that all the expenses are included in the above mentioned amount except travelling fare.

Provided that the tour will not be exceed more than 10 days.

- (2) In case of any enquiry, survey or investigation being conducted by the Directorate of Economics and Marketing Balochistan, Quetta, or such enquiry or survey being conducted by the Government, for the benefit of growers or 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 officer lower in rank than the Director of Agriculture (Economics and Marketing) approval shall be obtained from the Director of Agriculture (Economics and Marketing) to draw the travelling allowances, whereas in the case of officers of the rank of Director of Agriculture (Economics and Marketing) and higher than that such an approval shall be obtained from the Department of Agriculture.

59. SALE AND PURCHASE OF ESSENTIAL COMMODITIES OF AGRICULTURAL PRODUCE AND MODEL COMMISSION SHOPS:

- (1) 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 agricultural products to be supplied to the public on no profit no loss basis as part of the technology promotion programme.
- (2) A market committee may open a model commission shop or shops in any notified market area for the benefit of and in the interest of the growers.

60. PURCHASE OF LOAD CARRIERS, VEHICLES, AGRICULTURAL IMPLEMENTS, ETC:

- (1) A market committee may subject to the provision in the annual approved budget.
- (a) Purchase load carriers, vehicles, trucks, tractors or trollies, for bringing agricultural produce of the farmers to the market and for agricultural marketing improvement.
- (b) Purchase agricultural implements and machinery to be distributed amongst the growers of the market area.

- (2) Such implements and machinery will be rented out to deserving growers of the notified market area at the rates prescribed by the Market Committee.

61. CONTROL BY PROVINCIAL GOVERNMENT:

- (1) The Director of Agriculture (Economics and Marketing) or the Deputy Director of Agriculture (Economics and Marketing) within his jurisdiction, or any officer not below the rank of an Extra Assistant Director of Agriculture (Economics and Marketing) appointed in writing by the Director of Agriculture (Economics and Marketing) or any officer appointed by the Provincial 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 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.
 - (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, exercise the powers mentioned in clauses (a), (b) and (c) of this rule, and the members, officers and officials of the market committee shall render such assistance in the enquiry as the person or persons making the enquiry may deem necessary.
- (2) 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.

- (3) Every committee shall submit such reports, daily or periodically to the Director of Agriculture (Economics and Marketing) as directed.

62. DAILY PRICE OF AGRICULTURAL PRODUCE AND THEIR EXHIBITION

- (1) 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.
- (2) It shall be the duty of market committee to supply the daily rates to the Government, autonomous or semi-autonomous bodies and such other centers as may from time to time be determined.

63. RENEWAL OF A LICENSE AND THE ISSUE OF A DUPLICATE:

- (1) An application for the renewal of a license shall be made at least 7 days before the date on which the license is due to expire.
- (2) If any licensee makes an application after expiry of the license, the authority competent to renew a license may renew the license, if he deposits a penalty in cash with the market committee, for the period elapsed after the expiry of the license, as under:-

a. In case of a license under Sec. 6 of the Act and rule 6:-

(i) license of the kind of Group 'A' Rs. 200.00 PM
for each month.

(ii) license of the kind of Group 'B' Rs. 150.00 PM

(iii) license of the kind of Group 'C' Rs. 100.00 PM

b. In case of license under Sec. 9 of the Act and rule 27:-

(i) Warehouseman Rs. 100.00 PM

(ii) Others Rs. 50.00 PM

Provided that the penalty charged by the market committee under sub-rule (2) shall not exceed the annual license 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.

- (3) Every renewal of a license made under this rule shall be deemed to take effect from the date following that on which the license expired.
- (4) If a license granted under Sec. 6 or 9 of the Act, 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 license for a dealer or warehouseman, and Rs.50.00 in case of other licenses.

64. INCIDENCE OF MARKET FEE:

(1) 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, dealers and other traders who are not licensees 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 Centers located in other market committees, the fee shall be paid in equal shares by both the Food Department and the other aforesaid agency/concern; duly licensed, as the case may be.

(b) In respect of imported wheat:-

(i) 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 flour mills 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 the Government and the depot holders.

(d) 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 person exempted under rule 7 from obtaining dealer's license shall be treated as licensee for the purpose of levy of market fee under this rule.

65. CLASSIFICATION OF MARKET COMMITTEES:

- (1) 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 "License Fee" during the last three years as below:-

Class "A" A market committee with an annual income of eight lac rupees or above.

Class "B" A market committee with an annual income of more than four lac and less than eight lac rupees.

Class "C" A market committee having an annual income of less than four lac rupees.

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

66. RATE OF COMMISSION AND REMUNERATION OF A FUNCTIONARY:

- (1) 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) 3.00 percent of the value in the case of food grain and other crops.
- (ii) 5.00 percent of the value in the case of fruits, and
- (iii) 5.00 percent fo the value in the case of vegetables.

(b) **Broker:-**

twenty paisa per 100 Kgs. of agricultural produce bought or sold;

(c) **Weighman :-**

0.20 percent of the value of agricultural produce weighed;

(d) **Palledar :-**

- (i) unloading 0.20 percent of the value of agricultural produce;
- (ii) weighing 0.20 percent of the value of agricultural produce;
- (iii) bori ultai 0.30 percent of the value of agriculture produce;
- (iv) dheri lagai 0.10 percent of the value of agricultural produce;
- (v) mashakhor 0.20 percent of the value of agricultural produce.

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

(3) Remuneration due to a broker, weighman, measurers, palledar or mashakhor 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.

- (4) For the purpose of these rules a bag shall be deemed to contain one 100 Kgs of agricultural produce unless it is actually weighed (without bardana). A sainkrra shall not be counted as anything more or less than one hundred.
- (5) It will 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.
- (6) 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.
- (7) 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, mashakhor, etc., who were actually employed for the sale or purchase of agricultural produce.

67. ESTABLISHMENT OF A FEEDER MARKET:

- (1) The Government may allow the establishment of a feeder market in any notified market area in the manner hereinafter provided.
- (2) Any person intending to establish a feeder market within a notified market area of any market committee shall make an application to the market committee concerned, giving full details of the site where feeder market is intended to be established.
- (3) The market committee shall forward the application to Extra Assistant Director of Agriculture (Market Committee) who, after due publicity shall inspect the site and undertake necessary scrutiny and forward the case with his report to the Deputy Commissioner.
- (4) The Deputy Commissioner shall forward the case with his comments to the Director of Agriculture (Economics and Marketing), who with his own remarks shall transmit the case to the Government for orders.
- (5) The Government, after considering the aforesaid reports/comments/remarks, may allow or disallow the establishment of the feeder market. The decision of the Government in this regard shall be final.

(6) Establishment of feeder market shall be subject to the following conditions:-

- (a) The owner of the land shall sell the selected site in accordance with the assesment of the land made by Deputy Commissioner 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 feeder 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 the Agriculture Department within a period of six months from the date of the decision of the Government. Under circumstances unavoidable or beyond control, the Government may extend the said period as it may deem necessary.
- (c) The market committee shall have the right to retain two plots for construction of its office.
- (d) The market committee shall construct roads, water supply system, sewerage, public baths and latrines and shall install street lights in the feeder market, and shall be responsible for their proper maintenance and for general cleanliness of the premises.
- (e) In case of forfeiture of a plot and re-auction thereof, the land-owner shall not be entitled to claim an amount in excess of what he has already received.

68. 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 the Government.

69. DUTIES AND POWERS OF SECRETARY OF MARKET COMMITTEE:

- (1) 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.

- (2) The Secretary shall work with Chairman of the market committee.
- (3) 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-rules shall mean:

- (a) father, mother, wife, son, daughter, brother and sister of the person concerned; and
 - (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.
- (4) The Secretary shall advise the market committee and its chairman in the light of the provisions of the Act, rules and bye-laws framed thereunder, the decisions earlier taken by the market committee and directions given from time to time by the Government. His opinion shall be recorded in the proceedings of the committee.
 - (5) It shall be duty of the secretary to carry into effect the provisions of the Act, rules and bye-laws, instructions or directions of the Government, of the Directorate of Agriculture (Economics and Marketing) and the chairman of the market committee with a view to effect maximum improvement in the market.
 - (6) The Secretary shall deal with the correspondence received from the Government or the directorate promptly and efficiently. He shall lay all correspondence of the market committee with the Government and the Directorate before the chairman of the market committee for information or action as required.
 - (7) Subject to sub-rule (5), the Secretary shall have office of the market committee, maintenance of accounts, punctual rendering of returns, safe custody of cash, common seal, minutes 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.
 - (8) The Secretary shall make an annual assessment of the work of employees 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.

- (9) The Secretary of the market committee shall have the power to take necessary disciplinary action against the staff in grades 1 to 15. He may also report against the other employees for the misconduct, indiscipline, 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.

70. APPOINTMENT AND CONDITIONS OF SERVICE OF EMPLOYEES AND THEIR PAY SCALES:

- (1) The staff strength to be provided by the Government for various categories of Market Committees is described in Schedule "A".

- (2) The Market Committee will engage following workers on contracts basis for the period as may be felt necessary.

(Accountant, Stenotypist, Engineers, Computer Operator, Computer Programmer, Electrician, Driver, Sweeper, Cleaner, Helper, Electrician, Tube well driver, Tractor driver, Mali, Traffic controller, Chowkidar, Daftari, Coolie and Sanitary inspector).

71. RELAXATION OF RULES:

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

72. DELEGATION OF POWERS FOR THE PURPOSE OF APPOINTMENT, PUNISHMENT, ETC:

- (1) For the purposes of appointments, punishments, appeal, transfers and controlling travelling allowance, in respect of each person holding post mentioned in column 2 of Schedule "B" shall be such as are specified against the post of such person in columns 3 and 9 of the said schedule.

- (2) 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 appointment by such authority or not.

73. ENGAGEMENT OF A LAWYER:

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

- (a) A market committee shall not be competent to sanction a fee to lawyer exceeding Rs.20,000.00.
- (b) If the fee of a lawyer who is being engaged by a market committee exceeds Rs.20,000.00, a prior sanction of the Director of Agriculture (Economics and Marketing) shall be necessary, if it does not exceed Rs.50,000.00 and that of the Government, if it exceeds Rs.50,000.00.

74. PENALTY FOR BREACH OF RULES OR OF ANY CONDITION OF A LICENSE:

Any person committing a breach of these rules or any licensee committing a breach of the conditions of his license shall on conviction be punishable with fine which may amount to five thousand rupees; provide that the maximum fine which may be imposed for the breach of the conditions of a license granted under Section 9 of the Act shall not exceed one thousand rupees for each breach.

75. APPEALS:

Appeals not provided in the Act, or the rules shall be to the following:-

- (a) An appeal against the order of a secretary of market committee shall lie to the chairman, against whose orders the person aggrieved may appeal to the market committee.
- (b) An appeal against the orders of the market committee shall lie to the Extra Assistant Director of Agriculture (Market Committee), whose decision shall be final.

76. 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, the rules and the bye-laws framed thereunder, as are given in Schedule "C".

77. PRESERVATION OF RECORDS:

The records of the committee shall be preserved for a period noted against each item in Schedule "D".

78. **EMERGENCY POWER SUPERCISSION OF MARKET COMMITTEE:**

As provided under section 35 of Balochistan Agricultural Produce Markets Act, 1991, Government is pleased to make rule 78. as under :

- (a) declare that the functions of the market committee shall, to such extent as may be specified in the notification, be exercised by Extra Assistant Director of Agriculture (Market Committee) or such person or persons as it may direct;9
- (b) assume to itself all or any of the powers vested in or exercisable by any market committee; and such notification may contain such incidental and consequential provisions as may appear to Government to be necessary or desirable for giving effect to the objects of the notification.
- (c) if the Government dissolves the committee due to its poor performance, undesirable activities damaging the interests and prestige of the committee or the public.

**BY ORDER OF
GOVERNOR BALOCHISTAN**

**SECRETARY
GOVERNMENT OF BALOCHISTAN
AGRICULTURE DEPARTMENT**

Manager
Government Printing Press
Quetta.

SCHEDULE "A"

(Under Rule 70) Class of Market Committee

S.No.	Name of Post	A (BS)	B (BS)	C (BS)
1.	Extra Asstt: Director of Agriculture Market Committee.	17		
2.	Secretary	17		
3.	Marketing Intelligence Officer	17		
4.	Chief Inspector/ Superintendent	15		
5.	Sub-Engineer (Overseer)	11		
6.	Superintendent	16		
7.	Accountant/Head-Clerk	11		
8.	Inspector	11		
9.	Senior Clerk/Typist Urdu	7		
10.	Sub-Inspector	7		
11.	Auctioneer/Checker/Demand Clerk Rate Announcer/Supervisor	5		
12.	Junior Clerk/Cashier/Rate Clerk Accounts Clerk/License Clerk/ Office Clerk/Record Keeper/ Fee Collector.	5		
13.	Vehicle/Tractor Driver	4		
14.	Electrician	11/5		
15.	Tube Well Driver/Operator	2		
16.	Field man/Traffic Controller/Daffri	1		
17.	Vehicle/Tractor Helper/Cleaner Greaser.	2		
18.	Chowkidar/Beldar.	1		
19.	Naib Qasid.	1		
20.	Water Carrier/Mashki.	1		
21.	Mali.	1		
22.	Sweeper.	1		

**SCHEDULE "B"
(Under Rule 73)**

Sr.No.	Name of the post.	Appointing authority.	Authority competent to suspend, reduce in rank, retire compulsorily, remove or dismiss.	Authority competent to award other punishments.	Appellate authority in case of suspension, reduction in rank, compulsory retirement, removal or dismissal.	Appellate authority in respect of other punishments.	Transferring authority	Controlling officers for travelling allowances.
1	2	3	4	5	6	7	8	9
1.	Officer in NPS-17	Government	Government	Director of Agriculture (Economics & Marketing) Balochistan.	Government	Government.	Government	Chairman Market Committee.
2.	Officer in NPS-16	Government	Government	Director of Agriculture (Economics & Marketing) Balochistan.	Government	Government.	Director of Agriculture Economics & Marketing Balochistan	Chairman Market Committee.
3.	Officials in NPS 11-15.	Director of Agriculture Economics & Marketing Balochistan	Director of Agriculture Economics & Marketing Balochistan	Market Committee	Government	Director of Agriculture Economics & Marketing Balochistan	Director of Agriculture Economics & Marketing Balochistan	Chairman Market Committee.
4.	Officials in NPS 1-10	Market Committee	Market Committee	Market Committee	Director of Agriculture Economics & Marketing Balochistan	Director of Agriculture Economics & Marketing Balochistan	Director of Agriculture Economics & Marketing Balochistan	Chairman Market Committee.

SCHEDULE "C"
(Under Rule 77)

1. Register "K"
2. Register "J"
3. Register "J-A"
4. Jinswara
5. General Cash Book
6. Ledger
7. Form "I"
8. Form "H"
9. Form "H-A"
10. Form "A"
11. Form "H"
12. Form "B-A"
13. Form "D-A"
14. Form "E"
15. Form "B"
16. Stock Register
17. Movable Property Register
18. Immovable Property Register
19. Security Deposit Register
20. Demand and Collection Register
21. Minutes Book
22. Attendance Register
23. Tender Register
24. Chest Book
25. Guard File
26. Record Register
27. Establishment Register
28. T.A. Register
29. Service Book
30. A.C. Rs. File
31. Field Staff Diary.

32. Permanent Advance Register.
33. Despatch Register
34. Dairy Register
35. Stamp Register
36. Cheque Collection Register.
37. Cheque Book.
38. Cheque/Bill Book
39. Stationery Register.
40. Form Register
41. Leave Account Register.
42. Library Register
43. Composition Register.
44. Prosecution Register.
45. Office Order Book
46. Newspaper Register
47. Register of Disputes referred to Board of Arbitrators
48. Measurement Book
49. Register of Petitions, Complaints and Writs, etc.
50. Register of Proceedings of Board of Arbitrators.

SCHEDULE "D"
(UNDER RULE 78)

<u>No. of Form</u>	<u>Description</u>	<u>Period</u>
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	License Form	3 years.
H-A	Register for daily Purchase & Sales Purchase and Sales.	1 year after audit.
I	Receipts	3 years.
J	Register of Purchase & Sale of Agriculture Produce.	10 years.
K	Register of License P.F. Register Service Book of Employees. Register of proceedings of the committee sub-committee, Cheque Books Pass Books T.A. Bills Lease Deeds. Security Bond Treasury challans Imprest Account Register. Attendance Register Movable Property Register. Library Register Demand & Collection Register. Register of Stamps Stock Register. Register of Court Cases Investment Registers Files about the appointment, removal and dismissal of employees. Other record which the committee may decide to preserve for more than three years.	10 years. 10 years or till accounts to which it relates are enclosed. 5 years after death or retirement whichever is earlier. Permanently. 10 years. 10 years. 3 years. 10 years from the date they cease to have effect. 10 years from the date they cease to have effect. 3 years. 3 years. 1 year. 10 years. 10 years. 10 years. 3 years. 10 years. 10 years. Permanently. 35 years.
	Application for the grant of license under rule 7.	Such period (not less than 10 years) as may prescribed by the committee.
	Application for the grant of license for the purchase/sale of agriculture produce.	3 years.
A-B	Application for the purchase & sale of agriculture produce.	3 years.

فارم "A" FORM "A"

حصول لائسنس کی درخواست برائے

(ا) زرعی پیداوار کے لئے دوکان کا قائم کرنا یا اس کے قیام کا جاری رکھنا یا جاری رکھنے دینا۔ اور یا

(ب) زرعی پیداوار کی تجارت کرنا

بلوچستان زرعی پیداواری تجارت کی منڈیوں کے ایکٹ مجریہ ۱۹۹۱ء کی دفعہ (۶)

بلوچستان زرعی پیداواری منڈیوں کے قواعد (۶) کے تحت

مجریہ ۱۹۹۵ء کے قاعدہ (۶) کے تحت

دفتر مارکیٹ کمیٹی۔

نوٹیفکیشن مارکیٹ ایریا۔

(یہاں ایکٹ کی دفعہ (۴) "ا" کے نوٹیفکیشن میں مجوزہ نوٹیفکیشن
ایریا کا نام درج کریں)

لائسنس کی نوعیت

(i) سائل کا نام بجم ولدیت دیتے۔

(ii) قومی شناختی کارڈ نمبر۔

(iii) اس جگہ کے کوائف۔

جس کیلئے لائسنس کی درخواست دی گئی

یہاں اس محلہ، گلی، یا سب ڈویژن کا نمبر درج کریں

جہاں کوئی جگہ واقع ہے، اور کوئی ایسا نمبر یا کوائف درج کریں

جس سے اس جگہ کی شناخت ہو سکے

اگر سائل کوئی فرم ہے تو آیا یہ فرم رجسٹرڈ ہے یا نہیں

(ب)

اگر سائل کوئی فرم ہے تو پھر فرم کے تمام ممبروں کے فرم کا نام

(ج)

نام بچہ ولدیت اور ان کے مکمل رہائشی پتے درج کریں

حصہ دار
۱-
۲-
۳-

(iv) مالک منجبر یا فرم کے (ملازم)

منجبر کا نام بچہ ولدیت

(د) عنوان جس کے تحت سائل کام کرے گا

(e) آیا سائل کوئی فرم ہے (اور اگر سائل فرم ہے) تو آیا اس فرم کا کوئی رکن بذات خود یا کسی دوسری فرم یا باڈی کے اشتراک سے کسی دوسرے نوٹیفیڈ ایریا میں اسی قسم کا کوئی لائسنس پہلے سے رکھتا ہے۔ اگر رکھتا ہے تو پھر وہ کون سا ایریا ہے۔

(و) آیا سائل خود یا اگر سائل فرم ہے تو آیا اس فرم کا کوئی رکن بذات خود یا کسی دوسری فرم کے اشتراک سے صوبہ بھیر میں کسی دوسرے نوٹیفیڈ ایریا کے لئے ڈیلر کا لائسنس رکھتا ہے۔ اور اگر رکھتا ہے تو کیا ایسا لائسنس معطل یا منسوخ ہو چکا ہے۔ اور اگر ایسا ہے تو کب کہاں اور کتنی مدت کے لئے منسوخ یا معطل ہوا ہے۔

(ی) دیگر متعلقہ معلومات و کوائف

میں مسمی _____ ولد _____ حلفیہ آوار کرتا ہوں کہ مندرجہ بالا

حقائق میرے علم کے مطابق درست ہیں۔

تاریخ _____

سائل کے دستخط _____

میں مسمیٰ _____ ولد _____ تصدیق کرتا ہوں کہ درخواست میں
مندرجہ کو الف میرے علم کے مطابق درست ہیں
(تصدیق کنندہ کوئی بھی گزٹڈ افسر)

تاریخ _____
مقام _____

نوٹ:-

۱۔ کالم 1 (iii) کو اس وقت پُر کرنے کی ضرورت ہے جب کسی جگہ پر
زرعی پیداوار کی تجارت کے لیے کوئی دوکان وغیرہ قائم کرنے مستقل
طور پر جاری رکھنے یا جاری رکھنے دینے کی ضرورت ہو۔

۲۔ اگر درخواست کسی فرم کی طرف سے دی گئی ہو۔ تو اس درخواست پر فرم
کا صرف وہی حصہ دار (رکن) دستخط کر سکتا ہے۔ جو فرم کے انتظام میں
شریک ہو۔

۳۔ اگر ایک ہی شخص دونوں قسم کے لائسنس (یعنی ایک زرعی پیداوار کی تجارت
کے لئے دوکان قائم کرنے کے لئے اور دوسرا زرعی پیداوار کی تجارت کرنے
کے لئے درخواست دیتا ہے تو اس سے البتہ ایک ہی
فیس لی جائے گی

فارم "بی" FORM "B"

بلوچستان زرعی پیداواری منڈیوں کا ایکٹ مجریہ ۱۹۹۱ء

زرعی پیداواری خرید و فروخت کے لئے دوکان شروع کرنا مستقل قائم کرنا۔
لائسنس برائے جاری رکھنا۔ یا جاری رکھنے دینا اور یا

زرعی پیداواری اجناس کی زیر دفعہ (ب) بلوچستان زرعی پیداواری منڈیوں
کے قواعد (عام) ۱۹۹۵ء کے مطابق تجارت کرنا۔

نوٹیفائنڈ مارکیٹ ایریا جس کے لیے لائسنس منظور کروایا گیا	اس جگہ کے کوآلف جگے لئے لائسنس منظور کروایا گیا	لائسنس دار کا نام ولدیت سکونت اور مکمل پتہ	تاریخ جس سے لائسنس شروع ہوا	تاریخ جس پر لائسنس کی مدت ختم ہوئی	لائسنس منظور کرنے کی کوئی اضافی شرط	لائسنس کا نمبر	فیس لائسنس جو ادا کی گئی	کیفیت
۱	۲	۳	۴	۵	۶	۷	۸	۹

لائسنس جاری کرنے والے افسر کے دستخط بعد عہدہ (جو کہ ای لے ٹوی لے) ہوگا۔

جس دفتر سے لائسنس جاری ہوا۔ اس کا پتہ بعد تاریخ :-

نوٹ :- (۱) جو کالم متعلق نہ ہو اسے تاملن کر دیں۔

(۲) کالم نمبر ۳ کا استعمال اسی صورت میں کیا جائے جس صورت میں لائسنس

زرعی پیداواری تجارت کے لئے کسی جگہ پر دوکان وغیرہ کھولنے، مستقل قائم رکھنے جاری
رکھنے یا جاری رکھنے دینے کے لئے درکار ہو۔

(۳) زرعی پیداواری تجارت کے لئے دوکان قائم کرنے کے لئے اور

(ب) زرعی پیداواری تجارت کرنے کے لئے۔

لائسنس کی شرائط

لائسنس کا اجراء درج ذیل شرائط سے مشروط ہوگا۔

۱۔ لائسنس دار کو بلوچستان زرعی پیداواری منڈلیوں کے ایکٹ مجریہ ۱۹۹۱ء کی دفعات اور ان دفعات کے تحت مرتب قواعد اور کالم نمبر ۱ میں مذکورہ مارکیٹ کمیٹی کے نافذ الوقت ذیلی قوانین کی پابندی کرنا ہوگا۔

۲۔ لائسنس دار یہ دھیان رکھنے کا ذمہ دار ہوگا کہ ایکٹ کی دفعات یا قواعد کمیٹی کے قوانین نظر انداز نہیں کئے جا رہے۔ نہ ان کی خلاف ورزی کی جا رہی ہے اور اگر کہیں ایسا ہو رہا ہوگا تو لائسنس دار پر لازم ہوگا کہ وہ اس امر کی اطلاع تحریری طور پر مارکیٹ کمیٹی کو دے گا۔

۳۔ لائسنس دار کو اپنا لائسنس عندا طلب اس اتھارٹی کو واپس کرنا ہوگا۔ جس نے اسے جاری کیا ہوگا یا جس نے اس کی تجدید کی ہوگی یا کوئی دوسری اتھارٹی جو اس ضمن میں ایکشن لینے کی مجاز ہوگی۔ یا وہ مارکیٹ کمیٹی جس کے علاقہ کے لئے وہ لائسنس جاری کیا گیا تھا۔

۴۔ لائسنس دار کو اپنا کاروبار دیانت داری کے اصولوں پر چلانا ہوگا۔

۵۔ لائسنس دار کا لائسنس مسنوخ کر دیا جائے گا اگر

(ا) وہ کمیٹی سے قطع تعلق کر لیتا ہے یا کسی دوسرے لائسنس دار کو کمیٹی سے قطع تعلق کرنے کی شہ دیتا ہے۔

(ب) وہ ایسی وجوہ کی بناء پر کمیٹی کی رکنیت سے مستعفی ہو جاتا ہے۔ جو حکومت کی نظر میں اس کے استعفیٰ کے جواز کے لیے کافی نہ ہوں۔

(ج) یا کسی دوسری ایسی وجہ کی بناء پر جو حکومت کی نظر میں اس کے لائسنس کی منسوخ

کا کافی جواز ہو۔

کوئی لائیندار اپنا کاروبار معطل کر دیتا ہے یا یکسر ترک کر دیتا ہے تو اسے فوراً مارکیٹ کمیٹی کو اس تاریخ سے مطلع کرنا ہوگا جس تاریخ سے اس نے ایسا کیا ہے۔ کسی لائینس کی تجدید کے لئے اس کے اختتام کی تاریخ سے کم از کم سات روز قبل درخواست دینا ہوگی۔

لائینس کی تجدیدیں

تجدید کی تاریخ	تجدید کے نفاذ کی تاریخ	لائینس کی مدت کے اختتام کی تاریخ	فیس جو ادا کی گئی	کیفیت	افسر تجدید کنندہ کے دستخط و عہدہ
۱	۲	۳	۴	۵	۶

بلوچستان ایکٹ کی دفعہ نمبر ۶ (۴) کے تحت جاری کردہ احکام

نمبر شمار	حکم کی تاریخ	جرم کی کیفیت	حکم کی اصل منشا	حکم جاری کنندہ افسر کا نام اور عہدہ	حکم جاری کنندہ افسر کے دستخط	کیفیت
۱	۲	۳	۴	۵	۶	۷

رسید فارسی

زیر ذیلی قانون ۱۳ (۶) مارکیٹ کمیٹی

رسید نمبر

کتاب نمبر

نام فرم بھولائیس نمبر

نام مالک زرعی پیداوار

ولدیت، قومیت، سکونت

وزن، قسم زرعی پیداوار

شرح فروخت

کل قیمت زرعی پیداوار

کمی یا بیشی وزن

تفصیل اخراجات و واجبات

دستخط آرہتی

موضوع

رسید فارسی

زیر ذیلی قانون ۱۳ (۶) مارکیٹ کمیٹی

رسید نمبر

کتاب نمبر

نام فرم بھولائیس نمبر

نام مالک زرعی پیداوار

ولدیت، قومیت، سکونت

وزن، قسم زرعی پیداوار

شرح فروخت

کل قیمت زرعی پیداوار

کمی یا بیشی وزن

تفصیل اخراجات و واجبات

دستخط آرہتی

موضوع

FORM "D" فارم "ڈی" حصول لائسنس کی درخواست

بلوچستان زرعی پیداواری منڈیوں کے ایکٹ مجریہ ۱۹۹۱ء
زیر دفعہ ۹ شق ۲ اور قواعد مجریہ ۱۹۹۵ء دفعہ ۲۹۔

دلال - ٹولا - ناپ تول کرنے والا - سروے کرنے والا - گودام والا - پلے دار -
ماشہ خور - بوریاء - ریڑھی والا اور چھاڑی والا کے حصول لائسنس کی درخواست کا فارم
(زیر دفعہ ۹ بلوچستان زرعی پیداواری منڈیوں کے ایکٹ مجریہ ۱۹۹۱ء بدست ماریٹ کمیٹی
نوٹیفکیشن ماریٹ ایریا۔)

یہاں اس نوٹیفکیشن ایریا کا نام درج کریں جو کہ دفعہ نمبر ۹
کے نوٹیفکیشن میں مذکور ہے۔

د۔ سائل کا نام - ولدیت - سکونت اور مکمل پتہ

قومی شناختی کارڈ نمبر

ب۔ نام یا عنوان جس کے تحت سائل کاروبار کرے گا۔

ج۔ آیا سائل بطور دلال - ٹولا - ناپ کرنے والا - سروے کرنے والا
گودام والا - ماشہ خور - بوریاء - پلے دار - ریڑھی والا - چھاڑی والا
کے لئے لائسنس حاصل کرنا چاہتا ہے۔

د۔ آیا سائل کا کسی دوسرے سے اشتراکی سابقہ جاری شدہ لائسنس
بحیثیت دلال - ٹولا - ناپ تول کرنے والا - سروے کرنے والا - گودام والا
ماشہ خور - پلے دار - بوریاء - ریڑھی والا - چھاڑی والا منسوخ ہو چکا
ہے اگر ہو چکا ہے تو کب اور کتنی مدت کے لیے۔

فارم "ڈی"

میں مسمی _____ ولد _____ حلفیہ اقرار کرتا ہوں
 کہ مندرجہ بالا حقائق میرے علم کے مطابق درست ہیں۔
 یہاں کے دستخط _____ تاریخ _____

میں مسمی _____ ولد _____ تصدیق کرتا ہوں کہ
 درخواست میں مندرجہ کوائف میرے علم کے مطابق درست ہیں
 تصدیق کنندہ (کوئی بھی گزٹڈ افسر)
 تاریخ _____
 مقام _____

نوٹ

اد۔ دلال۔ قولا۔ تاپ کتنہ۔ ماشہ خور۔ پے دار۔ سہوے کرنے والا اور
 چھابڑی والا کے طور پر لائینس صرف کسی فرد کو دیا جائے گا فرم کو نہیں۔

فارمی FORM "E"

یوچتھان زری پیداواری منڈیوں کا ایکٹ مجریہ ۱۹۹۱ء

دلال - ٹولا - ناپ تول کثف ہر سرورے کرنے والا - گوام والا - پے وار - ماشہ خور - بوبریا - ریشی والا اور چھاپری والے لائسنس

زیر قاعدہ (۱) ۲۹

۹	فیس جو ادا کی گئی	کوئی دوسری اضافی شرط جو لائسنس پر عائد کی گئی ہو	سال جس کے لیے سجدہ یہ مطلوب ہے	تاریخ جب لائسنس اختتام پزیر ہوگا	کیا لائسنس بطور دلال تول ناپ تول کثف ہر سرورے کرنے والا ہے اور ماشہ خور بوبریا چھاپری والا یا ریشی والا کے کام کرنے کیلئے حاصل کیا گیا ہے	نمبر	نوٹیفکیشن یا جس کے لیے لائسنس منظور کیا گیا
				۵	۳	۲	۱
				۶			
				۷			
				۸			

مارکیٹ کمیٹی کے افسر (دالے) - ڈی لے کے دستخط

مارکیٹ کمیٹی کی ہر
تفصیلاً
تاریخ :-

شرائط برائے اجراء لائسنس رج ذیل ہیں

- ۱۔ لائسنس دار بلوچستان زرعی پیداواری منڈیوں کے ایکٹ مجریہ ۱۹۹۱ء کی دفعات اور ان کے تحت موضوعہ قواعد اور مارکیٹ کمیٹی متعلقہ کے ذیلی قوانین کی منشاء کے عین مطابق اپنا کاروبار کرنے کا پابند ہوگا۔
- ۲۔ لائسنس دار یہ دھیان رکھنے کا ذمہ دار ہوگا کہ ایکٹ کی دفعات یا قواعد یا کمیٹی کے ذیلی قوانین کسی جگہ پر ٹالے نہیں جارہے یا ان کی خلاف ورزی نہیں کی جارہی۔ اگر وہ دیکھے گا کہ کہیں ایسا ہو رہا ہے تو اس پر لازم ہوگا کہ مارکیٹ کمیٹی کو اس امر کی رپورٹ کرے۔
- ۳۔ لائسنس دار کو اپنا لائسنس عندالطلب اس مارکیٹ کمیٹی کے حوالے کرنا ہوگا۔ جس نے اسے جاری کیا تھا۔
- ۴۔ لائسنس دار کو اپنا کاروبار دیانت داری کے اصولوں پر چلانا ہوگا۔
- ۵۔ کسی لائسنس دار کو اپنے لائسنس کی تجدید کے لئے اس کے اختتام کی تاریخ سے سات روز قبل درخواست دینی ہوگی۔

فارم "الف" FORM "F"

زرعی پیداواری اجناس کی نیلامی کے لیے درخواست فارم
 بلوچستان زرعی پیداواری منڈیوں کے قواعد (فارم) مجریہ ۱۹۹۵ء
 کا قاعدہ نمبر ۳۳ کے تحت

- ۱۔ مارکیٹ کمیٹی _____
 - ۲۔ زرعی پیداوار کے مالک کا نام _____
 بچہ ولدیت پتہ۔ قومی شناختی
 کارڈ نمبر اور لائسنس کا نمبر
 (اگر وہ کوئی لائسنس رکھتا ہے)
 - ۳۔ زرعی پیداوار کی کیفیت اور کوالٹی _____
 - ۴۔ زرعی پیداوار کی اندازاً مقدار _____
 - ۵۔ تاریخ جس پر زرعی پیداوار کا نیلام ہوگا _____
- میں بذریعہ نیا عرض گزار ہوں کہ میری زرعی پیداوار کو زرعی پیداواری منڈیوں
 کے ایکٹ مجریہ ۱۹۹۱ء اور اس کے قواعد اور مارکیٹ کمیٹی مذکورہ بالا نمبر کے ذیلی
 قوانین کے تحت نیلام کر دیا جائے اور میں اقرار کرتا ہوں کہ میں اس نیلام کا پابند رہوں گا
 سائل درخواست گزار کے دستخط _____

تاریخ۔ _____

کمیٹی کے دفتر کے پُر کرنے کے کالم

- ۱۔ درخواست کا ماہانہ نمبر شمار _____
- ۲۔ جسے نیلام کنندہ مقرر کیا گیا _____
- ۳۔ مارکیٹ کمیٹی کے اس رکن کے دستخط جو تاریخ جس نے نیلام کنندہ مقرر کیا _____

نیلام کنندہ کے پُر کرنے کے کالم

- ۱:- نیلام کی تاریخ _____
- ۲:- نیلام کا وقت از _____ تا _____
- ۳:- خریدار کا نام و ولایت _____
- سکونت: مکمل پتہ۔ قومی شناختی کارڈ نمبر _____
اور لائسنس نمبر (اگر کوئی لائسنس ہے)
- ۴:- قاعدہ جس کے تحت زرعی پیداوار نیلام کی گئی _____
- ۵:- کل قیمت جو خریدار کو ادا کرنی پڑی _____
- تاریخ _____ نیلام کنندہ کے دستخط _____

FORM "G" فارم جی

(برائے نیلام)

بلوچستان زرعی پیداواری منڈیوں کے قواعد (عام) مجریہ ۱۹۹۵ء کے قاعدہ
نمبر ۳۳ (۳) کے تحت

_____ مارکیٹ کا نام

_____ مسمی کی درخواست نمبر برائے نیلام زرعی پیداواری اجناس

_____ کا نیلام جو پلیٹ فارم نمبر _____ پر منعقد ہوا

_____ بولی دہندہ کا نام۔ ولایت سکونت

_____ اور لائسنس کا نمبر (اگر کوئی ہے)

_____ بولی کی رقم

بولی دھندہ (جس کی بولی منظور ہوئی) کے دستخط

جس وقت نیلامی کی بولی شروع ہوئی

قبل دوپہر / بعد دوپہر

جب نیلام ختم ہوا - (وقت) قبل دوپہر / بعد دوپہر

نیلام کنندہ کے دستخط

اگر کوئی دلال ہے تو اس کے دستخط بمعہ لائسنس نمبر

فروخت کار کے دستخط

خریدار کے دستخط

مارکیٹ کمیٹی کے کسی ملازم جو نیلام میں شامل ہوا کے دستخط

فارم ایچ FORM "H"

رسید کی کاؤنٹر فوائل (داخلی پرت)

بلوچستان زرعی پیداواری منڈیوں کے قواعد (عام) مجریہ ۱۹۹۵ء کے قاعدہ نمبر ۳۵ کے تحت

نوٹیفکیشن مارکیٹ ایریا

نمبر تاریخ

خریدار کا نام

فروخت کنندہ کا نام

خریدی گئی زرعی پیداواری نوعیت اور وزن

کل قیمت کا تخمینہ

خریدار کے دستخط

فارم "H" ایچ

FORM "H" ایچ
رسیدگی فائل (خارجی پرت)

بلوچستان زرعی پیداواری منڈیوں کے قواعد (عام) مجریہ ۱۹۹۵ء کے تحت قاعدہ نمبر ۳۵ کے تحت

توثیق مارکیٹ ایریا _____

نمبر _____ تاریخ _____

خریدار کا نام _____

فروخت کنندہ کا نام _____

خریدی گئی زرعی پیداواری نوعیت اور وزن _____

کل قیمت کا تخمینہ _____

خریدار کے دستخط _____

فارم ایچ اے

FORM "H.A"

یومیہ خرید و فروخت کا گوشوارہ برائے ڈیلر (کوٹھی والا)

بلوچستان زرعی پیداواری منڈیوں کے قواعد (عام) مجریہ ۱۹۹۵ء

کے قاعدہ نمبر ۳۸ (ا) کے تحت

تاریخ _____ مارکیٹ _____

نام ڈیلر _____ ٹریڈ مارک _____

لائسنس نمبر _____

کیفیت / نوعیت	فروخت کرده		خرید کرده		زرعی اجناس کا نام	نمبر شمار
	کل وزن	نرخ	کل وزن	نرخ		
۷	۶	۵	۴	۳	۲	۱

دستخط ڈیر

مہر

FORM "I" فارم I برائے مارکیٹ فیس

اداشدہ رقم کی رسید کی خارجی پرت (قوابیل) فوٹو
 بلوچستان زرعی پیداواری منڈیوں کے قواعد (عام) مجریہ ۱۹۹۵ء کے قاعدہ نمبر ۳۶ (۴) کے تحت

نوٹیفائیڈ مارکیٹ ایریا۔

مارکیٹ مکھی

بک نمبر _____ رسید نمبر _____

ادائیگی کی تاریخ _____ اداشدہ رقم _____ ادائیگی کی نوعیت

اس شخص کا نام ولدیت سکونت

اور لائسنس نمبر (اگر کوئی ہے)

جس نے ادائیگی کی

رقم وصول کنندہ کا نام اور عہدہ

پڑتال کنندہ کے مختصر دستخط بمعہ تاریخ

رقم وصول کنندہ کے دستخط

FORM "J" **فلاکس**

زرعی پیداوار کی خرید و فروخت کے اندراج کا رجسٹر

بلوچستان زرعی پیداواری منڈیوں کے قواعد و ضوابط ۱۹۹۵ء کے قاعدہ نمبر ۳۸ (۲) کے تحت

مارکیٹ کمیٹی

سال

۵۶

ملک نمبر مسیضان

آدخ	۱	
نمبر شمار	۲	
۲۸ قلم داخل کرنے والے ڈیپوٹ کا نام و لاڈلر پتہ اور اس کے لائسنس کی تعداد (اگر کوئی ہے) بطور خریدار بطور فروخت کار	۳	
فروخت کردہ زرعی پیداوار کے کوائف	۴	
فروخت کردہ زرعی پیداوار کی مقدار	۵	
جہاں پذیروینیا فروخت کی گئی بوجہ مارک درخواست گزار کی درخواست کا نمبر اور تاریخ	۶	
مارکیٹ فیس جو مارکیٹ کمیٹی نے وصول کی	۷	
فیس وصول شدہ کی رسید کا نمبر اور تاریخ	۸	
فیس کس سے وصول کی گئی	۹	
بقایا فیس جو واجب الوصول ہے	۱۰	
تاریخ جس سے کلیکٹر نے بقایا فیس کی وصولی کیلئے کوئی تحریک کی۔	۱۱	
بقایا فیس کی رقم اور وصولی کی تاریخ	۱۲	
فیس جو ناقابل وصولی قرار دی گئی	۱۳	
کیفیت / نوعیت	۱۴	

فارم "K" کے

بوجھتیاں زرعی پیداواری منڈیوں کے ایکٹ مجریہ ۱۹۹۱ء کی دفعہ (۶) / (۹) کے تحت جاری شدہ لائسنسوں کے اندر کار جو بوجھتیاں زرعی پیداواری منڈیوں کے قواعد (عام) ۱۹۹۵ء کے قاعدہ نمبر ۲۵ (۳) کے تحت جاری کئے گئے نوٹیفائیڈ مارکیٹ ایڈیا

مارکیٹ کمیٹی

سال

تاریخ	روز شمار	لائسنسوں کی منظوری				تعمیراتی کاموں کی تکمیل	لائسنسوں کی تجدیدیں				ایکٹ کی جنی نوٹ کے تحت تجدید کا حکم جاری ہوا	میں		
		لائسنسوں کی تجدیدیں	تعمیراتی کاموں کی تکمیل	لائسنسوں کی منظوری	تعمیراتی کاموں کی تکمیل									
۱	۲	۳	۴	۵	۶	۷	۸	۹	۱۰	۱۱	۱۲	۱۳	۱۴	۱۵
		۱۶	۱۷	۱۸	۱۹	۲۰	۲۱	۲۲	۲۳	۲۴	۲۵	۲۶	۲۷	۲۸

استغاثہ فارم

بعدالت جناب _____ مجسٹریٹ درجہ اول با اختیار دفعہ (۳۰)

مارکیٹ کمیٹی _____ بنام _____

بذریعہ _____ سیکرٹری مارکیٹ کمیٹی

زیر دفعہ ۳۶ (۱) (۲) بلوچستان زرعی پیداواری مارکیٹس ایکٹ مجریہ ۱۹۹۱ء

قائدہ ۵، بلوچستان زرعی پیداواری مارکیٹس ایکٹ کے قواعد عامہ ۱۹۹۵ء

پیداواری مارکیٹ کے قواعد عامہ

جناب عالی

گزارش استغاثہ ہے کہ:-

۱۔ ملزم مذکور مارکیٹ کمیٹی نڈا کی حدود میں بغیر حصول لائسنس زرعی اجناس کی خرید و فروخت کا کام کر رہا ہے۔

۲۔ ملزم مذکور نے مارکیٹ ایریا میں خرید و فروخت شدہ زرعی اجناس کی مارکیٹ فیس تاحال جمع نہیں کروائی ہے

۳۔ ملزم نے لائسنس مقررہ میعاد کے اندر تجدید نہیں کر دیا۔

۴۔ ملزم نے بلا ناغہ فارم ایچ اے متعلقہ خرید و فروخت ارسال نہیں کیا۔

۵۔ ملزم مذکور نے ریکارڈ زرعی اجناس خرید و فروخت پیش نہیں کیا۔

۶۔ ملزم مذکور زرعی اجناس کی خرید و فروخت شدہ میں سے ناجائز چوتنگی نکال رہا ہے۔

۷۔ ملزم مذکور کمیٹی کی مقرر شدہ شرح سے زیادہ اڑھت وصول کر رہا ہے

۸۔ ملزم مذکور منڈی میں ناجائز تجاوزات کا مرتکب ہوا ہے۔

۹۔ ملزم _____

۱۰۔ یہ کہ ملزم بلوچستان زرعی پیداوار _____ ۱۹۹۱ء کی دفعہ _____ بلوچستان زرعی

پیداواری مارکیٹوں کے قواعد عامہ ۱۹۹۵ء کے قاعدہ (۳) اور ذیلی قواعد مارکیٹ کمیٹی نڈا کی دیدہ دانستہ

خلاف ورزی کر رہا ہے اور استغاثہ نڈا چرم — اور قاعدہ ۷۵ کی زد میں آتا ہے۔
 مذکورہ حقائق کے پیش نظر مارکیٹ کمیٹی کی طرف سے سیکرٹری صاحب کو استغاثہ دائر کرتے کے
 اختیارات دیتے گئے ہیں۔ لہذا استغاثہ سے کہ ملزم مذکور کو مناسب سزا دی جائے

چیرمین
 مارکیٹ کمیٹی

۹۲۱۱۵۰۵
نمبر

از سیکرٹری مارکیٹ کمیٹی

موضوع

نوٹس بنام

- ۲ آپ کو نذر لیہ نوٹس ہذا مطلع کیا جاتا ہے کہ۔
- ۱ آپ اندرون حدود مارکیٹ کمیٹی بلالائسنس زرعی پیداوار خرید و فروخت کا کام کر رہے ہیں۔
- ۲ آپ نے اپنا لائسنس نمبر _____ ابھی تک تجدید نہیں کروایا
- ۳ آپ نے زرعی اجناس خرید و فروخت شدہ کی مارکیٹ فیس تا حال جمع نہیں کروائی
- ۴ آپ نے فارم ایچ اے خرید و فروخت ارسال نہیں کیا۔
- ۵ آپ نے ریکارڈ متعلقہ زرعی اجناس خرید و فروخت پیش نہیں کیا۔
- ۶ آپ نے اسپیشل فیس جمع نہیں کروائی۔
- ۷ آپ عرصہ _____ سال سے بلالائسنس مارکیٹ کمیٹی کام کر رہے ہیں۔

اس طرح آپ بلوچستان زرعی پیداواری منڈیوں ایکٹ بحریہ ۱۹۹۱ء کی دفعہ

(۴) اور زرعی پیداواری منڈیوں کے قواعد (عام) ۱۹۹۵ء کے قانونہ (A) ۳۶ (۱) کے تحت نوٹس مارکیٹ

کمیٹی کی خلاف ورزی کے مرتکب ہو چکے ہیں۔ لہذا آپ مورخہ _____ بوقت _____ بمقام دفتر مارکیٹ کمیٹی حاکم ہو کر وجہ بیان کریں۔ کیوں نہ آپ کے خلاف حسب ضابطہ قانونی کارروائی عمل میں لائی جائے بصورت عدم تعمیل آپ کے خلاف قانونی کارروائی عمل میں لائی جائے گی جس کے لئے آپ خود ذمہ دار ہونگے

نقل نوٹس ہذا دفتر میں رکھی گئی ہے۔

مارکیٹ کمیٹی