

THE MADHYA PRADESH PANCHAYAT (REGULATION OF MARKETS AND MELAS WITHIN THE GRAM PANCHAYAT AREA) RULES, 1994

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[Notification No. B-1-1-95-P-2-XXII, dated 9th January, 1995, published in *M.P. Rajpatra, Extraordinary*, dated 10th January, 1995, p. 18 (2) -18 (4)].-In exercise of the powers conferred by Sub-section (1) of Section 95 read with Sub-section (2) of the Section 58 of the Madhya Pradesh Panchayat Raj Adhiniyam, 1993 (No. 1 of 1994), the State Government hereby makes the following rules, the same having been previously published as required by the sub-section (3) of Section 95 of the said Act, namely:—

- 1. Short title.**-These rules may be called the Madhya Pradesh Panchayat (Regulation of Markets and Melas within the Gram Panchayat Area) Rules, 1994.
- 2. Establishment of Markets.**-A Gram Panchayat may establish and maintain market or markets at suitable places within the Gram Panchayat area for the convenience of the people of the area. It may also specify the place for melas.
- 3. Limits of the Markets.**-(1) The limits of the markets, so established and place specified for Melas shall be marked by boundary stones or in such other manner as the Gram Panchayat may think fit.
(2) The limits shall always be at a distance of atleast 10 meters from any road side and shall never be on both sides of the road.
(3) The Gram Panchayat shall be competent to alter the limits of the Markets and Melas.
- 4. Disestablishment of the Market.**-(1) A Gram Panchayat may declare its intention to disestablish a market not less than 45 days prior

to the date fixed for orders by affixing a notice on the notice board of the Gram Panchayat and at conspicuous places in the area under the jurisdiction of the Gram Panchayat. Every declaration shall define the limits of the market intended to be dis-established.

(2) Any person affected by the declaration under sub-rule (1) may submit his objection in writing to the Sarpanch within thirty days from the date of the declaration and the Gram Panchayat shall take his objection into consideration before taking a decision.

(3) After the expiry of the period specified in sub-rule (2) and after considering such objections and suggestions as may be received before such expiry and after hearing such person as may be necessary, the Gram Panchayat may by affixing a notice on the notice board of the Gram Panchayat Office, dis-establish the market.

5. Business to be carried on allotted place. -No person shall carry on business or offer or expose goods for sale in any market except in a shop, room or stall, or on a chabutra, site or place allotted to him for the purpose by the Gram Panchayat.

6. Hours and days of business. -No business shall be carried on in any market or mela area except during such hours and on such days as may be fixed by the Gram Panchayat.

7. The Gram Panchayat shall charge such fee as it deems fit from a person who wishes to carry on business or offer or expose goods for sale in any market or mela area.

8. Permission to persons suffering from infectious diseases. -No person suffering from infectious or contagious diseases shall enter any Market or Mela area except with the written permission previously obtained and in conformity with such conditions as the Gram Panchayat may impose while granting such permission.

9. Vehicle etc. not to stand for longer time. -No vehicle, cart or animal shall be allowed to stand for longer time in the Market or Mela area than reasonably necessary for getting in or out of such vehicle or for loading or unloading such cart or animal.

10. Place for halting carts, animals or vehicles. -No cart or animal or vehicle shall be halted in any Market or Mela areas except at such place as may be allotted by the Gram Panchayat for this purpose.

11. Market and Mela Superintendent. -The Gram Panchayat may nominate the Sarpanch, Up-Sarpanch or any Panch of the Gram Panchayat as Market or Mela Superintendent for a particular market or Mela.

12. Powers of the Market Superintendent. -The Market and Mela Superintendent shall have the following powers:—

- (i) to decide disputes as to the class of traders to which any person belongs for the purpose of determining his liability to pay any fee imposed by the Gram Panchayat;
- (ii) to order any of the following persons to remove themselves from the market—
 - (a) a person who is intoxicated or guilty of riotous or disorderly conduct;
 - (b) a person suffering from any infectious or contagious disease entering the Market or Mela without written permission referred to in rule 8.

- (c) a person who refuses to pay any fee or toll due from him;
- (iii) to allot sites for the erection of shops or stalls subject to the orders of the Gram Panchayat;
- (iv) to ask any trader to remove from the market any article or food or drink unfit for human consumption;
- (v) to maintain order in the Market or Mela area and to keep it in a hygienic condition;
- (vi) to restrict traders to the localities set apart for the sale of their particular commodities;
- (vii) to ask a trader using false or defective weighing instrument weights or measures to remove himself from the Market or Mela.
- (viii) to make complaints and initiate proceedings in respect of any breach of these rules.

(2) The Gram Panchayat may *suo motu* or on an application from an aggrieved party, modify or revise an order or direction of the Market and Mela Superintendent.

13. Power to divide the market into areas.—The Gram Panchayat or the cooperation and Industries standing committee may divide the market into areas and restrict the sale of particular commodities in particular areas. A trader selling a particular commodity shall not, when such a restriction has been made, resort for the purpose of sale to any area not set apart for the sale of the commodity.

14. Penalty.—Any person—

- (a) who, when ordered to remove himself under rule 12 refuses to do so;
- (b) who, when ordered under rule 12 to do so does not remove from the Market or Mela any article or food or drink unfit for human consumption;
- (c) Who refuses to confine his business in certain commodities to areas set apart for sale of such commodities;
- (d) Who refuses to carry out any reasonable order passed by the Market and Mela Superintendent in exercise of his powers to maintain order in the market or Mela area to keep it in a hygienic condition; shall be punishable with a fine which may extend to fifty rupees;

15. Breach of rules 5, 6, 8 and 9.—A breach of Rules 5, 6, 8 and 9 shall be punishable with fine which may extend to fifty rupees and in the case of a continuing breach with fine which may extend to rupees five for every day during which the breach continues after the first conviction.

16. Regulation of public market and public Mela.—These rules shall apply *mutatis mutandis* to the public Market and public Mela declared as such under the proviso to sub-section (1) of section 58 of the Madhya Pradesh Parichayat Raj Adhiniyam, 1993 (No. 1 of 1994) and vested in the Janapad Panchayat.

17. Repeal.—The previous rules on the subject shall stand repealed on the date of final publication of these rules in the "Madhya Pradesh Gazette".