

The Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967

MAHARASHTRA

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Rule

THE-MAHARASHTRA-AGRICULTURAL-PRODUCE-MARKETING-REGU of 1967

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The Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967Published vide Notification No. G. N., A & C. D., No. APM-(R)-1164-6-11928-C-(1), dated 25th May, 1967 (M. G., Part 4B, p. 1552)In exercise of the powers conferred by sub-sections (1) and (2) of section 60 of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Maharashtra XX of 1964), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said section 60, namely :-

Chapter I Preliminary

1. Short Title.

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

2. Definitions.

- In these rules, unless the context requires otherwise -(i)"Act" means the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963;(ii)"authorised weights, measures or weighing or measuring instruments" means such weights, measures or weighing or measuring instruments as

may be permitted to be used under the provisions of the Bombay Weights and Measures (Enforcement) Act, 1958;(iii)"Collector" includes an officer duly authorised by him for exercising the powers or discharging the functions of the Collector under all or any of the provisions of these rules;(iv)"co-operative marketing or processing society" means a co-operative society (registered or deemed to be registered as such under the Maharashtra Cooperative Societies Act, 1960) which holds a licence for marketing of declared agricultural produce or for operating as processor;(v)"counting agent" means a person appointed by a candidate to be his counting agent, with the previous approval of the Collector;(vi)"election agent" means a person appointed by a candidate to be his election agent, with the previous approval of the Collector;(vii)"financial year" means the year commencing on the 1st day of April;(viii)"Form" means a Form appended to these rules;(ix)"licensed" means licensed to operate as a market functionary in any market or market area under the Act;(x)"market year" means the year commencing on the 1st day of October and ending on the 30th day of September, next following;(xi)"market charges" includes charges on account or in respect of commission, brokerage, weighing, measuring, hamali (loading, unloading and carrying), cleaning, sewing, stitching, stacking, hiring gunny bags, stamping, bagging, godowning, warehousing, grading, surveying, transporting and processing;(xii)"market functionary" means a trader, commission agent, broker, processor, measurer, surveyor, weighman and includes carting and clearing agent (Hundekari), hamal and assistants to trader, commission agent, processor and carting and clearing agent (Hundekari), warehouseman and such other persons, who in the opinion of a Market Committee, are likely to facilitate or assist in facilitating operations in a Market area or in any market therein and declared to be so in the bye-laws of the Market Committee;(xiii)"notice board" means the board placed in or near the-office of a Market Committee for the purpose of displaying notices thereon;(xiv)"Polling Officer" means a Polling Officer appointed by the Collector for the purposes of any election under Chapter III of these rules;(xv)"Presiding Officer" means a Presiding Officer appointed by the Collector for the purposes of Chapter III of these rules;(xvi)"Returning Officer" means a Returning Officer appointed by the Collector for the purposes of Chapter III of these rules;(xvii)"section" means a section of the Act;(xviii)"warehouse" means any building, structure, or other protected enclosure which is, or may be, used for the purpose of storing declared agricultural produce (being goods on behalf of depositors) and includes a warehouse licensed under the Bombay Warehouses Act, 1959 or run under the Warehousing Corporations Act, 1962 but does not include a cloak room attached to a hotel, railway station, port or to any premises of a like nature;(xix)"warehouseman" includes a person or a firm holding a licence for issuing receipts for goods stored in a warehouse under the Bombay Warehouses Act, 1959.

3. Additional mode of publication of notifications under sections 3 and 4.

- A notification under section 3 declaring the intentions of the State Government of regulating the marketing of any agricultural produce in any area specified in such notification and the notification under section 4 regulating the marketing of agricultural produce in any area shall, [be published in newspapers in the Marathi language circulating in such area as required by that section. Copies of such notification shall also be exhibited on the notice board in the office of the Panchayat Samiti, Tahasildar and the Taluka Deputy or Assistant Registrar of Co-operative Societies within whose jurisdiction such area is situated.] [This portion was substituted for the portion beginning with the words 'in addition to their publication' and ending with the words 'in any such area' by G. N. of

7.6.1990.]

4. Procedure for holding enquiry for considering objections and suggestions.

(1)The State Government may, if it considers necessary so to do, authorise any officer to enquire into any suggestions and objections received by it to the notification under section 3 and require the officer to submit to it his report [* * *] [Deleted by G. N., No. APM. 1167/25332-(Part III)-C-1, dated 18.2.71, published in M.G.G., Part IV-B, dated 18.2.1071.].(2)The Enquiry Officer may, for enabling him to make the report, by notice require the persons making the suggestions and objections to appear before him not earlier than fifteen days from the date of the notice in person or through a representative at the place and time specified in the notice. The Enquiry Officer, after hearing the persons, shall [within a period of [two months] [Modified at per Government Notification No. APM/1 167/25332-(Part III)-C-1, dated 18th February, 1971, published in M.G.G., dated 27th May, 1971 p. 868.]] from the date on which the hearing was given or if there be more than one day on which the hearing was given or the last date on which the hearing was given], submit his report to the State Government along with all objections and suggestions received to the notification.(3)On receipt of the report, the State Government shall, after considering the report, with due regard to the objections and suggestions received by it, decide the question of regulating marketing of agricultural produce in the area specified in the notification. After the question is decided, the State Government may issue the notification under sub-section (1) of section 4 in terms of such decision.

Chapter II

Marketing of Agricultural Produce

Part I

5. Marketing of agricultural produce.

(1)No person shall market any declared agricultural produce in any place in a market area other than the principal market or subsidiary market established therein :Provided that, the Director may authorise any Market Committee, subject to such terms and conditions as he may deem fit, to permit a commission agent or trader to market declared agricultural produce, or to permit any other market functionary to operate, at any place within the market area, such place being mentioned by the Market Committee in the licence granted to such commission agent, trader, or as the case may be, the market functionary.(2)The particulars of any declared agricultural produce marketed in any market area shall be reported to the Market Committee in such manner as the Market Committee may require of the person marketing such produce.

6. Licensed trader, broker and commission agent.

(1)Any person desiring to use any place in a market area for marketing of any declared agricultural produce or for operating therein as a trader, commission agent or broker, shall make an application

in writing to the Director in the Form prescribed by him (where a Market Committee has not yet started functioning) and in any other case, in the Form prescribed by by-laws for a licence or for renewal thereof, as the case may be, to the Market Committee along with the fee prescribed by the bye-laws, if any, but not being in excess of Rs. 100 per market year and shall supply the following information, namely:-(a)solvency certificate required by the Director or prescribed by bye-laws; [or] [Added by G.N. of 11.9.1968.](b)cash security or bank or third person's guarantee required by the Director or prescribed by bye-laws.(c)[* * *] [Clause (c) was deleted by G. N. of 7.6.1990.](2)On receipt of any application together with the proper amount of the fees, if any, and information referred to in sub-rule (1), the Director, or as the case may be, Market Committee may, subject to the provisions of rule 5 and this rule, after satisfying himself or itself on the following points, grant the applicant a licence in Form I, or, as the case may be, renew it in that Form (such licence being issued or renewed, except in a case where it is granted by the Director, under the signature of the Chairman), namely :-(a)(i)solvency certificate;(ii)cash security or bank's or third person's guarantee, [if a solvency certificate is not produced] [Added by G. N. of 11.9.1968.];(iii)capacity for providing adequate equipment for smooth conduct of the business;(iv)conduct of the applicant;(v)[* * *] [Deleted as per G. N., No. APM. 1167/25332-(Part III)-C-1, dated 18.2.1971 published in M.G.G., Part IV-B, dated 18.2.1971.](b)in the case of renewal of a licence, also whether [on the basis of a statement to be furnished by the licensee showing the business transacted and the amount of dues paid or payable to the Market Committee in the last preceding market year] [These words were inserted by G. N. of 7.6.1990.] the applicant has traded or not in the market area or whether the person has overtraded :Provided that, no licence shall be issued to any applicant unless he executes an agreement in the form approved by the Director agreeing to abide by the provisions of the Act, the rules and the bye-laws.(3)The Director or, as the case may be, the Market Committee may grant one single licence in respect of the principal market, subsidiary market and in respect of any other place in the market area or may grant separate licences in respect thereof, to enable a trader, a commission agent or a broker, to operate as such trader, commission agent or broker, as the case may be.(4)Notwithstanding anything contained in sub-rule (2), the Director, or as the case may be, the Market Committee may for reasons to be recorded in writing refuse to grant or renew a licence to any person, who in his or its opinion, is not solvent or in the case of renewal of licence, if the person has not traded in the market area for more than a week without valid reasons or who had committed any act, or abstained from carrying out his normal business, with the intention of wilfully obstructing, suspending or stopping the marketing of declared agricultural produce in the market area, and in consequence thereof, the marketing of any such produce had been obstructed, suspended, or stopped. If any licence is not granted or renewed, the applicant shall be informed of the same and the reasons therefor and the licence fee, if paid, shall be refunded to the applicant.(5)[(a) On receipt of the application for grant or for renewal of the licence, the Market Committee shall record the date on such application with an entry in the register prescribed in this behalf, and shall complete the inquiry, as deemed fit and shall dispose off such application within thirty days of its receipts.(b)When the licence is deemed to have been granted to the applicant or renewed as the case may be, under section 7 of the Act, the Secretary, of the Market Committee shall issue the licence to the applicant.](5A)[An application for renewal of a licence shall be made before 31st August every year. It shall be competent for the Market Committee to accept an application made after the aforesaid date on payment of a late fee at the rate of 10% of the licence fee per day of default.] [Rule 5-A was inserted by G. N. of 7.6.1990.](6)The licences shall be valid for the persons in whose names

they are issued and shall not be transferable. Licences shall also be liable for suspension or cancellation for a breach of these rules; and the licensee shall be informed of such suspension or cancellation and the reasons therefor.(7)[Every licence so granted or renewed shall be in force for a market year or for three market years, as the case may be, on payment of proportionate fees :Provided that in the case of grant or renewal of a licence for three years, such grant or renewal shall be subject to the production by the licence of a statement showing the business transacted and the amount of dues paid or payable to the Market Committee, in the last preceding market year and verification thereof by the Market Committee.] [Sub-rule (7) was substituted by G. N. of 7.6.1990.](8)Each Market Committee shall maintain a register in such form as the Director by general or special order, may specify in this behalf containing names of all commission agents, traders and brokers licensed under these rules.

7. Licences to warehouseman, measurer, surveyor, processor, weighman etc.

(1)Any person desiring to operate in any market area as a processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of any declared agricultural produce shall make an application in writing in the form prescribed by the Director or the bye-laws for the grant of a licence or renewal thereof, as the case may be, to the Director (where a Market Committee has not yet started functioning) and in any other case, to the Market Committee along with the fee prescribed in this behalf by bye-laws, if any, such fee not being in excess of maximum fees per market year indicated below, namely :-

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

(2)On receipt of an application together with the proper amount of fee, the Director, or as the case may be, the Market Committee may, subject to the provisions of rule 5 and this rule after satisfying himself or itself on the following points, grant the applicant the licence applied for in the form provided by sub-rule (3) or, as the case may be, renew it in that Form, namely :-(i)[Character of the applicant as it appears from the certificate of character given by any Gazetted Officer or a member of the State Legislature.] [Modified as per Government Notification No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971, published in M.G.G., on 27th May, 1971, p. 868.](ii)The work done by the applicant in the market area in case where the licence is to be renewed.(2A)[An application for the renewal of a licence shall be made before 31st August of the year in which the

period of the licence is due to expire. It shall be competent for the Market Committee to accept an application made after the said date on payment of a late fee of rupee one per day of default.] [Sub-rule (2A) was inserted by G. N. of 7.6.1990.](3)The Director or, as the case may be, the Market Committee shall, when he or it decides to grant a licence, grant the market functionary specified below a licence in the Form indicated opposite to him; and it shall be lawful to the Director or, as the case may be, the Chairman to issue such licences under his signature :-

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

(4)The applicant, on a licence being granted, shall execute an agreement in such form as may be approved by the Director or under the bye-laws, agreeing to abide by the provisions of the Act, these rules and the bye-laws.(5)The licences shall be valid for the persons in whose names they are issued and shall not be transferable. Licences shall also be liable for cancellation or suspension for a breach of these rules or bye-laws and the licensee shall be informed of such suspension or cancellation and the reasons therefor.(6)Notwithstanding anything contained in sub-rule (2), a Market Committee may for reasons to be recorded in writing, refuse to grant or renew a licence to any person if the conduct of such person is found to be detrimental to the efficient functioning of the market, or where the licence is sought to be renewed, the person has remained absent without permission of the Market Committee continuously for more than a month without any valid reason. If any licence is not granted or renewed, the applicant shall be informed of the same and the reasons therefor and the licence fee, if paid, shall be refunded to the applicant.(7)The licence shall be granted or renewed for a period ending on the 30th September next following the date on which it is granted, or as the case may be, renewed.(8)Each Market Committee shall maintain a register in such form as the Director may by general or special order, specify in this behalf containing the names of all market functionaries licensed under this rule.

8. Employment of broker or commission agent not compulsory.

(1)No person shall, in the absence of any express agreement, either oral or in writing, in that behalf, be required to employ the services of a broker or commission agent for the purpose of operating in any market area or in any market therein, or be required to pay the charges of a broker or commission agent whether or not employed by any other party in any such operation.(2)No broker shall be employed in relation to marketing of any declared agricultural produce, except in relation to marketing -(a)of poultry, cattle, sheep and goats, or,(b)of any declared agricultural produce by a trader with another trader.(3)No commission agent, holding a trader's licence, shall purchase either in his name or in partnership with any other person, any declared agricultural produce for the sale of which he has been appointed as a commission agent:Provided that, where no other purchaser makes an offer at the prevailing market rate for such produce and the seller insists on its immediate

sale, such commission agent may make purchase of the produce at the prevailing market rate agreeable to the seller with the previous permission in writing of the Secretary. The Secretary shall maintain a record of such transactions with reasons for which the permission was given. Explanation. - Delivery of his agricultural produce at an agreed or prevailing market rate by a seller to a Co-operative Society holding a trader's licence and functioning as a commission agent shall not require such permission, provided that such deliveries are intended for pooling or processing or linking or credit with marketing.

9. Licensed trader and commission agent to provide equipment for weighing and measuring.

(1) A licensed trader, commission agent, processor and warehouseman shall provide or arrange to provide all necessary authorised weights, measures or weighing or measuring instruments at the time of weighment or measurement of any declared agricultural produce, as may be specified in the bye-laws. (2) No licensed trader, commission agent, processor or warehouseman shall use weights and measures or weighing and measuring instruments other than authorised weights, measures or weighing or measuring instruments.

10. Charge for brokerage, commission, weighing, measuring, surveying etc.

- The charges payable to a licensed commission agent, broker, weighman, measurer or surveyor in respect of his services, as also the other market charges, shall be such as may be specified in the bye-laws [subject to maximum and minimum, as may be determined by the Director, from time to time.] [These words were added by G. N. of 7.6.1990.]

11. Assistants to market functionaries.

(1) Subject to the provisions of this rule, any market functionary may employ assistants to work on his behalf in a market area or in any market therein. (2) The maximum number of assistants, who shall be entitled to work in the market area or market on behalf of a market functionary shall be such as the Market Committee may, having regard to the transactions in relation to the marketing of declared agricultural produce dealt with or handled by the market functionary, from time to time, determine. (3) The names and addresses of such assistants shall be stated in the application for a licence by every market functionary. (4) No person other than those assistants whose names are entered in the licence of a market functionary shall be allowed to operate in the market area or in any market on his behalf. (5) The licence of a market functionary shall be liable to be cancelled or suspended if he allows or continues to allow any person whose name is not entered in the licence to operate in the market area or market therein on his behalf, irrespective of whether such a person was once an authorised assistant working on his behalf. (6) No person, who has been convicted under the Act or who has been a licensee operating in the market area or market therein and whose licence is under suspension or has been cancelled, shall, unless permitted by the Director on such terms and conditions and after such period as may be deemed necessary by him, work or be allowed to work as an assistant to any market functionary anywhere in the market area.

12. Disposal of declared agricultural produce.

- [Every declared agricultural produce] [These words were substituted for the words 'Ordinarily every declared agricultural produce' by G. N. of 7.6.1990.] shall be sold by public auction :Provided that the Director may, if he deems fit, permit sale thereof by tender system or by sample or by open agreement.

13. Sale by auction.

- When any declared agricultural produce is sold by public auction, it shall be sold to the highest bidder, but the seller may refuse to sell his produce to the highest bidder, or may accept a lower bid or postpone the sale of his produce to a later hour or date :Provided that, the seller exercises the option and communicates his decision to the commission agent concerned before the expiry of the time which the Market Committee may fix for auction sales on the yard.

14. Fixation of price.

(1)Every price quotation made by a trader, commission agent or worker in respect of any declared agricultural produce shall always be exclusive of the cost of the container thereof.(2)The price of every declared agricultural produce, intended for marketing in any market or at any place in a market area shall be settled by public auction, from shop to shop in serial order (and not by secret signs), and no deduction on any account shall be made from the agreed price at the time of taking delivery either by reducing the price or weight or measure in consideration of the price :Provided that, the Director may permit sale by tender system, sample or open agreement of any declared agricultural produce other than poultry, cattle, goat and sheep and such other declared agricultural produces as may be specified by the Director in the market or market area at such place as he may deem fit.

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

(1)The trader and commission agent, and if a commission agent is not employed, the purchaser also shall make arrangements for immediate weighment or measurement of the declared agricultural produce brought into any market area for storing or marketing therein.(2)No declared agricultural produce to be stored or marketed (including resale) in any market area or any market therein, shall be weighed or measured except by a licensed weighman or measurer, who shall, on weighing or measuring any such produce, prepare weighment or measuring slips in the form prescribed by the bye-laws in that behalf in quadruplicate. Each such slip shall be signed by him, the seller and purchaser or their agents. A copy of the slip so prepared shall be forwarded to the seller, the purchaser and the Market Committee and the fourth copy shall be retained by the weighman or the measurer.

16. Accounts slip to be issued to seller.

- Every commission agent employed by a seller and if no commission agent is employed, every purchaser, shall (immediately after the sale is completed in the case of poultry, cattle, sheep and goats and immediately after weighment in the case of any other declared agricultural produce) issue an accounts slip in triplicate in the form prescribed in that behalf by the bye-law :Provided that, all necessary details required by the form so prescribed are duly furnished and complied with. One copy of the accounts slip shall be issued to the seller, one shall be retained by the commission agent or purchaser and remaining submitted to the Market Committee.

17. Bill to be issued to purchaser.

- Every commission agent, purchaser or trader shall, immediately after weighment or measurement of the declared agricultural produce, issue a bill in triplicate in the form prescribed in that behalf by the by-laws to every purchaser furnishing details (including price) of all the agricultural produce sold by him. One copy of the bill shall be submitted to the Market Committee and another shall be retained by him, and third copy shall be supplied to the purchaser.

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

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

19. Market Committee to maintain register of sales.

- A Market Committee shall keep regular and proper account of every sale of declared agricultural produce in the market area or any market therein in a register. The register shall be maintained in the form prescribed in that behalf by the Director.Explanation. - Making of entries collectively relating to more than one transaction shall not be deemed to be keeping regular and proper account within the meaning of this rule.

20. Payment in respect of agricultural produce sold to be made immediately after weighment or sale thereof.

(1)(a)Immediately after any declared agricultural produce (not being poultry, cattle, sheep or goats) is weighed or measured the purchaser shall settle the account and pay the seller or his commission agent as the case may be for the sale of the produce so weighed, on the same day.(b)[The commission agent shall pay the seller the sale proceeds of the agricultural produce sold from his own account on the same day of its sale [* * *] [Clause (b) was substituted by G. N. of 7.6.1990.](2)Immediately after poultry, cattle, sheep or goats are sold, the purchaser shall arrange for attestation, and pay the seller on the same day for the poultry, cattle, sheep or goats so sold in the presence of an employee of the Market Committee duly authorised in that behalf after deducting

fees or remuneration to be paid to the trader, if any, in accordance with the bye-laws made in this behalf: Provided that, under no circumstances payment for produce sold shall be withheld by a commission agent or purchaser either on deposit account or personal account or in any other account of a similar nature. (3) For the purpose of ascertaining that payment for the declared agricultural produce sold at any place in the market area are made to the seller as required by this rule, the Market Committee shall through its Secretary or any officer specially empowered by it in this behalf, arrange for the periodical inspection of the books of account of traders and commission agents operating in the market area, [or shall make inquiry, as the case may be. Where as a result of such inspection or enquiry, it is found that the payment has not been made within the time limit as mentioned in sub-rules (1) and (2), the Market Committee shall be competent to recover the amount from the deposit kept by the purchaser or commission agent with the Market Committee and pay the same to the seller or direct the Bank which has given guarantee on behalf of such purchaser or commission agent, to pay the amount to the seller.] [This portion was added by G. N. of 7.6.1990.]

21. Adulteration of declared agricultural produce in market area or market prohibited.

- No person operating in any market area or in any market therein shall adulterate any declared agricultural produce or shall cause such produce to be adulterated; and it shall be the duty of every Market Committee to take adequate steps including power to take samples of any such produce to see that no declared agricultural produce intended for marketing, processing, storage or export in the market area is adulterated. Explanation. - For the purpose of this rule, adulteration of agricultural produce includes mixing of inferior variety or quality of any agricultural produce with superior variety or quality thereof, bold linseed with small linseed, vegetable ghee with ghee and mixing earth, dirt and stones or any other extraneous matter with any agricultural produce.

22. Grading and standardisation of agricultural produce.

(1) The Market Committee shall maintain for the use of sellers and buyers a set of samples of standard grades of the declared agricultural produce sold at the market and shall replace the same as may be necessary from time to time. The Market Committee shall also arrange to keep and exhibit samples of different grades of agricultural produce with indications of parity prices based on rates ruling in terminal and important markets like Bombay for the information of sellers and buyers : (2) The Market Committee may - (i) carry out the work of grading of such declared agricultural produce as may be specified by the Director from time to time; and (ii) supervise processing of agricultural produce in the market area, with a view to preventing adulteration thereof.

23. Weighment on Weigh Bridge.

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

under the by-laws.

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

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

25. Inspection of weights and measures and weighing and measuring instruments by Inspectors of Weights and Measures.

(1)An Inspector appointed under the Bombay Weights and Measures (Enforcement) Act, 1958, shall on a request made in writing by a Market Committee, carry on periodically inspection of all weights and measures and weighing and measuring instruments in use in any market area or in any market therein.(2)On a requisition by the Market Committee, the Inspector of Weights and Measures in whose jurisdiction the market area is situated shall carry out the inspection and testing of weights, measures and weighing and measuring instruments in use in the market area and shall take such action as is consistent with the provisions of the Bombay Weights and Measures (Enforcement) Act, 1958 and the rules made thereunder.(3)An appeal under sub-section (2) of section 34 shall be made within thirty days from the date of the decision under sub-section (1) of that section.

26. [Application of provisions of Bombay Act LXIX of 1958 to all matters relating to weighing or measuring of declared agricultural produce not affected. [Substituted vide G. N., No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971, published in M.G.G., Part IV-B, dated 18th February, 1971.]

- Except as otherwise provided by section 34 of the Act and rules 24 and 25 the application of the provisions of the Bombay Weights and Measures (Enforcement) Act, 1958 to all matters pertaining to the enforcement of the standard weights and measures and all matters connected therewith in relation to the marketing of declared agricultural produce in any market area or any market therein shall not be affected.] [Sub-rule (5) was substituted by G. N. of 7.6.1990.]

27. Market Committee required to publish prices and other information.

(1)Every Market Committee shall, maintain daily a list of prices of the different varieties and grades of declared agricultural produce marketed in the market area or in any market therein, and besides exhibiting prices as provided by rule 22, shall also on being required so to do by the Director furnish for the use of persons operating in the market, information relating to crops in the market area, their arrival, stocks, prices, price trends, storage, processing, movement of declared agricultural produce and other connected matters as may be specified by general or special order of the Director

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

28. Keeping of books by trader, commission agent, broker etc.

- Every trader, commission agent, broker, processor, weighman, measurer, warehouseman and surveyor and such other market functionary as the Market Committee may specify in this behalf, licensed under these rules shall keep such books in such forms and render such periodical returns and at such times and in such forms as the [Director] [Amended as per Government Notification, Agriculture and Co-operation Department No. APM. 2072/3166-C-I, dated 28.9.1972.] may, from time to time, direct; and shall render such assistance in the collection of fees, and prevention of evasion of payment of fees, due under these rules and bye-laws and in the prevention of the breach of the provisions of the Act, rules and bye-laws, as may be required by the [Director.] [Amended as per Government Notification, Agriculture and Co-operation Department No. APM. 2072/3166-C-I, dated 28.9.1972.]

29. Equipment for weighman, measurer and surveyor.

- Every weighman, measurer and surveyor shall use such equipment as may be [directed by the Director.] [Amended as per Government Notification, Agriculture and Co-operation Department No. APM. 2072/3166-C-I, dated 28th September, 1972.]

30. Licensed weighman, measurer and hamal to wear badge.

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

31. Publication of directions.

(1)All directions issued by a Market Committee for the guidance of persons using the market or operating in the market area, shall be pasted on the notice board and such pasting of directions, shall be deemed to be sufficient notice of its contents to all such persons.(2)The Market Committee may, however, if it thinks necessary, cause such notices to be served on persons concerned or to be published in the newspapers circulating in the market area.

31A. [Storage and accommodation. [Rule 31-A was inserted by G. N. of 7.6.1990.]

- The Market Committee may arrange to store the agricultural produce brought by the cultivators in its market, when it is not sold or when the cultivator desires to store the agricultural produce till he obtains better price, in its own godowns or godowns of the purchasers or processors or warehousemen. The Market Committee shall fix every year, the charges for such storage. No person shall recover storage charges in excess of the rates fixed by the committee :Provided that a commission agent holding a licence of the committee shall not collect any storage charges for such storage or accommodation.]

Part II – Market Fees and Charges

32. Market Fees.

(1)A Market Committee may levy and collect fees on declared agricultural produce marketed in the market area on an ad valorem basis from the purchaser at such rates as may be specified in the bye-laws of the Committee, so however, that such rates shall not be less than the minimum and more than the maximum rates notified by the State Government under section 31.(2)The market fees shall be paid by the purchaser immediately after weighment or measurement of the declared agricultural produce is done.(3)A trader, commission agent, processor shall immediately on bringing any declared agricultural produce in any market area for the purpose of processing or for export, as the case may be, make a declaration in Form 8 [and shall deposit with the Market Committee an amount equal to the market lee payable on such agricultural produce. The Market Committee shall refund the amount of deposit to the trader, commission agent, or processor, as the case may be, immediately on production of the proof of processing or export of the agricultural produce within thirty days from the date of the aforesaid declaration.] [This portion was added by G. N. of 7.6.1990.](4)The fees on declared agricultural produce in respect of which a declaration has been made under sub-rule (3) and which becomes liable for the levy of fees under section 31 shall be calculated at the average market rate of the produce on the day on which the fees become due.(5)[(a) The Market Committee shall give a notice to the buyer, commission agent, processors or trader to pay the market fee or any dues payable to it within the time specified in the notice. If the person to whom the notice is given, fails to pay the amount within the specified time, the Market Committee may call upon such person to show cause why action to recover the amount of the fees or other dues should not be taken against him. The Market Committee may after taking into account the explanation of the person pass an appropriate orders.(b)The Market Committee shall be competent to recover the amount mentioned in the order passed under clause (a) above from the security kept with it by the market functionary according to the order passed and inform the market functionary accordingly.(c)Where the market functionary has given Bank guarantee, the Market Committee shall serve the order passed by it under clause (a) on the Bank which has given the guarantee.]

33. Collection of fees, charges and receipts therefor.

(1)The fees or charges payable under the Act, shall be collected by a servant of the Market Committee, duly authorised by it in that behalf, and the right to collect the fees or charges shall not be framed out.(2)Every servant so authorised, shall pass receipts to the payee after keeping counterfoils or duplicate of the receipts so granted and shall render account of all receipts at least once a day to the person, duly authorised, in this behalf by the Market Committee.(3)Every Market Committee shall maintain a register showing the fees or charges collected by it.

34. Servant to wear badges.

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

34A. [Manner of payment of the cost of supervision under section 34-B(2). [Inserted as per Government Notification No. CMS. 1071/33988-C-1, dated 9th August, 1973.]

(1)A Market Committee shall collect the cost of supervision in the market area from the purchaser at a rate notified by the State Government under sub-section (2) of section 34-A.(2)The cost of supervision shall be paid by the purchaser to the Market Committee immediately after weighment or measurement of the declared agricultural produce is done.(3)The Secretary or any other person [authorized] [Sub-rule (5) was added by G. N. of 7.6.1990.] in this behalf by the Market Committee shall pass receipt to the purchaser in token of his having paid the cost of supervision.(4)Every Market Committee shall maintain an upto date register showing the cost of supervision collected by it and duly signed by the Secretary to the Market Committee.(5)The Market Committee shall pay to the State Government the cost of supervision so collected within a period of fifteen days from the close of the month in which such cost is collected, by a chalan in Government Treasury [* * *] [The words 'under the Account Head XXVIII Co-operation-XXVIII-B-Co-operation-Miscellaneous Receipt-Supervision fees (other than consumer's Co-operative)' were deleted by G. N. of 7.6.1990.].

Chapter III

Constitution of Market Committee

Part I

35. [Preparation of list of Voters-Division of Market Area into constituencies. [Substituted by G.N. of 14.11.1970.]

- [(1) For the purpose of electing 10 agriculturists 2 members to be elected by Hamals and weighmen, as provided by clauses (a), (b) and (b-1) of subsection (1) of section 13, every market area

shall consist of -(a)Co-operative Societies' Constituency;(b)Village Panchayat's Constituency ;(c)Traders' Constituency; and(d)Hamals' and weighmen's Constituency.](2)Each such constituency shall consist of the whole of the market area.]

35A. [Duty of the Collector to hold election of the Market Committee. [Rules 35-A, 35-B and 35-C were inserted by APM. 2078/49985/II/11-C, dated 18.4.1985.]

(1)The elections of the Market Committee shall be held or caused to be held by the Collector in accordance with the provisions of the Act and the rules.(2)The District Deputy Registrar of Co-operative Societies shall maintain a register in Form No. 8-A in his office showing the names of the Market Committees whose elections are due every year.(3)The District Deputy Registrar of Co-operative Societies shall make a report in Form No. 8-B to the Collector on or before 30th day of September every year in respect of the market committees whose term of office is due to expire in the succeeding market year.(4)On receipt of such report, the Collector shall publish on or before the 31st October of that year a list of market committees whose elections are due to be held in that market year.]

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

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

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

- For the purposes of nomination of members under sub-clauses (iii), (iv) and (iv) of clause (a) of sub-section (1-A) of section 13, the Collector of Bombay shall call upon the Maharashtra State Agricultural Marketing Board, the Municipal Corporation of Greater Bombay and the Maharashtra State Co-operative Marketing Federation Limited, Bombay, respectively to communicate the name of their respective representative before a date which the Collector of Bombay may specify in that behalf.]

36. Voters' list.

- [(1) The Collector shall call upon the District Deputy Registrar of Co-operative Societies to prepare and furnish to him a list of members of the Managing Committees of the Agricultural Credit Societies and the Multipurpose Co-operative Societies and call upon the Block Development Officer to prepare and furnish to him a list of members of the Village Panchayat showing distinctly the

members belonging to the Scheduled Caste and Scheduled Tribes functioning in the market area and the Market Committee to prepare and furnish to him the list of traders and hamals and weighmen licenced by the Committee within such time as may be specified by him. Thereafter, the Collection shall cause to be prepared separately for each of the Constituencies a voters' list for holding the elections to the Market Committees :Provided that, where a person is qualified to vote from traders constituency or from Hamals' and Weighmen's Constituency, his name shall appear in the respective registers maintained by the Market Committee at least 3 months before the preparation of such lists.] [Sub-rule (1) was substituted by G. N. of 7.6.1990.](2)Every such list shall be revised before each general election, at least six months before the date on which the term of the Market Committee is due to expire :Provided that, the Collector may [* * *] [Deleted by G. N. of 14.11.1970.] direct the revision of such list also at any other time before any general election is due : (3)[The voters' list for Co-operative Societies' Constituency shall be prepared society wise. The voters' list for Village Panchayat's Constituency shall be prepared panchayat wise, indicating the details regarding members belonging to the Scheduled Caste and Scheduled Tribes etc. every list of voters for all the constituencies mentioned in sub-rule (1) of rule 35 shall provide, in alphabetical order, the name, age, residence and the category of the voters to which he belongs.] [Sub-rule (3) was substituted by G. N. of 7.6.1990.](4)[* * *(5)* * *] [Deleted by G. N. of 14.11.1970.](6)Every such list shall be published in Marathi provisionally within a period of one month from its receipt by the Collector in such manner as the Collector may deem fit.(7)At the time of publishing the list of voters a notice shall be published in like manner calling upon persons entered in the list to lodge in the manner herein prescribed any objection that they have to make to the list as published, and upon persons claiming to be entered in the list, to lodge their claim in the manner herein prescribed.(8)Such claim or objection shall be made in writing and shall specify the constituency in question, the grounds on which the right of any person to be entered in the list is asserted or denied, the evidence which the claimant or objector intends to lead, the address of the claimant or objector, his number, if any, in the list [* * *] [Deleted by G. N. of 14.11.1970.] and in the case of an objection, the number in the list of the person to whose entry objection is taken and the constituency in the list for which he is entered.(9)Every claim or objection shall be delivered or sent by post so as to reach the office of the Collector before the date fixed by the Collector in that behalf being a date not later than one month from the date of publication of the list.(10)The Collector, after hearing the evidence, if any, adduced on behalf of the parties and after further inquiry, if any, shall pass order on the claim or objection, and the order of the Collector relating to such claim or objection shall be final.(11)The Collector shall cause the lists to be amended in accordance with the orders passed under sub-rule (10) and shall cause them to be published finally in Marathi in such manner as he may deem fit.(12)If, after the final publication of the list of voters, under sub-rule (11), the Collector on application or otherwise, is satisfied after such inquiry as he deems fit that any entry or entries in the list is or are erroneous or defective in any particular respect, the Collector may cause a list of amendments to be prepared; and thereupon the provisions of sub-rules (3) to (11) shall apply in the case of such list in the like manner as they apply in the case of the list of voters.(13)[Copies of such final lists including the final list of amendments and additions shall be made available for inspection and sale in whole or in part in the offices of the Collector, the Market Committee and the Village Panchayat concerned or at any other place as the Collector may specify in this behalf.(14)The final list as also the final list of amendments shall be republished under sub-rule (11) and shall remain in force and continue in operation as the list of voters for the purpose of any bye-election, until it is

revised as provided by this rule.(15)Any persons whose name is not entered in the final list of voters as republished under sub-rule (14) may at any time but not later than 3 days before the last date for nomination apply to the Collector for inclusion of his name in the list.(16)On receipt of the application under sub-rule (15), the Collector shall, if satisfied that the applicant is entitled to have his name entered in the list, direct his name to be entered in the list and cause an amendment to the list to be prepared; and thereupon the provisions of sub-rules (13) and (14) shall mutatis mutandis apply to such amendments] [Modified as per Government Notification No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971 published in M.G.G., Part IV-B, dated 27th May, 1971, p. 869.].

37. Voters' list to be conclusive.

- Subject to any disqualification incurred by a person, the voters lists published finally under rule 36 shall be conclusive evidence for the purpose of determining whether any person is qualified to vote, or as the case may be, is qualified or is not qualified to be elected at any election.

38. [Persons to be qualified to be elected. [Modified as per Government Notification No. APM. 2069/7757-C-1, dated 8th February, 1971 published in M.G.G., Part IV-B, dated 27th May, 1971, p. 833.]

(1)Every person who is an agriculturist, and who is residing in the market area and is not less than twenty-one years of age on such date as the Collector may be for the purposes of any election or bye-election specify in this behalf shall, unless disqualified under these rules, be qualified to be elected, [* * *].(2)Every person whose name is in the list of voters of the Traders' Constituency shall, unless disqualified under these rules, be qualified to be elected by the Trader's Constituency; [* * *] [The words 'and every person whose name is not in such list shall not be qualified to be elected from that constituency' were deleted by G. N. of 7.6.1990.]Explanation. - A person shall be deemed to reside ordinarily within the market area if he -(a)has actually resided therein for an aggregate period of not less than 180 days during the calendar year preceding that in which the list of voters for the time being under preparation for Co-operative Societies or Village Panchayat's Constituency is provisionally published under sub-rule (6) or rule 36, or(b)has maintained within the market area for an aggregate period of not less than 180 days during the calendar year preceding that in which the list of voters for the time being under preparation for such area is provisionally published under sub-rule (6) of rule 36, a dwelling for himself in charge of his dependents or servants and has listed such dwelling during the year first mentioned in connection with his business, in the constituency.(3)If any question arises whether any person is or is not an, agriculturist residing in the market area for the purpose of this rule, the matter shall be decided by the [Collector] [This word was substituted for the word 'Director' by G. N. of 7.6.1990.] as provided by sub-section (2)].(4)[Every person whose name is in the list of voters of the hamals and weighmen's constituency shall unless disqualified under these rules, be qualified to be elected from that constituency.] [Sub-rule (4) was previously deleted and again added by G.N. of 7.6.1990.]

39. Right to vote.

(1) No person who is not, and except as expressly provided by these rules, every person who is for the time being, entered in the list of voters of any constituency, shall be entitled to vote in that constituency. (2) No person shall vote at any election in any constituency if he is subject to any disqualification under these rules. (3) [* * *(4) * * *] [Deleted as per Government Notification No. APM-2069/7757-C-1, dated 8th February, 1971.] (5) No person shall vote at any election, if he is confined in a prison whether under a sentence of imprisonment or otherwise or is in lawful custody of the police : Provided that, nothing in this sub-rule shall apply to a person subjected to preventive detention under any law for the time being in force.

40. [Election of Chairman or representative of co-operative societies.

[Substituted as per Government Notification No. APM. 2071/11425C-I, dated 17th July, 1971, published in M.G.G., Part IV-B, dated 19th July, 1971, p. 834.]

(1) If there are more than one co-operative societies doing business of processing or marketing of declared agricultural produce in any market area and election of a member has to be made under the proviso to clause (c) of sub-section (1) of section 13, the Collector shall call upon such societies to communicate the names of their Chairman who are willing to contest the election; or in the absence of their Chairman, a representative of each of such co-operative societies elected by its Managing Committee in this behalf, before a day specified in this behalf by the Collector. (2) On receipt of the names of the Chairman, or, as the case may be, of their representatives, the Collector shall, direct the Managing Committees of such societies to elect from amongst such Chairman or representatives, a member on the Market Committee. (3) The election may be held by ballot on a date, place and hour which the Collector may fix in this behalf. In case of equality of votes, their selection shall be made by drawing lots].

40A. [Election of Chairman or representatives of Panchayat Samitis. [Added as per Government Notification No. APM/2069/7757-C-1, dated 8th February, 1971, published in M.G.G., Part IV-B, dated 27th May, 1971, p. 863.]

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

41. [Disqualifications of membership. [Added vide Government Notification No. APM-2071/11971-11-C, dated 5th August, 1971 published in Extraordinary Maharashtra Government Gazette, dated 10th August, 1971 at p. 792.]

(1)A person shall be disqualified for being chosen as, or for being, a member of a Market Committee - (a)If he has been convicted by a Court in India of any offence and sentenced to imprisonment for a term exceeding six months unless such disqualification has been removed by an order of the State Government; (b)if he has not attained the age of 21; or (c)if he is of unsound mind and stands so declared by a competent Court; or (d)if he is an undischarged insolvent; or (e)if he is a deaf-mute; or (f)if he has failed to pay any fees or charges due to the Market Committee; or (g)[if he is a servant of the Market Committee or of Government or of a Local authority or holds a licence from such Committee other than that of Trader, Commission agent hamal or weighmen or;] (h)if he has directly or indirectly or by his partner any share or interest in any contract or employment with or on behalf of or under the Market Committee; or (i)if he has committed breach of the Act of the rules or bye-laws made thereunder more than once; or (j)[if he has failed to make payment to any seller or his commission agent [as required by the Act and these rules;] [Added vide G. N., No. APM. 2071/11971-11-C, dated 5.8.1971, published in Extraordinary M.G.G., Part IV-B, dated 10.8.1971, p. 792.] (k)[if he is disqualified by the Act or these rules.] [Clause (k) was substituted by G. N of 7.6.1990.] (2)A person shall not be chosen as a member - (i)representing the traders' constituency, if he does not ordinarily reside in the market area or if the licence to him is cancelled, or suspended or not renewed; (ii)representing agriculturists' constituency, if his main income is not from agriculture or possesses a trader's, commission agent's or broker's licence, or has interest in a joint family or a firm which has a trader's or commission agent's or broker's licence. Explanation. - For the purpose of this sub-rule, a person shall be deemed to be ordinarily residing in the market area, if he resides in such area or not less than 180 days in a calendar year. (3)[When any question arises as to whether a person has become subject to any of the disqualifications mentioned in sub-rule (1), the question shall be decided by the Director within thirty days of its reference. On the decision of the Director or the decision in Appeal, as the case may be, a person who is disqualified, shall cease to hold office from the date of the decision by the Director, or by the Appellate Authority, as the case may be. The Collector shall, on receipt of such decision, hold the bye-election provided the remaining period of the term of the committee is not less than one year from the date of decision.] [Sub-rule (3) was substituted by G. N. of 7.6.1990.] (4)No decision on any such question, shall be given, unless the member has been given a reasonable opportunity of being heard. (5)Any person aggrieved by the decision of the Director may within thirty days from the date on which the decision is communicated to the member, appeal to the State Government.] Administrative Machinery for the Conduct of Election

41A. [Appointment of Returning Officer. [Added as per G.N., No. APM/2069/7757-C-1, dated 8th February, 1971, published in M.G.G., Part IV-B, dated 8th February, 1971, p. 863.]

(1)The Collector shall appoint a Returning Officer and Assistant Returning Officer, if necessary who shall be an Officer of Government or of a Market Committee for each constituency. (2)Every

Assistant Returning Officer shall subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer: Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relates to the scrutiny of nomination papers unless the Returning Officer is unavoidably prevented from performing the said function. (3) Subject to the provisions of sub-rule (2) reference in these rules to be the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer.]

41B. [General duty of Returning Officer. [Added as per G.N., No. APM/2069/7757-C-1, dated 8th February, 1971, published in M.G.G., Part IV-B, dated 8th February, 1971, p. 863.]

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

41C. [Polling Stations. [Rule 41-C was substituted by G. N. of 7.6.1990.]

- The Returning Officer, shall, if necessary, provide sufficient number of polling stations for any constituency for which election is to be held and shall at least 15 days before the date of the poll, publish on the notice board of the Market Committee and in such other manner as he deems fit, a list showing the polling station so provided and the polling areas for which they have respectively been provided.]

41D. [Appointment of Presiding and Polling Officer. [Added as per G.N., No. APM/2069/7757-C-1, dated 8th February, 1971, published in M.G.G., Part IV-B, dated 8th February, 1971, p. 863.]

(1) The Returning Officer shall appoint a Presiding Officer for each polling station and such a polling officer or officers to assist the presiding officer as he thinks necessary, but shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election : Provided that, if a Polling Officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than person has been employed by on behalf, or has been otherwise working for candidate, in or about their election, to be the polling officer during the absence of the former officer, and inform the Returning Officer accordingly. (2) A Polling Officer shall, if so directed by the Presiding Officer, perform all or any of the functions of a Presiding Officer under these rules. (3) If the Presiding Officer, owing to illness or other unavoidable cause, is obliged to absent himself from the Polling Station, his functions shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such function during any such absence. (4) Reference in these rules to the Presiding Officer, shall, unless the context otherwise requires be deemed to include any person performing any function which he is authorised to perform under sub-rule (2) or as the case may be, under sub-rule (3).]

41E. [General Duty of Presiding Officer. [Added as per G. N., No. APM. 2069/7757-C-1, dated 8th February, 1971, published in M.G.G., Part IV-B, dated 8th February, 1971, p. 863.]

- [(1)] It shall be the general duty of the Presiding Officer at the Polling Station to keep order thereat and to see that the poll is fairly taken.(2)[It shall be the duty of the Polling Officer at the polling station to assist the Presiding Officer for such station in the performance of his functions.] [The principle rules shall be re-numbered as sub-rule (1) and sub-rule (2) was added by G. N. of 7.6.1990.]]

41F. [Control. [Added as per G. N., No. APM. 2069/7757-C-1, dated 8th February, 1971, published in M.G.G., Part IV-B, dated 8th February, 1971, p. 863.]

(1)The Returning Officer, Assistant Returning Officer, Presiding Officers, Polling Officers and all other persons appointed in any matter connected with these rules shall work under the general guidance, superintendence and control of the Collector.(2)[* * *]]

42. Order for general election to Market Committee.

- [* * *] [Rule 42 was deleted by G. N. of 7.6.1990.].

43. [Appointment of dates, etc. for various stages of election. [Rule 43 was substituted by G. N. of 7.6.1990.]

- The Collector shall, by order draw and declare a programme of various stage of election as indicated herein below not earlier than fifteen days and not later than thirty days of the date of display of the final list of voters of the Market Committee :

- | | |
|--|---|
| (i) Last date for making nominations. | Fifteen days from the date of declaration of electionprogramme. |
| (ii) Date of publication of list of nominations received. | As and when received till the date fixed for makingnominations. |
| (iii) Date of scrutiny of nominations. | 3rd day of the last date for making nominations. |
| (iv) Date of publication of list of valid nominations afterscrutiny. | Next day after the date of completion of scrutiny or wherethere is an appeal after the appeal is decided. |
| (v) Date by which candidature may be withdrawn. | Two days from the date of publication of list of validnominations after scrutiny. |
| (vi) Date of publication of final list of contesting candidates. | The date next succeeding the last day fixed for withdrawal ofcandidature. |
| (vii) | |

	Date and time during which and the place or places at which the poll shall be taken.	Not earlier than fifteen days but not later than thirty days from the date of publication of final list of contesting candidates.
(viii)	Date time and place for counting of votes.	Not later than 3rd day from the date on which the poll shall be taken.
(ix)	Date of declaration of results of voting.	Immediately after the counting of votes.

Explanation. - (1) (a) If the last date in reckoning dates as specified in the above cases is a public holiday, the next succeeding working day shall be fixed for the respective events. (b) The proportion of polling stations to number of votes at each polling station and the place of polling station shall be fixed in consultation with the Market Committee concerned. In case the polling stations are spread over in the market area, the Returning Officer shall make arrangements to get all the ballot boxes to the office of the Returning Officer. (2) The Collector shall, not less than forty-five days before the date fixed for the poll, publish in Marathi, the dates so appointed by means of notice published in a newspaper circulating in the market area and cause the copies of such notice to be displayed on the notice board of the Market Committee and in the Village Panchayat concerned. (3) The time during which the poll shall be taken shall be mentioned in the election programme. The time of poll shall not be earlier than 8.00 a.m. and later than 5.00 p.m. (4) Whether it is necessary to fix time, date and place for any stage in the election programme, it shall be fixed by the Collector and shall be mentioned in the election programme declared by him. (5) The Collector may change the dates fixed under this rule within seven days of the date fixed for the poll: Provided that if due to any unavoidable circumstances and in the public interest it has become imminent to modify the programme and there is no sufficient time for obtaining the previous approval of the Collector to such modification, the Returning Officer may, for reasons to be recorded in writing, modify the election programme. In every such case the Returning Officer shall forthwith send the copy of the modified election programme along with the reasons recorded by him for such modification to the Collector.]

44. Nomination of Candidates.

(1) Any person may be nominated as a candidate for election to fill a seat if he is qualified to be chosen to fill that seat under the provisions of [the Act, these rules and the bye-laws.] [These words were substituted for the words 'these rules' by G.N. of 7.6.1990.] (2) Every nomination paper presented under rule 45 shall be completed in Form 9. [Provided that, a failure to complete or a defect in completing the declaration as to symbols in a nomination paper, shall not be deemed to be a defect of a substantial character within the meaning of these.] [Proviso was added by G.N. of 7.6.1990.] (2A) [Any person whose name is entered in the list of voters shall be a proposer or seconder, as the case may be, for nominating a candidate at election.] [Sub-rule (2A) was added by G.N. of 7.6.1990.] (3) [A nomination paper shall be supplied by the Returning Officer or an officer authorised by him in this behalf, to any voter or to any agriculturist residing in that area, on payment of the price of the nomination paper to be fixed by the [Collector] [Modified as per Government Notification No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971, published in M.G.G., Part IV-B, dated 18th February, 1971, p. 861.].]

45. Presentation of nomination paper and requirements for valid nomination.

(1) On or before the date appointed under clause (a) sub-rule (1) of rule 43, each candidate shall either in person or by his proposer deliver to the Returning Officer during the time and at the place specified in the order made under rule 43 a nomination paper completed as provided by rule 44 and signed by the candidate and by [two voters of his constituency, one of whom shall be the proposer and another as the seconder] [These words were substituted for the words 'a voter of the constituency as proposer' by G.N. of 7.6.1990.]. (2) Any person who is not subject to any disqualification as a voter under these rules and whose name is entered in the list of voters for the constituency for which the candidate is nominated, may subscribe as proposer. He shall not subscribe as proposer [or seconder] [These words were added by G. N. of 7.6.1990.] more than one nomination paper. (2A) [In the case of a reserved seat under the provisions of section 13(1), a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particulars of scheduled caste or scheduled tribe of which he is a member.] [Sub-rule (2A) was inserted by G. N. of 7.6.1990.]. (3) [On presentation of a nomination paper the Returning Officer shall satisfy himself that the candidate is an [agriculturist residing in the market area] [Modified as per Government Notification No. APM. 2069/7757-C-1, dated 8th February, 1971, published in M.G.G., Part IV-B, dated 8.2.1971.] or as the case may be, a trader and that the name and the number in the list of voters of the proposer as entered in the nomination paper are the same as those entered in the list of votes : Provided that, the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the list of voters; and where necessary, any clerical or printing error in the said entries shall be overlooked.][Explanation 1 - For the purpose of satisfying the Returning Officer that the candidate is an agriculturist, a certificate of the Sarpanch or Talathi of the Village or the Secretary of the Primary Co-operative Credit Society in the village where the candidate resides to the effect that the person is an agriculturist as defined in clause (b) of [sub-section (1) of section 2 of the Act and is residing in the market area] [Explanation to sub-rule (3) shall be numbered as Explanation I and Explanation II was added by G. N. of 7.6.1990.] shall be produced along with the nomination paper. The certificate shall be conclusive proof that the candidate is an agriculturist. Explanation 2 - For the purpose of satisfying the Returning Officer that the candidate belongs to scheduled castes or scheduled tribes, a certificate from the competent authority as determined by the Government shall be produced along with nomination paper and the same shall be conclusive proof that a candidate belongs to the caste mentioned in the certificate.](4) [* * *] [Deleted as per Government Notification No. APM. 2069/7757-C-1, dated 8th February, 1971.](5) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for election in the same constituency : [Provided that, not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same constituency.] [Added as per G. N., No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971.]

46. Right to be nominated in two or more constituencies in a market area.

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

constituencies.

47. Symbols of election.

(1)The Collector shall by order pasted on the notice board of the Market Committee specify the symbols that may be chosen by candidates at an election in any constituency and the restrictions to which their choice shall be subject. [He shall not allot any symbols which are associated with political parties.] [These words were added by G. N. of 7.6.1990.](2)Where at any such election, more nomination papers than one are delivered on behalf of a candidate, the declarations as to symbols made in the nomination paper first delivered and no other declaration as to symbols shall be taken into consideration under rule 53 even if that nomination paper has been rejected.(3)[Every candidate shall forthwith be informed of the symbol allotted to him and be supplied with a specimen thereof by the Returning Officer.] [Sub-rule (3) was added by G. N. of 7.6.1990.]

48. Deposits.

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

49. Notice of nomination and time and place for the scrutiny.

- The Returning Officer shall, on receiving the nomination paper under sub-rule (1) of rule 45, inform the person or persons delivering the same of the day, time and place fixed for the scrutiny of nominations, and shall enter on the nomination paper, its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer.

50. Scrutiny of nominations.

(1)On the date appointed for the scrutiny of nominations under rule 43, the candidates, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at the time and place appointed in this behalf under rule 43 and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered as required by sub-rule (1) of rule 45.(2)The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, that is to say(a)that the candidate is disqualified for being chosen to fill the seat under these rules;(b)that the

proposer is disqualified from subscribing a nomination paper;(c)that there has been a failure to comply with any of the provisions of rule 45 or 48;(d)that the signature of the candidate or the proposer on the nomination paper is not genuine.(3)Nothing contained in clause (c) or (d) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.(4)The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.(5)The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 43 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:Provided that, in case any objection is raised by Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.(6)The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.(7)For the purposes of this rule, the production of a certified copy of an entry made in the list of voters of the relevant constituency shall be conclusive evidence of the right of any voter named in that entry to stand for election, unless it is proved that the candidate is disqualified.(8)Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall, subject to the provisions of rule 51, prepare a list of candidates whose nominations have been accepted. Immediately after the scrutiny is over, the Returning Officer shall affix the list on his notice board and shall record the date on which, and the time at which, the list was so affixed.

51. Appeal.

(1)Any candidate, aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper, may present an appeal therefrom to the [Collector] [This word was substituted for the word 'Director' by G. N. of 7.6.1990.] within a period of seven days from the date on which the notice, containing the names of the candidates accepted by the Returning Officer is affixed on the notice board under sub-rule (8) of rule 50 and shall ordinarily furnish on the same day to the Returning Officer a copy of the petition of appeal together with as many copies of the petition as there are candidates whose nomination papers have been accepted (excluding himself).(2)[The decision of the Collector on appeal under this rule and subject only to such decision, the decision of the Returning Officer accepting or rejecting the nomination of candidate shall be final and conclusive.] [Modified as per Government Notification No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971, published in M. G. G., Part IV-B, dated 27th May, 1971.]

52. Withdrawal of candidate.

(1)Any candidate may withdraw his candidate by notice in writing subscribed by him and delivered to the Returning Officer,-(a)where no appeal is presented under rule 51, on the day immediately following the day after the expiry of the period referred to in sub-rule (1) of rule 51, and(b)where such appeal is made, on the day next following the day on which the decision of the Director is

given.(3)The notice shall be delivered to the Returning Officer before 3 o'clock in the afternoon on the day fixed under sub-rule (1) for withdrawal of candidature.(4)The notice may be delivered either by the candidate in person or by his proposer who has been authorised in this behalf in writing by the candidate.(5)No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.(6)The Returning Officer shall, on being satisfied as the genuineness of a notice of withdrawal and the identity of person delivering it under sub-rule (1), cause a notice to be affixed on the notice board in his office.

53. Preparation of list of contesting candidates.

(1)Immediately after the expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 52, the Returning Officer shall prepare and publish in Form 10 a list of contesting candidates, that is to say candidates whose nomination papers have been finally accepted and who has not withdrawn their candidature within the said period.(2)The said list shall, subject to the provisions of sub-rule (4), contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers.(3)The list of contesting candidates shall be prepared in Marathi.(4)The alphabetical order referred to in sub-rule (2) shall be determined with reference to the surnames of the candidates having surnames, and the names proper, of other candidates.(5)Where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special directions issued in this behalf by the Collector-(a)allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice; and(b)if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.(6)The allotment by the Returning Officer of any symbol to a candidate shall be final.(7)Every candidate shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

54. Publication of list of contesting candidates.

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

54A. [Appointment of Polling Agents and Counting Agents. [Rule 54A was inserted by C N. of 7.6.1990.]

(1)At an election at which the poll is to be taken any contesting candidate may appoint one agent and one relief agent to act as Polling Agents of a candidate at each polling station. Such appointment shall be made by letter in writing in Form 10A signed by the candidate.(2)The candidate shall deliver the letter of appointment to Polling Agents who shall, on the date fixed for the poll, present it to, and sign the declaration contained therein before the Presiding Officer. The Presiding Officer shall retain the letter presented to him in his custody.Polling Agent shall not be allowed to perform any duty at the polling station unless he has complied with the provisions of this rule.(3)The Polling

Agents may work as Counting Agents as per the authority given by the candidate in Form 10B.(4)Each contesting candidate may appoint not more than two agents to act as Counting Agents of such candidate by a letter in writing in duplicate in Form 10C signed by the candidate. Before the Commencement of the counting of votes, the candidate shall give notice of the appointment of such Counting Agents to the Returning Officer by forwarding to such Officer the letter of appointment. The candidate shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall, on the date fixed for the counting of votes, present it to, and sign the declaration contained therein before the Returning Officer. The Returning Officer shall retain in his custody the duplicate copy presented to him, No Counting Agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with these provisions.]

55. Death of candidate before poll.

- If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and the Returning Officer shall report the fact to the Collector and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election ;Provided that,-(i)no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll; and(ii)no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 52 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

56. Uncontested elections.

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

57. Contested elections.

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

58. [Manner of voting at elections. [Substituted as per G. N., No. APM 2069/7757-C-1, dated 8th February, 1971.]

(1)At every election where a poll is taken, votes shall be [taken] by ballot in the matter hereinafter provided and no votes shall be [given] [Substituted for the word 'received' by G. N. of 8.2.1971.] by proxy.(2)[Every voter shall have as many votes as there are members to be elected on behalf of the respective constituency, but he shall not have more than one vote for the candidate.] [Sub-rule (2) was substituted by G. N. of 24.9.2001.]

59. Ballot Box.

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

60. [Issue of ballot paper. [Substituted as per G. N., No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971.]

(1)Every ballot paper shall be in Form 11.(2)The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.(3)If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner as may be decided upon by the Collector.]

60A. [Arrangement of Polling Stations. [Rule 60-A was inserted by G. N. of 7.6.1990.]

(1)A Notice shall be displayed at each polling station specifying the polling area, the name of voters entitled to vote at the polling station and where the polling station has more than one polling booths, at each of such booths, the names of the voters allotted to such booth and a copy of the list of contesting candidates.(2)At each polling station, there shall be set up. One or more voting compartments in which voters can record their votes screened from observation.(3)The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas, the voters of which are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and article necessary for voters to mark the ballot papers. The Returning Officer shall also provide at each polling station such other equipments and accessories as may be required for taking the poll at such polling station.]

60B. [Admission to Polling Station. [Rules 60-B and 60-C were inserted by G. N. of 7.6.1990.]

- The Presiding Officer shall regulate the number of voters 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)persons authorised by the Collector or the Returning Officer;(d)candidates, their polling agents and subject to the provisions of rule 54A one polling agent of each candidate;(e)a child in arms accompanying a voter.(f)a person accompanying a blind or infirm voter who cannot move without help;(g)such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

60C. The preparation of ballot boxes for poll.

- Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and obtain thereon the signature of such of the Polling Agents present as are desirous of affixing the same.(2)The Presiding Officer shall thereafter fix the paper seal so signed

in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper remains open.(3)The seal used for securing a ballot box shall be affixed in such manner that after the box has been closed, it is not possible to open it without breaking the seals.(4)Where it is not necessary to use paper seal for securing the ballot box, the Presiding Officer shall secure and seal the ballot box in such a manner that the slit for the insertion of ballot papers remains open and shall allow the Polling Agents present to affix if they so desire, their seal.(5)Every ballot box used at a polling station shall bear the seal both inside and outside marked with -(a)the serial number, if any, and the name of constituency;(b)the serial number and name of the Polling Station;(c)the serial number of the ballot box to be filled in at the end of the poll on the label outside the ballot box only; and(d)the date of poll.(6)Immediately before the commencement of the poll, the Presiding Officers shall demonstrate to the Polling Agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5) of this rule.(7)The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the Polling Agents.]

61. Identification of votes.

(1)The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him otherwise in taking a poll.(2)As each voter enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.(3)In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer shall overlook merely clerical or printing errors in an entry in the list of voters, if he is satisfied that such person is identical with the voter to whom such entry relates.

61A. [Challenging of identity. [Rules 61A and 61B were added by G. N. of 7.6.1990.]

(1)Any Polling Agent may challenge the identity of a person claiming to be a particular voter by depositing a sum of rupees two in cash with the Presiding Officer for each such challenge.(2)On such deposit being made by that person, the Presiding Officer shall -(a)Warn the person challenged of the penalty for impersonation;(b)read the relevant entry in the list of voters 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 11B; and(d)require him to affix his signature in the said list.(3)The Presiding Officer shall thereafter hold a summary inquiry into the allegations 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;(c)administer an oath to the person challenged and any other person offering to give evidence.(4)If, after the enquiry the Presiding Officer considers that the 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.(5)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 deposit made under sub-rule (1) be

forfeited to the State Election Fund and in the other case, he shall return it to the challenger at the conclusion of the inquiry.

61B. Safeguard against personation.

(1)With a view to prevent the personation of voters every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied shall allow his left thumb to be inspected by the Presiding Officer or the Polling Officer, and an indelible ink mark to be put on it.(2)If any voter refuses to allow his left thumb to be inspected or marked thumb or does any act with a view to removing the ink mark, he shall in accordance with sub-rule (1) or has already such a mark on his left not be supplied with any ballot paper or allowed to vote.(3)Any reference in this rule to the left thumb of a voter, shall, in the case, where the voter has left thumb missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing be construed as a reference to the thumb or any other finger of his right hand and shall in the case where all his fingers of both the hands are missing, be construed as reference to such extremity of his left or right arm as he possesses.]

62. Issue of ballot paper.

(1)No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.(2)No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those who are present inside the polling station at the time of the closing of the poll. Such voters shall be allowed to record their votes even after the poll closes.(3)Every ballot paper shall before issue to a voter, be stamped with such distinguishing mark as the Collector may direct.(4)At the time of issuing a ballot paper to a voter, the Poling Officer shall record the serial number thereof against the entry relating to the voter in the copy of the list of voters set apart for the purpose.(5)Save as provided in sub-rule (4), no person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

63. Voting procedure.

(1)The voter on receiving the ballot paper shall forthwith -(a)proceed to one of the polling compartments;(b)there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the [candidate or candidates] [Substituted for the word 'candidate' as per Government Notification No. APM. 2069/7757-C-1, dated 8th February, 1971 published in M. G. G., Part IV-B, dated 27th May, 1971, p. 566.] for whom he intends to vote;(c)fold the ballot paper so as to conceal his [vote or votes;] [Substituted for the word 'vote' by G. N. of 8.2.1971.](d)if required, show the Presiding Officer the distinguishing mark on the ballot paper;(e)insert the folded ballot paper into the ballot box; and(f)quit the polling station.(2)Every voter shall vote without undue delay.(3)No voter shall be allowed to enter a polling compartment when another voter is inside it.

64. [Recording of votes of blind or infirm voters. [Modified as per Government Notification No. APM. 1167/25332-(Parl III)-C-1, dated 18th February, 1971, published in M. G. G., Part IV-B, dated 27th May, 1971.]

(1) If the Presiding Officer is satisfied that owing to the blindness or other physical infirmity a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less twenty one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary for folding the ballot paper so as to conceal the voter and inserting it into the ballot: Provided that, no person shall be permitted to act as the companion of more than one vote at any polling station on the same day : Provided further that, before any person is permitted to act as the companion of a voter on any day under this rule, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day. (2) The Presiding Officer shall keep a record in Form 11-A of all cases under this rule.]

65. Spoilt and returned ballot papers.

(1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt-cancelled" by the Presiding Officer. (2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned shall be marked as "returned-cancelled" by the Presiding Officer. (3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

66. Tendered Votes.

(1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to make a ballot paper (hereinafter referred to as a "tendered ballot paper"), in the same manner as any other voter. (2) Every such person shall, before being supplied with a tendered ballot paper sign his name against the entry relating to him in the tendered votes list in Form 12. (3) A tendered ballot paper shall be the same as the other ballot papers used at polling station except that it shall be - (a) serially the last in the bundle of ballot papers issued for use at the polling station; and (b) endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him. (4) The voter, after marking a tendered ballot paper in the polling compartment and folding it, shall, instead of putting it into the ballot box give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

67. Closing of Poll.

(1)The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 43 and shall not thereafter admit any voter into the polling station :Provided that, all voters present inside the polling station before it is closed shall be allowed to caste their votes.(2)If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

68. Sealing of ballot boxes after poll.

(1)As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of any candidates or their agent close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.(2)The ballot box shall thereafter be sealed and secured.(3)Where it becomes necessary to use a second ballot box by reason of the first box getting full, first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

69. Account of ballot papers.

- [(1)] [The principal rule shall be renumbered as sub-rule (1) and sub-rule (2) was inserted by G.N.of 7 6.1990.] The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in Form 13 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.(2)[If so desired by the polling agent the Presiding Officer shall permit a Polling Agent to take a true copy of the entries made in the ballot paper account and attest it as a true copy.] [The principal rule shall be renumbered as sub-rule (1) and sub-rule (2) was inserted by G.N.of 7 6.1990.]

70. Sealing of other packets.

(1)The Presiding Officer shall then make into separate packets -(a)the marked copy of the list of voters;(b)the unused ballot papers;(c)the cancelled ballot papers;(d)the cover containing the tendered ballot papers and the list of tendered ballot papers;(e)the list of challenged votes; and(f)any other papers directed by the Returning officer to be kept in sealed packet.(2)Each such packet shall be sealed with the seals of the Presiding Officer and of those candidates or their agents, if any, present who may desire to affix their seals thereon.

71. Transmission of ballot boxes, packets, etc. to the Returning Officer.

(1)The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct -(a)the ballot boxes;(b)the ballot paper account;(c)the sealed packets referred to in rule 70; and(d)all other papers used at the poll.(2)The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

71A. [Fresh poll in case of destruction etc. of boxes. [Rule 71A was inserted by G. N. of 7.6.1990.]

(1) If at any election, - (a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or lost, or is damaged or tampered with, to such an extent, that the result of the poll at the polling station cannot be ascertained, or (b) any such error or irregularity in the procedure as is likely to vitiate poll is committed at a polling station, - the Returning Officer shall forthwith report the matter to the Collector. (2) The Collector shall, upon receipt of a report, or suo motu, after taking into consideration all material circumstances stated in sub-rule (1) either - (a) declare the poll at the polling station to be void, appoint a day and fix the hours for taking a fresh poll at that polling station and notify such day and the hours in such a 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 Returning Officer or take such action as he may deem proper for the election. (3) The provisions of the Act, the rules or bye-laws made thereunder shall apply to every such fresh poll as they apply to the original poll.]

Part II – Counting of Votes

72. Counting of votes.

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

73. Admission to place fixed for counting.

(1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except - (a) such persons as he may appoint to assist him in the counting; (b) persons authorised by the Collector; (c) public servants on duty in connection with the election; and (d) candidates, their election agents and counting agents, if any. (2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1). (3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular counting table or group of counting tables. (4) [Any duly authorised person, who during the counting of votes misconduct himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted, by a Police Officer on duty acting under the direction of the Returning Officer or the Officer-in-charge in the election process.] [Sub-rule (4) was substituted by G. N. of 7.6.1990.]

74. Scrutiny and opening of ballot boxes.

(1)The Returning Officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.(2)Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.(3)The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.(4)If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that boxes and shall order a fresh poll.

75. Scrutiny and rejection of ballot papers.

(1)The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.(2)The Returning Officer shall reject a ballot paper -(a)if it bears any mark or writing by which the voter can be identified; or(b)if no vote is recorded thereon; or(c)if votes are given on it in favour of more candidates than there are vacancies to be filled in, or if more than one vote is recorded on it for one candidate; or(d)if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or(e)if it is a spurious ballot paper; or(f)if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or(g)if it bears a serial number, or is of a design, different from the serial number, or as the case may be, design of the ballot papers authorised for use at the polling station; or(h)if it does not bear the mark which is should have borne under the provisions of sub-rule (3) of rule 62 :Provided that -(i)where a Returning Officer is satisfied that any such defect as is mentioned in clause (g) or (h) has been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect;(ii)a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.(3)Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.(4)The Returning Officer shall record on every ballot paper which he rejects the letter "R" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.(5)All ballot papers rejected under this rule shall be bundled together.

76. Counting of votes.

(1)every ballot paper which is not rejected under rule 75 shall be counted [as many valid votes as there are candidates to be elected for the constituency concerned] [Substituted for the words 'one valid votes' as per Government Notification No. APM. 2069/7757-C-1, dated 8th February, 1971, published in M.G.G., Part IV-B, p. 866.] :Provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.(2)After the counting of ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form 14 and announce the particulars.(3)The valid ballot papers shall thereafter be bundled together and kept along with the bundle of rejected papers in a separate

packet which shall be sealed and on which shall be recovered the following particulars, namely(a)the name of the constituency;(b)the particulars of the polling station where the ballot papers have been used; and(c)the date of counting.

77. Counting to be continuous.

- The Returning Officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or their agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody, [during such intervals] [These words were added by G. N. of 7.6.1990.].

78. Re-commencing of counting after fresh poll.

(1)If a fresh poll is held under rule 74, the Returning Officer, shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates and their election agents.(2)The provisions of rules 75 and 79 shall apply so far as may be to such further counting.

79. Recount of votes.

(1)After the completion of (he counting, the Returning Officer shall record in the result sheet in Form [14] [This figures were substituted for the figures '13' by G. N. of 7.6.1990.] the total number of votes polled by each candidate and announce the same.(2)After such announcement has been made, a candidate or, in his absence, his election agent may apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.(3)On such an application being made, the Returning Officer shall decide the matter and allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.(4)Every decision of the Returning Officer under sub-rule (3) shall be in writing and contain the reasons thereof.(5)If the Returning Officer declares under sub-rule (3) to allow the application either in whole or in part, he shall -(a)count the ballot papers again in accordance with his decision,(b)[amend the result sheet in Form 14 to the extent necessary after such recount,] [Modified as per Government Notification, No. APM. 1167/25332-(Part-III)-C-1, dated 18th February, 1971, published in M.G.G., Part IV-B, dated 25th May, 1971.] and(c)announce the amendments so made by him.(6)[After the total number of votes polled by each candidates has been announced, under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form 14 and no application for a recount shall be entertained thereafter :Provided that, no step under this sub-rule shall be taken on the completion of the counting until the candidates and their agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2).] [Modified as per Government Notification, No. APM. 1167/25332-(Part-III)-C-1, dated 18th February, 1971, published in M.G.G., Part IV-B, dated 25th May, 1971.]

80. Power to declare persons elected in certain contingencies.

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

81. Declaration of result.

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

82. Election to more than one seat.

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

83. [Publication of Names of Members and issue of certificate to elected Members. [Rule 83 was substituted by G. N. of 7.6.1990.]

- On receipt of election results under rule 81, the Collector shall publish the names in Form 11-C as provided in section 14 and also issue a certificate in Form 11-D to the elected candidate.]

84. Return or forfeiture of candidate's deposit.

(1)The deposit made under rule 48, shall either be returned to the person making it or his legal representative or he forfeited to the Market Committee in accordance with the provisions of this rule.(2)Except in cases hereafter mentioned in this rule, deposit shall be returned as soon as practicable after the result of the election is declared.(3)If the candidate is not shown in the list of contesting candidates, or he dies before the commencement of the poll, the deposit shall be returned to him as soon as practicable after the publication of the list, or after his death to his legal heir.(4)[Subject to the provisions of sub-rule (3), the deposit shall be forfeited if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-tenth of the total number of valid votes polled by all the candidates in the constituency or, in the case of election of one or more than one member at the election, one-tenth of the total

number of valid votes, so polled, divided by the number of members to be elected.] [Sub-rule (4) was substituted by G. N. of 7.6.1990.]

85. Custody of papers relating to election.

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

86. Production, inspection and disposal of election papers.

(1) While in the custody of the Returning Officer - (a) the packets of unused ballot papers; (b) the packets of used ballot papers whether valid, tendered or rejected; and (c) the packets of marked copies of the list of voters; shall not be opened and their contents shall be inspected by, or produced before any person or authority except under the order of a competent Court or authority. (2) All other papers relating to the election shall be open to public inspection. (3) The packets referred to in sub-rule (1) shall be retained for a period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the Collector. (4) All other papers relating to the election shall be retained until the termination of the next general election for the constituency to which they relate and shall thereafter be destroyed subject to any direction to the contrary given by the Collector.

87. Casual vacancies in Market Committee.

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

88. Determination of validity of election.

(1) If the validity of any election, including bye-election of a member of a Market Committee is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, within seven days after the date of the declaration of the result of the election, apply in writing to the Collector. (2) On receipt of an application under sub-rule (1), the Collector shall, after giving an opportunity to the applicant to be heard and after making such inquiry as he deems fit, pass an order confirming or amending the declared result of election or setting the election aside. If the Collector sets aside the election, he shall fix a date, as soon as conveniently may be, for holding a fresh election. (3) Any person aggrieved by the decision of the Collector may, within seven days from the date on which the decision is communicated to him, appeal to the [Commissioner appointed under section 6 of the Maharashtra Land Revenue Code, 1966 (Maharashtra XLI of 1966)] [These words, figures and brackets were substituted for the word 'Director' by G. N. of 7.6.1990.] against such decision; and the decision of the Collector, subject to the decision of the [Commissioner appointed under section 6 of the Maharashtra Land Revenue Code, 1966 (Maharashtra XLI of 1966)] [These words, figures and brackets were substituted for the

word 'Director' by G. N. of 7.6.1990.] in appeal, shall be final.

89. Declaration of disqualification.

- [* * *] [Rule 89 was deleted by G. N. of 7.6.1990.].

90. Expenditure in connection with or incidental to elections.

- [(1)] [Rule 90 of the principal rule was renumbered as sub-rule (1) and sub-rules (2), (3) and (4) were inserted by G. N. of 7.6.1990.] All expenditure incurred by Collector or Returning Officer in connection with or incidental to an election of members of a Market Committee shall be a sum due to the State Government and such sum shall be recoverable from the Market Committee as an arrear of land revenue as provided by section 57.(2)[The Collector shall incur such expenditure for conduct of the elections or bye-elections of the Market Committees in accordance with the guidelines which may be issued by the State Government, from time of time.(3)The Collector shall within three months of the completion of the general election or bye-election, as the case may be, or the Market Committee concerned, forward to the Market Committee a Statement of receipts of money and the expenditure for conducting the election or bye-election and vouchers thereof. The Collector shall refund the amount of unspent balance, if any, to the Market Committee along with (he statement of receipt and expenditure.(4)There shall be an audit of the accounts of such election by an officer authorised by the Commissioner appointed under section 6 of the Maharashtra Land Revenue Code, 1966 (Maharashtra XLI of 1966).] [Rule 90 of the principal rule was renumbered as sub-rule (1) and sub-rules (2), (3) and (4) were inserted by G. N. of 7.6.1990.]

Chapter IV

Chairman and Vice-Chairman

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

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

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

(1)The Chairman shall -(a)convene, preside at and conduct meeting of a Market Committee;(b)have access to the records of a Market Committee;(c)discharge all duties imposed and exercise all powers conferred on him by or under the Act and the rules and bye-laws made thereunder;(d)have control over all officers and servants of the Market Committee subject to these rules and to the directions, if any, given by the Committee;(e)supervise and control the execution of all the activities of the Market Committee; and(f)conduct or cause to be conducted correspondence and be responsible for the keeping of accounts, for the punctual rendering of the accounts, reports and returns and for the

custody of all amounts (other than those deposited in the treasury or with a bank approved by the Director).(2)The Vice-Chairman shall-(a)in the absence of a Chairman, preside at the meetings of a Market Committee;(b)exercise such of the powers and perform such of the duties of the Chairman as the Chairman may, subject to any bye-laws made by the Market Committee in this behalf, delegate to him by an order in writing;(c)pending the election of a Chairman, or during the absence of the Chairman from the market area, or by reason of leave obtained with the permission of the Market Committee, exercise the powers and perform the duties of the Chairman.

93. Leave of absence to Chairman or Vice-Chairman.

(1)The Chairman or Vice-Chairman, if he wants to remain absent from any meeting of the Market Committee, or for a period not exceeding thirty days in the aggregate in a year shall, on or before the date fixed for that meeting or as the case may be, at any time before the date of the leave asked for, apply to the Committee for leave [* * *] [The words 'stating the reasons for which the leave is required' were deleted vide G. N., No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971.].(2)The Market Committee may, by a resolution passed in that behalf, grant the Chairman or Vice-Chairman the leave applied for.(3)Any absence from the meeting of a Market Committee without permission obtained in accordance with the provisions of this rule shall, for the purposes of section 24, be deemed to be absence from the meetings of the Committee without its leave.

Chapter V

Market Committee-Powers and Duties

94. The Market Committee to provide for certain matters.

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

94A. [Power to order production and power of entry, inspection and seizure of documents. [Rules 94A, 94B, 94C and 94D were inserted by G. N. of 7.6.1990.]

(1)The Market Committee may authorised by a resolution passed in that behalf, an officer not below the rank of an Assistant Secretary of the Market Committee for the purposes of section 32A.(2)The officer so authorised by the Market Committee shall give a written notice to such person for production of the record before him or indicating the desire to enter the premises for inspection or seizure of the record. The officer shall take alongwith him two panchas when he intends to seize the record.(3)The officer so authorised should give the person from whom the record is seized, a list of record seized, duly witnessed by the panchas and signed by the person from whom the record is seized, and where such person refuses to sign the list, the fact shall be recorded in the panchanama.(4)The officer shall not retain the seized record for more than fifteen days and shall within that period, return the record to the person according to the list arid such person shall give a receipt for having received back the record seized and where such person refuses to give a receipt, the fact shall be recorded before the panchas on the list itself.(5)The officer shall not remain at the premises longer than necessary.(6)The officer shall exercise the aforesaid powers only from sunrise to sunset.(7)Papers only relating to business in Agricultural Produce and payment of market fee and payment of sale price to sellers shall be ordered to be produced or inspected or seized.(8)The authorised officer concerned shall immediately give a report to the Market Committee and to the Director about the production, inspection or seizure of the documents and his findings and the Secretary shall place the report before the next ensuing meeting of the Market Committee.(9)The Market Committee shall before taking any action on the basis of the report as mentioned above call upon the person by a notice to explain why action should not be taken against him and shall give a hearing to him.

94B. Power to write-off loss, shortage of fee etc., which is irrecoverable.

- A Market Committee may write-off irrecoverable dues, fees or losses as provided in section 32B if
-(a)the amount of fees, dues or losses of value of movable or immovable property which are irrecoverable is certified to be irrecoverable by the Auditor of the Co-operation Department in his Audit Memo;(b)the Market Committee has taken steps to recover such amount from the persons concerned as provided under section 57, but has failed to recover the same and a report to that effect has been received by it from the Revenue Officer or Officer of the Court;(c)the Market Committee has fixed the responsibility for the fraud or negligence on the person concerned and has taken steps to recover the amount but the amount could not be recovered according to the report of the Revenue Officer or Officer of the Court and in case the person responsible is an Officer or employee of the Market Committee, the Market Committee has taken appropriate disciplinary action against him.

94C. Power to make alternative arrangements during strike.

(1)The Market Committee shall be competent to make alternate arrangements during a strike by licensees or class of licensees for keeping the market running including arrangements to purchase

the agricultural produce brought in the market through Cooperative and other agencies or by itself to the extent allowed by the Director, issue of temporary license to purchasers or other market functionaries who may be ready to purchase the produce or to render services including handling, weighing and measuring normally given by the licensees who strike work arranging for storage and warehousing of the agricultural produce; arranging for transport of the agricultural produce to and from the market; arranging for credit facilities against the storage of agricultural produce; entering into arrangements with other Market Committee for disposal of the agricultural produce of such other steps as it deems fit.(2)The Market Committee shall be competent to suspend or cancel the licence of the licensee who strikes work or joins in the strike with an intention to disrupt or stop the working of the market.(3)The Director shall give immediate assistance required by the Market Committee to keep the market functioning during strike.

94D. Power to take steps to prevent purchases of agricultural produce below support price.

(1)The Market Committee shall be competent to make arrangements and to take steps to prevent purchases of agricultural produce in the market area below the support price fixed by the Government. For this purpose the officers and employees of the Market Committee shall keep a watch on. the sales of agricultural produce in respect of which Government has declared support price. The officer or the employee who notices that the agricultural produce has been sold or is being sold at a price lower than the support price, shall forthwith bring the fact to the notice of the Secretary. The Secretary shall immediately make enquiries and take such preventive steps as he deems fit and inform the Chairman.(2)The Chairman shall inform the Collector, the District Deputy Registrar of Co-operative Societies and the local officer of the Agent appointed by Government about the fact of sales below support price and the preventive steps taken by the Secretary in this behalf and request him to open a purchase centre or to make arrangements to purchase the agricultural produce at support price immediately by making necessary arrangements for the purpose. The Collector and the District Deputy Registrar of Co-operative Societies shall direct and assist the local officer in this behalf.(3)It shall be competent for the Market Committee to suspend or cancel the licence of the person who purchases the agricultural produce below support price if he is a licensed person and to prosecute him for contravention of sections 6 and 7 of the Act if he is not a licensed person.]

95. Duties of Market Committee.

(1)A Market Committee shall furnish all information which the Director or the officers duly authorised by him may require. In addition to the duties prescribed by the Act and the rules and bye-laws made thereunder, the Market Committee shall also be responsible for -(i)maintenance of proper checks on all receipts and payment by its officers;(ii)the proper execution of all works chargeable to the Market Fund;(iii)keeping a copy of the Act and of the rules and notifications issued thereunder and of its bye-laws open to inspection, free of charge at its office; and[(iii-a) allotment of shops, galas, sheds, plots, or any other premises only for the purposes of sale and purchase of agricultural produce or such other purpose directly or indirectly connected with the sale and purchase of agricultural produce and not for any other purpose such as carrying sale of liquor,

wine, beer, toddy or any other narcotic substance in wholesale or- retain or any other activity which is against public policy or public moral.] [Clause (iii-a) was inserted by G. N. of 7.6.1990.](iv)doing such other things as may, from time to time, be necessary for the efficient working of the Market Committee.(2)On failure of a Market Committee to furnish any information or return on due date, the Director may, after giving due notice to the Market Committee, depute any person working under him, to prepare the return or returns and submit it or them to him. The Chairman and the Secretary of the Committee shall furnish to such person all information necessary for preparing such return or returns. The expenses incurred by the Director in getting such return or information shall be borne by the Market Committee and shall be recoverable from the Market Committee under section 57.(3)[In case of violation of provisions contained in clauses (i), (iii-a) and (iv) of sub-rule (1) the Director shall be competent to take immediate steps to prevent or to correct such violation after giving an opportunity of being heard to the aggrieved party.] [Sub-rule (3) was added by G. N. of 7.6.1990.]

96. Annual Administration Report.

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

97. [Constitution of Board for settlement of disputes under section 10. [Rules 97, 98 and 99 were deleted by G. N. of 7.6.1990.]

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98. Settlement of disputes.

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99. Fees to be paid for settling disputes.

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Chapter VI

Officers and Servants of Market Committee

100. Officers and Servants of Market Committee.

(1)The Secretary and other officers and servants employed by a Market Committee shall be divided into three categories, namely -(i)officers,(ii)superior servants,(iii)inferior servants,(2)Officers include the Secretary, joint secretary, deputy secretary, assistant secretary and

accountant.(3)Superior servants include treasurer, clerk, supervisor, inspector, head-clerk, senior clerk and grader.(4)Inferior servants include peon, watchman, waterman, driver, naik, gateman, mali and other menial servants.(5)No new post shall be created or any existing post abolished, no appointment to any post (not being a temporary or officiating appointment to any post for a period not exceeding six months) shall be made, and no person in the service of a Market Committee shall be discontinued as a measure of retrenchment or economy in rank except with the previous approval of the Director.(6)No person in the service of a Market Committee shall be suspended for a period exceeding one month without the previous approval of the Director or any officer specially authorised by him in this behalf.(7)Subject to the provisions of sub-rule (5), no person shall be appointed to any post by a Market Committee unless such appointment is made in accordance with the bye-laws made for recruitment to such posts and in accordance with the recommendations made by a sub-committee of the Market Committee established under its bye-laws.(8)The Committee may, with the previous approval of the Director, make bye-laws -(a)for pay-scales attached to various posts;(b)for grant of leave, including leave allowances;(c)for establishing and maintaining by the Committee a provident fund on behalf of its officers and servants; and for compelling any such officer or servant to contribute thereto and for contributing to such provident fund from the market fund;(d)for granting them pension or for subscribing on their behalf for pension or gratuity under any general or special order from the State Government for the time being in force;(e)for establishing and maintaining a compassionate fund;(f)for regulating the conditions subject to which pensions and gratuities from such funds may be given;(g)for grant of compensation for injuries resulting from accidents;(h)for undertaking welfare activities in the interest of the servants of the Market Committee.(9)In the case of an officer or a servant lent by Government, or by another Market Committee, the Committee may contribute to the leave salary, gratuity or pension to which he may be entitled in accordance with the conditions of his service with Government or with the other Market Committee.(10)With the sanction of the Director, the Committee may give an extraordinary pension or gratuity -(a)to any officer or servant in execution of his duties;(b)to the family of any officer or servant who is killed in the execution of his duties; or(c)from the compassionate fund established and maintained under clause (e) of sub-rule (8) to the family of any officer or servant left in indigent circumstances on account of the premature death of such officer or servant.(11)No officer or servant employed by a Market Committee shall -(a)except in accordance with the general or special order of the Committee, communicate directly or indirectly the contents of any confidential documents or information to any member of the general public;(b)canvass or otherwise interfere or use his influence in connection with, or take part in, any election to the Committee otherwise than in the discharge of any duties assigned to him officially.

101. Discharge and resignation of officers and servants.

(1)In the absence of a written contract to the contrary, every officer or servant employed by a Market Committee shall be entitled to one month's notice before discharge or to one month's salary in lieu thereof, unless he is discharged during a period of probation or for neglect of duty or misconduct, or was engaged for a specified term and discharged at the end of it, or was employed as a casual servant.(2)If an officer or servant employed by a Market Committee, in the absence of a written contract authorising him to do so, and without reasonable cause, resigns his employment or absents himself from his duties without giving one month's notice to the Market Committee, he shall be

liable to forfeit a sum not exceeding one month's salary out of any wages due to him.

102. Penalties.

- The following penalties may, for good and sufficient reasons, be imposed upon any officer or servant of a Market Committee, namely :-(i)censure,(ii)withholding of increments or promotions including stoppage at an efficiency bar,(iii)reduction to a lower post or a time scale or to a lower stage in a time-scale,(iv)recovery from pay of the whole or part of any pecuniary loss caused to Market Committee by negligence or breach of orders,(v)suspension,(vi)removal from the service of the Market Committee which does not disqualify him from future employment, or(vii)dismissal from the service of the Market Committee which ordinarily disqualifies him from further employment,(viii)withdrawal of privileges, if any.

103. Order of dismissal, removal or reduction.

(1)No person who is in the service of a Market Committee shall be dismissed, removed or reduced in rank except by an order made in that behalf, and except after an inquiry in which he has been informed in writing of the charge against him and opportunity of being heard in respect of those charges is given, and where it is proposed, after such inquiry to impose on him any such penalty until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the evidence adduced during such inquiry, and resolution recommending the penalty proposed has been passed by the Market Committee by two-thirds majority of the members of the Market Committee :Provided that, this rule shall not apply -(a)where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on criminal charge; or(b)where the Market Committee is satisfied, for reasons to be recorded in writing that it is not reasonably practicable to hold such inquiry.(2)If in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in sub-rule (1), the decision of the Market Committee, subject to the decision of the Director in appeal, shall be final.

104. Appeal.

(1)Any person aggrieved by an order imposing any of the penalties referred to in rule 102 may, subject to the provisions of this rule, appeal to Director; and any such person aggrieved by the order of the Director may appeal to the State Government.(2)No appeal shall except for sufficient cause, be entertained after the expiry of 30 days from the date of communication in writing of the order which is appealed against.(3)Every appeal shall be made in the form of a petition in writing, and shall unless the appellate authority otherwise directs, be presented in person or sent by post.

105. Security.

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

be specified in the bye-laws.

106. Powers and functions of Secretary.

- The Secretary shall be the Chief Executive Officer of the Market Committee and carry into effect the resolutions of the Market Committee. He shall be under the disciplinary control of the Chairman. He shall conduct correspondence and shall be responsible for keeping of accounts and for the punctual rendering of all the returns. He shall lay down duties of all officers and servants of the Market Committee and shall exercise control over the subordinate staff of the Market Committee. He shall supervise and control the activities of the Market Committee in case of emergencies and if necessary perform its duties in such emergencies. He shall have custody of all papers and documents of the Market Committee, lie shall, in consultation with the Chairman, call and attend the meetings of the Market Committee and maintain the proceedings of the meeting. He may express or submit his views on the subjects discussed during the meeting. He shall exercise such other powers and perform such other functions as may be delegated or entrusted to him by the Market Committee.

Chapter VII

Market Fund Expenditure and Accounts

107. Market Fund.

(1) All cash in the market fund shall be kept in a Central Co-operative Bank or in the absence of such Bank, any other Bank duly approved for this purpose by the Director and it shall not be drawn upon except in accordance with these rules. Except where the Director on application by a Market Committee or otherwise directs to the contrary, all monies to be credited in the Market Fund shall be credited at least twice a week in full into any such bank. (2) The Market Committee may, with the approval of the Director or person authorised by him, invest its surplus funds in any of the securities specified in section 20 of the Indian Trust Act, 1882, loan bonds or debentures of the Apex Co-operative Land Development Bank and Government Savings Certificates.

108. Expenditure.

(1) All payments shall, as far as possible, be made by cheques, and receipts for all payments shall be obtained. (2) [Every cheque drawn on behalf of a Mumbai Agricultural Produce Market Committee shall be signed by any member of the Market Committee duly authorised by the Market Committee and the Member-Secretary of the Market Committee. In the absence of the member of the Market Committee, it shall be signed by the Member-Secretary and any Joint Secretary of the Market Committee duly authorised by the Market Committee.] [Sub-rule (2) was substituted by G. N. of 31.5.1996.] (3) Except in the following cases, the Chairman shall not pass any bill, unless the expenditure detailed therein has received the previous sanction of the Market Committee, namely :- (i) salaries and allowances of sanctioned establishment, (ii) payment for works and repaired sanctioned by competent authority, (iii) urgent expenditure for which there is budget provision or

which does not exceed Rs. 500/-.

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

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

109A. [Acquisition and disposal of movable and immovable property by Market Committees. [Rule 109-A was inserted by G. N. of 7.6.1990.]

- Before acquiring, purchasing or disposing off any immovable or movable property, the value of which exceeds the limit fixed by the Director, from time to time, the Market Committee shall obtain specific approval of the Director. Explanation. - Approval to the provision in the budget shall not be construed as an approval required under this rule.]

110. Remittances to treasury or bank.

(1) All remittances to a Government treasury or sub-treasury or bank shall be accompanied by chalan or deposit slip in duplicate. (2) The monthly or other periodical statements of accounts furnished by the bank shall be regularly filed by the Market Committee and made available by it for audit.

111. Pass book.

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

112. [Submission of Budget. [Rule 112 was substituted by G.N. of 7.6.1990.]

(1) The Market Committee shall meet in the month of July and shall prepare its annual budget of income and expenditure for the ensuing market year. The budget shall be prepared in the form prescribed by the State Marketing Board established under section 39-A (hereinafter referred to as "the Board"). The budget shall include all items of revenue and expenditure (including expenditure on administration and development items). The budget shall be submitted by the Market Committee to the Board or an officer authorised by it in this behalf for approval not later than the 31st July of every year. (2) It shall be competent for the Market Committee to prepare supplementary budget once a year, whenever necessary, in the form prescribed by the Board and submit it for the approval of the Board. (3) It shall be open for the Board to modify or rescind the budget estimates for reasons to be recorded and communicated in writing to the Committee. (4) No expenditure shall be incurred

by any Market Committee on any item if there is no approved budget provision, unless it can be met by re-appropriation from savings under other heads or supplementary budget is prepared and approved by the Board or by any Officer authorised by it.(5)If the Committee fails to adopt the budget estimates and submit the same to the Board or the Officer authorised by it before 31st July or any year as provided in sub-rule (1) or within the extended period, the Director shall cause to prepare the budget-estimate and forward it to the Board.(6)The Board may frame the rules of procedure for the purpose of approval of the budget and supplementary budget. It shall be competent for the Board to call any return or information, in respect of the account and record of the Market Committee and to inspect the same for the purpose of this rule.]

113. Works to be included in budget.

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

114. Evidence of sanction.

(1)All plans and estimates of construction works shall be prepared and signed by a qualified Engineer approved for the purpose by the Market Committee.(2)Plans and estimates for works estimated to cost less than Rs. 5,000/- shall be approved by the Chairman.(3)In case of works estimated to cost more than Rs. 5,000/- the plans and estimates shall be approved by the Market Committee.

115. Supervision of works.

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

116. Accounts, audit, inspection.

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

1. Cash book-Form No. 16.

2. General Ledger-Form No. 17.

3. Individual Ledge-Form No. 18.

4. Market Fee Register-Form No. 19.

5. Licence Fee Register-Form No. 20.

6. Register of licence holders for operating as Commission Agent, Trader or Broker-Form No. 21.

7. Form and Account Books Register-Form No. 22.

8. Stationery Register-Form No. 23.

9. Dead Stock Register-Form No. 24.

10. Pay Register-Form No. 25.

11. Government Loan Register-Form No. 26.

12. Property Register-Form No. 27.

(2)The accounts of a Market Committee shall be audited annually by auditors of the Co-operative Department on payment of such audit fees as may be fixed from time to time by the Co-operative Department.(3)At the time of audit, the Chairman or any other member of the Market Committee authorised by him in this behalf shall cause to be produced and it shall be the duty of the Secretary to produce all accounts, registers, documents and other relevant papers which may be called for by the Audit Officer for the purposes of the audit. Any explanation called for by such officer for the settlement of any discrepancy shall also be immediately furnished to him.(4)The audit memoranda of the Market Committee may be inspected by any person free of charge in the office of the concerned auditor of the Co-operative Department.(5)The audit memorandum of the Market Committee may be given for reading to the members of the Market Committee, in the office of the Market Committee.Certified copies of the same may be supplied to them on payment of [50 paise per 200 words.] [These words and figures were substituted for the words '15 paise per folio' by G. N. of 7.6.1990.](6)If the audit discloses any defects in the working of a Market Committee, the Market Committee shall, within three months from the date of the audit report, explain to the Director or any officer authorised by him, the defects or irregularities pointed out by the Auditor and take steps to rectify the defects and remedy the irregularities and report to the Director or the officer authorised by him the action taken by it thereon. The Director or the officer authorised may also make an order directing the Market Committee to take such action, as may be specified in the order to remedy the defects within the time specified therein.(6A)[The Auditor shall report to the Committee and the Director or the officer authorised by him in this behalf, any material defect or irregularity observed by him in the expenditure or in the recovery of moneys due to the Committee or in the accounts of the Committee and any loss, waste or misappropriation of money or other property, owned by or vested in the Committee, if such loss is a direct consequence of neglect or misconduct of person or persons directly or indirectly responsible for such loss, waste or misappropriation. The Auditor shall send a copy of such report to the Director.On receipt of such

report from the Auditor, the Secretary shall place it before the next ensuing meeting of the Committee. The Committee shall remedy the defects or irregularities within sixty days from the date of such meeting and submit a report of rectification to the Auditor and to the Director.] [Sub-rule (6A) was inserted by G. N. of 7.6.1990.](7)If it appears to the Director on an application by any member of the Market Committee or otherwise, that it is necessary or expedient to reaudit the accounts of the Market Committee for any period, the Director may, by an order, provide for such reaudit and the provisions of the Act and the rules applicable to the audit of accounts of the Market Committee, shall apply to such reaudit.

Chapter VIII

Control

117. Manner of enquiry and inspection.

(1)An order, authorising inquiry or inspection under section 40 shall, among other things, contain the following :-(a)the name of the person authorised to conduct the enquiry or inspection;(b)the name of the Market Committee whose affairs are to be enquired into or whose accounts and records are to be inspected;(c)the specific point or points on which enquiry or inspection is to be made, the period within which the enquiry or inspection is to be completed and report submitted to the Director;(d)any other matter relating to the enquiry or inspection.(2)If the enquiry or inspection cannot be completed within the period specified in the order referred to in sub-rule (1), the person conducting the enquiry or inspection shall submit an interim report stating the reason for not completing their enquiry or inspection in time and the Director, if he is satisfied, may grant such extension of time for the completion of the enquiry or inspection as he may deem necessary or he may withdraw the enquiry or inspection from the person to whom it is entrusted and hold the enquiry or inspection himself or entrust it to such other person as he deems fit.(3)On receipt of the order referred to in sub-rule (1), the person authorised to conduct the enquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the Market Committee or any of its officers, members, agents or servants and obtain such information or explanation from any such officers, members, agents or servants of the Market Committee in regard to the transactions and working of the Market Committee as he deems necessary for the conduct of such enquiry or inspection.(4)The person authorised to conduct the enquiry or inspection shall submit the report to the Director, on all the points mentioned in the order referred to in sub-rule (1). The report shall contain his findings and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his enquiry or inspection. The Director shall pass such orders thereon as may be considered just after giving a reasonable opportunity of being heard to the concerned persons including the members of the Market Committee.

117A. [Compounding of offences. [Rules 117A and 117B were inserted by G. N. of 7.6.1990.]

(1)An officer of the Market Committee who finds that a person including any market functionary has committed or is reasonably suspected of having committed an offence (other than contravention of

sections 6 and 7) under the provisions of the Act, or rules bye-laws made thereunder shall report the fact together with the record, if any, in that behalf, to the Secretary of the Committee.(2)The Secretary shall place the report before the Market Committee. The Market Committee may, after consideration of the report, serve a notice on the person who has committed or is reasonably suspected of having committed the offence calling upon him within the time specified in the notice to explain why proceeding should not be taken against him or to state whether he is prepared to compound the offence.(3)If the person is prepared to compound the offence, the Market Committee shall order the person to appear before it, within the time specified by the Committee and after giving him an opportunity of being heard, compound the offence as provided under section 52A.

117B. Appeals.

- A person aggrieved by the decision taken or order passed under any of the provisions of this Act and desiring to file an appeal to the Director or the State Government as provided in section 52B of the Act shall comply with the following requirements :-(1)The appeal should be in writing and duly signed and verified by the appellant;(2)The certified copy of the decision or order as should accompany the appeal ;(3)The appeal should be properly stamped;(4)The appellant shall, when so required by the appellate authority, deposit a sum of money as may be directed by the appellate authority;(5)The appeal may be filed personally or through an advocate of the appellant.]

118. Copies of documents and entries.

- The Market Committee may on the application made in that behalf supply to the applicant a copy of any entry in the book, register or list regularly kept in the course of its working and in the possession of the Market Committee or of any document certified under the seal of the Market Committee and on payment of [50 paise per 200 words] [These words and figures were substituted for the words and figures '15 paise per folio' by G. N. of 7.6.1990.]. The Chairman or Secretary may supply such copy under his signature.

119. Qualifications and appointment of Tribunal under section 57.

- The person constituting a Tribunal under section 57 shall be either,-(a)a person who is holding or had held the office of a Mamlatdar, Deputy Collector, Assistant Registrar or Deputy Registrar of Co-operative Societies, or Special Auditor of Co-operative Societies, for not less than three years, or(b)a person who has, for not less than five years, been an advocate, or a pleader, or a person who had worked as a Chairman, Vice-Chairman or a member of a Market Committee or a Secretary thereof for a period of not less than five years, and who at the time of his appointment (as such) is not in any way connected with the Market Committee or with the person from whom the sum is alleged to be due.

120. Bye-laws.

- Subject to the provisions of section 61 and these rules, a Market Committee may make bye-laws in

respect of all or any of the following matters, that is to say -(a)[requiring the Director or any other person authorised by him to call the meetings of the Market Committee fixing a quorum for the meeting of the Committee and the procedure to be followed at such meetings;] [Modified as per Government Notification No. APM. 1167/25332(Part III)-C-1, dated 18th February, 1971, published in M.G.G., Part IV-B, dated 27th May, 1971.](b)appointment of sub-committees, powers and duties to be delegated to subcommittee and meetings, quorum and procedure thereof;(c)recruitment of staff and conditions of their services including salaries to be paid to them;(d)rate of fee to be collected from a purchaser under section 31 and refund thereof;(e)the form of an application for the grant and renewal of a licence, manner of refunding licence fee, agreement to be executed before the grant of a licence, solvency certificate, bank's or third person's guarantee, and issue of a duplicate copy of a licence which is lost, destroyed or mutilated;(f)determining the quantity of declared agricultural produce for the purpose of retail sale and personal consumption;(g)the form for a weightment slip, accounts slip and bill to be issued under these rules;(h)functions and duties of a Chairman, Vice-Chairman, members, officers and servants of a Market Committee and of market functionaries operating in the market area;(i)prevention of unauthorised persons from operating in the market area in any market therein;(j)issue of badges under these rules;(k)rates of charges provided under the Act;(l)hours of trading and holidays;(m)payment of expenses of the Tribunal under section 57;(n)rate of sitting fees to members and payment of travelling and other allowances to members of the Market Committee;(o)maintenance of records, registers and account books by licensees and submission of returns by them to the Market Committee;(p)charges for grading of declared agricultural produce;(q)price of forms to be supplied to licensees under these rules;(r)inspection of copies of the Act and rules, bye-laws and notifications issued thereunder;(s)preservation and destruction of records;(t)manner and period of preservation of bills;(u)charges for weightment on a weighbridge;(v)manner of conducting sales of declared agricultural commodities;(w)manner and extent of security to be taken from officers and servants of a Market Committee;(x)manner of giving notices for giving effect to the provisions of the Act, the rules and the bye-laws;(y)conditions of the trading and marketing in the market area including any matter for which bye-laws are required to be made under these rules or for giving effect to the provisions of the Act and these rules.

121. Amendment of bye-laws.

(1)Subject to the provisions of this rule, the bye-laws of a Market Committee may be amended, altered or abrogated by passing a resolution at a meeting of the Market Committee held for that purpose.(2)The Market Committee shall give due notice under intimation to the Director in accordance with its bye-laws to all the members for considering any amendment, alteration or abrogation of bye-law.(3)An amendment, alteration or abrogation of a bye-law shall be deemed to have been duly made, if a resolution in that behalf is passed at a meeting by majority of the members present thereat and voting and sanctioned by the Director as provided by this rule.(3A)[Whenever the Director passes an order in exercise of his powers under sub-section (2) of section 61A directing the making of a bye-law or amending the existing bye-law, the Market Committee shall incorporate the text of the new bye-law made or the text of the amendment to the existing bye-law in the bye-laws of the Market Committee, subject to the result of the appeal if any, filed before the State Government, within thirty days. In case of failure of the Market Committee to

incorporate such amendment within the stipulated time, the amendments ordered by the Director shall be deemed to have been incorporated in the bye-laws. The Secretary of the Committee shall submit the amended bye-laws to the Director immediately.] [Sub-rule (3A) was inserted by G. N. of 7.6.1990.](4)After the resolution is passed, a copy thereof shall, within a period of two months from the date of the meeting at which the resolution was passed, be furnished to the Director along with -(a)a copy of the relevant bye-law in force with amendment proposed to be made in pursuance of the resolution together with reasons justifying such amendment, alteration or abrogation;(b)four copies of the text of the bye-law as it would stand after amendment, signed by the Chairman or in his absence by the Vice-Chairman and Secretary of the Market Committee; and(c)such other information as may be required by the Director.(5)On receipt of a copy of the resolution and other particulars referred to in sub-rule (4), the Director shall examine the amendment, alteration or abrogation proposed by the Market Committee and if he is satisfied that the amendment, alteration or abrogation is not contrary to the Act or the rules and is in the interest of the Market Committee and regulation of marketing of the declared agricultural produce, he may communicate-his sanction to the amendment, alteration or abrogation as required by sub-section (1) of section 61.(6)Where the Director is of the opinion that the proposed amendment, alteration or abrogation may be sanctioned subject to any modification, he may indicate to the Market Committee such modification after explaining in writing his reasons therefor. The bye-laws as modified shall be deemed to have come into force as soon as the modification is adopted by the Market Committee in the next meetings.

121A. [Power of the State Government. [Addition of new Rule 121-A as per Government Notification, Agricultural and Cooperation Department, No. APM. 2073/8651/11-C, dated the 21st January, 1977.]

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

122. Repeal of previous rules.

- Subject to the provisions of section 64 of the Act, on the coming into force of these rules,-(i)The Bombay Agricultural Produce Market Rules, 1941,(ii)The Berar Agricultural Produce Market Rules, published in Government of Central Provinces, Agricultural Department, Notification No. 1662-848-X of 1941, dated the 25th July, 1942.(iii)The Rules published in Government of Central Provinces, Agriculture Department, Notification No. 1073-576-XLV, dated the 22nd September, 1936.(iv)The Berar Cotton Market Rules published in the Central Provinces and Berar, Agriculture Department, Notification No. 149-718-X of 1941, dated the 19th January, 1942.(v)The Central Provinces Cotton Market Rules published in Government of Central Provinces, Agriculture Department, Notification No. 2007-952-XLV, dated the 5th October, 1934, and(vi)The Hyderabad Agricultural Markets Rules, shall stand repealed except as respects things done or omitted to be done under those rules.

brokerThe [.....] [Here insert the name as provided by section 12.] Agricultural Produce Market Committee. Licence is hereby granted to address (hereinafter referred to as the licensee) on payment of fee of Rs. for the use of [.....] [Here specify name of place (whether principal market or subsidiary market, etc.).] in the market area or for operating in the market area for which the said Market Committee is established for the marketing of [.....] [Here specify name of declared agricultural produce in relation to its marketing in the market area or market.] as a trader/commission agent/broker, subject to the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and the Bye-laws of the said Market Committee and the following conditions, that is to say :-

- 1. The licence shall abide by the provisions of the said Act and Rules [and the Bye-laws of the said Market Committee and the conditions of agreement entered into by the licensee on with the said Market Committee] [To be deleted when the licence is granted by the Director].**
- 2. This licence shall be valid upto and inclusive of 30th day of September, 19..... and shall then expire 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 Director/Market Committee.**
- 6. The licensee shall carry on business as.....only and at such places for which the licence is issued and unless the licensee carries 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 in any market therein.**
- 7. The licensee shall not adulterate or cause any declared agricultural produce to be adulterated.**
- 8. The licensee shall help the Director/Market Committee in preventing evasion of market fees.**

9.

(1)The licensee shall not engage the services of any assistant except of the following persons in connection with the marketing of the declared agricultural produce, namely(Here enter names of assistants engaged by licensee)(2)All acts of assistants so engaged shall, in relation to the marketing of the declared agricultural produce, be deemed to be acts done on behalf of the licensee with his express or implied permission.

10. The licensee shall maintain books, register and records in the manner required by the Director/Market Committee; and shall make them available for inspection to the Director/Chairman, Vice-Chairman, Secretary or any other [officer] [Substituted as per G. N., No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971.] authorised by the Market Committee in that behalf.

11. The licensee shall furnish information and returns to the Director/Market Committee as may be required by him/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 accounts slips or purchase bills according to the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967] [Not applicable in case of a broker.],

13. [The licensee shall, if the declared 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.] [Not applicable in case of a broker.]

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.

16. [The licensee shall not operate as broker in any transaction in respect of any declared agricultural produce other than poultry, cattle, sheep and goats or except between a trader or trader.] [To be applicable in respect of broker only.]

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 Director/Market Committee.

18. The licensee shall pay to the licensed weighman or measurer and hamals only at the rates approved by the Director/Market Committee and shall not employ them for any household or private work.

19. [The licensee shall not purchase either in his own name or jointly for himself and others any declared agricultural produce brought in his adats except after fulfilling conditions laid down in rule 8.] [To be retained in the case of licences to commission agents only.]

20. The licensee shall inform the Director/Market Committee of any 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 declared agricultural produce in the manner provided by the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967.

Place :Date:[Seal] [Added vide G. N., No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971. M.G.G., Part IV-B.]

Director of Agricultural Market and Rural Finance for the State of Maharashtra
Chairman,
.....Agricultural Produce Market Committee.

Renewal of Licence

Date of renewal Period for which renewed Signature of Director/Chairman and date

Note. - Reference to Director should be retained only when the licence is granted by him under the Act. It should be omitted when a licence is granted by a Market Committee. Form 2 [See rule 7(3)] Licence for operating as a Weighman/Measurer The [.....] [Here insert name as provided by section 12.] Agricultural Produce Market Committee. Licence is hereby granted to address (hereinafter referred to as the licensee) for the use of [.....] [Here specify name of place, whether principal market or subsidiary market, etc.] in the market area or for operating in the market area for which the said Market Committee is established (for the marketing of [.....] [Here specify the name of the declared agricultural produce in relation to its marketing in the market area or the market.]) as a weighman/measurer subject to the provision of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and the bye-laws of the Market Committee and the following conditions, that is to say:-

- 1. The licensee shall abide by the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and the bye-laws of the said Committee and the conditions of agreement entered into by the licensee on.....with the Market Committee,**
- 2. The licensee shall be valid upto and inclusive of 30th September, 19; and shall then expire, unless it is renewed.**
- 3. The licence is not transferable.**
- 4. The licence shall be liable to be suspended or cancelled in accordance with the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, and the rules made thereunder.**
- 5. In the event of suspension or cancellation of this licence, the licensee shall surrender it to the Director/Market Committee.**
- 6. The licensee shall carry on the business as weighman/measurer only and at such places for which the licence is issued and shall not carry on any other business of a market functionary in the market area or in 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.**

(1)The licensee shall not engage the services of any assistant except of the following persons in connection with the marketing of the declared agricultural produce, namely:-(Here enter names of assistants engaged by licensee)(2)All acts of assistants so engaged shall, in relation to the marketing of the declared agricultural produce, be deemed to be acts done on behalf of the licensee with his express or implied permission.

10. The licensee shall not accept any employment with any commission agent, trader or broker operating in the market area or in any market therein.

11. The licensee shall abide by the decisions of the Market Committee and the instructions of the Chairman [Vice-Chairman] [Added vide G. N No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971.], Secretary or any officer authorised by the Market Committee.

12. The licensee shall not remain absent from the market area or any market therein where he ordinarily operates as a weighman or measurer without the previous approval of the officer authorised by the Market Committee in that behalf.

13. The licensee shall wear the badge issued by the Market Committee while operating as weighman/measurer in the market area or any market therein.

14. The licensee shall issue weigh man/measurement slips immediately after any declared agricultural produce is weighed/measured according to the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967.

Place :Date :[Seal] [Added vide G. N No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971.]

Director of Agricultural Marketing and Rural Finance for the State of Maharashtra
Chairman,
.....Agricultural Produce Market Committee.

Renewal of Licence

Date of renewal Period for which renewed Signature of Director/Chairman and date

Note. - Reference to Director should be retained when the licence is granted by him under the Act. It should be omitted when a licence is granted by the Market Committee. Form 3[See rule 7(3)] Licence for operating as a Warehouseman..... Agricultural Produce Market Committee. Licence is hereby granted to address.....(hereinafter referred to as the licensee) on payment of Rs.....for use of [.....] [Here specify name of place, whether principal market or subsidiary market.] in the market area or for operating in the market area for which the said Market Committee is established (for the marketing of [.....] [Here specify the name of the declared agricultural produce in relation to its marketing in the market area or the market.] as a warehouseman subject to the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and the bye-laws of the Market Committee and the following conditions, that is to say :-

- 1. The licensee shall abide by the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967, the bye-laws of the Agricultural Produce Market Committee and the conditions of agreement entered into by the licensee on with the Market Committee.**
- 2. The licence shall be valid upto and inclusive of 30th September, 19.....; and shall then expire unless it is renewed.**
- 3. The licence is not transferable.**
- 4. The licence shall be liable to be suspended or cancelled in accordance with the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, and the rules made thereunder.**
- 5. In the event of suspension or cancellation of this licence, the licensee shall surrender it to the Director/Market Committee.**
- 6. The licensee shall carry on business as warehouseman only and at such places for which the licence is issued and shall not carry on any other business of a market functionary in the market area or in any market therein.**
- 7. The licensee shall register all his places of storage with the Market Committee.**
- 8. The licensee shall not adulterate or cause any declared agricultural produce to be adulterated.**
- 9. The licensee shall help the Market Committee in preventing evasion of market fees.**
- 10. The licensee shall maintain books, registers and records in the manner required by the Market Committee and shall make them available for inspection to the Chairman, Vice-Chairman, Secretary or any other Officer authorised by the Market Committee.**

Place :Date :

Director of Agricultural Marketing and Rural Finance for the State of Maharashtra Chairman,
.....Agricultural Produce Market Committee.

Renewal of Licence

Date of renewal Period for which renewed Signature of the Director/Chairman and date

Note. - Reference to Director should be retained only when the licence is granted by him under the Act. It should be omitted when the licence is granted by a Market Committee. Form 4 [See rule 7(3)] Licence of operating as a Surveyor/Processor/Carting and Clearing Agent/and others operating in a market area or in any market therein The [.....] [Here inserted the name of Committee as provided by section 12.] Agricultural Produce Market Committee Licence is hereby granted to address..... (hereinafter referred to as the licensee) on payment of fee of Rs. or the use of [.....] [Here specify name of place, whether principal market or subsidiary market etc.] in the market area or for operating in the market area for which the said Market Committee is established as [.....] [Here insert Surveyor, Processor etc.] subject to the provisions of Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and the bye-laws of the Market Committee and the following conditions, that is to say :-

- 1. The licensee shall abide by the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967, and the bye-laws of the said Committee and the conditions of agreement entered into by the licensee on with the Market Committee.**
- 2. The licence shall be valid upto and inclusive of 30th September, 19; and shall then expire, unless it is renewed.**
- 3. The licence is not transferable.**
- 4. The licence shall be liable to be suspended or cancelled in accordance with the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 and the rules made thereunder.**
- 5. In the event of suspension or cancellation of this licence, the licensee shall surrender it to the Director/Market Committee.**
- 6. The licensee shall carry on business as [.....] [Here insert Surveyor, Processor etc.] only and at such places for which the licence is issued and 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.

Place:Date :

Director of Agricultural Marketing and Rural Finance for the State of Maharashtra Chairman,
.....Agricultural Produce Market Committee.

Renewal of Licence

Date of renewal Period for which renewed Signature of Director/Chairman and date

Note. - Reference to Director should be retained only when the licence is granted by him under the Act. It should be omitted when the licence is granted by a Market Committee. Form 5 [See rule 7(3)] Licence for operating as Assistant to Commission Agent/Trader/Broker/Carting and Clearing Agent/Processor to operate in market area or in any market therein The [.....] [Here state name of Committee as provided by section 12.] Agricultural Produce Market Committee. Licence is hereby granted to address (hereinafter referred to as the licensee) on payment of fee of Rs. for the use of [.....] [Here specify name of place whether principal market or subsidiary market, etc.] in the market area or for operating in the market area for which the said Market Committee is established as an assistant to [.....] [Here insert Commission Agent, Trader, etc.] subject to the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and the bye-laws of the Market Committee and the following conditions that is to say:-

1. The licensee shall abide by the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967, the bye-laws of the said Committee and the conditions of agreement entered into by the licensee on with the Market Committee.

2. The licence shall be valid upto and inclusive of 30th day of September, 19; and shall then expire, unless it is renewed.

3. The licence is not transferable.

- 4. The licence shall be liable to be suspended or cancelled in accordance with the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 and the rules made thereunder.**
- 5. In the event of suspension or cancellation of this licence, the licensee shall surrender it to the Director/Market Committee.**
- 6. The licensee shall carry on business as assistant to [.....] [Here insert Commission Agent, Trader, etc.] and at such places only for which the licence is issued and shall not carry on any other business of a market functionary in the market area or in 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.**

Place:Date :

Director of Agricultural Marketing and Rural Finance for the State of Maharashtra
Chairman,
.....Agricultural Produce Market Committee.

Renewal of Licence

Date of renewal Period for which renewed Signature of Director/Chairman and date

Note. - Reference to Director should be retained only when the licence is granted by him under the Act. It should be omitted when the licence is granted by a Market Committee. Form 6 [See rule 7(3)] Licence for operating as a Hamal The [.....] [Here insert the name of Committee as provided by section 12.] Agricultural Produce Market Committee. Licence is hereby granted to address (hereinafter referred to as the licensee) on payment of fee of Rs. for the use of [.....] [Here specify name of place whether principal market or subsidiary market, etc.] in the market area of for operating in the market area for which the said Market Committee is established as a hamal subject to the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and the bye-laws of the Market Committee and the following conditions that is to say:-

- 1. The licensee shall abide by the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967, into the bye-laws of the said**

Committee and the conditions of agreement entered into by the licensee on with the Market Committee.

2. The licence shall be valid upto and inclusive of 30th September, 19; and shall then expire, unless it is renewed.

3. The licence is not transferable.

4. The licence shall be liable to be suspended or cancelled in accordance with the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 and the rules made thereunder.

5. In the event of suspension or cancellation of this licence, the licensee shall surrender it to the Director/Market Committee.

6. The licensee shall carry on business as hamal only and at such places for which the licence is issued and shall not carry on any other business of a market functionary in the market area or in 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. The licensee shall not accept any employment with any commission agent, trader or broker operating in the market area or in any market therein.

10. The licensee shall abide by the decisions of Market Committee and the instructions of the Chairman, Secretary or any officer authorised by the Market Committee in that behalf.

11. The licensee shall not remain absent from the market area or any market therein where he ordinarily operates as a hamal, without the previous approval of the officer authorised by the Market Committee.

12. The licensee shall wear the badge issued by the Market Committee while operating as hamal.

Place:Date :

Director of Agricultural Marketing and Rural Finance for the State of Maharashtra Chairman,
.....Agricultural Produce Market Committee.

Renewal of Licence

Date of renewal Period for which renewed Signature of the Director/Chairman and date

Note. - Reference to Director should be retained only when the licence is granted by him under the Act. It should be omitted when the licence is granted by a Market Committee. Form 7 [See rule 7(3)] Licence for operating as [.....] [Here insert the category of the functionary for which licence is granted.] The [.....] [Here insert the name of the Market Committee.] Agricultural Produce Market Committee. Licence is hereby granted to address (hereinafter referred as the licensee) on payment of Rs. for the use of [.....] [Here specify the name of the place, whether principal market or subsidiary market.] in the market area or for operating in the market area for which the said Market Committee is established as [.....] [Here insert the category of the functionary for which licence is granted.] subject to the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and the bye-laws of the Market Committee and the following conditions, that is to say:-

1. The licensee shall abide by the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and bye-laws of the said Committee and the conditions of agreement entered into by the licensee on with the Market Committee.

2. The licence shall be valid upto and inclusive of 30th September, 19 and shall then expire unless it is renewed.

3. The licence is not transferable.

4. The licence shall be liable to be suspended or cancelled in accordance of provision of the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 and the rules made thereunder.

5. In the event of suspension or cancellation of the licence the licensee shall surrender it to the Director/Market Committee.

6. The licensee shall carry on business as [.....] [Added vide G. N., No. APM. 1167/25332-(Part III)-C-1, dated 18th February, 1971.] only and at such places for which the licence is issued and shall not carry on any other business of a market functionary in the market area or in 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 fee.

9. The licensee shall abide by the decision of the Market Committee and the instructions of the [Chairman, Vice-Chairman,] [Here insert the category of the functionary for which licence is granted.] Secretaries or any officer authorised by the Market Committee in that behalf.

Place :Date:

Director of Agricultural Marketing and Rural Finance for the State of Maharashtra
Chairman,
.....Agricultural Produce Market Committee.

Form 8[See rule 32(3)] [Substituted vide G. N., No. APM. 2069/7757-(Part III)-C-1, dated 18th February, 1971.]Form of Declaration

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

I hereby declare that the above mentioned agricultural produce has been brought in the market area for the purpose of *processing/export..Date:Signature*Retain whichever is applicable and strike out whichever is not applicable.[Form 8-A] [Forms 8A and 8B were inserted by G. N. of 7.6.1990.][See rule 35-A(2)]Form of Register showing the names of market committees to be maintained by the District Deputy Registrar, Co-operative Societies regarding particulars of elections of market committees to be held during the market year:-

Serial No.	Name of the Market Committee and full address	Strength of the Market Committee	No. of persons from Scheduled Castes, Scheduled Tribes to be elected from Column 4	Date on which last election was held
------------	---	----------------------------------	--	--------------------------------------

Name of Constituency	Name of members to be elected				
1	2	3	4	5	6
Date of first meeting of the elected Market Committee members	Date on which the term of present Committee in office will expire	Names of elected members to the Market Committee in office in Constituency wise			
Name of Constituency	Names of Market Committee members		Full address of the member		
7	8	9	10	11	12

[Form 8-B] [Forms 8A and 8B were inserted by G. N. of 7.6.1990.][See rule 35-A(3)]Form of report to be delivered by the District Deputy Registrar, Co-operative Societies on or before 30th September regarding the name(s) of the Market Committee(s) whose elections are due in the next marketing year:-

Serial No.	Name of the Market Committee and its full address	Date on which result of the last election of the Market Committee was declared	Date on which the first meeting of the elected Market Committee was held		
1	2	3	4		
Date on which the Strength of the Market Committee expires	Strength of the Market Committee	No. of members from Scheduled Castes, Scheduled tribes to be elected from Column No. 7		Remarks	
Name of Constituency	No. of members to be elected				
5	6	7	8	9	

[Form 9] [Form 9 was substituted by G. N. of 7.6.1990.][See rule 44]Form of Nomination Paper Election to the Market Committee tahsil district(To be filled by the proposer)

1. I hereby nominate Shri/Smt.....as a candidate for election from the.....constituency.

1. Name of the Constituency ...

2. Name of candidate (Father's/Husband's name) ...

3. Age ...

4. Full postal address of the candidate ...

5. Name of the Constituency ...

(i) In a constituency having a reserved seat, State the particulars of the caste or tribe to which the candidate belongs. (ii) The name of the constituency in which the name of the candidate is entered as a voter in the list of voters. (iii) Serial Number of the candidate in the list of voters of the constituency aforementioned in which his name is entered as a voter. (iv) Name of the proposer. (v) Serial Number of the proposer in the list of voters of the constituency. Date : Signature of the proposer. Name of the seconder Shri/Smt. serial number of the seconder in the list of voters of the constituency. Date: Signature of the seconder. Declaration by candidate I hereby signify my willingness to serve as a member of the Market Committee, if I am elected. Date : Signature of the candidate. Declaration to be made by the Scheduled Castes, Scheduled Tribes Candidate I hereby declare that, I am a member of the. Caste/Tribe which is a Scheduled Caste/Tribe in relation to the State of Maharashtra. Date : Signature of the candidate. Declaration as to choice of symbol I do hereby declare that the symbols which I have chosen for my election are shown below, in the order of my preference
 -(1) (2) (3) Date : Signature of the candidate. Serial number of nomination paper. This delivered to me at my office at. (hour) on. (date) by the candidate/proposer of the candidate. Date : Signature of Returning Officer. Decision of Returning Officer accepting or rejecting the nomination paper I have examined this nomination paper in accordance with Rule 45 of the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and decide as follows:- Date : Signature of Returning Officer. Receipt for Nomination paper and notice of scrutiny (To be handed over to the persons presenting the nomination paper). Serial Number of Nomination paper The nomination paper of a candidate for election from the constituency of Market Committee was delivered to me at my office at (hour) on (date) by Candidate/Proposer of candidate : All nomination papers will be taken up for scrutiny at (hours) on (date) at Place : Date : Signature of Returning Officer. [Form 10] [Form 10 was substituted by G. N. of 7.6.1990.] [See rule 53(1)] Final list of contesting candidates Election to the Market Committee, Tahsil District from the Constituency.

Sr. No.	Name of Candidate	Address of Candidat	Symbol allotted to the candidate
1	2	3	4
1.	Name of the Constituency	
2.		
3.etc.		
1.	Name of the Constituency	
2.		

3.

Signature of Returning Officer. Place: Date: N. B. - (1) Names shall be arranged in alphabetical order of surname, if no surname then first name. (2) Publication of the list of contesting candidates shall be made on the notice board of the office of the Returning Officer. [Form 10A] [Forms 10A, 10B and 10C were inserted by G. N. of 7.6.1990.] [See rule 54A(1)] Appointment of Polling Agents Election to the Market Committee Tahsil District from Constituency. To, The Returning Officer/Presiding Officer I, a candidate of the present election do hereby request you that I have appointed Shri as Polling Agent to attend Polling Station/Polling Booth No. of Polling Station at Date: Signature of the candidate. I agree to act as Polling Agent. Date: Signature of the Polling Agent. Declaration of the Polling/Counting Agent to be signed before the Returning/Polling Officer. I hereby declare that I will not, at this election for / (Name of Constituency) constituency do anything forbidden by the Act, or these Rules or Bye-laws thereunder. Date: Signature of the Polling/Counting Agent, Signed before me. Date: Returning Officer/Polling Officer. Form 10-B [See rule 54A(3)] Common form for appointment of Polling Agent and also to work as Counting Agents. Election to the Market Committee Tahsil District for the Constituency. To, The Returning Officer/Presiding Officer I, Candidate of present election do hereby request you that, I have appointed Polling Agents at Polling Station No. Place as under for Poll to be held on These Polling Agents shall also work and act as Counting Agents at the time of counting of votes on

1. Shri Address

2. Shri Address

Signature of the candidate. I agree to act as Polling/Counting Agent Date: Signature of the Polling/Counting Agent. N. B. - (1) The form duly filled and signed by the candidate shall be presented in duplicate. (2) Declaration of Polling/Counting Agent to be signed before the Returning Officer/Polling Officer. I, hereby declare that I will not, at this election for / (Name of Constituency) do anything forbidden by the Act or these Rules or Bye-laws thereunder. Signature of the Polling/Counting Agent, Signed before me Date: Returning/Polling Officer. Form 10-C [See rule 54A(4)] Appointment of Counting Agent Election to the Market Committee Tahsil District from Constituency. To, The Returning Officer I, a candidate for the present election do hereby request you that, I have appointed -

1. Shri Address

2. Shri Address

as Counting Agent to attend the counting work on (date) at (Place) at (time). Date: Signature of the candidate. I agree to act as Counting Agent Date

:Signature of the Counting Agent.N.B. - (1) Not more than two counting agents shall be appointed.(2)This Form duly filled in and signed by the candidates shall be presented to the Returning Officer in duplicate.Declaration of Polling/Counting Agent to be signed before the Returning /Polling Officer.I, hereby declare that I will not do anything forbidden by the Act or these Rules or Bye-laws thereunder at this election for/(Name of Constituency) of/(Name of Committee)Signature of the Polling/Counting Agent.Signed before meDate :Returning/Polling Officer.Date:Form 11[See rule 60(1)]Form of Ballot PaperThe Agricultural Produce Market CommitteeElection for Constituency.

Name of Candidate Symbols assigned Voter's mark

1 2 3

Note. - Serial number of each ballot paper shall appear at the top on the front side.[Form 11-A] [Form 11-A was inserted by G. N. of 18.2.1971.]List of Blind and Infirm VotersElection to the from the ConstituencyNumber and Name of the Polling Station

Part No. and Full name of elector, Serial number of elector.	Full name of companion	Address of companion	Signature of the companion
---	---------------------------	-------------------------	-------------------------------

Date :Signature of the Presiding Officer.[Form 11-B] [Forms 11B, 11C and 11D were inserted by G. N. of 7.6.1990.][See rule 61 A(2)(c)]Election to the from the Constituency.No. and name of Polling Station in APMC constituency/name of place of poll

Serial No. of entry	Name of elector	Serial number of	Signature or thumb impression of the person challenged
---------------------	-----------------	------------------	--

Part of roll	Elector's name in that part
--------------	-----------------------------

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

Date :Signature of Presiding Officer.Form 11-C[See rule 83]Result Sheet..... Election to the Agricultural Produce Market Committee Taluka District.

Serial No.	Name of the elected member	Full address of the elected member	Constituency from which elected
---------------	-------------------------------	---------------------------------------	------------------------------------

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

Form 11-D(See rule 83)Certificate of ElectionI Returning Officer, hereby certify that Shri.....
has been declared elected from constituency of the
Agricultural Produce Market Committee at the election held for the period

.....Place:Returning Officer.....Date:Form 12[See rule
66(2)]Tendered Votes List Election to the Agricultural Produce Market
Committee Constituency.Polling Station.....No. of Polling Station, if any.....

Serial No. of the entry	Name of the voter	Serial number of the voter in the list of voters	Address of the voter	Serial number of tendered ballot paper	Serial number of ballot paper issued to the person who has already voted	Signature or thumb impression of the voter
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Date :.....Signature of the Presiding Officer.Form 13[See rule
69]Ballot Paper AccountElection to the Agricultural Produce Market Committee
for Constituency.Polling Station

Sr. No.	Total No.
------------	--------------

1. Number of ballot papers received by the Presiding Officer at the Polling Station or if the Polling Station has more than one booth at each booth
2. Number of ballot papers issued to voters
3. Number of unused ballot papers returned
4. Number of ballot papers cancelled
5. Number of tendered ballot papers used
6. Number of ballot papers in ballot boxes

DateSignature of the Presiding Officer.Note. - If a polling station has more than one polling booth separate account in this form shall be attached to this account in respect of each such polling booth.DateSignature of the Presiding Officer.Form 14[See rules 76(2) and 79]Result SheetElection to the
Agricultural Produce Market Committee from the Constituency

Polling Station	Number of valid votes cast in favour of	Number of	Number of tendered votes	Remarks
-----------------	--	--------------	--------------------------------	---------

Serial No.	Name	A	B	C	D etc.	Valid votes	Rejected votes	Total votes for Polling Station
------------	------	---	---	---	--------	----------------	-------------------	---------------------------------------

Total number of
votes at
Polling Station

Date:.....Returning OfficerPlace:Form 15[See rule 81]Form of Return of
Election.....Agricultural Produce Market CommitteeElection
for.....Constituency.....19

Name of Candidate Name of valid votes given for the candidate

- 1.
- 2.
- 3.
- 4.
- etc.

Total No. of valid votes

Total No. of invalid votes

Total No. of tendered votes

I declare that -Name.....Address.....has been duly elected.....Signature of Returning Officer.Dated the.....day of.....19.....Form 16[See rule 116 (1)]Cash BookYearName of the Agricultural Produce Market Committee

RECEIPTS PAYMENT

General					General				
Credit	Individual ledger				Debit	Individual ledger			
Date	Voucher	ledger No. No.	Particulars	Amount	Date	Voucher	ledger No. No.	Particulars	Amount
	No.	and folio	and folio			No.	and folio	and folio	

Rs. P.

Form 17[See rule 116(1)]General LedgerYearName of the Agricultural Produce Market CommitteeAccountAmount sanctioned in the budget (Original Supplementary By reappropriation) (only for items of expenditure)

Date Cash book folio No. Particulars Receipts Disbursement Balance Remarks

Credit Debit

1	2	3	4	5	6	7	8
			Rs. P.	Rs. P.	Rs. P.	Rs. P.	

Form 18[See rule 116(1)]Individual LedgerYearName of the Agricultural Produce Market Committee.....Account.....

Date Cash book folio No. Particulars Receipts Disbursement Balance Remarks

Credit Debit

1	2	3	4	5	6	7	8
			Rs. P.	Rs. P.	Rs. P.	Rs. P.	

Form 19[See rule 116(1)]Market Fee RegisterName of the Agricultural Produce Market Committee.....

Name of the Licence Holder/| General Commission AgentTraderProcessor

Date From or through whom purchased Commodity Quantity or Number purchased Rate at which purchased

Name Bill No. or Account Slip No.

(1)	(2)	(3)	(4)	(5)	(6)
					Rs. P.
Value of product	Rate of market fee per cent/ per head	Total market fee	Date of recovery of market fee	Remarks	
Voucher No.	Date				
(7)	(8)	(9)	(10)	(11)	(12)
Rs. P.	Rs. P.	Rs. P.			

Form 20[See rule 116(1)]Licence Fee RegisterName of the Agricultural Produce Market Committee
.....Year.....Page No.

Serial No.	Date	Receipt No.	Name of the	Address	Category of licence and licence fee					
Licence holder	Firm	G.C.A.	Trader	Broker	Weighmen/ Measurer	Surveyor				
1	2	3	4	5	6	7	8	9	10	11
						Rs.	Rs.	Rs.	Rs.	Rs.
Warehouse man	Processor	Carting or clearing Agent	Hamal	Others	Assistant to Commission Agent Broker/ Trader	Assistant to carting and clearing agent	Remarks			
12	13	14	15	16	17	18	19			
Rs.	Rs.	Rs.	Rs.	Rs.						

Form 21[See rule 116(1)]Register of licence holders for operating as Commission Agent or Trader or BrokerName of the Agricultural Produce Market Committee.....YearPage No.

S. No.	Name of the	Address	Category of licence	Year			
Licence holder	Firm	Commission Agent	Trader	Resolution No.	Date of Resolution No.	Licence No. and Date	
1	2	3	4	5	6	7(a)	7(b) 7(c)
Year	Year		Remarks				
Resolution No.	Date of Resolution No.	Licence No. and Date	Resolution No.	Date of Resolution No.	Licence No. and Date		
8(a)	8(b)	8(c)	9(a)	9(b)	9(c)		10

Form 22[See rule 116(1)]Forms and Account Books RegisterName of the Agricultural Produce Market CommitteeParticulars of the form or registerYear
Date

	Opening balance (No. of forms or books)	Receipts (No. of forms or books)	Total (No. of forms or books)	To whom issued	No. of the forms or books issued
1	2	3	4	5	6

Value (if priced)	Signature of the receiver	Balance No. of forms or books	Signature of the Secretary	Remarks
7	8	9	10	11

Rs. P.

Form 23[See rule 116(1)]Stationery RegisterName of the Agricultural Produce Market Committee

.....Item of StationeryYear Unit

Date Opening stock Receipts Total No. issued To whom issued

1	2	3	4	5	6
---	---	---	---	---	---

Signature of the receiver	Closing stock	Signature of the Clerk-in-charge	Remarks
7	8	9	10

Form 24[See rule 116(1)]Dead-Stock RegisterName of the Agricultural Produce Market Committee
.....Year

Name of the article and No. of pieces.	Resolution approving purchase	Date of purchase	Value	Depreciation charged
Year	Amount			
1	2	3	4	5
		Rs.(1)(2)(3)		

Date of disposal	Resolution No. and date authorising disposal	Amount realised	Remarks
6	7	8	9

Form 25[See rule 116(1)]Pay RegisterMonth yearName of the Agricultural Produce Market Committee

Serial No.	Name of the employee	Designation	Pay-scale	Present Pay and rate at which allowances paid
1	2	3	4	5

Period for which salary paid	Pay Dearness allowance	Other allowance	Total of columns 7 to 9
6	7	8	9
			10

Deductions	Total deductions	Net amount paid	Signature of the employee
	Advances, if any		Income Tax

Provident fund contribution		Insurance premium		
11	12	13	14	15 16 17

Form 26[See rule 116(1)]Government Loan RegisterYearPage No.The Agricultural Produce Market Committee.....

Serial No.	Date of application and Resolution	Amount of loan sanctioned	Purpose for which loan sanctioned	No. and date of the order and the authoritysanctioning loan
(1)	(2)	(3)	(4)	(5)

Rate interest and penal interest	Due date of repayment	Annual installment	
Loan	Interest	Penal Interest, if any	Total
(6)	(7)	(7)(a)	(7)(b) (7)(c) (7)(d)

Amount repaid	Chalan No. and date under which installment ofprincipal and interest paid	Balance	Remarks
Principal	Interest	Penal Interest, if any	Total
(8)(a)	(8)(b)	(8)(c)	(8)(d) (9) (10) (11)

Form 27[See rule 116(1)]Property RegisterName of the Agricultural Produce Market Committee

Serial No.	Nature of the property (land, buildings, etc.)	Description of the property (Sr. No. House No.,Area, etc.)	Valuation of property	From whom purchased
If constructed, actual cost of construction		Date of purchase or completion of construction	Valuation after depreciation	Remarks
Year	Value			