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GOVERNMENT OF PONDICHERRY

LAW DEPARTMENT

Pondicherry, the 2nd April, 1974

The following Act of the Legislative Assembly,
Pondicherry, received the assent of the Lieutenant-
Governor, Pondicherry, on the 28th March, 1974
and is hereby published for general information:-

THE PONDICHERRY AGRICULTURAL
PRODUCE MARKETS ACT, 1973

(No. 3 of 1974)

(28-3-1974)

AN ACT

to provide for the better regulation of buying and
selling of agricultural produce and the establish-
ment and proper administration of markets for
agricultural produce in the Union territory of
Pondicherry.

BE it enacted by the Legislative Assembly of Pondicherry in the Twenty-fourth Year of the Republic of India as follows:-

CHAPTER I

PRELIMINARY

**Short title,
extent and
commencement**

Definitions

1. (1) This Act may be called the Pondicherry Agricultural Produce Markets Act, 1973.

(2) It extends to the whole of the Union Territory of Pondicherry.

(3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different areas and for different provisions of this Act.

2. In this Act, unless the context otherwise requires:-

(i) "agricultural produce" means any produce (Whether processed or not) of agriculture horticulture, animal husbandry, apiculture pisciculture and forest declared by the Government, by notification, to be an agricultural produce for the purposes of this Act;

(ii) "Collector" means the Chief Officer-in-charge of the revenue administration of the Union territory of Pondicherry, and includes any other officer appointed by

the Government to exercise all or any of the powers of a Collector under this Act;

(iii) "Co-operative marketing society" means any co-operative society registered or deemed to be registered under the Pondicherry Co-operative Societies Act, 1965 which has, its principal object, the promotion of the sale of agricultural produce grown, reared or produced by its members;

(iv) "Director" means the Director of Agriculture, Pondicherry, and includes any other person or authority authorised by the Government, by notification to perform the functions of the Director under this Act for such area as may be specified in the notification.

(v) "Government" means the Administrator of the Union Territory of Pondicherry appointed by the President under article 239 of the Constitution;

(vi) "market" means any market established under sub-section (1) of section 5;

(vii) "market committee" means any market committee established under section 4;

11 of 1965

- (viii) "notification" means a notification published in Official Gazette;

- (ix) "notified agricultural produce" means any agricultural produce specified in the notification under sub-section (3) of section 3 as in force for the time being;

- (x) "notified area" means any area notified under section 3 as in force for the time being.

- (xi) "notified market area" means any area notified under sub-section (2) of section 5 as in force for the time being;

- (xii) "prescribed" means prescribed by rules made under this Act;

- (xiii) "produce" means any person who grows, rears or produces by himself or by hired labour or otherwise any agricultural produce but does not include a dealer or broker in that produce although he may grow, rear or produce that agricultural produce;

- (xiv) "Registrar" means the Registrar of Co-operative Societies, Pondicherry.

Declaration
of notified
area

CHAPTER II

NOTIFIED AREA, MARKET COMMITTEE, MARKETS, NOTIFIED MARKET AREAS AND TRADING IN AGRICULTURAL PRODUCE IN SUCH AREAS

- 3. (1) The Government may publish in such manner as may be prescribed, a draft of a notification declaring its intention of regulating the purchase and sale of such agricultural produce in such area as may be specified in such draft.

- (2.) The draft published under sub-section (1) shall state that any objections or suggestions which may be received by the Government from any person within a period of one month from the date of publication of such draft shall be taken into consideration

- (3) After the expiration of the period specified in such draft and after considering such objections and suggestions as may be received before such expiration, the Government may finally publish a notification declaring the area specified in the draft notification or any portion thereof, to be a notified area for the purposes of this Act in respect of any agricultural produce specified in the draft notification.

- (4) Subject to the provisions of sub-sections (1), (2) and (3), the Government may,-

Establishment
of market
committee

- (a) exclude from any notified area, comprised therein, or
- (b) include in any notified area, any new area or
- (c) exclude from, or include in, the notification issued under sub-section (3), any agricultural produce.

4. The Government shall establish, by notification a market committee for every notified area and it shall be the duty of the market committee to enforce in such notified area, the provisions of this Act, the rules and bye-laws made thereunder.

Establishment
of markets

5. (1) Every market committee shall establish in the notified area such number of markets providing for such facilities as the Government may, from time to time direct, for the purchase and sale of any notified agricultural produce and shall provide such facilities in such markets as may be specified by the Government from time to time by a general or special order.

(2) The Government shall, as soon as may be, after the establishment of a market by a market committee under sub-section (1), declare, by notification, the area of the market and such area adjoining thereto as

may be specified in such notification to be a notified market area for the purposes of this Act in respect of any notified agricultural produce.

(3) The Government may, by notification, alter the limits of any notified market area either by altering the area of the market or the area adjoining thereto.

6. (1) No person shall, within a notified area, set up, establish or use, or continue or allow to be continued any place for the purchase, sale, storage, weighment, pressing or processing of any notified agricultural produce, except under and in accordance with the conditions of a licence granted to him by the market committee.

Provided that the market committee may exempt from the provisions of this sub-section any person who carries on the business of purchasing or selling any notified agricultural produce in any quantity not exceeding that prescribed.

Provided further that a producer selling his notified agricultural produce which has been grown, reared or produced by him or a Co-operative Marketing Society selling notified agricultural produce which has been grown, reared or produced by any of its members, shall be exempt from the provisions of this sub-section, but the Government may in public interest and for reasons to be recorded in writing withdraw for such

Trading in
Agricultural
produce in
notified area

period as may be prescribed such exemption in respect of any such producer or Co-operative Marketing Society or all of them or in case of breach, impose such penalty as may be prescribed.

(2) Nothing contained in sub-section (1) shall apply to a person purchasing notified agricultural produce for his own domestic consumption in any quantity not exceeding that prescribed.

(3) A licence under sub-section (1) may be refused to a person.

- (i) whose licence was cancelled and three years have not elapsed since the date of its cancellation, or
- (ii) who has been convicted of any offence or been guilty of misconduct which, in the opinion of the market committee, affects the said person's integrity as a man of business or
- (iii) in regard to whom the market committee is satisfied, after such inquiry as it considers adequate, that he is a benamidar for, or a partner with, any other person to whom a licence may be refused under clause (i) or clause (ii) or
- (iv) if the market committee finds that the grant of a licence in respect of any place situated within a distance of ten kilometres from the notified market area is likely to affect the levy of market fees under section 18 or the transaction of sale or purchase of the notified agricultural produce in the market.

(4) A licence granted under sub-section (1) shall be in such form and subject to the payment of such fees as may be prescribed.

(5) A licence granted under sub-section (1) shall be valid for a financial year and may be renewed from year to year and the provisions of this Act shall, so far as may be, apply in relation to the renewal of a licence as they apply in relation to the grant of a licence.

(6) Every person to whom a licence is granted under sub-section (1) shall comply with the provisions of this Act, the rules and bye-laws made thereunder and the conditions of the licence.

(7) If a market committee is satisfied either on a reference made to it in this behalf, or otherwise, that:-

- (a) a licence granted under sub-section (1) has been obtained by misrepresentation or fraud; ; or
- (b) the holder of a licence has contravened or failed to comply with, any of the provisions of this Act or the rules or bye-laws made thereunder or any of the conditions of the licence.

then, without prejudice to any other penalty to which the holder of the licence may be liable under this Act, the market committee may, subject to such rules as may be made under this Act, cancel or suspend the licence after giving the holder of the licence a reasonable opportunity of showing cause against such cancellation or suspension.

Agricultural produce to be sold in the market only.

Incorporation of market committee

Constitution of market committee by election

(8) Any person aggrieved by the decision of the market committee refusing to grant, or cancelling or suspending a licence may, within such time as may be prescribed, appeal to such authority and in such manner as may be prescribed.

7. Notwithstanding anything contained in sub-section (1) of section 6, all agricultural produce brought to the notified market area by a producer shall be sold only in the market.

8. Every market committee established under section 4, shall be a body corporate by the name of the notified area for which it is established and shall have perpetual succession and a common seal with power to acquire, hold and dispose of property and may, by its corporate name, sue and be sued.

9. (1) Every market committee shall consist of members not exceeding eighteen (including the ex officio member provided under section 10) and shall be constituted in the manner herein-after specified.

(2) Each of the following electorates shall elect as members, from among the persons comprising it, to the market committee.

- (a) producers of the notified agricultural produce in the notified area; and
- (b) persons licenced under sub-section (1) of section 6 in the notified area in respect of the notified agricultural produce.

(3) The number of members to be elected under clause (a) of sub-section (2) shall be nine and the number of members to be elected under clause (c) of sub-section shall be four.

(4) The Government may appoint to every market committee one producer residing in the notified area on the recommendation of the Registrar to represent co-operative interests.

(5) The Government may appoint to every market committee such number of members as it thinks fit not exceeding three.

Provided that where a market committee is established for any notified area for the first time-

- (i) the Government shall appoint all the members of such committee for a period of one year; and
- (ii) if before the expiry of the period of the year aforesaid the elections of members to the market committee could not be held or if, for any reason the Government considers it desirable that the market committee should consist solely of members appointed under clause (i), or appoint new members in their places for such period or periods not exceeding one year in the aggregate as it thinks fit.

10. The Project Agricultural Officer having jurisdiction over the notified area shall be ex-officio member of the market committee established for such area.

Explanation:—Where there are two or more Project Agricultural Officers having jurisdiction over different portions of a notified area, the Government shall decide which of such officers shall be a member of the market committee of the area.

Project Agricultural Officer to be ex-officio member

Term of office of member etc.

11. (1) The term of office of an elected member shall be five years from the date of occurrence of the vacancy, to which he was elected or from the date of his election whichever is later. The term of office of a member appointed under sub-section (5) of section 9, shall expire on the date on which the term of office of elected members expires:

Provided that the member elected under clause (b) of sub-section (2) of section 9 shall cease to hold his office if he ceases to be a member of the electorate by which he was elected.

(2) A member of every market committee other than the *ex-officio* member shall cease to hold his office if he absents himself from three consecutive meetings of the market committee.

(3) When the seat of any member becomes vacant before the expiry of his term of office, the vacancy shall be filled up:

(i) in case he was an elected member, by a person co-opted by the market committee from among the members of the electorate by which the member was elected.

(ii) in any other case, by a person appointed by the Government:

Provided that no casual vacancy shall be filled up within three months before the expiry of the term of office of the elected members.

(4) The member co-opted or appointed to fill a vacancy under sub-section (3) shall hold office only for so long as the member in whose place he is co-opted or appointed would have been entitled to hold office if the vacancy had not occurred.

(5) For the purposes of sub-section (2), no meeting of the market committee from which a member absents himself shall be counted against him if due notice of that meeting was not given to him.

(6) Where a person ceases to be member under sub-section (2), the chairman shall at once intimate the fact in writing to such person and report the same to the market committee at its next meeting. If such person applies for restoration of his membership to the market committee on or before the date of the next meeting, or with in fifteen days of the receipt by him of such intimation, the market committee may, at the meeting next after the receipt of such application, restore him to his office of member:

Provided that a member shall not be so restored more than twice during his term of office.

(7) Any member of a market committee may at any time, be removed from office by the Government for any of the reason prescribed.

(8) Vacancies caused by the expiry of the term of office of elected members of any market committee may be filled at elections which may be fixed by the Director, to take place on such days not earlier than two months before the date on which the vacancies arise as he thinks fit.

(9) Every market committee shall elect one of its members, who is a producer of any notified agricultural produce in the notified area, to be its Chairman and any other member to be its Vice-Chairman.

Special provision where there is delay in the re-constitution of new market committee

12. Where the term of office of the members of a market committee has expired and the Director is of the opinion that it is not practicable to reconstitute the market committee forthwith, he may, by notification, extend the term of office of the members of the market committee for a further period or periods not exceeding two years in the aggregate or until the market committee is reconstituted, whichever is earlier.

Sub-committee Special Committee and delegation of powers

13. The market committee may appoint one or more of its members to be a sub-committee or to be a special committee for the conduct of any work or to report on any matter and may delegate to any one or more of its members such of its powers or duties as it may think fit.

Meetings

14. (1) The market committee may, at any time, call a general meeting of the market committee and shall call such a meeting within one month after receipt of a requisition in writing from the Director or from such number of members or proportion of the total number of members as may be specified in the bye-laws of the market committee.

(2) If a general meeting is not called in accordance with such requisition, the Director shall have the power to call a general meeting of the market committee.

Appointment and salaries of officers and servants of market committee

15. (1) Subject to such rules as may be prescribed, a market committee may appoint such officers or employ such servants as may be necessary for the management of the market and may pay such officers and servants such salaries as it may think fit and shall have power to control and punish them.

(2) The market committee may also provide for the payment to its officers and servants of such leave, allowances, pensions, gratuities or compassionate allowances, as it deems proper and may contribute to any provident fund which may be established for the benefit of such officers and servants.

(3) The market committee shall, in the case of any officer or servant of the Government whom it employs, make such contribution towards his pension and leave allowances, as may be required by the conditions of his service under the Government to be paid by him or on his behalf.

Central Act 45 of 1860

(4) The Chairman, Vice Chairman and every officer or servant of a market committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

16. (1) If in the opinion of the Government, a market committee is not competent to perform, or persistently makes default in performing the duties imposed on it by or under this Act, or abuses its powers, the Government may, by notification, supersede such market committee for a period not exceeding one year in the first instance and may, by order, extend the period of supersession for a period not exceeding one year at a time so however, that the total period of supersession in the case of any market committee shall not exceed four years:

Provided that, before issuing a notification under this sub-section, the Government-

(i) shall give a reasonable opportunity to the market committee of showing cause against the proposed action and shall

Supersession of market committee

- consider the explanations and objections, if any, of the market committee; and
- (ii) may, at its discretion, consult such authority or officer as it may deem fit.
- (1) Upon the publication of a notification under sub-section (1) superseding a market committee, the following consequences shall ensue, namely-
- (a) all the members, as well as the Chairman and Vice-Chairman of the market committee, shall, as from the date of such publication, be deemed to have vacated their offices; and
 - (b) all the assets vested in the market committee shall, subject to all its liabilities vest in the Government.
- (3) When a market committee has been superseded-
- (a) the Government may, at its discretion, by order appoint a suitable person or persons to carry out the functions of the market committee and transfer to such person or persons the assets and liabilities of the superseded market committee as on the date of such transfer; and
 - (b) at any time before the expiry of the period of supersession, the Government may establish a new market committee under section 4.

CHAPTER III

FINANCE, CONTRACT AND PROPERTY.

17. (1) No contract shall be executed on behalf of the market committee except with the sanction of the market committee by a resolution made in this behalf and all contracts shall be in writing and shall be signed on behalf of the market committee by the Chairman and two other members of the Market Committee, or if the Market Committee has been superseded, by the person or persons appointed under sub-section (3) of section 16.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

18. (1) The market committee shall levy and collect market fees on any notified agricultural produce brought or sold in the notified market area at such rate, as may be specified in a notification issued by the Government in this behalf which shall not be more than one rupee for every hundred rupees of the aggregate amount for which the notified agricultural produce is bought or sold whether for cash or for deferred payment or other valuable consideration.

Explanation:—For the purpose of this sub-section, all notified agricultural produce taken out or proposed to be taken out of a notified market area, shall, unless the contrary is proved, be presumed to be brought or sold within such area.

(2) The market fee referred to in sub-section (1) shall be paid by the purchaser of the notified agricultural produce concerned:

Provided that where the purchases of a notified agricultural produce cannot be identified, the market fee shall be paid by the seller.

Execution of contracts

Levy of market fee by market committee

(3) (a) At any time, when so required by any officer or servant of a market committee, who is empowered by the Government in this behalf, the driver or any other person in charge of any vehicle boat or other conveyance, which is taken or proposed to be taken out of a notified market area shall stop the vehicle, boat or other conveyance as the case may be, and keep it stationary as long as may reasonably be necessary and allow the officer or servant empowered as aforesaid to examine the contents in the vehicle, boat or other conveyance.

(b) Such officer or servant who has been so empowered by the Government under clause (a) may also inspect all records relating to the notified agricultural produce carried, which are in the possession of such driver or other person in charge, who shall, if so required, give his name and address and the name and address of the owner of the vehicle, boat or other conveyance.

(c) The officer or servant of the market committee empowered as aforesaid shall have power to seize any notified agricultural produce taken or proposed to be taken, out of a notified market area in any vehicle boat or other conveyance, if such officer or servant has reason to believe that any market fee or other amount due under this Act in respect of such notified agricultural produce has not been paid and such seizure shall be forthwith reported by the officer or servant aforesaid to a Magistrate having jurisdiction to try an offence under this Act and the provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1898, shall, so far as may be apply, in relation to the notified agricultural produce seized as aforesaid as they apply in relation to property seized by a police officer:

Provided that no such notified agricultural produce shall be seized from any person, if he satisfactorily accounts for his possession and for the payment of the market fees or other amount due under the Act and relating to the said produce.

19. The market committee may, subject to such rules as may be prescribed, levy a subscription for collecting and disseminating among the subscribers, information as to any matter relating to statistics or marketing in respect of the notified agricultural produce.

20. (1) All moneys received by a market committee shall be paid in to a fund called the "Market Committee Fund" (hereinafter referred to as the Fund) and all expenditure incurred by the market committee under or for the purposes of this Act shall be defrayed out of the said Fund; and any surplus remaining after such expenditure has been met, shall be invested in such manner as may be prescribed.

(2) (a) Every market committee shall, out of its Fund pay to the Government the cost of any special or additional staff, employed by the Government in consultation with the market committee for giving effect to the provisions of this Act in the notified area to which the market committee was established.

(b) The Government shall determine the cost of such special or additional staff and shall where the staff is employed for the purposes of more than one market committee, apportion such cost among the market committees concerned in such manner as it thinks fit.

(3) The decision of the Government determining the amount payable by any market committee shall be final.

Purposes for which the Fund may be expended

21. Subject to the provisions of section 20 the Fund shall be expended for the following purposes only, namely:-

- (i) the acquisition of site or sites for the market;
- (ii) the maintenance and improvement of the market;
- (iii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it;
- (iv) the provision and maintenance of standard weights and measures;
- (v) the pay, pension, leave allowances, gratuities, compassionate allowance, and contributions towards leave allowances pension or provident fund of the officers and servants employed by the market committee;
- (vi) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;
- (vii) the collection and dissemination of information regarding all matters relating to statistics and marketing in respect of the notified agricultural produce;
- (viii) schemes for the extension or cultural improvement of the notified agricultural produce within the notified area, including the grant, subject to the approval of the

Government, of financial aid to schemes for such extension or improvement within such area, undertaken by other bodies or individuals;

- (ix) schemes for grading of agricultural produce;
- (x) the expenses in regard to elections to the market committee and matters incidental thereto;
- (xi) The measures to be taken for the preservation of any agricultural produce :
- (xii) such other purposes as may be authorised by the Director or the Government in this behalf by general or special order

22. No trade allowance other than an allowance prescribed by the rules or bye-laws made under this Act shall be made or received in a notified area by any person in any transaction in respect of the notified agricultural produce concerned and no civil court shall in any suit or proceeding arising out of any such transaction, have regard to any trade allowance not so prescribed.

Explanation:—Every deduction, other than a deduction on account of deviation from sample, when the purchase is made by sample, or of deviation from standard when the purchase is made by reference to a known standard, or on account of difference between the actual weight of the sacking and the standard weight or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this Act.

23. (1) Every market committee may, with the previous sanction of the Government, raise the money required for carrying out the purposes for which it is

No trade allowance permissible except as prescribed by rules or bye laws

Power to borrow

established on the security of any property vested in, or belonging to, the market committee and or any market fee leviable by the market committee under this Act. The market committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing the market obtain a loan from the Government.

(2) The conditions under which such money or loan shall be raised and the time within which the same shall be repayable shall be subject to the previous sanction of the Government.

Power to write off irrecoverable fee, market fee, etc

24. A market committee may write off any fee, market fee or other amount whatsoever due to it whether under a contract or otherwise, or any sum payable in connection therewith, if in its opinion, such fee, market fee or other amount is irrecoverable:

Provided that the market committee shall, before writing off any such fee, market fee or amount obtain the sanction of—

- (i) the Director, if the fee, market fee or amount exceeds one hundred rupees, but does not exceed such amount as may be prescribed; and
- (ii) the Government, if such amount exceeds the amount so prescribed.

Recovery of sums due to Government from market committee

25. Subject to such rules as may be prescribed the Government may recover all sums due from the market committee in the same manner as arrears of land revenue.

26. (1) The Chairman, Vice-Chairman and every member of a market committee shall be liable for the loss, waste or misapplication of any money or other property owned by, or vested in, the market committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him in any court of competent jurisdiction by the market committee with the previous sanction of the Director.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

CHAPTER IV OFFENCES AND PENALTIES

27. Any person who-

Penalties

- (a) fraudulently evades the payment of any fee, market fees or other amount due from him under this Act or the rules or bye-laws made thereunder, or
- (b) wilfully acts in contravention of any of the provisions of this Act.

shall be punishable with fine which may extend to five hundred rupees, and in the case of a continuing evasion or contravention, with a further fine which may extend to one hundred rupees for every day during which the evasion or contravention is continued after conviction therefor.

28. (1) No offence made punishable by this Act or any rule or bye-law made thereunder shall be tried by any court inferior to that of a Magistrate of the first class.

Trial of offences

Liability of Chairman, Vice-Chairman and members for loss waste or misapplication of property

Liability of accused to pay fee market fee or other amount

(2) Any prosecution under this Act may be instituted by any person duly authorised in writing by the market committee in this behalf.

Composition of offences.

30. The market committee may accept from any person who has committed or is reasonably suspected of having committed an offence against this Act or the rules or bye-laws made thereunder by way of such offence—

- (a) where the offence consists of the failure to pay or the evasion of any fee, market fee or other amount recoverable under this Act or the rules or bye-laws made thereunder, in addition to the fee or other amount so recoverable, a sum of money not exceeding two hundred rupees or double the amount of the fee, market fee or other amount whichever is greater; and
- (b) in other cases, a sum of money not exceeding two hundred rupees.

Power of Magistrate to recover summarily fee market fee or other amount

31. Whenever any person is convicted of an offence under this Act or the rules or bye-laws made thereunder, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the market committee, the amount of fee,

market fee or other amount due from him under this Act or bye-laws made thereunder and may in his discretion, also recover summarily and pay over to the market committee such amount if any, as he may fix as the cost of the prosecution.

CHAPTER V

MISCELLANEOUS

32. If any question arises whether any person is a producer or not for the purposes of this Act, the Director shall decide the question after following such procedure as may be prescribed. The decision of the Director, shall subject to the provisions of section 33, be final.

33. The Government may of its own motion or on application made to it, call for and examine the record of any market committee or of the Director in respect of any proceeding to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed therein and, if in any case, it appears to the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, it may pass orders accordingly:

Provided that, before passing any order under this sub-section, the Government—

- (i) shall, if such order is likely to be prejudicial to any person, give such person a reasonable opportunity of making his representations; and
- (ii) may, as its discretion, consult such authority or officer as it may deem fit.

Power of Director to decide certain questions

Power of Government to call for records and pass orders

Registration
of document
executed on
behalf of a
market
committee

Saving

Act to over
ride other
laws

(a) The Government may stay the execution of any such decision or order pending the exercise of its powers under sub-section (1) in respect thereof.

34. (1) Notwithstanding anything contained in the Registration Act, 1908, it shall not be necessary for the Chairman or any member or officer or servant of a market committee or the person referred to in sub-section (1) of section 17 to appear in person or by agent at any registration office in any proceeding connected with the registration of an instrument executed by him in his official capacity or to sign as provided in section 58 of that Act.

(2) Where any instrument is so executed, the registering officer to whom such instrument is presented for registration may, if he thinks fit, refer to such Chairman, member, officer, servant or person for information respecting the same and shall, on being satisfied of the execution thereof register the instrument.

35. Nothing in this Act shall apply to any place set up, established or continued by or on behalf of the Central Government or any State Government for the purchase, sale, storage, weighment pressing or processing of any notified agricultural produce or to the purchase or sale of any notified agricultural produce by or on behalf of the Central Government or any State Government.

36. Nothing in any law providing for the establishment maintenance or regulation of market or the levy of fees therein shall apply to any market established under this Act or affect in any way the powers of a market committee, in respect of such market.

Exemption

37. The Government may, by notification, and for the reasons to be specified therein, either permanently or for any specified period, exempt any market committee, any person or class of person from all or any of the provisions of this Act, subject to such conditions as the Government may deem fit to impose.

38. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by Order in the Official Gazette, do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

(2) Every order made under this section shall be laid before the Legislative Assembly, Pondicherry, as soon as may be, after it is made.

39. (1) The Government may, by notification, make either generally or specially for any notified area or areas, rules for carrying out all or any of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or regulate-

[i] the issue by a market committee of licences to brokers, weighmen, measurers and surveyors, the form in which and the conditions subject to which, such licences shall be issued or renewed, and the fees to be charged therefor;

[ii] the provision of accommodation for storing any notified agricultural produce brought into the market;

Power to
remove diffi-
culties

Power to
make rules

- [iii] the kind and description of the scales, weights and measures, which alone may be used in transactions in the notified agricultural produce concerned in a notified area;
- [iv] the periodical inspection, verification and correction of all scales, weights and measures in use in a notified area and the seizure of scales, weights and measures found to be false;
- [v] the annual fees that may be levied by the market committee in respect of licences granted under section 6 and the recovery of such fees;
- [vi] the election, appointment, co-option and removal of members of a market committee, the preparation and revision of lists of electors; and the payment of all expenditure in connection with or incidental to elections;
- [vii] the election of the Chairman and Vice-Chairman of a market committee and their terms of office;
- [viii] the filling of casual vacancies in the office of the Chairman, Vice-Chairman or member of a market committee;
- [xi] the provision of facilities for the settlement of any dispute between a buyer and seller of the notified agricultural produce or their agents including disputes regarding the quality or weight of the article, the allowances for wrappings, dirt or impurities or deductions from any cause;

- [x] the prohibition of brokers from acting in any transaction on behalf of both the buyer and seller of any notified agricultural produce;
- [xi] the manner of collection of market fee;
- [xii] the maximum rates of subscriptions which may be levied by the market committee under section 19 and the recovery of such subscriptions;
- [xiii] the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the market committee, and the grant of sanction to such plans and estimates;
- [xiv] the procedure to be followed by a market committee in respect of financial matters generally, including the manner in which, and the restrictions and conditions subject to which, expenditure may be incurred by it;
- [xv] the form in which accounts of a market committee shall be kept, the audit and publication of such accounts, and the charges, if any, to be made for such audit;
- [xvi] the powers of auditors and the Director to disallow and surcharge items and the recovery of sums so disallowed and surcharged;
- [xvii] the institution of provident funds;
- [xviii] the preparation and submission for sanction of an annual budget and the reports and returns to be furnished by a market committee;

- [xix] the investment and disposal of the surplus funds of a market committee;
- [xx] the trade allowance which may be made or received by any person in any transaction in the notified agricultural produce in a notified area;
- [xxi] the prevention of adulteration of notified agricultural produce;
- [xxii] the maintenance of standards of notified agricultural produce;
- [xxiii] the provision for affording facilities for settlement of debts charged on notified agricultural produce ;
- [xxiv] any other matter which has to be or may be prescribed;

(3) Any rule made under this section may provide that any contravention thereof or of any of the conditions of any licence issued or renewed thereunder shall be punishable with fine which may extend to two hundred rupees.

[4] Every rule made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly, Pondicherry, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid, or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made or issued, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be;

Provided that any such modification or amendment shall be without prejudice to the validity or anything previously done under that rule.

40. (1) Subject to any rules made by the Government under section 39 and with the previous sanction of the Director, a market committee may, in respect of the notified area for which it was established, make bye-laws for the regulation of the business and the conditions of trading therein;

Provided that where a market committee fails to make bye-laws under this sub-section within one month from the date of its establishment, the Director may make such bye-laws as he thinks fit and the bye-laws so made shall be deemed to be bye-laws made by the market committee and may be amended or varied, by the Director or with his previous sanction, by the market committee.

(2) Any bye-law made under this section may provide that any contravention thereof shall be punishable with fine which may extend to fifty rupees.

Power to
make
bye-laws

A. CHANDRASEKHARA MENON,
Secretary to Government.

Reg. No. M. 8270

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புதுவை மாநில அரசிதழ்

LA GAZETTE DE L'ETAT DE PONDICHERY
THE GAZETTE OF PONDICHERRY

சிறப்பு வெளியீடு EXTRAORDINAIRE EXTRAORDINARY

அதிகாரம் பெற்ற வெளியீடு Publiee par Autorite Published by Authority

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(10 Chaitra 1897)

GOVERNMENT OF PONDICHERRY
Development Department.

(G. O. Ms. No 12. dated 1st February, 1975)

NOTIFICATION

S. O. No. 14 — In exercise of the powers conferred by section 39 of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974), the Lieutenant Governor, Pondicherry, hereby makes the following rules, namely —

THE PONDICHERRY AGRICULTURAL PRODUCE MARKETS RULES, 1975.

CHAPTER — I

Preliminary

1. *Short title.* — These rules may be called the Pondicherry Agricultural Produce Markets Rules, 1975.

2. *Definitions.* — In these rules, unless the context otherwise requires :—

(1) "Act" means the Pondicherry Agricultural Produce Markets Act, 1973;

(2) "Accounts Officer" means the Secretary of the committee ;

(3) "appointed to the service" a person is said to be 'appointed to the service' when, in accordance with these rules he discharges for the first time the duties of a post borne on the cadre of the service or commences the probation or training specified for the members thereof;

(4) "approved candidate" means a candidate whose name appears in a list of candidates approved for appointment to any category of the service ;

(5) "approved probationer" in the service or category means a member of the service or category who has satisfactorily completed his probation and awaits appointment as a full member of the service or category ;

(6) "auditor" means any audit officer appointed by the Government ;

(7) "broker" means any agent habitually employed on commission to make contracts for the purchase or sale of agricultural

produce for the purchase of which he does not advance any money or with the possession of documents of title to which he is not entrusted and shall not include a private servant, a servant or an agent employed to purchase or sell or to bargain for agricultural produce on account of others,— whether remunerated by fees or not, provided such servant or agent is employed by one person or by one firm only, and that he does not obtain or demand fees from any other person or firm except the person or firm employing him;

(8) "buyer" includes a person buying or offering to buy any agricultural produce on behalf of another as his duly authorised agent or as a commission agent;

(9) "bye-law" means a bye-law made by a market committee or by the Director under sub-section (1) of section 40 of the Act;

(10) "cadre" means the sanctioned strength of the service;

(11) "category" means a separate and distinctive unit within the service;

(12) "chairman" means the Chairman of a Committee;

(13) "commission agent" means a person who, on behalf of another person and in consideration of a Commission or percentage upon the amount involved, makes or offers to make a purchase or sale of any agricultural produce or does or offers to do anything necessary for completing or carrying out such purchase or sale.

(14) "committee" means a market committee;

(15) "discharge of probationer" means, in the case of a probationer who is a full member or an approved probationer of another service or category reverting him to such service or category and, in any other case, dispensing with his service;

(16) "duty" A person is said to be 'on duty' as a member of the service—

(a) when he is performing the duties of a post borne on the cadre of the service or is undergoing the probation or training specified for any such post; or

(b) when he is on joining time; or

(c) when he is absent from duty on authorised holidays or on casual leave taken in accordance with the instructions regulating such leave, having been on duty immediately before and after such absence.

(17) "election authority" means the collector;

(18) "emoluments" means pay, leave salary, subsistence grant or allowance classed as pay in the rules or regulations applicable to the officers and servants of the committee;

(19) "executive authority" means the Secretary of the Committee;

(20) "family" means—

(a) in the case of a male subscriber, the wife and children of the subscriber and the widow and children of a deceased son of the subscriber;

Provided that if a subscriber proves that his wife has been judicially separated from him or has ceased, under the customary law of the community to which she belongs, to be entitled to maintenance, she shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notice in writing to the Accounts Officer that she shall continue to be so regarded;

(b) in the case of a female subscriber the husband and children of the subscriber and the widower and children of a deceased son of the subscriber;

Provided that if a subscriber by notice in writing to the Accounts Officer, expresses her desire to exclude her husband from her family, the husband shall henceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notice excluding him.

(c) for the purpose of this clause—

(i) 'children' means legitimate children;

(ii) an adopted child shall be considered to be a child when the Accounts Officer, or if any doubt arises in the mind of the Accounts Officer, the Government Pleader, is satisfied that under the personal law of the subscriber, adoption is legally recognized as concerning the status of a natural child;

(iii) a child of one person given in adoption to another shall not be considered to be the child of the former, if the Accounts Officer, or if any doubt arises in the mind of the Accounts Officer, the Government Pleader is satisfied that under the personal law of the persons concerned such adoption is legally recognised;

(21) "full member of the service" means a member of the service who has been appointed substantively to a permanent post borne on the cadre thereof;

(22) "fund" means the provident fund established by the committee.

(23) "grade" means one of two grades into which the service is divided under rule, 166;

(24) "leave" means any variety of leave recognised by the rules or regulations applicable to the officers and servants of the committee;

(25) "market committee's official year" means the financial year of the State Government;

(26) "market committee servant" means any officer or servant employed by a market committee, but shall not include any servant of the Government appointed as Secretary under the Market Committees Secretaries Service Rules;

(27) "member of a market committee servant's family" includes the wife, child or step child whether residing with him or not, any other relative of his or his wife residing with and dependent on him, but does not include a wife legally separated from him or child or step child who is not dependent on him or of whom custody he has been deprived by law.

[28] "member of the service"— Member of the service includes a probationer or an approved probationer as well as a member of the service;

[29] "place" means—

- [i] a market established under the Act;
- [ii] a place licensed under the Act; and

[iii] farmstead, dwelling house or stores of producers in respect of their own produce or private markets and shandies;

[30] "probationer in the service" means a member of service who has commenced his probation but has not been declared to have satisfactorily completed the probation;

[31] "probation" means the appointment of a member of category of the service to a higher category of the service and includes the appointment to a higher category by transfer of a member from the service of one committee to that of another;

[32] "Recruited direct"—A candidate is said to be recruited "direct" to the service, category or post when at the time of his appointment thereto he is not a member of the service;

Provided that for the purpose of this definition a person shall be deemed to be not a member of the service—

[i] if a period of three years has not elapsed since his first appointment into the service otherwise than on regular basis; or

[ii] if he holds a post, the conditions of service of the holder of which have been declared to be matters not suitable for regulation by rule;

[33] "Recruited by transfer"—A candidate is said to be 'recruited by transfer' to the service—

[a] if at the time of first appointment thereto he is either a full member or an approved probationer in any other service the rules which prescribe a period of probation for members thereof; or

[b] in case at the time of his first appointment thereto he is the holder of a post which has been included in another service but for which no probation has been prescribed if he has put in that post satisfactory service for a total period of two years within a continuous period of three years;

[34] "recognised school" means a school maintained, by or opened with the sanction of the Government or to which recognition has been accorded by the Director of Education;

[35] "Registration Officer" in relation to a region or part thereof included in a notified area, means the Tahsildar or Independent Deputy Tahsildar having jurisdiction over such region or part and shall include any person authorised by the election authority to perform the functions of registration officer; and

[36] "Returning officer" means in relation to the electorates mentioned in clauses (a) and (b) of sub-section (2) of section 9 of the Act, the Revenue officer having jurisdiction over the notified area and if there are two or more Revenue Officers having jurisdiction

over such area, the Revenue Officer authorised by the election authority to perform the functions of a returning officer.

(37) "section" means a section of the Act;

(38) "selection category" means a category of the service specified in rule, 207 ;

(39) "seller" includes a person selling or offering to sell agricultural produce on behalf of another as his duly authorised agent or as a commission agent.

(40) "seniority" means the ranking within each category of the cadre ;

(41) "year" means the financial year.

CHAPTER — II

Market Committees and Regulation of Trading in Notified Area.

3. *Publication of Notification.*—Copies of every notification under section 3, 4 and 5 shall be published—

(i) in the State Gazette in English and in the language or languages of the region ;

(ii) in the office of every municipality or commu... Panchayat within whose jurisdiction the area specified in such notification or any part of such area is situated, by affixture in a conspicuous position therein, in English and in the language or langages of the region.

4. *Copy of the Act, rules and bye-laws to be kept.*—The market committee shall keep a copy of the Act and of the

rules and notification made or issued thereunder and of its bye-laws, open to inspection at its office, free of charge.

5. *Grant of Licences.*—A market committee, after making such enquiries as it deems fit, subject to the provisions and conditions of the Act, Rules and Bye-laws, grant or renew a licence, for the use of any place in the notified area for operating therein as trader, Commission agent, processor, importer, exporter, stockist or any other market functionaries as may be determined by the Director, in relation to the marketing of notified agricultural produce;

6. *Exemptions:*—For the purpose of exemption under the provisions of the sub-section (1) and (2) of section 6, the quantities of Agricultural produce purchased or sold, as the case may be, shall not exceed the following limits namely:—

[a]	Paddy	...	60 kilograms a day
[b]	Ragi	...	50 kilograms a day
[c]	Maize	...	50 kilograms a day
[d]	Groundnut	...	10 kilograms shelled or 15 kilograms unshelled a day
[e]	Coconut and its by products.	...	300 coconuts or 10 kilograms of copra a day
[f]	Gingelly	...	15 kilograms a day
[g]	Blackgram	...	40 kilograms a day
[h]	Greengram	...	40 kilograms a day
[i]	Redgram	...	40 kilograms a day
[j]	Cashewnut	...	5 kilograms of kernels or 15 kilograms unshelled nuts a day
[k]	Arecanut	...	1 kilogram of dried husked nuts or 10 kilograms of raw green nuts

[l]	Turmeric	...	10 kilograms a day
[m]	Chillies	...	5 kilograms a day
[n]	Coriander	...	40 kilograms a day
[o]	Tamarind	...	10 kilograms a day
[p]	Tapioca tubers		100 kilograms a day
	Tapioca chips	{}	60 kilograms a day
	Tapioca flour		
	Tapioca starch		
[q]	Sugarcane jaggery		15 kilograms a day
	jaggery powder & ...		
	brown sugar		
[r]	Palmgur jaggery	...	10 kilograms a day
	in all forms		
[s]	Cotton	...	50 kilograms lint a day 140 kilograms kapas per day both lint and kapas are purchased. 25 kilograms of lint and 70 kilograms of kapas a day

(7) *Refusal, suspension or cancellation of licence.*—[1] Before refusing to grant licence under sub-section [3] of section 6 and before cancelling or suspending a licence under sub-section [7] of section 6, the applicant or the licensee, as the case may be, shall be given an opportunity to show cause within a specified time in the notice, against the refusal or suspension or cancellation of the licence, as the case may be.

[2] If on receipt of a report from the Secretary, supported by such evidence, if any, as he may produce, the market committee is satisfied that any licence issued under sub-section [1] of section 6 should be suspended for any period or be cancelled, it shall cause a notice to be served upon the licensee calling upon him to show cause why the licence should not be so suspended or cancelled within such time as may be specified in the notice, not being less than seven days from the date of service thereof.

[3] On the expiry of the time specified in the notice, and after considering the reply, if any received from the licensee within such time and after making such further enquiry as it deems fit in this behalf, the market committee shall pass final orders in the matter of the suspension or cancellation of the licence;

Provided that the market committee shall not pass an order severer than that specified in the notice, without giving the licensee a further opportunity to show cause against the making of such an order.

[4] The market committee shall communicate all such notices, decisions or orders to the applicant or the licensee as the case may be, either by delivering to him personally or sending the same to him by registered post acknowledgement due.

[5] In the case of refusal, suspension or cancellation of a licence, the market committee shall record its decision and the reasons therefor and shall furnish a copy of it, free of charge to the applicant.

[8] *Appeal:*— [1] In the case of an order passed by the market committee, refusing to grant, suspend or cancel a licence, the aggrieved person may appeal to the Director, within one month from the date on which the order is communicated to him.

[2] When an appeal is preferred to the Director, the memorandum of appeal shall set forth concisely the grounds of appeal and shall be accompanied by the original or an authenticated copy of the order appealed against alongwith such other documents as may be relevant to the case.

[3] The appellate authority shall record his decision and reasons therefor and shall furnish a copy of it free of charge to the appellant.

(4) It shall be open to the appellate authority to reject an appeal summarily, if considers that there are no sufficient grounds for interference, but reasons for such rejection shall be recorded in writing.

(5) It shall be open to the appellate authority to admit an appeal presented after the time allowed for filing an appeal provided good and sufficient cause is shown for the delay.

9. Licences to brokers or weighmen.—(1) The market committee may grant licences to such persons as it thinks fit to be brokers or weighmen. Any licence so granted may at any time, for sufficient cause, be withdrawn by the market committee.

(2) Any person who takes service under any buyer or seller or advances money for the purchase of or is entrusted with the possession of documents of title relating to any agricultural produce in connection with which he is employed, shall be deemed to be disqualified for getting a licence to be a broker and the licence of any such person obtained, fraudulent or prior to his becoming disqualified shall be withdrawn. No unlicensed broker or weighman shall practice his calling in the notified area.

(3) Any person whose licence has been withdrawn under sub-rule (1) may within one month, prefer an appeal to the Director whose decision thereon shall be final.

(4) A list of persons whose licences have been withdrawn under sub-rule (1) shall be exhibited on the notice board of the office of the market committee and of the market yards and such other places as may be specified in this regard by the market committee.

10. Form of applications.—(1) An application for licence under sub-section (1) of section 6 shall be in Form I and shall be made to the Secretary of the market Committee.

(2) Every licence issued under sub-section (1) of section 6 shall be in Form II and shall be subject to the conditions specified therein.

11. Levy of fees—(1) The annual fee payable in respect of the licences under section 6 shall be at a uniform rate subject to a maximum of 25 rupees for one produce for the main place of business in the notified area. For two or three produces the fee shall be double the rate payable for one produce and for four or more produces the fee shall be three times the rate payable for one produce.

(2) The maximum fee payable for the grant or renewal of a broker's licence or a weighman's licence shall be twenty rupees per annum.

(3) Every application for licence under sub-section (1) of section 6 shall be made by the applicant immediately after obtaining the receipt for the payment of such fee as may be fixed in the bye-laws, and shall be accompanied by such receipt.

(4) An applicant who has complied with the provisions of sub-rule (3), shall, until orders are communicated to him, be entitled to act as if the licence applied for has been granted to him in accordance with rule 5.

(5) It shall not be necessary for a person to obtain more than one licence for setting up, establishing, using or continuing or allowing to be continued more than one place in the same notified area for the purchase, sale, storage, weighment, pressing or processing of the notified agricultural produce.

(6) A fee not exceeding five rupees shall be levied for every amendment of a licence, involving the inclusion of a new place in the licence.

(7) A separate licence is necessary in respect of each person when the same place is used by more than one person.

(8) No fee shall be levied for the issue of a licence to owners of country chekkus for crushing any agricultural produce.

12. *Issue of Duplicate Licence:*—The committee, if it is satisfied after holding such enquiry as necessary, that a licence issued by it has been lost or accidentally destroyed, may issue a duplicate licence on payment of fee of fifty paise.

13. *Renewal of licence granted under sub-section (1) of section 6.*—(1) Every application for renewal of a licence shall be made not later than the 30th April of the year for which the renewal is required;

Provided that if the application for renewal is not received within the time specified in this sub-rule, the licensing authority may condone the delay and renew the licence on payment of a penalty of five rupees.

(2) If the application for renewal is made in accordance with sub-rule (1), the applicant shall be deemed to be duly licensed until such date as the licensing authority may pass orders on the application for the renewal.

(3) Where an applicant has not carried on any business for which licence is required for a period of more than thirty days from the date of expiry of the licence, the licence shall not be renewed and the applicant shall apply for a fresh licence.

(14) *Collection of fees:*—[1] The fees shall be collected on behalf of the market committee by the paid officers and servants of the market committee. Collection of fees shall not be farmed out.

[2] The market committee shall maintain a register showing the fees collected by it. A receipt shall be granted to every person in respect of fees collected from him.

(15) *Servants employed on the collection of fees to wear badges:*—Every officer or servant other than the Secretary and Superintendent

of markets employed by the market committee shall wear a suitable badge of office provided by the market committee.

(16) *Security:*—The market committee shall take sufficient security from such of its officers and servants as are entrusted with the handling of money.

(17) *Inspection of cash and account:*—The secretary shall arrange to inspect and check periodically the cash and accounts of the officers and servants authorised to collect the fees on behalf of the market committee.

(18) *Books to be kept by licensed brokers and weighmen:*—Every broker and every weighman licensed under these rules shall—

[a] keep such books and in such form as the market committee may from time to time require;

(b) render daily and monthly returns at such time and in such form as the market committee may from time to time require; and

(c) render such assistance as may be required by the market committee in the collection of fees due under these rules, in the prevention of the evasion of the payment thereof and generally in the prevention of the break of these rules.

19. *Only licensed weighmen to be employed:*—All weighments of agricultural produce intended for sale or purchase in the notified area shall be made only by licensed weighmen.

20. *Employing a broker:*—No person shall, in the absence of an express agreement, be bound to employ a broker in any transaction or be required to pay for a broker employed by any other party to the transaction or to pay for a broker when none is employed.

21. *Fees for licensed brokers and weighmen:*—(1) A licensed broker or weighman may, in respect of his services demand such fees

as may be fixed by the bye-laws of the market committee from person employing him.

(2) If both parties employ the same licensed weighman or broker, and in the absence of an express agreement, half the fees will be payable by the buyer and the other half by the seller.

22. *Licensed weighman to wear a distinguishing badge*—No licensed weighman shall act as such in the notified area unless he is wearing a badge containing the serial number allotted to him by the market committee.

23. *Demand or receipt by licensed broker or weighman of any sum not authorised by these rules*.—(1) No licensed broker or licensed weighman shall demand, receive or retain or allow any other person to demand, receive or retain, on account of or under the colour of fees due to in respect of his services, any sum not demandable under these rules, or from a person who is not liable to pay under these rules.

(2) No person, who is not a licensed broker or weighman shall demand, receive or retain or facilitate the demand, receipt or retention of any fee.

24. *Storage accommodation*.—The market committee shall so far as its funds permit, arrange, when necessary, accommodation for the temporary storage or stocking of agricultural produce. The market committee shall not allow any such accommodation to be utilised for the purpose of facilitating the speculative holding up of such produce. The market committee shall not allow such accommodation to be utilised for agricultural produce other than that bought and sold in the market except with the previous sanction of the Director.

25. *Places at which agricultural produce shall be weighed*.—All weighments of agricultural produce intended for sale shall be carried out in the notified area under the control of the market committee only in such places and through such persons as are authorised for the purpose.

26. *Weighment of agricultural produce*.—Only such scales and weights as conform to the metric system of weights shall be used. There shall be no objection to the use of beam scales.

27. *Inspection of weights and measures or weighing or measuring instruments*.—(1) The Secretaries, Superintendents (Inspector of Licensed Premises), and supervisors of Market Committees vested with powers of Inspector of Weights and Measures prescribed under section 17 of the Tamil Nadu Weights and Measures (Enforcement) Act, 1958 as extended to the Union territory of Pondicherry shall, in the course of their duty check:—

(i) Whether any weight or measure or weighing or measuring instrument used in any transaction in the notified market areas has been verified or re-verified and stamped by the Inspector of Weights and Measures with stamp verification;

(ii) Whether any weight or measure or weighing or measuring instrument other than that prescribed under the Pondicherry Weights and Measures (Enforcement) Rules, 1966 is used in any transaction in the notified market areas;

(iii) Whether the provisions of section 14 of the Tamil Nadu Weights and Measures (Enforcement) Act, 1958 as extended to the Union territory of Pondicherry, regarding the marketing of weights or measures in sealed containers are strictly adhered to in transactions or trade, business or commerce by weight or measure in the notified market areas; and

(iv) Whether weights or measures or weighing or measuring instruments are manufactured, sold or repaired by manufacturers, dealers, or repairers in the notified market areas without obtaining licence from the Controller of Weights and Measures as required under the Tamil Nadu Weights and Measures (Enforcement) Act, 1958, as extended to the Union territory of Pondicherry.

(2) The officers specified in sub-rule [1] shall seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under the said Act appears to have been committed or which might be used in the commission of such an offence. The correctness of the weights or measures or weighing or measuring instruments with reference to the working standard or weighing or measuring instrument prescribed for the purpose shall be verified by the Inspectors of Weights and Measures in the Weights and Measures Department who may be required to do so by these officers. The result of inspection by the officers shall be reported to the Assistant Controller of Weights and Measures concerned alongwith the seized weights etc under intimation to the Controller of Weights and Measures for taking further proceedings against the offenders in following form:-

Name of person from whom the scales or weights are seized (1)	Description of the scale or weights (3)	Date of seizure (4)	Person who has seized (3)
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Person in whose presence seized (5)	Reasons for seizure (6)	Remarks (7)
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Witness: —

(Signature of the person making the report)

Notes:—The report will be signed by the person or persons in whose presence the weights or scales were seized. The fact that the case has been reported to the Inspector of Weights and Measures in the Weights and Measures Department should be noted in the remarks column.

28. *Counter-balancing in weighment.*— A weight equivalent to that of the rope and of the bag or container, which contains the agricultural produce shall be added to the weight side of the scale in order to counter balance the weight of the rope and bag or container on the weighing side of the scale.

29. *Weighment on the market Committee machines:*— Every market committee shall erect such number of weighing machines as may be required in the notified area with suitable arrangements for their use in proper working order. Any buyer or seller may at his option have his agricultural produce weighed thereon and he shall be given free a certificate of weighment.

30. *Employment of auctioner.*— The market committee may employ an auctioner as a servant of the committee on such allowance as may be fixed by it to sell any agricultural produce brought into the market if the seller so desires.

31. *Accounts and transactions to be maintained in the market, and report by the licensees to the market committee.*— (1) An account of each individual cart-load shall be maintained by market committee in such form as may be specified in the bye-laws

(2) When a cart-load is brought into the market, it shall be entered in the accounts with the name of the produce and nature of the produce.

(3) When cart-loads are brought into the premises occupied by any licensee, the licensee shall, unless the produce has been weighed in the market, be responsible for reporting to the market committee the weight of such agricultural produce as certified by the licensed weighman on authorised weighing machines.

32. Units of price quotations to be used in respect of notified agricultural produce:—The unit of price quotations in respect of notified agricultural produce shall be in terms of weights authorised by law and as approved by the Director.

33. Levy of market fees:—(1) The Market Committee shall in the case of notified agricultural produces, levy and collect a fee of such notified agricultural produces bought or sold in the notified market area on *ad valorem* basis at such rates as may be specified in the bye-laws of the Market Committee subject to the maximum prescribed in sub-section (1) of section 18.

(2) The fees referred to in sub-rule (1) shall be collected from the first purchaser on the basis of the records or returns submitted by him or on any other information obtained by the Market Committee from other sources. It shall be paid by the purchaser immediately after the purchase is effected in a market established by the market committee and within a week in the case of purchases effected in another place in the notified market area except the market aforesaid.

(3) The fees referred to in sub-rule (1) shall not be levied more than once on the same notified agricultural produces either in the same notified market area or in any other notified market area within the Union territory of Pondicherry, if it is resold.

(4) Any subsequent purchaser can claim exemption from the payment of fees after production of sufficient evidence to the satisfaction of the market committee that fees have already been paid on that quantity of notified agricultural produce purchased by him.

(5) To enable the market committee to assess the quantum of fees due to it under the Act, every person who deals with the notified agricultural produce shall submit to the Market Committee a weekly return in the form specified by the Market Committee showing his purchases and sales of each transaction of the notified agricultural produce relating to the previous week.

(6) Consignments of notified agricultural produce leaving the notified market area shall be accompanied by a permit issued, by the Secretary of the Market Committee, on application. The permit applied for will not be issued unless the fees or any other amount due to the market committee, if any, has been paid.

34. Subscription for market intelligence:—The market committee may, with the approval of the Director, levy a subscription under section 19 of the Act not exceeding Rs. 25 per annum exclusive of postage from every subscriber for a copy of the market reports published by the market committee. The subscription shall be paid in advance to the market committee.

35. Prohibition to enter markets:—No person shall enter or attempt to enter the market when directed not to do so by any officer of the market committee or disobey the instructions of any such officer of the market committee in regard to the places where carts laden with produce may stand or in regard to the roads by which and in regard to the time at which they may proceed.

36. Term of office and casual vacancies in the office of the Chairman or Vice-Chairman:—(1) The Chairman and Vice-Chairman shall be deemed to have assumed office on his being declared elected as such.

(2) The Chairman shall cease to hold office as such,—

(i) on the expiry of his term of office as a member or on his otherwise ceasing to be a member; or

(ii) on his resignation being placed before the market committee.

(3) The Vice-Chairman shall cease to hold office as such,—

(i) on the expiry of his term of office as a member or on his otherwise ceasing to be a member; or

(ii) on his election as Chairman; or

(iii) on his resignation being placed before the market committee.

37. Removal of members by Government and resignation of members:— (1) Any member of a market committee may be removed from office by the Government, if,—

(a) he is of unsound mind and is so declared by competent court;

(b) he is a deaf mute;

(c) he is or becomes a leper;

(d) he applies to be adjudicated or is adjudicated bankrupt or insolvent;

(e) he has or acquires any interest in any subsisting contract made with or work being done for the market committee except as a share holder, other than a Director, in a company

(f) he is employed as a paid legal practitioner on behalf of the market committee or accepts employment as legal practitioner against the market committee;

(g) he is appointed as an officer or servant of the market committee;

(h) he accepts employment under or becomes official subordinate of any other member;

(i) he is or has been convicted by a court of law for any one or more offences under the Act or the rules or the bye-laws thereunder unless a period of one year has elapsed from the date of such conviction;

(j) he is or has been convicted by a court of law for any offence involving moral turpitude; and

(k) he acts in any manner which is in the opinion of the Government prejudicial to the working of the market committee.

Explanation:—Notwithstanding anything contained in Clauses [i] and [j], the Government may direct that such conviction shall not operate as a disqualification.

Where a person ceases to be a member under clause [i] or [j], he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the conviction is annulled on appeal or revision or the disqualification caused by the conviction is removed by an order of the Government. Any person appointed to fill the vacancy in the interim period shall, on such restoration, vacate office;

(2) Any member other than the chairman or vice-chairman may resign his office by giving notice to the chairman, and such resignation shall take effect on the date on which it is received by the Chairman.

Functions of the Secretary:—The Secretary shall be the executive authority of the market committee and carry into effect the resolutions of the market committee. He shall supervise the day-to-day administration of the market committee and all official correspondence between the committee and the officers or authorities subordinate to the Government shall be conducted by the Secretary and correspondence with the Government through the Chairman who shall be bound to transmit such correspondence to the authorities concerned with his remarks, if any.

(2) The Secretary shall conduct all correspondence and shall be responsible for keeping of accounts and for the punctual rendering of all returns.

39. *Minutes book*.—A minute book shall be kept by every market committee for permanent record and a record of the proceedings at every meeting of the market committee shall be entered therein, by or under the supervision of the chairman, vice-chairman, or other presiding member and shall be signed by him.

40. *References*.—(1) All references from a market committee to any officer of the Government shall be made through the head of department or office to which he belongs.

(2) All official correspondence by a market committee with Government officers or authorities subordinate to the Government shall be conducted by the Secretary and correspondence with Government through the chairman.

41. *Office Inspection*.—(1) Inspection of the offices of the market committee including technical section with the aid of standardised questionnaires drawn up for the purpose, will be conducted by officers conversant with the work and duly nominated by the Director or the Government.

(2) All expenses incidental to inspection work will be met by the market committee in accordance with the instructions issued by the Government from time to time.

42. *Preparation of plans and estimates for works*.—The Market Committee shall arrange to have plans and estimates for works proposed to be carried out. No works for which plans and estimates have not been previously prepared and sanctioned may be included in the budget. The officers of the Public Works Department specified in column (1) of the Table below having jurisdiction over the area in which the works are to be executed shall be competent to accept technical sanction to be evidenced by their counter-signature in respect of original works estimated to cost the amount specified in column (2) thereof.

TABLE

Officers	Cost of works
(1)	(2)
Assistant Engineer	Upto Rs. 5,000
Executive Engineer	Above Rs. 5,000 and upto Rs. 1,00,000
Director of Public Works Department	Above Rs. 1,00,000 and upto Rs. 5,00,000

43. *Fees for sanction*.—(1) Fee calculated at the rate of one per cent on the estimated cost of the work (subject to a minimum of Rs.5) shall be levied in respect of the grant of technical sanction or in respect of inspection and test check during the execution, as the case may be under rule 42.

(2) If the sanction is granted by the officer of Public Works Department the fees shall be credited to the consolidated fund of the Union territory.

44. *Contracts for the purchase of stores and for printing works*.—Contracts either for purchase of stores or for printing works costing more than Rs. 2,000 shall be entered into by the Market Committee in accordance with the instructions issued from time to time by the Government in this behalf;

Provided that calling for quotations or tenders shall be dispensed with in respect of quality stores purchased from standard firms, companies or institutions as approved by the Government in this behalf from time to time and in respect of printing works entrusted to any of the co-operative printing-works or presses.

Explanation.—The expression "Stores" shall include all articles required for the use of the market committee such as furniture, books, printed forms and registers, stationery, electrical materials, scientific instruments and appliances, machinery materials, gunnies and tools and plants.

45. *Power to write off gunnies and stores.*— The value up to the limits specified in column (1) of the table below of gunnies and stores which have become unserviceable in the ordinary course of fair wear and tear or otherwise may be condemned and their values written off the accounts by the authority specified in the corresponding entry in column [2] of the said table:—

THE TABLE

<i>Value</i>	<i>Authority competent to write</i>
(1)	(2)
1. Value of gunnies:—	
(a) Not exceeding Rs. 3,000 in a year :	Market Committee
(b) Exceeding Rs. 3,000 in a year	Director of Agriculture
2. Value of stores (other than gunnies):—	
(a) Not exceeding Rs. 10 in a year :	Secretary of the Market Committee.
(b) Not exceeding Rs. 100 in a year :	Market Committee
(c) Exceeding Rs. 100 in a year	Director of Agriculture

46. *Accounts and audit.*— (1) The market committee shall keep such accounts and in such form as may be required by the Pay and Accounts Officer, Pondicherry.

(2) The market committee shall publish annually, before the end of the month following the close of its official year, a statement of its assets and liabilities with a balance sheet as on the closing day of that year.

(3) The accounts shall be audited annually by the Pay and Accounts Officer, Pondicherry, who may also call for such monthly accounts as may be considered necessary at the time of audit and the secretary of the market committee shall cause to be produced all accounts, registers, documents, and other papers which

may be required by the audit officer for the purposes of the audit. Any explanation called for by the audit officer for the settlement of any discrepancy shall be immediately furnished to him.

[4] The Secretary of the Market Committee shall send to the Director through the Pay and Accounts Officer, Pondicherry the replies to the audit report with the copies of the resolution of the Market Committee thereon in triplicate within two months from the date of receipt of the audit report. The Director of Agriculture shall forward, with his remarks, the audit report alongwith replies of the market committee and the observations of the Pay and Accounts Office thereon to the Government for review at the initial stage only. The settlement of all objections shall be left to the Director of Agriculture and the Pay and Accounts Officer.

(5) To meet the cost of the Local Audit establishment, market committee shall contribute to the consolidated fund of the Union territory such sum not exceeding 3 per cent of the total annual expenditure of the market committee as may be determined by the Government in each case.

47. *Check on receipts and expenditure.*— The market committee shall take all possible steps to secure an adequate check on the due crediting of receipts and on payments and made by its officers and servants and shall furnish to the Audit Officer all information required regarding the action taken in this respect.

46. *Receipts to be credited daily into the Government Treasury.*— Except where the Government, on application by the market committee, shall otherwise direct, all receipts on account of fees recovered under these rules and all other items of income whatsoever shall be daily credited in full into the Government treasury or sub-treasury or into a bank approved by Government or into the Post Office Savings Bank Account and all balances shall be kept in such treasury, sub-treasury or banks and shall not be drawn out except in accordance with these rules.

49. *Power to recover loans and other debts of the sellers of notified agricultural produce from the sale proceeds of the agricultural produce.*—Where a co-operative credit society in the notified area has obtained an undertaking from a member agreeing to the recovery of any amount due by him to the society from the proceeds of the sale of his agricultural produce at the regulated market, the society may send a requisition to the market committee for the recovery of the amount due to it. On receipt of such requisition, the market committee or its duly authorised agent shall require the buyer to remit the amount due to the society to the market committee and pay only the balance of sale proceeds to the seller. The buyer shall comply with such requisition.

(2) The market committee or its duly authorised agent shall remit to the co-operative society the amount so recovered within a week from the date of the recovery of the amount in such manner as may be specified by the Registrar of Co-operative Society in consultation with the Director of Agriculture. The remittance charges, if any, shall be borne by the society. The produce sold shall not be released by the market committee to the buyer until he has remitted the dues of the co-operative society to the committee and paid the balance to the seller.

(3) The transactions involved under the rule shall not form part of the regular transactions of the committee contemplated in rule 48 but will be separately operated upon in separate cash books and receipt books.

50. *Payment to be made by cheques only*—All payment except from imprest shall be made on cheques drawn on behalf of the market committee.

51. *Expenditure.*—No cheque on behalf of the market committee shall be drawn except on a bill which has been examined and passed by the Secretary or on the issue or recoupment of an imprest, if any, and the Secretary shall not pass any bill for payment without the previous sanction of the market committee, except—

(1) for payment of the salary and other allowances including travelling allowance of fixed establishment;

(2) for payment for works and repairs and purchase of stores, which have been duly sanctioned by the market committee; and

(3) for meeting urgent expenditure for which there is budget provision or which does not exceed Rs. 50.

52. *Remittance to treasury or bank.*—(1) All remittances to the treasury or the bank shall be accompanied by chalans in triplicate.

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

53. *Pass Book.*—(1) The pass book is not an account book of the market committee, but is simply a copy of the account kept in the treasury or the bank of the money paid in and withdrawn on behalf of the market committee and must, therefore, always be maintained up-to-date by the treasury or the bank by whom the original account is kept.

(2) At the close of each month, the pass book shall be struck and the amount written in words and signed by the treasury or the bank by whom the original account is kept.

54. *Budget.*—(1) The market committee shall meet annually not later than two months preceding its official year to prepare and adopt the budget of income and expenditure for that year. The market committee may appoint a sub-committee for preparing the budget, in which case the budget shall be approved at a meeting of the committee not later than two months preceding the market committee's official year. The market committee shall submit through the Director copies of the budget so prepared to the Government for scrutiny and approval with or without modifications. The market

committees shall regulate their expenditure in accordance with the budget approved by the Government.

(2) No expenditure shall be incurred for which there is no budget provision unless it can be met by reappropriation from savings under other heads or by a supplementary grant from the available reserve, which should be sanctioned unanimously at a meeting of the market committee.

55. *General administration of the market property.*—The market committee shall provide funds for the purposes mentioned in section 21 for all expenses connected with Agricultural improvement. The prior sanction of the Government shall be obtained through the Director of Agriculture.

56. *Surplus.*—(1) All unexpended balances on the last working day of the market committee's official year shall be invested within three months after the close of that year in such banks securities and in such manner as may be approved by the Director. Any amount so invested, including the interest thereon, shall be withdrawn only with the prior sanction of the Director;

Provided that when the amount cannot be so invested for valid reasons, the market committee may retain the whole or part of the amount with the prior approval of the Director.

57. *Penalty.*—Any contravention of rule 9 (2) 11 (7) 18 to 25, 26, 28, 31 (2) and 35 or any of the conditions of any licence issued or renewed thereunder shall be punishable with fine which may extend to two hundred rupees.

CHAPTER—III *Election Rules*

58. *Maintenance of electoral roll.*—There shall be maintained a separate electoral roll for each of the following electorates, namely

[i] Producers of the notified agricultural produce in the notified area; and

[ii] Persons licensed under sub-section [1] of section 6 of the Act in the notified area in respect of the notified agricultural produce.

59. *Preparation of electoral rolls and conduct of elections to the market committee.*—The Collector shall cause—

[a] lists of voters to be prepared and revised; and

[b] elections to be held to the market committee in accordance with these rules, one month prior to the expiry of term of office of members.

He shall recover the cost of the election from the market committee.

60. *Preparation of electoral rolls*—After an area is notified under section 3 of the Act and a market committee is established for such area under section 4 of the Act, Collector shall cause—

[a] the electoral rolls of the producers to be prepared within six months from the date of the appointment of the members of the Committee in accordance with rule 61; and

[b] The electoral rolls of the persons licensed to be prepared before two months of the date of the election, in accordance with rule 62:

Provided that the Government may in special circumstances extend the period for the preparation of the electoral rolls for such further time as may be deemed fit.

61. *Details to be contained in the electoral roll of producers and the mode of preparation.*—[1] The electoral roll of producers of the notified agricultural produce shall contain the elector's name, father's or husband's name and address. The roll shall be maintained in Tamil and in such other language as may be specified by the Government. It shall be divided into parts for each registration area and each part shall be divided into sections for each polling area

within the "Registration Area". Polling area in each registration area shall be numbered in a separate series.

[2] For the purpose of electing representatives of producers of notified agricultural produce in the notified area, the following criteria may be followed.

[i] The Collector shall divide that electorate referred to in Rule 53 [1] into 9 territorial constituencies and notify the area/areas (hereinafter referred to as the registering area included in each such constituency)

[ii] The polling area shall be determined by the "registration officer" in such a way as to give all reasonable facilities for voting. The villages included in each polling area shall be arranged in the order of the alphabet of the language employed and numbered separately.

[3] It shall be the duty of each "registration officer" to cause inquiry to be made and to prepare or cause to be prepared lists of all persons within his jurisdiction appearing to be entitled to be registered as "Producers of notified-Agricultural Produce". The names of electors in each Village shall be arranged alphabetically.

[4] No person shall be registered in more than one Agricultural constituency. If by mistake or otherwise his name is entered in two or more constituencies, he shall exercise his vote only in one constituency.

[5] The preliminary rolls shall be prepared from these lists and published by posting it in the Office of the "registration officer" not later than the date fixed by the "election authority".

[6] With the preliminary roll the registration Officer shall publish notices specifying the mode in which and the time within which claims and objections are to be preferred to him and the date on which at the place at which he will begin to sit for their disposal.

[7] A copy of the section of the preliminary roll relating to each Village with the notice shall also be posted in the Village Chavadi or other conspicuous place in the Village.

[8] Copies of the preliminary rolls [whole or in sections] shall be made available for inspection and sale in the Office of the registration officer.

[9] (a) Any person who claims to be entitled to be registered as a voter and who is not entered or is entered in an incorrect place or manner or with incorrect particulars on the preliminary roll and any person whose name is on the roll and who objects to the inclusion of his own name or of the name of any other person whose name is on the roll, may prefer claim or objection to the registration officer within the date specified in the notice.

(b) Claims and objections may be preferred in person or sent by post or by messenger.

(c) Claims and objections received after the date specified in the notice shall be rejected,

[10] The registration Officer shall hear all claims and objections and pass such orders as he considers necessary.

[11] (a) Any person feeling aggrieved by the order passed under sub-rule (10) by the registration Officer on any claim or objection may prefer an appeal against such order to the returning officer.

(b) every such appeal shall be preferred within seven days of the passing of the order appealed against; and

(c) the returning officer shall dispose off the appeal within fifteen days and communicate his order forthwith to the registration officer.

[12] The registration officer shall correct the preliminary roll in accordance with his own orders and the orders passed on appeal under sub-rule (11), if such orders are received in time and post a copy of the final roll in parts relating to each village in the village chavadi or other conspicuous place in the village and also in his office. If orders on appeal under sub-rule

11 are received after the posting of the final roll, the registration officer shall publish the necessary corrections and additions in the same manner as the final roll.

[13] Two copies of the part of final roll relating to the registration area shall be signed by each registration officer. One of them shall be kept in his office and the other forwarded to the returning officer, who shall combine the separate parts of the roll and from a complete roll for each territorial constituencies.

[14] Copies of the final roll shall be made available for inspection and sale in whole or in sections in the office of the registration officer. Complete sets of the final roll for the several registration areas shall be kept in the Office of the returning Officer for inspection and sale and for supply to polling Officers.

[15] The final roll with the corrections, if any, made in accordance with sub-rule (12) shall be in force for a period of five years. The election authority shall cause a fresh roll to be prepared in time in accordance with this rule so that the fresh roll may be published on the date on which the said period of five years expires.

62. Details to be contained in the electoral roll of persons holding licences under sub-rule (1) of section 6 of the Act

(1) The electoral roll of persons holding licences under sub-section (1) of section 6 of the Act shall contain the name of the person licensed under sub-section (1) of section 6 of the Act, father's or husband's name, address, the date of issue of licence and the period for which the licence is granted. The roll shall be maintained in Tamil and in such other language as may be specified by the Government. The names of the electors shall be arranged alphabetically.

(2) For the purpose of electing representatives of traders in the notified area, Pondicherry and Karaikal regions shall each

be a separate registration area for electing four representatives of licensed traders from each of these two regions.

(3) The registration officer shall, before two months of the date of the election, obtain from the chairman of the market committee a list of all persons in the registration area to whom licences under sub-section (1) of section 6 of the Act had been granted on or before the date of the commencement of the said period of two months. Such list shall contain particulars regarding the name of the licensee, father's or husband's name, address, the date of issue of the licence and the period for which the licence is granted.

(4) The electoral role shall be prepared from the list referred to in sub-rule (3).

(5) The registration officer shall publish one copy of the electoral roll relating to the registration area in his Office and another in the Office of the market committee.

(6) Two copies of the electoral roll relating to the registration area shall be signed by the registration Officer. One copy shall be kept in his Office and the other forwarded to the returning Officer.

(7) Copies of the electoral roll shall be made available for inspection and sale in the Office of the registration Officer. The electoral roll for the registration area shall be kept in the Office of the returning Officer for inspection and sale and for supply to polling Officers.

63. Company, Association, etc., to nominate.—(1) A company or an association or a body of individuals or a local authority which holds a licence under sub-section (1) of section 6 of the Act shall nominate one person on its behalf and intimate in writing the name of the person so nominated to the registration officer, not later than the date fixed by him for the purpose.

(2) A nomination once made shall not be liable to alteration for any reason other than physical incapacity, severance connection with the company, association or local authority death of the nominee subsequent to the presentation of nomination paper under rule 67.

64. *Disqualification for membership of market committee.*—(1) No person shall be eligible for being elected or appointed co-opted as a member of a market committee if he—

(a) is a minor, of unsound mind, a deaf mute or a leg

(b) is an applicant to be adjudicated a bankrupt insolvent or an uncertified bankrupt or undischarged insolvent

(c) has been sentenced for any offence under this Act such sentence not having been reversed and a period of three years has not elapsed from the date of expiration of sentence.

(d) is interested directly or indirectly in any contract made with the market committee, or in any sale or purchase made by the market committee privately or in any auction or in any contract transaction of the market committee involving financial interest if the contract or transaction be subsisting or if the contract, sale, purchase or transaction be not completed.

(e) is a defaulter for a period of more than fifteen days by failing to pay any fee or any other amount due to the market committee from the date on which a demand or notice has been served on him in that regard.

(f) is employed as a legal practitioner on behalf of the market committee or against the market committee.

(g) has been sanctioned by a criminal court to imprisonment for any offence involving moral delinquency, such sentence

not having been reversed, while undergoing the sentence and for five years from the date of expiration thereof.

(h) is an officer or servant of any market committee or holds a licence from the market committee as weighmen or broker.

(1) A person shall be disqualified for being chosen as a member of market committee—

(a) as a representative or producers, if he or a firm in which he is a partner or a body corporate (other than a co-operative society) in which he is a director or a joint family of which he is a member, does business as a trader or commission agent or any other mercantile agent.

(b) as a representative of persons licensed under sub-section (1) of section 6 of the Act, if he is not granted a licence or ceased to be a licensed trader,

(3) A member of market committee shall cease to hold his Office as such if he become subject to any of the disqualification mentioned in sub-rules (1) and (2) of rule 64.

65. *Persons entitled to vote.*—Every person whose name appears in the electoral roll, shall, so long as the electoral roll remains in force, be entitled to vote at an election held under these rules and no person whose name does not appear in such roll shall be entitled to vote at such election:

Provided that no licensee under sub-section (1) of section 6 of the Act shall be entitled to vote as such at an election if no later than the date on which the poll is taken his licence has ceased to be in force.

66. *Nomination of candidates.*—(1) The election authority shall publish a notification in the State Gazette calling upon the electorates to elect their representatives on a date fixed by him in accordance with the provisions of these rules.

(2) Not less than the 42 days before the date fixed for the election, the returning officer shall publish in Tamil and in such other languages as he may deem necessary, a notice in the State Gazette and post copies of such notices in Village Chavadias or some conspicuous places in all the villages in the area stating—

(a) the number of persons to be elected;

(b) the date on which, the place at and the hours between which nomination papers should be presented to him or to any other person authorised by him in this behalf, which date shall not be less than fourteen days from the date of publication of notice;

(c) the date on which the nomination papers will be taken up for scrutiny, which date shall be not less than ten days from the date prescribed for presentation of nomination;

(d) the date on which and the place or places at which the votes of the electors will be taken should there be a poll, and hours during which the poll will be open, not being less than ten hours between 7 a.m. and 6 p.m.; and

(e) the day on which and the place and hour at which the votes will count the votes.

67. *Nomination paper.*— (1) The nomination of every candidate shall be made by means of a nomination paper in Form III which shall be published by the returning officer along with the notice,

(2) Every nomination paper shall be signed by two electors as proposer and seconder and the candidate shall sign a declaration on it expressing his willingness to stand for election.

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

(4) The nomination papers shall be serially numbered on receipt.

(5) Where a person has signed, whether as proposer or seconder, a larger number of nomination papers than there are vacancies to be filled, those of the papers so signed which have been first received upto the number of vacancies to be filled shall be deemed to be valid.

(6) Nomination papers received after the date and the time appointed shall be rejected.

(7) Every nomination paper should be accompanied by a deposit of Rs. 50 (Rupees fifty only) which will be forfeited if the number of votes polled by the candidate is less than one-fifth of the total number of votes polled.

68. *Verification of the nomination paper.*— On the presentation of a nomination paper, the returning officer or the person authorised by him under clause (b) of sub-rule (2) of rule 66 shall verify the names of the proposer, seconder, and the candidate with the electoral roll. Where necessary, the returning officer or the person aforesaid shall direct that the nomination paper be amended so as to be in accordance with the electoral roll.

69. *Publication of the list of nomination papers.*— On the third day following the day fixed for the presentation of nomination papers, the returning officer shall publish in the taluk office or taluk offices in the notified area, as the case may be, a list in Form IV of all nominations received with a notice that the nomination papers will be taken up by him for scrutiny in his office on the date appointed under clause (c) of sub-rule (2) of rule 66 at the hour specified.

70. *Persons who may attend on the date of scrutiny.*— On the date appointed for the scrutiny of nominations under clause (c) of sub rule (2) of rule 66, the candidates, one proposer, and one seconder of each candidate and one other person duly authorised

in writing by each candidate, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all candidates. No person, other than the persons specified in this rule, shall be permitted to attend except assisting the returning officer.

71. Examination of nomination papers by the returning officer

(1) The returning officer shall examine the nomination papers and shall decide all objections which may be made at the time to a nomination and may, either on such objection or on his own motion after such summary enquiry, if any as he thinks necessary, reject a nomination for any of the reasons specified in rule 37 of the rules on any of the following grounds:—

(i) the candidate, the proposer or seconder is a person whose name is not registered on the electoral roll, and

(ii) the nomination has not been made in the manner specified.

(2) The returning officer shall then endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the day appointed in this behalf under clause (c) of sub-rule (2) of rule 66 and no adjournment of the proceedings shall be allowed.

72. Withdrawal of candidature — (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered in person, either by the candidate himself or by his proposer or seconder to the returning officer, or to any other person authorised by the returning officer in his behalf, within three days of the date succeeding that appointed for the scrutiny of nominations under clause (c) of sub-rule (2) of rule 66.

(2) On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under sub-rule (1), the returning officer shall prepare a list of persons, whose nominations are in order and who have not withdrawn their candidatures, in Form V and post copies of it on the notice boards of the returning officer, the taluk office or taluk offices in the notified area as the case may be and in the office or head office of the market committee, not less than seven days before the date fixed for election. He shall also send a copy of such list to the election authority.

(3) (a) If the number of candidates, who are duly nominated and who have not withdrawn their candidatures in the manner and within the time specified in sub-rule (1) exceeds that of the vacancies, a poll shall be taken.

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

(c) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be duly elected, and the election Authority shall, by notification in the State Gazette, call upon the electorates to fill the remaining vacancy or vacancies, as the case may be, within such time as may be specified in the notification:

Provided that where the electorates, having already been called upon under this sub-rule, fail to elect a person or the required number of persons, as the case may be, to fill the remaining vacancy or vacancies, the election authority shall not be bound to again call upon the electorates to elect a person or persons until such time as it thinks fit.

73. Appointment of Polling Stations and officers.—The returning officer shall appoint one polling station for each polling area

and shall appoint one presiding Officer and one or more polling officers for each polling station. He may also, if necessary, appoint one or more identifying officers to assist the polling officers in identifying the electors.

74. *Fresh proceedings consequent on death.*—If, before the election is conducted, candidate who has been duly nominated dies, the election authority, shall, upon being satisfied of the fact of death of the candidate, countermand the poll, and election proceedings shall be started afresh in all respects as if for a new election :

Provided that no fresh nomination shall be necessary in case of candidate who stood nominated at the time of countermanding of the poll.

75. *Voting.*—The Presiding Officer shall keep order at Polling Station, shall see that the election is conducted fairly, shall regulate the number of electors to be admitted at one time and shall exclude all other persons except his own polling officers, the candidate, one agent of each candidate at a time (hereinafter referred to as the "Polling Agent") appointed by writing by the candidate, the police on duty and such persons as may be admitted for the purpose of identifying the electors.

76. *Construction of ballot box.*—The ballot box shall be constructed so that the ballot papers can be introduced therein and cannot be withdrawn therefrom without the box being unlocked. Just before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons as may be present at the polling station and shall then lock it up and place a seal upon it in such manner as to prevent its being opened without breaking such seal and place it in his view for the receipt of ballot paper and keep it so locked and sealed. The key of the ballot box shall also be placed under seal.

77. *Staff and stationary for the polling station.*—The returning officer shall provide for each presiding officer such number of polling officers as may be necessary and shall supply him with a copy of the electoral roll, a list of the nominations, ballot papers and boxes, and such other papers, stationery and forms as may be necessary.

78. *Printing of ballot papers*—Ballot papers shall be printed in Form VI. They shall be serially numbered the number being printed on the face of the counterfoil and on the back of the outerfoil. They may be printed either in English or in Tamil or in both languages or in languages of the particular region and the names of the candidates shall be entered on them in the order of the alphabet of the language in which the names are first printed. If there are two candidates of the same name, they shall be distinguished by the addition of their occupation or in some other suitable way.

79. *Handing over the outerfoil to the elector*—Immediately before a ballot paper—that is, the outerfoil of form VI is handed over to elector, the polling officer shall—

- (i) initial it on the back;
- (ii) enter the electors' name and number in the electoral roll on the corresponding counterfoil of Form VI to those rules; and
- (iii) affix his initials against the elector's name in the electoral roll. The polling officer shall then call the elector how many votes may be cast and shall give him the ballot paper.

80. *Procedure to be followed by the electors on receiving the ballot paper.*—The elector, on receiving the ballot paper, shall forthwith proceed to the place set apart, for the purpose and there make a mark against the name of the candidate or candidates for whom he intends to vote. He shall then fold up the ballot paper so as to conceal his vote and after showing the presiding officer the polling officer's initials thereon put it into the ballot box.

81. *Assistance to electors who are not able to read*.— (1) If elector is unable to read the ballot paper or make a mark there and applies for assistance, the presiding officer shall read the ballot paper to the elector and if so required by him, mark the ballot paper in accordance with the wishes of the elector and in his presence fold it so as to conceal the vote and insert it into the ballot box while so acting, the presiding officer shall observe as much secrecy as is feasible.

(2) In the case of every elector whose ballot paper is marked in this manner by the presiding officer, a note shall be made on the corresponding counterfoil in Form VI to these rules by the presiding officer of the reasons why it was so marked.

(3) The marking of a ballot paper by the presiding officer under sub-rule (1) shall not be questioned subsequently on the ground that it was not in accordance with the elector's directions.

82. *Invalid ballot papers*.— (1) Any ballot paper which is not duly marked or on which votes are given to more candidates than there are members to be elected or on which any mark is made from which the electors may afterwards be identified shall be invalid.

(2) If more than one mark is placed against any candidate's name, it shall count only as one vote in his favour provided that the elector has not placed marks against more candidates than there are members to be elected.

(3) If anyone of the marks is so placed as to make it doubtful to decide for which candidate such mark is intended, the voter concerned, but not the whole ballot paper in case more than one vote can be cast in the same ballot paper, shall be invalid, provided that the elector has not placed marks against more candidates than there are members to be elected.

83. *Questions to be put to the electors*.— When a person presents himself to vote, and at any time before a ballot paper is supplied

to him, the polling officer may of his own accord, and shall if so required by a candidate or polling agent, put to such person any or all the following questions:—

(i) Are you the person enrolled as follows (reading the whole entry from the roll)?

(ii) Have you already voted at the present election in this polling station or in any other polling station?

(iii) [At the election held for the person licensed under sub-section (1) of section 6 of the Act] Is your licence in force to-day?

(iv) The person shall not be supplied with a ballot paper unless he gives a satisfactory answer to the question or questions put to him and unless he answers the first question in the affirmative, the second question in the negative, and unless in the case of an election mentioned in clause (iii), he answers the third question in the affirmative and, if so required by the polling Officer produces any authentic record to show that the licence fee has been paid. Except as mentioned herein, every person whose name is found on the electoral roll shall be entitled to be supplied with a ballot paper.

84. *Tendered ballot papers*.— If a person representing himself to be a particular elector named on the electoral roll applies for a ballot paper after another person has voted as such elector, the applicant shall, after duly answering such questions as the presiding officer may ask, be entitled to mark the ballot paper in the same manner as any other elector. The ballot paper (hereinafter referred to as the tendered ballot paper) shall, instead of being put into the ballot box, be given to the presiding officer and endorsed by him with the name of the elector and his number on the electoral roll and set aside in a separate packet and is not to be counted by the "returning officer". The name of the elector and his number on the electoral roll and the name or distinctive number of the polling station shall

be entered in a list in Form VII which shall bear the heading "Tendered Votes". The person tendering such ballot paper shall sign his name and address on the list or affix his thumb-impression thereto.

85. *Challenged Votes.*— If any candidate or polling agent declares and undertakes to prove that any person, by applying for a ballot paper, has committed the offence of impersonation, the presiding Officer may require such person to enter in the list of challenged votes, which shall be Form VIII to these rules, his name and address and if he is unable to write, to affix his thumb-impression thereto and may further require such person to produce evidence of identification. If such person, on being questioned in the manner specified in rule 83, gives satisfactory answers, to the first question in the affirmative and to the second in the negative, he shall be allowed to vote after he has been informed of the penalty for impersonation. The presiding officer shall make a note of the circumstances and of his decision in the list of challenged votes.

86. *Cancelled Ballots* — An elector who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and satisfying him of the inadvertence, obtain another ballot paper in place of spoilt one, and the spoilt ballot paper together with its counterfoil shall be marked as "cancelled" by the presiding officer, duly entering the particulars in Form II.

Explanation.— In cases falling under rule 84 to which this rule is also applicable, the provisions of rule 84 as well as rule 85 shall be followed.

87. *Packing and sealing of ballot box, keys and other materials.*—
 (1) Immediately after the close of the poll the presiding officer shall in the presence of such of the candidates and their polling agents

as may be in attendance, make up into separate packets and seal with his own seal and the seals of such candidates or polling agents as may desire to affix their seals:—

- (a) each ballot box in use at the station unopened;
- (b) the keys of such boxes;
- (c) the unused and spoilt ballot papers, both ordinary and tendered with their counterfoils;
- (d) the tendered ballot papers;
- (e) the marked copies of the electoral roll and the counterfoils of ballot papers;
- (f) tendered votes list;
- (g) the list of challenged votes; and
- (h) the list of cancelled votes.

(2) The packets shall be forwarded at once by the presiding officer to the returning officer accompanied by a statement in Form X. Each packet shall be numbered and shall bear a note as to its contents.

88. *Counting of ballot.*— On the day and at the place and hour appointed for the counting of votes, and in the presence of such candidates and their agents as may be in attendance, the returning officer shall proceed as follows:—

(a) The ballot box or boxes relating to each polling station shall be opened one after another; and the returning officer shall take out the papers therefrom, count them or cause them to be counted and record the number thereof in a statement in Form XI.

(b) The returning officer shall then mix together all the ballot papers of all the ballot boxes. The examination and counting of the votes shall then commence. The returning officer shall, on every ballot paper which is wholly or partially rejected, endorse the

word "rejected". If any candidate or agent present questions correctness of rejection, the returning officer shall also briefly record on the ballot paper the grounds for the rejection.

(c) The returning officer shall, as far as practicable, proceed continuously with the counting of the votes and shall, during necessary intervals during which the counting has to be suspended, place the ballot papers, packets and other documents relating to the election under his own seal and the seals of such candidates or their agents as may desire to affix them; and adequate precaution shall be taken for safe custody of these articles.

89. *Declaration of the result.*-- (1) After the returning officer has completed the scrutiny and counting of votes, he shall, prepare a return of the result of the polling in Form XII and, after verifying the totals of the votes with the figures in Forms X and XI shall declare that the candidate or candidates to whom most valid votes have been given has or have been duly elected.

(2) Any candidate or his agent shall, on application, be permitted to take a copy or an extract from the return in Form XII.

90. *Returning officer not to open the sealed packets.*-- The returning officer shall not open the sealed packets containing the tendered ballot papers or the marked copies of the electoral roll or the counterfoils of ballot papers.

91. *Packing up the counted and rejected ballot papers.*-- Upon the completion of the counting and the declaration of the results, the returning officer shall seal up in separate packets—

(1) the ballot papers on which all the valid votes have been counted; and

(2) the ballot papers on which all the votes have been rejected and shall mark on each packet the number of papers it contains. A note shall be made giving a description of contents of each packet and the election to which it relates.

92. *Disposal of ballot papers.*-- (1) The returning officer shall, after declaring the results, forward a copy of the return to the "election authority" and shall retain in his custody the packets of ballot papers, whether counted, rejected or tendered, and of the counterfoils thereof. These packets shall not be opened and the contents shall not be inspected or produced except under orders of the "Election Authority".

(2) The returning officer shall retain the packets and the marked copies of the electoral roll for a year and shall then, unless otherwise directed by the election authority, cause them to be destroyed.

93. *Procedure when there is equality of votes.*-- If there is an equality of votes between any two or more candidates, the "returning officer" shall, after notice to the candidates concerned, decide by drawing lots which candidate or candidates he shall declare to have been elected.

94. *Procedure when a person is elected for more than one seat.*--

(1) If the same person is elected for more seats than one, either by the producers or by the persons holding licences, he shall, by notice in writing signed by him and sent to the election authority so as to reach him within three days at the latest of the declaration of the results of the elections for which such person stood as a candidate, intimate to the election authority that—

(i) he chooses to serve in the seat specified by him in the intimation; or

(ii) he will serve in such one of the seats as may be determined by the election authority.

(2) On receipt of the intimation referred to in sub-rule (1), the election authority shall declare the said person to have been elected for the seat specified in the intimation or, as the case may be, for such one of the seats as may be determined by the election authority. In either case, election proceedings shall be started afresh for filling up the resulting vacancy.

3. If no intimation is received by the election authority within the time specified in sub-rule (1), the election authority will determine by lot the seat for which such person shall serve. Said person shall be deemed to have been elected only for the seat chosen or so determined, as the case may be.

95. Publication of the name of the elected candidate

The name or names of the candidate or candidates duly elected shall be published in the State Gazette and in the office of the return officer and in the office of the Market Committee.

96. Election of Chairman or Vice-Chairman of the Market Committee.—(1) The market committee shall elect one of members, who is a producer of notified agricultural produce in notified area, to be its chairman and another member to be its vice-chairman as per sub-section (9) of section 11 of the Act. The election shall take place at a meeting of the members of the Committee convened for the purpose by the Director or his nominee presided over by him in the case of the first chairman and the vice-chairman and in the cases of any of the officers of chairman and vice-chairman falls vacant.

(2) A candidate for the office of Chairman or Vice-Chairman must be proposed by one member and seconded by another. The names of all the candidates proposed and seconded shall be read out by the President of the meeting.

(3) If there is only one duly nominated candidate, he shall be declared to have been elected.

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

(5) Every member wishing to vote shall be supplied with voting paper on which the names of all the candidates shall be written legibly in English and in Tamil. Every voting paper shall be initialled on its back by the President.

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

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

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

(9) Immediately after the meeting the President shall publish in the office of the market committee the name or names of the person or persons so elected.

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

97. Powers of the "Election Authority"—(1) If any question arises as to the interpretation of these rules, the question shall be referred to the "Election Authority" whose decision shall be final.

(2) Pending decision of the "Election Authority", on any such reference or the issue of final orders on any inquiry which the election authority may institute upon receipt of information that an election

is being or about to be held in contravention of these rules shall be lawful for the election authority to direct the stay of the election proceeding at any stage thereof prior to the declaration of the results. Any election held or continued in contravention of the orders of the "Election Authority" under this rule shall be void and of no effect whatsoever.

3) Unless it is otherwise ordered by the "Election Authority" election proceedings stayed under this rule, shall, on cancellation of the stay orders, proceed from the stage at which they were stayed on fresh dates to be fixed.

CHAPTER—IV

Financial Rules.

98. *Vouchers.*— Vouchers for payment shall be in such form as may be specified by the Government and care shall always be taken to keep a sufficient stock of these forms on hand. In the case of miscellaneous purchases, the payment shall be made on the suppliers' bills. When such payments are made from the permanent advance, the suppliers' bills shall be attached to the recoupment bill as sub-vouchers. If they are in Indian language, an English abstract of them shall always be inserted in them under the initials of the Secretary of the Management Committee (hereinafter called the "Secretary") or the drawing officer of the committee. When petty payments are made from the permanent advance and no separate receipts can be obtained, a memorandum shall be drawn up showing the nature and amount of the expenditure and this shall be passed by the drawing officer. After payment is made, this shall be treated as sub-vouchers for the payment. Vouchers passed for payment by an officer subordinate to the Secretary shall, as soon as possible and not later than the end of the month in which payment is made, be submitted to the Secretary who shall scrutinize them and countersign them if they are in order in all particulars.

99. *Presentation of bill:*— (1) Every person having any claim against the fund of the committee shall present a bill at the office of the committee. Wherever possible, such bill shall be in the form, if any, provided for the purpose and the claimant shall duly date and sign the same and stamp it, where necessary.

(2) Whenever possible, printed form shall be used in preparing bills.

(3) Where a claimant presents a bill in a form different from that, if any provided for the purpose, a separate bill in the proper form shall be prepared by the office incurring the expenditure and the claimant's bill shall be attached thereto as a sub-voucher.

100. *Payment of bill:*— Every bill shall be presented to the Secretary who shall make it over to the Accountant. The Accountant shall enter it in a register of bills and then check and examine admissibility with reference to sanction or other documents, the propriety of the claim and the arithmetical accuracy. If on such check and examination the bill is found to be correct and in order, it shall be placed before the competent authority for signing the payment orders in the bill which shall be in the following Form :—

FORM

Passed for Rs:	(in words and figures) only.
by cheque/in cash Rs:	(in words and figures) by debit to (major, minor and detailed heads)
Adjust Rs.	
(in words and figures) by debit to (major, minor and detailed heads) and credit to (major, minor and detailed heads).	

101. Acknowledgement and receipt of the bill:—

(1) Separate acknowledgements (stamped where necessary) shall be taken when disbursements are made in the office of the committee in the last column of the bill and in other cases in the acquittance register from each officer or servant to whom

any salary or allowance is paid except where the drawer of bill is the sole payee and has already furnished a receipt [stamped where necessary] on the bill itself.

[2] Where any officer or servant of the committee makes any payment from any sum drawn by him, he shall, unless receipt [stamped where necessary] has been furnished on the bill itself, obtain and attach to the bill a separate receipt [stamped where necessary].

102. *Authority to sanction bill.*—Whenever any item of expenditure requires the sanction of any authority higher than the officer or servant drawing the bill, such sanction shall be obtained and the terms thereof shall be quoted on the bill. A copy of the order conveying such sanction shall be communicated to the Pay and Accounts Officer, Pondicherry.

103. *Sanction of bill*—(1) No item of expenditure shall be sanctioned by the market committee unless a certificate in the following form has been furnished in respect thereof:—

FORM OF CERTIFICATE

Rs.

The amount may be met from the Budget allotment of _____

The amount spent under this head upto date is _____

The amount sanctioned upto date but not spent is _____

The amount to be sanctioned now is _____

Total _____

The balance remaining will be. _____

(2) If there is no budget provision under the head concerned and the market committee decides to find the amount b

reappropriation from another head, the words "by reappropriation" shall be added after the word "met".

(3) The certificate shall be entered in the agenda, circulated before the meeting and if accepted by the market committee, it need not be written against as part of the resolutions in the minutes book. If, however, the committee makes any alteration either in the amount of expenditure or in the head from which the expenditure is to be met, the certificate as amended shall form part of the resolution of the committee and be entered as such in the minutes book.

104. *Period of Bill for payment.*—No claim against the market committee shall be paid when the bill in respect thereof is presented more than six months from the date on which the claim became due without the specific sanction of the committee in that behalf.

105. *Overpayment of the bill*—The responsibility, for an overpayment shall rest primarily with drawer of the bill who shall be required to make good the overpayment and failing recovery from him the overpayment shall be recovered from the countersigning or passing officer only in the event of culpable negligence by either of them.

106. *Defalcation or loss of moneys or stamps.*—(1) Any defalcation or loss of moneys or stamps belonging to the market committee shall be reported immediately after discovery to the Pay and Accounts Officer, Pondicherry. A further and complete report shall also be submitted to them, as soon as may be, after the matter has been fully enquired into, setting forth the nature and extent of defalcation or loss, the errors or neglect of rules by which such defalcation or loss was rendered possible and the prospects of effecting a recovery.

(2) Loss by theft or otherwise of other property belonging to the market committee shall also be reported to the Pay and Accounts Officer, Pondicherry, if the value of the property lost exceeds ten rupees.

(3) The submission of the reports under sub-rules (1) & (2) shall not be deemed to debar the committee concerned or secretary from taking such further action as may be considered necessary.

107. *Custodian of cheque books.*— Cheque books shall be kept in the personal custody of the drawing officer or the office Superintendent and when a transfer or charge takes place, a note shall be recorded in the cash book over the signature of both the relieved and the relieving Officers showing the number of unused cheques and cheque-books made over and received by them respectively.

108. *Precautions to be observed in the maintenance of cheque books.*— The cheque book in use may be made over to the Accountant whenever required but it shall be returned before the Office is closed for the day. The Officer in whose custody it is to remain shall satisfy himself then that all unused pages are in the book and that none has been surreptitiously extracted.

109. *Signing of cheque.*— No cheque shall ordinarily be signed unless required for immediate delivery to the person to whom money is to be paid.

110. *Writing up of cheque.*— The amount of every cheque drawn shall be written in words as well as in figures both on the cheque itself and on the counterfoil and the counterfoil shall be initialed by the person who signed the cheque.

111. *Authority to sign cheques.*— All cheques drawn on behalf of the market committee shall be signed by the Secretary. Whenever he hands over charge of his office whether temporarily or permanently, he shall send a specimen signature of the relieved Officer together with the certificate in the form specified below to the Treasury Officer or the bank as the case may be.

FORM OF CERTIFICATE

Signature and Designation of the relieving Officer.

I certify that the above is the signature of the officer to whom I have handed over charge of my Office with effect from the forenoon/afternoon of (date) day of (month) 197

Signature and designation of the relieved Officer with date

112. *Cancellation of cheques.*— When a signed cheque is cancelled, it shall be en faced or stamped "cancelled" by the secretary and shall be destroyed by the auditor at the time of audit. The fact of cancellation shall be noted in red ink under the initials of the drawer of the cheque upon the counterfoil and also across the pass order on the voucher.

113. *Cancellation of cheque and the cash book.*— If the cheque is cancelled before the cash transactions of the month in which it was issued have been totalled, the entry in the cash book shall be struck out in red ink under the initials of the secretary with a note that the cheque has been cancelled.

114. *Issue of cheque and the cash book.*— If, however, the cash book has been totalled, and the correction is required to be made in the year subsequent to that in which the cheque was issued, the amount of the cheque shall be credited in the cash book, in the treasury column under the head "Refunds of expenditure of the previous year". If, however, the correction is made in the year in which the cheque was issued, it should be posted on the payment side of the cash book in the treasury column as a minus entry under the head of expenditure to which it was originally charged.

115. *Preparation and drawal of establishment bills.*— Pay bills shall be prepared in such form as may be specified by the Government. Cheques in payment of establishment bills shall be

drawn in favour of the Secretary, Superintendents or Supervisors of the Market Yards as the case may require.

116. *Monthly pay bills* :—The monthly pay bills of establishment of the market committee shall be supported by an absentee statement in such form as may be specified by the Government or by a certificate in the bill that no leave has been granted to any member of the establishment.

117. *Increment and the pay bill* :—To the first pay bill which a periodical increment is drawn an increment certificate in such form as may be specified by the Government, shall be attached.

118. *Pay of an officer or servant lent by the state Government*:—The pay of an officer or servant lent by the State Government to the market committee shall be drawn only after the receipt of last pay certificate [which shall be in such form as may be specified by the Government from time to time] granted by the head of his former office. Such certificate shall be attached to the first pay bill drawn after such loan or transfer.

119. *Pay, leave salary and allowance to a deceased officer or servant* :—Pay, leave salary and allowance may be drawn for the day of a man's death; the hour at which death takes place does not affect the claim.

120. *Payments due to a deceased officer or servant* :—Payments due to a deceased officer or servant of the market committee shall not be made except on the production of a valid heredity certificate to the effect that the claimant is a legal heir entitled to receive such payment;

Provided that payments may be made without the production of such certificate :—

[i] to the extent of three hundred rupees under the orders of the secretary, if he is satisfied, after such enquiry as he may consider sufficient, about the right and title of the claimant; and

[ii] above three hundred rupees under the orders of the market committee on the execution of an indemnity bond with such surety or sureties as it may require, if it is satisfied, after such enquiry as it may consider sufficient, about the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the production of such order.

121. *Last payment of an employee's pay and allowances* :—

The last payment of an employee's pay and allowances or in case he is finally quitting the service of the market committee at the end of any leave granted to him, the last payment of his leave salary shall not be made until it has been ascertained that there are no demands outstanding against him. A certificate to this effect signed by the Secretary shall be attached to the bill in which such Pay and Allowances or leave salary is claimed.

122. *Arrear pay* :—Arrear pay shall be drawn not in the monthly bill but in a separate bill which shall quote the bill from which the charge was omitted or withheld or on which it was refunded by deduction.

123. *Signing of pay bills* :—Pay bills shall be signed and passed by the Secretary.

124. *Cheques in respect of payment of salary and fixed allowance* :—Cheques of payment of salary and fixed allowance shall not be issued before the first working day of the month following that to which the payment relates:

Provided that in the event of an officer or servant finally quitting the service of the market committee or being transferred to the

service of the Government cheques may be issued on the date of such event:

Provided further that when the first two or three days (including Sunday) of a month happen to be public Holidays on which payments are not made at the Treasury or bank concerned, cheques may be issued on the last working day of the preceding month, in which the Government by special orders, permit the disbursement of Pay and Allowance to their officers and staff, in similar circumstances.

125. Responsibility of the drawer of the bill.— The drawer of a bill for salary and allowances shall be personally responsible for the amount so drawn until it has been disbursed to the proper person or persons and their acquittances (stamped where necessary) have been obtained. If the payee does not present himself within three days from the date of the drawal of money, the amount drawn for him shall be refunded by a short drawal in the next bill. The amount or salary and allowances drawn shall not in the circumstances be placed under deposit.

126. Checking of monthly bills.— In order to facilitate the checking of the monthly bills for recurring charges, such as pay of establishment, house rent and fixed travelling and conveyance allowances, an account register shall be maintained in the Office of the market committee.

127. Refund of revenue.— Whenever and refunds of revenue already collected are made with the sanction of the market committee the fact of the refund shall be noted in the register concerned against the entry for the receipt of the item concerned.

128. Stamp account.— A register of stamps account shall be maintained in such form as may be specified by the Government. When any charges are incurred in a contingent bill on account of purchase of stamps for postage, the Secretary or the Officer-in-charge in the case of subordinate Offices shall, before signing the contingent bill, satisfy himself that the stamps have been actually brought

to account in the register maintained under this article and should initial the entries in question. Care shall also be taken to see that the issue entries on account of postage are fully supported by the corresponding entries in the despatch register. The balance shall be struck in the register and verified at the end of each month by the Secretary or by an officer-in charge in the case of subordinate offices, who shall certify to the verification in the register.

129. Stationery account.— The market committee shall maintain the stationery account in such form as may be specified by the Government. The purchases shall be made annually on indents duly sanctioned by the market committee and showing the stock in hand at the time, the actual consumption of the previous year and the quantity required. The issues should be acknowledged, in the register by the recipients concerned. The balance should be struck at the end of each quarter and verified with the actual stock by the Secretary, who shall certify to the verification in the register.

130. Purchase of books, maps and periodicals :— The market committee may purchase books, periodicals and maps relating to matters concerning the committee's activities subject to provision in the budget for the year.

131. Law charges :— The market committee may pay fees to counsel without the sanction of the Government in accordance with the following scales:-

- (i) In civil cases the regulation fee or the fee allowed by the court whichever is higher; and
- (ii) In criminal cases, the fee to be fixed with reference to the amount and the nature of the work involved, but subject to a maximum of Rs. 50 for each day during which the counsel is engaged in court in connection with the case for not less than three hours or for less than three hours but at a station different from that where he usually practices and of Rs. 25 for each day in all other cases;

Provided that where the counsel is engaged in court more than one case on the same day the total fee payable him for that day for all the cases shall not exceed Rs. 50 :

Provided further that in special cases higher fees could be paid with the prior approval of the Director.

132. *Authority to sanction the payment of fees* :— Whenever the market committee proposes to pay fees in a civil case exceeding the regulation fee or that allowed by the court, but not exceeding Rs. 100, the sanction of the Director shall be obtained.

133. *A market committee may, with the sanction of the Director, pay fees upto Rs. 100* :— (i) in each case for work done, examining the records and for services rendered out of court provided that no suit or case is instituted or defence entered in continuation of such examination or of such services. Where such suit or case is instituted or defence entered, the provisions in rules 131 and 132 shall apply; and

(ii) in each case in which the subject matter of the claim does not admit of valuation.

134. When an application is made under rule 132 or 133 for sanctioning any fee, the Director may, instead of granting or refusing his sanction, permit the payment of such smaller fee as he may think fit.

135. Nothing in rules 131 to 133 shall be deemed to restrict the amount payable, in special cases, but when the limits fixed in the said rules are proposed to be exceeded, the sanction of the Government shall be obtained.

136. *Payment of fees to pleaders* :— The provisions of rules 131 to 135 shall also apply in respect of payment of fees to pleaders to obtain legal advice and assistance.

137. *Appointment of a standing counsel* :— The market committee may, with the previous sanction of the Government appoint a standing counsel on a fixed remuneration for a term not exceeding three years at a time for attending to all civil cases for giving legal advice and for rendering service out of court in connection with the legal affairs of the committee and for attending to criminal cases, where the engagement of a Public Prosecutor is necessary. The market committee may, in exceptional cases and with the previous sanction of the Government engage any other counsel in civil or criminal cases.

138. No person, who has been appointed by the market committee as its standing counsel on a fixed remuneration, shall be retained in its service after he has attained the age of sixty years or if he accepts employment elsewhere as a legal adviser against the market committee.

139. *Appeal against the decision of the civil court* :— Whenever a market committee proposes to prefer an appeal against the decision of a civil court the market committee shall—

(i) Where the Government are not a party, or where they are a party and their interests are not adverse to those of the market committee, obtain the opinion of the Government Pleader ;

(ii) Where the Government are a party and their interests are adverse to those of the market committee, obtain the opinion of any pleader other than the Government pleader as to whether there are sufficient grounds for preferring the appeal and it shall not file the appeal unless so advised by the Government pleader, or other pleader as the case may be.

140. *Payment of fees to the Government pleader* :— With the sanction of the Director, the market committee may pay fees to the Government Pleader or the other pleader, as the case may be upto Rs. 100 in each case for the opinion referred to in

rule 139 and may, in special cases with the previous sanction of the Government, pay a higher fee. If the Government Pleader or other pleader is entrusted with the filing and the conduct of the appeal in court, the total fee payable to him for the opinion and for the filing and conduct of the appeal shall not exceed Rs. 100 of the regulation fee, whichever is higher except with the previous sanction of the Government.

141. Suits for recovery of dues :— The market committee shall maintain a register in such form as may be specified by the Government wherein the suits instituted, costs incurred, suits disposed of in favour or against the market committee and costs awarded by the courts shall be recorded. The undisposed cases at the close of the year or suits the cost of which have not been or have been only partially recovered shall be transferred to the register for the ensuing year. The register shall be written up as suits are instituted and charges paid with reference to payment vouchers. It shall be periodically reviewed by the Secretary so that necessary action for recovering any dues is taken in time.

142. Authorities to sanction expenditure :— The market committee may, with the previous sanction of Government incur during the year an expenditure for any of the purpose contemplated in clause (viii) of section 21 of the Pondicherry Agricultural Produce Markets Act, 1973. However, under special exigencies, the committee, with previous sanction of the Director, may incur a expenditure up to a limit of Rs. 500 during any year and get it ratified by Government. Such an expenditure shall be out of the lump sum provision made in the budget for the year in question and approved by Government.

143. Works invitation and disposal of tenders in respect of stores and printing and for the execution of works :— The instructions issued by the Government from time to time in regard to the invitation and disposal of tenders for the execution of works and in respect of stores and printing shall be followed.

144. Acquisition of lands, building and execution of works thereon :— Land, building, required for the market committee's purpose shall not be acquired otherwise than under the Land Acquisition Act, 1894 (Central Act 1 of 1894), unless the previous approval of the Director has been obtained therefor. In every case, where the consideration for the property is not less than Rs. 75, an encumbrance certificate shall be obtained from the registration office in respect of such property and examined by the legal advisor of the market committee unless the nature of the transaction is such as will, by law pass the property free of all encumbrances. No work shall be commenced on land or building which has not been duly made over to the market committee. A register of immovable properties shall be maintained in such form as may be specified by the Government.

145. Register of estimates and allotments.— All estimates and allotments shall be entered in a register of estimates and allotments in such form as may be specified by the Government. When a revised estimate is sanctioned, the entry relating to the original estimate shall be neatly scored through in red ink and entries pertaining to the revised estimate made.

146. Deposits.— (1) Deposits of a market committee shall be of the following kinds, namely :—

- Weightmen's deposits.
- Contractor's deposits for the due fulfilment of contracts.
- Security deposits of market committee servants.
- Unclaimed dues.
- Other miscellaneous items.

(2) Deposits shall be in cash or in such kinds of securities as the Government may specify in this regard.

147. (1) The following items shall not be credited to any deposit head of account.

(a) sums that can be clearly brought to account under any revenue head;

- (b) pay, pension, leave salary or other allowances; and
- (c) fines.

(2) No items shall be credited to any deposit head of account except under the written order of the Secretary.

148. Register of deposits.— (1) (i) A register of deposits should be maintained in such form as may be specified by the Government and separate pages should be allotted for each class of deposits.

(ii) A certificate to the effect that the entries in the register are maintained upto date shall be recorded therein at the end of each quarter by the Secretary.

(2) A register of security deposits shall be maintained in such form as may be specified by the Government to show the amount of security required for each servant or Officer and the amount furnished by each.

149 Refund of deposit.— No deposit shall be refunded except under the written orders of the Secretary. The orders for refund shall be made on a deposit refund voucher in the specified form after the Secretary has satisfied himself by a reference to the appropriate register of deposits that the deposit is actually outstanding and that the Accountant has certified to that effect.

Provided that election deposits received at the time of filing of nominations shall be refunded only under the orders of the collector.

150. Credit of deposit to a revenue head of account.— At the end of each any deposit or balance thereof shall be credited to a revenue head of account if it has remained unclaimed for a period of three years from the date on which it become repayable or, in case

the deposit has been received in cash and the deposit or balance thereof does not exceed one rupee, if it has remained unclaimed for a period of one year from the date on which it become payable.

151. Authority to sanction the refund of deposit.— No deposit credited to a revenue head under rule 150 shall be refunded except with the sanction of the market committee obtained on an application preferred by the person entitled to the refund.

152. Register of investments.— The market committee shall maintain a register of investments in such form as may be specified by the Government showing the Government and other securities as well as any other investments held by it as its property.

153. Writing off of security and other investments.— No security or other investment entered in the register shall be written off, unless and until it has been disposed of by sale or otherwise.

154. Verification of security and other investments.— The amount of every such security and other investments shall be verified annually—

(a) by the Secretary as soon as practicable after the close of the year and a certificate of verification recorded in the register of investments and;

(b) by the auditors at the time of audit.

155. Loans.— The market committee shall maintain, in such form as may be specified by Government, the following accounts in respect of loans raised by it.—

(i) An account showing the receipts from the loans, the repayments thereof and the payments of interests, if any, thereon;

(ii) an account showing the manner of appropriation of the loans; and

(iii) a sinking fund account, where a sinking fund has been credited for the liquidation of any non-Government loan.

156. *Diversion of earmarked funds.*—Where for a specific purpose any loan has been raised, any contribution has been received or any fund has been earmarked, such loan, contribution or fund shall not be diverted permanently or temporarily to any purpose other than that for which the same has been raised, received or earmarked as the case may be, without the previous sanction of the Government.

CHAPTER—V

Surcharge Rules

157. *Submission of accounts.*—The Secretary to the market committee shall submit all accounts to an auditor referred to in rule 46 of the rules (hereinafter referred to as "the auditor" as required by the auditor.

158. *Power to summon documents.*—The auditor may—

(a) by summons in writing, require the production of any book, deed, contract, account, voucher, receipt or other document the perusal or examination of which he considers necessary;

(b) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before him;

(c) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

Whoever fails to comply with any requisition lawfully made upon him under this rule shall be punishable with fine which may extend to fifty rupees.

159. *Auditor to report material impropriety or irregularity, loss, waste or misapplication:*—The auditor shall—

(a) report to the market committee any material impropriety or irregularity which he may observe in the expenditure or

in the recovery of moneys due to the market committee or in the accounts of the market committee; and

(b) report to the market committee any loss, waste, or misapplication of money or other property owned by, or vested in the market committee, if such loss, waste or misapplication is a direct consequence of neglect or misconduct, with the names of any person directly or indirectly responsible for such loss, waste or misapplication.

160. *Duty of the secretary to remedy the defects or the irregularities:*—The secretary shall forthwith remedy any defects or irregularities that may be pointed out by the auditor and report the same to the market committee.

161. *Powers of auditors to disallow and surcharge:*—

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

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

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

(3) If the person to whom a copy of the auditor's decision is furnished refuses to receive it, he shall nevertheless be deemed have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days referred to rules 161 and 162 shall be calculated from the date of such refusal.

(4) Interest at the rate of six per cent per annum shall be charged on the surcharge amount due, with effect from the following the last date fixed for the payment of the said surcharge amount in the surcharge certificate. The interest so charged surcharge amount overdue shall be specified in the surcharge certificate itself in precise terms as laid down in Section 34 of Civil Procedure Code 1908 (Central Act V of 1908).

162. *Appeals.*— Any person aggrieved by disallowance surcharge or charge made may, within fourteen days after he received or been served with the decision of the auditor, appeal the Government in the Development Department through the Director of Agriculture. Any order passed on such appeal by the State Government shall be final.

163. *Payment into treasury.*— Every sum certified to be due from any person by the auditor under these rules shall be paid by such person into the treasury or the bank in which the funds of the market committee are lodged, within fourteen days after the intimation to him of the decision of the auditor, unless within that time such person has appealed to the State Government against the decision and such sum, if not paid, or such sum has been recovered by the State Government shall declare to be due, shall be recoverable on an application made by the Director of Agriculture to the Civil Court having jurisdiction over the notified area concerned in the same way as an amount decreed by the Civil Court having jurisdiction over the notified area concerned.

164. *Powers to waive the recovery of the amount due.*— Notwithstanding anything contained in these rules, the State

Government may at any time direct that the recovery of the whole or any part of the amount certified to be due from any person by the auditor under these rule shall be waived if in their opinion such a course is necessary after considering all the circumstances of the case.

165. *Returns.*— In order to enable the auditors to watch the timely recovery of all amounts covered by the surcharge certificates issued by him, the half yearly return in the Form given below shall be sent by the market committee to the auditor. The action taken to effect the recoveries for which the market committee is responsible shall be specified in the return. The return for each half-year shall include all surcharges outstanding at the end of the half-year and shall be sent to the auditor by the 10th of the month succeeding the half-year to which the return relates. The returns shall contain detailed information regarding the stage of recovery of amount due and they shall be sent with a certificate that the recovery of the amounts has not become time barred. Where no amount is pending recovery, a "Nil" return shall be sent. As soon as an amount is completely recovered, the market committee shall report the fact to the auditor.

FORM

Half yearly return of amounts pending recovery.

- (1) Serial number.
- (2) Name of market committee.
- (3) Name of persons surcharged with designation.
- (4) Amount.
- (5) Number and date of the surcharge certificate.
- (6) Amount recoverable according to the orders passed on application or appeal, if any, preferred and date of orders on application or appeal.
- (7) Steps taken for recovery (where no execution petition has been filed, reason for not filing it should be stated here).

CHAPTER—VI

Secretaries service Rules.

166. Constitution.—The service shall consist of the following grades of Officers, namely:—

(a) *Market Committee Grade I*—Secretaries of Market Committee with an annual income of not less than two lakhs of rupees.

(b) *Market Committee Grade II*—Secretaries of Market Committee with an annual income of not less than two lakhs of Rupees.

167. Appointment.—(a) Recruitment to the service shall be made as follows:—

1. Grade I.—

(a) Recruitment from Grade II; (b) Recruitment by transfer from among Government servants and employees of Market Committees.

2. Grade II.—

(a) Recruitment by transfer from among Government servants and employees of Market Committees;

(b) Appointment shall be made from a list of candidates prepared by the Director of Agriculture and approved by the Government.

(c) The proportion of the number of persons appointed to the posts of Secretaries Grade—I from among the Government Servants and non-Government Servants shall be 1:1 and in the case of Secretaries Grade II, Government servants and qualified men may be appointed, without qualified Market Committee employees are not available and in extraordinary circumstances where the administration of any Market Committee requires it, the warranters that the appointment of a Government servant

The appointment of Government servant shall be on foreign service terms.

(d) The appointment of a Government Servant as the Secretary of Market Committee, on foreign service terms shall be, in accordance with the conditions laid down in Fundamental Rules 110 to 127 and the contributions towards leave salary and pension due in respect of the Government Servants shall be paid by the market committee concerned.

168. Unit for appointment.—For the purpose of recruitment by transfer from among the employees of Market Committees to Grade II and for the purpose of promotion from Grade II to Grade I, the employees of Market committees established under Section 4 of the Act in the entire Union territory shall form one Unit.

169. Appointing Authority.—The appointing authority shall be the Market Committee.

170. Qualification for secretaries of Market Committees established by the Government.—No person shall be eligible for appointment to the grade and by the method specified in columns (1) and (2) of the table below unless he possesses the qualifications specified in the corresponding entry in column (3) thereof—

THE TABLE

Grade	Method of Recruitment	Qualification
1	2	3
Grade-I (a)	Recruitment by transfer from among Government Servants and	(i) Must hold a degree in Agriculture of any University; and (ii) Must have passed Diploma in Agricultural Marketing.

- (iii) Must have put in at least 2 years service as Marketing Assistant; or
 - (iv) Transfer from the grade of Marketing Officer, Project Agricultural Officer, Deputy Director of Agriculture, Sugarcane Development Officer, holding a degree in Agriculture of any University.
- (b) By promotion.
- (i) Must hold a degree of any University; and
 - (ii) Must have served as Grade-II Secretary for not less than five years.

- Grade-II
- (a) Recruitment by transfer from among Government servants.
 - Must hold a degree in Agriculture of any University.
 - Preference shall be given to those who are serving as or have served as Marketing Assistant.
- (b) Recruitment by transfer from among employees of Market Committees.
 - Must have served for not less than five years in the cases of graduates and not less than ten years in the case of non-graduates in a market committee in any one or more of the posts namely, Superintendent or Inspector of licensed premises.

Provided that the committee may in exceptional cases and for reasons to be recorded in writing on the recommendations of the Director relax all conditions specified in this rule.

171. *Probation*—(1) Every member appointed to the service shall, from the date of his joining duty, be on probation for a total period of two years on duty within a continuous period of three years:

Provided that a candidate duly qualified under rule 170 and already appointed as Secretary under the Market Committees' Secretaries Service Rules, may be appointed as approved probationer or full member.

(2) Every person appointed to the service shall pass Account Test for subordinate Officers, Part I conducted by the Government of Pondicherry. If any person fails to pass the tests within the specified time, his increments shall be liable to be stopped until he passes the tests, but such stoppage of increment shall not have the effect of postponing his future increments after he has passed the tests.

172. *Suspension or termination of probation*—At any time before the expiry of the prescribed period of probation or the extended period of probation, as the case may be, the appointing authority may.—

(i) Suspend the probation of a probationer and discharge him from the service for want of vacancy; or

(ii) at its discretion, by order, terminate the probation and discharge him from the service after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

173. *Probationers suitability for full membership*—At the end of the prescribed or extended period of probation, as the case may

be, the appointing authority shall consider the probationer's suitability for full membership of the grade for which he was selected.

(b) If the appointing authority decides that a probationer suitable for such membership, it shall, as soon as possible, issue an order declaring him to have satisfactorily completed his probation. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his probation on the date of the expiry of the prescribed or extended period of probation.

(c) If the appointing authority decides that a probationer is not suitable for such membership, it shall, unless the period of probation is extended under rule 174, by order discharge him from the service.

Explanation I.—The decision of the appointing authority that the probationer is not suitable for full membership may be based also on his work and conduct till the date of the decision, inclusive of the period subsequent to the prescribed or extended period of probation.

Explanation II.—An opportunity to show cause may be given after the appointing authority arrives at a provisional conclusion on the suitability or otherwise of the probationer for full membership of the service, either by such authority itself or by a subordinate authority which is superior in rank to the probationer.

Extension of probation.—At any time before the expiry of the prescribed period of probation or at the end of it the appointing authority may extend the probation of a probationer to decide whether he is suitable for full membership or not. Such extended-period of probation shall terminate at the latest when the probationer has, after the date of expiry of the period of probation prescribed for the category in which he is on probation, completed one year of duty in such category. In cases, where the probation of a probationer is extended, condition shall, unless there are special reasons to the contrary, be attached to the order of extension of probation that the probationer's increment shall be stopped until he is declared to have

satisfactorily completed his probation. Such stoppage of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the effect of postponing future increments after he is declared to have satisfactorily completed his probation.

175. *Pay.*—There shall be paid to the holder of the posts a monthly pay calculated in the following scales, namely:—

Grade I—Rs. 650—1,200 (Revised Scale)

Grade II—Rs. 550—900 (Revised Scale)

176. *Increment.*—A probationer in the service may draw the first increment and the next increment may be drawn only after he is declared to have satisfactorily completed his probation. The market committee shall be the authority to sanction increment.

177. *Seniority.*—The seniority of a member of the service in each grade shall, unless he has been reduced to a lower rank as a punishment, be determined by the rank obtained by him in the panel approved by Government.

178. *Postings and transfers.*—A member of the service shall be liable to transfer to any region of the Union territory and postings and transfers shall be made by the Director.

179. *Medical, Travelling and other Allowances.*—The Secretaries the Market Committee shall be permitted to reimburse the Medical expenses incurred by them for themselves or their families, subject to the following conditions namely:—

(i) Application claiming reimbursement of Medical expenses shall be in Form Medical 97 supported by an essentiality certificate from an Authorised Medical Attendant as in the case of Government Servants in the Union territory of Pondicherry.

(ii) Necessary vouchers should be attached to the bill in which the reimbursement of Medical Expenses is claimed.

(iii) Not more than one reimbursement should be made for a particular course of treatment;

(iv) "Family" in the case of Secretary means his parents, wife, legitimate children (including an adopted son) step-children and step-mother, residing with and wholly dependent on him.

(2) The travelling allowances and conditions of payment shall be the same as those for Government servants on the corresponding scales of pay except in cases where they are fixed differently by special order of the Government in particular cases for different committees.

180. *Provident Funds.* — Members of the Service may subscribe to a provident fund under the provisions of the Provident Fund Rules.

181. *Penalties.* — The following penalties may, for good and sufficient reason, be imposed on the members of the service, namely:—

(i) Censure.

(ii) Withholding of increments or promotion.

(iii) Reduction to a lower rank in the seniority list or to lower stage in a time-scale.

(iv) Recovery from pay of the whole or part of any pecuniary loss caused to the market committee or to Government by negligence or breach of orders.

(v) Removal from service.

(iv) Dismissal from service.

Explanation. — The discharge of a person appointed on probation during or at the end of the period of probation does not amount to removal or dismissal within the meaning of this rule.

The penalties referred to in items (i) to (iv) may be imposed by the market committee subject to the approval of the Director of

Agriculture and those referred to in items (v) and (vi) shall be imposed by the market committee subject to approval of the Government.

182. *Reasonable opportunity.* — (1) (a) In every case where it is proposed to impose on a member of the service any of the penalties mentioned in items (iii), (v) and (vi) of rule 181 the grounds on which it is proposed to take action shall except where such action is proposed to be taken on the facts which have led to his conviction in a criminal court be reduced to writing in the form of a definite charge or charges which shall be communicated to the person charged, together with a statement of the allegations on which each charge is based and any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required within a reasonable time to put in a written statement of his defence and state whether he desires an oral enquiry or only to be heard in person. At that enquiry, oral evidence shall be heard on such of the allegations as are not admitted and the person charged shall be entitled to cross-examine witnesses, to give evidence in person and to have such witnesses, called as he may wish, provided that the Officer conducting the enquiry may for special and sufficient reasons, to be recorded in writing refuse to call a witness. After the enquiry has been completed the person charged shall be entitled to put in, if he so desires, any further written statement of his defence. If no oral enquiry is held and he had desired to be heard in person, a personal hearing shall be given to him. The proceedings shall contain a sufficient record of the evidence and a statement of findings and grounds thereof.

(b) After the enquiry referred to in clause (a) has been completed and after the market committee has arrived at provisional conclusions in regard to the penalty to be imposed, the person charged shall be supplied with a copy of the report of the enquiring authority and shall be called upon to show cause, within a reasonable time not ordinarily exceeding one month, against the penalty

proposed to be inflicted. Any representation in this behalf submitted by the person charged shall be duly taken into consideration before final orders are passed.

(2) In every case where it is proposed to impose on a member of the service any of the penalties mentioned in items (i), (ii) and (iv) of rule 181, he shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order of imposing the penalty is passed.

(3) The requirements of sub-rules (1) and (2) shall not apply when the person concerned has absconded or where it is for other reasons impracticable to communicate with him.

(4) The market committee may place under suspension a member of the service pending enquiry into grave charges, where such suspension is necessary in public interest.

183. Appeals.—A member of the service shall be entitled to the Government against any order imposing punishment under rule 182, and such appeal shall be preferred by him within two months of receipt of the orders through the Director of Agriculture giving all material particulars.

184. Service records and confidential reports.—(1) (a) The Marketing Officer, Pondicherry, shall maintain the service records of non-gazetted Government servants and employees of market committees appointed as Secretaries of market committees.

(b) The service records of gazetted members of Government appointed as Secretaries of market committees shall be maintained by the Director of Agriculture.

185. Leave.—(1) The Fundamental rules, the rules relating to casual leave and the Central Civil Service (Leave) Rules, 1971, applicable to Government servants shall, so far as may be govern the members of the service.

be from the head of the institution in which the candidate last studied and the other from the respectable person of the locality in which he resides; and

(iii) that he is prepared to furnish cash or such other security as may be demanded by the committed and in the case of direct recruitment, to give an undertaking to serve the committee for not less than such period as may be fixed by the committee.

[b] No person shall be eligible for appointment to the service unless he has an adequate knowledge of Tamil.

Explanation:—For the purpose of this clause, a person shall be deemed to have adequate knowledge of Tamil if—

[i] he has acquired knowledge in Tamil in the High School courses; or

[ii] he is able to speak, read and write Tamil; or

[iii] he has passed the first-class Language Test in Tamil:

Provided that where a person is appointed to the service by promotion has not acquired an adequate knowledge of Tamil, he shall be deemed to have acquired an adequate knowledge of Tamil if he has passed the first language test in Tamil within the period of his probation. If he fails to pass the test within such period, he shall not be eligible to draw increments until he passes the test. Such ineligibility to draw increments shall not have the effect of postponing his future increments after he has passed the test.

[c] No person shall be eligible for appointment to the category and by the method specified in annexure 1 to these rules unless he possesses the qualifications specified in the corresponding entry in column [2] thereof.

[2] *Tests to be passed*—Every person appointed to the service in any of the categories specified in column [1] of Annexure II to

these rules shall pass, within the period of probation the tests specified in the corresponding entries in column [2] thereof. If any person fails to pass the tests within the specified time, his increments shall be liable to be stopped until he passes the tests, but such stoppage of increment shall not have the effect of postponing his future increments after he has passed the tests:

Provided that when a probationer has already passed the special tests prescribed, he shall not be required to pass such tests again.

192 Age—No person shall be eligible for appointment by direct recruitment if he has not completed 18 years of age or if he has completed thirty years of age:

Provided that the maximum age limit in respect of the posts shall be increased by five years in the cases of candidates belonging to Backward classes, Scheduled castes and Scheduled Tribes;

Provided further that the committee may relax the maximum age limit upto 35 years—

- (i) in respect of appointments to category 9 if the candidates have been in the service of the committee for a continuous period of not less than five years immediately preceding the appointment;

- (ii) in respect of appointments to category 10; and

- (iii) in respect of appointments to category 12 if the candidates have experience for not less than three years in any recognized workshop.

Explanation—“Recognized Workshop” means any workshop owned or recognised by the Union territory of Pondicherry or by the Government of India.

193 Retirement—The date of compulsory retirement of a member of the service is the date on which he attains the age of

(2) The chairman shall be the authority competent to grant casual leave to the Secretary and the Director of Agriculture shall be the authority competent for the grant of other kinds of leave but shall consult the market committee in such cases. Whenever a short vacancy in the post of secretary arises, the Director of Agriculture in consultation with the market committee, may direct any member of the staff of the market committee to hold additional charge of the post.

CHAPTER — VII

Employees' Service Rules.

186. Constitution—(1) The Service shall consist of the following categories of employees, namely:—

Category 1—Statistical Assistant.

Category 2—Engineering Supervisor.

Category 3—Inspector of Licensed Premises
Superintendent of Market, computor.

Category 4—Junior Superintendent of Markets, Supervisor.

Category 5—Weighment Inspector, Propaganda Inspector,
Junior Inspector, Statistical Inspector or
Junior Computor, Vigilance Inspector.

Category 6—Head Accountant, Senior Clerk.

Category 7—Accountant, Clerk.

Category 8—Steno Typist and Typist

Category 9—Motor car / Van / Jeep Driver / Decorticator
Mechanic.

Category 10—Road Maistry, Market Maistry.

Category 11—Attender.

Category 12—Stamping smith, Mechanic.

Category 13—Duffadar, Peon, Office Boy, Sanitary Maistry.

(2) The number of posts in each category shall be approved by the Director. Creation of new posts in any of the categories shall be with the prior approval of the Director.

(3) The service of employees specified in categories 1 to 12 in sub-rule [1] above shall be considered as "supior service" and the service of employees specified in category 13 in sub-rule [1] above shall be considered as "Last grade Service".

187. *Appointing authority*—The appointing authority for the posts shall be the committee.

188. *Appointment*—Appointment to the service in the different categories shall be made by direct recruitment or by promotion by recruitment by transfer among the same category from one committee to another.

189. *Unit of operation of rules*—For the purposes of appointment to the service, seniority, discharge for want of vacancy, reappointment of probationers and approved probationers, appointment of full members and promotion, each market committee shall be a unit.

190. *List of approved candidates*—All appointment by promotion to any category of the service shall be made from a list of approved candidates prepared for the purpose.

191. *Qualifications*—[1] General—[a] No person shall be eligible for appointment to the service by direct recruitment unless he satisfies the appointing authority—

(i) that he is of sound health and free from any bodily defect or infirmity which would render him unfit for the service by production of a certificate of physical fitness from a Government Medical Officer not below the rank of an Assistant Surgeon;

(ii) that his character is such as to qualify him for such service, by production of two certificates of which one shall

fifty-eight years. He shall not be retained in service after that age, except with the sanction of the Government on public grounds, which must be recorded in writing but he shall not be retained after the age of sixty in any case.

194. *Probation*—Every person appointed to a category shall from the date on which he joins duty, be on probation as follows:—

(i) If he is a direct recruit: For a total period of two years on duty within a continuous period of three years.

(ii) If he is appointed by promotion: For a total period of one year on duty within a continuous period of two years.

195. *Suspension or termination or extension of probation*—At any time before the expiry of the prescribed period of probation or the extended period of probation, as the case may be, the appointing authority may—

(i) suspend the probation of a probationer and discharge him from the service for want of a vacancy; or

(ii) at its discretion, by order, either extend the period of the probation of the probationer in case the probation has not been extended under rule 198 or terminate the probation and discharge him from service after giving him a reasonable opportunity of showing cause against the proposed termination of probation:

Provided that where a probationer has been given a reasonable opportunity of showing cause against the imposition on him of any of the penalties specified in clauses (iv), (vi) and (vii) of rule 217 and at the conclusion of the disciplinary proceedings, a tentative conclusion is arrived at as to terminate his probation, a further opportunity of showing cause specifically against termination of his probation need not be given to him.

Explanation—An opportunity to show cause may be given after the appointing authority arrives at a provisional conclusion on the suitability or otherwise of the probationer for the full membership of the service, either by such authority himself or by a subordinate authority who is superior in rank to the probationer.

196 *Termination of probation*—(1) If, within the period of probation, a probationer fails to acquire the special qualifications or to pass the specified tests, if any the appointing authority shall, unless the period of probation is extended under rule 198, by order, discharge him from service after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.

(2) If, within the period of probation prescribed or within the extended period of probation, as the case may be, a probationer has appeared for any such tests or for any examinations for which he has so appeared are not known before the expiry of such period, he shall continue to be on probation until the publication of the results of the tests or examinations for which he has appeared or the first of them in which he has failed as the case may be.

(3) Any delay in the issue of an order discharging a probationer under sub-rule [1] shall not entitle him to be deemed to have satisfactorily completed his probation.

197 *Probationer's suitability for full membership*—At the end of the prescribed period of probation or the extended period of probation, as the case may be, the appointing authority shall consider the probationer's suitability for full membership of the service or category to which he was appointed.

(2) If the appointing authority decides that a probationer is suitable for such membership, it shall, as soon as possible, issue an order declaring the probationer to have satisfactorily completed

his probation. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his probation on the date of the expiry of the prescribed or the extended period of probation.

(3) If the appointing authority decides that the probationer is not suitable for such membership, it shall, unless the period of probation is extended under rule 198 by order, discharge him from service after giving him a reasonable opportunity of showing cause against the action proposed to be taken in regard to him:

Provided that where a probationer has been given a reasonable opportunity of showing cause against the imposition on him of any of the penalties specified in clause (iv) (vi) and (vii) of rule 217 and at the conclusion of the disciplinary proceedings, a tentative conclusion is arrived at to terminate his probation, a further opportunity of showing cause specifically against termination of his probation need not be given to him.

Explanation I.—The decision of the appointing authority that the probationer is not suitable for full membership may be based also on his work and conduct till the date of the decision, inclusive of the period subsequent to the prescribed or extended period of probation.

Explanation II.—An opportunity to show cause may be given after the appointing authority arrives at a provisional conclusion on the suitability or otherwise of the probationer for the full membership of the service, either by such authority himself or by a subordinate authority who is superior in rank to the probationer.

Explanation III.—Where the appointing authority proposed to terminate the probation of a member of the service for general unsatisfactory work or incapacity without the need for enquiry into specific charges, he shall do so under rule 195 or this rule, as the

case may be. In cases, where he proposes to terminate the probation of such a member for specific charges in addition to, or distinct from, general inefficiency or incapacity, he shall frame specific charges and follow the detailed procedure laid down in sub-rule (2) of rule 220.

193. Extension of probation.—In the case of any probation falling under rule 196 or under sub-rule (3) of rule 197 the appointing authority may extend his probation to enable him to acquire the special qualifications to pass the prescribed tests or, as the case may be, to enable the appointing authority to decide, whether the probationer is suitable for full membership or not. Such extended period of probation shall terminate the latest when the probationer has after expiry of the period of probation for the category, completed one year of duty in such category. In cases where the probation of a probationer is extended, a condition shall, unless there are special reasons to the contrary be attached to the order of extension of probation that the probationer's increment shall be stopped until he is declared to have satisfactorily completed his probation. Such stoppage of increment shall not be treated as penalty but only as a condition of extension of probation and shall not have the effect of postponing future increments after he is declared to have satisfactorily completed his probation.

199. Appeal against discharge.—(1) A probationer who is discharged under sub-rule (ii) of rule 195 or under sub-rule (3) of rule 197 shall be entitled to appeal against the order of discharge to the authority to which and within the period of limitation within which an appeal would lie against an order of dismissal passed against a full member of the service.

(2) The authority competent to entertain an appeal under sub-rule (1) may, either of its own motion or otherwise, revise any order discharging a probationer under the provision referred to in the said sub-rule, within one year of the date of such order.

(3) (a) When an order discharging a probationer is set aside an appeal under sub-rule (1) or on revision under sub-rule (2) of this

rule and the probationer is restored to the service, the period on and from the date of discharge to the date of such restoration may, with the previous sanction of the Government, be treated as on duty except for purposes of probation. The period of probation undergone by such probationer at the time of his discharge shall, however, count towards the period of probation prescribed.

(b) Such probationer may, during the period on and from the date of his discharge to the date of his restoration, be paid such pay and allowances not exceeding the pay and allowances to which he would have been entitled if he had not been discharged as the authority passing the order under sub-rule (1) or (2) may, with the previous sanction of the Government determine.

200. Discharge and reappointment of probationers and approved probationers.—(1) Probationers and approved probationers shall be discharged for want of vacancies in the following order; first the probationers in the order of juniority, and then the approved probationers in the order of juniority.

(2) Approved probationer and probationers who have been discharged for want vacancies shall be reappointed as and when vacancies arise in the order of their respective seniority.

(3) The order of discharge or of reappointment specified in sub-rules (1) and (2) may be departed from in cases where its observance would involve exceptional administrative inconvenience but without affecting the relative seniority of the employees concerned.

201 Right of approved probationers and probationers to reappointment—A vacancy in any category of the service shall not be filled by the appointment of a person who has not commenced his probation therein when an approved probationer or a probationer therein is available for such appointment.

202 Appointment of full members—An approved probationer shall be appointed to be a full member of the service in the

category for which he was selected at the earliest opportunity in any substantive vacancy which may exist or ~~arise~~ in the permanent cadre of such category, and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date, or, as the case may be, from a subsequent date from which he was continuously on duty as a member of the service in such category or in a higher category:

Provided that, where more than one approved probationer is available for such appointment as full member, the seniormost approved probationer on the date of the vacancy shall be appointed.

203 Counting of service for the probation—(1) A probationer in any category of the service shall be eligible to count for probation on his service, if any, in a higher category of the service performed on regular appointment in accordance with these rules or on a temporary appointment under rule 205 if he would have continued to be a probationer in the former category but for such regular or temporary appointment in the higher category of the service.

(2) A probationer in any category serving in one committee who is appointed by the transfer in the same or higher category in another committee, shall be entitled to count towards his probation in the latter committee any period in the former committee, if during such period he would have held a post in the former committee but for such appointment.

204 Authority to transfer members of service—(1) The Director of Agriculture shall be the authority competent to transfer a member of the service from one committee to another in consultation with the committees concerned.

(2) The Secretary of the Market Committee shall be the authority competent to transfer any member of the Market Committee of service within the jurisdiction of the Market Committee.

205 Temporary appointment and promotions—(1) Where it is necessary in the public interest, owing to any emergency, to fill immediately a vacancy in a post borne on the cadre of the service and there would be undue delay or administrative inconvenience in making an appointment in accordance with these rules to fill up the vacancy, the appointing authority may appoint or promote temporarily, otherwise than in accordance with these rules, any person possessing the qualifications specified for the post until an appointment is made in accordance with these rules.

(2) A person appointed under sub-rule (1) shall be replaced as soon as possible by an approved candidate qualified to hold the post under these rules or by a member of the service who is entitled to promotion under these rules, as the case may be.

(3) A person appointed or promoted under sub-rule (1) shall not be regarded as a probationer in such category or be entitled, by reason only of such appointment or promotion, to any preferential claim to future appointment or promotion to such category. Such appointment or promotion under sub-rule (1) shall be liable to be terminated by the appointing authority at any time without notice and without any reason being assigned.

(4) If a person appointed or promoted under sub-rule (1) is subsequently appointed or promoted in accordance with these rules, he shall commence his probation, if any, from the date of such subsequent appointment or promotion or from such earlier date as the appointing authority may determine. He shall also be eligible to draw increments in the time scale of pay applicable to him from the date of commencement of his probation, but shall not be entitled to arrears of pay unless otherwise ordered by the Director of Agriculture.

(5) Subject to the provision of Fundamental Rule 30, there shall be paid to the person appointed or promoted under sub-rule (1) either his substantive pay or the pay of the lowest grade or the minimum in the time-scale of pay, as the case may be, applicable to the higher category, whichever is higher.

206 Promotions—(1) All promotions shall be made by the appointing authority.

(2) Promotions to selection categories shall be made on grounds of merit and ability, seniority being considered only where merit and ability are approximately equal.

(3) All other promotions shall, subject to the provisions of rule 191, be in accordance with seniority, unless the promotion of a member has been withheld as a penalty under these rules.

(4) An order promoting a member of the service to a selection category, may be revised by an authority to which an appeal would lie against an order of dismissal passed on a full member of the service. Such revision may be made by the appellate authority aforesaid at any time, either *suo motu* or on a petition submitted by any aggrieved member within six months from the date of passing the order:

Provided that the said period of six months may be extended by the appellate authority if sufficient cause is shown for the delay in the submission of the petition.

207 Selection category—For the purpose of rule 206, the posts mentioned in categories 1 to 3 under rule 100 shall be deemed to be selection categories.

208 Seniority—(1) The appointing authority may at the time of passing an order appointing two or more persons simultaneously to any category of the service, fix the order of seniority among them.

(2) Subject to this rule, the seniority of a member of the service or category shall, unless he has been reduced to a lower rank as a punishment, be determined by the date of his first appointment to the service or category. If any portion of the service of such person does not count towards probation under rule 205, this seniority shall be determined by the date of commencement of his service which counts towards probation.

(3) Where a member of any category is reduced to a lower category, he shall in the absence of a special order to the contrary, take first rank among the members in the lower category.

209. Pay, allowances, leave salary and other conditions of service.—(1) There shall be paid to members of the service specified in column [1] of Annexure III to these rules a monthly pay calculated in the scales of pay specified in the corresponding entries in column (2) thereof.

(2) The employees of the committee shall be granted dearness and house-rent allowances at the rates fixed on the basis of their salaries and scales of pay as in the case of Officers and servants of the Government and in accordance with the orders issued by the Government from time to time in that behalf.

(3) The employees of the committee shall be granted one advance increment in the scale of pay applicable to them for passing the Account Test Examination subject to the conditions specified below:—

[i] The advance increment should be allowed to regular member of the service and not to those who are appointed under emergency provisions of the Service Rules, who pass the Account Test for Subordinate Officer—Part I.

[ii] The advance increment should be allowed for passing of the Account Test for Subordinate Officer. Part I only and not any other tests like Account Test for Subordinate Officers—Part II etc.

[iii] The advance increment should be allowed from the day following the last day of the test.

[iv] When other tests are prescribed in addition to the Account Test in the Service Rules, the advance increment should be allowed on passing the Account Test alone.

[v] The advance increment for passing the Account Test may be sanctioned by the authority who sanctions increment to the servants of the Market Committee.

[vi] When the Account Test is prescribed as a pre-requisite for completion of probation in a post, the holder of that post should be allowed advance increment, only in the scale of pay applicable to that post after passing the test, if the service rules do not require the holders of a post to pass the test either for continuance in that post or for completion of probation, the holders of that post are not eligible for any advance increment.

[vii] The advance increment will be admissible to the employees of Market Committees irrespective of the number of attempts made by them to pass the test.

[4] Shorthand and typewriting special pay shall be paid to steno-typists and typists with higher grade qualifications at the rates fixed by Government.

[5] The Fundamental Rules and the Central Civil Service Leave Rules, 1972 for the time being in force shall, so far as they may be applicable, govern the members of the service in regard to their pay, allowances, leave and leave salary.

[6] The personal files of the employees in the Market Committee and those in the market yard shall be written, countersigned and maintained by the Officer as given in Annexure V. While countersigning the chairman shall record his opinion of the Official.

[7] The Secretary shall be the authority competent to grant any kind of leave including casual leave to any member of the Service and he shall in consultation with the chairman direct any member of the service to hold additional charge of the post during the short leave vacancy.

[8] A service book shall be maintained for every officer and servant of the Market Committee.

210. *Travelling and other allowances.*— The employees of the Market Committee shall be governed by the provisions of Fundamental Rules and Supplementary Rules Vol. II as amended by the Central Government Servants on the corresponding scales of pay except in cases where they are fixed differently by special order of the Government.

211. *Reduction of full members.*— If a full member of any category of the service is reduced to a lower category of the Service, he shall be deemed to be a full member of the latter and the permanent cadre thereof shall, if there is no vacancy in which he can be absorbed, be deemed to be increased by one, so long a such member continues therein:

Provided that against every such addition, an officiating or temporary vacancy, if any, in such category shall be kept unfilled and such addition shall be absorbed in the permanent vacancy which subsequently arises in the latter category of the service.

212. *Relinquishment of rights by members.*— Any member of the service may, in writing, relinquish any right or privilege to which he may be entitled under these rules and relinquishment once made shall be final and irrevocable.

213. *Consequences of resignation.*— A member of the service shall, if he resigns his appointment, forfeit not only the service rendered by him in the particular post held by him at the time of the resignation but also all his previous service under the committee.

214. *Membership of more than one service.*— A probationer or an approved probationer or a full member of another committee, who is appointed to be a full member of the service, shall cease to be a member of the former committee.

215. *Members absent from duty.*— If a member of service is absent from duty, whether on leave or on deputation or for any other reason, whether his lien on a post borne on the cadre of the service is suspended or not, he shall be entitled to all the privileges in respect of appointment, seniority, probation and appointment as full member of service in the post in which he has been on duty prior to his absence:

Provided that this rule shall not adversely affect the rights of his juniors to promotion during the period of his absence.

216. *Savings.*— Nothing contained in these rules shall adversely affect the rights and privileges acquired by any member of the service under the rules in force before the coming into force of these rules.

217. *Penalties.*— The following penalties, may for good and sufficient reason and as hereinafter provided be imposed upon the members of the service:—

(i) Censure.

(ii) Fine in the case of persons holding posts under categories 9 to 13 of the service.

(iii) Withholding of increments or promotion.

(iv) Reduction to a lower rank in the seniority list or to a lower post or time-scale in the service, whether in the same category or any other lower category, or to a lower stage in a time-scale.

(v) (a) Recovery from pay of the whole or part of any pecuniary loss caused to the committee by negligence or breach of orders; or

(b) Recovery from pay to the extent necessary of the monetary value equivalent to the amount of increments ordered to be withheld, where such an order cannot be given effect to.

(vi) Remove from the service.

(vii) Dismissal from the service.

(viii) Suspension, where a person has already been suspended under sub-rule (5) of rule 220 to the extent considered necessary by the authority imposing the penalty.

Explanation I.—The discharge of a probationer or an approved probationer of the service for want of vacancy does not amount to removal under clause (vi) or dismissal under clause (vii).

Explanation II.— The removal of a member from the service under clause (vi) shall not ordinarily disqualify him from future employment.

218. *Authority to impose penalties and appellate authorities.*— The authorities competent to impose the penalties specified in rule 217 or suspension pending enquiry into grave charges under sub-rule (5) of rule 220 on a member of the service and the appellate authorities shall be as shown in Annexure IV to these rules.

219. *Authority to impose penalties in case of persons promoted or transferred or reverted or reduced.*—(1) Where on promotion or transfer, a member of the service in any category is holding an appointment in another category, no penalty shall be imposed upon him in respect of his work or conduct before such promotion or transfer except by an authority competent to impose the penalty upon a member of the service in the latter category.

(2) Where a person has been reverted or reduced from one category of the service to another, no penalty shall be imposed upon him in respect of his work or conduct while he was a member of the category from which he was reverted or reduced except by an authority competent to impose the penalty upon a member of such category.

(3) In case the services of a member of the service to be punished have been lent to another authority, the power to impose

the penalty of removal or dismissal shall lie only with the lending authority; the borrowing authority shall, in case where it considers that the punishment of removal or dismissal should be imposed complete the inquiry and revert the person concerned to the service of the lending authority for such action as that authority may consider necessary; and the borrowing authority shall consult the lending authority before imposing any lesser penalty and in the case of suspension shall report forthwith to the lending authority the circumstances leading to the imposition of that penalty.

220. Procedure to be followed before imposing penalties.

[1] In every case when it is proposed to impose on a member of the service any of the penalties specified in clauses [i], [ii], [iii] and [v] of rule 217, he shall be given a reasonable opportunity of making any representations, that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed.

[2] [a] In every case where it is proposed to impose on a member of the service any of the penalties mentioned in clauses [iv], [vi] and [vii] of rule 217, the grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges which shall be communicated to the person charged together with the statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required to put in a written statement of his defence and to state whether he desires an oral enquiry or only to be heard in person. An oral inquiry shall be held if such an inquiry is desired by the person charged or is directed by the authority conducting the inquiry. At that inquiry oral evidence shall be heard as to such of the allegation as are not admitted, and the person charged shall be entitled to cross-examine the witnesses to give evidence in person and have such witnesses called as he may wish, provided that the officer conducting the enquiry may for special and sufficient reasons to be recorded in writing, refuse to call a

witness. After the inquiry has been completed, the person charged shall be entitled to put in, if he so desires, any further written statement of his defence. If so oral inquiry is held and if the person charged had desired to be heard in person, a personal hearing shall be given to him. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

[b] After the inquiry referred to in clause [a] has been completed and after the authority competent to impose the penalty mentioned in that clause has arrived at a provisional conclusion in regard to the penalty to be imposed, the person charged shall be supplied with a copy of the report of the inquiring authority and be called upon to show cause thereafter against the particular penalty proposed to be inflicted. Any representation in this behalf submitted by the person charged shall be duly taken into consideration before final orders are passed.

[3] The requirement of sub-rules [1] and [2] shall not apply where it is proposed to impose on a member of the service any of the penalties mentioned in rule 217 on the basis of facts which have led to his conviction in a criminal court or by a court martial, or where the employee concerned has absconded or where it is for other reasons impracticable to communicate with him.

[4] All or any of the requirements of provisions of sub-rules [1] and [2] need not, in exceptional cases for special and sufficient reasons to be recorded in writing, be waived where there is difficulty in observing exactly the requirement of the said sub-rule, and the requirements can be waived without injustice to the person charged.

5. A member of the service may be placed under suspension from the service pending enquiry into charges against him in cases where such charges are grave and where such suspension is necessary in the public interest.

221. Maintenance of record.— [1] The authority imposing any penalty under these rules shall maintain a record showing.—

(i) the allegations upon which the action was taken against the person punished;

(ii) the charges, if any framed;

(iii) the Personal representation, if any, and the evidence if any taken; and

(iv) the findings and the grounds thereof.

(2) All orders of punishment shall also state the grounds on which they are based and shall be communicated in writing to the person against whom they are passed.

222. *Appeal.*—A member of the service shall be entitled to appeal from an order imposed upon him any of the penalties specified in rule 217 to the appellate authority specified in Annexure IV to these rules.

223. *Procedure to be followed by appellate authority in appeals.*

(1) In the case of any appeal against an order imposing any penalty specified in rule 217 the appellate authority shall consider—

(a) Whether the facts on which the order was based have been established;

(b) Whether the facts established offered sufficient ground for taking action;

(c) Whether the penalty is excessive, adequate or inadequate; and after such consideration, shall pass such orders as it thinks fit.

(2) Any error or defect in the procedure followed in imposing a penalty may be disregarded if the appellate authority considers for reasons to be recorded in writing, that the error or defect was not material and has neither caused prejudice to the person concerned nor affected the decision of the case.

224. *Appeal to be separate and in one's own name.*—Every person preferring an appeal shall do so separately and in his own name

225. *Conditions to be observed in an appeal.*—Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language and shall be complete in itself.

Every such appeal shall be addressed to the authority to whom the appeal is preferred the member of the service shall prefer the appeal direct to the Appellate Authority.

226. *Power to revise or alter orders by an appellate or higher authority.*—An order imposing a penalty specified in rule 217 may, even in cases in which no appeal is preferred, be revised or altered by the appellate authority specified in these rules or by any higher authority.

CHAPTER—VIII

Employees paid from Contingencies Service Rules

227. *Constitution of service.*—The service shall consist of the following categories of servants namely:—

Category 1—Watchman

Category 2—Sweeper

Category 3—Casual labourer

categories shall be the committee.

228. *Salaries.*—The salaries to be paid to a member of the service shall vary and relevant may be fixed by the Director of Agriculture from time to time.

229. *Qualifications.*—No person shall be eligible for appointment to any of the posts unless he possesses the following qualifications, namely .

(i) ability to read and write Tamil,

- (ii) practical knowledge of marketing in the locality; and
- (iii) good and sound physique.

231. *Probation*.—Every person appointed to a category shall from the date on which he joins duty be on probation for a total period of six months on duty within a continuous period of one year.

232. *Suspension or termination of probation*.—At any time before the expiry of the prescribed period of probation or the extended period of probation as the case may be the appointing authority may.—

(i) Suspend the probation of a probationer and discharge him from the service for want of vacancy; or

(ii) at its discretion, by order terminate the probation and discharge him from the service after giving him a reasonable opportunity of showing case against the action proposed to be taken in regard to him.

233. *Probationer's suitability for full membership*.—(a) At the end of the prescribed or extended period of probation, as the case may be the appointing authority shall consider the probationer's suitability for full membership of the category for which he was selected.

(b) If the appointing authority decided that a probationer is suitable for such membership, it shall, as soon as possible, issue an order declaring him to have satisfactorily completed his probation. On the issue of such order, the probationer shall be deemed to have satisfactorily completed his probation on the date of the expiry of the prescribed or extended period of probation.

(c) If the appointing authority decided that the probationer is not suitable for such membership, it shall, unless the period of probation is extended under rule 234 by order, discharge him from the service.

Explanation I.—The decision of the appointing authority that the probationer is not suitable for full membership may be based also on his work and conduct till the date of the decision, inclusive of the period subsequent to the prescribed or extended period of probation.

Explanation II.—An opportunity to show cause may be given after the appointing authority arrives at a provisional conclusion on the suitability or otherwise of the probationer for full membership of the service either by such authority itself or by a subordinate authority which is superior in rank to the probationer.

234. *Extension of probation*.—At any time before the expiry of the prescribed period of probation or at the end of it the appointing authority may extend the probation of a probationer to decide whether he is suitable for full membership or not. Such extended period of probation shall terminate at the latest when the probationer has, after the date of expiry of the period of probation, completed one year of duty in such category. In cases where the probation of a probationer is extended a condition shall, unless there are special reasons to the contrary, be attached to the order of extension of probation that the probationer's increment shall be stopped until he is declared to have satisfactorily completed his probation.

Such stoppage of increment shall not be treated as a penalty but only as a condition of extension of probation and shall not have the effect of postponing future increments after he is declared to have satisfactorily completed his probation.

235. *Seniority*.—(1) The seniority of a member in any category of the service shall be determined by the date of his first appointment to that category.

(2) When the date by which seniority is determined under sub-rule (1) is the same in the case of two or more members of

the service, their seniority shall be determined by the appointing authority.

236. *Savings*.—Nothing contained in these rules shall adversely affect the rights and privileges acquired by any member of the service under the rules in force before the coming into force of these rules.

237. *Penalties*.—(1) The following penalties may, for good and sufficient reason, be imposed upon members of the service :

(a) Fine ;

(b) recovery from pay of the whole or part of any pecuniary loss caused to the committee by negligence or breach of order ; and

(c) Removal or dismissal from service.

Explanation.—The removal of a person from the service of the committee shall not disqualify him from future employment in the service; but the dismissal of a person from the service of the committee shall ordinarily disqualify him from future employment.

(2) In every case where it is proposed to impose on a member of the service the penalties mentioned in clause (c) of sub-rule (1), he shall be given a reasonable opportunity of showing cause against the action proposed to be taken.

238. *Appeal*.—(1) Every person who is a member of the service shall be entitled to appeal to the chairman within two months from the date of receipt of the order imposing the penalty.

(2) The decision of the chairman on the appeal shall be final.

239. *Authority to sanction or refuse leave*.—Application for any kind of leave from an employee shall be made to the executive authority who may either sanction or refuse the same :

Provided that the executive authority may delegate his powers

to the Superintendents of Market yards for the grant of casual leave to the employees working under them.

240. *Casual leave*.—The rules relating to casual leave applicable to Government servants shall apply to the employees.

241. *Application of the Central Civil Service Leave Rules, 1972*.—The Central Civil Service Leave Rules, 1972, applicable to Government servants shall apply to the employees.

242. *Tenure of employment*.—No employee shall be retained in service after he has completed the age of sixty years. Provided that further retention in service may be granted to an employee in exceptional and deserving cases with the previous permission of the Director.

243. *Service rolls*.—A service roll shall be maintained for each employee. Entries relating to the appointment declaration of probation, grant of increment, confirmation, punishment and the general opinion on the work and conduct of the employees held by the Officers under whom they are working shall be recorded at half-yearly intervals. The entries shall be countersigned by the executive authority.

244. *Resignation*.—An employee may resign from the post, provided he gives in writing that he is aware of the consequences of such resignation. On no account shall an employee be re-entertained when once his resignation has been accepted by the executive authority. No appeal to the chairman shall be entertained in this regard.

CHAPTER—IX

Employees Conduct Rules.

245. *Responsibility for act done by wife or other member of family*.—A market committee servant is responsible for any act done

by his wife or by any other member of his family living with, or in any way dependent on him which if done by himself would constitute a breach of these rules.

246. Gifts.—(a) Save as otherwise provided in these rules, no market committee servant shall, except with the previous sanction of the market committee, accept or permit his wife or any other member of his family to accept from any person any gift, the acceptance of which will place him under any form of obligation to the donor.

(b) A market committee servant may accept from any person a complementary gift of flowers or fruits or similar articles of trifling value or any wedding or ceremonial gift from a friend the value of which is reasonable in the circumstances of the case.

(c) If any question arises whether any gift is of a trifling value or not, or if a market committee servant is in any doubt whether a gift offered to him is of a trifling value or not, a reference shall be made to the market committee by the market committee servant and the decision of the committee thereon shall be final.
Explanation 1.—Whether or not a gift should be treated as of a trifling value shall depend on who the donor is and the circumstances in which the gift is made.

Explanation 2.—A gift exceeding in value one twentieth of the monthly emoluments of a market committee servant or Rs. 20 (Rupees twenty only) whichever is less, from a person who is not his relative or his personal friend shall ordinarily be regarded as a gift not of trifling value; but a gift from a relative or a personal friend not exceeding in value one-half of such emoluments or Rs. 200 (Rupees two hundred only); whichever is less on special occasions such as weddings, anniversaries, funerals and religious functions shall be regarded as gifts of a trifling value.

(d) Market Committee servants shall not make a habitual use of vehicles and animals belonging to persons other than a

member of their family or to travel, free of charge in any vehicle plying for hire.

247. Public demonstrations -- Subscriptions for funds.—(1) No market committee servant shall receive or take part in the presentation of an address in his honour or if the honour of any other market committee servant without the previous sanction of the market committee.

(ii) No market committee servant shall solicit subscriptions for any fund or take part in the collection of money for any public or local purpose except with the previous sanction of the market committee.

(iii) A market committee servant may, however attend an entertainment or a farewell party of a private or informal character given in his honour or in honour of any other market committee servant.

248. Lending or borrowing.—No market committee servant shall—

(a) directly or indirectly engage in the business of money lending : or

b) except with the previous sanction of the market committee lend money to any person possessing land within the local limits of his authority or at interest to any person; or

c) except in the ordinary course of business with a bank or firm of standing or a Co-operative society borrow money or otherwise place himself under pecuniary obligation to any person:

Provided that a market committee servant may accept a purely temporary loan of small amount, free of interest from a personal friend or relative or operate a credit account with a bonafide tradesman :

Provided further that this rule shall not apply to a market committee servant who belongs to a joint Hindu family carrying on the business of money lending as an ancestral profession if the market committee servant does not take an active part in the business and is not employed in a region in which the business of the joint Hindu family is carried on.

249. Buying and selling houses or valuable property.—(1) No market committee servant shall, except with the previous sanction of the market committee, hold or acquire immovable property for the purpose of residence within the State of Pondicherry.

(2) No market committee servant shall, except with the previous sanction of the market committee, purchase or sell or acquire or dispose of any movable or immovable property exceeding Rs. 500 in value.

(3) Every market committee servant shall make a declaration to the market committee by the end of January every year of the immovable properties owned or acquired or disposed of by him in the previous year either on his own account or as a trustee or administrator or executor.

250. Investments.—No market committee servant shall speculate in any investment nor shall he permit any member of his family to do so. For the purpose of this rule the habitual purchase and sale of securities of notoriously fluctuating value shall be deemed to be speculation in investments.

251. Promotion and management of companies.—No market committee servant shall, except with the previous sanction of the market committee, take part in the registration, promotion or management of any bank or company other than a co-operative society or hold office or serve in any co-operative society.

252. Private trade or employment.—No market committee servant shall, except with the previous sanction of the market committee, engage himself directly or indirectly in any trade or

business or undertake any employment:

Provided that a market committee servant may without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, scientific artistic character, subject to the condition that his official duties do not thereby suffer, but he shall not undertake or shall discontinue such work if so directed by the market committee.

(2) No market committee servant shall act as arbitrator in any case, unless he is directed to do so by the market committee or the chairman of the market committee.

253. Insolvency and habitual indebtedness.—(1) A market committee servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency.

(2) A market committee servant who is adjudged or declared insolvent shall report such insolvency to the chairman of the market committee.

254. Communication of official documents.—The market committee servant shall, except in accordance with any special orders of the chairman or secretary of the Market Committee in the performance in good faith of the duties assigned to him communicate, directly or indirectly, any official documents or information to any market committee servant or any other person to whom he is not authorised to communicate such document or information.

255. Connection with press.—No market committee servant shall, except with the previous sanction of the market committee own wholly or in part, or conduct or participate in the editing or managing of any newspaper or other periodical publication.

256. Discussion of policy or action.—No market committee servant shall, by utterance or by writing or by publications or otherwise, discuss or criticise in public or at any meeting any

policy pursued or action taken by the market committee or the Government:

Provided that he may—

(1) participate in meetings of associations or bodies comprising wholly or market committee servants recognised by the market committee, or

(2) defend or explain in public or private meetings any policy or action of the market committee for the purpose of removing misapprehension or correcting mis-statements.

257. Evidence before the public.—No market committee servant shall give evidence before any public committee except with the previous sanction of the chairman of the market committee.

258. Taking part in politics and elections.—(1) No market committee servant shall be a member of or otherwise associated with any political party or any organisation which takes part in politics nor shall he take part-in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) No market committee servant shall attend such parties or any meeting of such parties contrary to the orders of the Government or permit any member of his family or dependants to do so.

(3) No market committee servant shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislature or local authority;

Provided that—

(i) a market committee servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted :

(ii) a market committee servant shall not be deemed to have

contravened the provisions of this rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force :

Explanation 1.—Nothing contained in this sub-rule shall be deemed to prohibit the wife of a market committee servant or any other member of his family living with, or in any way dependent on him from standing for election to any legislature or to any local authority and from canvassing for other candidates.

Explanation 2.—The display by a market committee servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with a election within the meaning of this sub-rule.

(4) Seditious propaganda or the expressing of disloyal sentiments by a market committee servant shall be regarded as sufficient ground for dispensing with his services.

259. Membership of service association.—No market committee servant shall be a member representative or officer of any association representing or purporting to represent market committee servants or any class of market committee servants unless such association is recognised by the market committee or the Government.

260. Employment of near relatives.— Every market committee servant shall intimate to the chairman cases of any near relatives employed under him or in same office.

261. Influencing superior authorities for furtherance of interests — No market committee servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under market committee.

Explanation.—A market committee servant causing his own case to be made the subject of an interpellation in parliament or the

State legislature shall be deemed to have contravened this rule.

262. *Broadcast talk.*—No market committee servant shall participate in a radio broadcast except with the previous sanction of the Market Committee. No such sanction shall be required if such broadcast is of purely literary, artistic, or scientific character.

263. *Bigamous marriages*—(1) No market committee servant who has a wife living shall contract another marriage without first obtaining the permission of the committee, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No woman market committee servant shall marry any person who has a wife living, without first obtaining the permission of the committee.

264. *Integrity and devotion to duty.*—Every market committee servant shall at all times maintain absolute integrity and devotion to duty.

265. *Strikes.*—No market committee servant shall engage himself in strike or in incitements thereto or in similar activities.

Explanation.—For the purposes of this rule, the expression similar activities shall be deemed to include the absence from work or neglect of duties without permission and with the object of compelling something to be done by his superior officers or the market committee or any demonstrative fast usually called hunger strike for similar purposes.

266. *Consulting a medical practitioner for the purpose of obtaining leave.*—It shall be the duty of every market committee servant who consults a medical practitioner with a view to obtaining leave or an extension of leave on Medical certificate to disclose to that practitioner the fact of his having consulted any other practitioner for the same purpose and the result of such consultation. Omiss-

ion on the part of any market committee servant to do this or any false statement made by him to a Medical practitioner in this respect shall entail serious action by the market committee.

267. *Representation to Minister.*—No market committee servant shall make representations to Ministers direct or send direct to Ministers advance copies of such representations made by him to the Government through proper official channel.

268. *Refusal to receive pay.*—Consented or organised refusal on the part of market committee servants to revive their pay shall entail serious disciplinary action.

269. *Interpretation and application.*—(1) If any question arises relating to the interpretation of the rules in this chapter, it shall be referred to Government whose decision thereon shall be final.

(2) The rules in this chapter shall apply to all Officers and employees of the Market Committees.

CHAPTER — X

Provident Fund Rules

270. *Constitution and management of the fund* — Every committee shall establish, maintain and administer a provident fund for the benefit of its Officers and servants.

271. *Subscription to the fund.*—(i) Subscriptions to the fund shall be compulsory for all the permanent officers and servants (both superior and inferior) of the committee, for such of the temporary officers and servants as are holding, or as are in the opinion of the committee likely to hold, a temporary post in such service for not less than three years and who are required by the committee to subscribe to the fund and for the probationers and approved probationers. But no such officer or servant shall be qualified to subscribe to the fund before he attains the age of twenty.

Explanation.— Officers and servants of the committee who are

- (a) on probation in substantive vacancies ;
- (b) holding provisionally substantive appointments ;
- (c) officiating in posts which are permanently vacant : or
- (d) officiating in posts the permanent incumbents of which do not draw any part of the pay of the said posts or count service in the said posts for the purposes of the Provident Fund may, if permitted by the committees subscribe to the fund, the admission of any such officer or servant to the fund shall not take effect from a date prior to the date of the resolution of the committee permitting him to subscribe to the fund.

(ii) The market committees may admit the menials paid from contingencies to the provident fund or may arrange any other voluntary savings scheme for the menials subject to the condition that the opinion to choose between the provident fund and saving scheme shall be left to the menial servants concerned.

272. *Nomination.*— (1) The Accounts Officer shall, as soon as may be after a subscriber joins the fund, require him to make a nomination conferring the right to receive the amount that may stand to his credit in the fund in the event of his death before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made.

(2) A subscriber who, at the time of joining the fund, has family, shall send to the accounts officer a nomination in Forms XIII and XIV in favour of one or more members of his family.

(3) A subscriber who has no family shall similarly nominate a person or persons in Form XV and XVI :

Provided that a nomination made under this sub-rule shall be deemed to have been duly made in accordance with these rules only for so long as the subscriber has no family.

(4) If a subscriber at any time acquires a family, he shall send to the accounts Officer a nomination as provided in sub-rule (2) and if he has under sub-rule (3) nominated any person other than a member of his family, he shall formally cancel the previous nomination.

(5) A subscriber may in his nomination distribute the amount that may stand to his credit in the fund amongst his nominees at his own discretion.

(6) A nomination may be cancelled by a subscriber provided that it is replaced at the same time by any other nomination at his own discretion.

(7) A nomination shall take effect to the extent that it is valid on the date on which it is received by the Accounts Officer.

(8) On the death of a nominee, a subscriber shall make a fresh nomination.

(9) Nothing in this rule shall be deemed to invalidate or to require the replacement by a nomination thereunder of a nomination made before these rules come into force under the corresponding rule then in force.

273. *Subscribers accounts and realization of subscriptions.*— The fund shall be formed out of and maintained by (1) subscriptions from subscribers, (2) contributions from the committee and (3) interest derived from investments or paid from the general funds of the committee.

274. *Rate of subscription.*—(1) Every subscriber shall subscribe monthly to the fund when on duty and may, at his option, subscribe during leave.

(2) The amount of subscription shall be fixed by the subscriber subject to the following conditions :—

- (a) It shall be expressed in whole rupees.
- (b) (i) It may be any sum so expressed not less than 8 per cent and not more than 15—3/8 percent of his emoluments.

(ii) Emoluments for the purposes of this rule shall be calculated at the rate payable on the 1st April of the current year, the financial year being adopted as the official year by the committee :

Provided that in the case of a new subscriber, the rate of emoluments for the first month shall, until the commencement of the next financial year be taken as his emoluments for the purpose of this rule :

Provided also that if the subscriber was on leave or under suspension on the last day of the previous financial year, his emoluments shall be calculated at the rate payable in respect of the first day after his return to duty.

(iii) The subscriber shall intimate the fixation of the amount of monthly subscription in each year in writing to the chairman sufficiently in advance of the commencement of the year. The amount of subscription so fixed shall remain unchanged throughout the year.

275. Mode of payment of subscription to the fund.—Subscriptions due shall be deducted monthly from the pay bills and the deductions shall be adjusted to the credit of the provident fund accounts.

276. Investments of subscription to the fund in insurance policies.—(1) At the request in writing of any subscriber and with the consent of the Committee, the whole or any portion of his subscriptions with interest thereon may be invested by the Chairman in a policy of life assurance in such office, for such amount and on such terms as may be mutually agreed upon in writing between such subscriber and the committee.

(2) Such policy shall be effected in the name of the subscriber who shall assign the same in favour of the Chairman. It shall be held and unless re-assigned as provided for in clause

(c) or clause (d) of the proviso or in sub-rule (3), shall be realized by the Chairman and the net proceeds on realization shall be credited to the account of the subscriber:

Provided that—

(a) every such policy shall, so long as the subscriber is actually in employment under the committee belong to the committee and no interest therein shall, during such period, vest in a subscriber on whose life it has been effected, or in his nominees; and neither he nor they shall have any right to interfere therewith;

(b) the committee shall not be responsible for any loss or damage that may arise or result from the effecting of any policy under this rule;

(c) on the retirement from service of a subscriber or on the termination of his services either by resignation or as a measure of punishment, the policy effected on his life shall be re-assigned to him; and

(d) on the death of a subscriber while in service, the policy effected on his life shall be reassigned to the nominee appointed by him under rule 272 or to all the nominees appointed by him under that rule jointly, specifying the shares to which each of the nominees is entitled.

(3) If such a policy matures before the subscriber quits service, the chairman shall—

(a) If the amount assured together with the amount of any bonuses which have accrued is greater than the whole of the amount withdrawn from the fund in respect of the policy with interest thereon at the rate provided in rule 281 re-assign the policy to the subscriber and make it over to him, who shall immediately on receipt of the proceeds from the insurance company repay to the fund the whole of the amount withdrawn with interest and, in case of default, the chairman shall arrange to recover the amount by deduction from the emoluments of the subscriber by instalments or otherwise as the committee may direct; and

(b) If the amount assured together with any accrued bonuses is less than the whole of the amount withdrawn from the fund in respect of the policy, with interest thereon at the rate provided in rule 281 realize under sub-rule (2) the amount together with any accrued bonuses and shall place the amount so realized to the credit of the subscriber in the fund.

277. Subscription account and withdrawals.—(1) The amounts deducted from the pay bills as provident fund deductions and the contributions paid by the committee and other sums relating to the provident fund shall be lodged in the Government treasury and a separate cash book shall be maintained. The whole or any portion of such deductions, contributions and other sums relating to the provident fund may be withdrawn from the treasury at such intervals as may be necessary for investment in interest-bearing securities or deposits.

(2) The sums required for the payment of temporary advances and life assurance premia during a month may be withdrawn from the accounts lodged in the Government treasury. The balance remaining in the Government treasury at the beginning of a month, out of the deposits made therein till the end of the previous month, shall be remitted into the Post Office Savings Bank not later than the fourth of that month.

278. Investments shall be made as early as practicable in the form of securities or deposits specified below.—(1) (a) Pondicherry Government securities and securities guaranteed by the Government of Pondicherry as to payment of interest and repayment of principal;

(b) Non-terminable loans of the central Government;

(c) fixed deposits in the Pondicherry State Co-operative Bank and Central Co-operative Banks approved by the Registrar of Co-operative Societies, Pondicherry, for the purpose.

(d) Post Office Savings Bank deposits (only in the case of Provident Fund balances likely to be required for early disbursement) : and

(e) National Savings Certificates -- Investments shall ordinarily be in item (a) except when there are special reasons for considering that it will be more advantageous to invest in one of the other items. An investment of the kind referred to in item (c), if the amount exceeds Rs. 5,000, shall be made only with the previous sanction of the authority empowered by the Government of Pondicherry in this behalf.

(2) The investment of provident fund balances as a loan to the committee shall not be permissible nor shall be balance be drawn upon for any purpose other than that for which the fund is constituted.

279. Maintenance of the account of subscriber — The account opened in the name of each subscriber shall show—

[1] the amount of his subscriptions with interest thereon;

[2] its share of the contribution given by the committee with interest; and

[3] the amount of all advances given to the subscriber.

280. Contribution by committees — [1] The contribution from the committee shall be 8 per cent of the emoluments drawn on duty and shall be credited to the account of the subscriber annually, before the 31st March or whenever an account is closed under rule 286. Should a subscriber elect to subscribe during leave, his leave salary shall be deemed to be emoluments drawn on duty.

[2] The amount of contribution payable shall be rounded to the nearest rupees in the manner provided in rule 281 [2] (iv).

281. Interest— [1] The committee shall pay to the credit of the account of a subscriber interest at such rate as it may from time

to time fix with the approval of the Pay and Accounts Officer, Pondicherry.

[2] Interest shall be credited with effect from the 31st March of each year in the following manner:

(i) On the amount at the credit of a subscriber on the 31st March of the preceding year, less any sums withdrawn during the current year, interest for twelve months.

(ii) On sums withdrawn during the current year interest from the 1st April of the current year upto the last date of the month preceding the month of withdrawal.

(iii) On all sums credited to the subscriber's account after the 31st March of the preceding year interest from the date of deposit upto 31st March of the current year.

(iv) If the total amount of interest contains a fraction of a rupee, it shall be rounded to the nearest whole rupee (fifty paise) being rounded to the next higher rupee.

[3] For the purposes of this rule, the date of deposit shall, in the case of recoveries from emoluments, be deemed to be the first day of the month in which they are recovered; and in the case of amount forwarded by the subscriber shall be deemed to be the first day of the month of receipt if they are received by the chairman before the fifth day of the month or if they are received on or after the fifth day of that month, the first day of the next succeeding month.

(4) In addition to any amount to be paid under rule 89 interest thereon upto the end of the month preceding that in which payment is made, or upto the end of the month after the month in which such amount became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid.

(5) Interest shall not be credited to the account of a Muhammadan subscriber if he informs the chairman that he does not

wish to receive it; but if he subsequently asks for the interest, it shall be credited with effect from the 1st April of the year in which he asks for it.

282. *Advances*.—The chairman may, at his discretion, grant temporary advances to a subscriber from the amount standing to his credit in his provident fund account subject to the following conditions:—

(a) The subscriber shall satisfy the chairman that his pecuniary circumstances justify the grant of the advance and that it will be expended on the following object or objects and not otherwise—

(i) to pay expenses incurred in connection with the prolonged illness of the subscriber or any person actually dependent on him;

(ii) to meet the expenses on account of—'Confinement' (1) in cases necessitating prolonged medical attention prolonged stay in a hospital or protracted treatment; and (2) in other circumstances involving expenditure disproportionate to the subscribers' income;

(iii) to pay for the overseas passage for reasons of health or education of the subscriber or any person actually dependent on him; and

(iv) to pay obligatory expenses on a scale appropriate to the subscriber's status in connection which by his religion it is incumbent on him to perform.

(b) The advance shall not except for special reasons to be recorded in writing, exceed three month's pay and shall in no case exceed half the amount of subscription and interest thereon standing to the credit of the subscriber in the fund at the time when the advance is granted.

283. *Recovery of advance*.—(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as

the chairman may direct; but such number shall not be less than twelve, unless the subscriber so elects or in any case more than twenty four. A subscriber may, at his option, make repayment in a smaller number of instalments than that specified. Each instalment shall be a number of whole rupees, the amount of the advance being raised or reduced, if necessary to admit of a fixation of such instalments.

(2) Recovery shall be made in the manner provided in rule 275 for the realization of subscription and shall commence on first occasion after the advance is made on which the subscriber draws pay for a full month. Recovery shall not be made while the subscriber is on leave or in receipt of a subsistence grant.

(3) If more than one advance has been made to a subscriber, each advance shall be treated separately for the purpose of recovery:

(4) (a) After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one-fifth per cent of the principal for each month or broken portion of a month during the period between the drawal and complete repayment of the principal:

Provided that Muslim subscribers whose deposits in the fund carry no interests shall not be required to pay into the fund any additional instalments on account of interest on advances granted to them from the fund.

(b) Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal; but, if the period referred to in clause (a) exceeds 20 months' interest may if the subscriber so desires, be recovered in two equal monthly instalments. The method of recovery shall be that provided in sub-rule (2). Payments shall be rounded to the nearest whole rupee (fifty paise being rounded to the next higher rupee).

(5) Recoveries made under this rule shall be credited, as they are made, to the account of the subscriber in the fund,

284. *Withdrawals from the fund.—Partial withdrawal.*—Subject to the conditions specified therein, withdrawals may be sanctioned by the chairman of the market committee at any time after the completion of twenty-five years of service (including broken periods of service, if any) of a subscriber or within five years before the date of his retirement on superannuation, whichever is earlier from the amount standing to his credit in the fund, for one or more of the following purposes namely:—

(a) Meeting the cost of higher education, including where necessary, the travelling expenses of any child of the subscriber in the following cases, namely:—

(i) for education outside India for academic, technical, professional or vocational course beyond the High School stage; and

(ii) for education in India:—

In the case of employees other than Grade I secretaries for all academic, medical, engineering or other technical or scientific courses beyond the high school stage, provided that the period of study is for not less than three years in the aggregate.

In the case of Secretaries Grade I, for any medical, engineering or other technical or specialised courses beyond the High School stage provided that the course of study is not less than three years in the aggregate.

(b) Meeting the expenditure in connection with the marriage of subscriber's sons or daughters and if he has no daughter, of any other female relation dependent on him:

Provided that in respect of the same marriage, a subscriber may either withdraw the money in terms of this rule or in terms of rule 282.

(c) Meeting expenses in connection with the illness, including where necessary the travelling expenses, of the subscriber or any person actually dependent on him.

(d) Building or acquiring a suitable house for his residence including the cost of the site, or making additions or alteration to a house already owned or acquired by a subscriber.

(e) Purchasing a house site.

285. *Conditions of part/final withdrawal.*— (1) Any sum withdrawn by a subscriber at any one time for one or more of the purposes specified in rule 284 from the amount standing to his credit in the fund shall not ordinarily exceed one-half of such amount or six months pay, whichever is less. The sanctioning authority may however, sanction withdrawal of an amount in excess of this limit upto 3/4th of the balance at his credit in the fund having due regard to (i) the object for which the withdrawal is being made (ii) the status of the subscriber and (iii) the amount to his credit to the Fund.

(2) A subscriber who has been permitted to withdraw money from the fund under rule 284 shall satisfy the sanctioning authority within a reasonable period as may be specified by that authority that the money has been utilised for the purpose for which it was withdrawn, and if he fails to do so, the whole of the sum so withdrawn, or so much thereof as has not been applied for the purpose for which it was withdrawn shall forthwith, be repaid in one lump sum together with interest thereon at the rate determined under rule 283 (4) (a) by the subscriber to the fund. and in default of such payment, it shall be ordered by the sanctioning authority to be recovered from his emoluments either in a lump sum or in such number of monthly instalments, as may be determined by the authority which sanctioned the withdrawal.

(3) Nothing contained in sub-rule (2) shall be deemed to require a subscriber whose deposits in the fund carry no interests to pay any interest on any sum repayable by him under that sub-rule.

286. *Closing of accounts and payments.*— The account of each subscriber shall be closed—

(1) When he is dismissed from the service of the committee or removed or called upto resign on account of misconduct or inefficiency or resigns without notice or permission or

(2) When he retires from service or when his services are dispensed with owing to a reduction of establishment or some cause other than his own misconduct or in inefficiency or when he becomes incapable of contributing to the fund by reason of his having been reduced to inferior service as defined in the civil service. Regulation otherwise than for misconduct or by reason of his permanent transfer from qualifying to non-qualifying service, or when he is permitted to resign under any circumstance other than those mentioned in clause [1], or

(3) When he dies—

Provided that a subscriber who has been dismissed from the service of the committee and is subsequently reinstated in that service shall, if required to do so, by the committee on the advice of the appellate authority, repay any amount paid to him from the fund in pursuance of this rule with interest thereon at the rate provided in rule 281 in cash or in securities or partly in cash and partly in securities by instalments or otherwise or by recovery from his emoluments as the committee may direct. The amount so repaid shall be placed to his credit in his account in the fund, the part which represents his subscription and interest thereon, and the part which represents the contribution paid by the committee with interest thereon being accounted for in the manner provided in rule 273.

(4) When, with the consent of a market committee or on transfer, a subscriber enters service under another market committee, the amount to his credit in the provident fund maintained by the former market committee shall be transferred to the provident fund of latter market committee together with interest theron till the date of actual transfer and credited to his account. Such transfer shall be effected at the earliest possible date provided that it shall be so

arranged as to lead to no less of interest to either of the market committees.

(5) In case where the transfer of service from one Market Committee to another is temporary, the amount to the subscriber but the market committee in which the service is temporary shall pay to other market committee a contribution equivalent to what the other market committee would pay if the subscriber had continued in its service.

Explanation.— Subscribers who are reduced to inferior service as defined in the Civil Service regulations. Owing to their misconduct shall be regarded for the purposes of this rule as having been dismissed from the posts carrying higher pay and shall accordingly be dealt with under clause [i] of this rule.

287. *Withholding of contribution.*— When a subscriber's account is closed either on the subscriber or on his resignation within five years of the commencement of his employment, the committee may withhold the whole or any part of the amount standing to his credit in the contribution account and pay him only the balance together with the amount deposited by him as subscription and the interest thereon:

Provided that all payments under this rule shall be subject to recoveries as may be ordered by the Chairman under rule 288.

287. *Explanation.*— (1) When the account of a subscriber is closed the amount of his subscription with contribution and interest due upto the date on which his account is closed shall be paid to him by the chairman of the committee after careful scrutiny subject to audit in the usual course along with the monthly accounts.

(2) Subscriptions and contributions payable under this rule which are not claimed within six months shall be transferred to the head 'deposits' and dealt with the rules applicable to 'deposits' generally. In the case of a subscriber's death, the six months shall be calculated from the date on which a registered notice in from

XXV is sent to the persons specified in the nomination referred to in rule 272.

(3) If the recoveries to be made from a subscriber under rule 288 have not been ascertained on the date of caused thereby, interest shall be allowed to the subscriber until he is given intimation that the recoveries to be made from him have been ascertained and that he may receive payment of the amount due to him. No 'interest' shall be payable after the date on which intimation is sent to the subscriber.

(4) When the whole or any part of the amount standing to a subscriber's credit in the contribution account is withheld under this rule, the committee shall be entitled to a refund of, or in proportion to, the sum contributed by it together with interest thereon.

288. *Deduction in the contribution.*— (1) Subject to the condition that no deduction shall be made in excess of the total amount of any contribution made by the Committee and credited to the account of the subscriber and of any interest which has accrued on such contributions, the chairman shall when the sum standing to the credit of any subscriber in the fund has become payable, deduct and pay to the committee the amount due under a liability incurred by subscriber to the committee.

(2) If the recoveries, to be made from the account of a subscriber under sub-rule (1) have not been ascertained on the date of closure of his account under rule 286 and delay in payment is caused thereby, interest shall be allowed on the provident fund amount until intimation is given to the subscriber or his legal heir, as the case may be, that the recoveries to be made from him have been ascertained and that he may receive payment of amount due to him. No interest shall be payable after the date on which intimation is sent to the subscriber or his legal heir,

289. *Payment of fund money.*— Subject to any deduction under rule 288 on the death of a subscriber before quitting the service—
 (1) when the subscriber leaves a family—

a) if a nomination made by a subscriber in accordance with the provisions of rule 272 in favour of a member or members of his family subsists the amount standing to his credit in the fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion specified in the nomination; and

(b) if no such nomination in favour of a member or members of the family of the subscriber subsists or if such nomination relates only to a part of the amount standing to his credit in fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares;

Provided that no shares shall be payable to—

- [1] sons who have attained legal majority;
- [2] sons of a deceased son who have attained legal majority;
- [3] married daughters whose husbands are alive; and
- [4] married daughters of a deceased son whose husbands are alive if there is any member of the family other than those specified in clauses (1) to (4):

Provided also that the widow and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber.

Explanation.— (1) Any sum payable under these rules to a member of the family of a subscriber vests in such member under sub-section (2) of section 3 of the Provident Fund Act, 1925.

(2) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of rule 272 in favou

of any person or persons subsists, the amount standing to his credit in the fund or part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

(3) When a nominee is a dependent of the subscriber as defined in clause (c) of section 2 of the Provident Fund Act, 1925 the amount vests in such nominee under sub-section (2) of section 3 of the Act.

(4) When the subscriber leaves no family and no nomination made by him in accordance with the provisions of rule 272 subsists or if such nomination relates only part of the amount standing to his credit in the fund, the relevant provisions of clause (b) and subclause (ii) or clause (c) of sub-section (1) of section 4 of the Provident Funds Act, 1925, are applicable to the whole amount or the part thereof to which the nomination does not relate.

(5) Payment of provident fund money due to a minor beneficiary of a deceased subscriber may be made to the guardian nominated by the subscriber in the declaration made under the rules in force if such declaration continues to be valid under rule 272. When the subscriber had not nominated a guardian appointed by a court to receive payment on behalf of a beneficiary should alone be recognised even where the amount involved does not exceed the limit of Rs. 5,000 specified in clause (b) of sub-section (1) of section 4 of the Provident Funds Act, 1925. But if the party pleads inability to incur expenditure for obtaining the guardianship certificate from the court, the orders of the Government should be obtained for making any payment.

Payment may, however, be made without requiring the production of guardianship certificate from the court if the share of a minor beneficiary does not exceed Rs. 100.

- (i) to the natural guardian of such minor beneficiary; or

(ii) in the absence of a natural guardian to a person considered fit by the chairman to receive payment on behalf of such minor beneficiary on such person executing a bond in Form XXVI signed by two sureties agreeing to indemnify the committee against any subsequent claim might arise:

Provided that the natural guardian may, if it is considered expedient, to be required to execute a signed by two sureties agreeing to indemnify the committee against any subsequent claim which might arise before the payment is made:

Provided further that in cases governed by the Hindu Law, payment may be made without requiring the production of a guardianship certificate from the court to a Hindu widow of a deceased subscriber on behalf of her minor children, other than step-children, irrespective of the limit of Rs. 100 specified above, she may if considered expedient, be required to execute a bond signed by two sureties agreed to indemnify the committee against any subsequent claim which might arise before the payment is made.

290. Securities held on behalf of the fund.—The securities held on behalf of the fund shall be valued for the purpose of the account of the fund at their face value. When on the closure of an account, securities actually to be sold for meeting the liabilities of the fund and when the price fetched at the sale is less than their face-value the difference shall be paid at once by the committee from its general funds to the credit of the provident fund.

Explanation.—Where, owing to the depreciation of Government securities, they have converted into other securities but for smaller face-value of the original securities shall be made good at once from the general funds of the committee and invested in the same manner as assets of the provident fund.

291. Interest earned on the securities—(a) All interest earned on the securities in a year over and above what is payable to the

subscribers shall together with the contribution forfeited under rule 287 so far as the same is to be credited to the committee, discounts on investments, if any and other miscellaneous receipts, be credited to the head 'Miscellaneous'.

(b) If in a particular year, the interest earned on securities is less than the amount payable to subscribers, the difference together with premia on investments, if any, shall be debited to this head.

(c) The balance available under this head shall lapse to the committee after reserving a sum equal to the probable amount of the debits referred to a clause (b) for the next three years.

(d) In case the difference referred to in subrule (b) is not covered by the balance under this head the excess shall be adjusted to the provident fund from the general funds of the committee.

292 Account books regarding the Fund.—As soon as possible after the close of statement in Form No. XVII showing the amount at his credit, inclusive of interest and contribution. Subscribers shall satisfy themselves as to the correctness of these statements and errors in them shall be brought to the notice of the chairman within one month, from the date of their receipt.

293. Maintenance of Register.— (1) The chairman shall maintain the following registers namely:—

- (a) A Provident Fund Ledger in Form No. XVIII.
- (b) An abstract register in Form No. XIX.
- (c) An cash-book in Form No. XX.
- (d) A register of Subscribers in Form No. XXI.
- (e) A register of Temporary Advances and their recoveries in Form No. XXII.
- (f) A register of life Assurance Policies in Form No. XXIII.

(g) A register of premia in Form No. XXIV.

(2) The registers aforesaid shall be reviewed every year by the Pay and Accounts Officer, Pondicherry.

294. *Relaxation of rules.*—(1) The Government may, in any particular case, relax any of the provisions of these rules if the circumstance of the case so require.

(2) The Committee may in any particular case and with the concurrence of the Government relax any of these rules.

APPENDIX

FORM I

(See rule 10,

THE PONDICHERRY AGRICULTURAL PRODUCE MARKETS ACT, 1973 (ACT 3 OF 1974)

Application for Licence

From

Name of the Applicant.

Name of the Applicant's Father/Husband*

Partner in Business.

* Name of father, or husband is required for determining the identity of applicant. Applications from persons doing business in partnership may give the trade name against the applicant and names of partners against this item. Companies registered under the Companies Act [whether as Private Limited Companies or Public Limited Companies] may give the details of registration in lieu of names of partners.

Address

To

The Secretary,
(Name of Market Committee)

Sir,

I/We, the undersigned hereby apply for the issue/renewal of a licence under section 6 (1) of the Pondicherry Agricultural Produce Markets Act, 1973 (Pondicherry Act 16 of 1973) to set up, establish or use/continue or allow to be continued **the places described in the Schedule below/overleaf and situated in

+ an area notified under section 3 of the said Act, as a place/places** for the purchase or sale, storage, weighment, pressing or processing of @ for the period commencing on the 197 , and ending on the 197 .

2. I/We abide by all the provisions of the said Act and the relevant rules and bye-laws made thereunder in force from time to time.

3. † I/We have remitted a fee of Rs. for the issue of the licence and the receipt of the same is enclosed.

‡ I/We request that the licence may be issued free under the Pondicherry Agricultural Produce Markets Rules, 1974.

Place :

Date :

Signature of the applicant

THE SCHEDULE					
Serial number	Name of the commune	Name of the town or village	Ward and block number	Revenue or town survey number	Name of street
(1)	(2)	(3)	(4)	(5)	(6)

Boundaries					
Door number	Description of premises	North	East	South	West
(7)	(8)	(9)	(10)	(11)	(12)

Signature of the Applicant.

**At these places the words not required must be scored out.

† Here enter the notified area.

@ Here enter the name of the agricultural produce.

‡ Here retain the relevant sub-paragraph and score out the other.

FORM II
(See rule 10)

THE PONDICHERRY AGRICULTURAL PRODUCE MARKETS ACT, 1973
(ACT 3 OF 1974)

Licence No. 197

To person for place (a) used for selling, buying, storage, weighment, pressing, processing, etc, of (agricultural produce)

Under section 6 (1) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974), Thiru/Thirumati/Kumari/Messrs. is/are hereby licensed to set up, establish or use/or continue or allow to be continued the places described in the Schedule below/overleaf and situated in an area notified under section 3 of the said Act as a place/places for the purchase, sale, storage, weighment, pressing, processing, etc, of (Name of agricultural produce) for the period commencing from the 197 and ending with the 197 in accordance with the provisions of the said Act, as amended from time to time, and rules and bye-laws made thereunder by the Government of Pondicherry and the market committee respectively.

The licence shall not be transferable.

Place :

Dated the 197

Secretary of Market Committee

Seal of the Market Committee.

THE SCHEDULE

Serial number	Name of the commune	Name of the town or village	Ward and block number	Revenue or town survey number	Name of street
(1)	(2)	(3)	(4)	(5)	(6)
Boundaries					
Door number	Description of premises	North (9)	East (10)	South (11)	West (12)
(7)	(8)				

Secretary of

FORM III

[Prescribed under rule 67 of the Pondicherry Agricultural Produce Markets Rules 1974, issued under section 39 (2) (vi) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

Nomination paper

1. Name or number of village.
2. Full name of candidate.
3. Number of candidate in the electoral roll.
4. Father's or husband's name.
5. Age.
6. Sex.
7. Community.
8. Occupation and address.
9. Full name of proposer.
10. Number of proposer in the electoral roll.
11. Signature of the proposer.
12. Full name of the seconder.
13. Number of seconder in the electoral roll.
14. Signature of the seconder.
15. Name of any other seat for which he has filed or intends to file a nomination paper.

CANDIDATE'S DECLARATION

I declare that I am willing to stand for election.

Signature of candidate.

ENDORSEMENT BY THE RETURNING OFFICER OR OTHER AUTHORISED PERSON

Serial No.

This nomination paper was presented to me by (person) at (date and hour).

Signature of the Returning Officer or other authorized person

INSTRUCTION

Nomination papers which are not presented to the returning officer or other authorized persons before _____ (hour) on the day of 197 shall not be received.

FORM IV

[Prescribed under rule 69 of the Pondicherry Agricultural Produce Markets Rules, 1974 issued under section 39 (2) (vi) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)].

List of nominations received on (date)

1. Serial number.
2. Name of candidate.
3. Father's or husband's name.
4. Sex.
5. Community.
6. Occupation and address.
7. Name of proposer.
8. Name of seconder.

NOTE

The nomination papers will be taken up for scrutiny at a.m./p.m. on the day of 197 at (place).

Signature of the Returning Officer.

FORM V

[Prescribed under rule 72 of the Pondicherry Agricultural Produce Markets Rules, 1974 issued under section 39 (2) (vi) of the Pondicherry Agricultural Produce Markets Act, 1973 (Pondicheery Act 3 of 1974)].

List of Valid Nominations

1. Serial number.
2. Name of candidate.
3. Sex.
4. Community.
5. Address.

NOTE

The poll will be taken between polling stations and

at the already notified

Signature of the Returning Officer.

FORM VI

[Prescribed under rule 78 of the Pondicherry Agricultural Produce Markets Rules, 1974 issued under section 39 (2) (vi) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)].

Counterfoil	Ballot paper	Outerfoil	
	Name and description of candidate	Mark showing the elector's choice	
	(1)	(2)	(3)
The Market Committee.	1	—	—
Electorate	—	2	—
	—	3	—
Date of election	—	4	—
Number and name of elector on the electoral roll.	—	5	—
	—	6	—

Form of back of ballot paper

No.

FORM VII

[Prescribed under rule 84 of the Pondicherry Agricultural Produce Markets Rules, 1974 issued under section 39 (2) (vi) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)].

List of tendered votes

Number on electoral roll	Name	Address	Signature of elector if literate or thumb-impression of elector if illiterate with signature of witness
(1)	(2)	(3)	(4)

FORM VIII

[Prescribed under rule 85 of the Pondicherry Agricultural Produce Markets Rules, 1974 issued under section 39 [2] [vi] of the Pondicherry Agricultural Produce Markets Act, 1973 [Pondicherry Act 16 of 1973]]

List of challenged votes

Number on electoral roll	Name	Address	Signature of elector if literate or thumb-impression of elector if illiterate with signature of witness
[1]	[2]	[3]	[4]

FORM IX

[Prescribed under rule 86 of the Pondicherry Agricultural Produce Markets Rules, 1974 issued under section 39 [2] [vi] of the Pondicherry Agricultural Produce Markets Act, 1973 [Act 3 of 1974]]

List of cancelled votes

Number on electoral roll	Name	Address	Reason for the cancellation
[1]	[2]	[3]	[4]

Signature of the Presiding Officer.

FORM X

[Prescribed under rule 87 [2] of the Pondicherry Agricultural Produce Markets Rules, 1974 issued under section 39 [2 [vi] of the Pondicherry Agricultural Produce Markets Act, 1973 (Act, 3 of 1974)]

STATEMENT SENT BY PRESIDING OFFICER AT
VILLAGE IN THE NOTIFIED AREA AFTER THE POLLING ON
197 FOR THE MARKET COMMITTEE AT

Description	Number received	Number used	Number spoiled	Balance	Remarks
[1]	[2]	[3]	[4]	[5]	[6]

Ballot papers:-

- [a] Ordinary
- [b] Tendered
- [c] Challenged
- [d] Cancelled

Particulars of packets sent to Returning Officer

Signature of the Presiding Officer.

FORM XI

[Prescribed under rule 88(a) of the Pondicherry Agricultural Produce Markets Rules, 1974 issued under section 39 (2) (vi) of the Pondicherry Agricultural Produce Market Act, 1973 (Act 3 of 1974).]

Name of the polling station	Number of ballot box	Number of ballot papers in box
(1)	(2)	(3)
Total		

Signature of the Returning Officer.

FORM XII

[Prescribed under rule 89 (1) of the Pondicherry Agricultural Produce Markets Rules, 1974 issued under section 39 (2) (vi) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974).]

RETURN SHOWING RESULTS OF THE ELECTION FOR SEATS
IN THE MARKET COMMITTEE AT

Name of candidate	Number of valid votes
(1)	(2)

- A
- B.
- C.
- D.
- E.

Total number of valid votes.

Total number of invalid votes.

I do hereby declare that the candidates mentioned below have been duly elected for the constituency of the Market Committee noted against them.

- 1.
- 2.
- 3.
- 4.

Signature of the Returning Officer.

FORM XIII

[Referred to in rule 272 (2) issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974).]

Form of Nomination

(TO BE USED WHEN THE SUBSCRIBER HAS A FAMILY AND WISHES TO NOMINATE ONE MEMBER THEREOF)

I hereby nominate the person mentioned below, who is a member of my family as defined in rule 2 of these rules to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable, has not been paid.

Name and address of nominee	Relationship with the subscriber	Age	Name of guardian in the case of minors
(1)	(2)	(3)	(4)

Dated this day of 197 at

Two witness to signature—

(1) Signature.

Name.

Address.

(2) Signature.

Name.

Address.

Signature of the Subscriber.

FORM XIV

[Referred to in rule 272 (2) issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

(TO BE USED WHEN THE SUBSCRIBER HAS A FAMILY AND WISHES TO NOMINATE MORE THAN ONE MEMBER THEREOF)

I hereby nominate the persons mentioned below, who are members of my family as defined in rule 2 of these rules to receive the amount that may stand to my credit in the Fund, in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount shall be distributed among the said persons in the manner shown below against their names:—

Name and address of nominee	Relationship with the subscriber	Age	*Amount of share accumulations to be paid to each	Name of guardian in the case of minors
(1)	(2)	(3)	(4)	(5)

Rs. P.

Dated this day of 197 at

Two witnesses to signature :-

(1) Signature

Name

Address

(2) Signature

Name

Address

Signature of subscriber

FORM XV

[Referred to in rule 272 (3) issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

(TO BE USED WHEN THE SUBSCRIBER HAS NO FAMILY AND WISHES TO NOMINATE ONE PERSON)

I, having no family as defined in rule 2 of these rules, hereby nominate the person mentioned below to receive the amount that may stand to my credit in the Fund in the event of death before that amount has become payable, or having become payable has not been paid.

Name and address of nominee	Relationship with subscriber	Age
(1)	(2)	(3)

Dated this day of 197 at

*Note :- This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the fund at any time.

Two witnesses to signature :-

(1) Signature

Name

Address

(2) Signature

Name

Address

Signature of the subscriber.

FORM XVI

(Referred to in rule 272 (3) issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)

(TO BE USED WHEN THE SUBSCRIBER HAS NO FAMILY AND WISHES TO NOMINATE MORE THAN ONE MEMBER THEREOF)

I, having no family as defined in rule 2 of these rules, hereby nominate the persons mentioned below, to receive the amount that may stand to my credit in the Fund in the event of my death before that amount has become payable, or having become payable, has not been paid, and direct that the said amount shall be distributed among the said persons in the manner shown below against their names :-

Name and address of nominees (1)	Relationship with the subscriber (2)	Age (3)	*Amount of share of accumulations to be paid to each (4) Rs. P.
-------------------------------------	---	------------	---

Dated this day of 197 at

Two witnesses to signature :-

(1) Signature

Name

Address

[2] Signature

Name

Address

Signature of subscriber

*Note:- This column should be filled in so as to cover the whole amount that may stand to the credit of the subscriber in the fund at any time.

FORM XVII

[Referred to in rule 292 issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

PROVIDENT FUND INSTITUTION

Deposit amount of (official designation) for the year ending 31st March, 197 .

Account number (1)	Subscriptions (2) Rs. P.	Bonus (3) Rs. P.	Remarks (4)
-----------------------	--------------------------------	------------------------	----------------

Opening balance

*Credits during the year ...

Interest for 197

Total ... _____

Withdrawals during the year ... _____

Balance on 31st march 197 ... _____

*Includes recoveries made during the months of April to March. Forwarded to the subscriber as required by rule 292 of the Pondicherry Agricultural Produce Market Committees Provident Fund Rules. He is required to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the undersigned within one month from the date of its receipt.

Office of the

The 197 .

Signature
Chairman,
Market Committee.

Ex. 31-21

FORM XVIII

[Referred to in rule 293 issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

Name	official designation	Account number
197	-197	Subscription Account Account
Refund of withdrawals		

	(1) Deposits.	(2) Date.	(3) Amount.	(4) Total each month.	(5) Withdrawals.	(6) Monthly balances on which interest is calculated.	(7) Interest on monthly balance.	(8) Bonus.	(9) Interest on bonus.	(10) Remarks.
RS.P.	RS.P.	RS.P.	RS.P.	RS.P.	RS.P.	RS.P.	RS.P.	RS.P.	RS.P.	RS.P.

Balance form 197 .

Opening balance.

April	...
May	...
June	...
July	...
August	...
September	...
October	...
November	...
December	...
January	...
February	...
March	...
March-Final	...

Total...

Total withdrawals	Total bonus	
Total interest added to Principal.	Interest added to bonus.	
Total including balance.	Closing balance.	Closing balance of bonus account.
Total ...		

FORM XIX

[Referred to in rule 293 issued under section 39 [2] [xvii] of the Pondicherry Agricultural Produce Markets Act, 1973 [Act 3 of 1974]

ABSTRACT OF THE PROVIDENT FUND INSTITUTION OF THE
[] MARKET COMMITTEE
FOR 197 197

Note:- [1] After all the closing balances of the year have been brought forward in columns [5] and [6], a red line should be drawn across these two columns and a grand total made.

[2] The total monthly credits in columns [7] to [18] should be agreed with the corresponding totals in the cash books.

Opening balance

[1]	Serial number as per Register of subscribers.	[2]	Name of subscriber	[3]	Official designation	[4]	Pay on which subscription is levied	[5]	Subscription account	[6]	Bonus account	[7]	April	[8]	May	[9]	June	[10]	July	[11]	[12]	[13]	[14]	[15]
		RS.P.	RS.P.	RS.P.																				

Amounts of subscriptions or refunds of withdrawals received in

January	February	March	Total of columns [7] to [18]	Interest on the subscription etc.,	Interest on bonus, etc.	Bonus for the current year	Subscription account columns [5], [19] and [20]	Bonus account columns [6], [21] and [22]	Subscription and interest withdrawn or temporary withdrawals	Bonus and interest withdrawn or forfeited	Voucher number and month	Subscription account	Bonus account	Remarks
[16]	[17]	[18]	[19]	[20]	[21]	[22]	[23]	[24]	[25]	[26]	[27]	[28]	[29]	[30]

Credits-contd.

Debits

FORM XX

[Referred to in rule 293 issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 [Act 3 of 1974]

**Cash book of the Pondicherry Agricultural Produce Market Committee
Provident Fund Institution for the year 197**

Receipts

Subscriptions	Bonus	Interest	Investments	Miscellaneous	Month and date
[1]	[2]	[3]	[4]	[5]	[6]
RS. P.	RS. P.	RS. P.	RS. P.	RS. P.	

Payments

Particulars of subsci- butions	Subscrip- tions	Bonus	Interest	Invest- ments	Mis- cellaneous	Total balance every month
[7]	[8]	[9]	[10]	[11]	[12]	[13]
RS. P.	RS. P.	RS. P.	RS. P.	RS. P.	RS. P.	

FORM XXI

[Referred to in rule 293 issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

**Register of subscribers to the Provident Fund
Institution and their Nominees**

Subscribers

(1) Serial number.	(2) Name in full.	(3) Father's name.	(4) Address.	(5) Date of birth by the Christian era.	(6) Caste, race or religion.	(7) Date of admission.	(8) Age on date of admission.	(9) Name of appointment held on date of admission.	(10) Pay of posts
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Nominees

(11) Number and date of certificate of nomination (to be filed separately).	(12) Serial number	(13) Name in full.	(14) Relationship to subscriber.	(15) Age.	(16) Occupation.	(17) Address.	(18) Sums due in what proportion payable.	(19) Name and address of witnesses attesting the certificate.	(20) Initials of the Chairman.	(21) Remarks.
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FORM XXII

[Referred to in rule 293 issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

Register of Temporary advances and their recoveries

Withdrawals

Name and designation	Account number	Authority	Amount sanctioned	Amount withdrawn	Number of instalments for recovery
(1)	(2)	(3)	(4) Rs.	(5) P.	(6) Rs. P.

Recoveries

Year.	April.	May.	June.	July.	August.	September	October.	November	December.	January.	February.	March	Remarks.
(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
Rs.P.	Rs.P.	Rs.P.	Rs.P.	Rs.P.	Rs.P.	Rs.P.	Rs.P.	Rs.P.	Rs.P.	Rs.P.	Rs.P.	Rs.P.	

FORM XXIII

[Referred to in rule 293 issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

Register of Life Assurance Policies effected in favour of under Rule 275 of the Provident Fund Rules

Serial number	Name of Policy holder	Name of insurance company	Number of Policy	Date of maturity of policy	Amount of policy	Folio number of register of premia
(1)	(2)	(3)	(4)	(5)	(6)	(7) Rs. P.

Date of receipt of policy	Date and initials of the chairman	Date of assignment	Number and date of letter forwarding the policy	Date of acknowledgement of the policy	Date and initials of the chairman
(8)	(9)	(10)	(11)	(12)	(13)

FORM XXIV

[Referred to in rule 293 issued under section 39(2) [xvii] of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

Register of Premia

1. Name of Policy-holder.
2. Folio number of provident fund ledger.
3. Name of insurance company.
4. Number of policy.
5. Date of maturity of policy.
6. Number of instalments in which the annual premium is payable.
7. Amount of each instalment of premium.
8. Due date [or dates] of payment of instalment [or instalments]

Serial number	Amount of payment	Date of payment	Initials of the chairman	Remarks
[1]	[2] Rs.	[3]	[4]	[5]

FORM XXV

[Referred in Explanation [2] under rule 287 issued under section 39[2] [xvii] of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

Registered Notice

No _____ Date _____

From _____ The Chairman, Market Committee.

To _____ Sir,
I beg to inform you that _____, late a
in the employ of this office, died on the
that the said

was a subscriber to this Provident Fund Institution and that in, the nomination furnished by him under rule 272 of the rules applicable to Provident Fund Institutions, he gave the above name and address as the person to whom he desired that in the event of his death, the amount due to him from the Fund should be paid

2. The amount standing to credit of the deceased from the Fund is Rs. [] which sum will be paid to you on your affording satisfactory proof of your identity with the person referred to in the nomination above mentioned. In the event of your not making a claim to such a sum within six months from the date hereof, the same will be transferred to the head of "deposits" and dealt with under rules applicable to "deposits" generally.

Yours faithfully,

Chairman, Market Committee

FORM XXVI

[Referred to in rule 289 (5) issued under section 39 (2) (xvii) of the Pondicherry Agricultural Produce Markets Act, 1973 (Act 3 of 1974)]

Bond of indemnity for Drawal of Provident Fund money due to the minor Child / Children of a deceased subscriber by a person other than its / their natural guardian where each minor's share dues not exceed Rs. 100.

- [a] Full name of claimant[s] Know all men by these presents, I / with place[s] of We [a] resident[s] of residence.
- [b] Full name[s] of the sureties. and I/We [b] and resident[s] of sureties on her/his/their behalf are held firmly of bound to the Market Committee of [hereinafter called the Market Committee] in the sum of Rupees

[Rs. [] to be paid to the Market Committee for which payment to be well and truly made each of us severally binds - himself and his heirs, executors, administrators and assigns and every two and all of us jointly bind ourselves and our heirs, executors, administrators and assigns firmly by these presents As witnesses our hands this day of

[c] Name of deceased.

WHEREAS [c] was at the time of his death a subscriber to the Provident Fund established and maintained by the Market Committee and WHEREAS the said [c] died on the day of 197 and a sum of Rupees

*[Rs. [] is payable by the Market Committee on account of his Provident Fund accumulations and WHEREAS the above boun- den [a] [hereinafter called the claim- ment[s] claim[s] the said sum on behalf of the minor child / children of the said [c] but has / have not obtained a guardianship certificate.

[d] Title of the officer responsible for the payment.

AND WHEREAS THE Claimant[s] has / have satisfied the (d, is (officer concerned) that he / she / they / is / are entitled to the aforesaid sum and that it would cause undue delay and hardship if the claimant(s) were required to produce a guardianship certificate.

AND WHEREAS the said sum is payable to the claimant(s) but under the rules it is necessary that the claimant(s) should first execute a bond with two sureties to indemnify the Market Committee against all claims to the amount so due as aforesaid to the said (c) (deceased) before the said sum can be paid to the claimant[s].

NOW THE CONDITION OF this bond is such that if after payment has been made to the claimant[s] the claimant[s] of sureties shall in the event

*Here insert "to be entitled to" or "as guardian" as the case may be.

of a claim being made by any other person against the Market Committee with respect of the aforesaid sum of Rs. refund to the Market Committee the sum of Rupees and shall otherwise indemnify and save the Market Committee harmless from all liabilities in respect of the aforesaid sum and all costs incurred in consequence of any claim thereto, THEN the above written bond or obligation shall be void but otherwise the same shall remain in full force and virtue.

In witness to the above written bond and the condition therefor we and
and have hereunto set our hands this day of 197

ANNEXURE-I

[See clause (c) of Sub-rule (1) of rule 191]

DRAFT RECRUITMENT RULES FOR THE POST OF STATISTICAL ASSISTANT IN THE MARKETING COMMITTEE, UNION TERRITORY OF PONDICHERRY.

1. Name of post Statistical Assistant.
2. No. of post
3. Classification Class-III [Executive]
4. Scale of pay Rs. 425-700
5. Whether selection or non-selection post Selection.
6. Age limit for direct recruitment 30 years,

DRAFT RECRUITMENT RULES FOR THE POST OF ENGINEERING SUPERVISOR IN THE MARKET COMMITTEE OF UNION TERRITORY OF PONDICHERRY.

1. Name of post Engineering Supervisor.
2. No. of post
3. Classification Class III (Executive)
4. Scale of pay Rs. 425—700
5. Whether Selection or non selection post. Selection post
6. Age limit for direct recruitment. 30 years.
7. Educational and other qualifications required for direct recruits. 1. B.E. [Civil] or its equivalent, L.C.E. or D.C.E or its equivalent according to the nature of work.
8. Whether age, educational qualifications prescribed for direct recruitment will apply in case of promotees. Age will not apply.
[For educational qualification See Col. 11]
9. Period of probation if any 2 years for direct recruits.
1 year for promotees.
10. Method of recruitment whether by direct recruitment or by promotion or transfer and percentage of vacancies to be filled by various methods. By promotion or transfer on deputation or direct recruitment.
11. In case of recruitment by promotion/ transfer grade from which promotion is to be made. *By promotion*
From the grade of (1) Draughtsman [Civil], [2] Soil Conservation Sub-Assistant, [3] Possessing the qualification prescribed for direct recruits and the total seniority fixed by Director of Agriculture with reference to the nature of work.

By transfer on deputation

Officials holding analogous posts in Agriculture Department Period of probation ordinarily not exceeding 3 years extendable upto 5 years.

- 12: If the Departmental Recruitment/promotion committee exists what is its composition ?
13. Circumstances in which U.P.S.C. is to be consulted in making recruitments.

DRAFT RECRUITMENT RULES FOR THE POST OF INSPECTOR LICENSED PREMISES, SUPERINTENDENTS OF MARKETS AND COMPUTORS IN THE MARKET COMMITTEE OF UNION TERRITORY OF PONDICHERRY.

1 Name of post	Inspector of Licensed Premises, Superintendents of Markets and Computors.
2. No. of post	
3. Classification	Class-III [Executive]
4. Scale of pay	Rs. 330-560
5. Whether Selection or non-selection post.	Selection
6. Age limit for direct recruitment.	30 years
7 Educational and other qualifications required for direct recruits.	A degree in Arts or Science of any recognised University The candidate thus recruited within the period of probation, pass the Government Technical Examination by the Higher grade in Agriculture conducted by the Government of Tamil Nadu, if the degree held is in a subject other

7. Educational and other qualifications required for direct recruits.

1. A degree in Agriculture of recognised University or with a diploma or higher degree in Statistics of recognised University.

Or

A second class master degree in Mathematics with Statistics subject.

Or

A second class master degree in Economic with a diploma or higher degree in Statistic.

2. Any candidat who does not hold a degree in Agriculture shall within the period of probation pass the technical examination in Agriculture by the Higher Grade conducted by the Tamil Nadu Government, provided that this qualification may be waived in the case of persons who have passed their S.S.L.C. Examination with Agriculture as one of the optional subjects.

Age will not apply. For educational qualifications/Experience see col [11]

8. Whether age and educational qualifications prescribed for direct recruitment will apply in case of promotees.

- 9 Period of probation if any.. 2 years for direct recruits. One year for promotees

- 10 Method of recruitment whether by direct recruitment or by promotion or transfer and percentage of various methods.

By promotion or transfer on deputation or direct recruitment.

11. In case of recruitment by promotion/transfer grade from which promotion is to be made.

by promotion

1. A degree in Mathematics or Economics.
2. Service for a period of not less than "3 years" in Agriculture Department.
3. A pass in the Technical Examination in Agriculture by the Higher grade conducted by Tamil Nadu Government, if the degree held is in a subject other than Agriculture, provided that this qualification may be waived in the case of persons who have passed their S.S.L.C. Examination with Agriculture as one of the optional subjects.

Transfer on deputation

Officials holding analogous posts in Agriculture Department. Period of deputation ordinarily not exceeding 3 years extendable upto 5 years.

12. If the Departmental recruitment/promotion committee exists what is its composition.

13. Circumstances in which U.P.S.C. is to be consulted in making recruitments.

than Agriculture provided this qualification may be waived in the case of persons who have passed their S.S.L.C. Examination with Agriculture as one of the optional subjects.

Not applicable.

8. Whether age, educational qualifications prescribed for direct recruitment will apply in case of promotees.

9. Period of probation if any
2 years for direct recruits.
1 year for promotees.

10. Method of recruitment whether by direct recruitment or by promotion or transfer and percentage of vacancies to be filled by various methods.

11. In case of recruitment by promotion/transfer grade from which promotion is to be made.

By promotion

From the grade of V.L.Ws./Fieldman of Agriculture Department with 3 years and 5 years of experience respectively with a minimum qualification (i.e.) a pass in S.S.L.C. or its equivalent.

From the grade of Junior Superintendent of Markets with 5 years experience.

12. If the Departmental recruitment/promotion Committee exists what is its Composition.

13. Circumstances in which U.P.S.C. is to be consulted in making recruitments.

DRAFT RECRUITMENT RULES FOR THE POST OF JUNIOR SUPERINTENDENT OF MARKETS AND SUPERVISORS IN THE MARKET COMMITTEE OF UNION TERRITORY OF PONDICHERRY.

1. Name of post ... Junior Superintendent of Markets and Supervisors.
2. No. of posts
3. Classification Class-III (Executive).
4. Scale of pay 260 - 400
5. Whether selection or non-selection post Selection
6. Age limit for direct recruitment 30 years
7. Educational and other qualifications required for direct recruits. A pass in the Pre-University course of any recognised University. The candidate thus recruited within the period of probation pass the Government Technical examination in Agriculture conducted by the Government of Tamil Nadu by lower grade provided that this qualification may be waived in the case of persons who have passed their S. S. L. C. Examination with Agriculture as one of the optional subjects.
8. Whether age, educational qualifications prescribed for direct recruitment will apply in case of promotees Not applicable
9. Period of probation if any 2 years for direct recruits
1 year for promotees
10. Method of recruitment whether by direct recruitment or by promotion or transfer and percentage of vacancies to be filled by various methods. By promotion/By direct Recruitment 50% : 50%

11. In case of recruitment by promotion/transfer grade from which promotion is to be made. *By promotion*
From the grade of Fieldman Grade-II of Agriculture Department with a pass in S.S.L.C. or its equivalent and 3 years experience.
12. If the Departmental recruitment/promotion Committee exists what is its composition.
13. Circumstances in which U.P.S.C. is to be consulted in making recruitments.

DRAFT RECRUITMENT RULES FOR THE POSTS OF WEIGHMENT INSPECTORS, PROPAGANDA INSPECTORS, JUNIOR INSPECTORS, STATISTICAL INSPECTORS, JUNIOR COMPUTORS AND VIGILANCE INSPECTORS IN THE MARKET COMMITTEE OF UNION TERRITORY OF PONDICHERRY.

1. Name of post Weighment Inspectors, Propaganda Inspectors, Junior Inspectors, Statistical Inspectors, Junior Computors and Vigilance Inspectors.
2. No. of posts
3. Classification Class-III (Executive)
4. Scale of pay Rs. 260-350
5. Whether selection or non-selection post. Selection post
6. Age limit for direct recruitment 30 years.

- 7 Educational and other qualifications required for direct recruitments. Must have passed S.S.L.C.or its equivalent. The candidate thus recruited within the period of probation pass the Government Technical Examination in Agriculture conducted by the Government of Tamil Nadu by lower grade, provided that this qualification may be waived in the case of persons who have passed their S.S.L.C. examination with Agriculture as one of the optional subjects.
8. Whether age, educational qualifications prescribed for direct recruitment will apply in case of promotees Not applicable
9. Period of probation if any 2 years for direct recruits.
1 year for promotees.
10. Method of recruitment whether by direct recruitment or by promotion or transfer and percentage of vacancies to be filled by various methods. By promotion/By direct recruitment
50% : 50%
11. In case of recruitment by promotion/transfer grade from which promotion is to be made. Laboratory Attendants / Demonstration Maistry, Grade II and other class IV Categories of Agriculture Department, Road maistry, Market Maistry, Attender and other Class-IV categories of Market Committee with 3 years experience for those who have passed S. S. L. C. and 5 years experience who have studied upto S. S. L. C.
12. If the Departmental recruitment/promotion committee exists what is its composition.
13. Circumstances in which U.P.S.C. is to be consulted in making recruitments.

DRAFT RECRUITMENT RULES FOR THE POST OF ROAD MAISTRIES AND MARKET MAISTRIES AND ATTENDER IN THE MARKET COMMITTEE OF THE UNION TERRITORY OF PONDICHERRY.

- | | |
|--|--|
| 1. Name of post | Road Maistries and Market Maistries and Attender. |
| 2. No. of post | |
| 3. Classification | Class IV. |
| 4. Scale of pay | Rs 200—250. |
| 5. Whether selection or non-selection post. | Selection |
| 6. Age limit for direct recruitment. | 30 years |
| 7. Educational and other qualifications required for direct recruits. | A pass in III Form in a recognised school or its equivalent with good physique and knows cycling. |
| 8. Whether age, educational qualifications prescribed for direct recruitment will apply in case of promotees | Educational and other qualifictions will apply. Age will not apply. |
| 9. Period of probation if any | 2 years for direct recruits.
1 year for promotees. |
| 10. Method of recruitment whether by direct recruitment or by promotion or transfer and percentage of vacancies to be filled by various methods. | By promotion/Direct recruitment
50% : 50% |
| 11. In case of recruitment by promotion/transfer grade from which promotion is to be made. | <i>Promotion</i>

From the grade of Class IV staff working in Agriculture Department who fulfils the educational and other qualifications. |

12. If the Departmental recruitment/Promotion Committee exists what is its composition.
13. Circumstance in which U.P.S.C is to be consulted in making recruitments

DRAFT RECRUITMENT RULES FOR THE POST OF STAMPING SMITH, MECHANIC, DUFFADAR, PEON, OFFICE BOY, SANITARY MAISTRY IN THE MARKETING COMMITTEE OF THE UNION TERRITORY OF PONDICHERRY

1. Name of post Stamping Smith, Mechanic, Duffadar, Peon, Office Boy, Sanitary Maistry.
2. No of posts
3. Classification Class IV
4. Scale of pay Rs. 196—232
5. Whether selection or non-selection post. Selection.
6. Age limit for direct recruitment. 30 years.
7. Educational and other qualifications required for direct recruits. As applicable for Class-IV Staff of Agriculture Department.
8. Whether age, educational qualifications prescribed for direct recruitment will apply in case of promotees Do.

From the grade of stamping smith, Mechanic, Duffadar, Peon, Office boy Sanitary Maistry of the market Committee who fulfils the educational and other qualifications on the total seniority fixed by the Director of Agriculture, Pondicherry.

9. Period of probation if any Do
- 10 Method of recruitment whether by direct recruitment or by promotion or transfer and percentage of vacancies to be filled by various methods. Do.
11. In case of recruitment by promotion/transfer grade from which promotion is to be made. As applicable to Class-IV posts.
12. If the Department recruitment/Promotion Committee exists what is its composition.
13. Circumstances in which U.P.S.C is to be consulted in making recruitments.

ANNEXURE II

[See sub-rule (2) of rule 191]

Details of tests to be passed by the members of the service

<i>Category</i>	<i>Test to be passed</i>
(1)	(2)
I. Statistical Assistant. Inspector of licensed premises. Superintendent of Markets, Computor.	1) A Deprrtmental test conducted by the Director comprising of the Pondicherry Agricultural Produce Market Act. 1973 (Act. 3 of 1974), all the rules and bye-laws framed under that Act. and all orders made there under. Junior Superintendent of Markets.
	2) Account test for subordinate Officers, conducted by the Government of Pondicherry. Supervisor Weighment Inspector Propaganda Inspector Junior Inspector

Statistical Inspector or
Junior Computor.

Vigilance Inspector
U.D.C.

H. Engineering Supervisor

Account test for subordinate Officers,
conducted by the Government of
Pondicherry.

III. L.D.C.

A departmental test conducted by the
Director comprising the Pondicherry
Agricultural Produce Market Act,
1973 (Act 3 of 1974), all the rules and
bye-laws framed under the Act and
all orders made thereunder

ANNEXURE III
[See sub-rule (1) of rule 209]

<i>Category and posts</i> (1)	<i>Scale of pay</i> (2) Rs.
1. Statistical Assistant	425-15-500-EB-15-560-20-700
2. Engineering Supervisor	425-15-500-EB-15-560-20-700
3. Inspector of Licensed premises, Superintendents of Markets, Computor.	330-10-380-EB-12-500-EB-15-560
4. Junior Superintendents of Markets, Supervisors.	260-6-290-EB-6-326 ^o -366-EB-8-390-10-400
5. Weighment Inspector, Propaganda Inspector, Junior Inspector, Statistical Inspector, Junior Computor, Vigilance Inspector.	260-6-326-EB-8-350
6. Road Maistries, Market Maistries and Attender	200-3-206-4-234-EB-4-250
7. Stamping Smith, Mechanic Duffadar, Peon, Office Boy, Sanitary Maistry.	196-3-220-EB-3-232

ANNEXURE IV

(See Rules 218 and 222)

Persons in Categories (as in rule 186)

4, 5 and 6 7 and 8 9 and 11 10, 12 and 13

Working directly under

The Executive A Subordinate Authority
P. Executive Controlling Authority.
A. State Executive Authority.
Marketing Officer.

P. Nil. A. Nil.
Executive Authority. Committee.

P. Executive Controlling Authority.
Executive Authority. Executive Authority.

A. State Marketing Officer.
Committee.

Kinds of penalties

1. Censure

1. Censure
P. Committee.
A. Committee.

2. Fine

P. Executive Controlling Authority.
Executive Authority.

3. Suspension Pending Enquiry

P. Executive Controlling Authority.
P. Committee.
4. With holding increment or promotion and suspension under Clause (viii) of rule 217.

A. State Marketing Officer.

Committee
Director

5. (i) Reduction to a lower rank P.
in the seniority list or to A.
a lower post or time scale
in the service whether in
the same category or to a
lower stage in a time
scale.

(ii) Recovery from pay of the P. Committee

whole or part of any pecuniary loss caused to the committee by negligence or branch of orders.

(iii) Recovery from pay to the A. State Marketing Officer.

extent necessary of the monetary value equivalent to the amounts of increments ordered to be withheld where such an order cannot be given effect to.

6. Removal from Service ... P.
A.

Committee
Director

7. Dismissal from P.
A. Government.
Director

Committee
Director

P.—Authority Competent to impose the penalty

A.—Appellate Authority

Executive Authority

Committee

2. Statistical	Secretary ...	Chairman	Secretary
3. (a) Inspector of Licences Premises	D.O.	D.O.	Do.
(b) Computer	D.O.	D.O.	Do.
4. U.D.C.	D.O.	D.O.	Do.
5. I.D.C.	D.O.	D.O.	Do.
6. Steno-Typist and Typist	D.O.	D.O.	Do.

M. ABUSALIH,
Under Secretary to Government.

ANNEXURE-V

(See sub-rule 6 of rule 209)

Serial number	Post	Authority who should write the report	Authority who should scrutinise the report	Employments in the Market Committee

1. Secretary, Grade-I
In the case of Government servants and committee employees

Grade-II
In the case of non-gazetted Government servants and Employees of the Market Committee.

2. Statistical	Marketing Officer	Marketing Officer
3. (a) Inspector of Licences Premises	D.O.	D.O.	Do.
(b) Computer	D.O.	D.O.	Do.
4. U.D.C.	D.O.	D.O.	Do.
5. I.D.C.	D.O.	D.O.	Do.
6. Steno-Typist and Typist	D.O.	D.O.	Do.