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## **MAHARASHTRA AGRICULTURAL PRODUCE MARKETING (REGULATION) RULES, 1967**

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**MAHARASHTRA AGRICULTURAL PRODUCE MARKETING  
(REGULATION) RULES, 1967**

In exercise of the powers conferred by sub-section (1) and (2) of section 60 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Mah. XX of 1964), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 60,

namely:-

## **CHAPTER 1** Preliminary

### **1. Short Title :-**

These rules may be called the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967.

### **2. Definitions :-**

In these rules, unless the context requires otherwise-

(i) "Act" means the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963

(ii) "authorised weights, measures or weighing or measuring instruments" means such weights, measures or weighing or measuring instruments as may be permitted to be used under the provisions of the Bombay Weights and Measures (Enforcement) Act, 1958 ;

(iii) "Collector" includes an officer duly authorised by him for exercising the powers or discharging the functions of the Collector under all or any of the provisions of these rules ;

(iv) "co-operative marketing or processing society" means a cooperative society (registered or deemed to be registered as such under the Maharashtra CO-operative Societies, Act, 1960) which holds a licence for marketing of declared agricultural produce or for operating as processor ;

(v) " counting agent" means a person appointed by a candidate to be his counting agent, with the previous approval of the Collector;

(vi) " election agent" means a person appointed by a candidate to be his election agent with the previous approval of the Collector;

(vii) "financial year" means the year commencing on the 1st day of April;

(viii) "Form" means a form appended to these rules ;

(ix) " licensed " means licensed to operate as a market functionary in any market or market area under the Act:

(x) " market year" means the year commencing on the 1st day of October and ending on the 30th day of September, next following :

(xi) " market charges includes charges on account or in respect of commission, brokerage, weighing, measuring, hamali (loading unloading and carrying), cleaning, sewing, stitching, stacking, hiring gunny bags, stamping, bagging, godowning, warehousing, grading, surveying, transporting and processing :

- (xii) " market functionary" means a trader, commission agent, broker, processor, measurer, surveyor, weighman and includes carting and clearing agent (Hundekari), hamal and assistants to trader, commission agent, processor and carting and clearing agent (Hundekari), warehouseman and such other persons, who in the opinion of a Market Committee, are likely to facilitate or assist in facilitating operations in a Market area or in any market therein and declared to be so in the bye-laws of the Market Committee ;
- (xiii) "notice board" means the board placed in or near the office of a Market Committee for the purpose of displaying notices thereon;
- (xiv) "polling officer" means a Polling Officer appointed by the Collector for the purposes of any election under Chapter III of these rules;
- (xv) "Presiding Officer" means a Presiding Officer appointed by the Collector for the purposes of chapter III of these rules ;
- (xvi) " Returning Officer " means a Returning Officer appointed by the Collector for the purposes of Chapter III of these rules ;
- (xvii) "section" means a section of the Act:
- (xviii) " warehouse" means any building , structure, or protected enclosure which is , or may be, used for the purpose of storing declared agricultural produce (being goods on behalf of depositors) and includes a warehouse licensed under the Bombay Warehouses Act, 1959 or run under the Warehousing Corporations Act, 1962 but does not include a cloak room attached to a hotel, railway station, port or to any premises of a like nature ;
- (xix) : warehouseman" includes a person or a firm holding a licence for issuing receipts for goods stored in a warehouse under the Bombay Warehouse Act, 1959 .

**3. Additional mode of publication of notification under sec. 3 and 4-A :-**

Notification under section 3 declaring the intentions of the State Government of regulating the marketing of any agricultural produce in any area specified in such notification and the notification under section 4 regulating the marketing of agricultural produce in any area shall, in addition to their publication in any newspaper circulating in any such area as required by that section, also be published by affixing copies thereof at the chavdi of each village included in such area and by exhibiting them on the notice board in the office of the Mamlatdar, Tahsildar, Mahalkari or Naib-Tahsildar and of the Panchayat samiti within whose jurisdiction such area is

situated. The State Government shall also require a revenue officer specified in this behalf to give wide publicity to the notification by beat of drums in any such area .

#### **4. Procedure for holding enquiry for considering objections and suggestions :-**

(1) The State Government may, if it considers necessary so to do, authorise any officer to enquire into any suggestions and objections received by it to the notification under section 3 and require the officer to submit in his report.

(2) The Enquiry Officer may, for enabling him to make the report, by notice require the persons making the suggestions and objections to appear before him not earlier than fifteen days from the date of the notice in person or through a representative or the place and time specified in the notice. The Enquiry Officer, after hearing the persons, shall [within a period of 6 months from the date on which the hearing was given or if there be more than one day on which the hearing was given or the last date on which the hearing was given ], submit his report to the State Government along with all objections and suggestions received to the notification.

(3) On receipt of the report, the State Government shall, after considering the report, with due regard to the objections and suggestions received by it, decide the question of regulating marketing of agricultural produce in the area specified in the notification. After the question is decided the State Government may issue the notification under sub-section (1) of section 4 in terms of such decision.

### **CHAPTER 2 Marketing of agricultural produce**

#### **5. Marketing of agricultural produce :-**

(1) No person shall market any declared agricultural produce in any place in a market area other than the principal market or subsidiary market established therein : Provided that, the Director may authorise any Market Committee, subject to such terms and conditions as he may deem fit, to permit a commission agent or trader to market declared agricultural produce, or to permit any other market functionary to operate, at any place within the market

area, such place being mentioned by the Market Committee in the licence granted to such commission agent, trader, or as the case may be, the market functionary.

(2) The particulars of any declared agricultural produce marketed in any market area shall be reported to the Market Committee in such manner as the Market Committee may require of the person marketing such produce.

#### **6. . Licensed trader, broker and commission agent :-**

(1) Any person desiring to use any place in a market area for marketing of any declared agricultural produce or for operating therein as a trader, commission agent or broker, shall make an application in writing to the Director in the Form prescribed by him (where a Market Committee has not yet started functioning) and in any other case, in the Form prescribed by bye-laws for a licence or for renewal thereof, as the case may be, to the Market Committee

(a) solvency certificate required by the Director or prescribed by bye-laws ; [or]

(b) cash security or bank or third persons guarantee required by the Director or prescribed by bye-laws.

(c) a character certificate from any Gazetted Officer or a member of the Legislature.

(2) On receipt of any application together with the proper amount of the fees, if any, and information referred to in sub-rule (1), the Director, or as the case may be, Market Committee may, subject to the provisions of rule 5 and this rule, after satisfying himself or itself on the following points, grant the applicant a licence in Form 1, or, as the case may be, renew it in that Form (such licence being issued or renewed, except in a case where it is granted by the Director, under the signature of the Chairman ),namely:-

(a)

(i) solvency certificate;

(ii) cash security or banks or third persons guarantee, (if a solvency certificate is not produced);

(iii) capacity for providing adequate equipment for smooth conduct of the business;

(iv) conduct of the applicant; [x x x x ]

(b) in the case of renewal of a licence , also whether the applicant has traded or not in the market area or whether the person has over traded. Provided that, no licence shall be issued to any



applicant unless he executes an agreement in the form approved by the Director agreeing to abide by the provisions of the Act, the rules and the bye-laws;

(3) The director or, as the case may be, the Market Committee ; may grant one single licence in respect of the principal market, subsidiary market and in respect of any other place in the market area or may grant separate licence in respect thereof, to enable a trader, a commission agent or a broker, to operate as such, trader, commission agent or broker, as the case may be.

(4) Notwithstanding anything contained in sub-rule (2), the Director, or as the case may be, the Market Committee may for reasons to be recorded in writing refuse to grant or renew a licence to any person, who in his or its opinion, is not solvent or in the case of renewal of licence, if the person, has not traded in the market area for more than a week without valid reasons or

(5) On receipt of an application and payment of the required fee. the Director or as the case may be, the Market Committee shall complete the enquiry and issue the licence applied for, if the requirements of sub-rule (2) have been fulfilled , as far as possible, within a period not exceeding 30 days from the date of receipt of the application.

(6) The licences shall be valid for the persons in whose names they are issued and shall not be transferable . Licence shall also be liable for suspension or cancellation for a breach of these rules, and the licensee shall be informed of such suspension o cancellation and the reason therefor.

(7) Every licence shall be granted or renewed for a period ending on the 30th day of September next following the date on which it is granted, or as the case may be renewed.

(8) Each Market Committee shall maintain a register in such form as the Director by general or special order, may specify in this behalf containing names of all commission agents, traders and brokers licensed under these rules.

## **7. Licences to warehouseman, measurer, surveyor, processor, weighman etc :-**

(1) Any person desiring to operate in any market area as a processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation, to the marketing of any declared agricultural produce shall make an application in writing in the form

prescribed by the Director or the bye-laws for the grant of a licence or renewal thereof, as the case may be, to the Director (where a market Committee has not yet started functioning) and in any other case, to the market Committee along with the fee prescribed in this behalf by bye-laws, if any, such fee not being in excess or maximum fees per market year indicated below, namely: -

<b>Category of Licence</b>	<b>Maximum fees to be charged per market year</b>
	<b>Rs.</b>
(a) Weighman or measurer	10
(b) Surveyor	15
(c) Warehouseman	15
(d) Processor	100
(e) Carting and Clearing Agent	25
(f) Assistant to trader/commission agent/broker ..	5
(g) Assistant to carting or clearing agent	5
(h) Hamal	3
(i) Others	5

(2) On receipt of an application together with the proper amount of fee, the Director, or as the case may be, the Market Committee may, subject to the provisions of rule 5 and this rule after satisfying himself or itself on the following points, grant the applicant the licence applied for in the form provided by sub-rule (3) or, as the case may be, renew it in that Form, namely :-  
[(i) Character of the applicant as it appears from the certificate of character given by any Gazetted Officer or a member of the State Legislature.]

(ii) The work done by the applicant in the market area in case where the license is to be renewed.

(3) The Director or as the case may be, the Market Committee shall, when he or it decides to grant a licence, grant the market functionary specified below a licence in the Form indicated opposite to him; and it shall be lawful to the Director or, as the case may be, the Chairman to issue such licences under his signature :-

	Market functionary	Form
1.	Weighman or Measurer	2
2.	Warehouseman	3
3.	Processor, Surveyor, Carting and Clearing Agent	4
4.	Assistant to Commission Agent, Trader, Broker, Carting, Clearing Agent and Processor	5
5.	Hamal	6
6.	Others	7

(4) The applicant, on a licence being granted, shall execute an agreement in such form as may be approved by the Director or under the bye-laws, agreeing to abide by the provisions of the Act, these rules and the bye-laws.

(5) The licences shall be valid for the persons in whose names they are issued and shall not be transferable, Licences shall also be liable for cancellation or suspension for a breach of these rules or bye-laws and the licensee shall be informed of such suspension or cancellation and the reasons therefor.

(6) Notwithstanding anything contained in sub-rule(2), a Market Committee may for reasons to be recorded in writing, refuse to grant or renew a licence to any person if the conduct of such person is found to be detrimental to the efficient functioning of the market, or where the licence is sought to be renewed, the person has remained absent without permission of the Market Committee continuously for more than a month without any valid reason. If any license is not granted or renewed the applicant shall be informed of the same and the reasons therefor and the licence fee, if paid, shall be refunded to the applicant.

(7) The licence shall be granted or renewed for a period ending on the 30th September next following the date on which it is granted, or as the case may be, renewed.

(8) Each Market Committee shall maintain a register in such form as the Director may by general or special order, specify in this behalf containing the names of all market functionaries licensed under this rule.

## **8. Employment of broker or commission agent not compulsory :-**

(1) No person shall, in the absence of any express agreement, either oral or in writing, in that behalf, be required to employ the services of a broker or commission agent for the purpose of

operating in any market area or in any market therein, or be required to pay the charges of a broker or commission agent whether or not employed by any other party in any such operation.

(2) No broker shall be employed in relation to marketing of any declared agricultural produce, except in relation to marketing-

(a) of poultry, cattle, sheep and goats, or

(b) of any declared agricultural produce by a trader with another trader

(3) No commission agent, holding a traders licence, shall purchase either in his name or in partnership with any other person, any declared agricultural produce for the sale of which he has been appointed as a commission agent:

Provided that, where no other purchaser makes an offer at the prevailing market rate for such produce and the seller insists on its immediate sale, such commission agent may make purchase of the produce at the prevailing market rate agreeable to the seller with the previous permission in writing of the Secretary. The Secretary shall maintain a record of such transactions with reasons for which the permission was given. Explanation :- Delivery of his agricultural produce at an agreed or prevailing market rate by a seller to a co-operative society holding a traders licence and functioning as a commission agent shall not require such permission, provided that such deliveries are intended for pooling or processing or linking or crediting with marketing.

#### **9. Licensed trader and commission agent to provide equipment for weighing and measuring :-**

(1) A licensed trader, commission agent, processor and warehouseman shall provide or arrange to provide all necessary authorised weights, measures or weighing or measuring instruments at the time of weighment or measurement of any declared agricultural produce, as may be specified in the bye-laws .

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

#### **10. Charge for brokerage, commission, weighing, measuring, surveying etc :-**

The charges payable to a licensed commission agent, broker,

weighman, measurer or surveyor in respect of his services, as also the other market charges, shall be such as may be specified in the bye-laws.

### **11. Assistants to market functionaries :-**

(1) Subject to the provisions of this rule, any market functionary may employ assistants to work on his behalf in a market area or in any market therein.

(2) The maximum number of assistants, who shall be entitled to work in the market area or market on behalf of a market functionary shall be such as the Market Committee may, having regard to the transactions in relation to the marketing of declared agricultural produce dealt with or handled by the market functionary, from time to time, determine.

(3) The names and addresses of such assistants shall be stated in the application for a licence by every market functionary.

(4) No person other than those assistants whose names are entered in the licence of a market functionary shall be allowed to operate in the market area or in any market on his behalf

(5) The licence of a market functionary shall be liable to be cancelled or suspended if he allows or continues to allow any person whose name is not entered in the licence to operate in the market area or market therein on his behalf, irrespective of whether such a person was once an authorised assistant working on his behalf.

(6) No person, who has been convicted under the Act or who has been a licensee operating in the market area or market therein and whose licence is under suspension or has been cancelled, shall, unless permitted by the Director on such terms and conditions and after such period as may be deemed necessary by him, work or be allowed to work as an assistant to any market functionary anywhere in the market area.

### **12. Disposal of declared agricultural produce :-**

Ordinarily, every declared agricultural produce shall be sold by public auction : Provided that the Director may, if he deems fit, permit sale thereof by tender system or by sample or by open agreement.

### **13. Sale by auction :-**

When any declared agricultural produce is sold by 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 the option and communicates his decision to the commission agent concerned before the expiry of the time which the Market Committee may fix for auction sales on the yard.

**14. Fixation of price :-**

(1) Every price quotation made by a trader, commission agent or worker in respect of any declared agricultural produce shall always be exclusive of the cost of the container thereof.

(2) The price of every declared agricultural produce, intended for marketing in any market or at any place in a market area shall be settled by public auction, from shop to shop in a serial order (and not by secret signs), and no deduction on any account shall be made from the agreed price at the time of taking delivery either by reducing the price or weight or measure in consideration of the price :

Provided that, the Director may permit sale by tender system, sample or open agreement of a declared agricultural produce other than poultry, cattle, goat and sheep and such other declared agricultural produces as may be specified by the Director in the market or market area at such place as he may deem fit.

**15. Declared agricultural produce to be caused to be weighed at once by licensed weighman or measurer :-**

(1) The trader and commission agent, and if a commission agent is not employed the purchaser also shall make arrangements for immediate weighment or measurement of the declared agricultural produce brought into any market area for storing or marketing therein.

(2) No declared agricultural produce to be stored or marketed (including resale) in any market area or any market therein, shall be weighted or measured except by a licensed weighman or measurer, who shall, on weighting or measuring any such produce prepare weighment or measuring slips in the form prescribed by the bye-laws in that behalf in quadruplicate . each such slip shall

be signed by him, the seller and purchaser or their agents. A copy of the slip so prepared shall be forwarded to the seller, the purchaser and the Market Committee and the fourth copy shall be retained by the weighman or the measurer.

**16. Accounts slip to be issued to seller :-**

Every commission agent employed by a seller and if no commission agent is employed every purchaser, shall (immediately after the sale is completed in the case of poultry, cattle, sheep and goats and immediately after weighment in the case of any other declared agricultural produce) issue an account slip in triplicate in the form prescribed in that behalf by the bye-laws :

Provided that, all necessary details required by the form so prescribed are duly furnished and complied with. One copy of the accounts slip shall be issued to the seller, one shall be retained by the commission agent or purchaser and remaining submitted to the Market Committee.

**17. Bill to be issued to purchaser :-**

Every commission agent, purchaser or trader shall, immediately after weighment or measurement of the declared agricultural produce issue a bill in duplicate 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 Market Committee and another shall be retained by him, and third copy shall be supplied to the purchaser .

**18. Weighment or measuring slips etc., to be supplied by Market Committee on payment :-**

: - Printed forms of weighment or measuring slips, account slips and bills shall be supplied by the Market Committee on payment.

**19. Market Committee to maintain register of sales :-**

: - A Market Committee shall keep regular and proper account of every sale of declared agricultural produce in the market area or any market therein in a register. The register shall be maintained in the form prescribed in that behalf by the Director.

Explanation. - Making of entries, collectively relating to more than one transaction shall not be deemed to be keeping regular and

proper account within the meaning of this rule.

**20. Payment in respect of agricultural produce sold to be made immediately after weighing or sale thereof :-**

(1)

(a) Immediately after any declared agricultural produce (not being poultry, cattle, sheep or goats) is weighed or measured the purchaser shall settle the account and pay the seller or his commission agent as the case may be for the sale of the produce so weighed, on the same day.

(b) The commission agent shall pay the seller for the produce sold on the same day after deducting therefrom his commission and market charges in accordance with the bye-laws made in that behalf.

(2) Immediately after poultry, cattle, sheep or goats are sold, the purchaser shall arrange for attestation, and pay the seller on the same day for the poultry, cattle, sheep or goats so sold in the presence of an employee of the Market Committee duly authorised in that behalf after deducting fees or remuneration to be paid to the trader, if any in accordance with the bye-laws made in this behalf:

Provided that, under no circumstances payment for produce sold shall be withheld by a commission agent or purchaser either on deposit account or personal account or in any other account of a similar nature.

(3) For the purpose of ascertaining that payments for the declared agricultural produce sold at any place in the market area are made to the seller as required by this rule, the market Committee shall through its Secretary or any officer specially empowered by it in this behalf, arrange for the periodical inspection of the books of accounts of traders and commission agents operating in the market area.

**21. Adulteration of declared agricultural produce on market area or market prohibited :-**

No person operating in any market area or in any market therein shall adulterate any declared agricultural produce or shall cause such produce to be adulterated; and it shall be the duty of every Market Committee to take adequate steps including power to take sample of any such produce to see that no declared agricultural



produce intended for marketing processing, storage or export in the market area is adulterated . Explanation :- For the purpose of this rule, adulteration of agricultural produce includes mixing of inferior variety or quality of any agricultural produce with superior variety or quality thereof, bold linseed with small linseed, vegetable ghee with ghee and mixing earth, dirt and stones or any other extraneous matter with any agricultural produce.

## **22. Grading and standardisation of agricultural produce :-**

(1) The Market Committee shall maintain for the use of sellers and buyers a set of sample of standard grades of the declared agricultural produce sold at the market and shall replace the same as may be necessary from time to time . The Market Committee shall also arrange to keep and exhibit sample of different grades of agricultural produce with indications of parity prices based on rates in terminal and important markets like Bombay for the information of sellers and buyers .

(2) The Market Committee may -

- (i) carry out the work of grading of such declared agricultural produce as may be specified by the Director from time to time; and
- (ii) supervise [processing of agricultural produce in the market are, with a view to preventing adulteration thereof.

## **23. Weighment on Weigh Bridge :-**

Where the funds at its disposal permit, a Market Committee may, and if required by the Director shall, erect one or more weigh bridges in the market and shall maintain the same in proper working order, Any buyer or seller may have his produce weighed on it on payment of the charges fixed under the bye-laws .

## **24. Working standards may be used for verifying correctness of weights and measures used in market area or market :-**

: - The working standards in the custody of Inspectors under the Bombay Weights and Measures (Enforcement) Act, 1958 shall be available for verifying the correctness of commercial weights and measures used in marketing of declared agricultural produce in any market area or market therein.

## **25. Inspection of weights and measures and weighing and**

## **measuring instruments by Inspectors of Weights and Measures :-**

:-

(1) An Inspector appointed under the Bombay Weights and Measures (Enforcement) Act, 1958, shall on a request made in writing by a Market Committee, carry on periodically inspection of all weights and measures and weighing and measuring instruments in use in any market area or in any market therein.

(2) On a requisition by the Market Committee, the Inspector of Weights and Measures in whose jurisdiction the market area is situated shall carry out the inspection and testing of weights, measures and weighing and measuring instrument in use in the market area and shall take such action as is consistent with the provisions of the Bombay Weights and Measures (enforcement) Act, 1958 and the rules made thereunder.

(3) An appeal under sub section (2) of section 34 shall be made within thirty days from the date of the decision under sub-section (1) of that section.

### **26. Application of provisions of Bom, Act LXIX of 1958 :-**

to all matters relating to weighing or measuring of declared agricultural produce not affected. Except as otherwise provided by section 34 of the Act and rules 24 and 25 application of the provisions of the Bombay Weights and Measures (Enforcement) Act, 1958 to all matter pertaining to the enforcement of the standard weights and measures and all matters connected therewith in relation to the marketing of declared agricultural produce in any market area or any market therein shall not be affected.

### **27. Market Committee required to publish prices and other information :-**

:-

(1) Every Market Committee shall, maintain daily a list of prices of the different varieties and grades of declared agricultural produce

(2) The information furnished under sub-rule (1) shall be displayed for the use of the persons operating in the market in such market in such manner that it is readily available to them.

### **28. Keeping of books by trader, commission agent, broker etc :-**

Every trader, commission agent, broker, processor, weighman, measurer warehouseman and surveyor and such other market functionary as the Market Committee may specify in this behalf, licensed under these rules shall keep such books in such forms and render such periodical returns and at such time and in such forms as the [Director may, from time to time, direct; and shall render such assistance in the collection of fee; and prevention of evasion of payment of fees, due under these rules and bye-laws and in the prevention of the breach of the provisions of the Act, Rules and bye-laws, as may be required by the Director .

### **29. Equipment for weighman, measurer and surveyor :-**

Every weighman, measurer and surveyor shall use such equipment as may be - [ directed by the Director.

### **30. Licensed weighman, measurer and hamal to wear badge :-**

Every licensed weighman, measurer and hamal while operating in the market or market area, as the case may be, shall wear a distinguishing badge of suitable pattern provided by the Market Committee. A deposit of not less than one and not more than five rupees to cover the cost of the badge, as may be determined by the Market Committee, shall be paid to the Market Committee, by every licensed weighman or measurer or hamal ; and deposit shall be returned to him on giving back the badge to the Market Committee.

### **31. Publication of directions :-**

(1) All directions issued by a Market Committee for the guidance of persons using the market or operating in the market area, shall be pasted on the notice board and such pasting of direction, shall be deemed to be sufficient notice of its contents to all such persons.

(2) The Market Committee may, however, if it thinks necessary, cause such notice to be served on persons concerned or to be published in the newspapers circulating in the market area.

### **32. Market Fees :-**

(1) A Market Committee may levy and collect fees on declared agricultural produce marketed in the market area on an advelorum from the purchaser at such rates as may be specified in the bye-laws of the committee, so however, that such rates shall not be less than (the minimum and more than the maximum rates notified by the State Government under section 31 .

(2) The market fees shall be paid by the purchaser immediately after weighment or measurement of the declared agricultural produce is done.

(3) A trader, commission agent, processor shall immediately on bringing any declared agricultural produce in any market area for the purpose of processing or for export, as the case may be, make a declaration in Form 8.

(4) The fees on declared agricultural produce in respect of which a declaration has been made under sub-rule (3) and which becomes liable for the levy of fees under section 31 shall be calculated at the average market rate of the produce on the day on which the fees become due.

### **33. Collection of fees, charges and receipts therefor :-**

(1) The fees or charges payable under the Act, shall be collected by a servant of the Market Committee, duly authorised by it in that behalf, and the right to collect the fees or charges shall not be framed out.

(2) Every servant so authorised, shall pass receipts to the payee after keeping counterfoils or duplicate of the receipts so granted, and shall render account of all receipts at least once a day to the person, duly authorised, in this behalf by the Market Committee.

(3) Every Market Committee shall maintain a register showing the fees or charges collected by it.

### **34. Servant to wear badges :-**

Every servant of a market Committee authorised to collect fees or charges shall wear a suitable badge provided by the Market Committee.

### **34A. Manner of payment of the cost of supervision under section. 34b(2) :-**

- (1) A Market Committee shall collect the cost of supervision in the market area from the purchaser at a rate notified by the State Government under sub-section (2) of section 34-A.
- (2) The cost of supervision shall be paid by the purchaser to the Market Committee immediately after weighment or measurement of the declared agricultural produce is done .
- (3) The Secretary or any other person authorised by him in this behalf by the Market Committee shall pass the receipt to the purchaser in token of his having paid the cost of supervision.
- (4) Every Market Committee shall maintain an upto date register showing the cost of supervision collected by it and duly signed by the Secretary to the market Committee.
- (5) The Market Committee shall pay to the State Government the cost of supervision so collected within a period of fifteen days from the close of the month in which such cost is collected, by a chalan in Government Treasury under the Account Head XXVIII-Co-operation XXVIII-B-Co- operation Mis-Receipt-supervision fees (other than consumers cooperative).]

### **CHAPTER 3** Constitution of Market Committee

#### **35. Preparation of list of Voters- Division of Market Area into constituencies :-**

- (1) For the purposes of purposes of electing ten agricultural and three members to be elected by traders and commission agents, as provided by clauses (a) and (b) of sub-section (1) of section 13; every markets are shall consist of -
  - (a) Co-operative Societies constituency;
  - (b) Village Panchayats constituency;
  - (c) Traders constituency.
- (2) Each such constituency shall consist of the whole of the market area].

#### **35A. Preparation of list of voters for elections to Bombay Agricultural Produce Market Committee :-**

- (1) For the purposes of electing representatives of agriculturists of the Bombay Agricultural Produce Marketing Committee under sub-clause (i) of clause (a) of sub-section (1-A) of section 13 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963

(Mah, XX of 1964), the Collector of Bombay shall call upon the District Deputy Registrars of Co-operative Societies of all the districts in each of Revenue Divisions in the State, to furnish to him a list of agriculturist members of Agricultural Produce market Committee within their

(2) On receipt of such lists the Collector of Bombay shall prepare a voters list separately for each of the Revenue Divisions and every such list shall be published on the Notice Board of the respective offices of the Collector, Bombay, the District Deputy Registrar of Co-operative Societies and office of the Collectors of the respective districts in the respective Revenue Division and in any other manner as the Collector of Bombay may deem fit.

**35B. Application of certain other rules relating to list of voters nomination papers, election procedure of the elections to Bombay Agricultural Produce Market Committee :-**

Save as otherwise provided in these rules, the provisions of rules 36 to 39, 41 to 82, 83 (1) and 84 to 90 shall mutatis mutandis to the elections of members of the Bombay Agricultural Produce Market Committee.

**35C. Nomination of representative to Bombay Agricultural Produce Market Committee :-**

For the purposes of nomination of members under sub-clauses (iii), (iv) and (v) of clauses (a) of sub-section (1-A) of section 13, the Collector of Bombay shall call upon the Maharashtra State Agricultural Marketing State Co-operative Marketing Federation representative before a date which the Collector of Bombay may specify in that behalf."]

**36. Voters list :-**

(1) The Collector shall cause to be prepared lists of voters separately for each of the three constituencies. He shall call upon the District Deputy Register to prepare and Furnish to him a list of members of the managing Committee of the Agricultural Credit Societies and Multipurpose Co-operative Societies, the Block Development Officer to prepare and furnish to him a list of members of the Village Panchayats functioning in the market area

and the Market Committee to prepare and furnish to him the names of all persons qualified to vote in the traders constituency from the register maintained by the Committee under rule 6 within such time as may be specified by him .

Provided that, where a person qualified to vote in a Traders Constituency is a firm or body corporate (including a co-operative society), such firm or body shall nominate a person (being a person who is either a partner of the firm or a members of the managing committee in the case of a co-operative society or a person duly authorised by any other body corporate) to vote on its behalf and indicate the name of that person to the Collector within such time as he may fix in that behalf for being included in the list of vote as representing that firm or body ;

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

(2) Every such list shall be revised before each general election, at least six months before the date on which the term of the Market Committee is due to expire ;

Provided that, the Collector may direct the revision of such list also at any other time before any general election is due;

(3) Every list of voters shall, in the case of Co-operative Societies constituency be prepared Society wise, and in the case of village Panchayats. Constituency be prepared Panchayatwise. Each such Voters list including the list of Voters of the Traders Constituency shall show in alphabetical order, the full name, age, residence and serial number of the Voter and the nature of his qualification including where necessary, the name of the Society, or as the case may be, of the Village Panchayat.]

(4) \* \* \* (5 ) \* \* \*

(6) Every such list shall be published in Marathi provisionally within a period of one month from its receipt by the Collector in such manner as the Collector may deem fit.

(7) At the time of publishing the list of voters a notice shall be published in like manner calling upon persons entered in the list to lodge in the manner herein prescribed any objection that they have to make to the list as published, and upon persons claiming to be entered in the list, to lodge their claims in the manner herein prescribed.

(8) Such claim or objection shall be made in writing and shall specify the constituency in question, the grounds on which the right of 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 claimant or objector, his number, if any in the list \* \* \* and in the case of an objection, the number in the list of the person to whose entry objection is taken and the constituency in the list for which he is entered.

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

(10) The Collector, after hearing the evidence, if any, adduced on behalf of the parties and after further inquiry, if any, shall pass order on the

(11) The Collector shall cause the lists to be amended in accordance with the orders passed under sub-rule (10) and shall cause them to be published finally in Marathi in such manner as he may deem fit.

(12) If, after the final publication of the list of voters, under sub-rule (11), the Collector on application 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, the Collector may cause a list of amendments to be prepared; and thereupon the provisions of sub-rules (3) to (11) shall apply in the case of such list in the like manner as they apply in the case of the list of voters

.

[(13) Copies of such final lists including the final list of amendments and additions shall be made available for inspection and sale in whole or in part in the offices of the Collector, the market Committee and the Village Panchayat concerned or at any other place as the Collector may specify in this behalf.

(14) The final list as also the final list of amendments shall be republished under sub-rule (11) and shall remain in force and continue in operation as the list of votes for the purpose of any bye-election, until it is revised as provided by this rule .

(15) Any persons whose name is not entered in the final list of voters as republished under sub-rule (14) may at any time but not later than 3 days before the last date for nomination apply to the Collector for inclusion of his name in the list.

(16) On receipt of the application under sub-rule (15), the Collector shall, if satisfied that the applicant is entitled to have his name entered in the list, direct his name to be entered in the list and cause an amendment to the list to be prepared ; and thereupon the provisions of sub-rules (13) and (14) shall mutatis mutandis apply



to such amendments].

### **37. Voters list to be conclusive :-**

Subject to any disqualification incurred by a person, the voters lists published finally under rule 36 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.

### **38. Persons to be qualified to be elected :-**

(1) every person who is an agriculturist, and who is residing in the market area and is not less than twenty-one years of age on such date as the Collector may be for the purposes of any election or bye-election specify in this behalf shall, unless disqualified under these rules, be qualified to be elected, seven agriculturists being elected by the Co-operative Societies constituency and their being elected by the Village Panchayats constituency.

(2) Every person whose name is in the list of voters of the Traders Constituency shall, unless disqualified under these rules, be qualified to be elected by the Traders Constituency : and every person whose name is not in such list shall not be qualified to be elected from that Constituency . Explanation :- A person shall be deemed to reside ordinarily within the market area if he -

(a) has actually resided therein for an aggregate period of not less than 180 days during the calendar year preceding that in which the list of voters for the time being under preparation for Co-operative Societies or Village Panchayats Constituency is provisionally published under sub-rule (6) or rule 36, or

(b) has maintained within the market area for an aggregate period of not less than 180 days during the calendar year preceding that in which the list of voters for the time being under preparation for such area Co-operative Societies or for Village Panchayat Constituency is provisionally published under sub-rule (6) of rule 36, or a dwelling for himself incharge of his dependents of servants and has listed such dwelling during the year first mentioned in connection with his business, in the constituency.

(3) If any question arises whether any person is or is not an agriculturist residing in the market area for the purpose of this rule, the matter shall be decided by the Director as provided by sub-section (2) ]. "[4) Every person whose name is included in the list

of voters prepared under rule 35-A shall, unless disqualified under these rules, be qualified to be elected to the Bombay Agricultural Produce Market Committee."]

**39. Right to vote :-**

(1) No person who is not, and except as expressly provided by these rules, every person who 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 in any constituency if he is subject to any disqualification under these rules. \* \\*

(5) No person shall vote at any election, if he is confined in a prison whether under a sentence of imprisonment or otherwise or is in 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.

**40. Election of Chairman or representative of co-operative societies :-**

(1) If there are more than one co-operative societies doing business of processing or marketing of declared agricultural produce in any market area and election of a member has to be made under the proviso to clauses (c) of sub-section (1) of section 13, the Collector shall call upon such societies to communicate the names of their Chairman who are willing to contest the election; or in the absence of their Chairman, a representative of each of such co-operative societies elected by its Managing Committee in this behalf before a day specified in this behalf by the Collector.

(2) On receipt of the names of the Chairman, or, as the case may be, of their representatives, the Collector shall, direct the Managing Committee of such societies to elect from among such Chairman or representative, a member on the Market Committee.

(3) The election may be held by ballot on a date, place and hour which the Collector may fix in this behalf. In case of equality of votes, their selection shall be made by drawing lots.]

**40A. Election of Chairman or representatives of Panchayat Samitis :-**

If there are more than one Panchayat Samitis functioning in any market area the Collector shall call upon such Panchayat Samitis to communicate the names of their Chairman or in the absence of their Chairman their representative by a specified date for being elected on the Market Committee. On receipt of the names of the Chairman or the representatives of such Panchayat Samitis, the Collector shall draw lots and the name of the person whose name is so drawn by lot shall be the representative of such Panchayat Samitis unless all such committees have unanimously elected their Chairman or representatives on the Committee and communicated his name to the Collector on or before the Specified date. ]

**41. Disqualifications of membership :-**

(1) A person shall be disqualified for being chosen as, or for being, a member of a Market Committee -

(a) If he has been convicted by a Court in India of any offence and sentenced to imprisonment for a term exceeding six months unless such disqualification has been removed by an order of the State Government;

(b) If he has not attained the age of 21; or

(c) if he is of unsound mind and stands so declared by a competent court; or

(d) if he is an undischarged insolvent; or

(e) if he is deaf-mute; or

(f) if he has failed to pay any fees or charge due to the Market Committee; or

(g) if he is a servant of the Market Committee or holds licence from such Committee other than that of a trader or commission agent; or

(h) if he has directly or indirectly or by his partner any share or interest in any contract or employment with or on behalf of or under the Market Committee ; or

(i) if he has committed breach of the Act or the rules or bye-laws made thereunder more than once ; or.

[(j) if he has failed to make payment to any seller or his commission agent within 24 hours from the date on which a written demand was made in that behalf by such seller or his commission agent]:

(2) A person shall not be chosen as a member-

(i) representing the traders constituency, if he does not ordinarily reside in the market area or if the licence to him is cancelled, or suspended or not renewed;

(ii) representing agriculturists constituency, if his main income is not from agricultural or possesses a traders, commission agents or brokers licence, or has interest in a joint family or a firm which has a traders or Commission agents or brokers licence.

Explanation :- For the purpose of this sub-rule, a person shall be deemed to be ordinarily residing in the market are, if he resides in such area for not less than 180 days in a calendar year.

(3) If any question arises either on report of the Market Committee-on application made be any person or otherwise as to whether a member has become subject to any of the disqualification, mentioned in sub-rule (1) the question shall be referred to the Director for decision, subject to the provision

(4) No division on any such question, shall be given, unless the member has been given a reasonable opportunity of being heard.

(5) Any person aggrieved by the decision of the Director may within thirty days from the date on which the decision is communicated to the member, appeal to the State Government.

#### **41A. Appointment of Returning Officer :-**

(1) The Collector shall appoint a Returning and Assistant Returning Officer, if necessary who shall be an officer of Government or of a Market Committee for each constituency.

(2) Every Assistant Returning Officer shall subject to the control of the Returning Office, be competent to perform all or any of the functions of the Returning Officer;

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of nomination papers unless the Returning Officer is unavoidably prevented from performing the said function.

(3) Subject to the provisions of sub-rule (2) reference in these rules to be the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer.

#### **41B. General duty of Returning Officer :-**

It shall be the general duty to the Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules [ or

the orders made thereunder].

#### **41C. Polling Stations :-**

The Returning Officer shall provide a sufficient number of polling stations for each constituency for which election is to be held and shall, not later than seven days before the date of poll, publish a list showing the polling stations and the area for which they will be set up (hereinafter referred to as the polling area).

#### **41D. Appointment of Presiding and Polling Officer :-**

(1) The Returning officer shall appoint a Presiding Officer for each polling station and such a polling officer or officers to assist the presiding officer as he thinks necessary, but shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election :

Provided that, if a polling officer is absent from the polling station, the Presiding officer may appoint any person who is present at the polling station other than a person employed by or on behalf of, or has been otherwise working for candidates in or about their election, to be polling officer during the absence of the former officer, and inform the Returning Officer accordingly.

(2) A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these rules.

(3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the Polling Station, his functions shall be performed by such Polling officer, as has been previously authorised by the Returning Officer to perform such function during any such absence.

(4) Reference in these rules to the Presiding Officer, shall, unless the context otherwise requires be deemed to include any person performing any function which he is authorised to perform under sub-rule(2) or as the case may be, under sub-rule (3).

#### **41E. General Duty of Presiding Officer :-**

It shall be the general duty of the Presiding Officer at the Polling station to keep order thereat and to see that the poll is fairly taken.

#### **41F. Control :-**

(1) The Returning officer, Assistant Returning Officer, Presiding Officer, Polling Officers and all other persons appointed in any matter connected with these rules shall work under the general guidance, superintendence and control of the Collector.

(2) A person shall not be chosen as a member :-

(i) representing the traders constituency if he does not ordinarily reside in the market area or the license issued to him is cancelled, or suspended or not renewed ;

(ii) representing the Cooperative societies constituency or the Village Panchayats constituency for agriculturists, if his main income is not from agriculture or possess a traders . commission agents or brokers

#### **42. Order for general elections to Market Committee :-**

(1) A general election shall be held for the purpose of constituting a new Market Committee on the expiration of the duration of the existing Market Committee or on its supersession .

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

#### **43. Appointment of dates of nominations etc :-**

(1) As soon as the order calling upon a constituency to elect a member or members is issued, the Collector shall subject to the provisions of sub-rule (2) by order appoint -

(a) the last date, time and place for making nomination, which date shall not be less than 14 days after the date of the first mentioned notification;

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

(c) the last date and time for the withdrawal of candidature;

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

(e) The day on which and the place and hour or which the votes shall be counted.

(2) The Collector shall not less than 45 days before the date fixed for the poll, publish in Marathi the dates so appointed by means of notice in a newspaper preferably circulating in the district in which

the market areas are situated and paste copies of such notice on the notice board of the Market Committee and in the Village Panchayat concerned and other conspicuous places in the villages included in the market area.

#### **44. Nomination of Candidates :-**

(1) Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of these rules.

(2) Every nomination paper presented under rule 45 shall be completed in Form 9.

(3) A nomination paper shall be supplied by the Returning Officer or an officer authorised by him in this behalf, to any voter or to any agriculturist residing in that area, on payment of the price of the nomination paper to be fixed by the Director.

#### **45. Presentation of nomination paper and requirements for valid nomination :-**

(1) On or before the date appointed under clause (a) Sub-rule (1) of rules 43, each candidate shall either in person or by his proposer deliver to the Returning Officer during the time and at the place specified in the order made under rule 43 a nomination paper completed as provided by rule 44 and 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. He shall not subscribe as proposer more than one nomination paper.

(3) On presentation of a nomination paper the Returning Officer shall satisfy himself that the candidate is an agriculturist, or as the case may be, a trader and that the name and the number in the list of voters of the proposer as entered in the nomination paper are the same as those entered in the list of voters:

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

overlooked.

Explanation :- For the purpose of satisfying the Returning Officer that the candidate is an agriculturist, a certificate of the Sarpanch or Talathi of the Village or the Secretary of the Primary Co-operative Credit Society in the village where the candidate resides to the effect that the person is an agriculturist as defined in clause (b) of sub-sections (1), (2) of section 2 of the Act, shall be produced along with the nomination paper. The certificate shall be conclusive proof that the candidate is an agriculturist.

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

Provided that, not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same constituency.

\* \\*

#### **46. Right to be nominated in two or more constituencies in a market area :-**

When elections 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.

#### **47. Symbols of election :-**

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

(2) Where at any such election, more nomination papers than one are delivered on behalf of a candidate, the declarations as to symbols made in the nomination paper first delivered and no other declaration as to symbol shall be taken into consideration under rule 53 even if that nomination paper has been rejected.

#### **48. 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 hundred in cash at



the time of nominations ;

Provided that, where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this rule.

**49. Notice of nomination and time and place for the scrutiny :-**

The Returning Officer shall, on receiving the nomination paper under sub-rule

(1) of rule 45, inform the person or persons delivering the same of the day, time and place fixed for the scrutiny of nominations, and shall enter on the nomination paper, its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall as soon as may be thereafter, cause to be affixed 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 candidate and of the proposer.

**50. Scrutiny of nominations :-**

(1) On the date appointed for the scrutiny of nomination under rule 43, the candidates, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at the time and place appointed in this behalf under rule 43 and Returning officer shall give them all reasonable facilities for examining the nomination paper of all candidates which have been delivered as required by sub-rule (1) of rule 45.

(2) The Returning Office shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, that is to say

(a) that the candidate is disqualified for being chosen to fill the seat under these rules ;

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

(c) that there has been a failure to comply with any of the provision of rule 45 or 48;

(d) that the signature of the candidate or the proposer on the

nomination paper is not genuine.

(3) Nothing contained in clause (c) or (d) of sub-rule (2) shall be deemed to authorise 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 on the date appointed in this behalf under clause (b) of rule 43 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that, in case any objection is raised by Returning officer or is made by any other persons the candidate concerned may be allowed time to rebut it not later than the next day and the Returning Officer shall record his decision of the date to which the 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 scrutinised and decision accepting or rejecting the some have been recorded, the Returning Officer shall, subject to the provisions of rule 51, prepare a list of candidates whose nominations have been accepted. Immediately after the scrutiny is over, the Returning Officer shall affix the list on his notice-board and shall record the date on which, and the time at which, the list was so affixed.

## **51. Appeal :-**

(1) Any candidate, aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper, may present an appeal therefrom to the Director within a period of seven days from the

date on which the notice, containing the names of the candidates accepted by the Returning Officer is affixed on the notice board under sub-rule (8) of rule 50 and shall ordinarily furnish on the same day to the Returning Officer a copy of the petition of appeal together with as many copies of the petition as there are candidates whose nomination papers have been accepted (excluding himself).

(2) The decision of the Collector on appeal under this rule and subject only to such decision, the decision of the Returning Officer accepting or rejecting the nomination of candidate shall be final and conclusive.

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

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

(a) where no appeal is presented under rule 51, on the day immediately following the day after the expiry of the period referred to in sub-rule (1) of Rule 51, and

(b) where such appeal is made, on the day next following the day on which the decision of the Director is given.

(2) The notice shall be delivered to the Returning Officer before 3 o'clock in the afternoon on the day 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 authorised 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 notice.

(5) The Returning Office shall , on being satisfied as the genuineness of a notice of withdrawal and the identity of person delivering it under sub- rule (1), cause a notice to be affixed on the notice - board in his office.

## **53. Preparation of list of contesting candidates :-**

(1) Immediately after the expiry of the period within which candidatures may be withdrawing under sub-rule (1) of rule 52 , the Returning Office shall prepare and publish in Form 10 a list of contesting candidates, that is to say candidates whose nomination

papers have been finally accepted and who has 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 and the addresses the contesting candidates as given in the nomination papers.

(3) The list of contesting candidates shall be prepared in Marathi.

(4) The alphabetical order referred to in sub-rule (2) shall be determined with reference to the surnames of the candidates having surnames, and the names proper, of other candidates.

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

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

(b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot which of such candidates the symbol will 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 the candidate and be supplied with a specimen thereof by the Returning Officer.

#### **54. publication of list of contesting candidates :-**

The Returning Officer shall, immediately after its preparation, cause a copy of the list of contesting candidates to be affixed on the notice-board in his office and shall also supply a copy to each of the contesting candidates and to the Market Committee.

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

If a contesting candidates dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and the Returning Officer shall report the fact to the Collector and all proceedings with reference to the election shall be commenced anew 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 52 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

**56. 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 or less candidates than the number of seats to be filled in and their nominations have been accepted, the Returning Office shall forthwith declare him or them to be duly elected to fill in the seat or seats, as the case may be.

**57. Contested election :-**

In case other than those covered by rule 56, a poll shall be taken.

**58. Manner of voting at elections :-**

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

(2) Every voter from a traders constituency shall have as many votes as there are members to be elected on behalf of the constituency, but he shall not have more than one vote for one candidate and every voter in an agriculturists constituency shall have only one vote.

**59. Ballot Box :-**

Every ballot box shall be of such design as may be approved by the Collector.

**60. Issue of ballot paper :-**

(1) Every ballot paper shall be in Form II.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidate.

(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 upon by the Collector.

### **61. Identification of voters :-**

(1) The Presiding Officer may employ at the polling station such 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 authorised by him 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 voter.

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

### **62. Issue of ballot paper :-**

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

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

(3) Every ballot paper shall before issue to a voter, be stamped with such distinguishing mark as the Collector may direct.

(4) At the time of issuing a ballot paper to a voter, 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 purpose.

(5) Save as provided 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.

### **63. Voting procedure :-**

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

(a) proceed to one of the polling compartments ;

- [(b) there make a mark on the ballot paper with the instrument supplied for the purpose on or near symbol of the candidate for or candidates for whom he intends to vote;
  - (c) fold the ballot paper so as to conceal his vote or votes;
  - (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 voter is inside it.

#### **64. Recording of votes of blind or infirm voters :-**

(1) If the Presiding Officer is satisfied that owing to the blindness or physical infirmity a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less twenty one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and if necessary for folding the ballot paper so as to conceal the voter and inserting it into the ballot :

Provided that, no person shall be permitted to act as the companion of more than one voter at any polling station on the same day ;

Provided further that, before any person is permitted to act as the companion of a voter on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The Presiding Officer shall keep a record in Form 11-A of all cases under this rule.

#### **65. 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 inadvertence, 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 returned 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.

#### **66. 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 satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to make 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 12 .

(3) A tendered ballot paper shall be the same as the other ballot papers used at 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 hand and signed by him.

(4) The voter, after marking a 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.

#### **67. Closing of poll :-**

(1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 43 and shall not thereafter 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 present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.



## **68. Sealing of ballot boxes after poll :-**

(1) As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of any candidates or their agent 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 slit 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-rules (1) and (2) before another ballot box is put into use.

## **69. Accounts of ballot papers :-**

The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in Form 13 and enclose it in a separate cover, with the words "Ballot Paper Account" superscribed thereon.

## **70. Sealing of other packets :-**

(1) The Presiding Officer shall then make into separate packets-

(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 seals thereon.

## **71. Transmission of ballot boxes, packets, etc., to the Returning Officer :-**

(1) The Presiding Officer shall then deliver or causes 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 70 ; 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.

## **72. Counting of Votes :-**

At every election where a poll is taken, 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.

## **73. Admission to place fixed for counting :-**

- (1) The Returning Officer shall exclude from the place fixed for counting of voters all persons except -
- (a) such person as he may appoint to assist him in the counting.
  - (b) person authorised by the Collector ;
  - (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 watch the counting at any particular counting table or group of counting tables.
- (4) Any duly authorised person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted by the Returning Officer or, by any person in this behalf authorised by the Returning Officer.

## **74. Scurtiny and opening of ballot boxes :-**

- (1) The returning Office 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 a 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 in tact.

(3) The Returning Office shall satisfy himself that none of the ballot boxes has in fact been tampered with.

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

## **75. Scrutiny and rejection of ballot papers :-**

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

(2) The Returning Office 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 it 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 vote 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;

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

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

(h) if it does not bear the mark which it should have borne under the provisions of sub-rule (3) of rule 62 ;

Provided that -

(i) where a Returning Office 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 intention that the vote shall be 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 allow 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 Office shall record on every ballot paper which he rejects the letter "R" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

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

#### **76. Counting of votes :-**

(1) every ballot paper which is not rejected under rule 75 shall be counted as any valid votes as there are candidates to be elected for the constituency concerned :

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

(2) After the counting of ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form 14 and announce the particulars.

(3) The valid ballot papers shall thereafter be bundled together and kept along with the bundle of 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 the ballot papers have been used; and

(c) the date of counting.

#### **77. 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 papers packets and other papers relating to the election sealed with his own seal and the seals of such candidates or their agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.

## **78. Re-commencing of counting after fresh poll :-**

- (1) If a fresh poll is held under rule 74, the Returning Officer, shall, after completion of that poll, recommence the counting of votes on the date and at the 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 75 and 79 shall apply so far may be to such further counting.

## **79. Recount of votes :-**

- (1) After the completion of the counting the Returning Officer shall record in the result sheet in Form 13 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 a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.
- (3) On such an application being made, the Returning Officer shall decide the matter 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 thereof.
- (5) If the Returning officer declares under sub-rule (3) to allow the application either in whole or in part, he shall -
  - (a) count the ballot papers again in accordance with his decision.
  - (b) amend the result sheet in Form 14 to the extent necessary after such recount and
  - (c) announce the amendments so made by him.
- (6) After the total number of votes polled by each candidate has been announced, under sub-rule (1) of sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form 14 and no application for account shall be entertained thereafter ;  
Provided that, no step under this sub-rule shall be taken on the completion of the accounting 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).

## **80. Power to declare persons elected in certain**

## **contingencies :-**

If at any election after counting of votes is completed, an equality of votes is found to exist between the candidates, and the addition of one vote will entitle any of these candidates to be declared elected, such officer as the Returning Officer may empower in this behalf, shall decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

### **81. Declaration of result :-**

The Returning Officer shall then, subject to the provision of rule 80, if and so far as they apply to the particular case, and if he has been so empowered by the Collector thereunder declare to be elected the candidate to whom the highest number of valid votes has been given, complete and certify the return of election in Form 15 and send signed copies thereof to the Collector as soon as possible.

### **82. Election to more than one seat :-**

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

### **83. Publication of names of members :-**

(1) On receipt of election returns under rule 81, the Collector shall publish the names of all elected members by causing a list of such names (together with their 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 State Government for publication in the Official Gazette.

[(2) The Collector shall also publish the names of members falling under clauses (c), (d), (e), (f) and (g) of sub-section (1) or sub-clauses (iii) (iv), (v), (vi) and (vii) of clause (a) of sub-section (1-A)

as the case may be] .

**84. Return or forfeiture of candidates deposit :-**

(1) The deposit made under rule 48, shall either be returned to the person making it or his legal representative or be forfeited to the Market Committee in accordance with the provision of this rule.

(2) Except in cases hereafter mentioned in this rule, deposit shall be returned as soon as practicable after the result of the election is declared.

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

(4) Subject to the provisions of sub-rule (3), the deposit 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 tenth of the total number of valid votes polled by all the candidates in the constituency.

**85. Custody of papers relating to election :-**

The Returning Officer shall keep in custody the packets referred to in rule 70 and all other papers relating to the election .

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

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

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

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

the termination of the next general election for the constituency to which they

**87. Casual vacancies in Market Committee :-**

When the seat of a member elected to a Market Committee becomes vacant or is declared vacant or his election (including bye-election) to the Market Committee is set aside, the Collector shall fix a date, as soon as conveniently may be, for holding bye-election to fill the seat and the provisions of these rules shall thereupon mutatis mutandis apply accordingly.

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

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

(2) On receipt of an application under sub-rule (1), the Collector 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 the election aside. If the Collector set aside the 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 Collector may, within seven days from the date on which the decision is communicated to him, appeal to the Director against such decision ; and the decision of the Collector, subject to the decision of the Director in appeal, shall be final.

**89. Declaration of disqualification :-**

(1) If at any time the Collector, 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 a market Committee elected or nominated under these rules-

(a) was subject to any of the disqualifications mentioned in rule 41 at the date of his election or nomination ; or

(b) has incurred any of the disqualifications mentioned in rule 41



after his election or nomination ; or

[(c) has ceased to be a member of the Managing Committee of the Agricultural Credit Society or of the Multipurpose Co-operative Society or of the Village Panchayat, representing Co-operative Societies constituency, or as the case may be, the village Panchayats constituency , a firm, corporate body or a Co-operative Marketing and Processing Society of which he is a representative . The Collector shall declare the election or nomination of such member invalid or that such member shall not continue to be the member of the Market Committee.

(2) Any person aggrieved by the decision of the Collector may, within seven days from the date on which such decision is communicated to him. appeal to the Director against such decision.

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

: - All expenditure incurred by Collector or Returning Officer in connection with or incidental to an election of members of a Market Committee shall be a sum due to the State Government and such sum shall be recoverable from the Market Committee as an arrear of land revenue as provided by section 57.

**CHAPTER 4** Chairman and Vice-Chairman

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

:- The Chairman and Vice-Chairman shall, subject to the provisions of section 21, hold office so long as they continue to hold office as members under sub-section (3) of section 14.

**92. Functions and powers of Chairman and Vice-Chairman**  
:-

(1) The Chairman shall -

(a) convene, preside at and conduct meetings of a Market Committee ;

(b) have access to the records of a Market Committee ;

(c) discharge all duties imposed and exercise all powers conferred on him by or under the Act and rules and bye-laws made thereunder ;

(d) have control over all officers and servants of the market

Committee subject to these rules and to the direction, if any given by the Committee ;

(e) supervise and control the execution of all the activities of the Market Committee ; and

(f) conduct or cause to be conducted correspondence and be responsible for the keeping of accounts, for the punctual tendering of the accounts, report and returns and for the custody of all amounts (other than those deposited in the treasury or with a bank approved by the Director)

(2) The Vice-Chairman shall-

(a) in the absence of a Chairman, preside at the meetings of a Market Committee ;

(b) exercise such of powers and perform such of the duties of the Chairman as the Chairman may, subject to any bye-laws made by the Market Committee in this behalf, delegate to him by an order in writing ;

(c) pending the election of a Chairman, or during the absence of the Chairman from the market area, or by reason of leave obtained with the permission of the market Committee, exercise the powers and perform, the duties of the Chairman.

### **93. Leave of absence to Chairman or Vice-Chairman :-**

(1) The Chairman or Vice-Chairman, if he wants to remain absent from any meeting of the Market Committee, or for a period not exceeding thirty days in the aggregate in a year shall, on or before the date fixed for that meeting or as the case may be, at any time before the date of the leave asked for, apply to the Committee for leave

(2) The Market Committee may, by a resolution passed in that behalf, grant the Chairman or Vice-Chairman the leave applied for.

(3) Any absence from the meeting of a Market Committee without permission obtained in accordance with the provision of this rule shall, for the purpose of section 24, be deemed to be absence from the meeting of the Committee without its leave.

## **CHAPTER 5 Market Committee -Powers and Duties**

### **94. The Market Committee to provide for certain matters :-**

After paying all sums due to Government, a Market Committee shall, so far as the funds at its disposal permit, but subject to the

provisions of the Act and these rules, provide-

- (1) for the maintenance and improvement of any enclosure or building which may constitute the market.
- (2) for the construction and repair of the building , and other erection necessary for the purpose of the market;
- (3) for undertaking developments and for amenities in the market;
- (4) for the health, convenience and safety of the persons using the market;
- (5) for undertaking welfare activities in the interest of the servants of the Market Committee or of the agriculturists residing in the market area with the previous approval of the Director ;
- (6) for undertaking propaganda and development of marketing of declared agricultural, produce.
- (7) for miscellaneous expenses not exceeding one per cent of its total income in a year, so however that such expenses does not exceed rupees fifty at a time ;
- ( 8 ) for such other activities as would be conducive to the furtherance of the efficient working of marketing of declared agricultural produce in the market area ; and
- (9) in respect of depreciation on wasting assets owned by the Market Committee including deadstock, furniture, fixtures, machinery and other things.

#### **95. Duties of Market Committee :-**

(1) A Market Committee shall furnish all information which the Director or the officers duly authorised by him may require, in addition to the duties prescribed by the Act and the rules and bye-laws made hereunder, the Market Committee shall also be responsible for -

- (i) maintenance of proper checks on all receipts and payment by its officers.
  - (ii) the proper execution of all works chargeable to the Market Fund,
  - (iii) keeping a copy of the Act and of rules and notification issued thereunder and of its bye-laws open on inspection free of charge at its office ; and
  - (iv) doing such other things, as may, from time to time, be necessary for the efficient working of the Market Committee.
- (2) On failure of a Market Committee to furnish any information or return on due date, the Director may, after giving due notice to the

Market Committee, depute any person working under him, to prepare the return or returns and submit it or them to him. The chairman and the Secretary of the Committee shall furnish to such person all information necessary for preparing such return or information shall be borne by the Market Committee and shall be recoverable from the Market Committee under section 57.

**96. Annual Administration Report :-**

At the end of each market year, every Market Committee shall prepare an annual report which shall contain such information as may be required by the Director by general or special order issued from time to time and submit on or before 31st December copies of it to the Director and to such officers as may be specified by the Director, in that behalf.

**97. Constitution of Board for settlement of disputes under section 10 :-**

(1) For the purposes of section 10, every Market Committee shall from amongst its members constitute a Board consisting of-

(a) the Vice-Chairman.

(b) two members elected from the Co-operative Societies Constituency and one member elected from the village panchayats constituency; and one member if the Vice-Chairman is elected from that constituency.

(2) No business shall be transacted by the Board, unless three members are present.

(3) Every meeting of the board shall be presided over by the Vice-Chairman and if he be absent, by such one of the members present as may be chosen by the meeting to be the presiding authority for the occasion.

(4) All questions shall be decided by a majority of votes of the members present and voting; the presiding authority having a second or casting vote in all cases of equality of votes.

(5) The decision of the Board on all questions shall be binding on the parties to the dispute.

(6) Every Market Committee shall maintain a complete record of all disputes in such form as may be laid down in its bye-laws. The decision shall be communicated to the parties in writing with reasons therefor.

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

(1) Where any dispute referred to in section 10 arises between any parties operating in a market area, the Secretary of the Market Committee or any person authorised by the Market Committee in that behalf may, if the parties agree to settle such dispute by arbitration refer the dispute to arbitration and in the absence or any such agreement, to the Board constituted under rule.97.

(2) Where parties agree to settle the dispute by recourse to arbitration each party to the dispute and the Secretary of the Market Committee or any person authorised by the Market Committee in that behalf shall select one arbitrator from the panel of arbitrators appointed under sub-rule (6).

(3) The arbitrators shall as far as possible, try to reach a unanimous decision ; but in case of disagreement, the decision of the majority shall prevail. The decision shall be communicated to the parties in writing with the reasons therefor.

(4) every dispute shall be decided, as far as possible, on the spot and on the same day.

(5) Any party to the dispute aggrieved by the decision of the arbitrators may within seven days of such decision, appeal to the Board The decision of the arbitration shall, subject to the decision of the Board in appeal, be binding on the parties.

(6) The Director or any officer authorised by him may require a Market Committee to prepare every year a panel of arbitrators consisting of not less than 12 and not more than 15 persons from agriculturists and traders (not being the members of the market Committee) who are living in or near the market area or doing business in such area. The panel of arbitrators shall be pasted on the notice-board of the office of every Market Committee, and at some conspicuous place in the market.

## **99. Fees to be paid for setting disputes :-**

(1) The party at whose instance a dispute is referred for arbitration or to the Board for settlement shall pay in advance to the Market Committee a sum of rupees ten.

(2) The arbitrators or the Board when recording their decision shall also decide the quantum of fees to be paid by each party to the dispute The amount of fees to be paid by the party at whose

instance the dispute is referred to arbitration shall be adjusted against the sum paid by him in advance under sub-rule (1) .

(3) If the party at whose instance the dispute is referred to arbitration or to Board is not liable to pay any fees, then the amount of fees paid by him in advance shall be refunded to him by the Market Committee on the day on which the decision of the arbitrators or the Board, as the case may be, is announced.

## **CHAPTER 6** Officers and servants of Market Committee.

### **100. Officers and servants of Market Committee :-**

(1) The Secretary and other officer and servants employed by a Market Committee shall be divided into three categories namely-

(i) officers.

(ii) Superior servants,

(iii) inferior servants

(2) Officers include the Secretary, joint secretary, deputy secretary, Assistant Secretary and Accountant.

(3) Superior servants include treasurer, clerk, supervisor, inspector, head-clerk , senior clerk and grader.

(4) Inferior servants include peon, watchman, waterman, driver, naik, gateman . mali and other menial servants.

(5) No new post shall be created or any existing post abolished, no appointment to any post (not being a temporary or officiating appointment to any post for a period not exceeding six months) shall be made, and no person in the service of a Market Committee shall be discontinued as a measure of retrenchment or economy in rank except with the previous approval of the Director.

(6) No person in the service of a Market Committee shall be suspended for a period exceeding one month without the previous approval of the Director or any officer specially authorised by him in this behalf.

(7) Subject to the provisions of sub-rule (5) no person shall be appointed to any post by a Market Committee unless such appointment is made in accordance with the bye-laws made for recruitment to such posts and in accordance with the recommendations made by a sub-committee of the Market Committee established under its bye-laws.

(8) The Committee may, with the previous approval of the Director, make bye-laws -

(a) for pay-scales attached to various posts ;

- (b) for grant of leave, including leave allowances ;
- (c) for establishing and maintaining by the Committee a provident fund on behalf of its officers and servants; and for compelling any such officer or servant to contribute thereto and for contributing to such provident fund from the market fund.
- (d) for granting them pension or for subscribing on their behalf for pension or gratuity under any general or special order from the State Government for the time being in force.
- (e) for establishing and maintaining a compassionate fund;
- (f) for regulating the conditions subject to which pensions and gratuities from such funds may be given;
- (g) for grant of compensation for injuries resulting from accidents;
- (h) for undertaking welfare activities in the interest of the servants of the Market Committee.
- (9) In the case of an officer or a servant lent by Government or by another Market Committee, the Committee may contribute to the leave salary, gratuity or pension to which he may be entitled in accordance with the condition of his service with Government or with the other Market Committee.
- (10) With the sanction of the Director, the Committee may give an extraordinary pension or gratuity-
  - (a) to any officer or servant in execution of his duties ;
  - (b) to the family of any officer or servant who is killed in the execution of his duties ; or
  - (c) from the compassionate fund established and maintained under clause (e) of sub-rule (8) to the family of any officer or servant left in indigent circumstances on account of the premature death of such officer or servant.
- (11) No officer or servant employed by a Market Committee shall -
  - (a) except in accordance with the general or special order of the Committee, communicate directly or indirectly the contents of any confidential documents or information to any member of the general public ;
  - (b) canvas or otherwise interfere or use his influence in connection with, or take part in, any election to the Committee otherwise than in the discharge of any duties assigned to him officially.

### **101. Discharge and resignation of officers and servants :-**

- (1) In the absence of written contract to the contrary, every officer or servant employed by a Market Committee shall be entitled to

one months notice before discharge or to one months salary in lieu thereof, unless he is discharged during the period of probation or for neglect of duty or misconduct, or was engaged for a specified term and discharged at the end of it. or was employed as a casual servant.

(2) If an officer or servant employed by a Market Committee in the absence of a written contract authorising him to do so, and without reasonable cause, resign his employment or absents himself from his duties without giving one months notice to the Market Committee . he shall be liable to forfeit a sum not exceeding one months salary out of any wages due to him.

### **102. Penalties :-**

The following penalties may, for good and sufficient reason, be imposed upon any officer or servant of a Market Committee namely:-

- (i) censure ,
- (ii) withholding of increments or promotions including stoppage at an efficiency bar,
- (iii) reduction to a lower post or a time-scale or to lower stage in a time-scale,
- (iv) recovery from pay of the whole or part of any pecuniary loss caused to Market Committee by negligence or breach or breach of orders,
- (v) suspension,
- (vi) removal from the service of the Market Committee which does not disqualify him from future employment, or
- (vii) dismissal from the service of the Market Committee which ordinarily disqualifies him from future employment.
- (viii) withdrawal of privileges, if any.

### **103. Order of dismissal, removal or reduction :-**

(1) No person who is in the service of a Market Committee shall be dismissed, removed or reduced in rank except by an order made in that behalf, and except after an inquiry in which he has been informed in writing of the charge against, and where it is proposed, after such inquiry to impose on him any such penalty until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the evidence adduced during such inquiry and resolution recommending the penalty proposed



has been passed by the Market Committee by two-thirds majority of the members of the Market Committee ;

Provided that, this rule shall not apply-

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on criminal charge; or

(b) where the Market Committee is satisfied, for reasons to be recorded in writing that it is not reasonably practicable to hold such inquiry.

(2) If in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in sub-rule (1), the decision of the Market Committee, subject to the decision of the Director in appeal, shall be final.

#### **104. Appeal :-**

(1) Any person aggrieved by an order imposing any of the penalties referred to in rule 102 may, subject to the provisions of this rule, appeal to Director ; and any such person aggrieved by the order of the Director may appeal to the State Government.

(2) No appeal shall except for sufficient cause, be entertained after the expiry of 30 days from the date of communication in writing of the order which is appealed against.

(3) Every appeal shall be made in the form of a petition in writing and shall unless the appellate authority otherwise directs, be presented in person or sent by post.

#### **105. Security :-**

Every Market Committee shall take sufficient security from such of its officers and servants as are entrusted with the handling of money and property and in such manner and to such extent as may be specified in the bye-laws.

#### **106. Powers and Functions of Secretary :-**

The Secretary shall be the Chief Executive Officer of the Market Committee and carry into effect the resolution of the Market Committee. He shall be under the disciplinary control of the Chairman. He shall conduct correspondence and shall be responsible for keeping of accounts and for the punctual rendering of all the returns. He shall lay down duties of all officers and

servants of the Market Committee and shall exercise control over the subordinate staff of the Market Committee. He shall supervise and control the activities of the Market Committee in case of emergencies and if necessary , perform its duties in such emergencies. He shall, have custody of all papers and documents of the Market Committee. He shall ,in consultation with the Chairman, call and attend the meeting of the Market Committee and maintain the proceedings of the meeting .He may express or submit his views on the subjects discussed during the meeting . He shall exercise such other powers and perform such other functions as may be delegated or entrusted to him by the Market Committee.

## **CHAPTER 7** Market fund expenditure and accounts

### **107. Market Fund :-**

(1) All cash in the Market Fund shall be kept in a Central Co-operative Bank or in the absence of such Bank, any other Bank duly approved for this purpose by the Director and it shall not be drawn upon except in accordance with these rules. Except where the Director on application by a Market Committee or otherwise directs to the contrary, all monies to be credited in the Market fund shall be credited at least twice a week in full into any such bank.

(2) The Market Committee may, with the approval of the Director or person authorised by him, invest its surplus funds in any of the securities specified in section 20 of the Indian Trust Act, 1882, loan bonds or debentures of the Apex Co-operative Land Development Bank and Government Savings Certificates.

### **108. Expenditure :-**

(1) All payments shall, as far as possible, be made by cheques, and receipts for all payments shall be obtained .

(2) Every cheque drawn on behalf of a market Committee shall be signed by the Chairman and Secretary of the Committee. In the absence of the Chairman, it shall be signed by the Vice-Chairman, and the secretary. In the absence of both, the Chairman and the Vice-Chairman, it shall be signed by any member duly authorised by the Market Committee and the Secretary and in the absence of the Secretary, it shall be signed either by both the chairman and Vice-Chairman or by the Chairman and one of the members of the

Market Committee.

(3) Except in the following cases, the chairman shall not pass any bill unless the expenditure detailed therein has received the previous sanction of the Market Committee, namely-

(i) salaries and allowances of sanctioned establishment,

(ii) payment for works and repairs sanctioned by competent authority.

(iii) urgent expenditure for which there is budget provisions or which does not exceed Rs. 500.

**109. Certain functions which the Market Committee may undertake and for which funds may be spent :-**

:- The market Committee may, subject to the provisions of the Act and the rules but subject always to the availability of sufficient surplus at its disposal, undertake any of the functions such as organisation of seminars, conferences, exhibitions, study tours, grading, standardisation or any other activity which is likely to further the efficient regulation of marketing of declared agricultural produce and spend funds for such purposes with the previous approval of the director or the officer authorised by him in that behalf.

**110. Remittances to treasury or bank :-**

(1) All remittances to a Government treasury or sub-treasury or bank shall be accompanied by chalan or deposit slip in duplicate.

(2) The monthly or other periodical statement of accounts furnished by the bank shall be regularly filed by the Market Committee and made available by it for audit.

**111. Pass-Book :-**

The pass-book shall be got written up-to-date at least once a month by the Secretary from the Bank in which the account is kept.

**112. Submission of Budget :-**

(1) The Market Committee shall prepare in such form as may be specified by the Director annual budget of income and expenditure for the ensuing market year. The budget shall include all items of revenue and capital expenditure (including contribution to

depreciation fund) and be submitted to the Director or any officer authorised by him in this behalf not later than 31 st August for approval. It shall also be competent for a Market Committee to prepare a supplementary budget once a year, whenever necessary, in such form as may be specified by the Director and submit it to the Director for approval.

(2) It shall be open to the Director to modify, annul or rescind the budget estimates for reasons to be recorded or communicated in writing to the Committee,

(3) No expenditure shall be incurred by any Market Committee on any item if there is no approved budget provision, unless it can be met by re- appropriation from savings under other heads or supplementary budget is prepared and approved by Director or by any officer authorised by him.

### **113. Works to be included in budget :-**

No works for which plan and estimates have not been previously prepared and sanctioned shall be included in the budget.

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

(1) All plans and estimates of construction works shall be prepared and signed by a qualified Engineer approved for the purpose by the Market Committee.

(2) plans and estimates for works estimated to cost less than Rs. 5,000 shall be approved by the Chairman .

(3) In case of works estimated to cost more than Rs. 5,000 the plans and estimates shall be approved by the Market Committee.

### **115. Supervision of works :-**

All works shall be carried out under the supervision of the Chairman or of any member or members of the Market committee authorised in this behalf by the Market Committee.

### **116. Accounts, audit, inspection :-**

(1) Every Market Committee shall maintain the following account books and registers in the forms attached to these rules :-

1. Cash book-Form No. 16.
2. General Ledger- Form No. 17.

3. Individual Ledger \_ Form No. 18.
4. Market Fee Register- Form No. 19
5. Licence Fee Register - Form No. 20
6. Register of licence holder for operating as Commission Agent, Trader or Broker - Form No. 21.
7. Form and Account Books Register- Form No. 22
8. Stationery register - Form No. 23
9. Dead Stock Register - Form No. 24
10. Pay register - Form No. 25
11. Government Loan Register - Form No. 26
12. property Register - From No. 27

(2) The accounts of Market Committee shall be audited annually by auditors of the Co-operative Department on payment of such audit fees as may be fixed from time to time by the Co-operative Department

(3) At the time of audit, the Chairman or any other member of the Market Committee authorised by him in this behalf shall cause to be produced and it shall be the duty of the Secretary to produce all accounts, registers, documents and other relevant papers which may be called for by the Audit Officer for the purposes of the audit. Any explanation called for by such officer for the settlement of any discrepancy shall also be immediately furnished to him.

(4) The audit memoranda of the market Committee may be inspected by any person free of charge in the office of the concerned auditor of the Cooperative Department.

(5) The audit memorandum of the Market Committee may be given for reading to the members of the Market Committee in the office of the Market Committee . Certified copies of the same may be supplied to them on payment of fifteen paise per folio.

(6) If the audit discloses any defects in the working of a Market Committee, the Market Committee shall, within three months from the date of the audit report, explain to the Director or any Officer authorised by him. the defects or irregularities pointed out by the auditor and takes steps to rectify the defects and remedy the irregularities and report to the Director or the Officer authorised by him the action taken by it thereon. The Director or the Officer authorised may also make an order directing the Market Committee to take such action, as may be specified in the order to remedy the defects within the time specified therein.

(7) If it appears to the Director on an application by any member of the Market Committee or otherwise , that it is necessary or expedient to reaudit the accounts of the Market Committee for any

period, the Director may, by an order, provide for such reaudit and the provision of the act and the rules applicable to the audit of account of the Market Committee, shall apply to such reaudit.

## **CHAPTER 8** Control

### **117. Manner of enquiry and Inspection :-**

(1) An order, authorising inquiry or inspection under section 40 shall, among other things, contain the following :-

(a) the name of the person authorised to conduct the enquiry or inspection ;

(b) the name of the Market Committee whose affairs are to be enquired into or whose accounts and records are to be inspected ;

(c) the specific point or points on which enquiry or inspection is to be made, the period within which the enquiry or inspection is to be completed and report submitted to the Director.

(d) any other matter relating to the enquiry or inspection

(2) If the enquiry or inspection cannot be completed within the period specified in the order referred to in sub-rule (1), the person conducting the enquiry or inspection shall submit an interim report stating the reason for not completing their enquiry or inspection in time and the Director, if he is satisfied, may grant such extension of time for the completion of the enquiry or inspection as he may deem necessary or he may withdraw the enquiry or inspection from the person to whom it is entrusted and hold the enquiry or inspection himself or entrust it to such other person as he deems fit.

(3) On receipt of the order referred to in sub-rule (1), the person authorised to conduct the enquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the Market Committee or any of its officers, members, agents or servant and obtain such information or explanation from any such officers, members agents or servants of the Market Committee in regard to the transaction and working of the Market Committee as he deems necessary for the conduct of such enquiry or inspection

(4) The person authorised to conduct the enquiry or inspection shall submit the report to the Director on all points mentioned in the order referred to in sub-rule (1 )The report shall contain his finding and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his enquiry or

inspection. The Director shall pass such orders thereon as may be considered just after giving a reasonable opportunity of being heard to the concerned persons including the members of the Market Committee.

**118. Copies of documents and entries :-**

The Market Committee may on the application made in that behalf supply the applicant of a copy of any entry in the book, register or list regularly kept in the course of its working and in the possession of the Market Committee or of any document certified under the seal of the Market Committee and on payment of 15 paise per folio. The chairman or secretary may supply such copy under his signature.

**119. Qualifications and appointment of tribunal under section 57 :-**

The person constituting a Tribunal under section 57 shall be either, -

(a) a person who is holding or had held the office of a Mamlatdar, Deputy Collector, Assistant Registrar or Deputy Registrar of Co-operative Societies or Special Auditor of Co-operative Societies for not less than three years, or

(b) a person who has, for not less than five years, been an advocate, or a pleader, or a person who had worked as a Chairman. Vice-Chairman or a member of a Market Committee or a Secretary thereof for a period of not less than five years, and who at the time of his appointment (as such) is not in any way connected with the Market Committee or with the person from whom the sum is alleged to be due.

**120. Bye-laws :-**

Subject to the provision of section 61 and these rules, a Market Committee may make bye-laws in respect of all or any of the following matters, that is to say -

(a) requiring the Director or any other person authorised by him to call the meetings of the Market Committee fixing a quorum for the meeting of the Committee and the procedure to be followed at such meetings.

(b) appointment of sub-committees, powers and duties to be delegated to sub-committee and meeting , quorum and procedure

thereof.

- (c) recruitment of staff and conditions of their service including salaries to be paid to them
- (d) rate of fee to be collected from a purchaser under section 31 and refund thereof;
- (e) the form of an application for the grant and renewal of a licence, manner of refunding licence fee, agreement to be executed before the grant of a licence, solvency certificate, banks or third persons guarantee, and issue of a duplicate copy of a licence which is lost, destroyed or mutilated.
- (f) determining the quantity of declared agricultural produce for the purpose of retail sale and personal consumption
- (g) the form for weighment slip, account slip and bills to be issued under these rules ;
- (h) functions and duties of a Chairman , Vice-Chairman , members, officer and servants of a Market Committee and of market functionaries operating in the market area ;
- (i) prevention of unauthorised persons from operating in the market area in any market therein;
- (j) issue of badges under these rules.
- (k) rates of charges provided under the Act.
- (l) hours of trading and holidays
- (m) payment of expenses of the Tribunal under section 57,.
- (n) rate of sitting fees to members and payment of traveling and other allowances to members of the Market Committee
- (o) maintenance of records, registers and account books by licensee and submission of returns by them to the Market Committee ;
- (p) charges for grading of declared agricultural produce ;
- (q) price of forms to be supplied to licensees under these rules :
- (r) inspection of copies of the Act and rules, bye-laws and notifications issued thereunder.
- (s) preservation and destruction of records.
- (t) manner and period of preservation of bills ;
- (u) charges for weighment on a weighbridge;
- (v) manner of conducting sales of declared agricultural commodities
- (w) manner and extent of security to be taken from officers and servants of a market Committee
- (x) manner of giving notices for giving effect to the provision of the Act, the rules and the bye-laws
- (y) conditions of the trading and marketing in the market area including any matter for which bye-laws are required to be made under these rules or for giving effect to the provisions of the Act



and these rules.

**121. Amendment of bye-laws :-**

(1) Subject to the provisions of this rule, the bye-laws of a Market Committee may be amended,, altered or abrogated by passing a resolution at a meeting of the market Committee held for that purpose

(2) The Market Committee shall give due notice under intimation to the Director in accordance with its bye-laws to all the members for considering any amendment, alteration or abrogation of bye-laws

(3) An amendment, alteration or abrogation of a bye-law shall be deemed to have been duly made, if a resolution in that behalf is passed at a meeting by majority of the members present thereat and voting and sanctioned by the Director as provided by this rule.

(4) After the resolution is passed , a copy thereof shall, within a period of two months from the date of the meeting at which the resolution was passed, be furnished to the Director along with,-

(a) two copies of the relevant bye-laws in force with amendment proposed to be made in pursuance of the resolution together with reasons justifying such amendment, alteration or abrogation;

(b) four copies of the text of the bye-laws as it would stand after amendment, signed by the Chairman or in his absence by the Vice-chairman and Secretary of the Market Committee ; and

(c) such other information as may be required by the Director

(5) On receipt of a copy of the resolution and other particulars referred to in sub-rule (4), the Director shall examine the amendment, alteration or abrogation proposed by the Market Committee and if he is satisfied that the amendment, alteration or abrogation is not contrary to the Act or the rules and is in the interest of the Market Committee and regulation of marketing of the declared agricultural produce, he may communicate his sanction to the amendment, alteration or abrogation as required by sub-sec. (1) of section 61.

(6) Where the Director is of the opinion that the proposed amendment, alteration or abrogation may be sanctioned subject to any modification, he may indicate to the Market Committee such modification after explaining in writing his reasons therefor. The bye-laws as modified shall be deemed to have come into force as soon as the modification is adopted by the Market Committee in the next meetings.

### **121A. The State Government may delegate powers :-**

The State Government may, by notification in the Official Gazette and subject to such condition , if any, as it may think fit to impose, delegate all or any of the powers conferred upon it by these rules to the Director or any other Officer or person and delegate any powers of the Director by these rules to any other officer or person, specified in the notification .

### **122. . Repeal of previous rules :-**

Subject to the provisions of section 64 of the Act, on the coming into force of these rules,

- (i) the Bombay Agricultural Produce Market Rules, 1941,
- (ii) the Berar Agricultural Produce Market Rules, published in Government of Central Provinces, Agriculture Department,. Notification No. 1662-848-X of 1941, dated the 25th July, 1942,
- (iii) the Rules published in Government of Central Provinces, Agricultural Berar, Agricultural Department, Notification No. 149-718-X of 1941, dated the 19th January, 1942,
- (iv) The Berar cotton Market Rules published in the Central Provinces and Berar, Agriculture Department, Notification No. 149-718-X of 1941, dated the 19th January, 1942,
- (v) the Central Provinces Cotton Market Rules published in Government of Central Provinces, Agriculture Department, Notification No. 2007-952-XLV, dated the 5th October , 1934, and
- (vi) the Hyderabad Agricultural Market Rules, shall stand repealed except as respects thing done or omitted to be done under those rules.