

The Orissa Agricultural Produce Markets Rules, 1958

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Rule

THE-ORISSA-AGRICULTURAL-PRODUCE-MARKETS-RULES-1958 of 1958

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The Orissa Agricultural Produce Markets Rules, 1958Published vide Notification No. 18221-MIA 2/85-D, dated the 24th May, 1958, Published in the Orissa Gazette Part-3/30.5.1958Notification No. 18221-MIA 2/85-D, dated the 24th May, 1958-In exercise of the powers conferred by Section 27 of the Orissa Agricultural Produce Markets Act, 1956 (Orissa Act 3 of 1957), the State Government do hereby make the following rules the same having been previously published as required by Sub-section (4) of the said section of the said Act, namely:Part-I Preliminary

1. Short title and extent.

- These rules may be called [the Orissa Agricultural Produce Markets Rules, 1958] [Substituted vide Orissa Gazette Part-III/21.11.1974.] and shall apply to any market area or areas notified as such under Section 4 of the Orissa Agricultural Produce Markets Act, 1956.

2. Definitions.

- In these rules, unless there- is anything repugnant n the subject or context-(i)"Act" means the Orissa Agricultural Produce Markets Act, 1956;["(i-a) "Area of Operation" of a Private Market means the area from which agricultural produce are brought into the private market for sale and may extend to the whole of the Market Area within which it is permitted to be established or any part thereof. [Inserted vide O. G. E. No. 1124 dated 5.7.2007.](i-aa) "Auxiliary Market yard" means a facility created for supporting the activities of a Private Market at a location other than the market proper where agricultural produce are delivered by the producers to the licensee of the Private Market or his Agent.](ii)"Broker" means an agent (not being a private servant) habitually employed on commission to make contracts for the purchase or sale of agricultural produce on behalf of his principal;[(ii-a) "Business" means purchase, sale, processing,value addition,storage, transportation

and all other activities connected with the marketing of agricultural produce; [Inserted vide O. G. E. No. 1124 dated 5.7.2007.](ii-aa) "Common Varieties of Rice" means all varieties of rice other than Basmati Rice, other aromatic local varieties of Rice such as Kalajira, Jagannath, Pimpudibas, Duvraj, Padmakeshari or by whatever local name known and varieties classified for the time being by the Food Corporation of India as Grade A varieties.](iii)["Market" includes a market yard;] [Substituted vide Orissa Gazette Part-III/21.11.1974.](iii-a) "Marketing" means all activities involved in the flow of agricultural produce from the production points commencing from the stage of harvest till these reach the ultimate consumer, viz. sorting, grading, clearing, packaging, processing, storage, transportation, maintaining channels of distribution and all other functions involved in the process; [Inserted vide O. G. E. No. 1124 dated 5.7.2007.](iii-aa) "Marketing Charges" means charges on account of or in respect of commission, brokerage, weighing, measuring, hammali (loading, unloading and carrying) cleaning, drying, sieving, stitching, stacking, hiring, gunny bags stamping, bagging, storing, warehousing, grading, sorting, packaging transporting and processing; and(iii-aaa) "Market Service Charges" means the charges on account of services provided by the licensee of a Private Market to the purchasers of Agricultural Produce allowed to trade in such a Market.](iv)[Omitted](v)"Market yard" means any area declared to be market yard under Clause (a) of Rule 46;[(v-a) "Private Market" means a market established under Section 6A which includes the market proper as well as any Auxiliary Market yard established to support its activities; [Inserted vide O. G. E. No. 1124 dated 5.7.2007.](v-aa) "Processing" means any one or more of a series of treatments relating to powdering, crushing, decorticating, de-husking, parboiling, polishing, ginning, pressing, curing or any other manual, mechanical, chemical or physical treatment to which raw agricultural produce or its products is subjected; and (v-aaa) "Processor" means a person who undertakes processing of any notified agricultural produce on his own accord or on payment of a charge;](vi)"Government" means the Government of Orissa;(vii)"Financial year" means the year commencing on the 1st day of April;(viii)"Secretary" means the person appointed as the Secretary of the Market Committee under these rules or any officer or servant appointed for the time being to perform the duties of the Secretary;(ix)"Section" means section of the Act;[(ix-a) "Seller" means a person who sells or agrees to sell any agricultural produce; [Inserted vide O. G. E. No. 1124 dated 5.7.2007.](ix-aa) "Sub-Market Yard" in relation to a market area means a specified place other than the market yard and includes any enclosure, building or locality declared as such in any market area by the State Government by notification; and](x)"Trader" means a person buying and selling agricultural produce as the principal or as the duly authorised agent of one or more farms;[(x-a) "Transit Slip" means a written statement issued by the Licensee of a Private Market or his agent in respect of agricultural produce which has been bought at the said market and is being moved by the buyer to another place for subsequent sale or processing, [Inserted vide O. G. E. No. 1124 dated 5.7.2007.](x-aa) "Value addition" means cleaning, grading, sorting, packing, processing or other activities due to which value is added to agricultural produce.](xi)Words and expressions used but not defined in these rules shall have the same meanings as respectively assigned to them in the Act.

Part-II Constitution of Market Committees and Election

3. Disqualification for membership.

- A person shall be disqualified for being chosen a member of a Market Committee-(1)if his name is not entered on tile voters' list prepared and maintained under these rules;(2)if he has not attained the age of 21 years;(3)if he has been adjudged by a competent Court to be of unsound mind;(4)if he is an undischarged insolvent;(5)if he has been convicted and sentenced by a Court within or without India, to be imprisoned to an offence punishable with imprisonment for a term exceeding six months unless such disqualification has been removed by an order passed by Government;(6)it he is a servant to the Market Committee or holds a licence from such committee as broker, weighman, measurer or surveyor;(7)if he has directly or indirectly any share or interest in any contract or employment with, or on behalf of, or under, the Market Committee :Provided that a person shall not be chosen as a member representing the traders' constituency if he does not ordinarily reside within 10 miles of the market yard and it he has not been registered under Rule 60.Explanation - For the purposes of this rule a person shall be deemed to be ordinarily residing within 10 miles of the market yard, if he resides in such yard for not less than 180 days in a calendar year.

4. Constituencies.

- For the purposes of electing members to a Market Committee in every market area, the following shall be the constituencies-(1)Traders' Constituency(2)Agriculturists' Constituency(3)Local Authorities' Constituency.

5. Persons qualified to vote.

(1)Traders' Constituency - The following persons shall be qualified to vote in a traders' Constituency:(a)All persons licensed under Sub-section (3) of Section 4 in the market area before the date fixed in this behalf by the Collector;(b)All traders approved by the Market Committee and registered as such under Rule 60 before the date fixed in this behalf, by the Collector.(2)Agriculturists Constituency - The following persons shall be qualified to vote an Agriculturists' Constituency:(a)All members of the organisations of agriculturists operating in the market-area;(b)Where no such organisations exist, the following agriculturists ordinarily residing within the market area, namely :(i)holders of land whether unalienated, assessed or assessable jointly or severally at not less than Rs. 5 at the end of the revenue year immediately preceding the financial year in which the election is held, or(ii)tenants of unalienated lands assessed at not less than Rs. 5 at the end of the revenue year immediately preceding the financial year in which the election is held, or(iii)tenants of alienated lands assessed or assessable at not less than Rs. 5 at the end of the revenue year immediately preceding the financial year in which the election is held(c)If any question arises whether any person is or is not an agriculturist for the purposes of this rule, the Collector shall decide it and his decision shall be final;(d)No person shall be entitled to have his name entered in the list of votes for more than one market area or as member of more than one Organisation of agriculturists.(3)Local Authorities' Constituency-(a) In case in which the Market area is wholly within the limits of a local authority, the members, of such local authority shall be qualified to vote.(b)In a case where market area is within the limits of more than one local authority, each local authority shall select three persons from among the Councillors or the members of such

local authority and the persons so selected shall be qualified to vote for election of a representative of such, local authorities on the Market Committee.

6. Name of persons qualified to vote to be reported to Collector or Market Committee, as the case may be.

(1) Every Organisation of agriculturist and every local authority shall report to the Collector the names of the persons qualified to vote under Rule 5 on or before the date fixed in this behalf by the Collector. (ii) Every Firm, Corporation, Traders' Association or any other body qualified to vote in a Traders' constituency under these rules shall nominate a person to vote on its behalf and intimate in writing the name of person so nominated to the Collector not later than the date fixed in this behalf by the Collector of the district.

7. Voters' list.

(1) The Collector or any other person authorised by him in this behalf (hereinafter in this rule referred to as such person) shall cause to be prepared separate lists of voters qualified to vote for the Agriculturists' constituency, Traders, constituency and the Local Authorities' constituency in cases in which there are more than one local authority within a market area. Every such list shall be revised for each triennial election; provided that in the case of the list of voters qualified to vote for the local authorities' constituency Government may direct the revision of such list also at any other time before the next triennial election is due. The Collector or such person shall for this purpose call upon the Market Committee to prepare from market registers and to furnish to him the names of all persons qualified to vote in the traders' constituency representing the traders' electorate. In market areas which are within the limits of more than one local authority, the Collector or such person shall also call upon each of the local authorities concerned to intimate to him the names of the persons qualified to vote in the local authorities, constituency. He shall also call upon the organisations of agriculturist within the market area to intimate to him the names of persons qualified to vote under the agriculturists' constituency and where no Organisation of agriculturists exists, he shall cause to be prepared a list of persons qualified to vote under Rule 5 (2)(b). (2) Every list of voters prepared under Sub-rule (1) shall show the full name, residence and serial number of the voter and the nature of his qualification. (3) Every such list shall be published provisionally in such manner as the Collector or such persons may deem fit. (4) When publishing the list provisionally the Collector or such person shall fix a date, not later than one month from the date of publication of the lists before which any application, for the inclusion, exclusion or correction of any entry shall reach him. The Collector or such person or any other officer appointed by the Collector for the purpose shall hear and decide any applications and objections received before the date so fixed and the decision of the Collector, such person or the other officer relating to such application or objection shall be final. (5) The Collector or such person shall cause the lists to be amended in accordance with the orders passed under Sub-rule (1) and shall cause them to be republished finally in the regional language of the market area in such manner as he may deem fit. (6) Copies of such final lists shall be made available for inspection and sale in whole or in part in the office of the Collector or such person. (7) The final lists republished under Sub-rule (5) shall remain in force and continue in operation as the list of voters for the purpose of any bye-election. (8) Notwithstanding anything

contained in the above Sub-rule the provisions of Sub-rules (3) to (7) shall not apply to the voters' list of the local authority constituency in cases in which there are more than one local authority for a market area.

8. Calling upon the constituency to elect.

- As soon as may be after the final publication of the list of voters under Sub-rule (5) of Rule 7 the Collector shall call upon the constituencies to elect their representatives to the Market Committee and a date fixed by him in this behalf.

9. Notice to elect.

- Not less than thirty days before the day fixed for election the Collector shall publish in Oriya and in such other regional language of the market area as he may deem necessary a notice in a newspaper circulating in the market area and post copies of such notice in village hats or in Grama Panchayat offices and other conspicuous places in the villages included in that area stating -(a)the number of persons to be elected;(b)the date on which, the place at which and the hours between which nomination papers shall 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 the notice;(c)the date on which scrutiny of nomination papers shall be made;(d)the date on which and the place or places at which the votes of the electors shall be taken if there be a poll and the hours during which polls be taken; and(e)the day on which and the place and hours in which votes shall be counted.

10. Nominations.

- (i) Each candidate shall on the date fixed under Clause (b) of Rule 9 deliver to the Collector or any other person authorised by him in this behalf the nomination paper in Form I appended to these rules.(ii)Every nomination paper shall be signed by two persons qualified to vote as proposer and seconder and the candidate shall sign a declaration on it expressing his willingness to stand for election to the Market Committee.

11. Deposit on nomination.

- (i) At or before the time of delivery of nominated paper each candidate shall deposit with the Collector or any other person authorised in this behalf a sum of Rs. 5. No candidate shall be deemed to be duly nominated unless the deposit referred to in this rule has been made.(ii)If a candidate, by whom the deposit referred to in Sub-rule (1) has been made withdraw his candidature in the manner and within the time specified in Rule 15 or if the nomination of any such candidate is rejected under Rule 14 the deposit shall be returned to the candidate, and if any candidate dies before the commencement of the poll any such deposit shall be returned to his legal representative.(iii)If a candidate by whom the deposit referred to in Sub-rule (1) has been made is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled divided by the numbers of members to be elected from the particular constituency the deposit shall

be forfeited to the Market Committee.(iv)For the purposes of Sub-rule (iii), the total number of vote polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers counted.(v)A deposit made by the candidate shall it is not forfeited under the Sub-rule (iii) be returned to the candidate as soon as it may be after publication of the result of the election in Orissa Gazette.

12. Publication of list of nominations.

- As soon as may be after the date fixed for the presentation of nomination papers, the Collector or the person authorised by him under Rule 10 shall publish a list in Form II of all nominations received with a notice that the nomination papers shall be scrutinised on the date appointed under Clause (c) of Rule 9 at the place and hour specified in the notice. The list of nominations and the notice shall be published in such manner as the Collector or the person authorised as aforesaid may deem fit.

13. Scrutiny of nominations.

- On the date fixed for the scrutiny of nominations under Clause (c) of Rule 9, 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 Collector or the person authorised by him under Rule 10 may appoint, and the Collector or the person so authorised shall give him all reasonable facilities for examining the nomination papers of all candidates.

14. Disposal of objections and rejection of nomination.

(1)The Collector or the persons authorised by him under Rule 10 shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may, either on such objection or on his own motion after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds :(a)that the candidate, the proposer or the seconder is a person whose name is not registered on the list of voters; or(b)that the nomination has not been made in the manner prescribed under these rules.(2)The Collector or the person authorised as aforesaid shall endorse on each nomination paper his decision accepting or rejecting the same and. If the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection. The scrutiny shall be completed on the day fixed in this behalf under Clause (c) of Rule 9 and shall not be adjourned on any ground.

15. Withdrawal of candidature.

(1)Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered either in person by the candidate himself or by any of his proposers or seconders to the Collector or to the person authorised by him under Rule 10, within three days of the date succeeding the date fixed for the scrutiny of nominations under Clause (c) of Rule 9.(2)On the completion of scrutiny of nomination and after the expiry of the period within which candidature will be

withdrawn under Sub-rule (1) the Collector or the person authorised by him in this behalf shall prepare in Form III a list of persons whose nominations are in order and who have not withdrawn their candidature and cause it to be affixed in some conspicuous place in his office in the Sub-divisional Office, the Anchal office concerned and in the office of the Market Committee not less than 7 days before the date fixed for election.

16. Procedure for election.

(1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in Sub-rule (1) of Rule 15 exceeds that of the vacancies to be filled, a poll shall be taken. (2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected. (3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be duly elected and the Collector or the person authorised by him under Rule 10 shall call upon the constituency to fill the remaining vacancy or vacancies, as the case may be, within such time as may be specified in the same manner as specified in the foregoing provisions.

17. Arrangements for the holding of election etc..

- The Collector or the person authorised by him in this behalf shall make such arrangements as may be necessary for the holding and supervision of the election for the scrutiny of the ballot papers and for declaration of the election.

18. Voting.

- Every voter shall have as many votes as there are members to be elected on behalf of the constituency and may give all his votes to one candidate or may distribute them among the candidates as he chooses.

18A. Procedure at election when equality of votes exists.

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

19. Death of candidate before Poll.

- If after the taking of a poll it has become necessary under Rule 16 (1) and before the poll is taken a candidate who has been duly nominated dies, the Collector shall upon being satisfied of the fact of the death of the candidate, countermand the poll and the election proceedings shall be commenced

a new in all respects as if for a new election :Provided that no fresh nomination shall be necessary in the case of a candidate who stood validly nominated at the time of the counter mending of the poll.

20. Intimation to the Collector of the name of the representative of a local authority.

- In a case in which the market area is wholly within the limits of a local authority, the local authority shall intimate in writing to the Collector the name of the person elected as its representative under Clause (iii) of Sub-section (1) of Section 6 before a date fixed by the Collector in this behalf.

21. Filling in casual vacancies in the Market Committee.

- The procedure for holding a bye-election for purposes of filling up vacancies caused under Sub-section (4) of Section 6 shall be the same as that for a general election; provided that the preparation and publication of fresh lists of voters shall not be necessary.

22. Publication of the names of elected and nominated members of the Committee.

- Names of the elected and nominated members of the Market Committee shall be, published in the Official Gazette as soon as-conveniently may be after their election and nomination.

23. Person disqualified to cease to be member.

- No person shall continue to be a member of the Market Committee if at any time, after his nominator, or election, as the case may be, he becomes subject to any of the disqualifications mentioned in Rule 3, and his seat shall thereupon become vacant ;Provided that a member representing the Organisation of agriculturists or a co-operative institution shall be debarred from continuing to be such member if he ceases to be a member of the Organisation of which he was the representative.

24. Expenditure In connection with or incidental to such elections.

- All expenditure incurred by the Collector or the person authorised by him under Rule 10 in connection with or incidental to the election of members of the Market Committee shall be recoverable under Section 24 from the Market Committee by the Collector as an arrear of land revenue.[Part-II] [Inserted vide O. G E. No. 1124 dated 5.7.2007.] A Establishment of Private Market

24A. Licenses for Private Markets.

(1)Licenses may be granted for establishment of private markets with the required infrastructure facilities in a modern day market in agricultural produce such as convenient loading and unloading

sites, modern weighment facilities, warehouses, pre-cooling facilities, cold storage including controlled atmosphere cold storage, ripening chambers; cleaning, sorting and grading facilities; pack houses auction halls or platforms with modern auctioning facilities as also shops for ancillary services such as telephone booths etc. Such markets need also provide such minimum amenities as drinking water, lavatories, toilets, and resting place for the convenience of the farmer producers and others using the market.(2)The Area of Operation of a Private Market and the Notified Agricultural Produce which are traded in the Market shall be specified in the notification issued by the Government official Gazette and shall also be entered in the License :Provided that common varieties of rice shall always be excluded from the list of commodities which may be allowed to be traded in the Private Market under the license.(3)A licence granted under sub-rule (1) shall be valid for a period of three years from the date of issue; and may be renewed from time to time subject to the provisions of rule 24-Q.

24B.

(1)The license for a private market may be granted for its use solely by the licensee for his own purchases of the agricultural produce specified in the license for any or all of the following purposes, namely -(a)Processing of the agricultural produce in his own processing unit;(b)Sale of the agricultural produce directly to consumers or supply to retail or wholesale traders or to any processing unit;(c)Grading, sorting, packing or adding value to the produce in any other way for supplying to the wholesale and retail traders; and(d)Export of such agricultural produce.(2)When a license is granted for establishment of a private market for the sole use of the licensee, the license may specify one or more places within the area of operation where auxiliary market yards may be established by the licensee keeping in view the convenience of the producers and the need for such auxiliary yards for the smooth flow of the produce to the market.Provided that no such auxiliary market yards shall be permitted to be established within one kilometer of an existing market yard or sub-market yard run by the Market Committee.(3)The licensee shall provide basic minimum conveniences for loading and unloading, cleaning, sorting and grading; weighment and delivery at every auxiliary market yard.

24C.

(1)License for a private market may be granted permitting the market to be used by traders other than the licensee for making purchases of agricultural produce.(2)No market fee shall be leviable on the transactions undertaken in a private market; but the licensee shall be competent to collect market service charges from such traders as would be permitted by him to operate in his market at such rates as may be fixed by the Government from time to time keeping in view the facilities provided in the market subject to a maximum of 3% of the value of the produce traded.(3)The licensee of a private market shall pay 5% of the amount collected as market service charges during each month to the director by the 25th of the succeeding month.

24D.

Application for grant of license for establishment of private market under Section 6A-(1)Any person intending to obtain a license to establish a private market within any market area shall make an application to the Director in Form VI.(2)The application shall inter alia specify the exact location of the proposed market, the names of the commodities proposed to be traded and whether the market will be used by the licensee solely for purchases to be made by him or will be permitted for use by other traders for purchases to be made by them from the producers; and shall be accompanied by(i)a Detailed Project Report (DPR) which shall contain details about(a)the extent, exact location and other particulars of the land over which the market is proposed to be established;(b)proposed facilities, for purchase/sale and storage of all notified agricultural produce, live stock or live stock products, and the produce of pisciculture or marine products.(c)proposed facilities for cleaning, sorting, grading, packing, storing and any other manner of value addition, including laboratory facilities, if any, for quality testing of the produce before sale or export;(d)proposed amenities for the farmers/producers who will bring their produce to the market such as drinking water facilities, sanitary facilities and other services such as transport, communication, banking;(e)locations at which auxiliary market yards, if any, are intended to be established; and(ii)a statement indicating the sources of finance and the financial capability of the applicant supported by the Income Tax Returns for the previous three assessment years, or, valuation of permanent assets assessed by a Chartered Accountant.(3)a Demand Draft in favour of the Director drawn on any Nationalized/Co-operative Bank payable at Bhubaneswar towards the application fee.(4)The application fee shall be Rs.50,000/- if the market is proposed to be established on an area covering upto five acres or Rs.1,00,000/- if the market is proposed over an area exceeding five acres or one or more auxiliary market yards are proposed to be established.

24E. Grant of License.

(1)The Director on receipt of the application shall evaluate the Project Report submitted by the applicant and may, in consultation with experts/subject matter specialists, suggest such measures as deemed necessary for improving the efficiency of the proposed markets and submit his report with specific recommendations within 30 days to the Government for consideration.(2)The Government shall consider the application giving due regard to the credentials, experience and proposed plan of the applicant, and the infrastructure proposed to be created for marketing, processing,grading, packing, storing and for sale or export of the produce by way of value addition and may grant a license under Section 6A for establishment of a Private market at the specified location.(3)The license of a private market shall specify whether the licensee will use the market yard solely for his own purchases of the agricultural produce specified in the license for any or all of the purposes mentioned in rule 24B(1) or whether buyers other than the licensee may trade in the market.(4)The license for a private market for the sole use of the licensee may specify the details of places within the area of operation where auxiliary market yards may be established by the licensee.(5)When the licensee permits a private market to be used by traders other than the licensee to make purchases in the market the license shall specify the maximum rate of market service charges which the licensee shall be competent to collect from such traders keeping in view the facilities and the services provided.(6)The License shall be in Form-VII and copies of every License for a Private Market shall

be communicated to the Director, who shall maintain a Register of Licenses issued for Private Markets, RMC-wise in Form-VII. A register of Licenses issued shall also be maintained by the Government.

24F. Disqualification of a person for establishment of private market under Section 6A(3) (d).

- License shall not be granted for establishment or to continue a private market, if the applicant:(1)has established or has been continuing a private market or is found to be trading in agricultural produce in contravention of the provisions of the Act and these rules; or(2)has been found guilty of violation of any provision under the Act and the rules; or(3)has questionable bona fides',

24G. Commencement of Operations.

(1)The Director, on receipt of intimation from the licensee that adequate facilities have been created in the market and at the auxiliary market yards if any, shall make an inspection to satisfy himself about the adequacy of the facilities for smooth trading and upon being satisfied shall allow commencement of trading in the market.(2)Any Licensee aggrieved by a decision of the Director may prefer an appeal to the Government within a period of thirty days.(3)When permission for commencement of trading has been accorded, the Director shall forward a copy of his communication to Government and make an entry in the Register of Licenses maintained by him.

24H. Conditions of Licence.

- Every Licence granted under rule 24-B shall be subject to the following conditions.(1)The licensee may use the private market for trading only in the agricultural produce specified in the license.(2)The licensee shall maintain all the books and records which are prescribed under these rules and submit these to the prescribed authorities regularly.(3)The licensee shall provide the infrastructure facilities in the market and the auxiliary market yards which are required for smooth trading.(4)The licensee shall keep the premises clean and in a suitable condition for storage of agricultural produce.(5)The licensee shall be responsible for the safe custody and protection of agricultural produce brought to the private market for sale or storage.(6)The licensee shall get the business premises insured against fire or other natural calamities.(7)The licensee shall abide by all the provisions of the Act and the rules made there under and orders issued by the Government from time to time.(8)The licensee shall not indulge in any activities and practices which are detrimental to the interest of trade and proper functioning of the private market.

24I.

(1)The licensee shall ensure that the market functions properly and the interests of the farmers are protected and that transactions are carried out honestly and according to the principles of fair dealing.(2)The licensee and all other traders making purchases of agricultural produce shall make

the payment of sale proceeds to the farmers/producers on the day of sale, making only such allowances and deductions as are permitted in the rules.

24J.

(1)The licensee shall maintain and display daily rates and arrivals of all agricultural produce arriving at the market and exhibit the same in Oriya, Hindi and English at a conspicuous place.(2)The licensee shall also obtain and exhibit in the market the latest rates of different commodities prevailing in the Regulated Market within whose jurisdiction the private market is situated.

24K.

(1)When any agricultural produce purchased at a private market is transported by the purchaser within the market area or then enter to another -market area it shall be supported by a Transit Slip in Form-IX issued by the Licensee or his agent and that would be evidence that the goods have been legitimately purchased from the producers, and no more market fees are leviable on the said goods in any market area within the state.(2)If the Director or any Officer authorized by him, has reason to suspect that the licensee has purchased, sold, processed or transported any notified agricultural produce in contravention of any of the provisions of the Act or these rules, he may, by communicating in writing to the licensee, require such account, registers or other documents as may be necessary to be submitted to him on proper receipt for verification.

24L.

The Director or any other Officer not below the rank of Assistant Director authorized by him shall have power to inspect a private market established under a license under these rules and direct the licensee to produce before him the accounts and other documents and to furnish any information relating to stocks of agricultural produce traded in the market or processed at the facilities existing therein. Every trader other than the licensee trading in the market also shall produce all such records to such authority.

24M.

(1)The licensee shall submit to the Director in Form X Monthly Returns of purchase and sale of different agricultural produce including processed goods made in the market and at the auxiliary market yards, if any, by the 25th of the succeeding month.(2)The licensee shall, before the 30th June of every year, submit to the Director in Form XI, a statement of transaction undertaken by him as well as other traders in the market and auxiliary market yards during the previous financial year ending 31st March.(3)The Director may accept or reject the statement submitted to him by the licensee after necessary examination and verification on the basis of information available with him and shall assess the balance amount if any payable by the licensee and collect the assessed amount.

24N.

Any disputes between the farmer producers and the management of the private market, shall be referred to the Director or an Officer not below the rank of Assistant Director authorized by him in his behalf, who shall decide the disputes after giving all parties interested an opportunity of being heard and his decisions shall be final and binding on both the parties.

24O. Renewal of license under Section 6A (4).

(1) Application for renewal of the license for continuing of the private market shall be made by the licensee in Form XII to the Secretary to Government, Cooperation Department through the Director at least 30 days before the date on which the license is due to expire. Provided that the authority competent to renew a license may, on the payment of penalty of Rs.5,000/-, by the applicant, entertain an application for renewal made after the date of expiry of the license. Provided further that no application for renewal of license shall be entertained after the expiry of 30 days from the date of expiry of the license or renewal and it shall be treated as a fresh application. (2) Every such application shall be accompanied by; (i) A Demand Draft of Rs.10,000/- (Rupees Ten Thousand only) drawn in favour of the Director payable at Bhubaneswar, towards renewal fee. (ii) A report on the implementation of the infrastructure facilities. (iii) Clearance Certificate regarding payment of dues to the Director, the concerned Regulated Market Committee, the VAT and Entry Tax Authorities and other local authorities, if any.

24P.

(1) The State Government shall renew the license if the licensee has provided the proposed infrastructure facilities in the market and operated the market properly and in compliance with the provision of the Act and these rules and communicate this in Form XIII. (2) Every renewal of a license granted under this rule shall be for a period of one year and shall be deemed to have come into effect from the day following the date on which the subsisting license expired. (3) Renewal of license may be refused if the licensee (i) is found to be trading in agricultural produce in contravention of the provisions of the Act and these rules; (ii) has been found guilty of violation of any provision under the Act and Rules; or (iii) the Government is satisfied that the continuance of the private market is not going to promote the interest of the farmer producers.

24Q.

Suspension or cancellation of license under Sub-section (1) of Section 6-B. (1) If the Government, on receipt of a report from the Director or otherwise, is satisfied that a licensee is prima facie in breach of any of the material provisions of the Act or these rules or any of the conditions, subject to which the license has been granted or renewed, it may issue a notice to the defaulting licensee asking him to show cause within 15 days from the date of receipt of the notice, as to why the license granted to him or renewed in his name, shall not be suspended or cancelled. (2) After considering the response and giving the licensee an opportunity of being heard, the Government may suspend or cancel the

license or, if satisfied that there is no substance in the alleged violations, may drop the proceeding.

24R.

(1)The license shall not be transferable.(2)The licensee shall, on the expiry or soon after termination of the license, or on demand, surrender his license to the Government against receipt to be given to the licensee in this connection.(3)In the event of suspension or cancellation of license, the licensee shall forthwith stop using the market and the auxiliary market yards if any for the purpose of sale and purchase of any notified agricultural produce.Part-II B Contract Farming

24S. Registration of Contract Farming Sponsor.

(1)Every person intending to enter into marketing activities as a Contract Farming Sponsor within any market area of the State, shall make an application to the concerned Market Committee for registration in Form XIV and shall deposit a sum of Rs.2,000/- (Rupees two thousand) only as registration fee for the purpose. Where a Contract Farming Sponsor intends to take up contract farming activities in more than one Market Area, he shall make separate applications for registration in each such Market Area.(2)Every such application for registration shall be in duplicate and shall be accompanied by '(i)A Demand Draft of Rs.2,000/- in favour of the Market Committee drawn on any Nationalized/Co-operative Bank payable at its Headquarters, and(ii)Passport size photograph of the applicant or the person authorized along with the following particulars-(a)Name of the applicant or authorized person.(b)Place and particulars of business for which registration is required, and(c)Such other information as may be required.(3)A copy of the application for registration along with all its enclosures shall simultaneously be furnished by the applicant to the Director along with application in Form XV addressed to him seeking clearance of Government for such registration.(4)The Director shall examine the application and submit his report to the Government with specific recommendation for consideration within 15 days from the date of receipt of the application. The Government may issue orders giving clearance for the registration of the Contract Farming Sponsor to take up Contract Farming in the concerned Regulated Market Committee(s) area and intimate this fact to the Director and Regulated Market Committee(s) concerned in Form XVI.(5)The Regulated Market Committee, thereupon, shall register the Contract Farming Sponsor in the Register of Contract Farming Sponsors maintained in Form XVII and issue a certificate to each successful applicant in Form XVIII. The registration shall be valid upto the end of the financial year in which it is effected.(6)Registration of a Contract Farming Sponsor shall be renewed for a period of one year by the concerned Regulated Market Committee on an application made by the Contract Farming Sponsor.(7)Application for annual renewal of registration shall be made to the Regulated Market Committee in Form XIX at least 30 days before the expiry of registration and the applicant shall deposit a sum of Rs.1,000/- as renewal fee which if not applied for within the stipulated time may be considered only on payment of a fine of Rs.15/- for each day of delay :Provided that no application for renewal of registration shall be entertained after the expiry of 30 days from the date of expiry of registration or renewal and same shall be treated as a case for fresh registration.(8)If registration or renewal is not granted for reasons, other than non-compliance of requirement of the conditions under the Act, the registration or renewal fee, as the case may be, shall be refunded after retaining 5%.of the fee paid towards administrative charges.

24T. Contract Farming Agreement.

(1)The Contract Farming Sponsor shall enter into an Agreement in Form XX with every Contract Farming Producer and shall furnish copies of each such Agreement to the Regulated Market Committee. The copies of Agreements shall be kept on record by the Secretary of the concerned Market Committee in a Register maintained for the purpose in Form XXI.(2)The Agreements for Contract Farming may be seasonal or annual. All seasonal or annual Agreements shall be entered into before sowing of the crops in case of horticultural three crops, the time of Agreements may be at the stage of flowering, or at any stage deemed appropriate by the parties to the agreement.(3)The Contract Farming Agreement shall contain a description of the farm, land survey number, specification of farm produce, specification of quality, specification of commodity contracted, crop delivery Agreement, insurance coverage etc. as well as details of the price to be paid for the produce indicating the mode of payment to be made to the Contract Farming Producer.(4)The Contract Farming Sponsor shall be responsible for taking possession of the produce at the farm or at an agreed place and for making arrangements for unloading, sorting, grading or other quality checks as necessary and weighing the produce at his cost, and issuing a Purchase Bill in Form XXII indicating the quantity, price and value of the produce purchased, and for making payment, within such period not exceeding three days as may be agreed of the amount receivable by the Contract Farming Producer after adjustment of the advances and cost of inputs and services, if any, received by such producer earlier.(5)The registering authority shall examine the Agreement and ensure that the interests of the Contract Farming Producers are protected and if in his opinion such an Agreement shall result in exploitation of the Contract Farming Producer or is otherwise detrimental to the interests of the Contract Farming Producer, the registering authority may refuse to register the Agreement, after giving an opportunity to all the parties to the Agreement or any other party whose interest will be affected by the Agreement of being heard.(6)A decision to register or to refuse registration of any Contract Farming Agreement shall as far as practicable be taken within a period of 15 days from the date of submission of the agreement for registration.

24U.

(1)Dispute and their redressal.- All petitions seeking a redressal of disputes under Sub-section (3) of Section 6D of the Act, shall be in writing and such petitions shall be accompanied by-(i)A statement of the subject matter of the dispute;(ii)A statement of the claim;(iii)A copy of the relevant Contract Farming Agreement;(iv)Such other statement or records as may be necessary to support the claim;(2)Verification of petitions - Every dispute petition shall be verified and signed by the party or by one of the parties submitting the petition and shall state the date on which and the place at which it was signed.(3)Written Statement - The defendant may, at or before the first hearing or within such time as the Director or other officers hearing the dispute may permit, present a written statement of his defence.(4)Fees for filing of dispute - A fee of Rs.10.00 on each petition shall be paid by way of affixing of Court fee stamp.(5)Procedure for settlement of dispute-(i)The Director may, on receipt of a reference of a dispute under Sub-section (3) of Section 6D,-(a)decide the dispute himself, or(b)transfer it for disposal to any person who has been vested by the Government with powers in that behalf.(ii)The Director may withdraw any reference transferred under clause (i) and decide it himself or transfer the same to another person so vested with the

powers.(6)The Director or any other person to whom the dispute is referred for decision under this rule may, pending the decision of the dispute, make such interlocutory orders as he may deem necessary in the interest of justice.(7)In the proceedings, the Director or the person to whom the dispute is transferred or referred for disposal, shall fix the date, hour and the place of hearing of the dispute.(8)Award or Decision - The Director or any person deciding the dispute shall, record a brief memorandum of the evidence of the parties and witnesses and upon the evidence so recorded and after consideration of any documentary evidence produced by the parties, a decision or award, as the case may be, shall be given on principles of justice and equity within 30 days from the date of reference. The decision shall be communicated to all the parties concerned immediately.(9)Consequence of non-appearance of parties-(i)When neither party appears, and the case of dispute is called for hearing then the case shall be dismissed.(ii)Where the defendant appears and the petitioner does not appear and the case is called for hearing the case shall be dismissed.(iii)When a case is dismissed for non-appearance of the petitioner, he may apply to set aside the dismissal order on showing sufficient cause for his previous non-appearance within a period of 30 days from the date of passing of the order.(iv)When the petitioner appears and the defendant does not appear and the case is called for hearing, the hearing may proceed ex parte provided the summons were duly served on the defendant.(v)When in any case in which a decision is passed ex parte against the defendant he may apply for an order to set aside and upon his satisfying that he was prevented by sufficient cause from appearing when the case was called for hearing, an order setting aside the decision as against the defendant shall be passed and a date shall be appointed for hearing of the case.(10)Disposal of Records - The original records of the proceedings after the decision has been delivered shall be kept in such place in such manner as the Director may direct, and any document or record tendered by a party in any dispute may, on application be returned to the party after the disposal of the appeal, if any, or after the period of appeal is over.(11)Certified Copies - A copy of the decision or award shall, on application be given to a party by the Director or any person authorized by the Director duly certified on payment of fees of Rs.10.00 for each page or part thereof within 7 days from the date of application.

24V.

Filing and disposal of appeal under Sub-section (4) of Section 6D-(1)An appeal under Section 6D shall be presented by the appellant in person during office hours or sent by registered post.(2)Every appeal shall be accompanied by a certified copy of the order against which appeal is preferred.(3)Every appeal shall, -(i)be typewritten and legible;(ii)specify the name and the address of the appellant and also the name and address of the opposite party;(iii)state by whom the order against which the appeal is preferred was made;(iv)clearly state the grounds on which the appeal is made;(v)state precisely the relief which the appellant claims; and(vi)give the date of the order appealed against.(4)On receipt of the appeal, the appellate authority shall endorse on it the date of its receipt.(5)If the appellate authority finds that the appeal presented does not conform to any of the provisions, of the Act/Rules it shall make note on the appeal to that effect and may call upon the appellant to rectify the defect within such period as it may fix.(6)After the defect is rectified, the appellate authority shall fix the date, hour and place of hearing of the appeal and issue notice to the parties concerned in the form specified by it at least 7 days before the date fixed for hearing of the

appeal.(7)If the appellant fails to rectify the defects within the fixed period, the appellate authority may dismiss the appeal.(8)Any appeal not filed within the prescribed time limit may be admitted when the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within such period.(9)On the date so fixed, the appellate authority shall go through the relevant papers, hear the appellant and defendants, if present and pass order on the appeal.(10)The appellate authority may, at its discretion, adjourn to any other day hearing of any appeal at any stage.(11)When the hearing of the appeal is completed, the appellate authority shall announce its judgement forthwith or may reserve it for a subsequent date in which case, the judgement shall be communicated to the parties.

24W. Award of Costs.

- The Director and the Appellate Authority may award any costs to the defaulting party in any dispute if he finds that the dispute or the appeal has been filed with the sole intention of using the process to 'harass the opposite party or if the circumstances of the case so warrants otherwise.

24X. Annual Account.

- A Contract Farming Sponsor shall submit annual accounts in Form XXII before the 30th June every year to the Secretary of the Market Committee concerned in respect of all transactions in respect of the contract farming activities undertaken by him during, the previous financial year.]Part-III Market Committee, its Chairman, officers and servants and Disputes Sub-CommitteeTheir Functions and Powers

25. Functions and powers of the Chairman.

- [(1) The Chairman shall be the controlling and supervising officer of the Market Committee and all officers and servants of the Market Committee shall, subject to these rules and the direction, if any, given by the Market Committee, be subject to his control.(2)The Chairman shall -(a)keep a watch over the financial and administrative matter of the Market Committee;(b)direct, in case of emergency, to stop execution of any work or the doing of any act which requires the sanction of the Market Committee;(c)be the authority competent to grant leave to the Secretary;(d)make correspondence with the Government, Board or Directorate, as the case may be, in regard to the affairs of the Market Committee as and when deemed necessary;(e)convene or cause to be convened meetings of the Market Committee and record or cause to be recorded minutes thereof],

25A. [Secretary of the Market Committee and his functions and powers. [Inserted by O.G.E. No. 794, Dated 3.8.1996.]

(1)Every Market Committee shall have a Secretary appointed by the Market Committee with the approval of the Board, who shall be the Chief Executive and custodian of all records and properties of the market Committee.(2)He shall perform and discharge the following powers and duties, namely :(i)convene the meeting of the Market Committee under the authority of the Chairman or a

special meeting of the Market Committee on a requisition under Rule 87 and maintain minutes of the proceedings thereof;(ii)convene the meeting of the Sub-Committee, if any, of the Market Committee, under the authority of the Chairman of the Sub-Committee;(iii)attend the meetings of the Market Committee and of every Sub-Committee and take part in the discussions but shall not move any resolution or vote at any such meeting;(iv)take action to give effect to the resolutions of the Committee and of the Sub-Committee and report about all action taken in pursuance of such resolutions to the Committee in its immediately following meetings;(v)prepare the budget proposals;(vi)furnish to the Market Committee/Director/Board/Government such returns, statements, estimates, statistics and reports as they may from time to time require, including reports, - (a)regarding the fines and penalties levied, or any disciplinary action taken against the member of the staff and the market functionaries and others;(b)overtrading by traders;(c)contravention of the Act, Rules, Bye-laws or the standing orders, by any person;(d)suspension or cancellation of licences;(e)administration of the Market Committee and regulation of the marketing;(vi)produce before the Committee/Director/Board/Government whenever called for, such documents, books, registers and the like as may be necessary to the transaction of the business of the Committee or the Sub-Committee;(viii)direct the work of all employees of the Market Committee in such a manner as to ensure proper efficient working of the Market Committee and towards that end all such employees shall be subject to his immediate control;(ix)supervise the work of the officers and other employees of the Market Committee and initiate necessary disciplinary action against any of them for their negligences and misconduct, etc. with the prior approval of the Chairman;(x)be responsible for collection of fees and other money leviable by or due to the Market Committee;(xi)be responsible for proper maintenance of accounts for all money received and paid for by and on behalf of the Market Committee;(xii)make disbursement of all money lawfully payable by the Market Committee :Provided that if individual disbursement exceeds Rs. 500.00 (Rupees five hundred), it shall be passed by the Chairman.(xiii)report to the Chairman/Director/Board as soon as possible in respect of fraud, embezzlement, theft or loss of Market,Committee funds or property;(xiv)sanction of casual leave to all officers and servants of Market Committee and also earned leave with the approval of the Chairman;(xv)advise the Committee and its Chairman in the light of the provisions of the Act, Rules and Bye-laws and the previous decisions or direction of the Committee/Director/Board;(xvi)supervise all construction and repair works in the market-yard in addition to the technical supervision by the Engineering staff, if any;(xvii)forward to the Director/Board or any other persons authorised in his behalf copies of the proceedings of all meetings of the Market Committee and Sub-Committee duly attested by him and furnish the same, when called for by the State Government under Sec. 25 of the Act;(xviii)make correspondence with the Government or the Board or the Directorate as and when necessary;(xix)maintain a monthly diary of inspections and records of seizure of Books of accounts and unauthorised agricultural produces, detention of vehicles, assessment of market fees and all other important occurrences and send copies of the same to the Director, Board and any other Officer authorised in this behalf by the Director or the Board, and to the Government as and when called for by it; and(xx)make an annual assessment of the work of the employees of the Market Committee and submit the same to the Chairman.(3)On receipt of a complaint either written or oral, regarding any matter concerning sale and purchase of Agricultural Produces in the market yards, the Secretary shall conduct an enquiry and shall make a report of the same to the Chairman for taking such action as he may think

necessary in accordance with the provision of the Act, Rules and Bye-laws. It shall also be the duty of the Secretary to check if proper payment to sellers in the market-yard is being made and that no irregularities in making weighment of Agricultural Produces are being committed.(4)If any decision of the Committee or the direction of the Chairman or Vice-Chairman is apparently contrary to the Act, Rules or Bye-laws, the Secretary shall apprise the Government, Board and the Director of such apparent violation, before giving effect to the same and carry out the decision of the Government or such other person authorised by if in that behalf thereon.(5)The decision of the Government under Sub-rule (4) shall be final and deemed to be a decision of the Market Committee.] [Substituted by O.G.E. No. 794, Dated 3.8.1996.]

26. Meeting of the Committee.

- (i) Every meeting of the Market Committee shall be presided over by the Chairman or in his absence by the Vice-Chairman or in the absence of the Vice-Chairman also by a member elected by the meeting.(ii)The Chairman shall be entitled to speak and vote on all questions at the meeting.(iii)The Vice-Chairman, or a member presiding over the meeting in the absence of Chairman, shall for that meeting or during the period in which he presides over it have all the powers of the Chairman.(iv)All questions which may come up before the Committee at any meeting shall be decided by the vote of the majority of the members present at the meeting and in every case of equality of votes the President of the meeting shall have and exercise a second or casting vote.

27. Minute book to be kept.

- A minute book shall be kept by every Market Committee. The record of proceeding of every meeting shall be entered therein by, or under the supervision of the Chairman or other presiding member and shall be signed by him. The minute book shall be permanently preserved and shall be open for inspection at all reasonable hours to members of the Market Committee and also the Director or any other person authorised by the Chairman or the Director in this behalf.

28. Persons entitled to attend meeting.

- The Director or any other person authorised by him in this behalf shall be entitled to attend any meeting of the Market Committee but they shall not be entitled to vote.

29. Copy of the meeting-A copy of the proceedings of every.

- meeting of the Market Committee shall be forwarded to the Director or any other person authorised by the Director in this behalf.

30. The Market Committee to provide fund for development work.

- After paying all sums due to Government, the Market Committee shall so far as the funds at its disposal permit and subject to the provisions of the Act and these rules, provide-(i)for the

maintenance and improvement of any enclosure or building or erections which may constitute the market yard ;(ii)for the construction and repair of buildings, cattle-sheds, water reservoirs and other erections necessary for the purpose of market; and(iii)for the health, sanitation, convenience and safety of the persons using the market.

31. Appointment of Disputes Sub-Committee.

(1)The Market Committee may appoint a Sub-Committee called the Disputes : Sub-Committee consisting of-(i)one of the nominated members of the Committee, who shall be the Chairman of the Sub-Committees;(ii)one of the representatives of the agriculturists on the Market committee;(iii)one of the representatives of the traders on the Market-Committee; and(iv)the representative of local authorities on the Market Committee or, if there is no representative of local authorities on the Committee, any other member of the Committee, to arrange for the settlement of disputes between buyers and sellers or their agents including disputes regarding the quality or weight of the article, the allowances for wrappings, containers, dirt or impurities or deductions from any cause :Provided that the Chairman of the Market Committee shall not be a member of the Disputes Sub-Committee.(2)The Collector or any person authorised by him in this behalf may require a Disputes Sub-Committee to appoint in respect of each market yard specified by him a panel of not less than 12 persons but not more than 24 persons to act as arbitrators in the settlement of the disputes aforesaid. Every person included in the panel shall be either an agriculturist living in or near the market area or a trader doing business in such area.(3)Where any such dispute arises, the parties thereto may agree to the settlement thereof in accordance with the following provisions:(a)The dispute shall be reported to the Secretary of the Market Committee who shall try to settle the dispute. If he fails, the dispute shall be settled in the following manner on payment of fees fixed by the Market Committee;(b)Each party to the dispute shall select one arbitrator from the panel appointed for the purpose by the Disputes Sub-Committee;(c)If the arbitrators fail to agree, they may appoint an umpire who shall also be chosen from the panel aforesaid to settle the dispute;(d)An appeal shall lie against the decision of the arbitrators or umpire to the Disputes Sub-Committee;(e)The decision of the arbitrators or umpire, or where an appeal has been made to the Disputes Sub-Committee, the decision of such Sub-Committee shall be final. The dispute shall, as far as possible, be decided on the spot and on the same day.(4)No business shall be transacted at a meeting of such Sub-Committee unless there be present at least two members.(5)Every meeting of the Sub-Committee shall be presided over, by the Chairman of the Sub-Committee and in his absence by members, present at the meeting and in every case of equality of votes, the Chairman or the presiding member shall have and exercise a second or casting vote.(6)All questions which may come before the Sub-Committee at any meeting shall be decided by the vote of majority of the members present at the meeting and in every case of votes, the Chairman or the presiding member shall have and exercise a second or casting vote.(7)The Market Committee shall maintain a full record of all the disputes which come before the Disputes Sub-Committee.

32.

The Market Committee shall make bye-laws for arbitration in the settlement of disputes and it shall provide for the formation of panel of arbitrators from among whom parties may select arbitrators

and for payment of fees for arbitration cast which shall be borne as decided by the arbitrators in each case.

33. Servants of the Market Committee.

- [(1) The Market Committee may appoint such Officers and servants as may be necessary for the proper management of the market :Provided that the superior Officers of the Committee shall be appointed only with the previous approval of the Board.(2)Superior Officers shall be the Secretary, Clerks and such officers and servants of the Market Committee as the Board may determine from time to time.(3)The terms and conditions of service of superior officers shall be such as may be approved by the Board and those of others shall be such as the Market Committee may decide from time to time.(4)The Market Committee shall be the Disciplinary Authority in respect of all officers and servants of the Committee :Provided that the removal or dismissal of superior officers as a measure of punishment shall be subject to the approval of the Board.] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.]

34. Duties of the Market Committee.

- The Market Committee shall furnish all information which the Director or the officers duly authorised by him may require in addition to the duties prescribed by the Act and the rules and its own bye-laws the Market Committee shall also be responsible for-(1)the maintenance of proper checks on all receipts and payments by its officers;(2)the proper execution of all works chargeable to the Market Committee funds; and(3)keeping a copy of the Act and of the rules and notifications issued thereunder and of its bye-laws open to inspection free of charge at its office.Part-IV Market fund, expenditure and accounts

35. The Market Committee Fund.

- All moneys received by the Market Committee shall be credited to the fund called the Market Committee Fund. Except where Government on application by the Market Committee or otherwise shall direct, all money paid into the Market Committee Fund shall be credited at least twice a week in full into Government treasury or sub-treasury or a Bank duly approved for this purpose by the Director. All balance from the Fund shall be kept in such treasury or sub-treasury or Bank and it shall not be drawn upon except in accordance with these rules.

36. Expenditure.

- (i) Every cheque drawn on behalf of the Market Committee shall be signed by the Chairman and its Secretary. In the absence of the Chairman it shall be signed by the Vice-Chairman and the Secretary and in the absence of the Secretary by the Chairman or Vice-Chairman and one of the members of the Market Committee. No cheque shall be drawn except on a regular detailed bill.(ii)Except in the following cases the Chairman shall not pass any bill unless the expenditure detailed therein has received the previous sanction of the Market Committee-(1)Salary and allowance of

establishment;(2)Payment for works and repairs sanctioned by an authority specifically authorised by the Committee in this behalf;(3)Urgent expenditure for which there is budget provision or which does not exceed Rs. 59 :Provided that in the absence of the Chairman the bills for payment of above nature may be passed and signed by the Vice-chairman.

37. Remittance to treasury or Bank.

- All remittances to the Government treasury or sub-treasury or Bank shall be accompanied by challans or deposit slips in duplicate.The monthly or other periodical statement or accounts furnished by the treasury or sub-treasury or the Bank shall be regularly filed and made available for audit.

38. Pass Book.

- The pass book shall be got written up-to-date at least once a month by the treasury or sub-treasury department or the Bank by which the original account is kept.

39. Submission of Budget.

(1)For the purposes of Rules 39 to 45 market year shall be held to commence on the 1st November and end on the 31st October.(2)The Market Committee shall hold a meeting in each market year during first week of October to prepare a budget of income and expenditure for the ensuing market year. Budgets shall be submitted to the [Board or any other Officer authorised in that behalf by the Board] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] not later than the 15th October for approval and an abstract of account of receipt and expenditure of the previous market year shall be submitted to the [Board or any other Officer authorised in that behalf by the Board] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] not later than the 31st December.(3)No expenditure shall be incurred for which there is no budget provision unless it can be met by re-appropriation from savings under other heads.

40. Works to be included in the budget.

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

41. [Approval of Plans and Estimates. [Substituted vide O.G.E.No. 794, Dated 3.8.1996.]

(1)Plans and Estimates for works up to a value of rupees five thousand each shall be approved by the Market Committee and the Plans and the Estimates for works of a value exceeding rupees five thousand each shall be approved by the Board, on the recommendation of the Market Committee.(2)Plans and Estimates for all works, shall be prepared by the Engineering Cell of the Board.]

42. [Supervision of works. [Substituted vide O.G.E.No. 794, Dated 3.8.1996.]

(1) All construction works of the Market Committee shall be executed under the technical supervision of the Engineering Cell of the Board. (2) Subject to the provision of Sub-rule (1), the Chairman of the Market Committee or any member of the Market Committee duly authorised in this behalf by the Chairman shall exercise overall supervision and control over the execution of all works of the Market Committee. (3) Tenders shall be called for in respect of every work which is to be executed on contract basis : Provided that the Market Committee may dispense with the calling of tenders in the case of : (i) a supplemental maintenance work relating to a road or a building which is found necessary after the annual maintenance contract for that road or building has been settled, if the estimated cost of the supplemental maintenance work does not exceed 50% of the amount of the original maintenance estimates or Rs. 5,000.00 whichever is less, and such supplemental work is necessitated by reasons other than negligence of the original maintenance contractor as certified by the Technical Cell of the Board. (ii) any emergent work, if the estimated cost of the work does not exceed Rs. 5,000.00 and the Chairman certifies that the delay, labour or cost involved will out-weigh the advantage arising from calling for tenders. (4) (i) Tender in sealed cover shall be invited by the Chairman through advertisement in one or more newspapers having wide circulation in the market area, and of other concerned local offices and also by a public notice affixed on the Notice Board of the Office of Market Committee. (ii) Every advertisement and notice so published shall ordinarily state- (a) time and place where the contract documents may be inspected; (b) the prescribed form of tendering, that is, whether it should be at a specified percentage below or above the estimated rates, or whether definite rates should be quoted for each item of work included in the Schedule; (c) time and place where tenders are to be submitted; (d) time and place where tenders are to be opened; (e) the amount of earnest money which shall accompany the tender and the amount and nature of security required in case the tender is accepted; (f) the authority competent to accept the tender; and (g) that the authority, competent to accept the tender, reserves the right to reject any or all of the tenders received without assigning any reasons. (5) Before tenders are invited for the execution of any work, the Engineer-in-charge of the work in the Engineering Cell of the Board shall prepare contract documents which shall include : (i) a Schedule of quantities of various items of work to be executed and of materials required under each such item, and (ii) a set of conditions of contract to be complied with by the tenderer in case his tender is accepted. (6) No tender shall ordinarily be treated as valid unless it is accompanied with a money receipt in support of deposit of earnest money. A separate list of all sums deposited as earnest money shall be maintained under the signature of a person or an officer of the Market Committee authorised by the Market Committee in that behalf. (7) The amount of earnest money to be deposited shall be sufficiently large as to be the security against any loss that may be caused on account of the contractor failing to furnish the required security within the appointed time after the acceptance of his tender or until the sums due to him form a sufficient guarantee, as the case may be. (8) A tender Committee consisting of Chairman, Secretary of the Market Committee and the Engineer-in-charge of the work shall, at the time and place specified for the purpose, open the sealed covers containing the tenders in the presence of tenderers or their authorised agents as may be present. Until the sealed covers are so opened they shall be kept in the personal custody of the Secretary of the Market Committee. On opening the tenders the Chairman shall initial all corrections in each tender paper which may have been made by the tenderer and duly attested by him. If there are corrections in the tender

un-attested by the tenderer a note of such corrections shall be made on the tender itself, when it is opened.(9)After the tenders are opened they shall be entered in a Register against each work. The Secretary shall certify to the corrections of the entries with reference to the original tenders which shall be preserved and made available for the purpose of audit and inspection.(10)(i)The lowest tender shall ordinarily be accepted by the Committee. Where it is considered undesirable to accept the lowest tender the reasons shall be clearly recorded in writing by the Chairman.(ii)Where the capacity for work and the integrity of a tenderer is not known his tender need not be necessarily rejected. But in such case an additional security not ordinarily exceeding 15% of the contract amount as the Committee consider necessary shall however be taken from such tenders if the circumstances so warrant. Where the lowest tender is rejected next lower tender shall be considered. If it is considered undesirable to accept that tender the next lower tender shall be considered. In every order of rejection of a tender the reasons shall be recorded in writing by the Chairman.(iii)In no case shall a tender be accepted at rates higher than those quoted in the tender by the tenderer.(iv)There shall be no avoidable delay in the disposal of tenders after they are opened. The Committee shall dispose of tenders ordinarily within seven days from the date on which they are opened. If the Committee fails to dispose of the tender within a period of seven days after recording reasons therefore may dispose of the same within a period of two months from the date of opening of the tender.(v)Tenders remaining undisposed of for a period exceeding two months from the date on which they are opened shall stand cancelled and on such cancellation the work in respect of which the said tenders had been originally called for shall be put to re-tender within a period of 15 days from the date of such cancellation. Cost escalation taking place, if any, between the date of such cancellation and the date of finalisation of the re-tender, shall be recovered from the person responsible for non-finalisation of the original tender, or the re-tender, as the case may be.(vi)Save as otherwise provided, the provisions of the Orissa Public Works Department Code relating to tenders and execution of works shall mutatis mutandis be followed.]

42A. [Register of contractors. [Inserted vide O.G.E.No. 794, Dated 3.8.1996.]

- (i) A register of contractors in such form as may be prescribed by the Board from time to time, shall be maintained in the office of Market Committee, containing names and other particulars of contractors licensed by P.W. Department and other such Government organisations and such register shall be treated as confidential.(ii)The Register of contractors shall be kept up-to-date. An officer of the Board specially authorised by the Board in this behalf shall scrutinise the register at least once a year, and sign it in token of his scrutiny.(iii)In the remarks column of the register, the qualification of the contractor, his solvency, the quality of work previously executed-by him and all other relevant particulars shall be entered.(iv)Any person desirous of being registered as a contractor of the Market Committee, shall apply to the Chairman of the Market Committee stating his qualification and previous experience and solvency. The Chairman shall make an enquiry and obtain orders of the Market Committee on the application, before registering him as a contractor for the Market Committee.(v)Any person who is not licenced contractor of the P.W.D. or other such Government Organisation may also be registered as a contractor of the Market Committee on deposit of such amount as may be fixed by the Market Committee from time to time :Provided that such contractor shall not be eligible to execute works of a value exceeding Rs. 50,000.00 each.]

43. Permanent Fund.

- The surplus amount of the Market Committee Fund, at the close of each year shall be credited to the permanent fund of the committee and it shall be used only towards incurring the expenses of a permanent nature such as the construction of buildings, acquisition or purchase of sites.

44. Annual Report.

- By the end of each market year, the Market Committee shall prepare an annual report and submit a copy of it to the Director or such other officers as may be appointed by the Director.

45. Accounts and audit.

- (i) Subject to the provisions contained in these rules accounts of the Market Committee shall be maintained in such manner as the [Board] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] may direct. (ii) The accounts of the Market Committee shall be audited by such auditor as may be approved by the [Board] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] an payment of such audit fees as may be fixed from time to time by the [Board] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.], At the time of audit, [the Secretary of the Market Committee or any officer of, the Market Committee authorised by the Secretary] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] shall cause to be produced all accounts, registers documents and other relevant papers which may be called for by the audit officer for the purposes of audit. An explanation called for by that officer for the settlement of any discrepancy shall also be immediately furnished to him. [Part-IV-A [Inserted by vide O.G.E.No. 794, Dated 3.8.1996.] 45A. Marketing Development Fund. (1) All moneys received by or on behalf of the Board shall be credited to a fund called the Marketing Development Fund. (2) All expenditure incurred by the Board shall be defrayed out of the said fund. (3) Subject to the provisions of the Act, the Marketing Development Fund shall be utilised by the Board for the following purposes, namely: (i) grading and standardisation of Agricultural Produces; (ii) general improvement of the regulation or Marketing in the State; (iii) granting subventions to Market Committees for the purposes of this Act on such terms and conditions as the Board may determine from time to time; (iv) acquisition of land and construction of buildings for due discharge of the functions of the Board or efficient functioning of the markets under its supervision; (v) Pay, pension, leave allowance, gratuities, compensations for injuries resulting from accidents compassionate allowances, contribution towards leave allowances, pension or provident fund of the officers and servants employed by the Board as may be decided by the Board from time to time; (vi) travelling and other allowances to the members of the Board; (vii) propaganda and publicity on matters relating to regulated Marketing of Agricultural Produce; (viii) meeting any legal expenses incurred by the Board; (ix) imparting education in regulated Marketing of Agricultural Produce to the producers, traders consumers and the members as well as functionaries of the Market Committees and the Board; (x) training of the officers and staff of the Market Committees and Board; (xi) organising and arranging workshops, seminars, exhibitions, etc. on development of marketing and regulation of marketing of agricultural produces as envisaged under the Act; (xii) general improvements of the facilities for the storage and transport of notified Agricultural Produce to the Market Yard; (xiii) providing technical and administrative assistance to Market Committee including

execution of works;(xiv)for any other purposes, as may be deemed necessary by the Board for execution of the functions assigned to it under this Act, or as may be specified by the Government for carrying out the purposes of the Act.

45B. Contribution to be paid to the Board.

- Every Market Committee shall make contributions to the Board as required under Section 18-G of the Act, at a rate of five per centum of its gross income derived from licence fee and market fees in a market year, besides paying such an additional per centum of the said income as may be fixed by the Board in proportion to cost of the works of the Market Committee, executed in that year.

45C. Accounts of the Board.

- The Accounts of the Board shall be maintained in such forms as may be decided by the Board from time to time with the approval of the State Government.]Part-V Market yard and market

46. [Declaration of the market yard and the market. [Substituted vide Orissa Gazette Part III/29.11.1974.]

- The State Government may by notification in the Official Gazette declare-(a)any enclosure, building or locality in any market area to be a market yard; and(b)any area including all lands and buildings thereon within such distance of the market yard as it thinks fit to be a market.]Explanation - A market so declared shall include industrial concerns situated within its area together with their compounds, godowns and warehouses used for storage or agricultural produces.

47. [Control and conservancy in the market yard. [Substituted vide Orissa Gazette Part 111/29.11.1974.]

(1)The Market Committee shall maintain one or more market yards as may be declared as such in pursuance of Rule 46. Subject to these rules and the general or special orders of the State Government and to such control as is by these rules or by any other law for the time being in force vested in the Collector or Director or local authority including the Grama Panchayat, the Market Committee shall manage market yards having regard always to the convenience of the trade in agricultural produce and the purposes for which the control is vested in the Market Committee. The market yard shall be open for trading at such hours as the Market Committee may from time to time fix. Carts or consignments of agricultural produce intended for sale shall be assembled in the market yard in such manner and at such time as may be permitted and ingress and egress may be permitted to such persons and at such times as the Market Committee may consider proper.(2)The Market Committee shall, within the market, exercise such rights and perform such functions as may be necessary for the convenient control of the market including the collection of fees in accordance with the Act, these rules and the bye-laws of the Committee and for the convenience and comfort of the persons using the market.(3)The Market Committee may if it considers necessary to do so for the purposes of control of the market require the owner or manager of any industrial concern

located within the market to furnish such information in respect of any notified agricultural produce which is handled or used by the said concern.(4)Any owner or manager so required to furnish information may appeal, within a fortnight of the date of receipt of the order, to the Director against the order and the decision of the Director in the matter shall be final.]Part-VI Fees - Levy and Collection

48. [[Substituted vide Orissa Gazette Part 111/29.11.1974.]

[(1)] The Market Committee shall levy and collect market fees from -(a) a purchaser of notified agricultural produce marketed in the market area; (b) the person deemed to be a purchaser under the explanation to Section 11 of the Act in respect of the notified agricultural produce; and (c) the persons bringing any notified agricultural produce into the market area for the purpose of processing or for export only, but not processing it therein or exporting it therefrom within the period of thirty days as provided in the provisos to Sub-section (6) of Section 4 of the Act, at such rates as may be specified in its bye-laws, subject to the minima and the maxima specified in Section 11 of the Act; [(2)] The Market Committee shall levy and collect licence fees from traders, adatyas, brokers, weighmen, measurers, surveyors and warehousemen operating in the market [area] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] at such rates as may be fixed in its bye-laws. [(3)] A person bringing any notified agricultural produce from outside the market area into the market area, for the purpose of processing by his industrial concern situated within the market area, if any, or for export from such area, shall be subject to levy of market fee unless he furnishes a declaration in respect of the produce and the certificate in Form-IV, to any Officer or servant of the Market Committee specifically authorised by the Committee in that behalf at the time of entry of the said produce in to the market area :] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] Provided that if the agricultural produce is not used by the industrial concern and is removed from the market or if it is not exported within twenty days of the purchase, the Market Committee shall levy and collect fees on such agricultural produce from the industrial concern or the persons furnishing the certificate at such rates as may be specified in its bye-laws. [(4)] Retail sale of agricultural produce by the producer shall be exempted from any fees. Explanation - "Retail sale" in respect of any agricultural produce means the sale of such agricultural produce in any calendar day not exceeding the quantity or value specified in the bye-laws of the Market Committee. [(5)] [Purchase of any agricultural produce in any calendar day. not exceeding the quantity or value specified in the bye-laws of the Market Committee, by a buyer for his domestic or household consumption shall be exempted from the payment of any fee.] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.]

48A. [Establishment of check points by the Market Committee. [Inserted vide O.G.E.No. 794, Dated 3.8.1996.]

- The Market Committee may, for the purpose of due discharge of its responsibilities, under the Act, Rules and Bye-laws, establish check points at such locations as may be notified by it from time to time, with the previous approval of the Government.]

49. Recovery of fees.

- [The license fees shall be paid along with the application for licence but in case the Market Committee refuses the grant of a licence. The fees recovered shall be refunded to the applicant.] [Sub-rule (1) deleted and sub-rule (2) re-numbered as rule 49 vide O.G.E.No. 794, Dated 3.8.1996.]

50. Receipt.

(1) The Market Committee shall maintain a register showing the fees collected by it. A receipt duly signed by the person authorised by the Market Committee shall be granted to every person in respect of fees collected from him under these rules or the bye-laws. (2) Every person authorised by the Market Committee to collect fees shall pass receipts to the payees, keeping counterfoils of the receipts so granted and shall render account of all receipts at least once a day to the person duly authorised in this behalf by the Market Committee.

51. Collection of fees.

- The fees shall be collected by the paid servants of the Market Committee and the right to collect the fees shall not be formed out. [Provided that the collection of fees through a trader, adatya or buyer shall, if such collection is authorised in the bye-laws of the Market Committee and, is deposited with a paid servant of the Committee in the manner specified in the said bye-laws, be deemed to be a collection by the paid servants of the Committee.] [Inserted vide Orissa Gazette Part III/29.11.1974.]

52. Servant to wear badges.

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

53. Security.

- The Market Committee shall take such security as it thinks fit from its employees who are entrusted with the handling of money.

54. Penalty for evasion of payment of fees.

- Any person removing or attempting to remove agricultural produce from the [market area] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] [* * *] [Omitted vide Orissa Gazette Part III/29.11.1974.] before the fee has been paid and the receipt prepared and granted shall, on conviction, be punishable with fine which may extend to [rupees five hundred] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.], Part-VII Sales and Trading in Market

55. Sale of agricultural produce.

- [(1) Such details of agricultural produce resold in the market shall also be reported to the Market Committee in accordance with the provisions of the bye-laws.(2)The price of agricultural produce brought into the [market area] [Sub-rules (1) and (2) deleted and sub-rules (3) and (4) re-numbered as sub-rules (1) and (2) (vide O.G.E.No. 794, Dated 3.8.1996.) for sale shall be settled by open auction or by open agreement and not by secret signs and no deduction shall be made from the agreed price of the consignment except for any authorised trade allowance.]

56. Account of sales to be maintained.

(1)The Market Committee shall maintain a record in which regular and proper account of each consignment of the agricultural produce brought in for sale in the market shall be kept.Explanation - For the purpose of this Sub-rule entries collectively relating to more than one consignment shall not be deemed to be a proper and regular account of consignment.(2)No cart or consignment which has entered a market yard shall be removed from the said yard except on the presentation at the gate of the market yard or a pass issued under the bye-laws.

57. Agreement to be executed between buyer and seller.

(1)Every purchaser of agricultural produce shall sign an agreement, in duplicate, in Form V in favour of the seller before removing it from the market area. One copy of the agreement shall be supplied to the seller and the other shall be kept on the record of the Market Committee. Printed forms of agreement shall be supplied free of cost by the Market Committee.(2)Nothing in this rule shall apply to the purchasers of agricultural produce for their own private and/or household use. The purchase by such purchasers shall be subject to such conditions as may be specified in the bye-laws.

58. Publication of prices.

- The Market Committee shall so far as practicable place at the disposal of those using the market information on such matters as the prices of principal agricultural commodities ruling at the important marketing centres of the State. The information shall be furnished in such a manner as will be readily available to all persons using the market.

59. Penalty for disobedience of orders of the Committee.

(1)No person shall-(a)enter a market yard in contravention of a direction given by a servant or member of the Market Committee ;(b)disobey any of the directions of the Market Committee in regard to the places where carts laden with agricultural produce may stand or loads of agricultural produce may be exposed or in regard to the road by which or in regard to the times at which they may proceed.(2)Any person contravening or disobeying any of the directions referred to in Sub-rule (1) shall, on conviction, be punishable with fine which may extend to [rupees one hundred]

[Substituted vide O.G.E.No. 794, Dated 3.8.1996.] for the first offence and to [rupees five hundred] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] for any subsequent offence.

60. Licensed traders and general commission agents.

(1) No person shall do business as a trader of a general commission agent in agricultural produce in any [market area] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] except under a licence by the Market Committee under this rule. (2) Any person desiring to hold such licence shall make a written application for a licence to the Market Committee and shall pay such fee as may be specified in the bye-laws. (3) On receipt of such application together with the proper amount of the fee the Market Committee may, after making such enquiries, as may be considered necessary for the efficient conduct of the market, grant him the licence applied for. On the grant of such licence the applicant shall execute an agreement in such form as the Market Committee may determine, agreeing to conform with these rules and the bye-laws and such other conditions as may be laid down by the Market Committee to holding the licence. (4) Notwithstanding anything contained in Sub-rule (3), the Market Committee may refuse to grant a licence to any person, who in its opinion, is not solvent or whose operations in the market area are not, likely to further efficient working of the market under the control of the Market Committee. (5) The licence shall be granted for a period of one year, after which it may be renewed on application and on payment of such fees as may be specified in the bye-laws. (6) The names of all such traders and general commission agent shall be entered in a register to be maintained for the purpose. (7) Whoever does business as a trader or a general commission agent in agricultural produce in any market area without a licence granted under this rule or otherwise contravenes any of the provisions of this rule shall, on conviction, be punishable with fine which may extend to [rupees five hundred] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] and in the case of a continued contravention with a further fine which may extend to [rupees one hundred] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] to everyday during which the contravention continued after the date of the first conviction subject to a maximum of [rupees five hundred] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.]

61. Powers of the Market Committee to suspend or cancel the licence granted to traders and general commission agents.

(1) The Market Committee may, by a resolution passed by a majority consisting not less than two-thirds of its members cancel or suspend for a fixed period, the licence granted to one trader or general commission agent if he contravenes any of the conditions of his agreement or licence or of the rules or bye-laws or who, in the opinion of the Market Committee, is not solvent : Provided that no order cancelling the licences or suspending the same for a period of more than six months shall be passed without previous approval of the Director. (2) Any appeal against the decision of the Committee given under Sub-rule (1) shall lie to such Officer as may be authorised by the Director in this behalf and the decision of such officer in such appeal shall be final: Provided that such appeal is made within thirty days of the decision of the Market Committee and the appellant abides by the decisions of the Market Committee from the date of such decision till the date of the orders passed in appeal.

62. Licensed brokers, weighmen, measurers and surveyors.

(1) No person shall do business in any [market area] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] as a broker, weighman, measurer or surveyor except under a licence granted by the Market Committee. (2) Any person desiring to hold such licence shall make a written application for a licence to the Market Committee and shall pay such fees as may be specified in the bye-laws. (3) On receipt of such application together with the proper fees as may be specified in the, bye-laws the Market Committee may, after making such enquiries as may be considered necessary for the efficient running of the market, grant him the licence applied for. On the grant of such licence the applicant shall sign an agreement in such form as the Market Committee may determine agreeing to conform with the bye-laws and such other conditions as may be laid down by the Market Committee for holding the licence. (4) Notwithstanding anything contained in Sub-rule (3), the Market Committee may refuse to grant licence to any person, who, in its opinion is not solvent or whose operations in the [market area] [Substituted vide O.G.E.No. 794, Dated 3.8.1996.] are not likely to further the efficient working of the market under the control of the Market Committee. (5) The licence shall remain in force from the date on which it is granted till 31st August following and may be renewed thereafter on application and on payment of such fees as may be specified in the bye-laws. (6) The Market Committee may, by a resolution, cancel or suspend for a fixed period the licence granted to any broker, weighman, measurer or surveyor if he contravenes any of the conditions of his agreement or licence or of the rules or bye-laws or if in the opinion of the Market Committee his continuance as a licence-holder is likely to be detrimental to the working of the market. (7) An appeal under Sub-section (2) of Section 13 of the Act shall be filed within 30 days of the date of decision of the Market Committee. (8) The Chairman may suspend the licence of any broker, weighman, measurer or surveyor for any of defaults for a period which may extend to one month. (9) No person shall be entitled to do business other than that for which he holds a licence or licences. (10) No person who is in the service of another person shall be eligible to hold a licence as a broker, weighman, measurer or surveyor. If any licensed broker, weighman, measurer or surveyor enters service or does business other than that for which he holds a licence or licences his licence or licences shall be deemed to have been cancelled.

63. Charges for brokerage, weighing, measuring and surveying.

- The fee payable to a licensed broker, weighman, measurer or surveyor in respect of his services shall be such as may be specified in the bye-laws.

64. Keeping of books by broker, weighman, measurer and surveyor.

- Every broker, weighman, measurer and surveyor licensed under these rules shall keep such books in such form and tender such periodical returns and at such time and in such form as the Market Committee may, from time to time, direct and shall tender such assistance in the collection and prevention of the evasion of fees due under these rules and bye-laws and in the prevention of the breach of the rules and bye-laws as may be required by the Market Committee.

65. Equipment for weighmen, measurers and surveyors.

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

66. Employing of a general commission agent, broker or surveyor.

- No person shall, in the absence of an express agreement, be bound to employ a broker, a surveyor or a commissioned agent in any transaction or be required to pay for any broker, commissioned agent, or surveyor employed by any other party to a transaction or when none is employed.

67. Licensed weighman or measurer to wear a badge.

- Every licensed weighman or measurer when plying his trade shall wear a distinguishing badge of a suitable pattern provided by the Market Committee. A deposit of not less than one and not more than five rupees to cover the cost of this badge shall be paid to the Market Committee by every licensed weighman or measurer.

68. Penalties for plying trade without licence or badge.

- Any person working in the market area as a broker, weighman, measurer or surveyor without a licence or any weighmen or measurer plying his trade without the authorised badge shall, on conviction be punishable with fine which may extend to Rs. 200.

69. General commission agents, etc. not to receive fees other than those specified for their services.

- No licensed general commission agent or his servant and no broker, weighman, measurer and surveyor shall solicit or receive fees other than those specified for their services in the bye-laws. For contravention of the provision of this rule their licence shall be liable to be cancelled forthwith.

70. Trader or his servant not to solicit brokerage or weighing, measuring or surveying charges.

- If any trader or his servant or agent solicits or receives any fees for brokerage or weighing, measuring or surveying charges, the trader's licence shall be liable to be cancelled forthwith.

71. Weighment or measuring by licensed weighmen or measurers.

- In the case of a sale or purchase of agricultural produce. All weighing and measuring shall be done by licensed weighmen and measurers.

72. Penalties to licensed general commission agent, broker, surveyor, weighman or measurer for demanding or receiving any sum not authorised by rules or bye-laws.

- Any licensed general commission agent, broker, weighman, measurer or surveyor who shall demand, receive or retain or shall permit any other person to demand, receive or retain on account of or under the colour of, fees due in respect of his service, any sum not due under these rules or the bye-laws or a larger sum than is due under these rules or bye-laws, or from a person who is not liable to pay under these rules or bye-laws and any person who, not being a licensed general commission agent, broker, weighman, measurer or surveyor, shall demand, receive or retain or facilitate the demanding, receiving or retaining of such sums, shall, on conviction, be punishable with fine which may extend to Rs. 200.

73. The licensed trader to provide equipment for weighing and measuring.

(1)The licensed trader shall provide or arrange to provide all such necessary authorised weights and measures and authorised weighing instruments at the time of taking delivery of agricultural produce sold in the market area as may be specified in the bye-laws.(2)No licensed trader shall use weights and measures of weighing instruments other than authorised weights and measures or weighing instruments.(3)Any licensed trader who commits a breach of the provisions of this rule shall be deemed to have violated the conditions of his licence.

74. Weights and measures to be used in market area.

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

75. Units of price quotations to be used in the market area.

- The units of price quotations in every market area shall be in terms of authorised weights and measures and shall be such as are approved by the Director or any officer authorised by him in this behalf.

76. A set of standard weights and measures, weighing and measuring instruments to be kept by the Market Committee.

- The Market Committee shall keep at least one set of such weights and measures and weighing and measuring instruments as are standard weights and measures and weighing and measuring instruments respectively under the Orissa Weights and Measures Act. Such standard weights and measure weighing and measuring instrument- shall be available to the public for inspection and checking at all reasonable hours.

77. Counter-balancing in weighmen.

- If any rope or gunny bag or any other is used to tie the bundles in the pan on the goods side of the scale, a weight equivalent to the weight of the rope or of the gunny bag or of the article so used shall be added to the pan on the weight side of the scales in order to counter-balance the weight of the rope or of the gunny bag or of the article used for tying the bundles.

78. Weighment on a weigh-bridge.

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

79. Inspection of weights and measures and weighing and measuring instruments.

(1) All weights and measures and weighing and measuring instruments which are in use in market area shall be verified and stamped by the Inspector appointed under Sections 15 and 16 of the Orissa Weights and Measures Act, 1943 (herein referred to as Inspector of Weights and Measures), within whose jurisdiction the market is situated in accordance with the provisions of the said Act (Act 7 of 1943) and rules made thereunder. (2) Every licensed trader, general commission agent, weighman or Measurer shall, on a requisition in writing being made to him by the Chairman of the Market Committee, immediately produce for examination all and every scale and weight and measure used, kept, or possessed by him or by any person or persons under his authority or control and shall allow the Chairman to inspect, examine and compare the same. (3) On a requisition by the Market Committee, the Inspector of Weights and Measures, in whose jurisdiction the market area is situated, shall carry out the inspection and testing of weights/measures and weighing or measuring instruments in use in the market area and shall take such action as is consistent with the provisions of the Orissa Weights and Measures Act, 1943 and the rules made thereunder. (4) An appeal against the decision of the Market Committee under Sub section (7) of Section 13 shall lie within 30 days of such decision.

80. Report regarding unauthorised weights and measures and weighing and measuring instruments.

- If in the absence of an Inspector of Weights and Measures any weight or measure or weighing or measuring instrument is, on examination, reasonably suspected to be unauthorised, a report shall forthwith be made by the Chairman of the Market Committee in writing to the Inspector of Weights and Measures, who shall thereupon proceed in accordance with the provisions of the Orissa Weights and Measures Act, 1943 and the rules made thereunder.

81. Penalty for disobedience of order to produce weights or measures or weighing or measuring instruments for examination.

- Whoever being bound under provision of Rule 79 to produce any weights and measures and weighing or measuring instruments for examination allow the examination, inspection or comparison of any weight or measure of weighing or measuring instrument, does not produce the weights or measures or weighing or measuring instruments or does not allow the examination, inspection or comparison of any weight or measure or weighing or measuring instrument shall on conviction, be punishable with fine which May extend to Rs. 200.

82. Storing of agricultural produce.

- All agricultural produce brought into a [market area] [Substituted vide O.G.E.No. 794, Dated 3.8.1998.] shall be stored at such places as may be specified in the bye-laws. Pending such arrangements, the agricultural produce brought into the [market area] [Substituted vide O.G.E.No. 794, Dated 3.8.1998.] when unsold may be stored in the compounds, godowns and warehouses owned or hired by the licensed general, commission agent or broker for that purpose. The goods so stored shall be weighed in the presence of the seller or his representative at the time of delivery for storing and an acknowledgement indicating the kind and weight of goods shall be given by the licensed general commission agent or broker to the seller. Such storing of agricultural produce shall be subject to the payment of such storage fee and such other conditions as may be specified in the bye-laws.

83. Regulation of advances of agriculturists.

- A licensed general commission agent or broker may give advances either in case or in kind to agriculturists but such advances shall be made subject to the following conditions : (1) If any agreement is entered into between the lender and the borrower, the lender shall supply a copy of the agreement to the borrower. (2) When the advances are given from time to time, an account book of the advances given and repayments made shall be kept in the manner laid down in the bye-laws. The lender shall give a copy of such account book to the borrower and enter and attest with his signature every individual transaction of lending and recovery in the copy of the account book so given.

84. Prevention of adulteration of agricultural produce.

- It shall be the duty of the Market Committee to take all possible steps to prevent the adulteration of agricultural produce in the market area and no person doing business in the market area shall cause adulteration of agricultural produce in such area. Explanation - For the purpose of this rule adulteration of agricultural produce shall include the mixing of inferior variety of jute with superior variety, ghee with vegetable ghee and mixing of earth, sand, dirt, sticks, or any other external matter to the agricultural produce.

85. Grading and standardisation of the agricultural produce.

- The Market Committee shall maintain for the use of sellers and buyers a set of samples of standard grades of agricultural produce sold at the market and shall renew the same as may be necessary from time to time. The Market Committee shall also arrange to keep and exhibit samples of different grades of agricultural produce with indications of parity prices based on rates ruling in terminal and key markets for the information of sellers and buyers.(2)The Market Committee may carry out the work on grading of agricultural produce.(3)The fees to be charged for carrying out grading of agricultural produce shall not exceed the maximum specified in the bye-laws.

86. Keeping of price list.

- The Market Committee shall maintain daily lists of prices of different types and grades of agricultural produce in respect of which the market is established.

87. [Authority competent to call special meeting of Market Committee. [Substituted vide O.G.E.No. 794, Dated 3.8.1996.]

(1)The Secretary of the Market Committee, shall convene special meetings of the Market Committee on receipt of a requisition in writing from the Government, Board, Director or at least half of the total number of members of the Market Committee, on such date, time and venue or within such time as may be specified in the requisition to consider any matter of immediate importance to the constitution, functioning or other affairs of the Market Committee including the management, control and development of markets thereunder.(2)If a special meeting is not convened in accordance with any such requisition specified in Sub-rule (1), the requisitioning authority, shall have the power to convene such meetings and the meeting so convened shall be deemed to be a meeting convened by the Secretary]

88.

[* * *] [Omitted by vide O.G.E.No. 794, Dated 3.8.1996.]

89. [[Inserted vide Orissa Gazette Part III/29.11.1974.]

The State Government may by notification in the official Gazette suspend during the first year of the establishment of any market [Committee], the operation of any of the provisions of these rules for such time and- to such extent as they think fit.]Form I[See Rule 10 (i)]Nomination Paper

1. Name of the constituency

- 2. Full name of candidate**
- 3. Number of candidates in the list of voters**
- 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 list of voters**
- 11. Signature of the proposer**
- 12. Full name of the seconder**
- 13. Number of the seconder in the list of voters**
- 14. Signature of the seconder**

I declare that I am willing to stand for election to the Market Committee
of.....:.....Signature of candidateCertificate of delivery by the Collector or other
authorised personSerial No.....This nomination paper was delivered to me by (person)
at.....(date and hour)Signature of the Collector or other authorised personInstruction -
Nomination papers which are not presented to the Collector or other authorised person before
(hour) on the day of 20 shall not be received.Form II[See Rule 12]List of Nominations received on
(Date) for constituency

- 1. Serial number**
- 2. Name of candidate**

3. Father's or husband's name

4. Sex

5. Community

6. Occupation and address

7. Name at proposer

8. Name of seconder

Note-The nomination papers shall be taken up for scrutiny at.....A.M. /P.M.....the.....day of.....at.....(place)Signature of the Collector or person authorised by himForm III[See Rule 15 (2)]List of Valid Nominations

1. Serial number

2. Name of candidates

3. Sex.

4. Community

5. Address

Note - The Poll shall be taken between.....and.....at.....the polling stations already notified.Signature of the Collector or person authorised by himForm IV[See Rule 48 (3)]Form of Declaration and Certificate

Kind of agricultural produce	Carts and packages	Where bought	Name of seller	Through whom bought	Name of the buyer or his agent
(1)	(2)	(3)	(4)	(5)	(6)

I hereby certify that the above-mentioned agricultural produce has been bought outside the limits of the market area and brought in the limits of the market for the purpose of...Dated.....SignatureForm V[See Rule 57 (1)]Form of AgreementName of seller and his villageName of general commission agent, if anyName of buyer or his agentNumber of carts, packages and loadsKind of produce, qualityRatePlace of delivery
Date Market fee Rs. nP Ticket number

Signature of Market Committee's servantI hereby agree that when the above-mentioned agricultural

produce is unloaded, if I refused to take it at the rate stated above the matter shall be referred for arbitration in accordance with the provisions contained in Rule 31 of the Orissa Agricultural Produce Rules, 1958. I bind myself to accept the decision given in such arbitration under the said rule. Signature of the buyer or his agent [Form VI] [Inserted vide O. G. E. No. 1124 dated 5.7.2007.] Form of Application for establishment of private market (See Rule 24-D)

1. Name of Applicant :

2. Address

3. Other Particulars

(a) In case of Individuals

1. Father's Name :

2. Age :

3. Sex :

4. Name of Current Business :

5. Income Tax PAN No. :

6. VAT Registration No. :

(b) In case of a body corporate

1. Whether a Private or Public Limited Company or a Partnership Firm or a Co-operative Society or any other (specify) :

2. Nature of Current business :

[N.B. Companies/Firms/Cooperatives to furnish relevant documents relating to their incorporation]

4. Location of the proposed market

i. Name of the Regulated Market Committee within whose area it lies : ii. Village/Town/City with area name :

5. Particulars of land on which the market will be developed

1. Extent of land in acres :

2. Revenue Record Details :

3. Whether the land is in possession of applicant and readily available for construction of the Market:

6. Whether the Market is proposed to be used solely by the Applicant or will be thrown open to other persons for making purchases :

7. (a) In case the Market is proposed for sole use of the Applicant, the number of Auxilliary Market Yards proposed with details :

Sl.	Location of the Auxilliary Yard	Extent of area	Revenue Plot Nos.	Khata Nos
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(b) Whether the lands indicated are available for construction of the Auxilliary Market Yards and are in possession of the Applicant :

8. Agricultural Produce proposed to be traded in the Market.

9. If the Market is for the sole use of the Applicant, indicate the purpose for which the Agricultural Produce will be purchased (see Rule 24-B(1))

10. Whether the proposed Market intends to receive agricultural produce from the entire Market Area within which it is proposed to be located or a part thereof; if part specify :

11. Facilities proposed to be established and service : proposed to be provided at the Market (a Detailed Project Report to accompany)

It is verified that the facts submitted above are true to the best of my knowledge and belief. Yours faithfully, (Signature of Applicant/Persons authorised by a Body Corporate) Place.....Date.....Enclosures

1.

2.

Form VII License for establishment of private market U/S 6A(1)(See Rule 24-E(6)) License No.

1. The License is issued for establishment of a Private Market under Sub-section (1) of Section 6A of the Orissa Agricultural Produce Markets Act, 1956 in favour of

.....for the
marketing, sale and purchase of Notified Agricultural Commodities within the market Area of.....in the District of.....

2. The Market shall be located within the limits of the following plots of land namely.

Name of the Village Sl. No. Plot No. Area in Ac Khata No

Total

3. The following notified Agricultural commodities only can be brought into the Market for sale or value addition through other marketing activities.

4. Agricultural commodities grown by producers within the geographical limits specified below can be brought into the Market or any of the Auxilliary Market Yard for sale or value addition:

5. The Market shall be used only by the Licensee for purchasing the Agricultural Commodities mentioned herein for the purpose of

1.

.....

2.

.....

3.

.....

4.

.....

5.

*. The Licensee may allow other traders to make purchases of any notified agricultural Commodity permitted to be traded therein.

6. The License carries with it the permission to set up Auxilliary Market Yards at the following places limited within the plots of land mentioned against each.

SI. No.	Place where Auxilliary Market Yard will be set up	Plot Nos. with area in Ac. & Khata No	Total Area
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6.

*. The Licensee may collect from the other traders who are allowed to used the market for making purchases Market Service Charges not exceeding -% of the value of the commodities purchased in the Market.

7. The Licensee shall start operation of the Market only after the Director, Agricultural Marketing, on being satisfied that adequate facilities have been created in the Market and the Auxilliary Market Yards if any for the smooth conduct of trading has allowed operations to commence.

8. The License shall be valid for a period of three years subject to renewal on a yearly basis on the licensee continuing to fulfill the conditions and discharging all the liabilities under the license.

9. The license shall be subject to the conditions and restrictions imposed under Rules 24-H, 24-I, 24-J, 24-M, 24-N and 24-R in particular and all other provisions of the OAPM Act, 1956 and the OAPM Rules 1958.

Seal & Signature of Authorised Officer Date.....Place.....(N.B. : Retain either 5 & 6 OR 5* & 6*.) Form VIII Form of Register of Licenses for private markets (See Rule 24-E(6)) (1) Name of The RMC : (2) Name of the Private Market (3) License No. (4) Date & year of issue of license (5) When last renewed (6) Place of location i.e. village/town (7) Name & Address of the licensee (8) License for sole use by licensee or also by other Traders (9) Specific location of the market (land particulars) and area in Ac. : (10) Location of Auxilliary Markets, if any

Sl. No. Place of Location Land Particulars Area

11. Maximum rate of Market Service Charges allowed

12. Notified agricultural commodities permitted to be traded:

Form IX Transit Slip In respect of notified agricultural commodities Bought in a private market moving to another place (see Rule 24-K) To whom so ever it may concern The notified agricultural commodities of the following description, namely:-

Sl. No. Name of Commodity Quantity

being transported in the carriage bearing Registration No....., have been duly sold at the Private Market; bought by their present owner, namely.....; and are being transported to..... in the course of trade. Hence no more Market Fees are leviable on these goods in any Market Area of Orissa; and these should be allowed an unhindered passage in every Market Area. Signature of Authorised Functionary,..... Private Market for Agricultural Produce. Form X Monthly Return On transactions in agricultural produce at private markets (See Rule 24-M(1))

1. Name of the Private Market:

2. Name & Address of the Licensee :

3. Report for the Month of :

4. Particulars of Transactions at Main Market :

SI. No.	Name/Class of Commodity	Quantity bought by Licensee	Value (Rs. Lakhs)	Quantity bought by others Traders	Value (Rs. Lakhs)
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Total value

5. Particulars of Transactions at Auxilliary Markets

SI. No.	Name/Class of the Agricultural Produce	Quantity Purchased in main Market	Value (Rs. Lakh)	Quantity Purchased in Auxilliary Market	Value (Rs. Lakh)	Total Value at all Markets
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Total Value

6.

: Total Value of Purchases by a. Licensee at main market :b. Other Traders at main market :c. Licensee at Auxilliary Markets, if any :Total

7. Market Service Charges collected by Licensee :

8. Amount Deposited by Licensee towards payment to Government with detailed particulars :

Signature of Licensee or his Authorised Functionary Date Place Form XI Annual Return on transactions in private markets (including Auxilliary Market Yards)[See Rule 24-M(2)]Return for the financial year.....

1. Name of Private Market:

2. Name of Licensee :

3. Licensee No. :

4. License Valid till/renewed upto :

5. Monthly details of transactions : Market Service Charges Collected and payments to Govt.

SI. No.	Month	Value of Transaction	Market Services charges Collected	Payment made to Govt.	Receipt No and Date
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Total

6. Balance Payment due/Excess payment made to Govt :

Signature of Licensee Form XII Application for renewal of license of private markets U/s 6A(4)[See Rule 24-0]

1. Name and Address of Licensee

2. License No.

3. Name & Location of existing Market :

4. Land particulars of the site of existing market :

5. Whether Market open to other traders or for sole use by Licensee:

6. Particulars of Auxilliary Market yards if any :

SI No. Places where Auxilliary Market Yards existing Particular of Land on which located

7. (a) Date of issue/last renewal of existing Licensee:

(b) Date upto which licensee valid/renewed :

8. Status of Development of Market and Facilities created (a report on implementation of project is to be annexed)

9. Performance Record

(a) Value of commodities traded during last financial year : (b) Whether charged for (i) trading in any Notified Agricultural Commodities not covered by the License : (ii) any other contravention of the provision of the Act/Rule : (iii) Non-compliance of any condition/restrictions imposed by the Licensee :

10. Whether any dues payable to Govt, under the Rules is outstanding

Signature of Licensee or Authorised Person Form XIII Form of renewal of license for private markets U/S. 6A(4)[See Rule 24-P(1)]

1. The License for Privates Market bearing No in respect of the.....market located at in the. Market Area in the District of situated on the land comprised of Plot Nos.....of Khata No.....of Village of Tahsil issued in favour of..... is hereby renewed for a period of one year.

2. This renewal carries with it the permission to continue the Auxilliary market yards at the following locations.

SI No. Place where Auxilliary Yards are located Market Particulars of Land on which located

3. This renewal will be valid upto.....(date) and subject to all the conditions and restriction of the original License.

Seal & Signature of Licensing Authority Date : Place Form XIV Form of Application for registration with the RMC as a contract farming sponsor U/S 6.D [See Rule 24-S(1)]

1. Name of Applicant :

2. Address

3. Other Particulars

(a) In case of Individuals

1. Father's Name :

2. Age :

3. Sex:

4. Nature of Current business:

5. Income Tax PAN No. :

6. VAT Registration No

(b) In case of a body corporate

1. Whether a Private or Public Limited Company or a Partnership Firm or a Co-operative Society or any other (specify) :

2. Nature of Current business :

[N.B. Companies/Firms/Cooperatives to furnish relevant documents relating to their incorporation]

4. (a) Purpose for which the commodities are required by the Applicant.

(b)Has the Applicant got his own retail or wholesale business or processing unit (give place and particulars) for which the commodities are required.

5. Does the Applicant propose to supply the commodities to other users viz. Retailers, wholesalers, distributors or processing units; and if so does he have any arrangements with them (briefly indicate and furnish supporting documents, if any)

6. Estimated quantity (in Qtl.) of different commodities proposed to be produced through contract farming during the year and their estimated value :

Sl. No.	Name of Produce	Quantity Planned (Qtls)	Estimated Value (Rs)
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7. Financial arrangements made and sources of finance for meeting the cost of the commodities to be produced under Contract Farming during the year

[N.B. Banker's certificate or other documents in support of financial arrangements and adequate liquidity to be furnished]

8.

(a)Has application been made for registration in any other market area ?(b)If so, names of such market areas
Signature of Applicant/Authorised Person Date :Place :Form XV
Form of intimation to Director for Government clearance for registration of contract farming sponsors[See Rule 24-S(3)]

1. Name of Applicant

2. Address

3. Market Area in which contract farming will be sponsored:

4. Notified commodities in which contract farming will be sponsored:

5. Whether the commodities are required for

(a)Own use in retail or wholesale trade(b)Supplying to other wholesale or retail/traders(c)use in own processing industry(d)Supplying to others processing industry(e)Directly exporting on supplying to an exporter

6. Whether the intended contract will be only for the purchase of the produce or also for providing technical support services and inputs :

7. Estimated value of the commodities production of which will be sponsored under contract farming and the mode of funding the purchase thereof (Give details of financing arrangements with documents in support thereof)

Signature of ApplicantDate :PlaceForm XVIClearance of the GovernmentFor Registration of contract farming sponsor[See Rule 24-S(4)]ToThe Director,Agricultural Marketing, Orissa, BhubaneswarThe Secretary,Regulated Market Committee of

1. Government after careful consideration of the application have cleared the case of..... (Name of the person or firm with full address) for registration as a Contract Farming Sponsor to take up Contract Farming activities within the Market Area in the District of.....

2. This clearance will be in respect of the following Notified Agricultural Commodities.

3. The registration shall take effect from the date the Regulated Market Committee will issue the Certificate of Registration and will remain valid till the 31st day of March.....

Seal & Signatureof the appropriate AuthorityDate :Place :Form XVIIForm of register of contract farming sponsors maintained by RMCs[See Rule 24-S(5)]

1. Registration No.

2. Date of Registration.....

3. Name of the Contract Farming Sponsor

4. Business Address

5. Notified Commodities in which Contract Farming may be taken up

6. Date from which the registration will take effect

7. Date on which the registration will expire.....

8. Date upto which renewed last

(a)(b)(c)(d)(e)SignatureFull Name in Block LettersDesignation of Authorised Officer/Registering AuthorityPlace :Form XVIIIICertificate of Registration as contract farming sponsor[See Rule 24-S (5)]Regulated Market Committee

Of.....DistrictThis is to certify that.....(Name) has been registered as a Contract Farming Sponsor in the.....Market Area in the District of.....with following particulars.

1. Registration No.....

2. Business Address :

3. Notified Agricultural Commodities in which Contract Farming may be Sponsored

4. Date from which the registration shall take effect.....

5. Date on which the registration shall expire.....

6. Details of Renewal :

Sl. No. Date upto which renewed Signature of RMC Authority

Seal & Signature of RMC AuthorityDate.....Place.....Form XIXForm of Application for renewal of registration of contract farming sponsor U/S 6.D[See Rule 24-S (6)]ToThe Secretary,Regulated Market Committee ofFollowing facts are submitted along with the Certificate of Registration in original with a request for the renewal of registration as Contract Farming Sponsor.

- 1. Name of the Contract Farming Sponsor.....**
- 2. Business Address.....**
- 3. Registration No.....**
- 4. Date on which the registration shall expire.....**
- 5. Period upto which is registration is sought to be renewed.....**
- 6. Estimated quantity in (Qtls) of different commodities proposed to be produced during the year through contract farming and their estimated value :**

Sl. No.	Name of Produce	Quantity Planned (Qtls)	Estimated Value (Rs)
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- 7. Financial arrangements made and sources of finance for meeting the cost of the commodities proposed to be produced under Contract Farming**

[NB: Bankers' certificate or other documents in support of financial arrangements and adequate liquidity to be furnished]
- 8. (a) Value of purchases made from Contract Farming : Producers during the last financial year**

(b) Amount paid to producers including advances, cost of inputs and services etc. during the previous year : (c) Amount outstanding to be cleared, if any :
- 9. Whether charged with any contravention of any provision of the OAPM Act or Rules (if yes, give details)**
- 10. Whether fee for renewal and penalty if any due has been paid : (please furnish proof)**

Signature of the Applicant Date..... Place..... Form XX Form of Agreement for contract farming under Section 6D[See Rule 24-T(1)] This Agreement is made and entered into at on the day of2000 between Shri/Smt./Kum..... age..... residing at Post..... P.S..... District..... hereinafter called the party of the FIRST PART (which expression shall unless repugnant to the context or meaning thereof mean and include his heirs, executors, administrators and assign), And Shri/Smt./Ku..... age..... residing at..... Post..... P.S....., District..... hereinafter called the party of the Second Part (which

expression shall unless repugnant to the context or meaning thereof mean and include his/its successors and assigns), WHEREAS the party of the First part is the owner/cultivator of the agricultural land bearing the following particulars:

Village and G.P	Plot No. and Khata No.	Area to be covered	Classification of land in ROR	Tahasil & Block	District
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AND WHEREAS the party of the Second part is trading in agricultural produce and also providing technical know-how in respect of land preparation, nursery, fertilization, pest management, irrigation, harvesting and like things; AND WHEREAS the party of the Second part is interested in the items of the agricultural produce more particularly mentioned under clause (i) below and at the request of the party of the Second part, party of the First part has agreed to cultivate and produce those items of agricultural produce for supplying to him; AND WHEREAS the parties hereto have agreed to reduce in writing the terms and conditions in the manner hereinafter appearing; Now, these Presence Witness and it is Hereby Agreed by and Between the Parties as Follows : (i) The party of the first part agrees to cultivate in his above mentioned lands the following agricultural produce for delivering to the party of the Second part as per the terms and conditions of the agreement.

Sl. No.	Particulars of Land	Area (in Ac.)	Crop to be grown	Particulars of variety, if any	Other specifications
1	2	3	4	5	6

(ii) The party of the first Part agrees to deliver to the party of the Second Part the following quantities of each item of agricultural produce, produced in the above lands at the rates per Qtl. Mentioned against each.

Sl. No.	Name of the Agricultural Produce	Variety and specific Quality	Quantity (in Qtl.)	Rate per Qtl.
1	2	3	4	5

(iii) The agricultural produce particulars of which are mentioned in Clause (i) will be supplied by the party of the First part to the party of the Second part within the period of months/ days from the date hereof, and it is expressly agreed between the parties hereto that this agreement is for agricultural produce particulars of which are described in clause (ii) and for a period of months/days only; and after the expiration of said period, this agreement shall automatically come to an end. (iv) The party of the First part agrees to adopt instructions/practices in respect of land preparation, nursery, fertilization, pest management, irrigation, harvesting and any other practices as suggested by the party of the Second part from time to time and cultivate and produce the items as per specifications mentioned under clause (i). (v) The party of the Second part hereby agrees to provide the following inputs and services to the party of the First part during the period of cultivation and post harvest management, and shall be entitled to recover the cash advances, if any, and the cost of the inputs and services received by the party of the First part at the agreed rates.

Sl. No.	Inputs and services provided	Agreed unit cost	Quantity/Amount	Total cost/amount recoverable in (Rs.)
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1. Cash

Advances 2.3.4.5.

(vi) The party of the Second part or its representatives at their costs shall have the right to enter the premises/fields of the party of the First part to monitor farming practices adopted and the quality of the produce from time to time. (vii) The party of the Second part shall pay to the party of the First part the cost of the produce delivered calculated at the agreed rates after deducting all outstanding advances given and the costs of the inputs and services provided to the party of the First part by the party of the Second part, within three working days of the date of delivery having duly indicated the date, mode of payment and place of payment at the time of delivery. (viii) It is expressly agreed by and between the parties hereto that delivery will be as per the following terms and conditions and buying slips in Form No. 21 will be issued immediately after the delivery : (a) It will be the responsibility of the party of the first part to bring his produce to any of the following identified delivery points at his cost wherein the quantity shall be weighed 100% and packed in standard weight.

Name of the produce	Delivery Point	Dates
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(b) It shall be the responsibility of the party of the Second part to take not possession the contracted produce at the delivery point agreed after it is offered for delivery and to transport and store at his cost thereafter. (c) In case the part of the Second part fails to take delivery of the produce within.....(date), then the party of the First part will be free to sell the agricultural produce contracted to any other party in the market yard or in the open market, and if he gets a price less than the price contracted, the difference will be on account of the party of the Second part and the party of the Second part shall be liable for the said difference and pay this to the party of the First part after adjustment of advances paid by him and his investments in the cost of inputs and services provided, within a period of days. (ix) The party of the First part agrees to supply the quantity contracted according to the quality specifications stipulated in clause (ii). If the agricultural produce is not as per the agreed quality standards, the party of the Second part will be entitled to refuse to take the delivery of the agricultural produce only on this count. Then the party of the First part shall be free to sell the produce : (a) to the party of the Second part at a mutually renegotiated price OR (b) in the open market or in the market yard; and if he gets a price less than the price contracted, he will pay proportionately less to the party of the Second part, for his investments made in the contract farming by way of cash advances and the cost of inputs and services provided to the party of the First part. (x) The parties agree that the usual force majeure clause shall apply and that the party of the First Part shall be free from his obligation to deliver the specified goods in case of destruction or damage to the crop by a natural calamity like flood, cyclone, severe drought, hailstorm etc. or abnormal weather condition or outbreak of an epidemic affecting the crop and all other acts of God or any act of the State or the Central Govt, occurring on or after the effective date of this agreement which prevent totally or partially the fulfilment of such obligation by the party of the First Part. Provided that the party of the First Part for invoking such acts shall, on request of the party of the Second Part, provide evidence of the existence of such acts or events which shall consist of a statement or certificate of the appropriate authority; or if such statement or certificate cannot reasonably be obtained, as a substitute thereof, by making a notarial statement describing in details the facts forming the basis of his claim and the reasons why such a certificate or statement confirming the existence of such facts cannot be obtained. (xi) The party of the First Part shall insure the crop, production of which is taken up under this agreement, and the party of the Second Part

shall pay to the party of the First Part half the insurance premium, the other half being borne by the party of the First Part; and if the party of the First Part so requests the party of the Second Part shall advance to him the whole premium amount for insuring the crop and shall recover fifty per cent thereof being the share of the party of the First Part, from the price payable to the said party of the First Part for the produce delivered by him under this agreement; and the parties further agree that to the extent that the amount received by the party of the First Part for the specified crop in the event of loss or damage thereof from the Insurance Company towards indemnity against crop loss and from the part of the Second Part towards the price of the quantity delivered taken together is less than the value of the quantity contracted for delivery at the agreed price, the party of the First Part shall repay to the party of the Second Part for the investment in the crop including cash advances and cost of inputs and services proportionately less.(xii)It is agreed between the parties hereto that this agreement shall not stand on the way of any agreement being entered into by either one or both the parties with any third party regarding supply of credit or inputs or any services to the party of the First Part for his farming operations, and also the dues towards that being recovered from the payments receivable by the party of the First part towards the value of the agriculture produce delivered by him to the party of the Second part, and paid to such third party under any such agreement by the party of the Second part.(xiii)The party of the Second part will have no rights whatsoever as to the title, ownership, possession of the land or property of the party of the First part, nor will it in any way alienate the party of the First part from the land and property particulars not mortgage, lease, sub-lease or transfer any land or property of the party of the First part in any way to any other person/institution during the continuance of this agreement.(xiv)The party of the Second part confirms that he has registered himself with the Secretary of the Regulated Market Committee of.....in the District of on ...and shall pay the fees in accordance with the law prevailing in this regarding to the said Regulated Market Committee which has jurisdiction to regulate the marketing of agricultural produce cultivated on the land described in this Agreement.(xv)The party of the Second part shall submit true copy of the agreement signed by the parties within a period of 15 days from the date of execution thereof, to the Government and the Director as required under the Orissa Agricultural Produce Market Act, 1956.(xvi)Termination/Cancellation of the Contract will be with the consent of both the parties. Such termination/cancellation deed will be communicated to the concerned Regulated Market Committee within 15 days of such termination/ cancellation for registration and record.(xvii)In the event of any dispute or difference arising among the parties hereto or as to the rights and obligations under this agreement or as to any claim, monetary or otherwise of one party against the other or as to the interpretation and effect of any terms and conditions of this agreement, such dispute or difference shall be referred to the Director of Agricultural Marketing, Orissa.(xviii)In case of change of address of any party to this agreement, it should be intimated to the other parties and also to the Director and the concerned Regulated Market Committee.(xix)Each party hereto agrees to abide by the provisions of the Orissa Agricultural Produce Markets Act, 1956 and the rules framed thereunder.(xx)Each party hereto will act in a good faith diligently and honestly with the other in the performance of their responsibilities under this agreement and nothing will be done to jeopardize the interest of the others.In witness whereof the parties have signed this agreement on theday.....month and year first above mentioned.SIGNED, SEALED AND DELIVERED by thewithin named "PARTY OF THE FIRST PARTin the presence

1.

.....

2.

.....SIGNED, SEALED AND DELIVERED by thereafter Within named PARTY OF THE SECOND PART)in the presence of

1.

.....

2.

.....Form XXIAnnual Register for record of contract farming agreements[See Rule 24-T(1)][To be maintained by the concerned Market Committees Under Rule-24-T(1)]

1. Registration No. of the Agreement :

2. Name of the parties with address.

Contract Farming Sponsor :Contract Farming Producer(s) :

3. Date of agreement:

4. Date on which the agreement will expire :

5. Detail of Area under Contract Farming along With name of crop/ produce:

Village Khata No. Plot No. Area Crop Sponsored Total Area

Form-XXIIForm of purchase bill for issue by the contract farming sponsor to the

producerToShri/Smt.....(Name of Contract Farming Producer)Village :.....G.P

.....Block.....R.M.C.....Sir/MadamI hereby acknowledge that I,

representing.....have taken delivery of the agricultural commodities of the following

description produced by you for us under contract farming agreement, valued at the rate specified

against each entry as mutually agreed at the time of delivery on the basis of the quality and

condition of the produce delivered with reference to the contracted price and quality specifications;

and undertake to pay you on or before (date) at.....the above value for your produce,after

deducting the cost of the inputs, and services provided and cash advances made for growing the crop under the agreement as would be outstanding against you.

Grading

Name of the Agricultural produce delivered Quantity delivered of each grade Rate at which accepted grade-wise (Rs. Per Qtl.) Value (in Rupees)

Total:Place :Date :Signature & Seal ofContract Farming Sponsor or hisAuthorised Agent.Form XXIIIAnnual Accounts of contract farming operations[See Rule 24-X]ToThe Secretary,.....R.M.C.

1. Name of the Contract Farming Sponsor

2. Business address.....

3. Registration No.

4. Extent of Area in which Contract Farming sponsored with details crop-wise:

Sl. No.	Name of Village	Area (in Ac) covered in the village under eachcrop under Contract Farming				
Crop-1	Crop-2 (Crop Name)»	Crop-3	Crop-4	Crop-5	Crop-6	Total
1	2	3	4	5	6	7
8	9	10				
Grand Total						

5. Quantity of different produce purchased under the terms pf the contracts and value:

Sl. No.	Name of Crop	Quantity Purchased as per Contract	Cost payable for the quantity purchased
1	2	3	4
5	6		
Total volume :			

6. Amount advanced to the Contract Farming producers as cash advance and cost of inputs/services

1. Cash Advances

2. Cost of Seeds/Planting Material

3. Cost of Fertilisers/Manure

4. Cost of Pesticides & Plant protection

5. Cost of Extension services

6. Cost of other services

Total

7. Net amount payable to Contract Farming Producers after adjustment of the advances :

8. Amount actually paid to the Contract Farming Producers against above :

9. No. of producers with whom Contract Farming taken up

10. No. of producers whose dues towards payment for the produce delivered has been fully discharged.

DateSignature of Contract Farming Sponsor]