

The Jharkhand Agricultural Produce Markets Rules, 2000

JHARKHAND

India

The Jharkhand Agricultural Produce Markets Rules, 2000

Rule

THE-JHARKHAND-AGRICULTURAL-PRODUCE-MARKETS-RULES-2000 of 2000

- Published on 21 August 1975
- Commenced on 21 August 1975
- [This is the version of this document from 21 August 1975.]
- [Note: The original publication document is not available and this content could not be verified.]

The Jharkhand Agricultural Produce Markets Rules, 2000Published vide Notification No. G.S.R. 80, dated the 21st August, 1975G.S.R. 80, dated the 21st August, 1975. - In exercise of the powers conferred by section 52 of the Bihar Agricultural Produce Markets Act, 1960 (Bihar Act XVI of 1960), the Governor of Bihar is pleased to make the following rules, the same having been previously published as required by sub-section (3) of the said section, namely;-

Part I – Preliminary

1. Short Title.

- The rules may be called the Jharkhand Agricultural Produce Markets Rules, 2000.

2. Definitions.

- In these rules; unless there is anything repugnant in the subject or context :(i)"Act" means the Jharkhand Agricultural Produce Markets Act, 2000 (Bihar Act XVI of 1960);(ii)"Assistant Secretary" means any officer appointed by the Board to assist and exercise the powers and discharge all or any of the functions of the Secretary;(iii)"Chairman" means the Chairman of the Market Committee;(iv)"Co-operative Society" means a society registered under the law relating to co-operative marketing societies for the time being in force and holding a trader's licence issued by the Market Committee;(v)"Committee" means the Market Committee;(vi)"Deputy Director" means the Deputy Director, Agricultural Marketing and includes an Assistant Director, appointed by the Jharkhand Government or the Board to discharge all or any of the functions of Deputy Director

under these rules;(vii)"Election Officer" means the [Collector, Deputy Commissioner or any officer, not below the rank of a Deputy Collector authorised by him in this behalf of respective areas in whose jurisdiction the Market Committee is situated, and includes any other officer appointed by the Managing Director to discharge all or any other functions of Election Officer] [Substituted by G.S.R. 12A dated 26.9.1993.](viii)"Financial year" means the year commencing on the first day of April;(ix)"Government" means the Government of Jharkhand;(x)"Gram Panchayat" means a Gram Panchayat established under [section 12 of the Jharkhand Panchayat Raj Act, 2001];(xi)["Land" means a land used for agricultural or horticultural or animal husbandry or forest or agriculture or piscicultural purposes by cultivating such land or carrying agricultural or horticultural or animal husbandry or forest or agriculture or pisciculture operations [for storage, processing and manufacturing] [Substituted by G.S.R. 12A dated 26.9.1993.] thereon with himself or his own stock or by his own servants or hired labours or with hired stock];(xii)"Member" means the member of the Market Committee;(xiii)"Section" means a section of the Act;(xiv)"Unauthorised trade allowance" means a trade allowance not prescribed by these rules or bye-laws;(xv)"Vice-Chairman" means the Vice-Chairman of the Market Committee;(xvi)Words and expressions used in the Act and not defined in the rules shall have the meanings as have been respectively assigned to them in the Act.

Part II – Constitution of Market Committee and Election

3. How seats relating to certain interests shall be allocated.

- (i) For the purpose of election of seven agriculturists under clause (i) of sub-section (1) of section 9, the market area shall be divided into seven constituencies, which shall be called agriculturists' constituency, in such manner that number of voters does not exceed one-seventh of the total number of votes of the market area in question, so that one agriculturist may be elected, from each such constituency.(i) (a)Out of seven agriculturists' constituencies two constituencies shall be reserved one each for the Scheduled Castes and Scheduled Tribes, as the case may be, by the Election Officer in the following manner:-(1)Constituency having the largest number of Scheduled Castes voters shall be reserved for Scheduled Castes and the constituency having the largest number or Scheduled Tribes voters shall be reserved for Scheduled Tribes.(2)In the Market Area having no Scheduled Tribe voter both the seats shall be reserved for Scheduled Castes.(3)In the Market area having no Scheduled Caste voter both the seats shall be reserved for Scheduled Tribes.(4)In the Market area having no Scheduled Caste or Scheduled Tribe voter both the seats shall be treated as unreserved.(ii)[For the purpose of election of two traders under clause (ii) of sub-section(1) of section 9, the market area shall be divided into two constituencies in such manner that number of voters does not exceed one-half of the total number or voters of the market area in question, so that licenced trader other than the co-operative societies shall be elected from such constituency.] [Substituted by G.S.R. 12A dated 26.9 1993.](iii)[For the purpose of election of two persons representing the interest of Co-operative societies under clause (ii) of sub-section (i) of Section 9, the market area shall be divided into two constituencies which shall be called Co-operative societies constituencies in such manner that number of voters of such constituencies does not exceed one half of the total number of voters of the market area in question, so that one person representing the Co-operative Societies holding traders license shall be elected from each such constituencies.] [Substituted by G.S.R. 12A dated 26.9 1993.](iv)[For the purpose of election of one person under

clause (vii) of subsection (i) of section 9, representing the interest of the Municipal Corporation or Municipality or the Gram Panchayat, as the case may be, in whose jurisdiction the principal market yard is situated, there shall be one constituency which shall be called the local authorities constituency so that one person from amongst the members of the Municipal Corporation or Municipality or the members of the Executive Committee of the Gram Panchayat as the case may be, shall be elected from such constituency.] [Substituted by G.S.R. 12A dated 26.9 1993.](v)Where it is not possible to divide the market area strictly in the manner specified above, a maximum variation of 15 percent shall be permissible in case of each constituency.(vi)(a)The Election Officer shall cause the delimitation of constituencies specified above, and shall publish the same inviting objection or suggestion for a period of 21 days at the office of the Market Committee and at such other conspicuous place of such constituency, as he deems fit.(b)The Election Officer after giving the objector a reasonable opportunity of being heard, shall finally publish the delimitation of constituencies.

4. Persons qualified to vote.

- (i) Agriculturists' Constituency. - The following persons, ordinarily residing in the agriculturists' constituency shall, if not disqualified under section 10 or rule 6, be entitled to vote in agriculturists' constituency under sub-rule (i) of rule 3, namely:- (a) Holders of land within the market area, whether unalienated or alienated assessed jointly or severally at not less than rupees ten and in case of Scheduled Castes and Scheduled Tribes assessed at not less than rupees five at the end of financial year preceding the date on which the voters' list is published provisionally under sub-rule (iii) or rule 5. (b) Tenants of unalienated land assessed at not less than rupees ten, and in case of Scheduled Castes and Scheduled Tribes assessed at not less than rupees five, at the end of the financial year preceding the date on which the voters' list is published provisionally, under sub-rule (iii) of rule 5. (c) Tenants of alienated land assessed at not less than rupees ten, and in case of Scheduled Castes and Scheduled Tribes assessed at not less than rupees five, at the end of the financial year preceding the date on which the voters' list is published provisionally, under sub-rule (iii) of rule 5. Explanation (1). - A person shall be deemed to reside ordinarily in the constituency if, he has actually resided in such constituency for an aggregate period of not less than 180 days during the financial year preceding that in which the lists of voters for the time being under preparation for such constituencies are provisionally published under sub-rule (iii) of rule 5. Explanation (2). - If the land is held jointly by more than one person, the karta of the family shall be the voter. Explanation (3). - No person shall be entitled to have his name entered in the list of voters for more than one such constituency. (ii) Trader's Constituency. - All traders other than co-operative societies holding valid licence of Market Committee, on the date of provisional publication of voters' list under sub-rule (iii) of rule 5, shall be the voters of a trader's constituency under sub-rule (ii) of rule 3, unless disqualified under section 10 or rule 6. Explanation (1). - Every firm or corporation qualified to vote in a trader's constituency under this rule, shall nominate a person to vote on its behalf and intimate in writing the name of the person so nominated to the Market Committee, not later than the date fixed in this behalf by the Election Officer. Explanation (2). - No person shall be entitled to have his name entered in the list of voters for more than one such constituency. (iii) Co-operative Societies' Constituency. - All co-operative societies operating in the market area holding market committee's valid licence of trader, on the date of provisional publication of voters' list under

sub-rule (iii) of rule 5, shall be the voters of a Co-operative Societies' Constituency under sub-rule (iii) of rule 3, unless disqualified under section 10 or rule 6. Explanation. - The President or Chairman, as the case may be, of the cooperative society shall exercise the right of vote on behalf of such co-operative society in one such constituency only. (iv) Local Authorities' Constituency. - Members of Municipal Corporation or Municipality or the Executive Committee of the Gram Panchayat, as the case may be, within whose jurisdiction the principal market yard is situated, shall be the voters of a Local Authorities Constituency under sub-rule (iv) of rule 3, unless disqualified under section 10 or rule 6.

5. Voters' list.

- [(i) The Election Officer shall cause to be prepared separate list of voters qualified to vote for each of the agriculturist constituency, traders constituency, Co-operative Societies constituency and local authorities constituency referred to in sub-Section (i) of Section 9 annually in the following manners:-(i)The Circle Officer shall divide the voter lists in different convenient parts which shall be numbered consecutively.(ii)He shall publish the list or convenient part of the list by making a copy thereof available for inspection by displaying it on the notice board in his office, in the office of the concerned Market Committee and in the office of the concerned Circle Inspector and Halka Karmachari in the first week of January(iii)A notice inviting claim for inclusion of the name in the voter list or any objections regarding any entry shall be displayed on the notice board of all these offices whose voter list has been displayed under sub-rule 5(i), (ii) of the Rules.(iv)Every claim for the inclusion of the name in the voters list and every elections to an entry therein shall be lodged within a period of 15 days from the publication of the notice.(v)Every claim shall be signed by the person desiring his name to be included in the voters list and countersigned by another whose name is already included in that part of the voters list in which claimant is desiring to be included.(vi)Every objection to the inclusion of the name in the voters list shall be preferred only by a person whose name is already included in the voters list and countersigned by another person whose name is included in that part of the voter list in which the objected name exists.(vii)Every objection to a particular or particulars in an entry in the voters list shall be preferred only by the person whom that entry relates.(viii)Every claim or objection shall either be presented to the Election Officer or Circle Officer or concerned Market Secretary or Circle Inspector or Halka Karmachari within a period of 15 days after the period specified in rule (iv).(ix)On receipt of any claim or objection in the office of the Election Officer/Circle Officer/Circle Inspector/Market Secretary concerned and Halka Karmachari shall be obtained within a period of 15 days from the last date fixed in sub-rule (iii).(x)The Halka Karmachari on receipt of any claim or objection in this office shall forward therewith his report within a period of 7 days from the last date fixed in sub-rule (ix) for receipt of report of Halka Karmachari.(xi)The Halka Karmachari shall submit his report after satisfying the conditions laid down sub-rule (iv).(xii)The Election Officer after satisfying himself regarding the validity of any claim or objection shall allow it or reject it without further enquiry after the expiry of one week from the date fixed in sub-rule (xi) for receipt of report of Halka Karmachari.(xiii)A revised list of the voters shall be prepared within a period of 15 days by the Election Officer on the basis of report received from Halka Karmachari.The Election officer shall for this purpose call upon the following authorities to prepare and furnish him the name with particulars at all persons qualified to vote-(a)Regarding voters of Agriculturist constituency, the

Circle Officer of the market area.](ii)Every list of voters prepared under sub-rule (i) shall show the full name, residence and serial number of the voter in alphabetical order. The voters' list of agriculturists' constituency shall be prepared in Form IA, traders' constituency in Form IB, co-operative societies' constituency in Form IC and local authorities' constituency in Form ID. The voters' list of agriculturist's constituency shall show the castes of Scheduled Castes and Scheduled Tribes.(iii)Every such list shall be published in Hindi provisionally for general information by making a copy thereof available for inspection and displaying at the offices of the Election Officer, Circle Officer and Market Committee, or in such manner as the Election Officer may deem fit and shall also cause a notice to be published in this regard in a daily newspaper circulating in the market area.(iv)When publishing the list provisionally, the Election Officer shall fix a date not later than 30 days from the date of publication of the list before which any application for inclusion, or correction of any entry shall reach him. The Election Officer shall, after giving the objector a reasonable opportunity of being heard, decide any application or objection received before the date so fixed and the decision of the Election Officer shall be final. Every such objection or claim shall be made in writing and shall specify the ground on which the right of any person to be entered in the list is asserted or denied, the evidence which the claimant or the objector intends to lead, the address of the claimant or the objector, his number, if any, in the voters' list and in case of an objection, the number in the list of voters, the person to whose entry the objection is taken and the constituency in the voters' list for which he is entered. Every claim or objection shall be delivered or sent by post, so as to reach the office of the Election Officer before the date fixed by him in this behalf, being date not later than 30 days from the date of the provisional publication of the list.(v)The Election Officer shall cause the list to be amended in accordance with the orders passed under sub-rule (iv) and shall cause them to be published finally in the manner under sub-rule (iii).(vi)Any person whose name is not included in the final voters' list of a constituency may apply to the Election Officer for inclusion of his name in the list and the Election Officer after being satisfied that the applicant is entitled to be included in the list, direct his name to be included therein:Provided that if the applicant's name is included in the voters' list of any other constituency, the Election Officer shall strike off the applicant's name from the list and include his name in voters' list of that constituency when he is entitled to vote ;Provided further that no amendment, transposition or deletion of any entry shall be made after the last day for making nomination for an election in the constituency.(vii)Copies of such final list shall be made available for inspection and sale in whole or in part in the office of the Election Officer or the Market Committee or at such other place as the Election Officer may specify.(viii)The final list published under sub-rule (v) shall remain in force and continue in operation as the list of voters for the purpose of any bye-election. If the voters' list is not revised as required under sub-rule (i) of rule 5, the validity or continued operation of the said voters' list shall not thereby be affected.

6. Bar to election or appointment of certain persons to Market Committee.

- A person shall not be elected or appointed as a member-(i)representing the Local Authorities' constituency, if he holds a traders' licence issued by the Market Committee or if he is an employee of the licence holder or a partner of a firm or is a member of a joint family of licence-holder;(ii)representing the traders' constituency, if he does not ordinarily reside in the market area and does not hold a valid licence granted by the Market Committee, or has not traded

for more than six months without satisfactory explanation or if he has failed to pay any fee or charges due to the Market Committee, or has made breach of the terms and conditions upon which the licence was granted to him;(iii)representing a Co-operative Societies' Constituency, unless elected as President or Chairman of a Co-operative Society to represent as a voter;(iv)representing the agriculturists' constituency, if he does not ordinarily reside in the market area or possesses a trader licence, or has interest in a joint family firm or a firm which has a trader licence.

7. Calling upon the constituencies to elect.

- As soon as may be after the final publication of lists of voters under sub-rule (v) of rule 5, the Election Officer shall call upon the constituencies to elect their representatives to the Market Committee on a date fixed by him in this behalf. Every such election shall take place between 9 A.M. to 4 P.M.

8. Notice to elect.

- Not less than forty-five days before the date fixed for the election, the Election Officer shall cause a notice to be published in newspaper circulating in the market area or in the manner he deems fit and cause copies of such notice pasted in conspicuous places in the market 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, 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 election shall be taken, if there be a poll, and hours during which the poll shall be taken; and(e)the day on which and the place and hour at which the votes shall be counted.

9. Nomination.

- (i) Each candidate shall, on the date appointed under clause (b) of rule 8 deliver to Election Officer a nomination paper completed in Form II.(ii)Every nomination paper shall be signed by a person qualified to vote as proposer and the candidate shall sign his declaration on it expressing his willingness to stand for the election.(iii)The same person may sign as proposer as many nomination papers as there are vacancies to be filled. Each candidate shall be nominated by a separate nomination paper.(iv)The Election Officer shall, on receiving a nomination paper, enter in the nomination paper its serial number and shall endorse on the date on which and the hour at which the nomination paper was delivered to him.(v)Where any person has signed as proposer a larger number of nomination papers than there are vacancies to be filled only those of the papers so signed which have been first received up to number of vacancies to be filled shall be deemed to have been accepted.(vi)Nomination papers received after the date and the time appointed under clause (b) of rule 8 shall be rejected.

10. Deposit on nomination.

- (i) At or before the time of the delivery of a nomination paper, each candidate shall deposit with the Election Officer a sum of Rs. 50 but if the candidate is a person belonging to Scheduled Caste or Scheduled Tribe he shall deposit a sum of Rs. 20 only. Such deposit shall be made by a Bank draft drawn on local branch of State Bank of India in favour of respective Market Committee. No candidate shall be deemed to be duly nominated unless the deposit mentioned in this rule has been made.(ii)If a candidate by whom the deposit mentioned in sub-rule (i) has been made withdraws his candidature in the manner and within the time specified in rule 15 and 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, such deposit shall be refunded to his legal representative.(iii)If a candidate by whom the deposit mentioned in sub-rule (i) 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 number of members to be elected, the deposit shall be forfeited to the Market Committee.(iv)For the purposes of sub-rule (iii) the total number of votes polled shall be deemed to be the total number of ballot papers other than rejected ballot papers counted.(v)The deposit made by a candidate shall if it is not forfeited under sub-rule (iii), be refunded to the candidate as soon as it may be after the publication of the result of the election in the Official Gazette.

11. Verification of nomination.

- On the presentation of a nomination paper the Election Officer shall verify the name of the proposer and the candidate with the final list of voters.

12. Publication of nomination.

- As soon as may be after the date fixed for presentation of nomination papers, the Election Officer shall publish a list in Form II of all nominations received with notice that nomination papers shall be scrutinised on the date appointed under clause (c) of rule 8, at the place and hours specified in the notice. The list of nomination and the notice shall be published in such manner as the Election Officer deems fit.

13. Scrutiny of nomination.

- On the date fixed for the scrutiny of nominations under clause (c) of rule 8, the candidates, or one of their agents duly authorised in writing by each candidate may attend at such time and place as the Election Officer may appoint, and the Election Officer shall give them all reasonable facilities for examining the nomination papers of candidates.

14. Disposal of objections and rejection of nomination.

- (i) The Election Officer shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may, whether 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 proposer is a person whose name is not entered in the list of voters, or(b)that the nomination has not been made in the manner prescribed under these rules.(ii)The Election Officer shall endorse in 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 8 and shall not be adjourned on any ground.(iii)Immediately after the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Election Officer shall prepare a list of validly nominated candidates in Form IV, that is to say candidates whose nomination have been found valid, and affix it to his notice board.(iv)[An appeal shall lie against the decision of the Election Officer for the rejection of a nomination paper to the Director or the officer authorised by the Managing Director of the Board within seven days of such decision and the decision by the Director or the authorised officer shall be final and binding and shall not be questioned in a court of law.] [Substituted by G.S.R. 12A dated 26.9.1993.]

15. Withdrawal of candidature.

- (i) Any candidate may withdraw his candidature by notice in form V in writing subscribed by him and delivered either in person by the candidate himself or by his proposer to the Election Officer within three days of the date fixed for the scrutiny of nomination under clause (c) of rule 8.(ii)On completion of the scrutiny of nomination and after the expiry of the period within which candidature may be withdrawn under sub-rule (i), the Election Officer shall prepare a list of persons whose nominations are in order and who have not withdrawn their candidature, in Form VI and cause it to be affixed on the notice board of his office and in the office of the Market Committee, not less than seven days before the date fixed for the election.

16. Procedure and election.

- (i) 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 (i) of rule 15 exceeds that of the vacancies to be filled, there shall be election by ballot.(ii)If the number of such candidates is less than the number of vacancies all such candidates shall be declared to be duly elected and the Election Officer shall call upon the constituency to fill the remaining vacancies, as the case may be, in accordance with election programme notified under rule 8.

17. Assignment of symbol.

- (i) In the case of every contested election, the Election Officer shall allot a different symbol to each candidate in Form VII in conformity as far as practicable with his choice from the symbols in

schedule I and his decision in this behalf shall be final.(ii)If more contesting candidates than one, having indicated their preference for the same symbol, the Election Officer shall decide by lot to which of such candidates, the symbol will be allotted.

18. Form of ballot paper.

- The ballot paper shall be printed in Form VII and shall contain the names of the candidates in alphabetical order, together with the distinguishing symbol assigned to each candidate under rule 17.

19. Arrangements for the holding of election etc.

- The Election Officer shall make such arrangement as may be necessary for holding and supervision of the election and for the scrutiny of the ballot papers, and for declaration of the results of the election.

20. Voting.

- Every voter shall have one vote.

21. Prohibition of canvassing in or near polling station.

- (i) No person shall, on the date or dates on which a poll is taken at any polling station commit any of the following acts within the polling station or in any public or private place within a distance of one hundred metres of the polling station, namely :-(a)canvassing for voter; or(b)soliciting the vote of any elector; or(c)persuading any elector not to vote for any particular candidate; or(d)persuading any elector not to vote at the election; or(e)exhibiting any notice or sign (other than an official notice) relating to the election; or(f)shouting or otherwise acting in disorderly manner so as to cause annoyance to any person visiting the polling station of poll, or so as to interfere with the work of the officer or other persons on duty at the polling station.(ii)Any person who contravenes or wilfully adds or abates the contravention of sub-rule (i) shall be punishable with a fine which may extend to Rs. 100 by a First Class Magistrate.(iii)If the Presiding Officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this rule, he may direct in writing, any Police Officer to arrest him and thereupon the Police Officer shall arrest him.

22. Polling station and officers.

- (i) The Election Officer shall provide sufficient number of polling stations for each constituency and he shall appoint a Presiding Officer and one or more Polling Officers for each polling station. He shall also, if necessary, appoint one or more officers to assist the Polling Officers in the identification of the voters provided that if a Polling Officer is absent from the polling station the Presiding Officer may appoint any person as a Polling Officer who is present at the polling station.(ii)A Polling Officer

shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer.(iii)If the Presiding Officer, owing to illness or other unavoidable cause, is absent from the Polling Station his functions shall be performed by such Polling Officer as may be authorised in his behalf by the Election Officer.(iv)The Presiding Officer shall be in general charge of all arrangements at the polling station and may issue orders as to the manner in which the persons shall be admitted to the Polling Station and generally for preservation of peace and order at or in the vicinity of the polling station. It shall be the duty of the Polling Officer to assist the Presiding Officer in performance of his duties.

23. Appointment of polling agents.

- A contesting candidate may appoint in Form IX one polling agent and two relief agents and the order of appointment shall be made over to the polling agents for production at the polling station.

24. Supply of materials to the polling station.

- The Election Officer shall provide for each polling station necessary number of ballot boxes, a sufficient number of ballot papers, three copies of list of the contesting candidates and such other papers, stationery and form as may be necessary.

25. Admission to polling stations.

- The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than-(a)Polling Officer;(b)public servants on duty in connection with the election;(c)candidates and their polling agents;(d)persons authorised by Election Officer;(e)a child in arms accompanying an elector;(f)a person accompanying a blind or infirm elector who cannot move without help; and(g)such other persons as the Election Officer or the Presiding Officer may employ under sub-rule (i) of rule 22.

26. Polling arrangements and manner of recording votes.

- (i) Outside each polling station there shall be displayed prominently-(a)a notice specifying the polling area, the voters of which are entitled to vote at the polling-station; and(b)a copy of the list of contesting candidates.(ii)At such polling station there shall be set up one or more polling booths in which voters can record their votes screened from observation.(iii)Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to such candidates, their agents or persons as may be present at the polling station that ballot box is empty and shall then-(a)affix a label to the box marked with the serial number, if any and the name of the constituency, serial number and name of the polling station, serial number of the box and date of poll;(b)lock it and seal it with his seal and seals of such candidates or their agents as may be present and desirous of affixing the same. The seal shall be affixed in such a manner that it is not possible to open it without breaking it;(c)the sealed box shall be placed in full view of the Presiding Officer and the agents of the candidates;(d)as each voter enters polling station the Presiding Officer or Polling Officer authorised

by him shall check the name and other particulars of every vote with relevant entry in the list of voters.(iv)In deciding the right of a person to obtain a ballot paper the Presiding Officer or Polling Officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the list of voters if he is satisfied that such person is identical with the voter to whom such entry relates.(v)Votes shall be given by ballot and in person and no vote shall be received by proxy.(vi)Every voter wishing to vote shall be furnished with a ballot paper and before a ballot paper is handed over the Polling Officer shall-(a)initial it on the back;(b)enter the voter's number in the voter's list in the counterfoil of the ballot paper; and(c)affix his initial against the voter's name in the voter's list.(vii)The voter on receiving the ballot paper shall forthwith proceed to the polling booth and there put a 'X' mark seal against the name of the candidate for whom he desires to vote, fold ballot paper and insert it into the ballot box.(viii)If the voter is blind or infirm or is unable to recognise the symbols on the ballot paper or to mark thereon the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the voter and take his thumb-impression and attest it. The Presiding Officer while acting under this sub-rule shall observe as much secrecy as is feasible and shall keep a brief record of each instance without indicating the manner in which vote has been given.(ix)Special facilities in accordance with the instruction, if any, issued by the Election Officer in that behalf, may be accorded to women voters.

27. Challenging of identity.

- (i) Any Polling agent may challenge the identity of a person claiming to be a particular voter by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.(ii)On such deposit being made, the Presiding Officer shall-(a)warn the person challenged of the penalty of personation;(b)read the relevant entry in the voter's list in full and ask him whether he is the person referred to in that entry;(c)enter his name and address in the list of challenged voters in Form X; and(d)require him to affix his signature in the said list.(iii)The Presiding Officer shall thereafter hold a summary enquiry into the challenge and may for that purpose-(a)require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;(b)put to the person challenged any question necessary for the purpose of establishing his identity and require him to answer them on oath; and(c)administer on oath to the person challenged and any other person offering to give evidence.(iv)If, after the enquiry, the Presiding Officer considers that challenge has not been established he shall allow the person challenged to vote, and if he considers that the challenge has been established he shall debar the person challenged from voting.(v)If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (i) be forfeited to the Board, and in any other case, he shall return it to the challenger at the conclusion of the enquiry.

28. Tendered votes.

- (i) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may be entitled, subject to the following provisions of this rule to make a ballot paper (hereinafter in these rules referred to as a "tendered vote") in the same

manner as any other voter.(ii)Every such person shall, before being supplied with a tendered vote, sign his name against the entry relating to him in a list in Form XI.(iii)A tendered vote shall be the same as the other ballot paper used at the polling except that shall be-(a)serially the last in the bundle of ballot papers issued for use at the polling station; and(b)endorsed on the back with the words "tendered vote" by the Presiding Officer in his own hand and signed by him.(iv)The voter, after making a tendered vote and folding it, shall instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially placed before the purpose.

29. Spoilt and returned ballot paper.

- (i) A voter who has, inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, in place of the spoilt one and the ballot paper so returned together with its counterfoil shall be marked "spoilt-cancelled" by the Presiding Officer.(ii)If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer and the ballot paper so returned shall be marked as "Returned Cancelled" by the Presiding Officer.(iii)All ballot papers cancelled under sub-rules (i) and (ii) shall be kept in a separate packet.

30. Closing of poll.

- (i) The Presiding Officer shall close a polling station at the hour fixed in that behalf under clause (d) of rule 8 and shall not thereafter allow any voter into the polling station :Provided that all voters present at the polling station before it is closed shall be allowed to cast their votes.(ii)If any question arises whether a voter was present at the polling station before it was closed shall be decided by the Presiding Officer and his decision shall be final.(iii)If it is not possible to open a polling station at the fixed hour by reason of disorder at the polling station or for any other sufficient reason, polling for a certain time has to be stopped, the Presiding Officer shall after recording the reasons and informing the same to the candidates or their agents, if any, keep the polling station open for a further period equal to that which lapsed between the hour appointed for the opening of the polling station and the hour at which it was actually opened or the time during the polling was stopped as the case may be.

31. Sealing of ballot boxes after poll.

- (i) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.(ii)The ballot box shall thereafter be sealed and secured.(iii)Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in sub-rule (i) before another ballot box is put into use.

32. Account of ballot papers.

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

33. Sealing of packets.

- (i) The Presiding Officer shall then make into separate packets-(a)The unused ballot papers;(b)Spoilt papers;(c)Returned ballot papers;(d)Tendered votes;(e)Tendered voters list;(f)List of challenged votes;(g)Marked copies of electoral roll;(h)Ballot papers account;(i)Counterfoils of the ballot papers; and(j)Any other papers or articles as directed by the Election Officer to be kept in a sealed packet.(ii)Each such packet shall be sealed with the seal of the Presiding Officer and of those candidates or polling agents who may desire to affix the seals thereon.(iii)The Presiding Officer then shall deliver to the Election Officer the packets referred to in sub-rule (i) along with the ballot box accompanied by a statement. Each packet shall be numbered and shall bear a note as to its contents.

34. Death of a candidate before poll.

- If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Election Officer shall upon being satisfied of the fact of the death of the candidate countermand the poll and all proceeding with reference to election shall be commenced anew in all respects as if for a new election :Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of countermanding of the poll:Provided further that no person who has given a notice of withdrawal of his candidature under rule 15 before the countermanding of the poll shall be illegible for being nominated as a candidate for the election after such countermanding.

35. Adjournment of poll in emergencies.

- (i) If at an election the proceeding at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station shall inform the candidates or their agents in writing about the same and the Election Officer shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Election Officer concerned.(ii)[Whenever a poll is adjourned under sub-rule (i) the Presiding Officer shall immediately report in writing the circumstances to the Election Officer and the candidates concerned and thereafter the Election Officer shall as soon as may be, fix the date on which the poll shall recommence and appoint the polling station at which the poll will be held and shall not count the votes cast until such adjourned poll shall have been completed.] [Substituted by G.S.R. 12A dated 26.9.1993.](iii)In every such case as aforesaid, the Election Officer in such manner as he may deem fit shall notify the date, place and hours of polling fixed under sub-rule (ii).

36. Procedure on adjournment of poll.

- (i) If the poll at any polling station is adjourned under rule 35, provisions of rules 31 to 33 shall, as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under sub-rule (b) of rule 8.(ii)When an adjourned poll is recommenced under sub-rule (ii) of rule 35 the voters who have already voted at the poll so adjourned shall not be allowed to vote again.(iii)The Election Officer shall provide the Presiding Officer at the polling station at which such adjourned poll is held, with the sealed packet containing the marked copy of the list of the voters, ballot papers and a new ballot box.(iv)The Presiding Officer shall open the sealed packet in presence of the polling agents present and use the marked copy of the list of voters for recording the serial number of the ballot paper issued to voters at the adjourned poll.

37. Fresh poll in case of destruction of ballot boxes.

- (i) If at any election-(a)any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Election Officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent that the result of the poll at that polling station or place cannot be ascertained; or(b)any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Presiding Officer shall forthwith report the matter to the Election Officer.(ii)Thereupon, the Election Officer shall, after taking material circumstances into account, either-(a)declare the poll at the polling station to be void, appoint a date, fix the hours for taking a fresh poll at that polling station and notify a date so fixed in such manner as he may deem fit; or(b)if satisfied that the result of a fresh poll at that polling station will not in any way affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Presiding Officer under intimation to the candidates or his agent as he may deem proper for the further conduct and completion of the election.(iii)The provisions of the Act and these rules shall apply to every such fresh poll, as they apply to an original poll.

38. Counting of votes.

- (i) On the day and at the place and time fixed under clause (e) of rule 8 for the counting of votes and in the presence of candidates and their agents present, the Election Officer shall proceed as follows:-(a)before any ballot box is opened at a counting table, the candidate or their agents shall be allowed to inspect the seal or such other seals as might have been affixed thereon and to satisfy themselves that it is intact;(b)the Election Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with;(c)If the Election Officer is satisfied that the ballot box has in fact been tampered with, he shall not count ballot papers contained in that box and shall follow the procedure laid down in rule 37; and(d)the ballot box or boxes relating to each polling station shall be opened one after another in the order of the number assigned to the polling booths and the Election Officer shall take out the ballot papers therefrom; count them or cause them to be counted and record the number thereof in Form XIII.(ii)The Election Officer shall reject a ballot paper-(a)if it bears any mark or writing by which the voter can be identified; or(b)if no vote is recorded thereon; or(c)if vote is given on it in favour of more than the number of candidates for whom votes should be

given; or(d)If it is a spurious ballot paper; or(e)if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or(f)if it bears a serial number or is of a design different from the serial number or as the case may be, design of the ballot paper authorised for use at the particular polling station; or(g)if it does not bear the initial of the Presiding Officer :Provided that where the Election Officer is satisfied that any such defect as is mentioned in clause (f) or clause (g) has been caused by any mistake or failure on the part of a Presiding Officer, or Polling Officer the ballot paper shall not be rejected merely on the ground of such defect:Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating a vote is indistinct or bears marks of more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.(iii)Before rejecting any ballot paper under sub-rule (ii)-(a)the Election Officer shall allow the candidate or his agent present a reasonable opportunity to inspect the ballot papers but should not allow him to handle them or any other ballot papers;(b)the Election Officer shall record on every ballot paper which he rejects the word "Rejected" and briefly record the ground for rejection;(c)all ballot papers rejected under this rule shall be bundled together;(d)the vote recorded on every ballot paper which is not rejected under sub-rule (ii) shall be counted; and(e)a vote recorded on a ballot paper shall be rejected if the mark indicating the vote or votes thereon is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote or votes, has been given.

39. Counting to be continuous.

- The Election Officer shall, as far as practicable, proceed continuously with the counting of votes and shall during any necessary interval when the counting has to be suspended, place the ballot paper packets and all other documents relating to the election under his own seal and seals of such candidates or their agents as may desire to affix them; and shall take adequate precaution for safe custody of said articles.

40. Bye-election.

- These rules shall mutatis mutandis apply to any bye-election to fill any casual vacancy in the office of the elective seats of the members of the Market Committee.

41. Declaration of results.

- (i) After completing the scrutiny and counting of votes, the Election Officer shall prepare a return of the result of the election in Form XIV, and declare such number of candidates equal to the number of seats in that constituency as have secured the highest number of votes in descending order to be duly elected.(ii)Any candidate or his agent shall on application, be permitted to take a copy or an extract of the return in Form XIV.

42. Procedure of election when equality of votes exists.

- If after counting, equality of votes is found to exist between two candidates, the Election Officer

shall draw a lot and declare to be elected the candidate in whose favour the lot has been drawn.

43. Determination of validity of election.

- At any time within fifteen days from the date of publication, under rule 41, of the result of an election, any candidate who stood for election or any person qualified to vote at that election may challenge the election by presenting an election petition by making the candidates at the election parties to the petition, together with a deposit of two hundred rupees as security for costs to the Munsif within whose territorial jurisdiction the market yard of the market area concerned is situated for the determination of the validity of the election and claiming any or both of the following reliefs, namely: (a) a declaration that the election of all or, any of the returned candidates is valid; (b) a declaration that he himself or any other candidate has been duly elected. (ii) The Munsif shall, after such inquiry as he deems necessary, pass an order- (a) dismissing the election petition; or (b) declaring the election of all or any of the returned candidates to be void; or (c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidates to have been duly elected. (iii) For the purpose of the said inquiry, the Munsif may exercise any of the powers of a civil court. He may also award costs in such manner as he may deem fit and such costs shall be recoverable as if they have been awarded under the Code of Civil Procedure, 1908 (Central Act 9 of 1908). If as a result of his order the declared result of an election is amended or set aside, he shall forthwith communicate the order to the Election Officer. In the event of the election being set aside, the Election Officer shall take the necessary steps for holding a fresh election. - If the Munsif is of opinion- (a) that on the date of his election the returned candidate was not qualified or was disqualified to be chosen to fill the seat; or (b) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of the returned candidate or his election agent; or (c) that any nomination has been improperly rejected, or (d) that the result of the election in so far as it concerns a returned candidate, has been materially affected- (1) by the improper acceptance of any nomination, or (2) by any corrupt practice committed in the interest of the returned candidate by a person other than that candidate or his election agent or a person acting with consent of such candidate or his election agent, or (3) by the improper receipt, refusal or rejection of any vote or the rejection of any vote which is void, or (4) by any non-compliance with the provisions of the rule or orders thereunder. (iv) The Munsif shall declare the election of any or all of the returned candidate to be void, if any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected, and the Munsif is of opinion- (a) that in fact the petitioner or such other candidate received a majority of the valid votes; or (b) that but for the vote obtained by the returned candidate by corrupt practice the petitioner or such other candidate would have obtained a majority of the valid votes; The Munsif shall after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be to have been duly elected. (v) If the Munsif by his order declares the election of any candidate to be void on the ground specified in Rule 53 he may, if he thinks fit, declare any person by whom any corrupt practice has been committed within the meaning of the rule to be disqualified from being a member of any Market Committee for a term not exceeding four years : Provided that no such declaration shall be made in respect of any person other than the returned candidate without giving such person an opportunity to show cause why such declaration

shall not be made :Provided further that such person may, at any time, be relieved from such disqualification by an order of Board in that behalf.(vi)Subject to the provision of these rules, every election shall be tried by Munsif as early as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trials as suits.

44. Appeal against orders of Munsif.

- (i) Any person aggrieved by any decision or order of the Munsif under Rule 43, may within thirty days from the date of such decision or order appeal in the prescribed manner to the District Judge within whose territorial jurisdiction the Market yard of the market area concerned is situated. The decision of the District Judge on such appeal shall be final and conclusive. The District Judge shall forthwith communicate the result of the decision or order to the Election officer, who shall take steps either to publish the names of the persons declared elected or to hold fresh election, as the case may be.(ii)Any person intending to exercise a right of appeal provided in sub-rule (i) may obtain an order staying any of the consequences arising on account of the order of the Munsif passed under Rule 43 on deposit of an amount of four hundred rupees as security of costs in the court of the Munsif apart from the amount of deposit, if any, made under sub-rule (i) of Rule 45. The Munsif shall order such stay on such deposit for a period not exceeding two months from the date of his order. If no further stay is obtained before the expiry of such period from the District Judge or if such stay is obtained from the District Judge and the period of stay expires or if such stay ultimately cancelled, the amount deposited or the balance, if any out of such amount after deducting the amount of costs, if any, of the parties opposing the appeal or the stay, awarded by the District Judge by his order in such appeal shall be forfeited to the State Government by an order made in this behalf by the Munsif unless the District Judge orders the refund of the deposited amount or the balance of the amount as the case may be or any part thereof by an order passed in that regard at the time of his giving decision in the appeal or thereafter and such order is communicated to the Munsif.(iii)Every appeal under the rule shall be decided as expeditiously as possible, an endeavour shall be made to determine it finally within three months from the date on which the memorandum of appeal is presented to the District Judge, and the procedure provided in the Code of Civil Procedure, 1908 in regard to the suit shall be followed by the District Judge as far as it can be made applicable in the trial and disposal of an election petition or appeal.

45. Election papers to be forwarded to the Assistant Director.

- (i) The Election Officer shall in separate sealed packets forward to the Assistant Director all papers relating to election including-(a)the ballot papers counted as valid;(b)the ballot papers rejected as invalid;(c)the unused ballot papers;(d)counterfoils of ballot papers;(e)spoilt ballot papers;(f)tendered ballot papers;(g)returned ballot papers;(h)tendered voters' list;(i)account of ballot papers;(j)list of challenged votes; and(k)the marked copy of the electoral roll.(ii)Each packet shall bear a note as to its contents.

46. Destruction of voting papers.

- On the expiry of three months from the date of publication of the names of elected and appointed members of the Market Committee under section 13 or after one month of disposal of the application, if any, under Rule 43, whichever is later, all the voting papers may be destroyed in the presence of the Chairman or the Vice-Chairman or Secretary of the Market Committee on the date fixed by the Assistant Director.

47. Intimation to the Election Officer regarding the name of the representative of the Co-operative Bank.

- The Co-operative Bank of the market area shall intimate in writing the Election Officer the name of the person appointed as its representative under clause (iv) of sub-section (1) of section 9, before a date fixed by the Election Officer in this behalf :Provided that if there are more Co-operative Banks than one in the market area the appointment shall be made by the said Co-operative Banks in such order of rotation as may be specified by the Election Officer.

48. Disqualified person to cease to be member.

- (i) No person shall continue to be member of the Market Committee if at any time after his appointment or election, as the case may be he becomes subject to any of the disqualifications mentioned in section 10 or Rule 6 and his seat shall thereupon become vacant.(ii)A person representing an organisation of agriculturists, a firm, a corporation or a co-operative society shall be debarred from continuing to be such member if he ceases to be a member of the organisation of agriculturist, a firm, corporation or a co-operative society of which he was the representative.

49. Election of Vice-Chairman of the Market Committee.

- (i) The Director or any officer authorised by the Director in this behalf shall call the first meeting of the newly constituted Market Committee to elect its Vice-Chairman from amongst its members. For the purpose of the election of Vice-Chairman the Director or the Officer authorised by the Director shall preside over the meeting but shall not vote.(ii)At such meeting, a candidate for the office of Vice-Chairman shall be proposed by one member and seconded by another and the names of all the candidates proposed and seconded shall be read out by the President of the meeting.(iii)If there is only one duly nominated candidate for the office of Vice-Chairman, he shall be declared to have been elected.(iv)If there are two or more such candidates, the votes of the members present at the meeting shall be taken.(v)Every member wishing to vote, shall be supplied with a voting paper in Form XV on which the names of all the candidates for the office of Vice-Chairman shall be written. Every voting paper shall be initialled on the reverse by the President.(vi)A voter shall then place a mark against the name of the candidate for whom he wishes to vote, fold it up and deposit it in ballot box placed before the President. If a voter is unable to do so the President may mark the voting paper according to the voter's directions, and deposit it in the ballot box.(vii)The President shall then open the ballot box and count the votes in the presence of the members and declare the

member who secures the largest number of votes to have been elected as Vice-Chairman. If there is an equality of votes between two or more candidates, the President shall draw lot in the presence of the members and the member whose name is first drawn shall be declared to have been elected.(viii)Any voting paper which does not contain the mark of the voter or on which the mark is placed against more than one name or the reverse of which does not contain the initial of the President, shall be invalid.(ix)Immediately after the meeting, the President shall cause the notice under Form XVI declaring name of the person declared to have been elected as Vice-Chairman, to be affixed in some conspicuous place in the office of the Market Committee.(x)The voting papers shall be sealed by the President and retained in safe custody in the office of Assistant Director, and the packet containing the voting papers shall not be opened or destroyed except under the order of the Director.(xi)[If during the course of election of Vice-Chairman any dispute arises as to correctness or otherwise of the decision given or procedure followed by the Director, it shall be referred to the Managing Director of the Board or to any other person appointed by the Board and the decision thereon shall be final and conclusive.] [Substituted by G.S.R. 12A dated-26.9.1993.](xii)[At any time within 15 days from the date of publication of the result i of the election of Vice-Chairman of the Market Committee held under Rule 49 (iv), any aggrieved candidate may challenge the election, by filing an election petition before the Managing Director of the Board and he after giving proper notice to the concerned parties and hearing on the legality or otherwise of the issue, shall pass an order, which shall be final and binding on the parties.] [Added by G.S.R. 12A dated-26.9.1993.]

50. Casual vacancy in the office of the Vice-Chairman.

- In the event of the expiry of the office of the Vice-Chairman or the Vice-Chairman dying, resigning or ceasing to hold office for any reason before the expiry of his term of office, the Director or any officer authorised by the Director in this behalf, shall call a meeting of the Market Committee, to elect, another person as Vice-Chairman. The Director or the officer authorised by the Director shall preside over such meeting but shall not vote. Every Vice-Chairman elected under this rule to fill a casual vacancy, shall hold office so long as the Vice-Chairman in whose place he is elected would have held if the vacancy had not occurred.

51. Resignation by Vice-Chairman or Member.

- [The Vice-Chairman or any member of the Market Committee shall resign his office by a written application to the Managing Director of the Board. No such resignation shall take effect until it is accepted by him.] [Substituted by G.S.R. 12A dated 26.9.1993.]

52. Expenditure in connection with or incidental to such election.

- All expenditure incurred by the Election Officer or any other person in connection with or incidental to the election of members of Market Committee shall be borne by the Market Committee, provided if the Market Committee is not having sufficient fund required for expenditure in connection with the election such sum may be spent by the Board or the Government on behalf of the Market Committee, and the sum so spent shall be recoverable in accordance with section 40 of

the Act, from the Market Committee.

53. Corrupt practices.

- The following shall be deemed to be corrupt practices for the purposes of rule 48:-(1)'Bribery', that is to say-(A)any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent or any gratification, to any person whomsoever, with the object, directly or indirectly, of inducing-(a)a person to stand or not to stand as, or to withdraw or not to withdraw from being a candidate at an election; or(b)a voter to vote or refrain from voting at an election, or as a reward to-(i)a person for having so stood or not stood or of having withdrawn or not having withdrawn his candidature; or(ii)A voter for having voted or refrained from voting;(B)The receipt of, or agreement to receive, any gratification, whether as a motive or a reward-(a)by a person for standing or not standing as, or for withdrawing or not withdrawing from being candidate; or(b)by any person whomsoever for himself or any other person to induce any voter to vote or refrain from voting, or any candidate to withdraw or not to withdraw his candidature.Explanation. - For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of employment for reward but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election.(2)'Undue influence', that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or any other person (with the consent of the candidate or his agent) with the free exercise of any voting right :Provided that-(a)without prejudice to the generality of the provisions of this clause any such person as is referred to therein who-(i)threatens any candidate or any voter or any person in whom a candidate or a voter is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or(ii)induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure shall be deemed to interfere with free exercise of the voting right of such candidate or voter within the meaning of this clause;(b)a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with voting right shall not be deemed to be interference within the meaning of this clause.(3)The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of or appeal to, religious symbols or the use of, or appeal to, national symbols such as the national flag or the national emblem, for the furtherance of the prospects of the election of the candidate or for prejudicially affecting the election of any candidate.(4)The promotion of, or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on grounds of religion, caste, community, or language by a candidate or his agent or any other person with the consent of candidate or his agent for the furtherance of the prospects of the election of the candidate or for prejudicially affecting the election of any candidate.(5)The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to personal character or conduct of any candidate, or in relation to the candidature, or withdrawal of any candidate, being a statement reasonably calculated to prejudice the prospects of the candidate's election.(6)The hiring or procuring, whether on payment or otherwise of any vehicle or vessel by a

candidate or his agent or by any other person (with the consent of a candidate, or, his agent) (or the use of such vehicle or vessel for the free conveyance) of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station provided for the poll :Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:Provided further that the use of any public transport vehicle or vessel or any railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.Explanation. - In this clause, the expression 'vehicle' means any vehicle used or capable of being used for the purpose of road transport whether propelled by mechanical power to otherwise and whether used for drawing other vehicles or otherwise.(7)The obtaining or procuring or abetting or attempting to obtain or procure by candidate or his agent or, by any other person (with the consent of a candidate or his agent), any assistance (other than the giving of vote) for the furtherance of the prospect of the candidate's election, from any person in the service of the Government, Marketing Board and Market Committees.Explanation (1). - In this rule the expression 'agent' means a polling agent/ or any person who is held to have acted as an agent in election with the consent of the candidate.(2)For the purpose of clause (7) a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an agent of that candidate.

Part III – Market Committee, its Chairman & Servants and Disputes Sub-Committee, their Functions and Powers.

54. Functions and powers of the Chairman.

- [The Chairman shall preside over the meeting of the Market Committee.] [Substituted by G.S.R. 12A dated 26.9.1993.]

55. Meeting of the Market 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 both, by a member elected by the meeting to preside for the occasion:Provided that such a meeting shall not be presided over by the Secretary,(ii)The Chairman shall be entitled to speak and vote on all questions at the meeting.(iii)The Vice-Chairman or the member presiding over a 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 Market Committee at any meeting shall be decided by a majority of votes of the members present and voting at the meeting and in every case of equality of votes, the Chairman or the Vice-Chairman or presiding member shall have power to exercise a second or casting vote.

56. Minute book to be kept.

- [A minute book shall be kept by the Secretary of the Market Committee and a record of proceeding of every meeting shall be entered therein by the Secretary under the supervision of the Chairman or Vice-Chairman or the member presiding over the meeting and shall be signed both by the Secretary and the Chairman or Vice-Chairman or the member presiding. The minute book shall be permanently preserved. It shall be open to the inspection at the reasonable hours to members of the Market Committee and also to the Managing Director of the Board, the Director of Marketing, the Assistant Director and any other officer authorised by the Managing Director of the Board in this behalf. The record of proceeding of the Market Committee shall not be treated as public document and copy thereof shall be supplied only when so required by orders of a Court or the Managing Director of the Board.] [Substituted by G.S.R. 12A dated 26.9.1993.]

57. By whom copies of documents or entries or books of the Market Committee may be certified.

- Copies of documents of entries in the books of the Market Committee shall be certified as true copies by the Secretary under the seal of Market Committee on payment of Re. 1 per folio.

58. Inspection of documents.

- Members of the Market Committee or the public may inspect the bye-laws in the office of the Market Committee and may obtain certified copies thereof on payment of 0.50 paise per folio and bye-laws in book form at the price as fixed by the Market Committee.

59. Person entitled to attend meetings.

- [The Assistant Director or any officer authorised by the Managing Director of the Board shall be entitled to attend any meeting of the Market Committee but he shall not be entitled to vote. A copy of the notice convening every meeting shall be sent to the Assistant Director and the Board or the officer authorised in this behalf.] [Substituted by G.S.R. 12A dated 26.9.1993.]

60. Copy of proceeding of meeting.

- [A copy of the proceeding of every meeting of the Market Committee shall be forwarded to the Assistant Director and the Managing Director of the Board or the officer authorised by him in this behalf.] [Substituted by G.S.R. 12A dated 26.9.1993.]

61. Market Committee to provide for certain matters.

- (i) After paying all sums due to Government and/or the Board, the Market Committee shall so far as the funds at its disposal permit but subject to the provisions of the Act and these rules provide-(a)for the maintenance and improvement of any enclosure or building which may constitute

the Market;(b)for construction and repair of buildings, yards and other erections necessary for the purposes of the Market; and(c)for the health, convenience and safety of the persons using or visiting the market.(ii)The payment and expenditure under sub-rule (i) shall be subject to any special contract made in this behalf.

62. Settlement of dispute.

- (i) The Market Committee may appoint a sub-committee called the Disputes Sub-Committee consisting of the following as its members-(a)Vice-Chairman;(b)two members representing agriculturists;(c)one member representing traders; and(d)Secretary.(ii)The Vice-Chairman shall be its Chairman and in his absence a member of the Sub-Committee will preside over the meeting.(iii)Every dispute shall first be referred to the Secretary who shall try to settle the dispute. In case the decision of the Secretary is not acceptable to either party, the dispute shall be referred to the Disputes Sub-Committee on payment of fees by an order of the Market Committee.(iv)Three members shall form the Sub-Committee.(v)All questions which may come before the Disputes Sub-Committee at any meeting shall be decided by a majority of votes of members present and voting in the meeting and in every case of equality of votes the Chairman or the presiding member shall have power to exercise a second or casting vote.(vi)An appeal against the decision of the Disputes Sub-Committee shall lie to the Assistant Director or the officer authorised by the Director in this behalf and the decision given by the Assistant Director or the officer so authorised shall be final and binding on the parties to the dispute, provided that such an appeal is made to the Assistant Director or the officer authorised within seven days from the date of decision given by the Disputes Sub-Committee.

63. Appointment of Sub-Committee and delegation of powers.

- (i) The Market Committee may appoint one or more Sub-Committees consisting of not more than three of its members for reporting or giving opinion on any matter or it may subject to so such restrictions and conditions as may be specified in the bye-laws, delegate to any such Sub-Committee such of its powers or duties as it may think fit.(ii)The Market Committee may form a Sub-Committee of not more than three of its members for each or any of the market yards or for any other purpose, as the case may be for the day to day working of the Committee and may delegate any of its powers to such Sub-Committee or Sub-Committees.(iii)Each Sub-Committee shall maintain a minute book of its proceeding and the Secretary shall take part in it as member and be responsible for writing of the proceedings of the meeting held by the Sub-Committee.

64. Terms and conditions of service of Secretary and staff of Market Committee.

- (i) (a) Where Secretary is an officer of Government or the Board he shall draw pay scale of the service to which he belongs.(b)Other conditions of service of Secretary, i.e. pension, gratuity, leave, travelling allowance, etc., shall be governed by service rules to which he belongs.(c)[No person shall be appointed as Secretary under sub-section (i) of Section 20 unless- [Substituted by G.S.R. 12A

dated 26.9.1993.](a)He is graduate in Arts, Commerce or Science from a recognised University;(b)25 per cent of aforesaid vacancies, here after shall be reserved for direct recruitment of such agriculture graduate who had one of the subjects of Agriculture Economics at the degree stage or having Agriculture Marketing Management/ Business Management Degree/Diploma from a recognised Institutes;(c)The confirmation of the appointment of a person appointed on the post of Market Secretary or before consideration for promotion on a higher post shall be subject to completing of approved training or discourse conducted by the Board.](ii)[The Board shall appoint such officers and staff which are necessary for proper and efficient working of the Committees.] [Substituted by G.S.R. 12A dated 26.9.1993.]

65. Security.

- The Market Committee shall take sufficient security from such of its staff as are entrusted with handling of cash as prescribed in the bye-laws.

66. Powers and functions of the Secretary.

- (i) The Secretary shall be the Chief Executive Officer of the Market Committee and shall carry into effect the resolutions of the Market Committee.(ii)[All employees of the Market Committee and staff who have been deputed by the Board, shall be subject to his control. He shall be responsible for directing their work in such manner as to ensure proper and efficient working of the Committee.] [Substituted by G.S.R. 12A dated 26.9.1993.](iii)[He shall supervise the work of the Officers and staff of the Market Committee and Officers and staff posted in the Board and shall take such disciplinary action against them for their neglect, misconduct, indiscipline etc. as required.] [Substituted by G.S.R. 12A dated 26.9.1993.](iv)He shall be responsible for the proper execution of all orders passed by the Market Committee.(v)He shall be the head of the establishment entertained by the Market Committee.(vi)Subject to the control of the Chairman of the Market Committee, the Secretary shall be responsible for maintaining proper account of money received and/or expended for or on behalf of the Market Committee.(vii)All correspondence with officer subordinate to Government or with the Board shall be conducted by the Secretary.(viii)He shall also be responsible for maintaining complete records of all the disputes which may come up for decision before him and the Disputes Sub-Committee in the form to be prescribed by the Market Committee.(ix)On receipt of a complaint either written or oral regarding all matters concerning sale and purchase of agriculture produce in the market area, the Secretary shall conduct an inquiry and shall make a report of the same to the Chairman for taking such action as he may think necessary in accordance with the provisions 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 is being made and no irregularities in making weighments of agricultural produce in the market area are being committed.(x)He shall call meeting of the Market Committee and shall have the right to speak and vote at and otherwise take part in any meeting of the Market Committee or Sub-Committee as an ex-officio Member-Secretary. He shall advise the Market Committee and its Chairman in the light of the provisions of the Act, Rules and bye-laws and the previous decisions of the Market Committee and directions of the Jharkhand Government and the Board.(xi)[He shall have power to sanction casual leave, earned leave to the employees of the Market Committee and of the Board posted in the Market Committee.]

[Substituted by G.S.R. 12A dated 26.9.1993.](xii)He shall maintain a diary of inspection, seizure of accounts and unauthorised agricultural produce, detention of vehicles, assessment of market fee and other important occurrences, a copy of which shall be sent to the Assistant Director and the Board.(xiii)[The Secretary shall make an annual assessment of the work of employees of the Market Committee and of the Board posted therein.] [Substituted by G.S.R. 12A dated 26.9.1993.](xiv)He shall prefer complaints in respect of prosecutions to be launched on behalf of the Market Committee and conduct proceedings, civil or criminal in all courts and tribunal or any authority on behalf of the Market Committee.(xv)He shall also perform any other duty or duties imposed under the Act, Rules, bye-laws, order of the Board and Market Committee.(xvi)[The Secretary shall be the drawing and disbursing Officer for payment of his salary and allowances and for the Officers and staff of the Board and the Market Committee.] [Added by G.S.R. 12A dated 26.9.1993.]

67. Powers and duties of the Market Committee.

- The Market Committee shall furnish all informations which the Board or any officer authorised by it in this behalf may require. In addition to the duties prescribed by the Act and the Rules and its bye-laws, the Market Committee shall also be responsible for-(i)the maintenance and proper checks on all receipts and payments by its officers;(ii)the proper execution of all works chargeable to Market Committee Fund;(iii)keeping of copy of the Act and the Rules and notifications issued thereunder and of its bye-laws open to inspection free of charges at its office;(iv)keeping a minute book of the proceedings;(v)maintaining an account of each cart or load brought into the market;(vi)maintaining a register of fees collected;(vii)taking security from its officers and servants;(viii)providing persons authorised to collect fee, a money box and counter foil receipt books;(ix)providing badges to weighmen and servants;(x)having plans and estimates prepared for work;(xi)keeping accounts in such forms as may be prescribed;(xii)publishing a statement of assets and liabilities;(xiii)securing check on receipts and expenditure;(xiv)regulating expenditure according to budget;(xv)preparing and adopting budget for ensuing year;(xvi)providing marketing information;(xvii)arranging for temporary storage or stocking of notified agricultural produce;(xviii)erecting check posts, gates or other fixtures to prevent evasion of market fee and take other measures regarding it; and(xix)to do such other thing as laid down under the Act, Rules, Bye-laws and as directed by the Board;

Part IV – Market Fund, Expenditure and Accounts

68. The Market Committee Fund.

- [(i) All money received by the Market Committee shall be credited to the fund called the Market Committee fund except where the Government or the Board on its own motion or an application by the Market Committee or otherwise shall direct all moneys paid into the Market Committee fund, shall be credited at least once in a week in full into State Bank or a Bank duly approved for this purpose by the Chairman and the crediting of the fund, shall be intimated within three days, to any other Officer authorised by the Managing Director of the Board. All balance from the fund shall be kept in such bank and it shall not be withdrawn except in accordance with the Rules.] [Substituted

by G.S.R. 12A dated 26.9.1993.](ii)(a)Every Market Committee shall, out of its fund pay to the Board, as contribution such percentage of its total income as is specified below to defray expenses of the office establishment of the Board and such other expenses incurred by it in the interest of the Market Committee generally and also pay to it the cost of staff employed by the Board or the Jharkhand Government for giving effect to the provisions of the Act in the notified market area-

- | | |
|--|---------------------|
| (1) If the annual income of a Market Committee does not exceed Rs.10,000; | ... 10per centum |
| (2) If the annual income of Market Committee exceeds Rs. 10,000-onthe first 10,000 | ... 10per centum |
| On the next 5,000 or part thereof | ... 15per centum |
| On the remaining income | 25per
... centum |

(iii)[Every Market Committee shall, out of its fund, which is received as Market fee and licence fee, pay as contribution to the State Government the following percentage of its total income as specified below:-] [Inserted by G.S.R. 40 dated 30.11.1992.]

- | | |
|--|-----------|
| (a) If the Annual income of a Market Committee is upto ten lakhsor above but below twenty five lakhs; | 10percent |
| (b) If the Annual income of a Market Committee is upto twenty-five lakhs or above but below fifty lakhs; | 15percent |
| (c) If the Annual income of a Market Committee is upto fifty lakhsor more | 20percent |

(b)The Board shall determine the cost of such staff employed by it for the purposes and in the interest of the Market Committees. The decision of the Board determining the amount payable by Market Committee shall be final.

69. Expenditure.

- (i) All payments of more than Rs. 500 shall be on cheque drawn on behalf of the Market Committee.(ii)No cheque on behalf of the Market Committee shall be drawn except on a bill which has been examined and passed by the Secretary or on the issue or recoupment of an imprest, if any, and the Secretary shall not pass any bill for payment without the previous sanction of the Market Committee except-(a)[for payment of salary and allowances of the Secretary, Officers and Staff of the Board and the Market Committee.] [Inserted by G.S.R. 40 dated 30 11.1992.](b)for the payment of works and repairs which have been duly sanctioned by competent authority;(c)[For meeting expenditure for which there is budget provision or which does not exceed Rs. 5,000 (Rs. Five Thousands).] [Substituted by G.S.R. 12A dated 26.9.1993.](iii)[The Market Secretary, shall send the Expenditure report of the last month to an Officer authorised by the Managing Director for this purpose by the end of the first week of the next month.] [Added by G.S.R. 12A dated 26.9.1993.]

70. Authority to sign cheque.

- [(i) Cheques of the value of Rupees two thousand and below or as may be authorised by the Board from time to time drawn on behalf of the Market Committee shall be signed by Secretary and all

other cheques drawn on behalf of the Market Committee shall be signed by the Secretary and countersigned by the Chairman or by the Vice-Chairman in the absence of the Chairman, as the case may be: Provided that cheques of any account for payment of salary and allowances of staff and statutory liabilities shall bear only the signature of the Secretary.] [Substituted by G.S.R. 3 dated 20.2.1996.]

71. Remittance to bank.

- All remittances to the bank shall be accompanied by deposit slips in duplicate. The monthly or periodical statement of accounts furnished by the bank shall be regularly filed and made available for checking for account and audit.

72. Pass Book.

- The pass books shall be got written up-to-date at least once a month by the bank by which the original account is kept.

73. Submission of budget.

- (i) The market year shall be deemed to commence on the 1st April and end on the 31st March. (ii) The Market Committee shall hold a meeting each year during the first week of January to prepare a budget of income and expenditure. The budget shall be submitted to the Assistant Director not later than the 15th of January for approval and the abstract of the receipts and expenditures of the previous year shall also be submitted to him not later than the 30th April, with a copy of both of them to the Board. The Assistant Director shall, while sending sanction to the Market Committee, endorse a copy to the Board. (iii) No expenditure shall be incurred for which there is no budget provision unless it can be met by appropriation from savings under other heads or by a supplementary grant from the available resource which should be sanctioned at a meeting of the Market Committee. A report to this effect should be immediately sent to Assistant Director with a copy to the Board. (iv) Notwithstanding anything contained in sub-rule (ii) above the Board may, for reasons to be recorded in writing, amend or revise the budget of a Market Committee.

74. Works to be included in the budget.

- Any works upto Rs. 10,000 shall be approved by the Market Committee and the works above Rs. 10,000 by the Board.

75. Guidance of sanction.

- [Plans and estimates for works estimated to cost Rs. 30,000 (Thirty thousands Rupees) shall be sanctioned by a local Engineer, and, in case of works estimated to cost more than Rupees thirty thousands, the sanction of the Board's Engineer duly authorised by the Managing Director of the Board shall be obtained, but no splitting of plans and estimates shall be permissible.] [Substituted

by G.S.R. 12A dated 26.9.1993.]

76. [Supervision of works. [Substituted by G.S.R. 12A dated 26.9.1993.]

- Works may be carried out under the supervision of the Secretary or as directed by the Board.]
[Substituted by G.S.R. 12A dated 26.9.1993.]

77. Permanent Fund.

- (i) The surplus amount of the Market Committee Fund, at the close of each year shall be credited to the permanent fund of the Market Committee within three months of the close of the year 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 or for such other purpose as the Board may specify.(ii)The Market Committee may invest or deposit funds-(a)in the savings account with any nationalised bank or Post-office or in form of National Savings Certificate;(b)in any of the securities specified in section 20 of the Indian Trusts Act, 1882 (II of 1882) provided that no investment shall be made on the mortgage of immovable property.(iii)With any bank, amount so invested including the interest thereon may be withdrawn after approval of the Board or the officer authorised by it.

78. Annual report.

- At the end of each year the Market Committee shall prepare an annual report as per Form no. XVII and submit copies of it to the Board and to such other officer as may be directed by it.

79. Accounts and Audit Inspections.

- (i) The accounts and records of the Market Committee shall be kept in such manner as the Board may direct.(ii)The accounts of the Market Committee shall be subject to audit under section 50.(iii)At the time of audit the Secretary or any other person authorised by the Chairman in this behalf shall cause to be produced all accounts, registers, documents and other relevant papers which may be called for by the Audit Officer for the purpose of the audit. Any explanation called for by such officer for the settlement of any discrepancy shall also be immediately furnished to him.(iv)[The audit memoranda shall be placed before the Market Committee for necessary consideration and reply thereto shall be submitted to the Managing Director of the Board for consideration or action, as the case may be.] [Substituted by G.S.R. 12A dated 26.9.1993.](v)Any person aggrieved by any surcharge or charges made may appeal to the authorities prescribed below and such authority may after making such enquiries as he considers necessary pass such orders as he thinks fit.(a)appeal against surcharge upto Rs. 100-Assistant Director;(b)appeal against surcharge upto Rs. 500-Director;(c)[appeal against surcharge above Rs. 500 before the Managing Director of the Board.] [Substituted by G.S.R. 12A dated 26.9.1993.](vi)Pending the disposal of such appeal all proceedings on the certificate of charge shall be stayed.(vii)The Board may arrange internal audit of account of Market Committee by its own officer and staff.

Part V – Market-Market Yard and Sub-yard

80. Establishment of markets.

- (i) After the issue of notification under section 4 and establishment of Market Committee under section 6, the Jharkhand Government shall direct the Market Committee to establish a market.(ii)When directed to do so under sub-rule (i) the Market Committee shall establish a market for the market area for which it is established.(iii)After the establishment of market by the Market Committee, the Jharkhand Government shall issue a notification under section 5.

81. Control and conservancy of market yard.

- (i) The Market Committee shall maintain one or more market yards and shall have absolute control over the market yards subject to these rules and to the general or special orders of the Government or the Board and to such control as is by these rules or by any other law vested in the Board. The Market Committee shall manage market yards in the interest of trade having regards to convenience of the trade of agricultural produce and the purpose for which the control is vested in the Market Committee. The market yards shall remain open for trading at such hours as the Market Committee may, from time to time fix.(ii)In the market areas the Market Committee shall exercise such rights as may be necessary for the convenient control of the market and for the convenience and comfort to the persons using the market and for collection of the fees, in accordance with provisions of the Act, Rules and Bye-laws.(iii)The Market Committee may require the owner or manager of any industrial concern located within the market areas to furnish such information in respect of agricultural produce for which the market is established and which is handled or used by the industrial concern, as the Market Committee may think necessary for the purposes of the market.

Part VI – Fees, Levy and Collection

82. Market fee.

- (i) The Market Committee shall levy and collect market fee, on agricultural produce bought or sold in the market area at the rate of Re. 1 per Rs. 100 worth of agricultural produce.(ii)[If the seller is a licensee, he shall deposit the market fee, with the Market Committee, within 15 days after the end of each month.] [Substituted by G.S.R. 12A dated 26.9.1993.](iii)[If the seller is a licensee and the buyer is not a licensee, the seller shall realise the market fee from the buyer and shall deposit the market fee with the Market Committee, within 15 (fifteen) days after the end of each month.] [Substituted by G.S.R. 12A dated 26.9.1993.](iv)if neither the buyer nor the seller is a licensee, the buyer shall deposit the market fee with the Market Committee or to its authorised officer or to staff or any person authorised by the Market Committee.[(iv-a) If the buyer and the seller are both licensees, the seller after realising market fee from the buyer, shall deposit the Market fee with the Market Committee within 15 days after the end of each month. The buyer licensee shall make the statement in the return to be submitted under sub-Section (2) of Section 27 A.] [Added by G.S.R.

12A dated 26.9.1993.](v)[The Market Committee may authorise any of its Officers or Staff or an collecting agent whose appointment has been approved by the Managing Director of the Board or an Officer authorised by him in this behalf to collect market fee directly from the buyer or his agent.] [Substituted by G.S.R. 12A dated 26.9.1993.](vi)The Market Committee shall also levy and collect license fee from the traders, brokers, weighmen, measurers, warehousemen and other persons operating in the market area according to the rates specified under Rules 98 and 100.(vii)If any agricultural produce is brought in the market area for the purpose of processing or export, the trader bringing such product for processing or export, as the case may be, shall make declaration in Form XVIII and shall obtain certificates of exemption from the Market Committee, if necessary.(viii)Any agricultural produce in respect of which a declaration has been made under sub-rule (vii) has become liable for levy of market fee under sub-section (1) of Section 27, market fee shall be deposited by such person at the rate of Rs. 1 per Rs. 100 worth of agricultural produce to be calculated on the average market rate on the day on which the fee has become due.(ix)Every licensee trader before furnishing return under sub-section (2) of section 27-A, shall deposit market fee to the Market Committee in accordance with sub-rule (ii) or (iii) payable or realised as the case may be to the Market Committee and obtain receipt in duplicate from it showing such deposit and shall enclose a copy of the receipt alongwith return.(x)A rebate at the rate of 1 per cent of the amount of market fee payable under sub-section 27 shall be allowed to such licensee trader who has paid such amount as under sub-rule (ix) and such licensee trader may deduct from such amount of fee which is admissible under this rule.(xi)[If any licensee trader fails to deposit the amount of market fee due from him according to return furnished under section (2) of Section 27A in addition to action taken under Sub-section (8) of Section 27A, the trader whose collection of market fee is upto Rs. 200 (Two hundred rupees) as per the return furnished under Sub-Section (2) Section 27A, shall pay a penalty of Rs. 10 (ten rupees) per day and likewise the trader whose collection of market fee is above Rs. 200 (Two hundred rupees) but below 5,000 (Five thousand rupees) shall pay Rs. 30 per day as penalty and the trader whose collection of market fee is above Rs. 5,000 (Five thousand rupees), shall pay Rs. 50 (fifty rupees) as penalty per day after the expiry of the period as under sub-Section (2) of section 27A, but the Secretary in respect of any particular trader for reason recorded in writing, may extend the date of such payment, maximum upto a period of 15 days and allow the trader to pay the due market fee and the penalty if any by the extended date. Provided that if the Market Committee is satisfied with reasons and justification to be recorded in writing, the penalty imposed under this rule can be waived wholly or partially by the Market Committee after obtaining previous section of the Director of the Board: [Substituted by G.S.R. 12A dated 26.9.1993.]Provided further the penalty payable under the rule and levied under subsection (8) of Section 27A together shall not exceed the sum thrice to the fee levied or payable by such trader.](xii)Where any amount of the fee together with penalty is reduced as a result of order passed in Appeal or Revision, amount paid by the trader in excess of the amount finally determined as is payable by him, the Market Committee shall refund the said amount by cash payment or adjustment of such excess towards the amount payable by the trader for any other period provided that no claim for such return shall be entertained unless it is made within 90 days from the date of service of notice to the trader for such amount.(xiii)(a)If any person, from whom the market fee has been directly collected by the officers or staff or any other person of the Market Committee disputes the amount of fee payable by him, he may file an application before the Assessment Sub-committee containing full statement of facts and the relief sought for and the Sub-committee, after giving the petitioner a reasonable opportunity of being

heard, shall pass necessary orders.(b)The order passed under this rule shall be applicable within 30 days of the receipt of the order and the provisions of section 27-B shall apply.

83. Recovery of fees.

- (i) The fees realisable under Rule 82 on agriculture produce shall be payable as soon as bought or sold anywhere in the market area.(ii)The licence fees shall be paid alongwith 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.

84. Receipt.

- (i) All money received on behalf of the Market Committee shall be acknowledged by a receipt in triplicate signed by the Secretary or any other officer, servant or any person duly authorised by the Market Committee, in this behalf, shall be granted to every person in respect of fees collected from him under these rules or bye-laws. One copy of the receipt shall be retained in the office for office record.(ii)Every person authorised to collect fees shall grant the receipt to the payee, keeping counterfoil of the receipt so granted and shall render account of all receipt ordinarily once a day to the Secretary or any other person duly authorised in this behalf by him.

85. Staff to wear badges.

- The officer or staff of the Market Committee authorised to collect fees, shall wear a suitable badge provided by the Market Committee and he shall be in possession of a such identity card as may be specified in these bye-laws.

86. Restriction in removal of agricultural produce until fees paid.

- No person shall remove or attempt to remove from the principal market yard or sub-market yard or market area any agricultural produce of himself or of any other person until any fees or charges payable under the Act or the rules or the bye-laws thereof have been paid.

87. Check Post.

- (i) Under section 31-A the Market Committee shall set up, erect check post or market gates or any other fixtures at the entry and exit points of the market.(ii)No notified agricultural produce shall be admitted inside the market or permitted to leave the market except on the production of a gate pass issued for that purpose in Form XXI and XXI-A respectively, by a person authorised by the Market Committee.(iii)(a)Gate pass in Form XXI shall be issued to any person intending to carry notified agricultural produce in the market without any charge.(b)Gate pass in Form XXI-A shall be issued to any person intending to carry notified agricultural produce from or through the market provided he pays fees or charges payable under the Act, Rules or Bye-laws.

Part VII – Assessment, Appeal, Revision Etc.

88. Assessment of market fee.

- Assessment Sub-committee constituted under sub-section (1) of section 27-A shall have a quorum of two members: Provided that the Sub-committee consisting of two members may in its direction refer the case to a bench consisting of all the members of the Subcommittee. (ii) When an assessment is made by all the three members of the Subcommittee and the members are of divided opinion on any point, such point or points shall be decided in accordance with the opinion of the majority, provided that the assessment is made by a bench consisting of only two persons, such point or points shall be referred to the third person and shall be decided in accordance with the opinion of the majority.

89. Memorandum of appeal.

- (i) An appeal preferred under section 27-B, shall be presented to the appellate authority in the form of memorandum by the applicant or his duly authorised agent. The memorandum shall contain clear statement of relevant facts and state precisely the relief prayed for. (ii) The memorandum of appeal shall be filed in triplicate and along with fee payable under rule 98, and be accompanied by certified copy of the order appealed against and the notice of demand if any and in case of an appeal against an order under sub-section (7) of section 27-A, the receipt showing deposit with the market committee, the full amount of the assessed market fee and in case of appeal against the order passed under sub-section (8) of section 27-A, receipt showing deposit with the Market Committee 20 percent of the levy of penalty. (iii) In computing the period of limitation for filing an appeal under section 27-B the period spent in obtaining the copy of the order shall be excluded. (iv) An appeal shall not be decided without giving the appellant as also the concerned Market Committee or their representative a reasonable opportunity of being heard and after making such further enquiry as the appellate authority may consider necessary. (v) A copy of the decision of the appeal shall be sent to the Board and to the Market Committee free of charge and to the appellant on payment of fee prescribed under rule 92.

90. Application for revision.

- (i) The application of the revision under section 27-C shall- (a) be filed in triplicate along with the fee payable under rule 93; (b) be presented to the revisional authority by the applicant or by his agent or by post; (c) contain a clear statement of facts and state precisely the relevant points, and (d) be accompanied by a certified copy of the order, sought to be revised and copy of the assessment order at the original stage. (ii) Where the Board is of opinion that any order passed in appeal is against the interest of the market revenue, it may authorise the Secretary of the Market Committee to file an application for revision under sub-section (1) of section 27-C.

91. Disposal of appeal or revision.

- (i) If the memorandum of appeal or application of revision does not comply with the requirement of the provisions under the Act or the rules as the case may be the appellate or the revisional authority may reject it summarily provided that no appeal or revision shall be summarily rejected under this sub-rule unless the appellant or the applicant has been given reasonable opportunity to amend the memorandum or application as the case may be. (ii) The appeal or application of revision may also be summarily rejected on other reasonable grounds after giving the appellant or the applicant a reasonable opportunity of being heard. (iii) Where an appeal or application for revision is admitted for hearing on merit the appellate or revisional authority, after giving the party concerned the reasonable opportunity of being heard may fix the date of passing a final order on the appeal or application for revision, as the case may be, if the order is not passed on the date of hearing. (iv) The appellate or the revisional authority, as the case may be, in disposing the appeal or revision, may confirm, annul, reduce or enhance or otherwise modify the order of assessment or appeal or set aside the assessment, penalty or both and direct the authority concerned to pass a fresh order after further enquiry.

92. Grant of copies.

- (i) If any trader requires a copy of documents filed by him or of an order concerning him passed by any authority under the Act or rule shall make application to the authority concerned accompanying a postal order of Rs. 4 drawn in favour of the authority concerned. (ii) The following additional charges shall be payable for grant of copies:- (a) for the copies required within 24 hours of the application an additional fee of Rs. 2 shall be payable, and (b) for certificate of authentication-Re.1

93. Fees on appeal and revision.

- (i) The following fee shall be payable in connection with the proceeding under the Act or other matter ancillary or incidental thereto:- (a) upon memorandum of appeal 1 percent of the amount in dispute subject to minimum of Rs. 10 and maximum of Rs. 50; and (b) upon application for revision 5 percent of the amount in dispute subject to minimum of Rs. 25 and maximum of Rs. 50 (ii) The fee payable shall be by account payee postal order drawn in favour of authority concerned.

Part VIII – Sale and Trading in Market

94. Sale of Agricultural Produce.

- [(i) All agricultural produce brought into or processed in the market area except such quantity for retail sale of consumption as per Schedule II of the rule or such description of agricultural produce exempted under section 15 by the Board shall pass through the principal market yard or sub-market yard, or yards, and shall not be brought or sold or kept in storage, at any other place within the Market area : Provided that in case the market Committee is not in a position to give proper facility for accommodation within the market yard or sub-market yard or yards the agriculture produce may

be kept in storage at any other place with prior approval of the market Secretary after reporting at the market yard, or sub-market yard or yards, under a certificate for storage granted by the market Secretary.(ii)Such details of agricultural produce re-sold or re-bought in the market area shall also be reported to Market Committee in accordance with the provisions of bye-laws.(iii)The price of agricultural produce intended for sale in the principal market yard or sub-market yard, shall be settled by open auction or tender system and not otherwise and no deduction shall be made from the agreed price of the consignment except for any authorised trade allowance as prescribed in the bye-laws.]

95. Account of sales and purchase to be maintained.

- The Market Committee shall maintain a record in which regular proper account of agricultural produce bought or sold in the market area shall be kept on the basis of return and other information available.

96. Agreement to be executed between buyer and seller.

- [(i) Every purchaser of Agricultural produce shall sign an agreement in triplicate in Form XXII in favour of seller as soon as a transaction is effected, and such agreement shall be executed under the supervision of authorised staff of the Market Committee. The agreement shall also bear the signature of the staff and the seller. One copy of the agreement shall be given to the purchaser and another to the seller and the third copy with the statement shall be submitted by the staff in the Office.(ii)If the buyer is a licensee and the seller is not a licensee, the buyer shall issue purchase account in Form 24, which shall be in triplicate, whose first copy shall be given to the seller and the second copy shall be submitted to the Market Committee along with the return as under Sub-section (2) of Section 27A.(iii)If the buyer is not a licensee and the seller is licensee, the seller shall issue sell account in Form 25, which shall be in triplicate, whose first copy shall be given to the purchaser who shall keep it with his carrier, and the second copy shall be submitted to the Market Committee along with the return as under subsection (2) of section 21A.Printed form 24 and 25 in books shall be supplied on the fixed price by the order of the Secretary or an Officer authorised by him.]

[Substituted by G.S.R. 12A dated 26.9.1993.]

97. Publication of prices.

- The Market Committee shall so far as practicable, place at the disposal of those using the market, information on such matter as the price of the principal agricultural produce ruling in the concerning market of the State. The information shall be published in such manner as will be readily available to persons using the market.

98. Licenced Traders.

- (i) No person shall carry on business as trader in agricultural produce in the market area except under and in accordance with the terms and conditions of the licence in Form XXIII issued in this

behalf by the Market Committee.(ii)Every person desiring to hold licence shall make an application in Form XIX to the Market Committee and shall pay the licence fee as specified under sub-rule (v).(iii)Every licence issued, re-issued or renewed to a trader under this rule shall be in form prescribed under sub-rule (i).(iv)Every licence granted under this rule shall be valid for the financial year ending with the 31st of March and may be renewed for a period of one year at a time. If the licence is renewed, such renewal shall be endorsed on the licence or on the duplicate, as the case may be.(v)(a)Fee for issue of licence to trader Rs. 50.(b)Fee for renewal of the licence of trader Rs. 20, and(c)Fee for issue of duplicate licence Rs. 10.(vi)Notwithstanding anything contained in sub-rule (iv) the Market Committee may, on an application by a casual trader, issue a quarterly licence on payment of fee of Rs. 20 for each quarter on taking security from him as the Market Committee deems necessary.Explanation. - The holder of quarterly licence shall not be eligible for being a voter in the trader's constituency.(vii)[On receipt of such application for carry on the business of trader, the Secretary, after getting the particulars contained in the application examined by his staff, can issue the license, if- [Substituted by G.S.R. 12A dated 26.9.1993.](a)it is satisfied that the applicant is solvent;(b)cash security or Bank's or of third person's guarantee is given, and(c)It is satisfied that the applicant is a desirable person to whom licence may be granted.](viii)[In case of renewal of license, on application submitted in Form XIX (a), the Secretary, in addition to the requirements specified in Sub-Rule (vii), shall also take into consideration the following matters. - [Substituted by G.S.R. 12A dated 26.9.1993.](a)Whether the satisfactory trading was done by the trader during the previous year (last year);(b)Whether the trader had complied fully with the conditions of the license;(c)Whether conditions of the Act, Rules and bye-laws and directions of the Market Committee given from time to time, have been complied with.](ix)The licence so granted, shall be on the terms and condition as contained in the licence, agreeing to conform with these rules and bye-laws and such other conditions as may be laid down by the Market Committee in accordance with the bye-laws for holding the licence.(x)Name of all such traders shall be entered in a register to be maintained for the purpose.(xi)[The provisions of the Act, shall not apply to a trader till his daily turn over does not exceed a sum of Rs. 1,000 (Rs. One thousand) or till the annual turnover does not exceed a sum of Rs. 50,000 (Rs. Fifty thousand) whichever is earlier, that is why a turnover of Rs. 1,000 (Rs. One thousand) on a day or Rs. 50,000 (Rs. Fifty thousand) during the course of a year whenever occurs, the provisions of the Act shall apply.] [Substituted by G.S.R. 12A dated 26.9.1993.](xii)[Any trader to whom the Act applies, if carries on business of notified agricultural produce in the market area without a valid license issued by the Market Committee, shall in addition to any action taken under Section 48 of the Act, also be liable to pay a sum of Rs. 30 (Rs. Thirty only) as surcharge for each day of default for not obtaining the licence as required under the Sub-rule (1) in addition to the license and market fees payable by him.] [Substituted by G.S.R. 12A dated 26.9.1993.]

99. Power of the Market Committee to suspend and cancel the licence granted to traders.

- [The Secretary may suspend the license of a trader for a period of three months, if he contravenes any of the conditions of the license or the Rules or bye-laws or if he becomes insolvent or does not trade in the Market Area without any excusable reason or works or has worked against the interest of the Market Committee or his continuance in the Market Area is likely to deter the efficient

Working of the market, the Market Committee may suspend the license, maximum upto the period of six months. The Secretary may cancel the license of trader with the prior approval of the Director or the Officer authorised by the Board in this behalf: Provided that the decision of the Secretary shall remain in force even during the period of pendency of appeal.] [Substituted by G.S.R. 12A dated 26.9.1993.]

100. Licensed brokers, weighmen, measurers, surveyors, ware-house-men and such other operators as may be determined by the Director.

- (i) No person shall operate as broker, weighman, measurer, surveyor, ware-houseman or any other operator in any market area except under a licence granted by the Market Committee under this rule.(ii)[A person deserving to held such license shall give a written application to the Market Committee and shall pay such fee as specified below :- [Substituted by G.S.R. 12A dated 26.9.1993.]

(Annual)		License Fee (Annual)	Duplicate licence	
Rs.		Rs.	Rs.	
1.	Broker 25	...	10	5
2.	Weighman 10	...	5	2
3.	Palladar 5	...	2	2
4.	Measurer 10	...	5	2
5.	Surveyor 25	...	10	5
6.	Warehouseman 100	...	50	25
7.	Motor Truck or any driven carrier 40	...	10	5
8.	Any other person operating in the market area 25	...	20	5

Explanation. - Any power-driven carrier may, in lieu of obtaining the license, pay Rs. 5 per trip for carrying the notified agricultural produce in or outside the Market Area.] [Substituted by G.S.R. 12A dated 26.9.1993.]

101. Appeal against refusal, cancellation or suspension of licence.

- (i) For suspending or cancelling the licence of market functionaries specified in sub-rule (ii) of rule 100 the provision under rule 99 shall be applicable to them also.(ii)Any person aggrieved-(a)[By order of Secretary refusing to grant or renew a licence, and [Substituted by G.S.R. 12A dated 26.9.1993.](b)By order of Secretary cancelling or suspending licence may appeal to the Director or the Officer authorised by the Board.]

102. Procedure to be adopted by the Market Committee before taking a decision to cancel or suspend a licence.

- [(i) The Secretary shall first enquire into the matter before any decision to cancel or suspend a license is taken up.(ii)The Secretary shall then cause the charge to be served upon the licensee and call upon him to submit his explanation within a week of the date of service thereof and such explanation given by him shall be considered by the Secretary.]

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

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

104. Keeping of accounts by traders, brokers, weighmen, measurers and surveyors.

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

105. Equipment for weighmen, measurers and surveyors.

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

106. Employing of a commission agent, broker or surveyor.

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

107. Prohibition of brokers from acting on behalf of both the buyer and the seller.

- (i) No licenced broker shall act on behalf of the seller of agricultural produce in any transaction.(ii)Any licensed broker who commits a breach of the provisions of this rule shall be deemed to have violated the conditions of his licence.

108. Licensed weighman or measurer to wear badges.

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

licensee weighman or measurer.

109. Commission agent not to receive any other charge than fixed for his services.

- No licensee trader working as commission agent shall solicit or receive charge other than fixed for his services in the bye-laws.

110. Commission agent or his servant not to solicit brokerage or weighing, measuring or surveying charges.

- If any commission agent or his servant or agent solicits or receives any fee for brokerage or measuring surveying charges, his licence shall be cancelled.

111. Weighing or measuring by licensed weighmen or measurers.

- In the case of a sale or purchase or storage of agricultural produce, all weighing and measuring shall be done by licensed weighman and measurer.

112. Penalties to licensed trader, broker, surveyor, weighman and measurer for demanding any sum not authorised by rules or bye-laws.

- No licensed trader, broker, weighman, measurer and surveyor shall demand, receive or retain or shall permit any other person to demand, receive or retain on account of or under the colours of fees due in respect of this 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 to demand any sum from person who is not liable to pay it under these rule or bye-laws, and no person shall, not being a licensed trader, broker, weighman, measurer and surveyor, demand, receive or retain or facilitate the demanding, receiving or retaining of such sum.

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

- [(i) The licensed trader shall provide or arrange to provide all necessary standard Weights and Measures as defined in the Standard of Weights and Measures Act, 1985.(ii)No licensed trader shall use Weights and Measures or Weighing and Measuring Instruments other than standard weights and measures as defined in the Standards of Weights and Measures Act, 1985.](iii)Any licensed trader who commits a breach of the provision of this rule, shall be deemed to have violated the conditions of his licence.

114. [Inspection of scales, weights and measures. [Substituted by G.S.R. 12A dated 26.9.1993.]

- The Chairman, the Vice-Chairman, Secretary, member of the Market Committee and staff authorised by the Market Committee in this behalf, shall be entitled at all reasonable hours to examine and compare any Weights and Measures and weighing and measuring instruments used, kept or possessed in any place by the licensed trader, weighman or Measurer within the Market Area.] [Substituted by G.S.R. 12A dated 26.9.1993.]

115. Examination of weights and measures and weighing and measuring instruments.

- Every licensee trader, broker, weighman or measurer shall on a requisition in writing being made to him by the Chairman, Secretary or any other officer or staff of Market Committee immediately produce for examination all weights, measures, weighing and measuring instruments used, kept or possessed by him or by any person or persons under his authority or control and shall allow them to examine the same.

116. [A set of standard Weighing and Measuring instrument shall be kept by the Market Committee. [Substituted by G.S.R. 12A dated 26.9.1993.]

- The Market Committee shall keep at least a set of such Weights and Measures and weighing and measuring instruments under the Standard of Weights and Measures Act, 1985 with amendments thereon. Such Standard Weights and Measures, Weighing and Measuring instrument shall be available to the public for comparison at all reasonable hours.] [Substituted by G.S.R. 12A dated 26.9.1993.]

117. Counter-balancing in weighment.

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

118. Weighment on a weighbridge.

- When the funds at its disposal permit, the Market Committee may, and when so directed by the Board, shall, erect one or more weighbridge 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 necessary charge fixed by the Market Committee.

119. [Manner and place of weighting and measurement. [Substituted by G.S.R. 12A dated 26.9.1993.]

- Weightment or Measurement of the agricultural produce bought or sold in the market shall be done in such manner and at such place or places as may be provided in the Bye-laws in this behalf.]

120. [Report regarding unauthorised weights and measures and weighing and measuring instruments. [Substituted by G.S.R. 12A dated 26.9.1993.]

- If in the absence of an Inspector of legal Metrology weights or Measures or weighing or Measuring instrument on examination found or suspected to be unauthorised or any irregularity is found in weighing and measurement of the agricultural produce a report shall forthwith be made by the Secretary to the Inspector, legal Metrology, in writing for the inspection of weights and Measures who shall thereupon proceed in accordance with the provisions of the Standards of Weights and Measures Act, 1985.]

121. Storing of agricultural produce.

- Agricultural produce brought into the market area shall be stored at such place as may be specified in the bye-laws. Pending such arrangement the agricultural produce when unsold may be stored in the compound, godown and warehouse owned or hired by the licensed trader and warehouseman, for that purpose. The agricultural produce 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 agricultural produce shall be given by the licensed trader and warehouseman to the store. Such storing of agricultural produce shall be subject to the payment of such storage charge and such other condition as may be specified in the bye-laws.

122. Regulation of advances to agriculturists.

- A licensed trader may give advance either in cash or in kind to agriculturists, but such advances shall be made subject to the following conditions:-(a)If any agreement is entered into between the lender and the borrower in writing the lender shall supply copy of the agreement duly authenticated by him to the borrower;(b)When advances are given from time to time, an account book of advances given and re-payment made shall be kept in the manner laid down in the bye-law. The lender shall give a copy of such account book to the borrower and enter and attest with his signature every individual transaction of the lending and recovery in the copy of the account book so given.

123. Prevention of adulteration in agricultural produce.

- (i) 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 trader in the market area shall cause or get caused adulteration of agricultural produce in such area.(ii)The Board may introduce compulsory grading of agricultural produce by grade standards, in the market area; and(iii)the Board may prescribe grade standards of agricultural produce.Explanation. - For the purpose of this rule adulteration of agricultural produce shall include mixing of inferior stuff with superior produce, mixing of different varieties of different qualities, mixing of sieved remains of the agricultural produce with agricultural produce and mixing of earth, dirt and stones, or any other extraneous matter with any agricultural produce, affecting the quality or standard of agricultural produce.

124. [Keeping of price list. [Substituted by G.S.R. 12A dated 26.9.1993.]

- The Market committee shall maintain daily list of prices of Agricultural produce prevailing in the market and daily list of prices shall be displayed at conspicuous place on the notice board in the office of Market Committee.]

125. Authority empowered to call special meeting of Market Committee.

- On requisition from at least half of the Members of the Market Committee or on his own motion, the Assistant Director or any officer authorised by the Board in this behalf if he is satisfied about the urgency of the matter, call a special meeting of the Market Committee to consider matter of immediate importance relating to the market.

126. [Power of inspection. [Substituted by G.S.R. 12A dated 26.9.1993.]

- The Managing Director of the Board or any other officer authorised in this behalf by him, shall exercise all powers as provided in sub-sections (1) and (2) of section 35 of the Act and inspect the working or regulation and grading of any matter connected therewith.]

127. Trade allowance.

- No person shall make or recover any trade allowance other than allowance specified under bye-laws in any market area in any transaction in respect of the agricultural produce bought or sold and no Civil Court in any suit or proceeding arising out of any such transaction, shall have regard or recognise any trade allowance not so prescribed. Explanation. - Every deduction other than a deduction on account of deviation from sample when the purchase made by sample or on account of deviation from standard when purchase is made by reference to a known standard or on account of difference between the actual weight of the container and the standard weight or on account of the admixture of foreign matter shall be regarded as a trade allowance for the purpose of this rule.

128. Power to make bye-laws.

- The Market Committee may, with the previous sanction of the Director make bye-laws under section 53 for carrying into effect the purposes of the Act and rules.

129. Licence for setting up Hat/Bazar/Mela

. - [(i) No person or authority shall within the Market area or within the distance notified under Sub-section (2) of Section 4, set up or establish, Hat, Bazar, Mela or continue any place for the purchase and sale of notified agricultural produce except under and in accordance with the terms and conditions, of the license in form XX issued in this behalf by the market committee, otherwise not. (ii) Every person or authority desiring to hold license, shall make an application in writing to the Market committee and shall pay the license fee of Rs. 50/- (Rs. Fifty) annually which shall be for the

financial year ending on 31st of March but in the case of Mela its validity shall be confined to the duration of Mela being held.(iii)On receipt of such application together with the amount of fee prescribed under sub-rule (i), the Secretary may grant him the license applied for if. -(a)It is satisfied that the applicant is solvent;(b)Cash security or Bank's guarantee if so required is given;(c)It is satisfied that the applicant is a desirable person to whom a license may be granted; and(d)It is satisfied that there is need to establish or set up a Hat/Bazao Mela for agricultural produce and the person or the authority in the past ever set up or established such Hat or Bazar or Mela, for sale, purchase, storage, processing of agricultural produce.(iv)The Secretary may suspend the licence for a period of one month and with the approval of the Chairman for three months for breach of any of the terms and conditions of the licence, if such breach is repeated twice, the licence may be cancelled by the Secretary with the approval of the Director Marketing, provided, before passing such an order, a reasonable opportunity of being heard, shall be given to the licensee.(v)Any person or authority aggrieved or dissatisfied by the order of the Secretary or the Chairman, may appeal to the Managing Director of the Board within seven days of the passing of the order and the order passed by him shall be final.][vi) The Market Committee may get the collection of market fee in a Hat/ Bazar/Mela by a licensee or may appoint collecting agent for collection of market fee therein and such appointment of collecting agent may be done on the basis of competition for fixation of the amount of minimum guarantee.] [Added by G.S.H. 12A dated 26.9.1993.]

130. Preservation of the prescribed form and production thereof and destruction of accounts books.

- The counterfoils of all the forms under the Act, rules and bye-laws relating to a trader shall be preserved for a period of two years from the date of issue of the foil to which the counterfoils relate. The prescribed registers shall be preserved by the trader for a period of two years from the date on which the last entry was made in that register.

131. Preservation of records.

- The records of the Market Committee shall be preserved for the period noted against each in Schedule III of the rules.

132. [Authorities empowered to sanction prosecution. [Substituted by G.S.R. 12A dated 26.9.1993.]

- No court shall take cognizance of any provision of the Act, Rules, bye-laws or order of the Market Committee made thereunder except with the previous sanction of the Secretary of the Market Committee or Assistant Director or any officer authorised by him.] [Substituted by G.S.R. 12A dated 26.9.1993.]

133. Allowance of Members of Market Committee.

- (i) The Chairman and other members of Market Committee shall be drawing allowance at the rate of Rs. 30 (Thirty) only for attending each meeting of the Market Committee or Subcommittee.(a)[The sitting allowance of the Chairman for attending each meeting of the Market committee or its Sub-Committee, shall be Rs. 150 (one hundred and fifty). [Added by G.S.R. 12A dated 26.9.1993.](b)The sitting allowance of the members for attending each meeting of the Market committee or Sub-committee, shall be Rs. 125 (one hundred and twenty five).](ii)[For Journey undertaken by the member including the Chairman and the Vice-Chairman deputed by the Market Committee they shall get travelling and daily allowance at such rate as applicable to class-I officer of the Jharkhand Government or as fixed by the Board for its officers. [Added by G.S.R. 12A dated 26.9.1993.]The Secretary shall get such allowances from the Board at the rate he is entitled.Explanation. - In case of Journey to be undertaken out-side the district, the approval of the Managing Director of the Board or any officer authorised by him shall be obtained, except in the case of Secretary.(iii)The Managing Director of the Board may allow the Secretary to receive a fixed monthly conveyance allowance from the Market Committee for local Journey within 8 Kms of his headquarter.(iv)If in the opinion of the Board the financial position of a Market Committee does not warrant the payment of allowance according to the scale fixed the Managing Director of the Board, may fix such scale of allowances in the case of such Market committee as he thinks fit and proper.]

134. Repeal and Saving.

- (i) The Bihar Agricultural Produce Markets Rules, 1962 is hereby repealed.(ii)Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said rules shall be deemed to have been done or taken in exercise of the powers conferred by or under these rules as if these rules were in force on the day on which such thing or action was done or taken.

I

(See Rule 17)Symbols

1. Aeroplane

2. Almirah

3. Basket

4. Boat

- 5. Book**
- 6. Fox**
- 7. Bucket**
- 8. Bullock Cart**
- 9. Cat**
- 10. Camel**
- 11. Chakra**
- 12. Charkhi**
- 13. Chair**
- 14. Clock**
- 15. Cow**
- 16. Cultivator with plough**
- 17. Dog**
- 18. Drum**
- 19. Elephant**
- 20. Fan**
- 21. Fish**
- 22. Goat**
- 23. Hand with fingers**

- 24. Horse**
- 25. Hukka**
- 26. Inkpot with Pen**
- 27. Kite**
- 28. Ladder**
- 29. Lantern**
- 30. Lion**
- 31. Lotus flower**
- 32. Lock**
- 33. Lota**
- 34. Man with turban**
- 35. Motor Car**
- 36. Monkey**
- 37. Okhali**
- 38. Palm tree**
- 39. Pigeon**
- 40. Pitcher**
- 41. Paddy plant**
- 42. Postman**

43. Railway engine

44. Railway train

45. Rickshaw

46. Surahi

47. Scissors

48. Scale

49. Snake

50. Sun

51. Spinning Woman

52. Star

53. Tractor

54. Typewriter

55. Table

56. Thali

57. Umbrella

58. Woman

59. Well

II

(See Rule 94)

Category Description

Quantity (in Kg. and
in Rs.)

1.	All cereals	...	50 Kg. or Rs. 100.00 whichever is less.
2.	All pulses	...	40 Kg. or Rs. 100.00 whichever is less.
3.	All oil seeds	...	20 Kg. or Rs. 100.00 whichever is less.
4.	All vegetable oils	...	10 Kg. or Rs. 100.00 whichever is less.
5.	All fruits	...	10 Kg. or Rs. 100.00 whichever is less.
6.	All vegetables	...	30 Kg. or Rs. 100.00 whichever is less.
7.	All fibres	...	50 Kg. or Rs. 100.00 whichever is less.
8.	Animals and AnimalHusbandry products-		
	(i)	Poultry	... 10 no. or Rs. 100.00 whichever is less.
	(ii)	Egg	... 12 doz. or Rs. 100.00 whichever is less.
	(iii)	Cattle	... 1 head of cattle or Rs. 500.00 whichever is less.
	(iv)	Sheep	... 1 or Rs. 100.00 whichever is less.
	(v)	Goat	... 1 or Rs. 100.00 whichever is less.
	(vi)	Wool	... 10 Kg. or Rs. 100.00 whichever is less.
	(vii)	Butter	... 5 Kg. or Rs. 100.00 whichever is less.
	(viii)	Ghee	... 5 Kg. or Rs. 100.00 whichever is less.
	(ix)	Milk	... 20 litres o Rs. 100.00 whichever is less.
	(x)	Hide and skins	... 5 pieces o Rs. 100.00 whichever is less.
	(xi)	Bones	... 100 Kg. or Rs. 100.00 whichever is less.

	(xii)	Fleece	...	10 Kg. or Rs. 100.00 whichever is less.
	(xiii)	Goat, Meat and Mutton	...	10 Kg. or Rs. 100.00 whichever is less.
	(xiv)	Fish	...	10 Kg. or Rs. 100.00 whichever is less.
	(xv)	Bristles	...	2 Kg. or Rs. 100.00 whichever is less.
	(xvi)	Cream	...	8 Kg. or Rs. 100.00 whichever is less.
	(xvii)	Chhena	...	10 Kg. or Rs. 100.00 whichever is less.
	(xviii)	Pig meat	...	10 Kg. or Rs. 100.00 whichever is less.
9.	All condiments, spices and others	...	5 Kg. or Rs. 100.00 whichever is less.	
10.	All grass and fodder	...	400 Kg. or Rs. 100.00 whichever is less.	
11.	All narcotics	...	5 Kg. or Rs. 100.00 whichever is less.	
12.	Miscellaneous			
	(1)	Sugar cane	...	100 Kg. or Rs. 100.00 whichever is less.
	(2)	Gur	...	30 Kg. or Rs. 100.00 whichever is less.
	(3)	Sugar	...	30 Kg. or Rs. 100.00 whichever is less.
	(4)	Lac	...	20 Kg. or Rs. 100.00 whichever is less.
	(5)	Oil cakes	...	20 Kg. or Rs. 100.00 whichever is less.
	(6)	Jute seed	...	20 Kg. or Rs. 100.00 whichever is less.
	(7)	Mesta seed	...	20 Kg. or Rs. 100.00 whichever is less.
	(8)	Isafgols	...	20 Kg. or Rs. 100.00 whichever is less.
	(9)	Makhana	...	10 Kg. or Rs. 100.00 whichever is less.

(10)	Mahua flower	...	20 Kg. or Rs. 100.00 whichever is less.
(11)	Myrbolan	...	20 Kg. or Rs. 100.00 whichever is less.
(12)	Rab	...	20 Kg. or Rs. 100.00 whichever is less.
(13)	Bidi leaves	...	20 Kg. or Rs. 100.00 whichever is less.
(14)	Bamboo	...	20 Kg. or Rs. 100.00 whichever is less.
(15)	Wool	...	20 Kg. or Rs. 100.00 whichever is less.
(16)	DhoopWood	...	5 Kg. or Rs. 100.00 whichever is less.
(17)	Sugar Candy	...	10 Kg. or Rs. 100.00 whichever is less.
(18)	Mango pickle	...	10 Kg. or Rs. 100.00 whichever is less.
(19)	Harre	...	20 Kg. or Rs. 100.00 whichever is less.
(20)	Bahera	...	20 Kg. or Rs. 100.00 whichever is less.
(21)	Honey	...	10 Kg. or Rs. 100.00 whichever is less.
(22)	Toddy	...	10 Kg. or Rs. 100.00 whichever is less.
(23)	Gond	...	10 Kg. or Rs. 100.00 whichever is less.
(24)	Kath	...	10 Kg. or Rs. 100.00 whichever is less.
(25)	Khandsari	...	10 Kg. or Rs. 100.00 whichever is less.
(26)	Molasses	...	10 Kg. or Rs. 100.00 whichever is less.

III

(See Rule 131)

Sl. No.	Description	Period
------------	-------------	--------

1. Budget ... 5 years.
2. Cash Book ... Permanently.
3. Establishment Book ... 35 years.
4. General Bills ... 3 years.
5. Balance-sheet ... 10 years.
6. Register of deposits ... Permanently.
7. Ledger ... 10 years.
8. Application form ... Permanently.
9. Pass of daily purchases and sale ... One year after audit
10. Receipts ... 3 years.
11. Registers of sale and purchase of agricultural produce ... 10 years.
12. Register of licences ... 10 years.
13. Provident Fund Register ... 10 years (all account to it which relates are closed.)
14. Service Book of employees ... 5 years after retirement or death.
15. All other account books and receipts ... 10 years.

Form IAVoters List of Agriculturists Constituency[See Rule 5 (ii)]Election of Market Committee.....Agriculturists

Constituency.....Name of village village thana...no.No. of Constituency..... Gram Panchayat.....Circle.....

Serial No.	Voter's Name	Voter's father's/ husband's name	Caste in case of S.C. and S.T.	Age	Male/Female
1	2	3	4	5	6

Form IBVoters List of Traders Constituency[See Rule 5 (ii)]Election of Market CommitteeTraders Constituency.....Constituency.....

Serial No.	Voter's Name	Voter's father's/ husband's name	Male/Female	Age	(Name of licensee trader's firm)
1	2	3	4	5	6

Form ICVoters List of Co-operative Societies Constituency[See Rule 5 (ii)]Election for Market Committee.....Co-operative Society

Constituency.....Constituency.....

Serial No.	Name of Co-operative Societies	Voter's Name	Age	Male/Female
1	2	3	4	5

Form ID Voters List of Local Authorities Constituency[See Rule 5 (ii)]Election for Market Committee.....Local Authorities Constituency.....Municipal Corporation/Municipality/Gram-Panchayat.

Serial No. Voter's name Voter's father's/ husband's name Age Male/Female

1 2 3 4 5

Form II[See Rule 9]Election to Market Committee.....from Constituency.....Nomination Paper

1. Name of the constituency

2. Full name of the candidate

3. Serial no. of candidate in the voter-list

4. Name of father/husband

5. Age

6. Female/Male

7. Caste in case of Scheduled Caste and Scheduled Tribe

8. Profession and address

9. Full name of the proposer

10. Serial no. of proposer in the voter-list

11. Signature of the proposer

Declaration of CandidateI declare that I am willing to stand for the above election.Signature of CandidateCertificate of Election OfficerSI. no.This nomination paper was delivered to me by Shri.....(person) on at.....(date and hours).Election OfficerMarket CommitteeForm III[See Rule 12]Election to the Market CommitteeList of nomination received from.....Constituency

Serial no.	Name of candidate	Father's/ husband's name	Male/ Female	Caste in case of SC/ST	Occupation	Name of proposer
1	2	3	4	5	6	7

Note. - The nomination paper shall be taken up for scrutiny at..... A.M./P.M. the day of.....at (Place.)Election OfficerMarket CommitteeForm IV[See Rule 14 (ii)]List of valid NominationElection to Market Committee.....for.....Constituency.

Serial no.	Name of candidate	Male/ Female	Father's/ husband's name	Caste in case of SC/ST	Address
1	2	3	4	5	6

Note. - The poll shall be taken between A.M. to P.M. at the Polling Stations already notified.Election OfficerMarket CommitteeForm V[See Rule 15(i)]Notice of withdrawalElection to the Market Committee.....From the.....Constituency.....To,The Election Officer,Market Committee,I a candidate nominated at the above election do hereby give notice that I withdraw my candidature.Place.....Date.....Signature of the candidateThis notice was delivered to me at my office (hours) on date) by (name) the candidate proposer/election agent.Date.....Election OfficerMarket CommitteeForm VI[See Rule 15 (ii)]List of Contesting CandidateElection to the Market Committee.....from the Constituency.....

Serial No. Name of candidate Address of candidate

1	2	3
---	---	---

Place.....Date.....Election OfficerMarket CommitteeForm VII[See Rule 17]Allotment of the symbols to contesting candidates to the election of Market Committee.....from.....Constituency.

Sl. No. Name of candidate Constituency Allotment Symbol

1	2	3	4
---	---	---	---

Election OfficerMarket CommitteeForm VIII[See Rule 18]

Ballot Paper For Market Committee Election From...Constituency	Ballot Paper For Market Committee Election FromConstituency... ..
--	---

Counter foil	Foil	Voting paper no.
--------------	------	------------------

Voting paper no.	SI. No.	Candidate's Name	Candidate's symbol	Voter's Mark
------------------	---------	---------------------	-----------------------	-----------------

Voter's no. on that list of voters 1.2.3.4.5.6.

Voter's signature or mark

Form IX[See Rule 23][Appointment of Polling Agent] [To be handed over to the polling agent for production at the polling station.]Election to the [.....] [[Here insert one of the following alternatives as may be appropriate-(1)Agriculturist's constituency and no.(2)Trader's constituency and no.(3)Co-operative Societies constituency and no.(4)Local Authorities constituency.]] of Market Committee..... from.....Constituency..... a candidate at the above election, do hereby appoint.....as a polling agent to the polling station atPlace.....Date.....Signature of the candidateDeclaration of Polling Agent to be Signed Before Presiding OfficerI hereby declare that at the above election, I will not do anything forbidden by the Act and Rules made thereunder which I have read/has been read over to me.
Date..... Signature of the polling Agent
Signed before me..... Presiding Officer

Date.....

Form X[See Rule 27(ii)(c)]List of Challenged VotersElection to the [.....] [Appropriate particulars of the election to be inserted here.] from the.....Constituency.Polling station

Serial No.	Name of elector	Serial no. in voter list	Elector's name in that list	Signature or thumb-impression of the personchallenged	
1	2	3	4	5	
Address of the person challenged		Name of identifier, if any	Name of challenger	Order of Presiding Officer	Signature of Challenger on receiving refund of deposit
6		7	8	9	10

Signature of the Presiding OfficerDate.....Form XI[See Rule 28(ii)]List of Tendered VotesElection to the [.....] [Appropriate particulars of the election to be inserted here.] from.....the.....Constituency.Number and name of polling station.....

Serial no. and name of elector	Address of elector	Serial no. of tendered ballot paper	Serial no. of ballot paper issued to the personwho has already voted	Signature or thumb-impression of person tenderingvote
1	2	3	4	5

Date.....Signature of the Presiding OfficerForm XII[See Rule 32]Ballot Paper AccountElection to the.....from Constituency.Number and name of the polling station.....

	Serial number	Total number
1. Ballot Papers received	- - -	-
2. Ballot papers not used	- - -	-
3. Ballot papers issued to voters	- - -	-
4. Ballot papers cancelled	- - -	-
5. Number of tendered votes cast at the polling station	- - -	-

Date.Signature of the Presiding OfficerForm XIII[See Rule 38(i)]Election to thefrom Constituency.Record of Ballot papers in the Box.

Number and name of the polling station No. of ballot box No. of ballot papers in box.

1

2

3

Election OfficerMarket CommitteeForm XIV[See Rule 41(ii)]Return showing Result of the Election for seats in the Market Committeefrom.....Constituency.

Name of Candidates Number of valid votes

(1)

(2)

A

B

C

D

E

Total number of valid votes.....Total number of invalid votes.....I do hereby declare that the candidate

Shri.....has been duly elected from the Constituency of the.....Market Committee.Election Officer,Market CommitteeForm XV[See rule 49(v)]

Ballot paper for Election

for the office of
theVice-Chairman of
Market Committee

Ballot paper for Election for the office of
theVice-Chairman of Market Committee

Counterfoil no.

Foil no.

Serial no. of the candidate

Name of the Voter's
candidate mark

1.....

2.....

3.....

Voter's Signature

4.....

Form XVI[See rule 49(ix)]Election to the office of the Vice-Chairman of the.....Agricultural Produce Market Committee.Return of Election

Serial no. Name of the candidate Number of valid votes polled

1

2

3

Total number of valid votes polled.....Total number of rejected votes.....I declare that (Name)

of.....(Address) has been duly elected as the Vice-Chairman of the Market Committee.PlaceDate.....Presiding OfficerForm XVII[See rule 78]Annual Report of Market Committee

1. Introduction.

- 2. Market area, Regulated Commodities.**
- 3. Rainfall and acreage under cultivation.**
- 4. Licenced operators-Licence fee (5 years.)**
- 5. Arrivals and valuation-Monthly figures of important commodities (5 years).**
- 6. Annual turnover (5 years).**
- 7. Market fee-rate-income (5 years)**
- 8. Market prices-monthly-most common prices.**
- 9. Oil mill and other processing concerns, their annual turnover.**
- 10. Sales through Co-operative Societies-ratio with total turnover.**
- 11. Marketing charges.**
- 12. Movement of goods.**
- 13. Exports.**
- 14. Method of sale.**
- 15. Agreement.**
- 16. Additional commodities to be regulated.**
- 17. Extension of market area.**
- 18. Sale yards.**
- 19. Arrivals and sale in sub-yards.**
- 20. Village sales and propaganda.**

21. Exhibition and stalls.

22. Court cases.

23. Cancellation of licences.

24. Disputes.

25. Amendments to bye-law.

26. Meetings.

27. Elections.

28. Audit of accounts.

25. Amendments to bye-law.

29. Distinguished visitors.

30. Conclusion.

Form XVIII[See rule 82 (vii)]Form of Declaration and Certificate

Agricultural produce	Cart/truck packages	Where bought	Name of seller & address	Through whom brought	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 market area and bought in the market area for the purpose of processing/export within.....days. Therefore, it is requested that necessary exemption from the levy of market fee under rule 82 (vii) may be granted. Signature Proprietor/Partner/Manager M/s Licence no..... Certificate of Market Committee Serial no..... Date..... The declaration was delivered to the Market Committee by M/s..... through Shri..... at..... (date and hour), for exemption of Market fee. He is allowed/disallowed the exemption of Market fee..... Secretary, Market Committee [Form XIX] [Substituted by G.S.R. 12A dated 26.9.1993.] [See Rule 98(ii)] Application for Traders license Agriculture Produce Market Committee Serial No.....

1. Name of the firm of the Applicant.

2. Status of the applicant in the firm- Proprietor/Partner/Manager

3. Type of business of the firm:-Trader/Commission Agent/Processor/Manufacturer
(List of notified agricultural produce doing business or intends to do-)

4. Particulars of location of the place of business in the principal Market yard/Sub-Market yard/Market Area-

The boundary of the premises of the place of business.

North-

South-

East-

West-

5. Since when the applicant is doing the business of the notified agricultural produce.

6. Whether the applicant was holding previously the license of trader. If yes particulars of suspension or cancellation be given.

7. Name (With full address) of Proprietor/Partner

A

B

C

D

E

8. Place of storage of Number North South East West Capacity*agriculture produce with number and boundary.

Whether own or on rent.

I have carefully read the conditions of the license appended in the license and I agree to abide by them and for any breach of the term of the license shall be liable to suspension/cancellation, and any other action taken under the Act or the Rules or Bye-Laws of the Market Committee. I declare that the above statements are true and complete to the best of my knowledge and belief. (a) I have not applied to the Market Committee for grant of such license. (b) I have applied to this Market committee..... Previously for license on the date of

..... (for the year.....) License (No.....)

which was granted/not granted. Place-Date-(Strike off the clause not applicable) Signature of the

applicant The statement of the applicant if he holds license of any other departments. Other details of

1. Name of the Village or the town. 2.

Principal/Sub-Market yard/Market Areas name.

3. Mohalla/Wards.

4. Survey plot/House No. 5. Post office

6. Telegraph office

7. Police-Station

8. District

9. Telephone No.

Father/Husband name

Age Permanent Address

the applicants form for office records

- | | |
|---|-------------|
| 1. License No. of the Supply Department if so. | Number Date |
| 2. Sales Tax Registration | Number Date |
| 3. Factory No. Registration. | Date |
| 4. Central No. Excise | Date |
| 5. Any other No. license or registration if so. | Date |

Signature of the applicant.

For Office

Enquiry Report

Designation and Signature of the officer conducting the inquiry

(a) Whether the applicant is solvent (Noninsolvent) (b) Mention of cash security (Jamanat) or Bank's or the third person's guarantee. (c) Whether the applicant is a desirable person to whom the license can be granted Serial no. of guarantee form-I, Sri.....

S/o.....Police

Station.....District.....Profession..... on behalf of the aforesaid firm I declare myself as the guarantor under Rule 98 (iii). Full signature of guarantor.

List of authorised persons

No. Name and father's name of the authorised persons	Signature of the authorised person	Age Post/Status	Full Address
--	------------------------------------	-----------------	--------------

Applicant's Signature] [Form XIX(a)] [Added by G.S.R. 12A dated 26.9.1993.] Application for renewal of trader's license [See Rule 98 (viii)]

1. Name of the firm of the

Applicant. 2. Status of the applicant in the firm- Proprietor/Partner/Manager

3. Type of business Trader/Commission Agent/Processor

(List of notified agricultural produce doing business or intends to do.)

4. Particulars of location of the place of business in the principal Market yard/Sub-Market yard/Market Area.

1. Name of Village or the town.....

2. Principal/Market yard/Sub-Market Yard/Market Area's Name.....

The boundary of the premises of the place of business.

3. Mohalla/Ward No

North-

4. Survey plot/House No.

South- 5. Post office
 East- 6. Telegraph office
 West- 7. Police-Station
 8. District
 9. Telephone No.

5. Name (With full address) of
 Father/Husband's name,
 Age, Permanent Address
 Proprietor/Partner:-

(A)
 (B)
 (C)
 (D)

6. Place of storage of
 agriculture produce with Number North South East West Wheth
 number and boundary

I have carefully read the conditions of the License appended in the License and I agree to abide by
 them and for any breach of the term of the license taken under the Act or the Rules or Bye-laws of
 the Market Committee. I declare that the above statements are true and complete to the best of my
 knowledge and belief. Place Date Signature of the applicant

Remarks under Sub-Rule (viii) of
 Rule 98

A (i) License no. for which
 application for renewal
 been submitted. Has Licensee submitted
 the monthly return and
 (ii) Details of last year trade of the deposited the market fee
 Licensee in time.

Total purchase value	Total Sale value	Market fee paid	Remarks of authorised staff of the market committee.
----------------------	------------------	--------------------	--

Form XX[See Rule 129(i)] Licence for setting up Hat/Bazar/Mela Licence no.....

1. Subject to the provisions of Jharkhand Agricultural Produce Markets Act, 2000 and rules made thereunder and to the terms and conditions of this licence.....(name of the person or authority) is hereby permitted to set up Hat/Bazar/Mela in respect of the notified agricultural produce.

2. The licensee shall set up the Market/Hat/Mela at the following place.

Name of Hat/Bazar/Mela.	Village.....Town.	Village.....Thana no. Ward no.	Survey Plot no.....Holding no.	Frequency of market/hat/mela (day on which held.)	Boundary.....N
1	2	3	4	5	6

3. The Market Committee do hereby permit and the licensee do hereby accept to set up or establish Hat, Bazar, Mela and to act as collection agent to collect market fee payable under section 27 and rule 82 from the purchasers of the notified agriculture produce operating in the Hat or Bazar or Mela and deposit the same with Market Committee within a week. It is also hereby further expressly agreed and declared as follows:-

(a)that the licensee shall comply with all orders issued by the Market Committee for the regulation of Hat/Bazar/Mela;(b)that the licensee shall be at liberty to engage any person to assist them in collecting the market fee in the said Hat/Bazar/Mela during the period of this licence on his behalf. The licensee shall forthwith remove from his service any such person whom the Secretary orders to be removed on the ground of his being undesirable or any other ground;(c)that the licensee or his agent shall collect ground rent from the said Hat/ Bazar/Mela according to the Schedule of rate of rent prescribed by the Market Committee and shall not collect or realise anything in excess of or in addition to the said rates. The licensee shall cause the said Schedule of rates of rent in Hindi hung up during the period of this licence in not less than two conspicuous places in the said Hat/Bazar/Mela;(d)that the licensee shall grant correct receipt to all persons for ground rent and market fee collected from them in such form as may be prescribed by the Market Committee, shall pay to the Market Committee the price of any forms that may be supplied to him by the Market Committee;(e)that the licensee shall maintain correct accounts of all collections made by him and shall produce the same for inspection whenever called upon in writing to do so by the Secretary or any other officer deputed for that purpose;(f)that the licensee shall be responsible for the proper sanitation of the Hat/Bazar/Mela and shall always keep the Hat/Bazar/Mela ground clean and in good state and free from all filthy, insanitary materials and undesirable element;(g)that the premises of the Hat/Bazar/Mela shall not be used by the licensee for any political meeting or conference;(h)that in case of any emergency, such as the out-break of an epidemic disease in virulent form in close neighbourhood of the Hat/Bazar/Mela, it shall be open to the Secretary to close the Hat/Bazar/Mela without allowing any compensation to the licensee;(i)that it shall be open to the Secretary to prohibit the sale at the Hat/ Bazar/Mela of a particular agriculture produce in the interest of public health without allowing any compensation to the licensee;(j)that the licensee shall hold the Hat/Bazar/Mela within the boundaries specified in the licence and on such days as the Market Committee may prescribe;(k)that the licensee shall not again or underlet his interest of the Hat/ Bazar/Mela to any person;(l)that if there be any breach or non-observance of the condition here-in-before contained or any of them, then and in any of the said cases and notwithstanding that action may not have been taken on any similar previous default for the exercise of the powers

conferred by this clause, it shall be lawful for the Market Committee by an order in writing to cancel this licence and to re-settle the said Hat/Bazar/Mela at its discretion with any other person and in such case the licensee shall be liable to make good any loss that the Market Committee may suffer in re-settling or being unable to re-settle the said Hat/Bazar/Mela or otherwise on account of the breach of non-observance of any of the conditions here-in-before contained; and (m) that any amount due on account of the settlement of the said Hat/ Bazar/Mela including any penalty imposed or compensation for loss or damage that may be due to the Market Committee here-in-under shall be payable to the Market committee and on default the same shall without prejudice to any other remedy of the Market Committee be recoverable as a public demand under the provisions of the Bihar and Orissa Public Demands Recovery Act, 1914. Signature of the Licensee.....Dated.....Secretary, Market Committee. Form XXI Gate Pass-A [See rule 87(iii)(a)]

1. Name of holder.

2. Details of vehicle/cart etc.

3. Details of agricultural produce.

4. Purpose of entry into the market.

5. Person in whose charge the agricultural produce intended to remain while in the Market.

Signature of Issuing Authority, Market Committee. Form XXI-A Gate Pass-B [See rule 87(iii)(b)]

1. Name of holder.

2. Details of vehicle/cart etc.

3. Details of agricultural produce.

4. How the agricultural produce has been acquired.

5. Fees, if payable, whether paid.

Signature of Issuing Authority, Market Committee. [Form XXII [Substituted by G.S.R. 12A dated 26.9.1993.] Form of Agreement [See rule 96(i)] No..... Agricultural Produce Market Committee.....

1. Name of seller

2. Name of buyer.

3. Agricultural produce (with quality or grade)

4. Rate

5. Place of sale

Signature of Market Committee Servant I hereby agree that when the above mentioned agricultural produce is weighted, if I refuse to take it at the rate stated above, the matter shall be referred for arbitration in accordance with the provisions contained in Rule 62. I bind myself to accept the decision given, in such arbitration under the said rule. Signature of the buyer or his agent.] Form XXIII Licence for operating as a Trader [See rule 98(i)] The Agricultural Produce Market Committee Licence is hereby granted to.....address.....hereinafter referred to principal Market Yard/Sub-Market Yard in the market area or for operating in the market area for which the said Market Committee is established for the marketing of notified agricultural produce as trader (Commission agent/trader/processor) subject to the provisions of the Jharkhand Agricultural Produce Markets Rules, 2000 and the bye-laws of the said Market Committee and the following conditions, that is to say :-(1) The licensee shall abide by the provisions of the said Act, Rules and the bye-laws of the Market Committee and the conditions of agreement entered into by the licensee on.....with said Market Committee.(2) This licence shall be valid up to and inclusive of 31st day of March 19.....and shall then expire on quarter ending.....unless it is renewed.(3) This licence is not transferable.(4) This licence may be suspended or cancelled in accordance with the provisions of the said Act and the Rules made thereunder.(5) In the event of suspension or cancellation of this licence, the licensee shall surrender it to the Market Committee.(6) The licensee shall carry on business as Commission agent/trader/ processor only and at such places for which the licence is issued and unless the licensee does not carry on any other business under a licence granted under the said rules, shall not carry on any other business of a market functionary in the market area or any market therein.(7) The licensee shall not adulterate or cause any declared agricultural produce to be adulterated.(8) The licensee shall help the Market Committee in preventing evasion of market fees.(9) All acts of assistants or employees so engaged shall, in regulation to the marketing of declared agricultural produce be deemed to be acts done on behalf of the licensee, with his express or implied permission.(10) The license shall maintain books, registers and records in the manner required by the Act, bye-laws or as per instructions given by the Board/ Market Committee, and shall make them available for inspection to the Chairman, Vice-Chairman, Secretary or any other person authorised by the Market Committee or the Board in that behalf.(11) The licensee shall furnish information and return to the Market Committee as may be required by it from time to time.(12) The licensee shall settle the price of agricultural produce according to the manner provided for under the bye-laws of the Market Committee and shall issue account slips or purchase bills according to the provisions of the Jharkhand Agricultural Produce Markets Rules, 2000, or bye-laws.(13) The licensee shall, if the agricultural produce is sold through

his agency or by him, pay to the seller the price of the agricultural produce so sold on the same day.(14)The licensee shall not solicit or receive any fees or recover any charges other than those which he is entitled to receive or recover in accordance with the provisions of the Act, and the rules and bye-laws made thereunder.(15)The licensee shall not make or recover any trade allowance except those specified under the bye-laws.(16)The licensee shall not operate as broker in any transaction in respect of any agricultural produce.(17)The licensee shall provide for authorised weights and measures and shall carry out the weighment at such places as may be approved by the Market Committee.(18)The licensee shall pay to the licenced weighman or measurer and palladar only at the rates approved by the Market Committee.(19)The licensee trader when he sells agricultural produce to a buyer who is not a licensee, shall realise the necessary market fee from the said buyer and deposit the same with the Market Committee.(20)The licensee shall inform the Market Committee of change in the partnership of the firm/company, if any.(21)The licensee shall refer all his disputes in relation to the marketing of the agricultural produce in the manner provided by the Jharkhand Agricultural Produce Markets Rules, 2000.Secretary,Market Committee.Place.....Date.....Renewal of Licence

Date of renewal Period for which renewed. Secretary's signature and date.

[Form XXIV] [Added by G.S.R. 12A dated 26.9.1993.]Purchase slip[See Rule 96(ii)]

No. _____

Agriculture Produce

MarketCommittee.....

Name of seller :

Address

Name of Buyer

License No.

Address

Place of delivery

Date

Name of agriculture produce	Weight	Rate per quintal	TotalRs . P.	Amount	Market feeRs. P.	Remarks
-----------------------------	--------	------------------	--------------	--------	------------------	---------

Signature of Buyer

Signature of seller or thumb impression]

[Form XXV] [Added by G.S.R. 12A dated 26.9.1993.][See Rule 96(ii)]Sale Slip

No.

Agricultural Produce Market Committee.....

Name of Commission Agent/Trader

License No.

Address

Name of Purchaser

License No.

Address

Place of delivery

Date

Agriculture Produce Name	Quantity	Weight	Rate per quintal	AmountRs. P.	Market feeRs. P.	Remarks
--------------------------	----------	--------	------------------	--------------	------------------	---------

Signature of seller Commission

Agent/Trader]

[Form XXVI] [Added by G.S.R. 12A dated 26.9.1993.](Application Form for grant of license for setting up Hat/Bazar/Mela.)[See Rule 129(ii)]ToThe Secretary,Agriculture Produce Market Committee.Sir,My Hat/Bazar/Mela is within the Market Area of the Agriculture Produce Market Committee.

2. I have read and understood the provisions of the Jharkhand Agricultural Produce Market Act, 2000 and the Rule 2000 made thereunder with their amendments and ready to abide by them.

3. I have read the conditions of the License and the Rule 129 to which I agree and in the case of violation of the conditions of the License, I shall be liable for suspension, cancellation and other actions.

4. Name of the applicant

5. Name of the Proprietary/Partner Age Name of the father/husband

(1)(2)(3)(4)Description of the location of Hat/Bazar/Mela

Name of Hat/Bazar Mela	Village/Town, Thana No. Ward No.	Survey plot no. Holding No. Ward No.	Area Frequency of Hat/Bazar Mela Day on whichheld	BoundaryN. S. E. W.	Remarks
1	2	3	4	5 6 7 8	

I declare that above statements are true to the best of knowledge and belief. Therefore, I request for acceptance of the application for grant of License from to for getting up Hat/Bazar/Mela, after money as under Rule 129.Signature of the applicant.....Date.....Full Address.....