
Goa Agricultural Produce Marketing (Development And Regulation) Rules, 2010

CONTENTS

CHAPTER 1 :- Preliminary

1. Short Title And Commencement
2. Definitions

CHAPTER 2 :- Publication of Notification relating to Notified Area

3. Manner Of Publication Of Notifications

CHAPTER 3 :- Election and term of office of members of the Marketing Board

PART 1 :- Part I

4. Election Of Members Of The Marketing Board
5. Determination Of Constituencies
6. Determination Of Co-Operative Societies Doing The Business Of Notified Agricultural Produce
7. Voters List
8. Voters List To Be Conclusive
9. Persons Qualified To Be Elected
10. Right To Vote
11. Election Representative Of The Co-Operative Societies
12. Disqualifications Of Membership
13. Order Of General Election Of The Marketing Board
14. Appointment Of Dates For Filing Nominations, Etc
15. Nomination Of Candidates
16. Presentation Of The Nomination Paper And Requirements For Valid Nomination
17. Right To Be Nominated In Two Or More Constituencies In A Market Area
18. Symbols Of Election
19. Deposits
20. Notice Of Nomination And Time And Place Of Scrutiny
21. Scrutiny Of Nominations
22. Appeal
23. Withdrawal Of Candidature
24. Publication Of List Of Contesting Candidates
25. Affix Of List On Notice Board
26. Appointment Of Polling Agents And Counting Agents
27. Death Of Candidate Before Poll

28. Uncontested Elections
29. Contested Election
30. Manner Of Voting At Election
31. Supply Of Material To The Polling Station
32. Form Of Ballot Paper
33. Identification Of Voters
34. Issue Of Ballot Paper
35. Voting Procedure
36. Recording Of Vote Of Blind Or Infirm Voter
37. Spoilt And Returned Ballot Papers
38. Tendered Votes
39. Closing Of Poll
40. Sealing Of Ballot Boxes After Poll
41. Account Of Ballot Papers
42. Sealing Of Other Packets
43. Transmission Of Ballot Boxes, Packets, Etc. To The Returning Officer
44. A Fresh Poll In case Of Destruction, Etc., Of Boxes

PART 2 :- Part II

45. Admission To Place Fixed For Counting
46. Scrutiny And Opening Of Ballot Boxes
47. Scrutiny And Rejection Of Ballot Papers
48. Counting Of Votes
49. Counting To Be Continuous
50. Recommencing Of Counting After Fresh Poll
51. Recount Of Votes
52. Procedure At Election Where Equality Of Votes Exists
53. Declaration Of Result
54. Election To More Than One Seat
55. Publication Of Names Of Members
56. Return Or Forfeiture Of Candidates Deposits
57. Custody Of Papers Relating To Election
58. Production, Inspection And Disposal Of Election Papers
59. Casual Vacancies In The Marketing Board
60. Determination Of Validity Of Election
61. Declaration Of Disqualification
62. Expenditure In Connection With Or Incidental To Election

CHAPTER 4 :- Chairman and Vice-Chairman

63. Term Of Office Of The Chairman And Vice-Chairman

CHAPTER 5 :- Conduct of Business, other duties of Marketing Board

64. Control Of Marketing Board
65. Other Duties Of The Marketing Board
66. Duties Of The Secretary Of The Marketing Board

CHAPTER 6 :- Contract Farming

67. Registration Of Contract Farming Sponsor

68. Contract Farming Agreement Between Contract Farming Producer And Contract Farming Sponsor

69. Disputes Settlement Authority For Disputes Pertaining To Contract Farming

70. Appeal Against The Decision Of The Dispute Settlement Authority

CHAPTER 7 :- Regulation of Trading

71. Application For Registration Or Renewal Of Registration Under Sub-Section (1) Of Section 51 Of The Act And Fees Chargeable Therefor

72. Issue Of Duplicate Registration Certificate By The Marketing Board

73. Control Over Weighment, Measurement Or Counting Of Notified Agricultural Produce

74. Use Of Only Authorized Weights And Measures

75. Test Of Scales, Weights And Measures, By Authorized Officer Of The Marketing Board

76. Set Of Metric Weights And Measures To Be Kept By The Marketing Board

77. Counter Balancing In Weighment

78. Production Of Scales, Measures And Weights For Inspection

79. Report Of Incorrect Scales, Measures And Weights

80. The Bill To Be Issued By The Traders

81. Maintenance Of Books By Market Functionaries

CHAPTER 8 :- Levy of Market fees and its Collection

82. Levy Of Market Fees

83. Check Post

84. Penalty For Evasion Of Payment Of Market Fees

85. Disqualification Of The Holder Of Licence/Registration

86. Register For Market Fees

87. Use Of Employees For Collecting Market Fees

88. Employees Collecting Market Fees

89. Inspection Of Cash And Accounts By The Secretary Of The Marketing Board

CHAPTER 9 :- Establishment and functioning of private market yard/private market, Consumer/Farmer Market and Direct purchase

90. Application For Grant Of Licence Under Sections 52 And 54 Of The Act And Fees Chargeable Therefor

91. Grant Of Licence To Establish Private Yard And Consumer/Farmer Market

92. Issue Of Licence For Direct Purchase Of Agricultural Produce

93. Renewal Of Licence

- 94. Settlement Of Disputes
- 95. Settlement Of Price Of Notified Agricultural Produce
- 96. Procedure For Appeals Against The Order Passed Under Sections 51, 54 And 55

CHAPTER 10 :- Marketing Board Funds, Budget and Accounts

- 97. Contribution To The National Council Of State Agricultural Marketing Boards
- 98. Budget Of The Marketing Board
- 99. Audit Of The Marketing Board
- 100. Submission Of Accounts Of The Marketing Board
- 101. Power Of Auditor To Summon Documents
- 102. Auditor To Report Material Impropriety Or Irregularities, Loss, Waste Or Misapplication Of Funds
- 103. Duty Of The Secretary Of The Marketing Board To Remedy The Defects Or Irregularities
- 104. Powers Of The Auditor To Disallow Any Unauthorized Items And Surcharge Thereon
- 105. Appeal Against Decision Of The Auditor
- 106. Payment To Be Credited To Treasury
- 107. Filling Of Half Yearly Returns To The Auditor By The Marketing Board
- 108. Investment Of Surplus Amount The Marketing Board Fund

CHAPTER 11 :- Repeal and Saving

- 109. Repeal And Saving

Goa Agricultural Produce Marketing (Development And Regulation) Rules, 2010

Whereas the following draft rules which the Government proposes to make under section 81 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Act 11 of 2007), were pre-published in the Official Gazette, under Series I No.15 dated 08-07-2010 under Government Notification No.13/01/07-MR/MKT/RCS inviting objections and suggestions from the persons whose interest are likely to be affected thereby within 30 days from the date of publication of the said Notification in the Official Gazette. And whereas the said Gazette was made available to the public on 08-07-2010. And whereas no objections/suggestions were received from the public on the said draft rules and therefore the said rules have been confirmed. Now therefore in exercise of the powers conferred by sub-section (1) of section 81 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Act 11 of 2007), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules,

namely:-

CHAPTER 1 Preliminary

1. Short Title And Commencement :-

- (1) These rules may be called the Goa Agricultural Produce Marketing (Development and Regulation) Rules, 2010.
- (2) They shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007);
 - (b) "Agreement Recording Authority" means an Authority designated as such by the Marketing Board who shall record Contract Farming Agreements entered between the contract farming sponsor and the contract farming producer;
 - (c) "Assessing Authority" means the Secretary of the Marketing Board, and it shall be the State Marketing Officer in case of a private market, including E-market, direct purchase from agriculturist farmer, consumer/farmer market and contract farming;
 - (d) "broker" means an agent whose ordinary business is to negotiate and make contracts on payments of brokerage as to purchase or sale of notified agricultural produce or livestock or products of livestock on behalf of the principal but does not include a servant of such principal whether engaged in negotiating or making such contracts;
 - (e) "Carting or Clearing Agent" means any person who is engaged in providing any service, either directly or indirectly, connected with the clearing and forwarding operations in any manner to any other person and includes a consignment agent;
 - (f) "Consumer/Farmer Market" means a market established under section 53 of the Act and managed by a person or a body of persons other than a Marketing Board where farmers sell their agricultural produce directly to the consumers not exceeding the quantity as may be specified in the Bye-laws;
 - (g) "Counting Agent" means a person appointed by a candidate to be his counting agent, with the previous approval of the Registrar of the Co-operative Societies;
 - (h) "Election Agent" means a person appointed by a candidate to be

his Election Agent, with the previous approval of the Registrar of the Co-operative Societies;

(i) "financial Year" means the year commencing on the 1st day of April and ending on the 31st day of March, next following;

(j) "Form" means the form appended to these Rules;

(k) "forwarding agent" means a person or a group of persons of local grower-cum- -traders or a transporter who, in consideration of commission, consolidates the agricultural produce from the producers in the market area and makes transport arrangement to forward the consolidated produce to commission agents, buyers and traders in the market within or outside the State for sale;

(l) "incidental charges" means the charges payable by the seller in lieu of the services rendered in connection with the handling of agricultural produce prior to the finalization of the bid at auction, such as, unloading, stacking, cleaning and dressing charges and shall also include remuneration for weighing of agricultural produce before the finalization of bids at the auction or negotiation;

(m) "Licence" means licence to operate as a market functionary in any market area under the Act;

(n) "Licensing Authority" means an authority to which an application for grant and/or renewal of licence is made under sections 52, 53 and 54 of the Act;

(o) "Market year" means the year commencing on the 1st day of April and ending on the 31st day of March next following;

(p) "Notice board" means the board placed in or near the office of a Marketing Board for the purpose of displaying notices;

(q) "Official Gazette" means the Official Gazette of the Government of Goa;

(r) "private market" means a market set up under clause (iii) of sub-section (1) of 5 of the Act, for all or any of the agricultural produce specified in the notification issued under section 3 of the Act, including an E-market managed by a person other than the Marketing Board;

(s) "Polling Officer" means a polling officer appointed by the Registrar of Co-operative Societies for the purpose of any election specified in Chapter III of these rules;

(t) "Presiding Officer" means a Presiding Officer appointed by the Registrar of Co-operative Societies for the purpose of Chapter III of these rules;

(u) "Returning Officer" means a Returning Officer appointed by the Registrar of Co-operative Societies for the purpose of Chapter III of these rules;

- (v) "Registrar" means the Registrar of Co-operative Societies, Government of Goa;
- (w) "Registration Authority" means an authority competent under section 51 of the Act to register market functionaries;
- (x) "Registration holder" means a person holding a Registration Certificate issued under these rules;
- (y) "Office of Marketing Board" means the place where the headquarters of Marketing Board is located;
- (z) "section" means a section of the Act;
- (za) "Sponsor Registering Authority" means an Authority designated by the Government for registering Contract Farming Sponsor;
- (zb) "State" means the State of Goa;
- (zc) "surveyor" means a person who on arrival of a consignment of agricultural produce for sale in any market area or market, surveys it for ascertaining the quality, refraction, adulteration and other like factors;
- (zd) "Warehouse" means any building, structure or other protected enclosure, which is, or may be used for the purpose of storing declared agricultural produce (being goods on behalf of depositors) and includes as warehouse licenced or run under the Warehousing Corporations Act, 1962 (58 of 1962) but does not include a clock room attached to a hotel, railway station, port or to any premises of like nature;
- (ze) "Warehouseman" includes a person or a firm holding a licence for issuing receipts for goods stored in a warehouse run under the Warehousing Corporations Act, 1962 (58 of 1962).
- (2) Words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Act.

CHAPTER 2 Publication of Notification relating to Notified Area

3. Manner Of Publication Of Notifications :-

- (1) Every notification under section 3 published in the Official Gazette, shall also be published by displaying the copy thereof in a conspicuous place, in the office of the Municipality, Zilla Panchayat or Village Panchayat, as the case may be, within whose jurisdiction, the area specified in such notification or any part thereof, is situated.
- (2) No notification under section 3 published in the Official Gazette, shall become invalid by reason only that copy thereof has not been published or displayed as provided in sub-rule (1) above.

CHAPTER 3 Election and term of office of members of the Marketing Board

PART 1 Part I

4. Election Of Members Of The Marketing Board :-

The Marketing Board shall communicate to the Registrar of Co-operative Societies as soon as required, but before the six months of the expiry of the term of office of members of the Marketing Board, to hold the election and provide the list of voters of different constituencies as required and also place at the disposal the required funds incidental for holding of such election.

5. Determination Of Constituencies :-

(1) For the purpose of election of eleven agriculturists members to represent each Taluka of the State, and two female agriculturist members representing North and South Districts of the State respectively; and one trader holding "A" class licence to be elected from amongst the traders of all classes, as provided by clauses (a), (b) and (c) respectively of sub-section (1) of section 12 of the Act, the State shall consist of the following constituencies, namely:-

(i) In the constituencies consisting of agriculturists as specified in clauses (a) and

(b) of sub-section (1) of section 12 of the Act, the Registrar shall cause to prepare a list of Agriculturists Talukawise and Districtwise to be elected by the Agriculturist Constituencies:

Provided that for election of an agriculturists for being the member of the Marketing Board, only agriculturists from the respective constituency shall be eligible to vote so also only agriculturists shall contest the election.

(ii) In the trader constituencies, Marketing Board shall communicate the list of members of traders holding A class licence/registration in the market area together with the details of the place of residence of each such trader to the secretary of the Marketing Board.

(2) Persons Qualified to vote.-

(i) Persons whose names are entered in the list of voters shall be qualified to vote at an election to which the list of voters relate, unless he/she has ceased to vote in the capacity in which his name was entered in such list;

(ii) he or she should be ordinarily resident of the State;

(iii) he or she should be the grower of agricultural produce, owner

of livestock and livestock product in the notified area, for Agriculturist Constituency;

(iv) he or she should have attained the age of 18 years;

(v) he or she should be of sound mind;

(vi) he or she should have not been declared as insolvent or sentenced by criminal court whether within or outside the State for an offence involving moral turpitude;

6. Determination Of Co-Operative Societies Doing The Business Of Notified Agricultural Produce :-

The Secretary of the Marketing Board shall prepare and furnish to the Registrar the list of co-operative societies that are registered in the State, having a valid licence from the Marketing Board and doing the business of notified agricultural produce in the market area.

7. Voters List :-

(1) Before the election of the Marketing Board, the State Marketing Officer shall notify the list of voters by collecting information from the Registrar so that the members may vote and contest the elections.

(2) The voters in the list shall be arranged in alphabetical order with full name, residential address and serial number and the class of the trader i.e. A class, B class or C class.

(3) Every such list shall be published in Marathi, English and Konkani languages within a period of one month from its receipt by the Registrar in such manner as the Registrar may determine.

(4) After the publication of the notification under sub-rule (1), the Registrar of Co-operative Societies shall write to all the Co-operative Societies in the State to prepare and furnish the names of the chairmen who are qualified to be voters.

(5) If any co-operative society fails to submit the names of its chairman the Registrar shall go ahead for publishing the list leaving aside the defaulter co-operative society which list shall be deemed to be final for the purpose of conducting elections to the Marketing Board.

(6) The Registrar shall ask the Marketing Board to prepare and furnish to him the names of all the persons qualified to vote as traders from the register maintained by the Marketing Board, within such time as may be specified by him:

Provided that, where a person qualified to vote as a trader is a firm or body corporate (including a co-operative society), such a firm or

body corporate shall nominate a person (being a person who is either a partner of the firm or a member of managing committee in the case of a co-operative society or a person duly authorized by any other body corporate) to vote on its behalf and intimate the name of the persons to the Registrar within such time as he may fix in that behalf for being included in the list of voters, to represent that firm or body:

Provided further that, if such firm or body is holding more than one licence, it shall not nominate more than one person as aforesaid.

(7) At the time of publishing the list of voters, a notice shall be published in the like manner calling upon the persons whose names are entered in the list to lodge any objection or claim that they desire to make against the list as published, and in the manner herein specified.

(8) Such claim or objection shall be made in writing and shall specify the constituency in question, the grounds on which the right to any person to be entered in the list is asserted or denied, the evidence which the claimant or objector intends to lead, the address of the claimant or objector, his number, if any, in the list and in case of objection, the number in the list of the person to whose entry objection is taken and the constituency in the list for which his name is entered.

(9) Every claim or objection shall be delivered or sent by post so as to reach the Office of the Registrar before the date fixed by the Registrar in that regard being a date not later than one month from the date of publication of the list.

(10) The Registrar shall after hearing the parties and recording the evidence, if any, adduced by the parties and after further inquiry, if any, shall pass an order on the claim or objection, and the order of the Registrar relating to such claim or objection shall be final.

(11) The Registrar shall cause the list to be amended in accordance with the orders passed under above sub-rule and shall cause the same to be published finally in English, Marathi and Konkani language in such manner as he may deem fit.

(12) If, after the final publication of the list of voters under above sub-rule, the Registrar, upon an application being made by any person or otherwise, is satisfied, after such inquiry as he deems fit, that any entry or entries in the list is or are erroneous or defective in any particular respect, he may cause a list of amendments to be prepared and thereupon the provisions of sub-rules (2), (3) and (7) to (11) shall apply in the case of such list in the like manner as they apply in the case of list of voters.

(13) The final list as also the final list of amendments shall be republished and shall remain in force and continue in operation as the list of voters for the purpose of any bye-election, until it is revised as provided by this rule.

(14) Copies of such final list including the final list of amendments and additions shall be available for inspection and sale, in whole or in part, in the office of the Registrar or at any other place as the Registrar may specify in this behalf.

8. Voters List To Be Conclusive :-

Subject to any disqualification incurred by a person, the final voters list published under rule 7 shall be conclusive evidence for the purpose of determining whether any person is qualified to vote, or as the case may be, is qualified or is not qualified to be elected at any election.

9. Persons Qualified To Be Elected :-

(1) Every person specified in sub-section (1) of section 12 of the Act residing in the market area and is not less than twenty one years of age, on such date as the Registrar may for the purposes of any election or bye-election specify in this behalf, shall, unless disqualified under these rules, be qualified to be elected.

Explanation.- A person shall be deemed to reside ordinarily within the limits of market area, if he has actually resided therein for an aggregate period of not less than 180 days during the calendar year preceding the list of voters is provisionally published under sub-rule (3) of rule 7.

(2) If any question arises whether any person is or is not residing in the market area for the purpose of this rule, the matter shall be decided by the State Marketing Officer, whose decision shall be final.

10. Right To Vote :-

(1) No person except whose name is for the time being entered in the list of voters of any constituency, shall be entitled to vote in that constituency.

(2) No person shall vote at any election if he is subject to any disqualification under these rules.

(3) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or otherwise, or in a lawful custody of the police:

Provided that, nothing in this sub-rule shall apply to a person subjected to preventive detention under any law for the time being in force.

11. Election Representative Of The Co-Operative Societies

:-

If there are more than one Co-operative Society doing the business of marketing of notified agricultural produce in the market area, the Registrar shall call upon such societies, if they so desire, to communicate the names of their Chairmen for being elected on the Marketing Board. On receipt of the names of the Chairmen, the Registrar shall direct them to elect one of them to be a member on the Marketing Board. Such an election may be held by ballot on the day, place and time as may be fixed by the Registrar. In case of equality of votes, the election shall be made by drawing lots.

12. Disqualifications Of Membership :-

A person shall be disqualified for being chosen as, or for being, a member of the Marketing Board, if,-

- (a) he has been convicted by any Court in India of any offence and sentenced to imprisonment for a term exceeding six months; or
- (b) he has not attained the age of 21 years; or
- (c) he is of unsound mind and stands so declared by a competent Court; or
- (d) he is an on discharged insolvent; or
- (e) he is deaf-mute; or
- (f) he has failed to pay any fees, rent or charges due to the Marketing Board; or
- (g) he is servant of the Marketing Board or holds a licence from Marketing Board other than that of a trader or commission agent; or
- (h) he has directly or indirectly any share or interest in any contract or employment with or on behalf of or under the Marketing Board; or
- (i) he has committed any breach of the Act or the rules or bye-laws made thereunder more than once; or
- (j) he has failed to make payments to sellers within 24 hours; or
- (k) he is disqualified by the Act or the rules.

13. Order Of General Election Of The Marketing Board :-

(1) General election shall be held for the purpose of constituting new Marketing Board on the expiration of the duration of the

existing Marketing Board or on its supersession.

(2) For the said purpose, the Registrar shall, by an order, call upon all the constituencies in the market area to elect members in accordance with the provisions of these rules before the date specified by him in the said order.

14. Appointment Of Dates For Filing Nominations, Etc :-

(1) As soon as the order under the above rule is issued, the Registrar shall, subject to the provisions of sub-rule

(2), by an order, appoint,-

(a) the date, time and place for making nominations, which date shall not be before 14 days after the date of the first order;

(b) the date, time and place for scrutiny of nominations;

(c) the last date for withdrawal of candidature;

(d) the date or dates, the place or places and the time during which a poll shall, if necessary, be taken;

(e) the day and the place and hour at which the votes shall be counted.

(2) The Registrar shall, at least 45 days before the date fixed for the poll, publish in English, Konkani and Marathi languages the dates so appointed, by means of a notice in the newspapers, circulated in the market area and paste copies of such notice on the notice board of the Marketing Board and in Village Panchayats and other conspicuous places in the villages included in the market area.

15. Nomination Of Candidates :-

(1) Any person may be nominated as a candidate for election to fill a seat if he possesses the requisite qualifications under the provisions of these rules.

(2) Every nomination paper presented shall be in Form A hereto.

(3) A nomination paper shall be supplied by the Returning Officer or an Officer authorized by him in this behalf, to any voter on demand.

16. Presentation Of The Nomination Paper And Requirements For Valid Nomination :-

(1) On or before the date appointed under clause (a) of sub-rule (1) of rule 14, each candidate shall, either in person or by his proposer, deliver to the Returning Officer within the date, time and

at the place specified in the order made under rule 14 the nomination paper duly completed, signed by the candidate and by a voter of the constituency as proposer.

(2) Any person who is not subject to any disqualification as a voter under these rules and whose name is entered in the list of voters for the constituency for which the candidate is nominated, may subscribe as proposer.

(3) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the candidate is an agriculturist falling within the provisions of clauses (a) and (b) of sub-section (1) of section 12 and the name and number in the list of voters of the proposer as entered in the nomination paper are the same as that in the list of voters. If a nomination paper is rejected under this sub-rule, the Returning Officer shall record thereon his reasons for rejecting the same and in that case, the candidate may deliver fresh nomination paper subject to all the provisions of this rule:

Provided that, the Returning Officer shall permit any clerical or technical errors in the nomination paper as regards to the name or number to be corrected in order to bring them in conformity with the corresponding entry in the list of voters and where necessary any clerical or printing error in the said entries shall be overlooked.

(4) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for election in the same constituency.

17. Right To Be Nominated In Two Or More Constituencies In A Market Area :-

When election for two or more constituencies in a market area are to be held, one and the same person may, if he is otherwise duly qualified, be nominated as a candidate for each of such constituencies.

18. Symbols Of Election :-

(1) The Registrar shall, by order pasted on the notice board of the Marketing Board, specify the symbols that may be chosen by the candidates at an election in any constituency and the restrictions to which their choice shall be subject.

(2) Where, at any such election, more than one nomination papers are delivered on behalf of candidate, the declaration as to the symbol made in the nomination paper first delivered shall be considered and no other declaration as to symbols shall be taken into consideration under rule 24, even if that nomination paper has

been rejected.

19. Deposits :-

A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited with the Returning Officer, a sum of rupees one thousand in cash at the time of such nomination: Provided that, where a candidate has filed more than one nomination paper for elections in the same constituency, not more than one deposit shall be required of him under this rule.

20. Notice Of Nomination And Time And Place Of Scrutiny :-

The Returning Officer shall, on receiving the nomination papers under rule 16, inform the person or persons delivering the same of the day, time and place fixed for scrutiny of nomination and shall enter on the nomination paper, its serial number and shall sign thereon a certificate relating the date and the time when the nomination papers have been delivered to him and shall as soon as may be thereafter, affix in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidates and of the proposer.

21. Scrutiny Of Nominations :-

(1) On the date appointed for the scrutiny of nominations under rule 14, the candidate, one proposer of each candidate, and one person duly authorized in writing by each candidate, and no other person, may attend at the time and place appointed in this behalf under rule 14 and the Returning Officer shall give them all reasonable opportunity for examining the nomination papers of all candidates which have been delivered as required by rule 16.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections made to any nomination, and may, either on such objection or on his own motion, after conducting a summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:-

(a) That the candidate is disqualified for being chosen as or for being a member of the Marketing Board;

(b) That the proposer is disqualified from subscribing a nomination paper;

(c) That there has been a failure to comply with any of the provisions under rule 16 or rule 19;

(d) That the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clauses (c) or (d) of sub-rule (2) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The Returning Officer shall hold the scrutiny of nominations on such date appointed in this behalf under clause (b) of rule 14 and shall not allow any adjournment of the proceeding except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that, in case of any objection raised by the Returning Officer or is raised by any other person, the candidate concerned may be allowed time to rebut it not later than the next day and the Returning Officer shall record his decision on the date to which proceedings have been adjourned.

(6) The Returning 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.

(7) For the purpose of this rule, the production of a certified copy of an entry made in the list of voters of the relevant constituency, shall be conclusive evidence of the right of any voter named in that entry to stand for election, unless it is proved that the candidate is disqualified.

(8) Immediately after all the nomination papers have been scrutinized and decision accepting or rejecting the same have been recorded, the Returning Officer shall, subject to the provisions of rule 24 prepare a list of candidates whose nominations have been accepted and shall affix the list on his notice board and shall record the date and the time when the list was so affixed.

22. Appeal :-

(1) Any candidate, aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper, may file an appeal to the State Marketing Officer within a period of seven days from the date on which the notice, containing the names of the candidates

accepted by the Returning Officer was affixed on the notice board under sub-rule (8) of rule 21 and shall also furnish on the same day to the Returning Officer required copies thereof.

(2) The decision of the State Marketing Officer on the appeal filed under this rule, shall be final and conclusive.

23. Withdrawal Of Candidature :-

(1) Any candidate may withdraw his candidature by notice in writing, signed by him and delivered to the Returning Officer,-

(a) where no appeal is preferred under rule 22, on the day immediately following the day after the expiry of the period specified in sub-rule (1) of rule 22; and

(b) where such an appeal is made, on the day next following the day on which the decision of the State Marketing Officer is given.

(2) The notice shall be delivered to the Returning Office before 3 O'clock in the afternoon on the day as fixed under sub-rule (1) for withdrawal of candidature.

(3) The notice may be delivered either by the candidate in person or by his proposer who has been authorized in this behalf in writing by the candidate.

(4) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the said notice.

(5) The Returning Officer shall, on being satisfied on the genuineness of a notice of withdrawal and the identity of person delivering such notice, cause the notice to be affixed on the notice board in his office.

24. Publication Of List Of Contesting Candidates :-

(1) On expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 23, the Returning Officer shall prepare and publish in Form B a list of the contesting candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the said period.

(2) The said list shall, subject to the provisions of sub-rule (4), contain the names in alphabetical order alongwith the addresses of the contesting candidates as given in the nomination papers.

(3) The list of contesting candidates shall be prepared in English, Konkani and Marathi languages.

(4) The alphabetical order referred to in sub-rule (2) shall be determined with reference to the surnames in respect of the

candidates having surnames, and in other cases the names of the candidates.

(5) Where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special directions issued in this behalf by the Registrar,-

(a) allot different symbol to each contesting candidate in conformity, as far as possible, with his choice; and

(b) if more than one contesting candidate have indicated their preference for the same symbol, decide by drawing lots to which of such candidate the symbol shall be allotted.

(6) The allotment by the Returning Officer of any symbol to a candidate shall be final.

(7) Every candidate shall forthwith be informed of the symbol allotted to him and shall be supplied with a specimen thereof by the Returning Officer.

25. Affix Of List On Notice Board :-

The Returning Officer shall, immediately after publication of list, cause a copy thereof to be affixed on the notice board in his office and shall also supply a copy thereof to each of the contesting candidates and to the Marketing Board.

26. Appointment Of Polling Agents And Counting Agents :-

(1) At the time of election when the poll is to be taken, the contesting candidate may appoint one agent and one relief agent to act as polling agents to attend at each polling station. Such appointment shall be made by a letter in writing in Form C hereto signed by the candidate.

(2) The candidate shall deliver a letter of appointment to the polling agents who shall, on the date fixed for the poll, present it and sign the declaration contained therein before the Presiding Officer. The Presiding Officer shall retain the said letter presented under his custody.

The polling agents may work as counting agents as per the authority given by the candidate.

(3) Each contesting candidate shall appoint not more than two agents to act as counting agents by a letter in writing in duplicate and signed by the candidate. Before the commencement of the counting of votes, the candidate shall give a notice of the appointment of such counting agents to the Returning Officer by forwarding to such Officer the letter of appointment. The candidate

shall also deliver the duplicate copy of the letter of appointment to the Counting Agent who shall, on the date so fixed for the counting of votes, present it and sign the declaration contained therein before the Returning Officer. The Returning Officer shall retain in his custody the duplicate copy presented to him. No counting agent shall be allowed to perform any duty at the place fixed for counting of votes, unless he has complied with these provisions.

27. Death Of Candidate Before Poll :-

If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer, upon being satisfied of the fact of the death of the candidate, shall, countermand the poll and report the fact to the Registrar and all proceeding with reference to the election shall be commenced afresh in all respects as if for a new election:

Provided that-

(i) no further nomination shall be necessary in case of a person who was a contesting candidate at the time of the countermanding of the poll; and

(ii) no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 23 before the countermanding of the poll, shall be eligible for being nominated as a candidate for the election after such countermanding.

28. Uncontested Elections :-

In any constituency, if there is only one candidate whose nomination has been accepted, or if there are as many candidates as there are seats to be filled in and their nominations have been accepted, the Returning Officer shall forthwith declare him or them to be duly elected to fill in the seat or seats, as the case may be.

29. Contested Election :-

In case other than those covered by rule 28 a poll shall be taken.

30. Manner Of Voting At Election :-

(1) At every election where a poll is taken, voter shall be given by a ballot in the manner hereinafter provided and no votes shall be received by proxy.

(2) Every voter shall have as many votes as there are members to be elected on behalf of constituency, but he shall not have more than one vote for one candidate.

31. Supply Of Material To The Polling Station :-

(1) The Returning Officer shall provide to each polling station the required number of ballot boxes, sufficient number of ballot papers, three copies of electoral roll, a list of nominations and such other papers, stationery and forms as may be necessary.

(2) Every ballot box shall be of such design as may be approved by the Registrar.

32. Form Of Ballot Paper :-

(1) Every ballot paper for voting shall be printed in Form D hereto.

(2) The ballot paper shall contain the names of the candidates in the same order in which they appear in the list of contesting candidates together with the distinct symbol assigned to each candidate by sub-rule (7) of rule 24.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner as may be decided by the Registrar.

33. Identification Of Voters :-

(1) The Presiding Officer may employ at the polling station such person/persons as he thinks fit to help in the identification of the voters or to assist him otherwise in taking a poll.

(2) As each voter enters the polling station, the Presiding Officer or the Polling Officer authorized in this behalf shall check the voters name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voters.

(3) In deciding right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer shall overlook merely clerical or printing errors in any entry in the list of voters, if he is satisfied that such person is identical with the voter to whom such entry relates.

34. Issue Of Ballot Paper :-

(1) No ballot paper shall be issued to any voter before the time fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any voter after the close of the poll, except to those who are present inside the polling station at the time of closing of the poll. Such voters shall be allowed to record their votes even after poll closes.

(3) Every ballot paper shall, before being issued to a voter, be

stamped with such distinguishing mark as the Registrar may direct.

(4) At the time of issuing of ballot paper to a voter, the Presiding Officer or the Polling Officer shall record the serial number thereof against the entry relating to the voter in the copy of the list of voters set apart for the said purpose.

(5) Save as aforesaid in sub-rule (4), no person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

35. Voting Procedure :-

(1) The voter on receiving the ballot paper shall forthwith-

(a) proceed to one of the polling compartments;

(b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

(d) if required, show the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box; and

(f) quit the polling station.

(2) Every voter shall vote without undue delay.

(3) No voter shall be allowed to enter a polling compartment when another is inside it.

36. Recording Of Vote Of Blind Or Infirm Voter :-

(1) If due to blindness or other physical infirmity, a voter is unable to recognize the symbols on the ballot paper to make a mark thereon, the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the voter, fold it so as to conceal the vote and insert it into the ballot box.

(2) While acting under this rule, the Presiding Officer shall observe as much secrecy as is feasible. He shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

37. Spoilt And Returned Ballot Papers :-

(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on returning it to the Presiding Officer and on satisfying him of the in-advertence, be given another ballot paper, and the ballot paper so returned shall be marked "spoilt- -cancelled" by the

Presiding Officer.

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so return shall be marked as "returned-cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

38. Tendered Votes :-

(1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfying the Presiding Officer, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter referred to as a "tendered ballot paper") in the same manner as any other voter.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in the tendered votes list in Form E hereto.

(3) A tendered ballot paper shall be the same as other ballot papers used at the polling station except that it shall be,-

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own writing and signed by him.

(4) The voter, after marking the tendered ballot paper in the polling compartment and folding it, shall, instead of putting it into the ballot box give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

39. Closing Of Poll :-

(1) The Presiding Officer shall close a polling station at the time fixed in that behalf under rule 14 and shall thereafter not admit any voter into the polling station:

Provided that, all voters present inside the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

40. Sealing Of Ballot Boxes After Poll :-

(1) On the closing of the poll, the Presiding Officer shall, in the

presence of any candidates or their agents, close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall, thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first box getting full, first box shall be closed, sealed and secured as provided in sub-rule (1) and (2) before another ballot box is put to use.

41. Account Of Ballot Papers :-

The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in Form F hereto and enclose it in a separate cover with the words "Ballot Paper Account" thereon.

42. Sealing Of Other Packets :-

(1) The Presiding Officer shall then make separate packet of-

- (a) the marked copy of the list of voters;
- (b) the unused ballot papers;
- (c) the cancelled ballot papers;
- (d) the cover containing the tendered ballot papers and the list of tendered ballot papers;
- (e) the list of challenged votes; and
- (f) any other papers directed by the Returning Officer to be kept in sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and of those candidates or their agents, if any, present, who may desire to affix their seal thereon.

43. Transmission Of Ballot Boxes, Packets, Etc. To The Returning Officer :-

(1) The Presiding Officer shall deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct,-

- (a) the ballot boxes;
- (b) the ballot paper account;
- (c) the sealed packets referred to in rule 42; and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of

votes.

44. A Fresh Poll Incase Of Destruction, Etc., Of Boxes :-

(1) If, at any election,-

(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or lost or is damaged to such an extent that the result of the poll at the polling station cannot be ascertained; or

(b) any such error or irregularity in the procedure as is likely to vitiate poll is committed at a polling station, the Returning Officer shall forthwith report the matter to the Registrar.

(2) The Registrar shall, upon the receipt of report, or suo motu, after taking into consideration all material circumstances stated in sub-rule (1) either,-

(a) declare the poll at the polling station to be void and appoint a day and fix for taking a fresh poll at the polling station and notify such day and the time in such a manner as he may deem fit; or

(b) if satisfied that the result of fresh poll at polling station will not in anyway affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer or take such action as he may deem proper for the election.

(3) The provisions laid under the Act, the rules or Bye-laws made thereunder, shall apply to every such fresh poll as they apply to the original poll.

PART 2 Part II

45. Admission To Place Fixed For Counting :-

(1) The Returning Officer shall exclude from the place so fixed for counting of votes all persons except,-

(a) such person as he may appoint to assist him in the counting;

(b) persons authorized by the Registrar;

(c) public servants on duty in connection with the election; and

(d) candidates, their election agents and counting agents, if any.

(2) No person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall be present while counting at a particular counting table

or group of counting table.

(4) Any duly authorized person who during the counting of votes, creates misconduct or fails to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted by a Police Officer on duty, acting under the direction of the Returning Officer or the Officer-in-charge in the election process.

46. Scrutiny And Opening Of Ballot Boxes :-

(1) The Returning Officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at the counting table, the counting agent present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes have been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has been tampered with, he shall not count the ballot papers contained in that box and shall order a fresh poll.

47. Scrutiny And Rejection Of Ballot Papers :-

(1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(2) The Returning Officer shall reject a ballot paper,-

(a) if it bears any mark or writing by which the voter can be identified; or

(b) if no vote is recorded thereon; or

(c) if votes are given on ballot paper in favour of more candidates than there are vacancies to be filled in or if more than one vote is recorded on it for one candidate; or

(d) if the mark indicating the votes thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or

(e) if it is a spurious ballot paper; or

(f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(g) if it bears the serial number, or is of the design different from the serial number, or as the case may be design of ballot paper authorized for use at the polling station; or

(h) if it does not bear the distinguishing mark which it should have borne under the provisions of sub-rule (3) of rule 34: Provided that-

(i) where Returning Officer is satisfied that any such defect as is mentioned in clause (g) or (h) has been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect;

(ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the vote for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the Returning Officer shall give each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The Returning Officer shall record on every ballot paper which he rejects the letter "R" and the grounds of rejection in abbreviated form either in his own writing or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

48. Counting Of Votes :-

(1) At every election where a poll is taken, the votes shall be counted by, or under the supervision and direction of the Returning Officer, and each contesting candidate, his election agent, and his counting agent, if any, shall have a right to be present at the time of counting.

(2) Every ballot paper which is not rejected under rule 47 shall be counted as one valid vote:

Provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(3) After the counting of ballot papers contained in all the ballot boxes used at a polling station have been completed, the Returning Officer shall make the entries in the result sheet in Form G hereto and announce the particulars.

(4) The valid ballot papers shall thereafter be bounded together and kept alongwith the rejected papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:-

(a) the name of the constituency;

- (b) the particulars of the polling station where ballot papers have been used; and
- (c) the date of counting;

49. Counting To Be Continuous :-

The Returning Officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot paper packets and other papers relating to the election sealed with his own seal and the seal of such candidates or their agents as may desire to affix and shall take adequate precautions for their safe custody.

50. Recommencing Of Counting After Fresh Poll :-

(1) If a fresh poll is held under rule 44, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date, time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 48 and 49 shall apply to such further counting.

51. Recount Of Votes :-

(1) After the completion of counting, the Returning Officer shall record in the result sheet in Form G hereto the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or, in his absence, his election agent may apply in writing to the Returning Officer for the recount of all or any of the ballot papers already counted stating therein the grounds on which he demands such recount.

(3) On such an application being made, the Returning Officer shall decide and allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons therefor.

(5) If the Returning Officer declares under sub-rule (3) to allow the application either in whole or in part, he shall,-

- (a) recount the ballot papers in accordance with his decision;
- (b) amend the result sheet in Form G to the extent necessary after such recount; and

(c) announce the amendment so made by him.

(6) After the total number of votes polled by each candidate have been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form G and no application for recount shall be entertained thereafter: Provided that, no step under this sub-rule shall be taken on the completion of the counting until the candidates and their agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).

52. Procedure At Election Where Equality Of Votes Exists :-

If on completion of counting of votes an equality of votes is found to exist between any candidates, the candidate shall be selected by lot drawn in the presence of the Returning Officer empowered in this behalf.

53. Declaration Of Result :-

The Returning Officer shall, subject to the provisions of rule 52, if and so far as they apply to a particular case, and if he has been so empowered by the Registrar thereunder, declare to be elected the candidate to whom the highest number of valid votes have been casted, complete and certify the return of election in Form H and send signed copies thereof to the Registrar as soon as possible.

54. Election To More Than One Seat :-

If a person is elected to more than one seat, then within the period of fourteen days from the date of his election, he shall resign all but one of the seats in writing addressed to the Registrar or to any Officer authorized by him in this behalf, on receipt of such resignation or on the seats becoming vacant as aforesaid, the Registrar shall declare the candidate from the constituency or constituencies concerned securing the next higher number of votes as duly elected.

55. Publication Of Names Of Members :-

(1) On receipt of election results and subject to declaration made under rule 54, the Registrar shall publish the names of all elected members by causing a list of such names together with the permanent address and the names of the constituencies from which they are elected to be pasted on the notice board or at any prominent place in his office. He shall also forward such list to the Government for publication in the Official Gazette.

(2) The Registrar shall also publish the names of members falling

under clauses (d), (e) and (f) of sub-section (1) of section 12 by causing a list of such names (together with their permanent addresses) to be pasted on the notice board or at any prominent place in his office.

56. Return Or Forfeiture Of Candidates Deposits :-

(1) The deposit made under rule 19, shall either be returned to the person making it or to his legal heir or be forfeited in favour of the Marketing Board in accordance with the provisions of this rule.

(2) Except in cases hereinafter mentioned in this rule, deposits shall be returned after the result of election is declared.

(3) If the name of the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposits shall be returned to him after the publication of the list, or after his death to his legal heir.

(4) Subject to the provisions of sub-rule (3), the deposits shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-fifth of the total number of valid votes polled by all the candidates in the constituency.

57. Custody Of Papers Relating To Election :-

The Returning Officer shall keep in safe custody the packets referred to in rule 42 and all other papers relating to the election.

58. Production, Inspection And Disposal Of Election Papers :-

(1) While in the custody of the Returning Officer,-

(a) the packets of unused ballot papers;

(b) the packets of used ballot papers whether valid, tendered or rejected; and

(c) packets of marked copies of the list of voters, shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent Court of Law.

(2) All other papers relating to the election shall be open for public inspection.

(3) The packets referred to in sub-rule (1) shall be retained for a period of one year and thereafter shall be destroyed, subject to any direction to the contrary given by the Registrar.

(4) All other papers relating to the elections shall be retained until

the termination of the next general election for the constituency to which they relate and shall thereafter be destroyed, subject to any direction to the contrary given by the Registrar.

59. Casual Vacancies In The Marketing Board :-

When the seat of a member elected to the Marketing Board becomes vacant or is declared vacant or his election (including bye-election) to the Marketing Board is set aside, the Registrar shall fix a date, for holding bye-election to fill the seat and the provisions of these rules shall thereupon mutatis mutandis apply accordingly.

60. Determination Of Validity Of Election :-

(1) If the validity of any election, including bye-election of a member of the Marketing Board is desired to challenge by any person qualified either to be elected or to vote at the election, such person may, within a period of seven days after the date of the declaration of the result of the election, apply in writing to the Registrar.

(2) On receipt of an application under sub-rule (1), the Registrar shall, after giving an opportunity to the applicant to be heard and after making such inquiry as he deems fit, pass an order confirming or amending the declared result of election or setting aside the election. If the Registrar sets aside election, he shall fix a date, as soon as conveniently may be, for holding a fresh election.

(3) Any person aggrieved by the decision of the Registrar may, within a period of seven days from the date on which the decision is communicated to him, appeal to the Government against such decision of the Registrar and the decision of the Government in such appeal, shall be final.

61. Declaration Of Disqualification :-

(1) If, at any time, the Registrar, after such inquiry as he considers necessary and after giving an opportunity to the member concerned to be heard, is satisfied that any member of the Marketing Board elected or nominated,-

(a) was subject to any of the disqualifications mentioned in rule 12 on the date of his election or nomination; or

(b) has incurred any of the disqualifications mentioned in rule 12 after his election or nomination; or

(c) has ceased to be a chairman of the Co-operative Societies doing the business of notified agricultural produce, the Registrar shall

declare the election or nomination of such member invalid or that such member shall not continue to be the member of the Marketing Board.

(2) Any person aggrieved by the decision of the Registrar may, within a period of seven days from the date on which such decision is communicated to him, appeal to the Government against such decision and the decision of the Government shall be final.

62. Expenditure In Connection With Or Incidental To Election :-

All expenditure incurred by the Registrar or Returning Officer in connection with or incidental to election of the Members of the Marketing Board shall be payable by Marketing Board as a sum due to the State Government to enable the Registrar or Returning Officer to meet the expenditure of this account and he shall cause the Marketing Board to deposit the amount as advance and equal to the estimated expenditure of election, on completion of election and he shall provide detailed account to the Chairman of the Marketing Board.

CHAPTER 4 Chairman and Vice-Chairman

63. Term Of Office Of The Chairman And Vice-Chairman :-

(1) The Chairman and Vice-Chairman shall, subject to the provisions of section 22 of the Act, hold office so long as they continue to hold office as members under sub-section (2) of section 13 of the Act.

(2) The Chairman and Vice-Chairman shall be paid such honararium as the State Marketing Officer may specify, having regard to the finances of the Marketing Board, so however that, the total amount of such honorarium to be paid shall not exceed rupees ten thousand per month.

CHAPTER 5 Conduct of Business, other duties of Marketing Board

64. Control Of Marketing Board :-

(1) (i) Marketing Board shall have absolute control over the principal market and sub-yards established under the Act. The Marketing Board, subject to these rules and to the orders issued by concerned authorities from time to time in this behalf, shall manage its affairs having due regard always to the best interests of the agriculturists and the trader in the notified agricultural produce.

(ii) For exercising the above control effectively, the Marketing

Board shall entrust the management of each market to the Deputy Secretary or Assistant Secretary, if appointed, or a Supervisor, if no such Deputy Secretary/Assistant Secretary is appointed. The Deputy Secretary or Assistant Secretary or Supervisor, as the case may be, shall manage the market under the direct supervision of the Secretary.

(2) The market shall be open for trading at such hours as the Marketing Board may fix, from time to time.

(3) Carts, vehicles and animals intended to transport notified agricultural produce shall be kept or allowed to remain at such stands or places and for such time, as may be specified by the Marketing Board.

(4) The notified agricultural produce intended for sale shall be exhibited at such places and in such manner and at such times as may be specified by the Marketing Board.

(5) The ingress and egress in the market shall be permitted to such persons and at such time as may be specified by the Marketing Board:

Provided that no person licensed or registered under the Act shall be prevented from entering the market during any time, when it is open to public.

65. Other Duties Of The Marketing Board :-

The Marketing Board shall,-

(i) implement the provisions of the Act and of the Rules and Bye-laws made thereunder in the market area;

(ii) implement the directions given by the Government/State Marketing Officer from time to time, in the establishment and development of market;

(iii) maintain and manage the market yards;

(iv) provide necessary facilities for the marketing of notified agricultural produce in the market area;

(v) supervise the conduct of the market functionaries;

(vi) regulate the opening, closing and suspending of transactions in market yards;

(vii) enforce the conditions of a licence/registration;

(viii) regulate the preparation, execution, enforcement or cancellation of agreements of sales, weighment, delivery, payment and other matters relating to the marketing of notified agricultural produce;

(ix) provide for the settlements of all disputes between the seller and buyer and others, arising out of any kind of transaction

connected with the marketing of a notified agricultural produce and all matters ancillary thereto;

(x) collect, maintain and disseminate information in respect of,-

(a) sale prices and movement of notified agricultural produce;

(b) production, processing and storage of notified agricultural produce; and

(c) any other relevant information;

(xi) take all possible steps to prevent adulteration and to promote grading and standardization of notified agricultural produce;

(xii) levy, recover and receive fees, subscriptions and other sums of money to which the Marketing Board is entitled;

(xiii) employ necessary number of officers and servants for the efficient implementation of the provisions of the Act and of the Rules or Bye-laws;

(xiv) conduct the auction of notified agricultural produce strictly in accordance with the procedure laid down under the Rules or the Bye-laws of the Marketing Board;

(xv) ensure correct weighment of notified agricultural produce;

(xvi) regulate the entry of persons and the vehicular traffic into the market;

(xvii) prosecute persons for violating the provisions of the Act or of the Rules or the Bye-laws;

(xviii) provide facilities, such as, provision of adequate space for direct sales by a producer and assist a producer by preparing invoices and bills on his behalf when he sells his produce to a trader without employing a commission agent;

(xix) direct purchase of notified agricultural produce in the event of drastic fall in prices so as to avoid distress sale by producers;

(xx) promote public private partnership for carrying out market-led extension activities and services in its area, viz., collection, maintenance and dissemination of information in respect of production, sales, storage, processing, prices, arrivals and movement of notified agricultural produce;

(xxi) set up and promote public private partnership in management of the agricultural markets;

(xxii) take measures for prevention of purchases and sales below the minimum support prices fixed by the Government from time to time;

(xxiii) promote and encourage e-trading, and may establish a regulatory system, create infrastructure and undertake activities and steps needed thereto; and

(xxiv) any other activities other than the above as stipulated under

section 32 of the Act.

66. Duties Of The Secretary Of The Marketing Board :-

(1) All employees of the Marketing Board shall be under the control of the Secretary and all orders issued to them shall pass through him. He shall be competent to pass orders with regard to their posting in the principal market yard and sub-yards, according to the requirements of the Marketing Board and to grant casual leaves to such employees. The Secretary shall work under the Chairman.

(2) The Secretary shall attend all meetings of the Marketing Board or sub-committee or a joint-committee or an ad hoc committee, except a meeting wherein anything, pertaining to him or any of his relative, is to be considered.

Explanation.- The word "relative", for the purpose of this sub-rule, shall mean,-

(a) father, mother, wife/husband, son, daughter, brother and sister of the Secretary;

(b) brother and sister of the father of the Secretary; and

(c) father, mother, brother and sister of the wife or husband as the case may be, of the Secretary.

(3) The Secretary shall advise the Marketing Board and its Chairman in the light of the provisions of the Act, Rules and Bye-laws framed under the Act and the directions of the Government or of the State Marketing Officer issued from time to time and the previous decisions of the Marketing Board. His opinion shall be recorded in the proceedings of the meetings of the Marketing Board. The Secretary shall be responsible to send a copy of the proceedings of all the meetings of the Marketing Board to the State Marketing Officer at the earliest but well before the conduct of next meeting.

(4) It shall be the duty of the Secretary to implement the provisions of the Act, Rules and Bye-laws made under the Act and the instructions of the Government or of the State Marketing Officer. The Secretary shall ensure that the decisions of the Marketing Board and of the Chairman shall be consistent with the provisions of the Act, the Rules and the Bye-laws to effect maximum improvement in the market.

(5) The Secretary shall see that communications addressed to the Marketing Board by the Government and the State Marketing Officer is dealt with promptly and efficiently.

(6) The Secretary shall be responsible for carrying out the day to

day working of the office of the Marketing Board, maintenance of accounts, punctual rendering of returns, monthly review of the progress made in the enforcement of the Act, Rules and Bye-laws made thereunder and the safe custody of the cash, the common seal, the minutes book and other records and assets of the Marketing Board.

(7) The Secretary shall make an annual assessment of the work of the employees engaged in connection with the management of the affairs of the Marketing Board and shall submit the report thereof to the Chairman of the Marketing Board who shall take this assessment into consideration while making final assessment of the work of such employees.

(8) The Secretary shall publish and circulate from time to time the data of arrivals and rates of agricultural produce standardwise brought into the market area for sale as specified.

(9) Any other activities as provided under sub-section (2) of section 42.

CHAPTER 6 Contract Farming

67. Registration Of Contract Farming Sponsor :-

(1) A person, for registering himself as Contract Farming Sponsor shall make an application in writing to the Marketing Board in Form I appended hereto alongwith such documents as specified in that Form, and a fee of rupees five hundred, per year, per District.

(2) On receipt of application under sub-rule (1) alongwith the requisite fee the Marketing Board shall record the particulars of such application in the register maintained in Form J appended hereto and dispose of the application within a period of thirty days from the date of receipt of such application. The Registration Certificate shall be issued in Form K appended hereto.

68. Contract Farming Agreement Between Contract Farming Producer And Contract Farming Sponsor :-

The Contract Farming Agreement between the Contract Farming Producer and the Contract Farming Sponsor shall normally be in Form L appended hereto, however, the Contract Farming Producer and the Contract Farming Sponsor shall be at liberty to mutually decide the terms and conditions of the Contract Farming Agreement, which shall not be contrary to the provisions of the Act and the Rules framed thereunder.

69. Disputes Settlement Authority For Disputes Pertaining

To Contract Farming :-

Any dispute arising out of contract farming or Contract Farming Agreement shall be referred to the State Marketing Officer (hereinafter referred to: The Dispute Settlement Authority). The aggrieved person shall make an application in writing accompanied by Court Fee stamp of rupees twenty to the State Marketing Officer. The State Marketing Officer shall, after verification of the documents and after giving a reasonable opportunity of being heard to the concerned parties, give his decision thereon within a period of thirty days from the date of receipt of the application.

70. Appeal Against The Decision Of The Dispute Settlement Authority :-

Any person aggrieved by the decision of the State Marketing Officer, may, within a period of thirty days from the date of such decision, file an appeal to the Registrar accompanied by Court Fee stamp of rupees fifty and a copy of decision appealed against. The Registrar, after giving reasonable opportunity of being heard to all the concerned parties and after verifying the concerned record and documents, shall decide the appeal within a period of thirty days from the date of receipt thereof and the decision given by the Registrar shall be final.

CHAPTER 7 Regulation of Trading**71. Application For Registration Or Renewal Of Registration Under Sub-Section (1) Of Section 51 Of The Act And Fees Chargeable Therefor :-**

(1) Any person desiring to register or renew a registration under sub-section (1) of section 51 of the Act shall make an application in Form M appended hereto.

(2) Every such application shall be accompanied by such fee, which shall not exceed Rs. 525/- (Rupees five hundred and twenty five only), as may be provided in the Bye-laws of the Marketing Board.

(3) A person residing outside the notified market area and desiring to operate in a notified market area of the Marketing Board for specific transaction, which shall be less than 10 in numbers in a year, may be granted a special registration on payment of such fee which shall not exceed Rs. 20/- (Rupees twenty only) as may be provided in the Bye-laws of the Marketing Board.

(4) The Registration or Renewal Certificate granted shall be for a period of one year. Before expiry of the period specified in such

certificate, it shall be get renewed. Every application for renewal of registration shall be accompanied by fee which shall be half of the fee fixed for registration.

(5) Any person desiring to carry on trade or transact in any notified agricultural produce in more than one market area, shall apply to the Marketing Board for registration in Form N appended hereto alongwith fee of Rs. 50/- (Rupees fifty only) per market area. The Secretary of the Marketing Board, on receipt of such application and fees, may grant registration to the applicant for carrying out trade in more than one market area in Form O appended hereto. The concerned registration holder shall be required to submit returns of purchases of agricultural produce made by him every month to the Marketing Board and shall have to pay the market fee on the purchase of the agricultural produce made in the market area, to the Marketing Board, every month.

(6) No person shall operate within a notified market area as commission agent, trader, warehouseman, weighman, surveyor, hamal or such other market functionaries except in accordance with the conditions under which he is registered with the Marketing Board: Provided that no person who is in the service of any other person, or who does any other business, excluding the market functionaries of a Private Market or Consumer/Farmer Market or direct marketing licensees or the members or functionaries of Commodity Exchanges, shall be eligible for registration as a commission agent, trader, warehouseman, weighman, surveyor or such other market functionaries: Provided that no registration with the Marketing Board shall be needed for the market functionaries for operating in a Private Market or Consumer/Farmer Market or for direct marketing.

(7) Any person who desires to obtain registration or renew his registration under sub-rule (1) shall make an application in Form M together with such fees not exceeding the maximum fee as specified below or as may be provided in the Bye-laws of the Marketing Board.

Serial Registration for Fee per annum for No. obtaining registration or renewing registration

(1) Commission Agent/Trader Rs. 500/-

(i) "A" class trader Rs. 500/-

(ii) "B" class trader Rs. 300/-

(iii) "C" class trader Rs. 200/-

(2) Warehouseman Rs. 150/-

(3) Weighman or surveyor Rs. 100/-

4) Hamal Rs. 5/-:

Provided that the Marketing Board may, in the case of hamal, decide not to collect any registration fee. Further, classification of the traders shall be as per the turnover limit as follows:-

"A" class trader:- Operating in all notified agricultural produce anywhere in the market area and having turnover of more than Rupees 5,00,000/- annually. "B" class trader:- Operating in all notified agricultural produce anywhere in the market area and having turnover of more than Rupees 3,00,000/- annually. "C" class trader:- Operating in all notified agricultural produce anywhere in the market area and having turnover of more than Rupees 1,00,000/- annually.

(1) The Marketing Board shall, within a period of thirty days from the date of the receipt of the application for grant or renewal of registration under rule 70 shall either grant a certificate of registration or renew a Certificate of Registration, as the case may be, or reject the application by giving reasons for such rejection.

(2) An application for the renewal of registration shall be made at least 30 days before the last date on which the registration is due to expire: Provided that where any such application is not made as aforesaid, but is made after the date of expiry of the registration, the Marketing Board shall, on payment of late fee at the rate equivalent to 10 percent of the fee specified for registration for the delay of first fifteen days and 25 percent thereafter for the delay of 30 days, may grant or renew the registration.

Note 1: While calculating the late fee, a fraction of a rupee which is less than half shall be omitted and a half or more shall be rounded off to the next highest figure.

Note 2: The Marketing Board may waive the late fee for reasons to be recorded in writing.

(3) Every renewal of registration granted under this rule shall take effect from the date following the date on which the registration expired.

(4) Every registration made or renewed under this rule shall expire on the last day of the financial year, for which it was issued. Full fees shall be payable even for part of the year.

72. Issue Of Duplicate Registration Certificate By The Marketing Board :-

The Marketing Board may issue a duplicate copy of the Registration Certificate on payment of a fee which shall be half of the fee fixed for registration but not less than Rs. 5/- (Rupees five only), if it is

satisfied that original copy of the Registration Certificate issued has been lost or accidentally destroyed.

73. Control Over Weighment, Measurement Or Counting Of Notified Agricultural Produce :-

(1) All the weighments, measurement or counting, as the case may be, of agricultural produce, livestock or products of livestock purchased or sold in the market and those under storage, processing or export in the notified market area shall be conducted under the control of the Marketing Board through licensed/registered weighmen who shall render the accounts of the same to the Marketing Board, as may be specified.

(2) Any person contravening the provisions of this rule shall be punishable with simple imprisonment which may extend to six months or with fine or with both as per section 61 of the Act.

74. Use Of Only Authorized Weights And Measures :-

Only such weights and measures as conformed to the metric weights or metric measures and their multiples and sub-multiples thereof shall be used in transactions in the notified market area.

75. Test Of Scales, Weights And Measures, By Authorized Officer Of The Marketing Board :-

Any officer or employee of the Marketing Board authorized in this behalf, may, at any time and without prior notice, examine and test any scale, weight or measure used, kept or possessed in any place within the limits of the notified market area and inspect, examine and test the weighment, measurement or counting, as the case may be, of any notified agricultural produce, livestock or products of livestock within the limits of the notified market area.

76. Set Of Metric Weights And Measures To Be Kept By The Marketing Board :-

The Marketing Board shall keep at least one set of metric weights and scales which shall, during the office hours of the Marketing Board, be available to the public for comparison with their own metric weights and scales.

77. Counter Balancing In Weighment :-

A weight equivalent to that of the bag, tin or other packing material which contains the agricultural produce or products of livestock and the rope or twine used for the packing thereof, shall be added to the weight side of the scale in order to counter the

balance of the weight of such bag, tin or other packing material and the rope or twine placed on the weighing side of the scale.

78. Production Of Scales, Measures And Weights For Inspection :-

Every person who has been granted registration under sub-section (1) of section 51 of the Act, shall, on order of any person authorized under rule 75, declare every scale, measure or weight kept or possessed by him or by any person or persons under his authority and control and produce them for examination at such time and at such place as may be required and shall allow the person authorized under rule 75 to examine and test the same.

79. Report Of Incorrect Scales, Measures And Weights :-

If, on examination under rule 75 or rule 78, any scale, measure or weight is found to be unauthorized or to be incorrect, the matter shall be reported by the Secretary of the Marketing Board to the concerned Government Officer incharge of the administration of the weights and measures for such action as is deemed necessary by him in the circumstances of the case.

80. The Bill To Be Issued By The Traders :-

(1) The traders shall issue bill as specified in clause (c) of section 2 of the Act, in triplicate, to the seller, in the form as specified in the Bye-laws of the Marketing Board.

(2) When any notified agricultural produce is sold by tender system or public auction, it shall be sold to the highest bidder; but the seller may refuse to sell his produce to the highest bidder or may accept a lower bid or postpone the sale of his produce to a later hour or date:

Provided that, the seller exercises such option and communicates the same to the trader concerned before the expiry of the time which the Marketing Board may fix for auction sales or tender sales on the yard.

81. Maintenance Of Books By Market Functionaries :-

Every market functionary shall, immediately after weighment or measurement or counting of the notified agricultural produce, issue a bill in triplicate in the form prescribed in that behalf by the Bye-laws to every purchaser furnishing details (including price) of all the agricultural produce sold by him. One copy of the bill shall be submitted to the Marketing Board and another shall be retained by him, and third copy shall be supplied to the seller.

CHAPTER 8 Levy of Market fees and its Collection

82. Levy Of Market Fees :-

(1) The Marketing Board may collect market fees through its licensed/registered commission agents.

(2) Such fees shall be levied as soon as the notified agricultural produce is purchased or sold by a license/registration holder in the Market area. The notified agricultural produce shall be deemed to have been purchased or sold after the notified agricultural produce has been weighed or measured or counted.

(3)(i) The market fees collected by the licensed/registered commission agents or traders on the notified agricultural produce shall be paid to the Marketing Board not later than the 25th day of the succeeding month.

(ii) Any contravention of this sub-rule shall be punishable with fine which may extend to five times of the market fee payable thereof.

83. Check Post :-

(1) The Marketing Board may open check post to avoid non-payment of fees in the notified market area and shall inspect vehicles, carts, boats, carrying notified agricultural produce within and outside the notified market area. The Marketing Board shall also inspect the documents regarding purchase, sale, payment of fees etc.

(2) No person shall transport any agricultural produce purchased or sold in the notified market area or from the limits thereof, except on production of the sale slip confirming the realization of the market fees in respect of such agricultural produce, to the Marketing Board.

(3) Any employee of the Marketing Board, authorized in this behalf, shall have the power to stop and check, at any time and without notice, any vehicle suspected to carry unauthorized agricultural produce from any place within the limits of any notified market area.

(4) Any person who fails to stop the vehicle when required to do so under sub-rule (3) shall be punishable with fine which may extend to rupees two hundred only.

84. Penalty For Evasion Of Payment Of Market Fees :-

Any person removing or attempting to remove any agricultural produce from any notified market area or allowing the transport of any such notified agricultural produce from such area in

contravention of the provisions of rule 84 and before the fee has been paid therefore, in order to evade or facilitate evasion of the payment of the fees, shall be punishable with fine which may extend to rupees two hundred only.

Explanation.- For the purposes of rules 84 and 85, the expression person shall also include a Government.

85. Disqualification Of The Holder Of Licence/Registration :-

The holder of the licence/registration shall be disqualified in the event of non payment of due market fee on the notified agricultural produce.

86. Register For Market Fees :-

The Marketing Board shall maintain a register in Form P appended hereto showing the market fees under section 34 of the Act or any other charges collected. A receipt shall be given to every person in respect of the fees or charges so collected under these Rules.

87. Use Of Employees For Collecting Market Fees :-

The fees under section 34 of the Act shall be collected by the authorized officers and servants of the Marketing Board. The Marketing Board may outsource the function of collection of market fees and assign the same to any other person with the prior approval of the State Marketing Officer.

88. Employees Collecting Market Fees :-

Every authorized officer or staff of the Marketing Board, other than the Secretary, shall carry an identification card given under the seal of the Marketing Board authorizing him to collect fees on behalf of the Marketing Board.

89. Inspection Of Cash And Accounts By The Secretary Of The Marketing Board :-

The Secretary shall arrange to inspect and check periodically the cash and accounts of the officers and staff, authorized to collect fees on behalf of the Marketing Board.

CHAPTER9 Establishment and functioning of private market yard/private market, Consumer/Farmer Market and Direct purchase

90. Application For Grant Of Licence Under Sections 52 And 54 Of The Act And Fees Chargeable Therefor :-

(i) Any person who sets up one or more Private Yard; or market; or

(ii) set up Direct Purchase facilities to purchase agricultural produce for all or for any of the purposes mentioned under section 52 of the Act; or

(iii) establish consumer/farmer market in any market area, shall make an application in Form Q appended hereto, in duplicate alongwith documents as specified in the said form, for private yard/or consumer/farmer market, and in Form M appended hereto for Direct Purchase of agricultural produce, to the State Marketing Officer, enclosing therewith, the copy of treasury challan in support of having paid the licence fee of the requisite amount in accordance to the Table below:

Table

(i) Establishment of private market yard/Direct Purchase facilities.

(a) in one area Rs. 10,000/- per annum

(b) for more than one area Rs. 50,000/- per annum

(ii) Establishment of consumer/farmer market Rs. 2,000/- per annum

91. Grant Of Licence To Establish Private Yard And Consumer/Farmer Market :-

(1) Every application to establish private market yard/private market and consumer/farmers market shall be accompanied with.-

(i) a detailed project report showing the financial status of the applicant alongwith the Income Tax returns filed for the previous three assessment years or assets with valuation assessed by Chartered Accountant.

(ii) a Bank Guarantee as decided by the Government shall be deposited with the State Marketing Officer, while applying for licence to establish private yard, consumer/farmer market. However, the Government organizations and local authorities are exempted from furnishing Bank Guarantee.

(iii) the project report of private yard shall contain details, such as, exact location and the extent of land in which the yard is proposed to be established, amount proposed to be spend for setting up facilities for purchase/sale and storage of notified agricultural produce including processing, grading, packing, storing and for sale/export of the agricultural produce by way of value addition and outlay earmarked for providing facilities, if any, like lodging, boarding to the growers who bring produce to the private yard; for establishing laboratory facilities to evaluate and determine the quality of the agricultural produce after processing to satisfy the

sanitary and phytosanitary requirements of the consumers.

(iv) The project report of the consumer/farmer market shall contain details, such as, exact location and the extent of land in which the market is proposed to be established and outlay earmarked for providing infrastructure like auction hall, sheds, drinking water facilities, toilets, internal roads, etc.

(2) The application, on receipt, shall be scrutinized by the State Marketing Officer or an officer authorized by him, and after being satisfied, he shall enter it in the register maintained in Form R appended hereto at the earliest and within a period of thirty days of its receipt.

(3) The State Marketing Officer shall evaluate the project report submitted by the applicant and shall within a period of 60 (sixty) days from the date of receipt of application, issue the letter of intent for commencement of the project based on such evaluation.

(4)(a) On completion of evaluation of the project report, the applicant shall give an intimation to the State Marketing Officer who shall on receipt of intimation authorize an officer to inspect, to ensure completion of the project with all facilities as per the project report. In case of failure by the applicant to implement the project within the period mentioned in the permission or within such extended time which shall not be more than three years from the date of issue of letter intent, the State Marketing Officer may refuse to grant licence for reasons to be communicated. In case of rejection of application, the fee deposited with the application shall be refunded to the applicant, after retaining 5% of the fee paid towards processing cost.

(5) On receipt of the report of implementation of the project, the State Marketing Officer may grant licence in Form S appended hereto with such conditions as specified thereto for a period not exceeding ten years, renewable for a period of ten years every time on an application and on payment of fee as applicable for grant of licence.

(6) The licensee may start trading or making purchases, as the case may be, from agriculturist growers of the area or areas specified in the licence only after receipt of the licence. However, in the event of cancellation of licence owing to failure to implement the project, the person licensed shall forthwith stop making purchases under the licence.

(7) The State Marketing Officer or the officer authorized by him not below the rank of an Assistant Registrar shall have power to inspect the private yard and Consumer/Farmer Market.

(8) The licensee shall submit areawise monthly returns of purchases made from the agriculturist growers to the respective Marketing Board and also submit consolidated returns to the State Marketing Officer and pay the Market Fee to the Marketing Board as laid down in the Bye-laws, by the 25th day of the succeeding month. He shall also furnish the sale returns pertaining to processed goods as applicable: Provided that no market fee shall be levied for the second time in any market area of the State on agricultural produce on which market fee has been levied and collected at the specified rate in a Private Yard: Provided further that the licensee private yard, shall retain 20% of the market fee so collected for the purpose of developing and maintaining its activities, to conduct and regulate trading of agricultural produce by the agriculturists: Provided also that no market fee shall be leviable on sale and purchase made in consumer/farmer market.

(9) The licensee shall ensure the payment of sale proceeds to the agriculturists by issuing a sale slip on the day of sale and allow only such allowances and deductions, as are permitted under the rules, collect market charges as are applicable in the notified market area and maintain such register and furnish such returns to the State Marketing Officer as he may direct.

(10) The farmer in the consumer/farmer market shall not be permitted to sell more than ten kilogram fruits and vegetables or other perishable agricultural produce and fifty kilogram food grains or other non-perishable agricultural produce to one consumer.

(11) The private market yard and consumer/farmer market licence holder shall not be granted licence for direct purchase.

(12) The licensee private market yard, or consumer/farmer market shall also develop the required infrastructure for providing following amenities or facilities:-

(i) Auction, platforms, shops, godowns, canteen, drinking water, latrine, urinals, compost pits, street lights, etc. in the interest and for the convenience of producers as well as other individuals using the market yard.

(ii) In addition to the infrastructure mentioned in clause (i) above, the owner of a private yard may provide such other amenities and facilities therein as are requisite of a modern market such as, warehouses, pre-cooling, cold storage (including controlled atmosphere cold storage), ripening chambers, laboratory facilities to evaluate and determine the quality of the produce after processing to satisfy the sanitary and phytosanitary requirements of the consumers, pack houses having grading lines, Kisan

Bhawans, loading and unloading sites, electronic auctioning, electronic display of market rates of different commodities, etc.

(iii) The consumer/farmer market shall create minimum infrastructure as are normally provided in Apni Mandi, Kisan Haat, or Ryathu Bazar, including stalls for the farmers/growers, as also shops for ancillary services, i.e. booths for sale of seeds, fertilizers, organic fruits and vegetables, milk, other fruits and vegetables, etc.

92. Issue Of Licence For Direct Purchase Of Agricultural Produce :-

(1) The applicant while applying for licence for direct purchase of agricultural produce shall furnish the details of the centers to be opened for procurement and shall also submit to the State Marketing Officer the names of the new centers that are opened in the course of his business within a period of three days of their opening.

(2) A Bank Guarantee as decided by the Government shall be deposited with the State Marketing Officer, while applying for a licence of direct purchasing. However, the Government organizations and local authorities are exempted from furnishing Bank Guarantee.

(3) On examination of the application made under rule 92, the State Marketing Officer shall record the date of receipt of such application in the register maintained in Form R appended hereto after ascertaining that the necessary licence fee have been deposited. The State Marketing Officer shall issue a licence in Form S appended hereto within a period of thirty days of receipt of the application, with such conditions as may be specified therein for a period not exceeding ten years, renewable for a period of 10 years every time on an application and payment of fee as applicable for grant of licence. In case of rejection of application, the fee deposited shall be refunded to the applicant, after retaining 5% of the fee paid towards processing charges.

(4) No licence for establishing a private yard or consumer/farmer market shall be granted to the direct purchase license holder.

(5) The licensee may, start trading or making purchases, as the case may be, from the agriculturist growers of the area or areas specified in the licence only after receipt of the licence. However, in the event of cancellation of licence owing to failure to implement the project, the person licensed shall forthwith stop making purchases under the licence.

(6) The State Marketing Officer or any other officer authorized by him not below the rank of Assistant Registrar of Co-operative Societies shall have the power to inspect premises/purchase center of the licensee.

(7) The licensee shall submit the areawise monthly returns of purchases made from the agriculturist growers to the Marketing Board and also consolidated returns to the State Marketing Officer and pay the market fee to the Marketing Board as laid down in the Bye-laws by 25th day of the succeeding month and shall also furnish the sale returns pertaining to processed goods as applicable: Provided that no market fee shall be levied for the second time in any market area of the State for agricultural produce on which market fee has been levied and collected at the specified rate on direct purchase of agricultural produce from the agriculturists.

(8) The licensee shall ensure the payment of sale proceeds to the agriculturists by issuing a sale slip on the day of sale and allow only such allowances and deductions as are permitted under the Rules, collect market charges as are applicable in the notified market area and maintain such registers and furnish such returns to the State Marketing Officer as he may direct.

93. Renewal Of Licence :-

(1) A licence granted under section 54, shall be valid for period for which it is granted and shall, subject to any order passed under section 54, be renewed on application made in Form T appended hereto to the authority granting it on payment of fee as applicable to grant of licence.

(2) An application for renewal of a licence shall be made at least thirty days before the date on which the licence is due to expire: Provided that the authority competent to renew a licence may, on the payment of a fine of Rs. 5,000/- (Rupees five thousand only), by the applicant, entertain an application for renewal made after the expiry of the period of licence but within a period of three months after its expiry.

Note: Every renewal of licence granted under this rule shall be deemed to have come into effect from the day following the date on which the licence expires.

94. Settlement Of Disputes :-

(1) The consumer/farmer market licence holder, may file a

complaint in writing to the State Marketing Officer with the Court fee stamp of rupees twenty alongwith the necessary documents, within a period of thirty days from the date of arising of the dispute.

(2) The State Marketing Officer shall, after giving reasonable opportunity to the concerned parties of being heard and after making necessary inquiry, pass an order within a period of thirty days of receipt of the said complaint. The State Marketing Officer may also suo-motu deal with such disputes and pass order thereon within a period of thirty days.

(3) The dispute may include,-

(a) Dispute regarding the payments made to a farmer for purchase of agricultural produce from him while dealing in the consumer/farmer market;

(b) Dispute as regards the jurisdiction (area of operation);

(c) Dispute regarding the weight of agricultural produce, price, fees, taxes, charges etc.;

(d) Any other dispute which State Marketing Officer may decide.

95. Settlement Of Price Of Notified Agricultural Produce :-

The price of the notified agricultural produce in the private yard, shall be settled considering the maximum and minimum prices prevailing in the regulated market yards.

96. Procedure For Appeals Against The Order Passed Under Sections 51, 54 And 55 :-

(1) An appeal preferred against an order passed under sections 51, 54 and 55 accompanied with a fee of rupees fifty only paid by challan in the Government Treasury, shall be presented to the State Marketing Officer who shall act as the Appellate Authority, in the form of a memorandum couched in respectful decorous and temperate language setting forth precisely and concisely the grounds of appeal. An authenticated copy of impugned order shall invariably be annexed to the Memorandum of appeal.

(2) No appeal filed under this rule shall be entertained unless it is preferred within a period of thirty days from the date on which a copy of the order appealed against is received by the Appellant.

(3) The Appellate Authority shall, after giving an opportunity of being heard to the parties, pass an order confirming or setting aside the order under appeal or remit the matter for re-consideration.

CHAPTER 10 Marketing Board Funds, Budget and Accounts

97. Contribution To The National Council Of State Agricultural Marketing Boards :-

The Marketing Board may contribute to the National Council of the State Agricultural Marketing Boards an amount not exceeding 0.1% of the market fee receipts, annually.

98. Budget Of The Marketing Board :-

The Marketing Board shall meet annually not later than two months preceding the commencement of the financial year to prepare and adopt budget of income and expenditure for the next year in the Form U appended hereto and shall submit the same to the State Marketing Officer for sanction within a period of thirty days before the closure of the year:

Provided that the Marketing Board shall be competent to incur expenditure provisionally, as per the budget passed by the Marketing Board in case the sanction of the State Marketing Officer is not received within a period of thirty days from the date of submission of the budget.

99. Audit Of The Marketing Board :-

The Secretary shall produce all accounts, registers, documents and other papers, which may be required by the State Marketing Officer in connection with the audit of the accounts of the Marketing Board and shall also furnish immediately any explanation called by the State Marketing Officer for the settlement of any discrepancy in such accounts.

100. Submission Of Accounts Of The Marketing Board :-

The Secretary shall submit all accounts of the Marketing Board as required by the auditor who may be authorized by the State Marketing Officer.

101. Power Of Auditor To Summon Documents :-

(1) The auditor may,-

- (i) by summons in writing, require the production of any book, deed, contract, account, voucher, receipt or any other document, the perusal or examination of which he considers necessary; or
- (ii) by summons in writing require any person having the custody or control of any such document or accountable for such documents to appear before him in person; or
- (iii) require any person so appearing to make and sign a declaration

with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

(2) Whoever fails to comply with any requisition lawfully made upon him under this rule shall be punishable with fine which may extend to Rs. 50/- (Rupees fifty only).

102. Auditor To Report Material Impropriety Or Irregularities, Loss, Waste Or Misapplication Of Funds :-

(1) The Auditor shall report to the Marketing Board and the State Marketing Officer any material as regards impropriety or irregularity which he may observe in the expenditure or in recovery of money due to the Marketing Board or in the accounts of the Marketing Board.

(2) The Auditor shall report to the Marketing Board and the State Marketing Officer any loss, waste or misapplication of funds or other property owned by or vested in the Marketing Board, if such loss, waste or misapplication is a direct consequence of neglect or misconduct, with the name of any person directly or indirectly responsible for such loss, waste or misapplication.

103. Duty Of The Secretary Of The Marketing Board To Remedy The Defects Or Irregularities :-

The Secretary of the Marketing Board shall forthwith remedy any defects or irregularities that may be pointed out by the Auditor and report the same to the Marketing Board.

104. Powers Of The Auditor To Disallow Any Unauthorized Items And Surcharge Thereon :-

(1) The Auditor may disallow every item contrary to law and surcharge the same on the person making or authorizing the making of the illegal payment and may frame charge against any person responsible therefor of any deficiency, loss or unprofitable outlay incurred by the negligence or misconduct of that person or of any sum, which ought to have been, but is not, brought to account by that person and shall in every such case, certify the amount due from such person.

Explanation.- It shall not be open to any person whose negligence or misconduct has caused or contributed to such deficiency or loss, to contend that notwithstanding his negligence or misconduct, the deficiency or loss would not have occurred, but for the negligence or misconduct of some other person.

(2) The Auditor shall state in writing the reasons for his decision in respect of every disallowance, surcharge or charge and furnish by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the Auditor's decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days referred to in rules 105 and 106 shall be calculated from the date of such refusal.

105. Appeal Against Decision Of The Auditor :-

Any person aggrieved by disallowance, surcharge or duly furnished with a copy of such decision within the meaning of rule 104 sub-rule (2) and (3) of rule 104 of the Rules may, within a period of fourteen days from the date of receipt of decision, appeal to the State Marketing Officer. Any order passed on such appeal by the State Marketing Officer after giving a reasonable opportunity of being heard to the concerned parties shall be final.

106. Payment To Be Credited To Treasury :-

Every sum certified to be due from any person by the Auditor under these Rules, shall be paid by such person into the Marketing Board Fund, within a period of fourteen days after the intimation to him of the decision of the Auditor, unless such person has appealed to the State Marketing Officer against such decision, and such sum, if not paid, or such sum as the State Marketing Officer shall declare to be due, shall be recoverable on an application made by the State Marketing Officer to the Court in the same way as an amount decreed by the said Court.

107. Filling Of Half Yearly Returns To The Auditor By The Marketing Board :-

In order to enable the Auditor to recover all the amount covered by the surcharge certificates issued by him, a half yearly return shall be sent by the Marketing Board to the Auditor and the State Marketing Officer. The action taken to effect the recoveries shall be specified in the return. The return for each half year shall include all surcharges outstanding at the end of the half year and shall be sent to the Auditor by the 10th day of the month succeeding the half year to which the return relates. The return shall contain detailed information regarding the stage of recovery of amounts due and they shall be sent with a certificate that the recovery of the amounts has not become time-barred. Where no amount is

pending recovery, a NIL return shall be sent. As soon as an amount is completely recovered, the Marketing Board shall report the fact to the Auditor and the State Marketing Officer.

108. Investment Of Surplus Amount The Marketing Board Fund :-

(1) Subject to the provisions of sub-section (3) of section 44 of the Act, any surplus amount of the Marketing Board Fund remaining with the Marketing Board after meeting expenditure shall be invested in the form of term deposits and Government Bonds.

(2) Money received by the Marketing Board under sub-section (2) of section 44 of the Act shall be kept in the term deposits in Scheduled Co-operative Banks or Nationalized Banks.

CHAPTER 11 Repeal and Saving

109. Repeal And Saving :-

(1) The Goa Agricultural Produce Marketing (Regulation) Rules, 1969 are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken shall be deemed to have been done or taken under the corresponding provisions of these rules.