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## **GUJARAT AGRICULTURAL PRODUCE MARKETS RULES, 1965**

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## **GUJARAT AGRICULTURAL PRODUCE MARKETS RULES, 1965**

GUJARAT AGRICULTURAL PRODUCE MARKETS RULES, 1965

**PART 1** Preliminary

**1. Short title :-**

These rules may be called the Gujarat Agricultural Produce Markets Rules, 1965

**2. Definitions :-**

In these rules, unless the context otherwise requires,-

(1) "Act" means the Gujarat Agricultural Produce Markets Act, 1963  
:

(2) "Authorised Officer" (a) In relation to a market committee means such officer as the Director may designate for a district to perform the functions of an authorised officer: and (b) in relation to the Board means the Director. ]

(3) "authorised weights, measures or weighing or measuring instruments" means such weights, measures or weighing or measuring instruments as are permitted to be used under the provisions of the Bombay Weights and Measures (Enforcement) Act,

1958:

(4) "Election Officer" means an Officer authorised by the Director to perform the functions of an Election Officer under these rules and where no officer is so authorised the Director:

[(5) "Electorate" (a) In relation to a market committee means a group of voters Included in the list of voters prepared and maintained for the purposes of clause (1) of sub-section (1) of Section 11 , clause (ii) of that sub-section or, as the case may be, clause (iii) of that sub-section: and (b) In relation to the Board means a group of voters included In the list of voters prepared and maintained for the purpose of clause (ii) and (iii) of sub-section (1) of S.34A of the Specific Relief Act, 1877.]

(6) "Form" means a form appended to these rules:

(7) "Government" means the Government of Gujarat;

(8) "year" (a) in relation to a market committee means a period of twelve months commencing on the first day of October and ending on the thirtieth day of September: and (b) In relation to the Board means a period of twelve months commencing on the first day of April and ending on the thirty first day of March.]

(9) "Section" means a section of the Act:

(10) "Carting agent" means a person engaged in the business of transporting of agricultural produce:

(11) "Hamal" means a person engaged in the business of loading, unloading, clearing or carrying of agricultural produce:

(12) "Clearing agent" means a person engaged in the business of clearing of agricultural produce:

(13) Words and expression used in the Act and not defined in these rules shall have the meaning assigned to them In the Act.

## **PART 2** Publication of Notification

### **3. Other manner of publication of notification :-**

A notification issued under sub-section (1) of S.5 of the Specific Relief Act, 1877 or under sub-section (1) of Section 6 shall also be published by affixing a copy [In Gujarati] thereof at some conspicuous place In the office of each of the local authorities functioning in the area specified in the notification.

## **PART 3** Election of Market Committee

### **4. Fixation of date of election :-**

Wherever a general election to a market committee or a bye election under Section 15 is to be held, the Director shall, by an order In writing, fix a date of such election and publish such order by affixing a copy thereof in the office of the market committee and at a conspicuous place in the principal market yard in the market area.

### **5. Different lists of voters :-**

For the purposes of Section 11 , there shall be in respect of a market committee three separate lists of voters In Gujarati as follows, namely:-

[(1) under clause (i) of sub-section (1) of Section 11 of the Act, a list of members of managing committees of Co-operative Societies (other than Co-operative Marketing Societies) dispensing agricultural credit in the market area:]

(2) under clause (11) of sub-section (1) of Section 11 of the Act a list of traders holding general licenses in the market area:

(3) under clause (iii) of sub-section (1) of Section 11 of the Act. a list of members of managing committees of Co-operative Marketing

Societies situated in the market area [holding general licenses.]

**6. Persons qualified to vote :-**

A person whose name is entered in a list of voters shall be qualified to vote at an election to which the list of voters relates, unless he has ceased to hold the capacity in which his name was entered in such list.

**7. Preparation of list of voters for general election :-**

(1) Whenever a general election to market committee is to be held:-

(i) every Co-operative society dispensing agricultural credit in the market area shall communicate the full names of the members of its managing committee together with the place of residence of each member:

(ii) the market committee shall communicate the full names of the traders holding general licenses in the market area together with the place of or residence of each such trader: and

(iii) every Co-operative Marketing Society shall communicate the full names of the members of its managing committee together with the place of residence of each such member.

Provided that the date to be so fixed shall not be later than sixty days before the date of the general election.

(2) The authorised officer shall within seven days from the date fixed under sub-rule (1) cause to be prepared the lists of voters as required by Rule 5 on the basis of the information received under sub-rule (1) and. If necessary, after making such inquiry as he may deem fit

(3) Every list of voters shall show the full name, place of residence and the serial number of each voter.

## **8. Provisional and final publication of lists of voters :-**

(1) As soon as a list of voters is prepared under rule 5, it shall be published by the authorised officer by affixing a copy thereof at the office of the market committee and at some conspicuous place in the principal market yard In the market area along with a notice stating that any person whose name Is not entered in thelist of voters and who claims that his name should be entered therein or any person who thinks that his name or the name of some other person has been wrongly entered therein or has not been correctly entered, may, within fourteen days from the date of the publication of the notice, apply to the authorised officer for an amendment of the list of voters.

[(1-A) After receiving applications if any, under sub-rule (1) a revised draft list of voters shall be published by the authorised officer by affixing a copy thereof on the notice board of Agricultural Produce Market Committee and at some conspicuous place Inn the principal market yard of the market area, alongwith a notice stating that any person who wishes to raise any objection against any new name entered in this list, may apply within seven days from the date of publication of this notice to the authorised officer for an amendment in the revised draft list of voters.]

(2) If any application Is received under [sub-rule (1-A)], the authorised officer shall decide the same and shall cause to be prepared and published the final list of voters, after making such amendments thre in as may be necessary In pursuance of the decision given by him on the application. The final list shall be prepared at at least thirty days before the date fixed for the nomination of candidates for the election.

## **9. List of Voters for bye-election :-**



The provisions of rules 5, 6, 7 and 8 shall mutatis mutandis apply to the preparation of the relevant lists of voters for the purpose of a bye-election under Section 15

**10. Fixing stages of election :-**

(1) An election shall be held between such hours and on such date and at such places as may be fixed by the Director.

(2) Not less than 40 days before the date fixed for the election under Rule 4, the Director shall publish in Gujarati a notice stating:-

(a) the number of persons to be elected by the respective electorate,

(b) the date on which, the place at which and the hours between which nomination papers shall be presented to the Election Officer, such date not being earlier than 14 days from the date of the publication of the notice.

(c) the date on which, the place at which and the hours between which the nomination papers shall be scrutinized.

(d) the date on which, the place or places at which and the hours between which the votes shall be taken.

(e) the date on which, the place at which and the hours between which the votes shall be counted.

**11. Nominations :-**

(1) Each candidate for election shall, on the date fixed under clause (b) of sub-rule (2) of rule 10 deliver to the Election Officer a nomination paper In Form 1.

(2) Every nomination paper shall be signed as person qualified to vote at the election and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) The same person may sign, as proposer, as many nomination papers as there are vacancies to be filled. Each candidate shall be nominated by a separate nomination paper.

(4) The Election Officer shall, on receiving a nomination paper, enter in the nomination paper its serial number and shall endorse thereon the date on which and the hour at which the nomination paper was delivered to him.

(5) Where the number of nomination papers signed by the same person as proper exceeds the number of vacancies to be filled, those of the nomination papers which have been first received in the order of time up to the number of vacancies shall be deemed to be valid.

(6) Nomination papers received after the date and the time appointed under clause (b) of sub-rule (2) of rule 10 shall be rejected.

## **12. Deposit on nomination :-**

(1) At or before the time of the delivery of a nomination paper, candidate shall deposit with the Election Officer a sum of one hundred rupees. No candidate shall be deemed to be duly nominated unless the deposit referred to in this rule has been made.

(2) If a candidate withdraws his candidature In the manner and within the time specified In rule 17 or If his nomination is rejected under rule 16, the deposit made by him under sub-rule (1) shall be

returned to him. If any candidate dies before the commencement of the poll, the deposit made by him under sub-rule (1) shall be returned to his legal representative.

(3) If a candidate is not elected and the number of votes polled by him does not exceed one-fourth of the total number of votes polled divided by the number of members to be elected the deposit made by him under sub-rule (1) shall be forfeited to the market committee.

(4) For the purposes of sub-rule (3), "the total number of votes polled" shall mean the total number of counted ballot papers.

(5) The deposit made by a candidate shall, if it is not forfeited under sub-rule (3), be returned to the candidate, as soon as may be. after the publication of the result of the election.

### **13. Verification of nominations :-**

On the presentation of a nomination paper, the Election Officer shall verify the names of the propose.

### **14. Publication of list of nominations :-**

As soon as may be after the date fixed for the presentation of nomination papers, the Election Officer shall publish In such manner as he deems fit a list In Form II of all nominations received with a notice that the nomination papers shall be scrutinised on the date appointed under clause (c) of sub-rule (2) of rule 10 at the place and hour specified in the notice.

### **15. Scrutiny of nominations :-**

On the date fixed for the scrutiny of nominations the candidates one propose of each candidates and one other person duly authorised in writing by each candidate may attend at such time and place as the Election Officer may appoint and the Election Officer shall give them all reasonable facilities for examining the nomination papers of all candidates.

## **16. Disposal of objections and rejection of nomination :-**

(1) The Election Officer shall then examine the nomination papers and shall decide all objections which may be made at the time of scrutiny to any nomination and may, either on, such objection or on his own motion after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely:-

(i) that the proposer is a person whose name is not in the relevant list of voters, or

(ii) that the nomination has not been made In accordance with these rules.

(2) The Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper Is rejected, shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the day fixed In this behalf and shall not be adjourned on any ground.

## **17. Withdrawal of candidature :-**

(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered either in person by the candidate himself or by any of his proposer to the Election Officer, within three days of the date succeeding that fixed for the scrutiny of nominations.

(2) On completion of the scrutiny of nominations and after the expiry of the period within which candidature may be withdrawn under sub-rule (1), the Election Officer shall prepare a list in Form III of persons whose nominations are accepted and who have not withdrawn their candidature, and cause it to be affixed in some conspicuous place In his office, and In the office of the market committee, not less then seven days before the date fixed for the

election.

**18. Procedure and election :-**

(1) If the number of candidates who are duly nominated and who have not withdrawn their candidature under sub-rule (1) of rule 17 exceeds that of the vacancies to be filled, a poll shall be taken and election shall be by ballot.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates Is less than the number of vacancies, all such candidates shall be declared to be duly elected, and the remaining vacancy or vacancies shall be filled In accordance with the provision of sub-section (3) of Section 11

**19. Assignment of symbols :-**

In the case of every contested election, the Election Officer shall assign to each candidate a distinguishing symbol.

**20. Form of voting paper :-**

The voting paper shall be printed in Form IV and shall contain the names of the candidates In alphabetical order in Gujarati beginning with surname, together with the distinguishing symbol assigned to each candidate under rule 19: Provided that the names or candidates declared to be duly elected under rule 18 shall not be entered in the voting paper.

**21. Arrangements for the holding of election etc :-**

The Election Officer shall make arrangement such as fixing of polling stations, appointment of returning, presiding and polling officers and such other arrangements as may be necessary for the holding and supervision of the election, for the scrutiny of the ballot papers and for declaration of the results of the election.

## **22. Voting :-**

Every voter shall have as many votes as there are members to be elected on behalf of the electorate but no voter shall give more than one vote to any one candidate.

## **23. Procedure at election when equality of votes exists :-**

If, when a poll has been taken at an election an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be given by the Election Officer to the candidate or, as the case may be, the candidates, selected by lot drawn in the presence of the Election Officer in such manner as the Election Officer may determine.

## **24. Death of candidate before poll :-**

If after the taking of a poll has become necessary and before the poll is taken, a candidate who has been duly nominated dies, the Election Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and the election proceedings shall be commenced anew in all respects as if for a new election.

## **25. Intimation of the name of the representative of a local authority to the Election Officer :-**

The local authority within whose jurisdiction the principal market yard is situated, or the person or administrator appointed to exercise the powers and perform the functions of such local authority as the case may be, shall intimate in writing to the Election Officer the name of the person nominated as its representative under paragraph (iv) of sub-section (1) of Section 11 before the date fixed in this behalf by the Election Officer.

## **26. Filling in casual vacancies in the market Committee :-**

The procedure for holding a bye election under Section 15 for filling any vacancy shall be the same as that for a general election.

## **27. Publication of the names of elected and nominated members of the Market Committee :-**

The names of the elected and nominated members of the market committee shall be published in the Official Gazette by the Director as soon as conveniently may be after their election and nomination.

**28. Determination of validity of election :-**

(1) If the validity of any election of a member of the Market Committee is brought in question by any person qualified either to be elected or to vote at the election to which such question refers such person may, within seven days after the date of the declaration of the result of the election, apply in writing:-

(a) to the Director, if the election has been conducted by a person authorised by the Director, to perform the function of an Election Officer, and

(b) to the State Government if the election has been conducted by the Director as an Election Officer and

(2) On receipt of an application under sub-rule (1), the Director, or the State Government, as the case may be, shall, after giving an opportunity to the applicant to be heard and after making such Inquiry as he or it, as the case may be, deems fit, pass an order confirming or amending the declared result of election or setting the election aside and such order shall be final. If the Director or the State Government as the case may be sets aside the election, a date shall be forthwith fixed, and the necessary steps be taken for holding a fresh election for filling up the vacancy of such member.

**29. Expenditure in connection with or incidental to such election :-**

All expenditure incurred by the Election Officer in connection with or incidental to the election of members of the market committee shall be payable by the market committee as a sum. due to the State Government.

### **30. Destruction of voting papers :-**

On the expiry of three months from the date of publication of the names of elected members of the market committee under Rule 27 all the voting papers may be destroyed in the presence of the chairman, vice chairman or secretary of the market committee.

**PART 4** Market Committee, Its Chairman, Vice Chairman, Secretary, Officers and Servants

### **31. Election of Chairman and vice Chairman of the Market Committee :-**

(1) As soon as may be after the constitution of a new market committee the Director, or any person authorised by him In this behalf shall call a meeting of such market committee to elect its Chairman and Vice-Chairman from amongst Its members of the class specified In paragraphs (1), (ii) and (iii) of sub- section (1) of Section 11 For the purposes of the election of both the Chairman and Vice-Chairman the Director or the person authorised by him shall preside over the meeting but shall not vote.

(2) At such meeting, candidates for the office of Chairman and Vice Chairman shall be separately proposed and seconded. The proposer and seconder shall not be the same person. The names of all the candidates proposed and seconded shall be read out by the president of the meeting.

(3) If there Is only one candidate for each of the Offices of Chairman and Vice-Chairman, such candidate shall be declared to have been elected as Chairman or Vice-Chairman as the case may be.

(4) If there are two or more such candidates for any such office, the votes of the members present at the meeting shall be taken.

(5) Every member wishing to vote shall be supplied with a voting paper on which the names of all the candidates for the office of Chairman, or Vice-Chairman, as the case may be, shall be written



legibly in Gujarati. Every voting paper shall be initialed on the reverse by the president.

(6) A voter shall then place a mark against the name of the candidate for whom he wishes to vote, fold it up and deposit it in a ballot box placed before the president. If a voter is unable to do so, the president may mark the voting paper in the presence of the members according to the voters directions and deposit it in the ballot box.

(7) The president shall then open the ballot box and count the votes in the presence of the members and declare the member who secures the largest number of votes to have been elected as the Chairman, or the Vice-Chairman, as the case may be. If there is an equality of votes among two or more candidates, the president shall draw lots in the presence of the members and the person whose name is first drawn shall be declared to have been elected.

(8) Any voting paper, which contains the signature of the voter or on which the mark is placed against more than one name or the reverse of which does not contain the initial of the president, shall be invalid.

(9) Immediately after the meeting, the president shall cause the notice declaring the names of the persons declared to have been elected as Chairman and Vice-Chairman to be affixed in some conspicuous place in the office of the market committee.

(10) The voting papers shall be sealed by the president and retained in safe custody in the office of the market committee, and the packet containing the voting papers shall not be opened or destroyed except under the orders of the Director.

(11) If during the course of election of a Chairman or Vice-Chairman any dispute arises as to the correctness or otherwise of the decision given or procedure followed by the President it shall be referred to the State Government if the Director was the President

and to the Director if any person authorised by the Director was the President and the decision of the State Government or the Director, as the case may be, in respect of such dispute shall be final.

**32. Functions and powers of the Chairman and Vice Chairman :-**

The Chairman or in his absence the Vice-Chairman, shall subject to these rules and directions if any given by the market committee, control and supervise the work of the market committee. The Chairman or In his absence the Vice-Chairman shall (i) preside over the meetings of market committee and conduct business at such meetings (ii) watch over the financial and executive administration of the market Committee, (iii) exercise supervision and general control over the acts and proceedings of the employees of the market committee in matters of executive administration and in matters concerning the accounts and records of the market committee, and (iv) direct in cases of emergency the execution or stoppage of any work or the doing of any act which requires the sanction of the market committee.

**33. Term of office and casual vacancy in the office of Chairman and Vice-Chairman :-**

(1) Any person elected as Chairman or Vice Chairman shall hold office for [two] years from the date of his election as Chairman or Vice-Chairman, as the case may be:

Provided that on the expiry of the term of office he shall continue to carry on the current duties of the Chairman, or Vice- Chairman, as the case may be till a Chairman or Vice- Chairman, as the case may be. Is elected and takes over charge of his duties:

Provided further that if such person ceases to be a member Of the market committee, he shall cease to hold the office of the Chairman, or Vice-Chairman, as the case may be.

(2) In the event of the expiry of the term of office of the Chairman

or the Vice-Chairman dying, resigning or ceasing to hold the office for any reason before the expiry of his term of office, the Director, or any person authorised by the Director in this behalf shall call a meeting of the market committee to elect another person as Chairman from amongst its members of the class specified in clauses (i),(ii) and (iii) of sub-section (1) of Section 11The Director or the person so authorised shall preside over such meeting but shall not vote. Every Chairman elected under this sub-rule to fill a casual vacancy shall hold office for so long as the Chairman in whose place he is elected would have held It if the vacancy had not occurred.

(3) In the event of the expiry of the term of office of the Chairman or the Vice-Chairman dying, resigning or ceasing to hold the office for any reason before expiry of his term of office the Chairman shall call a meeting of the market committee to elect another person as Vice-Chairman, from amongst Its member of the class specified in cl. (i), (ii) and, (iii) of sub-section (1) of Section 11The Chairman shall preside over such meeting and shall be entitled to vote. Every Vice-Chairman elected under this sub-rule to fill a casual vacancy shall hold office for so long as the Vice-Chairman In whose place he is elected would have held It if the vacancy had not occurred.

(4) Subject to the provisions of sub-rules (2) and (3), the provisions of Rule 31 shall, so far as may be, apply to the election of a Chairman or Vice-Chairman to fill up a temporary vacancy under this rule.

#### **34. Resignation by Chairman, Vice-Chairman or member :-**

The Chairman, or Vice Chairman or any other member of a market committee Intending to resign shall hand over his resignation to the market committee through its Secretary who shall as soon as possible forward the-same to the Director.

#### **35. Meeting of the market committee :-**

(1) Every meeting of the market committee other than the one referred to In sub-rule (1) of Rule 31 or sub-rule (2) of Rule 33

shall be presided over by the Chairman or in his absence by the Vice-Chairman or in the absence of both by a member elected by the meeting to preside for the occasion.

(2) There shall be held every two months one ordinary general meeting of the market committee In each year for the disposal of its general business and such other ordinary general meeting and special general meetings as the chairman may find necessary.

(3) Seven clear days notice of an ordinary general meeting and three clear days notice of a special general meeting specifying the time and place at which such meeting Is to be held and the business to be transacted there shall be served upon the members and posted at the market committee office. The copy of the notice shall also be sent to the Director or any other person authorised by him in this behalf.

(4) A person presiding over the meeting shall be entitled to speak and vote on all questions at the meeting.

(5) All questions which may come up before the committee at any meeting shall be decided by the vote of the majority of the members present at the meeting and In every case of equality of votes the person presiding over a meeting shall have and exercise a second or casting vote:

[Provided that no decision of a market committee or any such question shall be modified or annulled by the market committee within a period of three months from the date of such decision except where a motion therefor Is moved and carried by a majority of not less than two-third of the total number of members of the committee.]

(6) One third of the number of the members of the market committee shall form a quorum for the meeting of the market committee. If there be no quorum, the meeting shall be adjourned to another date and at the adjourned meeting the business of the

original meeting shall be disposed of, whether there is quorum or not.

(7) The Director or any person authorised by him in this behalf shall be entitled to attend any meeting of the market committee but they shall not be entitled to vote.

(8) The Secretary shall attend every meeting of the Market Committee and may express his views or explain any statement of facts. In regard to any subject under discussion but he shall not be entitled to vote upon, or make any proposition at such meeting.

### **36. Minute book to be kept :-**

A minute book shall be kept by every market committee and a record of the proceedings of every meeting shall be entered therein in Gujarati by, or under the supervision of the member presiding over the meeting and shall be signed by him. The minute book shall be permanently preserved. It shall be open for the inspection at all reasonable hours for the members of the market committee, and also the Director or any other person authorised by the Director in this behalf. The proceedings of the market committee shall not be treated as public documents and copies thereof shall not be supplied except when so required by orders of a Court. The Secretary of market committee shall be responsible for writing of a minute book and he shall also sign the same.

### **37. By whom copies of documents or entries In the books of market committee can be certified :-**

For the purposes of Section 36 , copies of documents or entries In any book register or list of the market committee shall be certified by the Secretary of the market committee.

### **38. Copy of proceedings of meetings :-**

A copy of the proceedings of every general meeting of the market committee shall be forwarded to the Director or any person authorised by the Director In this behalf.

### **39. The market committee to provide for certain matters :-**

After paying all sums due to Government, the market committee shall, so far as the funds at Its disposal permit but subject to the provisions of the Act and these rules, expend Its Funds for all or any of the following other purposes, namely:-

(1) for the maintenance and Improvement of any enclosure or building which may constitute the principal market yard or sub-market yard;

(2) for the construction and repair of buildings chabutras and other erections necessary for the purpose of the principal market yard or sub-market yard: and

(3) for the health convenience and safety of the persons using the market.

### **40. Settlement of disputes :-**

(1) For the purpose of settlement of disputes of the nature referred to in clause (iv) of sub-section (2) of Section 59 of the Act and market committee may appoint a dispute committee consisting of-

(i) one representative of agriculturists on the market committee (who shall be its chairman),

(ii) one representative of traders on the market committee.

(iii) one representative of each of the parties who are in dispute,

(iv) the Secretary of the market committee, [x x x]

(2) The disputes shall as far as possible be decided on the spot and on the same day, and the decision shall be binding to the parties.

**41. Appointment of Secretary :-**

(1) Save as otherwise provided In sub-rule (2) the person to be appointed as a Secretary of a market committee shall be a Commerce graduate or Arts graduate with economics or Science graduate with agriculture of a recognised University.

(2) A person not possessing any of the qualifications specified in sub-rule (1) may be appointed as Secretary if:-

(a) such appointment is temporary, or

(b) the annual Income of the market committee is less than fifteen thousand rupees, or

(c) such appointment is by promotion from amongst the officers or servants of the market committee, or

(d) In deserving cases the condition prescribed In sub-rule (i) is relaxed by the Director.

(3) No secretary shall be removed from office, reduced In rank or suspended unless by the assent of at least two thirds of the total number of the members of the market committee and with the previous approval of the Director [x x x]

(4) Any revision in pay or terms of service of a Secretary shall be subject to the previous approval of the Director.

**41A. Salary of Secretary, Officers and Servants of the Market Committee :-**

(1) The Market Committee shall pay to the Secretary, officers and Servants of the Committee salary In scales not higher than the scales specified below for different categories of Market Committee as may be approved by It.

S. No.	Name of the Post	Pay Scale.
1	2	3
(A) Market Committee with annual income for last three completed financial years of above Rs. 16/-lakhs (Category A).		
1.	Secretary	2200-75-2800-EB-100-4000
2.	Assistant Secretary	1640-60-2600-EB-75-2900
3.	Overseer	1400-40.1600-50-2300-EB-60-2600
4.	Accountant or Inspector	1400-40-1600-50-2300-EB-60-2600
5.	Statistician	1350-30-1440-1800-EB-50-2200
6.	Supervisor	1350-30-1440-1800-EB-50-2200
7.	Cashier	1350-30-1440-1800-EB-50-2200
(B) Market Committee with annual income for last three completed financial years of above Rs. 8/-lakhs and upto Rs. 16/-lakhs (Category B)		
1. Secretary		2000-60-2300-EB-75-3200-100-3500
2. Assistant Secretary		1400-40-1600-50-2300-EB-60-2600
3. Accountant or Inspector		1350-30-1440-1800-EB-50-2200
4. Supervisor		1200-30-1560-EB-40-2040
5. Statistician		950-20-1150-EB-25-1590.
(C) Market Committee with annual income for last three completed financial years of above Rs. 11 - lakhs and upto Rs. 8 lakhs (Category C).		
1. Secretary		1640-60-2600-EB-75-2900
2. Assistant Secretary		1200-30-1560-EB-40-2040
3. Accountant or Inspector		1200-30-1560-EB-40-2040
(D) Market Committee with annual income of upto Rs. 2 lakhs per annum or those not covered by Categories "A", "B" and "C".		
1.	Secretary	1400-40-1600-50-2300-EB-60-2600
2.	Assistant Secretary or	1200-30-1560-EB-40-2040
	Inspector or Accountant	
(E) For other cadre.		
1.	Clerk	950-20-1150-EB-25-1500
2.	Naik/Peon/Watchman	750-12-870-EB-14-940
3.	Rest House Man	775-12-955-EB-14-1025.
4.	Auctioner from whom	950-20-1150-EB-25-1500
	work of Clerk is being	
	taken	



5.	Auctioner / Auction	950-20-1150-EB-25-1150
	Clerk/Harrajdar/Re-	
	corder/Kunta Clerk/	
	Canteen Manager/Motor	
	Driver/Clerk-cum- In	
	spector/Accountant	
	Clerk.	
6.	Naik	775-12-955-EB-14-1025
7	Sweeper / Gardener /	750-12-870-EB-14-940
	Door-Keeper/	
	Watchman / Waterman	

Provided that-

(i) in approving the scales to be paid to the employees of the Market Committee, the Market committee shall take into consideration its capacity to pay and the need for resources for meeting its obligations and objectives under the Act and total expenditure on salaries and all allowances including retirement benefits. If any (including wages of dally rated or casual employees) shall not normally exceed 40% of the income for the year;

(ii) where the total annual expenditure on salaries and all allowances including retirement benefit, if any (including wages of daily rates or casual employees) is estimated to exceed 40% of the

estimated income for the year 1988-89, the prior approval of the Director shall be required for financing the pay scales within the maximum indicated above.

(iii) where the category of a Market Committee on the basis of last three years income is to be changed upwards. such Market Committee shall pay salary In scales not exceeding the scales applicable for that category with effect from the first day of the first of such three years.

(2) The Market Committee may pay such dearness allowance and other allowances to the Secretary, officers and servants of the Committee as it may decide subject to the maximum payable by the State Government to Its employees stationed at the same place and drawing equivalent pay and subject to the second proviso under sub-rule (1).

(3) The pay of the Secretary, officers and servants shall be fixed in the revised pay scales In accordance with the formula decided by the Director.

(4) The revised pay scales adopted by the Market Committee in accordance with sub-rule (1) may be applicable from 1st January, 1986 or such later date as the Committee may decide having regard to Its resources and ability to pay subject to the second proviso under sub-rule (1):

(5) Where before 1st January, 1988 the Market Committee has already accepted and Implemented revised pay scales which are higher than the maximum pay scales specified for the concerned category of Market Committee, or where the requirement of the a second proviso to sub rule (1) Is not fulfilled, the committee shall adopt such pay scales which are higher than the scales specified above, subject to the second proviso under sub-rule (1). If the employees have been given higher pay scales before 1st January, 1988 the difference between the pay already being drawn and the pay admissible under the revised pay scales shall be treated as personal pay to be absorbed in future increments. Where the

Market committee has accepted or Implemented after 1st January, 1988, the revised pay scales which are not in accordance with the provisions of this rule, the Market Committee shall proceed to revise the pay scales in accordance with these rules and the excess payment made to the employees shall be recovered In suitable installments.

(6) Where owing to change of classification a Market Committee Is classified In a lower category than Its category before the coming into force of these Rules, and the category of post It had in the older higher category Is not approved for the new lower category, the revised pay scales applicable for the posts which continue to exist on the establishment will be as follows;-

<b>Earlier Category</b>	<b>A or B</b>	<b>Existing Pay (Scale)</b>	<b>Revised pay (Scale.)</b>
Overseer	Cat. A	425-700	1400-2600
Supervisor	Cat. A	330-660	1200-2040
Supervisor	Cat. B	260-460	1200-2040
Cashier	Cat. A	330-660	1200-2040
Statistician	Cat. A	330-660	1200-2040
Statistician	Cat. B	260-460	950-1500

## **PART 5 Budget and Accounts**

### **42. Sanction of budget :-**

(1) The market committee shall have prepared each year on or before the seventh day of August the annual budget of Its Income and expenditure for the next succeeding year.

(2) The market committee shall before the end of the fifteenth day of September, sanction the budget so prepared for the next succeeding year.

### **43. Works to be Included In the budget :-**

No works for which plans and estimates have not been previously prepared and sanctioned may be Included in the budget.

### **44. Evidence of sanction :-**

Plans and estimates for works estimated to cost less than Rs. 2,000 shall be signed by the chairman and the Secretary of the market committee. In case of works estimated to cost more than Rs. 2,000 the professional approval of an engineer approved by the Director shall be obtained and evidenced by his counter signature.

### **45. Investment of surplus funds :-**

The market Committee shall invest its surplus funds-

- (a) In the Government Savings Bank, or
- (b) In any of the securities specified in Section 20 of the Trusts Act, 1882 , or
- (c) with any bank or person carrying on the business of banking approved for this purpose by the Director.

### **45A. 45A :-**

Every market committee in the State shall pay to the Board 1 /2 per cent of Its gross Income of the previous year ending as on 30th September year, as the contribution to the Development Fund before 31st December every year.

### **46. Annual Report :-**

At the end of each year, the market Committee shall prepare an annual report and submit the same before 31st December, to the Director.

### **47. Accounts, audit and Inspection :-**

(1) The account and records of a market committee shall be kept in such manner as the Director or any other officer authorised In this behalf by the Director may, subject to any general or special order of the Director, direct.

(2) The accounts of a market committee shall be audited locally by the auditors of the State Co-operative Department.

(3) At the time of audit the Secretary of the market committee shall cause to be produced all accounts, registers and other relevant papers which may be called for by the audit officer for the purposes of the audit. Any explanation called for by audit officer for the settlement of any discrepancy shall also be immediately furnished to him.

## **PART 6 Fees Levy and Collection**

### **48. Market fees :-**

(1) The market committee shall levy and collect fees on agricultural produce bought or sold In the market area at such areas as may be specified in the bye-laws subject to the following minima and maxima, viz.

(1) rates when levied advalorem shall not be less than [30] paise and shall not exceed [Rs. 2] per hundred rupees.

(2) rates when levied in respect of cattle, sheep or goat shall not be less than [25] paise per animal and shall not exceed Rs. [4] per animal.

Explanation.-For the purposes of this rule a sale of agricultural produce shall be deemed to have taken place In a market area If It has been weighed or measured or surveyed or delivered in case of cattle In the market area for the purpose of sale; notwithstanding the fact that the property In the agricultural produce has by reason

of such sale passed to a person in a place outside the market area.

(2) No fees shall be levied on agricultural produce brought from outside the market area into the market area for use therein by the industrial concerns situated in the market area or for export and in respect of which declaration has been made and a certificate has been obtained in Form V:

Provided that if such agricultural produce brought into the market area for export is not exported or removed therefrom before the expiry of twenty days from the date on which it was so brought, the market committee shall levy and collect fees on such agricultural produce from the person bringing the produce into the market area at such rates as may be specified in the bye-laws subject to the maxima and minima specified in sub-rule (1):

#### **49. Recovery of fees :-**

(1) The fees on agricultural produce shall be payable as soon as it is brought into the principal market yard or sub-market yard or market proper or market area [from the purchaser] as may be specified in the bye-laws:

Provided that the fees so paid shall be refunded-

(i) on production of sufficient proof that such produce was not sold within the limits of the market area; or

(ii) if such produce is brought from outside the market area into the market area for use therein by the industrial concerns situated in the market area or for export and in respect of which a declaration has been made and certificate has been obtained in Form V subject to the proviso to sub-rule (2) of Rule 48.

(2) The licence fees payable under Rule 56 or Rule 57 shall be paid alongwith the application for licence but in case the market committee refuses the grant of renewal of a licence the fees recovered shall be refunded to the applicant.

#### **50. Receipt :-**

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(1) The market committee shall maintain a register showing the fees collected by it. A receipt duly signed by the person authorised by the market committee shall be granted to every person in respect of fees collected from him under these rules or the bye-laws.

(2) Every person authorised by the market committee to collect fees shall pass receipt to the payees, keeping counterfoils of the receipt so granted and shall render account of all receipt at least once a day to the person duly authorised in this behalf by the market committee.

#### **51. Servants to wear badges :-**

A servant of the Market committee authorised to collect fees shall wear a suitable badge provided by the market Committee.

#### **52. Penalty for evasion of payment of Market fees :-**

Any person buying or selling agricultural produce in the market area; who removes or attempts to remove the agricultural produce so brought or sold, from the principal market yard, sub market yard, market proper or other part of the market area as the case may be, where such produce has been bought or sold, before the required fee has been paid shall on conviction be punishable with fine which may extend to Rs. 500.

#### **53. Provision in regard to non payment of fee :-**

(1) In the case of non-payment of fee on agricultural produce brought into a market area on demand by the person authorised to demand payment of such fee, such person may seize the agricultural produce on which the fee is payable and which in his opinion of sufficient value to satisfy the demand together with the expenses incidental to the seizure and eventual sale of such agricultural produce, and may detain the same. He shall forthwith report the seizure to the chairman, if he is not the chairman himself. He shall also thereupon give within twenty four hours of the seizure the person in possession of the produce seized, a list of the produce so seized.

(2) When any produce seized under sub-rule (i) is subject to speedy decay the person seizing it may inform the person in whose possession it was, that It will be sold at once, and shall sell it or cause it to be sold accordingly unless the amount of fee demanded and the expenses incidental to the seizure are forthwith paid.

(3) If at any time before a sale has begun, the person from whose possession the produce has been seized, or any other person interested in such produce tenders at the market committee office the amount of all expenses incurred and of the fee payable, the produce seized shall be forthwith delivered to him.

(4) If no such tender Is made, the produce seized may be sold, and the proceeds of such sale shall be applied ill payment of fee and the expenses incidental to the seized, detention and sale.

(5) The surplus, if any, of the sale proceeds shall be credited to the market committee fund and may on application made to the secretary In writing within six months next after the sale, be paid to the person in whose possession the produce was when seized, and if no such application is made, shall become the property of the market committee.

(6) The expenses Incidental to the seizure of any produce under this rule shall be determined in such manner as the Secretary may specify in this behalf.



#### **54. Place of sales of Agricultural Produce in the market :-**

(1) All agricultural produce arriving into the market shall be brought into the principal market yard or sub market yard in the first instance and shall not be bought or sold at any place outside such yards:

Provided that ginned cotton, husked paddy, and tobacco, groundnut seeds, split pulses may be sold anywhere in the market area in accordance with the provisions of bye-laws.

(2) Details of all Agricultural produce resold in whole sale in the market area shall be reported, to the market committee.

(3) Any person who contravenes the provisions of this rule shall, on conviction be punishable with fine which may extend to Rs. 500.

#### **55. Publication of prices :-**

The market committee shall, so far as practicable, place at the disposal of those using the market, information on such matters as the prices of the commercial crops ruling at the principal marketing centres of the tract and at the ports serving the same and the stocks held by in illis. The information shall be published in such a manner as will be readily available to all persons using the market.

#### **56. Licensed traders and general commission agents :-**

(1) Any person desiring to obtain a licence to do business as a trader or a general commission agent in agricultural produce in any market area or part thereof shall make a written application in such form as the market committee may determine to the market committee and shall pay such fees as may be determined by the

market committee subject to a maximum of Rs. 200:

Provided that a person residing outside the market area and desiring to operate in a market area or any part thereof only for a specific transaction or transactions which may not exceed four in a year may be granted a special licence on payment of such fee as may be determined by the market committee subject to a maximum of Rs. 20.

(2) On receipt of such application together with the proper amount of the fee, the market committee may, after making such inquiries, as may be considered necessary and on the applicant agreeing to abide by the provisions of the Act; rules and bye-laws and such other conditions as may be laid down by the market committee for holding such licence grant to him the licence applied for.

(3) Notwithstanding anything contained in sub-rule (2) the market committee may refuse to grant or renew a licence to any person who in its opinion is not solvent or whose operations in the market area are not likely to further efficient working of the market or are likely to impede the smooth working of the market under the control of the market committee.

(4) The licence shall be granted for a period of one year after which it may be renewed on a written application in such form as may be determined by the market committee, and after such inquiries as are referred to in sub-rule (2) as may be considered necessary and on payment of full fees as payable for fresh licence:

Provided that all licence shall remain in force from the date of issue till 30th September following unless suspended or cancelled earlier.

(5) The names of all such licensed traders and general commission agents shall be entered in a register to be maintained for the purpose.

(6) No person shall be entitled to do business other than that for

(c) No person shall be entitled to do business other than that for which he holds a licence.

**57. Business in market area prohibited except under licence :-**

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(1) Any person desiring to hold licence as a broker, weighman, measurer, warehouseman, hamal, carting agent, clearing agent, or surveyor or desiring to operate in any other matter in any market area or part thereof shall make a written application in such form as the market committee may determine for licence to the market committee and shall pay such fees as may be determined by the market committee subject to the following maxima namely:-

Rs.
Maximum Fee for Licence as a Broker ... 50.00
Maximum Fee for Licence as a Weighman ... 10.00
Maximum Fee for Licence as a Measurer 10.00
Maximum Fee for Licence as a Hamal .. 5.00
Maximum Fee for Licence as a Surveyor .. 10.00
Maximum Fee for Licence as a Warehouseman .. 10.00
Maximum Fee for Licence as a Carting Agent 100.00
Maximum Fee for Licence as a Clearing Agent 20.00

(2) No person who is in the service of another person shall be eligible to hold a licence as a broker, weigh man, measurer, hamal, surveyor, warehouseman, carting agent or clearing agent. If any licenced broker, weighman, measurer, hamal, surveyor, warehouseman, carting agent or clearing agent enters service or does business other than that for which he holds a licence or licences, his licence or licences shall be deemed to have been cancelled.

(3) Subject to the provisions of sub-rule (2), the provisions of sub-rule (2) to (6) of rule 56 shall mutatis mutandis apply to the grant and grantees of licences under this rule.

**58. Keeping of books by trader, general commission agent, broker, weighman, measurer and surveyor :-**

(1) Every trader, general commission agent, broker, weighman, measurer and surveyor licensed under these rules shall keep such books in such form and render such periodical returns and at such time and in such form as the market committee may from time to time direct and shall collect fees and render such assistance in the prevention of the evasion of fees due under the Act, these rules and bye-laws and in the prevention of the breach of the rules and bye-laws as may be required by the market committee.

(2) Any person who contravenes the provisions of sub-rule (1) shall be deemed to have violated the conditions of his licence and shall, on conviction, be punishable with fine which may extend to Rs. 200.

**59. Inspection of accounts of traders, general commission agents and brokers :-**

(1) All traders, general commission agents and brokers, may be required to submit for examination in the office of the market committee, and to allow the inspection of their account books, ledger etc. on demand by the chairman, vice-chairman or Secretary of the market committee or any other officer or servant of the market committee when so authorised by the chairman or secretary.

(2) Such inspection shall be limited to obtaining information relevant to the matter under investigation and the information so obtained shall be used only for the legitimate purposes of the market committee.

(3) Any licensee who commits a breach of provisions of sub-rule (1)

shall be deemed to have violated the conditions of the licence.

**60. Equipment for weighman, measurer and surveyor :-**

Every weighman, measurer and surveyor shall possess such equipment as may be laid down In the bye-laws.

**61. Licensed weighman, measurer or hamal to wear a badge :-**

(1) Every licensed weighman, hamal or measurer when plying his trade shall wear a distinguishing badge of a suitable pattern provided by the market committee. A deposit of not less than one and not more than five rupees to cover the cost of the badge shall be paid to the market committee by every licensed weighman, measurer or hamal.

(2) Any weighman, hamal or measurer plying his trade without wearing the authorised badge shall, on conviction, be punishable with fine which may extend to Rs. 200.

**62. The licensed trader or general commission agent provide equipment for weighing and measuring :-**

(1) The licensed trader or general commission agent shall provide or arrange to provide all such necessary authorised weights and measures and authorised weighing and measuring instruments at the time of taking delivery of agricultural produce sold In the market area or part thereof as may be specified In the bye-laws.

(2) No licensed trader or general commission agent shall use weights and measures or weighing and measuring Instruments other than authorised weights and measures or weighing and measuring instruments.

(3) Any licensed trader or general commission agent who commits a breach of the provisions of this rule shall be deemed to have violated the condition of his licence.

**63. Weights and measures to be used in the market area :-**

-No weight, measure or weighing or measuring instrument other than an authorised weight, measure or weighing or measuring instrument shall be used in any market area or part thereof.

**64. Units or price quotations to be used in the market area :-**

The unit of price quotations In every market area or part thereof shall be in terms of authorised weights and measures and shall be such as are approved by the market committee.

**65. Inspection of scales, weights and measures :-**

The chairman, vice-chairman or secretary of the market committee or any member, officer or servant of the market committee authorised by the market committee In this behalf, shall be entitled, at any time and without notice, to inspect, examine and compare any weight or measure, and weighing or measuring instruments, used, kept or possessed within the limits of the market area, market proper, principal market yard or sub-yard.

**66. A set of Standard weights and measures, weighing and measuring Instruments to be kept by the market committee :-**

The market committee shall keep at least one set of such weights and measures and weighing and measuring instruments as are standard weights, measures and weighing and measuring Instruments respectively under the Bombay Weights and Measures (Enforcement) Act, 1958, and as are In use In the market area. Such standard weights, measures and weighing and measuring instruments shall be available to the public for Inspection and checking at all reasonable hours.

**67. Manner and place of weightment or measurement :-**

Weighment and measurement of the agricultural produce brought and sold In the principal market yard or sub-yard shall not be done at any place outside such yard and shall be done In such yards at such place or places and in such manner as may be determined by the market committee in this behalf.

**68. Inspection of weights and measures and measuring instruments :-**

(1) All weights and measures and weighing and measuring instruments which are in use In the market area shall be verified and stamped by the Inspector appointed under S.15 of the Bombay Weights and Measures Act, 1958 (Enforcement), (hereinafter referred to as the "Inspector of Weights and Measures") within whose jurisdiction the market area is situated In accordance with the provisions of the said Act and the rules made thereunder.

(2) Every licensed trader, general commission agent, weighment or measurer shall, on a requisition in writing being made to him by the Chairman, vice-Chairman or secretary of the market committee or any members, officers or servant authorised by the market committee in this behalf, immediately produce for examination all and every scales and weight and measure used, kept or possessed by him. or by any person or persons under his authority or control and shall allow the Chairman, vice-Chairman or secretary of the market committee or any member, officer, or servant authorised by the market committee in this behalf to inspect, examine and compare the same.

(3) On a requisition by the Chairman, vice-Chairman or secretary of the market committee, the Inspector of Weights and Measures, in whose jurisdiction the market area is situated shall carry out the inspection and testing of weights, measures and weighing or measuring Instruments In use in the market area and shall take such action as is consistent with the provisions of the Bombay Weights and Measures (Enforcement) Act, 1958 , and the rules made thereunder.

## **69. Report regarding unauthorised weights and measures and weighing and measuring instruments :-**

.-If in the absence of an Inspector of Weights and Measures, any weight or measure or weighing or measuring instrument is, on examination, reasonably suspected to be unauthorised, a report shall forthwith be made by the Chairman, vice-Chairman or secretary of the market committee in writing to the Inspector of Weights and Measures, who shall thereupon proceed in accordance with the provisions of the Bombay Weights and Measures (Enforcement) Act. 1958 and the rules made thereunder.

## **70. Penalty for disobedience of order to produce weights or measures and weighing or measuring instruments for examination :-**

Whoever being bound under the provisions of Rule 68 to produce any weights or measures and weighing or measuring instruments for examination or allow the examination. Inspection or comparison of any weight or measure or weighing Instruments or does not allow the examination, inspection or comparison of any weight or measure or weighing or measuring instrument shall, on conviction be punishable with fine which may extend to Rs. 500.

## **71. Storing of agricultural produce :-**

All agricultural produce brought into the market shall be stored at such places as may be specified in the bye-laws. Pending such arrangements, the agricultural produce brought into the market when unsold may be stored in the compounds, godown and warehouses owned or hired by the licensed general commission agent or broker for that purpose. The goods so stored shall be weighed in the presence of the Seller or his representative at the time of delivery for storing and an acknowledgment indicating the kind and weight of goods shall be given by the licensed general commission agent or broker to the seller. Such storing of agricultural produce shall be subject to the payment of such storage fee and such other conditions as may be specified in the bye-laws.

## **72. Regulation of advances to agriculturists :-**

A licensed general commission agent or broker may give advances



either In cash or in kind to agriculturists but such advance shall be made subject to the following conditions, namely:-

(i) If any agreement is entered into between the lender and the borrower, the lender shall supply a copy of the agreement to the borrower:

(ii) When the advances are given from time to time an account book of the advance given and repayments made shall be kept in the manner laid down in the bye-laws. The lender shall give a copy of such account book to the borrower and enter and attest with his signature every individual transaction of lending and recovery In the copy of the account book so given.

### **73. Steps to prevent adulteration of agricultural produce :-**

To prevent the adulteration of agricultural produce in the market area the market committee shall take steps to prevent the mixing of last pickings of cotton of inferior variety of cotton with superior variety of cotton, bold linseed with small linseed, ghee with vegetable ghee and of earth dirt and stones or any other extraneous matter with any agricultural produce.

### **74. The grading and standardisation of the agricultural produce :-**

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(1) The market committee shall maintain for the use of sellers and buyer a set of samples of standard grades of agricultural produce sold at the market and shall renew the same as may be necessary from time to time. The market committee shall also arrange to keep and exhibit samples of different grades of agricultural produce with Indications of parity prices based on rates ruling in terminal and key markets like Bombay for the information of sellers and buyers.

(2) The market Committee :-

(i) may carry out the work of grading of agricultural produce: or

(ii) may carry out or supervise the ginning of pure varieties of cotton brought into the market.

**75. Keeping of price list :-**

The market committee shall remain daily lists of prices of different types and grades of agricultural produce In respect of which the market is established.

**76. Authority empowered to call meeting of market committee :-**

On requisition from at least half of the number of members of the market committee or of his own motion the Director may, if he is satisfied about the urgency of the matter, call a special meeting of the market committee to consider matters of immediate importance for the working of the market.

**77. Procedure for recovery of sums due to market committee :-**

(1) When any sum on account of any fees. charge, cost or expenses under the Act or under these rules or bye-laws has become due a market committee shall with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the amount due from him, specifying the date on or before which the amount shall be paid.

(2) If any person fails to pay any sum on account of fees, charge, cost or expenses under the Act or under these rules or bye-laws due from him to a market committee on or before the specified date of payment the market committee shall cause a writ of demand in the Form VI to be served on the defaulter.

(3) The presentation of every bill under sub-rule (1) and service of every writ of demand under sub-rule (2) shall be effected by Secretary of the market committee in this behalf.

(a) by giving or tendering personally the bill or writ to the person to whom it is addressed: or

(b) by sending the same to him by registered post or

(c) if such person is not found, by leaving the bill or writ at his last known place of abode or business or by giving or tendering the bill or writ to some adult member of his family.

(4) If the sum for which a writ of demand has been served is not paid within "15" days from the date of such service, the Market Committee may apply to the Collector to recover the same as an arrear of land revenue.

(5) On receipt of such application the Collector shall holding such enquiry as he thinks fit, proceed to recover the sum as an arrear of land revenue.

(6) Nothing in this rule shall affect the power of a market committee to recover fees under the provision of rule 53.

### **78. Period of appeal under Section 31 (3) :-**

An appeal under sub- section (3) of Section 31 shall lie within a period of thirty days from the date of the decision under sub-section (1) or (2), as the case may be of that section.

### **PART 7 Election of the members of the Board**

#### **79. Fixation of date of Election :-**

Whenever a general election of the members of the Board is to be held under clause (ii) and (iii) of sub-section (1) of Section 34A , or a bye-election under section 34F, the Director shall, by an order in writing in Gujarati fix a date of such election and publish such order by affixing a copy thereof In the office of the Board and In a news

paper widely circulated in Gujarat.

**80. Communication of names for preparations of lists of votes :-**

Before a general election of the Board is to be held, every market committee shall communicate names of representatives from amongst its members of whom one shall be agriculturist as provided In clause (ii) of sub-section (1) of Section 34A and other shall be trader as provided in clause (iii) of sub-section (1) of Section 34A duly supported by resolutions passed by the market committee, in Forms VII and VII-A to the authorised officer before such date as may be fixed by him by an order in that behalf.

Provided that the date so fixed shall not be later than sixty days before the date of general election.

**81. Preparation of different lists of voters for election :-**

For the purpose of clause (ii) and (iii) of sub-section (1) of Section 34A , there shall be two separate lists of voters in Gujarati as follows, namely:-

(1) a list of representatives elected by the market committees under clause (ii) of sub-section (1) of Section 34A from amongst members who are agriculturists as provided in clause (1) of sub-section (1) of Section 11 ;

(2) a list of representatives elected by market committee under clause (iii) of sub-section (1) of Section 34A , from amongst members who are traders as provided in clause (ii) of sub-section (1) of Section 11 :

(3) the authorised officer shall prepare the list of voters within seven days from the date fixed for receiving the names of members under rule 80, if necessary, after making such inquiry as he may deem fit;

(4) every list of voters so prepared shall Indicate the full name,

age, place of residence, name of market committee and the serial number of each voter.

**82. Provisional and final publication of list of voters :-**

(1)

(a) As soon as a list of voters is prepared under rule 81, it shall be published by the Authorised Officer by affixing a copy thereof at the office of the Board and at the office of the Deputy Director, Agricultural Marketing and Rural Finance of the concerned district alongwith a notice stating that any market committee whose representatives name is not entered in the list of voters and claims that its representatives name should be entered therein or any person who thinks that his name or the name of some other person has been wrongly entered therein or has not been correctly entered, may within fourteen days from the date of the publication of the notice, apply to the Authorised Officer for an amendment of the list of voters.

(b) After objections and suggestions are received, under clause (a), a revised draft list of voters shall soon be published by the authorised officer by affixing a copy thereof at the office of the Board and at the office of the Deputy Director, Agricultural Marketing and Rural Finance of the concerned district alongwith a notice stating that any market committee or any person who wishes to take any objection against new name/names entered in the list may within fourteen days from the date of publication of this notice apply to the authorised officer for an amendment in the revised draft list of voters.

(2) If any application is received under sub-rule (1), the authorised officer shall decide the same and shall cause to be prepared and publish a final list of voters, after making such amendments therein as may be necessary in pursuance of the decision given by him on the application. The final list shall be prepared at least thirty days before the date fixed for the nomination of candidates for the

election.

(3) Copies of the final list of voters prepared under this rule shall be kept open for public inspection at the office of the Board and at the office of the Deputy Director, Agricultural Marketing and Rural Finance of the concerned district.

**83. Persons qualified to vote :-**

A person whose name is entered in the list of voters specified in rule 82 shall be qualified to vote at an election of the members of the Board unless he has ceased to hold the capacity in which his name was entered In the relevant list.

**84. List of voters for bye-election :-**

The provisions of rule 79, Rule 80, Rule 81, Rule 82 and Rule 83 shall mutatis mutandis apply to the preparation of the relevant lists of voters for the purpose of a bye-election under Section 34F .

**85. Fixing stages of election :-**

(1) An election shall be held between such hours and on such dates and at such place or places as may be fixed by the Authorised Officer.

(2) Not less than forty days before the date fixed for the election under rule 79, the Authorised Officer shall publish in Gujarati a notice stating:-

(a) the number of persons to be elected by the respective electorate,

(b) the date, time and place for presenting the nomination papers to the Election Officer. The date so determined shall not be earlier than fourteen days from the date of the publication of the notice,

(c) the date, time and place for scrutinizing the nomination papers.

(d) the date, time and place for voting,

(e) the date, time and place for counting the votes.

## **86. Nominations :-**

(1) Each candidate for election shall, on the date fixed under clause (b) of sub-rule (2) of rule 85 deliver to the election officer a nomination paper in Form 1.

(2) Every nomination paper shall be signed by a proposer who shall be a person qualified to vote at the election. The candidate shall sign a declaration expressing his willingness to contest the election.

(3) The same person may sign as proposer as many nomination papers as there are vacancies to be filled. Each candidate shall be nominated by a separate nomination paper.

(4) The election officer shall, after receiving a nomination paper, enter in it the serial number and shall endorse thereon the date and time the nomination paper was delivered to him.

(5) Where the number of nomination papers signed by the same person as proposer exceeds the number of vacancies to be filled, the nomination papers which have been first received in the order of time up to the number of vacancies shall be deemed to be valid.

(6) Nomination papers received after the date and the time appointed under clause (b) of sub-rule (2) of rule 85 shall be rejected.

### **87. Deposit on nomination :-**

(1) At or before the time of the delivery of a nomination paper, each candidates shall deposit with the Election Officer a sum of five hundred rupees. No candidate shall be deemed to be duly nominated unless the deposit has been made as aforesaid.

(2) If candidate withdraw his candidature in the manner and within the time specified in rule 92 or his nomination is rejected under rule 91, the deposit made by him under sub-rule (1) shall be returned to him. If any candidate dies before the commencement of the .poll. the deposit made by him under sub-rule (1) shall be returned to his legal representative.

(3) If a candidate Is not elected and the number of votes polled by him does not exceed one fourth of the total number of votes polled divided by the number of members to be elected the deposit made by him under sub-rule (1) shall be forfeited to the Board.

Explanation.-For the purposes of this sub-rule "the total number of votes polled" shall mean the total number of counted ballot papers.

(4) The deposit made by a candidate shall. If it is not forfeited under sub-rule (3), be returned to the candidate, as soon as may be, after the publication of the result of the election.

### **88. Verification of nominations :-**

On the presentation of a nomination paper, the Election Officer shall verily the name of the proposer.

### **89. Publication of list of nominations :-**

As soon as may be after the date fixed for the presentation of nomination papers, the Election Officer shall publish in such manner as he deems fit a list in Form II of all nominations received with a



notice that the nomination papers shall be scrutinized on the date appointed under clause (c) of sub-rule (2) of rule 85 at the place and time specified In the notice.

**90. Scrutiny of nominations :-**

On the date fixed for the scrutiny of nominations of the candidates, one proposer of each candidate and one other person duly authorised in writing by each candidate may attend at such time and place which the Election Officer may appoint, and the Election Officer shall give them all reasonable facilities for examining the nomination papers of all candidates.

**91. Disposal of objections and rejection of nomination :-**

(1) The Election Officer shall then examine the nomination papers and shall decide all objections which may be made at the time of scrutiny to any nomination and may, either on such objection or on his own motion after such summary enquiry if any, as he thinks necessary reject any nomination on any of the following grounds, namely:-

(i) that the proposer is a person whose name is not In the relevant list of voters, or

(ii) that the nomination has not been made in accordance with these rules.

(2) The Election Officer shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the day fixed In this behalf and shall not be adjourned on any ground.

**92. Withdrawal of candidature :-**

(1) Any candidate may withdraw his candidature by notice in

writing subscribed by him and delivered either in person by the candidate himself or by any of his proposer to the Election Officer, within three days of the date succeeding that fixed for the scrutiny of nominations.

(2) On completion of the scrutiny of nominations and after the expiry of the period within which candidature may be withdrawn under sub-rule (1), the Election Officer shall prepare a list In Form III of persons, whose nominations are accepted and who have not withdrawn their candidature, and cause It to be affixed at the office of the Board and at the office of the Deputy Director Agricultural Marketing and Rural Finance of the concerned district, not less than seven days before the date fixed for the election.

### **93. Procedure and Election :-**

(1) If the number of candidates who are duly nominated and who have not withdrawn their candidature under sub-rule (1) of rule 92 exceeds that of the vacancies to be filled a poll shall be taken and the election shall be by ballot.

(2) If the number of such candidates is equal to or less than the number of vacancies, all such candidates shall be declared to be duly elected.

### **94. Assignment of symbols :-**

In the case of every contested election the Election Officer shall assign to each candidate a distinguishing symbol.

### **95. Form of voting paper :-**

The voting paper shall be printed In Form IV and shall contain the names of the candidates in alphabetical order in Gujarati beginning with surname, together with the distinguishing symbol assigned to each candidate under rule 94:

Provided that the names of candidates declared to be duly elected under rule 93 shall not be entered in the voting paper.

**96. Arrangement for the holding of election etc :-**

The Election Officer shall make arrangements such as fixing of polling stations, appointments of returning, presiding and polling officers and such other arrangements as maybe necessary for the holding and supervision of the election for the scrutiny of the ballot papers and for declaration of the result of the election.

**97. Voting :-**

Every voter shall have as many votes as there are members to be elected on behalf of the electorate but no voter shall give more than one vote to any one candidate.

**98. Procedure at election when equality of votes exists :-**

If, when a poll has been taken at an election, an equality of votes is found to exist between any candidates, lots shall be drawn in the presence of the Election Officer In such manner as the Election Officer may determine, and the candidate so selected shall be declared to be duly elected.

**99. Death of candidates before poll :-**

If after the taking of a poll has become necessary and before the poll is taken, a candidate who has been duly nominated dies, the Election Officer shall upon being satisfied of the fact of death of the candidate, countermand the poll and the Election proceedings shall commence a fresh In all respects as a fresh election.

**100. Filling In casual vacancies in the Board :-**

The procedure for holding a bye-election under Section 34F for filling any vacancy shall be the same as that for a general election.

**101. Determination of validity of election :-**

(1) If the validity of any election of the members of the Board under clause (b) of sub-section (2) of Section 34A is brought In

question by any person qualified either to be elected or to vote at the election to which such question refers such person may, within seven days after the date of the declaration of the result of election apply in writing to the Government or an officer authorised by the Government in this behalf, and the decision of the Government or the officer so authorised as the case may be, shall be final.

(2) On receipt of an application under sub-rule (1) the Government or an officer authorised by the Government, as the case may be, shall after giving an opportunity to the applicant to be heard and after making such inquiry as deemed fit, pass an order confirming or amending the declared result of election or setting the election aside and such order shall be final. If the election is set aside by the Government or an officer authorised by the Government, as the case may be, a date shall forthwith be fixed and the necessary steps shall be taken for holding a fresh election for filling up the vacancy of such member.

### **102. Destruction of voting papers :-**

On the expiry of three months from the date of publication of the names of elected members of the Board under sub-section (3) of Section 34A all the voting papers may be destroyed In the presence of the Chairman or Managing Director of the Board.

**PART 8** The allowances and fees to be paid to the Chairman and to the members of the Board

### **103. Travelling Allowances payable to members :-**

(1) The travelling allowance payable to a non-official member for undertaking a journey In connection with the work of the Board shall be on par with that payable to the Chairman.

(2) A nominated official member shall be entitled to draw such travelling, daily and conveyance allowances as may be admissible to him under the rules applicable to him In his official capacity under the Government.

**104. Rates of fees and other allowances payable for attending meeting of the Board or a committee thereof :-**

A member other than the Chairman shall be entitled to the following fees and allowances, namely:-

(1) If the meeting be a meeting of the Board, Rs. 100/- (Rupees one hundred only) for each day on which he attends such meeting:

(ii) If the meeting be a meeting of the committee of the Board, Rs. 50 / - (Rupees fifty only) for each day on which he attends such meeting:

Provided that a member shall not draw any additional fee or allowances for any day for attending a meeting of a committee, If he has attended on the same day a meeting of the Board or any other committee and claimed fees and allowance\* for attending such meeting.

**105. Allowances and Honorarium to be paid to the Chairman :-**

(1) A non-official member nominated as Chairman shall be deemed Honorary official. And an official of the Government nominated as Chairman, shall be deemed to be a full time or part time officer as the State Government may appoint.

(2) The non-official member nominated as Chairman shall be entitled to an Honorarium that may be fixed by Government from time to time. An official member. If appointed as Chairman, shall be entitled for such pay and allowances as the Government decides:

Provided that he shall not be entitled to any sitting fee for attending any meeting of the Board or a Committee.

(3) The Chairman shall be entitled to the following allowances and facilities:-

(a) When the Chairman undertakes journey in connection with the business of the Board, he shall be entitled to travel by railway air conditioned 1st Class or by plane and entitled for travelling allowance and daily allowance as is admissible to Government Officers of first Grade drawing pay of Rs. 5100/- per month.

(b) He shall be entitled to use the Boards motor car free of charge for discharging official duties in connection with the Boards work:

Provided that when the Chairman undertakes official journey by his own car or a car hired by him, he shall be entitled to mileage allowance at the rates admissible to Government officer of the rank of Secretary to the Government:

Provided further the mileage allowance shall not be claimed by him while travelling in Boards car. However, he shall be entitled to daily allowance.

(c) He shall be entitled to telephone connection at his residence at Gandhinagar at the Boards expense. The expenses of private trunk calls are to be borne by the Chairman,

(d) He shall be entitled to rent free residence, without furniture. at Gandhinagar.

(e) He shall be entitled to leave at the rate of 15 days for every six months in office:

Provided that he shall be entitled to any of the facilities, as the Government decides in each case, while on duty or on leave.

**PART 9** The conditions of appointment, service and scale of pay of the Managing Director

**106. Appointment of Managing Director :-**

(1) The Managing Director of the Board shall be appointed by the State Government either by deputation of an officer of the State Government or by direct recruitment.

(2) If appointment of an officer of the State Government Is to be made, such officer shall be an officer of IAS cadre in the senior time scale or a senior officer of the Gujarat Administrative Service or an officer of the Gujarat Co-operative Service in the pay scale of Rs. 3500-5000 or above.

(3) If appointment is to be made by direct recruitment it shall be subject to the following terms and conditions ;-

(i) He shall possess atleast second class Bachelors Degree in Arts with Economics or in Commerce or In Science with Agriculture of a recognised University.

(ii) He shall not be less than 40 and more than 50 years of age.

(iii) He shall have long standing (atleast 5 years) administrative experience in Government or a market committee of Grade A or a Board or Corporation owned or controlled by the Government or In a very large private enterprise.

(iv) The scale of pay of the Managing Director and other allowances shall be such as may be decided by the Government from time to time.

(v) Applications for the above post should be invited by giving advertisement in the leading daily News Papers.

(vi) In deserving cases the conditions prescribed above may be relaxed by the Government.

(4) Matters relating to discipline, control and punishment including dismissal and removal of the Managing Director shall be governed in accordance with the rules framed by the Government for its own employees in this behalf.

## **PART 10** The forms and audit of accounts

### **107. Accounts and audit :-**

(1) The Accounts of the Board shall be maintained In Form VIII:

(2) The accounts of the Board shall be got audited by a Chartered Accountant or auditor appointed with the approval of the Government. The fees for the same shall be fixed with the approval of the Board.

(3) Audited accounts alongwith the audit report shall be submitted to the State Government within a fortnight after they have been presented to the Board at its first meeting after the receipt of the same ;

(4) The Board shall submit Its compliance report to Government on the suggestions made by It on the audit report.

## **PART 11** Delegation of powers and duties by the Board

### **108. Delegation of Powers :-**

(1) The Board may, by general or special order, delegate to the Chairman or Managing Director or any committee appointed by it under Section 34R such of its powers and duties as are conferred



on the Board by or under the Act, as under :-

(i) The committee may sanction an expenditure upto Rs. 5 lakhs.

(ii) The Chairman may sanction an expenditure upto Rs. 2 lakhs.

(iii) The Managing Director may sanction an expenditure upto Rs. 1 lakh.

(2)

(i) Every contract entered into by the Board for any work or for any contract to supply goods more than Rs. 1000/- shall be In writing and shall bear the seal of the Board and shall be signed on behalf of the Board by the Chairman and Managing Director or any Member and Managing Director. And no contract not so entered shall be binding on the Board.

(ii) The seal of the Board shall be In the custody of the Managing Director.

**PART 12** Manner of inquiries to be made in to the activities of the Board.

**109. Inquiry :-**

(1) When the affairs of the Board are Inquired In to under Section 34S all members, officers and servants of the Board shall furnish such Information and produce such documents In their possession relating to the affairs of the Board, as the State Government or any person authorised by the Government in this behalf may require.

(2) The Government or the person authorised in this behalf shall have the powers to summon and enforce the attendance of members and officers of the Board and to compel them to give

evidence and to produce documents by exercising the powers of a Civil Court under the Code of Civil Procedure, 1908 .

(3) The Government or the person authorised In this behalf may require the Board either as a result of the inquiry or otherwise to do a thing or to abstain from doing a thing which the Government or the person authorised considers necessary for the purposes of this Act, and to send a written reply to him within a reasonable time stating whether the aforesaid requisition Is complied and In case it is not complied, stating Its reasons for not complying the same.