







**The Maharashtra Agricultural Produce Marketing  
(Development and Regulation) Rules, 1967**

**(Sixth Edition)**

**(As corrected by Corrigendum dated 29.11.2010)**

# The Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967

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# The Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967

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

## Chapter I Preliminary

### 1. Short title.

These rules may be called the Maharashtra Agricultural Produce Marketing

+ [(Development and Regulation)] Rules, 1967.

+ Substituted for the word "(Regulation)" by Notification No. Krubas, 2005/C R-608/11-C, dated 4.6.2007. See also Notification No. Krubas. 2007/CR-254/11-C, dated 02.11.2007.

### 2. Definitions.

In these rules, unless the context requires otherwise.

- (i) <sup>1</sup>["**Act**"] means the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 (Mah.XX of 1964);
- (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) **"Cooperative marketing or processing society"** means a cooperative 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;
- <sup>2</sup>[(v) **"Counting agent"** means a person appointed by a candidate to be his counting agent, with the previous approval of the Collector, or the District Deputy Registrar, as the case may be;
- (vi) **"Election agent"** means a person appointed by a candidate to be his election agent, with the previous approval of the Collector, or the District Deputy Registrar, as the case may be;]
- (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 market functionary in any market or market area under the Act;
- (x) **"Market year"** means the year commencing on the <sup>3</sup>[1st day of April and ending on the 31st day of March], next following;
- (xi) **"Market charges"** includes charges on account or in respect of commission, brokerage, weighing, measuring, hamali (loading, unloading and carrying), cleaning, sieving, stitching, stacking, hiring gunny bags, stamping, 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 in a Market area or in any market therein and declared to be so in the byelaws of the Market Committee;



- (xiii) **"Notice board"** means the board placed in or near the office of a Market Committee for the purpose of displacing notices thereon;
- <sup>4</sup>[(xiii-a) **"Operational and working guidelines"** means the operational and working guidelines for the working of direct marketing, private market and farmer-consumer market as provided in rule 4K;]
- (xiii-b) **"Person"** means any individual and includes any partnership firm, body corporate, company, co-operative society, Government organization and non-Government organization;]
- <sup>5</sup>[(xiv) **"Polling Officer"** means a Polling Officer appointed by the Returning Officer for the purpose of any election under Chapter III of these rules;
- (xv) **"Presiding Officer"** means a Presiding Officer appointed by the Returning Officer for the purposes of Chapter III of these rules.
- (xvi) **"Returning Officer"** means a Returning Officer appointed by the Collector or, as the case may be, the District Deputy Registrar, and includes "Assistant Returning Officer" for the purposes of any election under Chapter III of these rules;]
- (xvii) **"Section"** means a section of the Act;
- (xiii) **"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 depositors) and includes a warehouse licensed under the Bombay Warehouses Act, 1959 or run under the Warehousing Corporation Act, 1962 but does not include a clock 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.

<sup>4</sup>[(xx) Words and expressions used in these rules but not defined herein, shall have the meanings respectively assigned to them in the Act.]

1. Substituted by Notification No. Krubas. 2005/C R-608/11-C, dated 4.6.2007. See also Notification No. Krubas. 2007/CR-254/11-C, Dated 02.11.2007.
2. Substituted by Notification No. Krubas. 2007/CR-254/11-C, dated 02.11.2007
3. Substituted for "1" day of October and ending on the 30th day of September" by Notification No. Krubas, 2005/CR-608/11-C, dated 4.6.2007.
4. Inserted by Notification No. Krubas. 2005/CR-608/11-C, dated 4.6.2007.
5. Substituted by Notification No. Krubas, 2007/CR-254/11-C, dated 2.11.2007

### **3. Additional mode of publication of notifications under Section 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 s.4 regulating the marketing of agricultural produce in any area shall <sup>+</sup>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 Cooperative Societies within whose jurisdiction such area is situated.]

- + Substituted for the word beginning from "in addition to their publication" and ending with the words " in any such area" by Notification No. APM 1088/6524/37/11C, dated 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 S.3 and require the officer to submit to it his report. +---
- (2) The Enquiry Officer may, for enabling him to make the report, by notice require the persons making the suggestions and objections to appear before him not earlier than fifteen days from the date of the notice in person or through a representative at the place and time specified in the Notice. The Enquiry Officer after hearing the persons, shall \*[[within a period of #(two months)] from the date on which the hearing was given or if there be more than one day on which the hearing was given, 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 marking of agricultural produce in the area specified in the notification. After the question is decided, the State Government may issue the notification under subsection (1) of section 4 in terms of such decision.

+ The words "within a reasonable time" deleted by Notification No. APM. 1167/25332 (Part III) C1 dated 18.2.1971.

\* Substituted for the words "within a reasonable time" by Notification No. 1167/25332 (Part III) C1 dated 18.2.1971.

# The words "Six months" substituted by Notification No. APM 1088/6524/37/11C, dated 7.6.1990

**+ [4A Non-application of provisions of rules 3 and 4 to direct marketing, private market and farmer-consumer market.**

Nothing in rules 3 and 4 shall apply to the direct marketing defined under clause (ea), farmer-consumer market defined under clause (f1) and private market defined under clause (ma) of section 2.]

+ inserted by Notification No. Krubas. 2005/CR-608/11-C, Dated 4.6.2007

**+ [Chapter-IA**

**Licencing For Direct Marketing, Establishment of Private Market And Farmer-consumer Market**

**4B. Issuance of licence for direct marketing.**

- (1) Any person desiring to purchase agricultural produce directly from the agriculturists in one or more than one market area, shall make an application in writing to the Director in FORM A for grant of a licence or renewal thereof, alongwith the documents prescribed in that Form, with a license fee mentioned in sub-rule (3).
- (2) Alongwith the application for licence, the applicant shall furnish the details of the centers to be opened for procurement in FORM B. He shall also submit to the Director the names of the new centers he would open in the course of his business within a period of three days of their opening, in FORM C.
- (3) The licence fee for direct marketing shall be repees fifty thousand for operating in the whole State and rupees fifteen thousand per Division.
- (4) A Bank Guanantee worth rupees fifteen lacs shall be deposited with the Director, while applying for a licence of direct marketing for operating in the area of whole State or more than one Division, and rupees ten lacs for one Division. However, the Government organisations and local authorities shall be exempted from this sub-rule.

- (5) On examination of the application made under sub-rule (1), the Director shall record the date of receipt of such application in the register maintained in FORM D. On examination of the application and ascertaining that the necessary licence fee has been deposited, the Director shall issue a licence in FORM E within a period of thirty days of receipt of the application.

#### **4C Issue of Licence to establish private market.**

- (1) Any person desiring to establish a private market in one or more than one market area, shall make an application in writing to the Director in FORM AA for grant of a licence or renewal thereof, along with the documents prescribed in that Form, with a licence fee mentioned in sub-rule (2), after he has complied with the following:-
- (a) No Private market shall be located within the market area of the Bombay Agricultural Produce Market Committee.
- <sup>+</sup>[(b)-----]
- (c) The private market shall be established, on minimum ten acres of land with clear title or leasehold title having the lease agreement for minimum period of thirty years with a peaceful possession, at district place with Municipal Corporation or on five acres of land with clear title or lease hold title having the lease agreement or minimum period of thirty years with a peaceful possession, at other places.
- (d) Necessary infrastructure like auction hall, sheds, godowns, cold storages, electrical weigh bridges, internal roads, drinking water and toilets etc., with the investment of rupees five crore including the cost of land near the district place with Municipal Corporation or similar kind of infrastructure with the total investment of rupees two crore near the main market yards of other district places, and similar kind of infrastructure worth rupees one crore at all other places, shall be created by the applicant.

- (2) The licence fee for establishing a private market near the district places having Municipal Corporation shall be rupees fifty thousands, and rupees twenty-five thousands for all other places.
- (3) A Bank Guarantee worth rupees twenty lacs shall be deposited with the Director, while applying for a licence to establish private market near the district place having Municipal Corporation and rupees five lacs shall be deposited with the Director, while applying for a licence to establish private market at all other places. However, the Government organisation and local authorities shall be exempted from this sub-rule.
- (4) On receipt of the application made under sub-rule (1), the Director shall record the date of receipt of such application in the register maintained in FORM D. On examination of the application and ascertaining that the necessary licence fee has been deposited, the Director shall verify all the documents submitted by the applicant along with the application and after taking the inspection of the infrastructure which has been created as mentioned in clause (d) of sub-rule (1), shall issue the license in FORM E to the applicant within a period of thirty days from the date of receipt of the application.
- (5) A licence of a private market can be granted to the Commodity Exchange registered under the Forward Market Commission, and all the provisions relating to the private markets in these rules, except the provisions concerning geographical location, possession of land shall be applicable to such Commodity Exchange. The Commodity Exchange shall pay every month, 75 percent of the market fees as prescribed, to the Market Committee in whose market area the purchase transaction takes place and also pay the cost of supervision at the rate specified by the State Government under sub-section (2) of section 34A, to the State Government by treasury challan and shall be required to submit a return in writing to the concerned Market Committee and the Director, giving details of commodities purchased in the respective market areas and the amount of market fees and cost of supervision paid, respectively. The Commodity Exchange declared as a private market under these rules shall retain 25 per cent of the

market fees collected, for the purpose of developing and maintaining the infrastructure provided by them.

- (6) No licence for establishing a private market shall be granted to the direct marketing license holder.

+ Cl.(b) of sub-rule(1) stands deleted by Notification No. KPN 2010/C.R.10/21-C, dated 22.6.2010 read with corrigendum dated 29.11.2010

#### **4D Issue of license to establish farmer-consumer market.**

(1) Any person desiring to establish a farmer-consumer market in one or more than one market area, shall make an application in writing to the Director in FORM AA for grant of licence or renewal thereof, along with the documents prescribed in that Form, with a licence fee mentioned in sub-rule(2), after he has complied with the following:-

- (a) No farmer-consumer market shall be established within the market area of the Bombay Agricultural Produce Market Committee.
- (b) The farmer-consumer market shall be established on minimum one acre of land with clear title or leasehold title having the lease agreement for minimum period of thirty years with a peaceful possession. The applicant shall create an infrastructure like auction hall, sheds, drinking water facilities, toilets, internal roads etc., with the total investment not less than rupees ten lacs including the cost of land.

- (2) The licence fee for establishing a farmer-consumer market shall be rupees ten thousands.
- (3) A Bank Guarantee worth rupees one lac shall be deposited with the Director, while applying for a licence to establish farmer - consumer market. However; the Government organisations and local authorities shall be exempted from this sub-rule.
- (4) On receipt of the application made under sub-rule (1), the Director shall record the date of receipt of such application in the register maintained in FORM D. On examination of the application and ascertaining that the necessary licence fee has been deposited, the Director shall verify all the documents submitted by the applicant alongwith the application and after taking the inspection of the infrastructure which has been created, shall issue the licence in FORM E to the applicant within a period of thirty days from the date receipt of the application.
- (5) The farmer in the farmer-consumer market shall not be permitted to sell more than ten Kilogram fruits and vegetables or other perishable agricultural produce and fifty Kilogram food grains or other non-perishable agricultural produce to one Consumer.
- (6) The farmer-consumer market licence holder shall not be granted license for direct marketing.

**4E. Refusal to grant licence for direct marketing, to establish private markets and farmer-consumer markets:-**

Notwithstanding anything contained in rules 4B, 4C and 4D, the Director may for reasons to be recorded in writing as provided under clause (c) of sub-section (3) of section 5D, and for failure to comply with the provisions of these rules, may refuse to grant a licence to any person, for direct marketing, to establish private market and farmer-consumer market;



Provided that, no licence shall be refused unless a reasonable opportunity of being heard has been given to the applicant.

#### **4F. Settlement of Disputes.**

- (1) Any dispute between the direct marketing licence holder, private market licence holder, farmer-consumer market licence holder and the Market Committee, agriculturist, trader, consumer shall be filed in writing by the complainant himself or his authorised representative to the Director with the court-fee stamp of rupees twenty alongwith the necessary documents, within a period of sixty days from the date of arising of the dispute.
- (2) The Director shall give his decision after giving an opportunity of being heard to the concerned parties and making necessary inquiry, within a period of sixty days of receipt of the complaint. The Director may also *suo-motu* entertain such disputes and give decisions within a period of sixty days.
- (3) The disputes may also include:-
  - (a) Dispute regarding the payments to be made to the farmers for purchase of agricultural produce from him while dealing in the direct marketing or private markets or farmer-consumer markets;
  - (b) Dispute as to the jurisdiction (Area of operation)
  - (c) Dispute regarding the weight of agricultural produce, price, charges, fees, taxes etc.
  - (d) Any other dispute tenable under the Act and the rules made thereunder.

**4G. Power to revoke bank guarantee.**

- (1) The Director shall revoke the bank guarantee furnished by the direct marketing licence holder, private market licence holder, and the farmer-consumer market licence holder in the event of,
  - (a) failure of direct marketing license holder to make due payments to the agriculturists from whom he has directly purchased the agricultural produce.
  - (b) failure of private markets to ensure due payments being made by the traders to the agriculturists.
  - (c) failure to pay supervision cost as per rule 4-H
- (2) The Director shall have a right to forfeit the whole amount of bank guarantee if the dues to be paid by the license holder to the agriculturists are more than fifty percent of the bank guarantee or the license holder is continuously in default for more than three times in making payments to the agriculturist or if the dues are more than ten percent of the goods purchased in one month.
- (3) The license holder shall recoup the bank guarantee within a period of one month from the date of action taken under sub rule (1) or (2), otherwise the license of the license holder shall be cancelled.

**4H. Powers of direct marketing license holder, private market license holder and farmer-consumer market license holder to levy fees.**

- (1) Subject to the minimum and maximum rates of fees fixed by the State Government by notification in the *Official Gazette* under section 31, it shall be competent to a private market and farmer-consumer market to levy and collect fees from every purchaser at such rates as may be decided by it, on the agricultural produce marketed in the market area;

Provided that, the agriculture produce brought in the market for the purposes of export or processing, as the case may be, shall be exempted from payment of fees.

- (2) The direct marketing license holder shall pay the market fee on the commodities purchased by him within a period of fifteen days of purchase to the Maharashtra State Agricultural Marketing Board who shall distribute the same to the concerned market committees within a period of one month;

Provided that, the agriculture produce purchased with an intention of export or processing, as the case may be, shall be exempted from the payment of such fees.

- (3) The direct marketing license holder shall within a period of three days of purchase of any agricultural produce in any market area for the purpose of export or processing, as the case may be, make a declaration in FORM F to the Director, and shall submit sufficient proof about the export or processing of the agricultural produce within a period of thirty days of purchasing it.

#### **4-I Manner of payment of cost of supervision in direct marketing, private market, farmer-consumer market.**

- (1) In case of direct marketing, private market and farmer-consumer market the respective license holder shall collect the cost of supervision in the market area from the purchaser at the rate notified by the State Government under sub-section (2) of section 34-A.
- (2) The direct marketing license holder, private market license holder and farmer-consumer market license holder 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 challan in Government Treasury.

**4-J Duties and responsibilities of direct marketing license holder, private market license holder and farmer-consumer market license holder:-**

- (1) the private market license holders and farmer-consumer market license holders shall set up the basic infrastructure facilities like, auction halls, sheds, godowns, cold storages, electronic weigh bridges, drinking water, toilet etc.
- (2) The license holder of the direct marketing, private market and farmer consumer market shall frame the operational and working guidelines for the administration and regulation of the respective markets and shall submit the draft of the same alongwith the application for license. Such guidelines shall be in consonance with the provisions of the Act and the rules made thereunder.
- (3) The direct marketing license holder, the private market license holder and the farmer-consumer market license holder shall furnish all the necessary information to the Director or the officers duly authorised by him as he may require in this behalf.
- (4) The direct marketing license holder, the private market license holder and the farmer-consumer market license holder shall also be responsible for:-
  - (a) keeping a copy of the operational and working guidelines open to inspection free of charge at it's office; and
  - (b) 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 retail or for any other activity which is against public policy or public moral.

- (5) The direct marketing license holder, the private market licence holder and the farmer-consumer market license holder shall maintain a register showing the fees and all other charges collected by them.
- (6) At the end of each market year the direct marketing licence holder, the private market licence holder and the farmer-consumer market licence holder shall submit annual report before the 31st day of May which shall contain such information as stipulated by the Director.
- (7) In private market every agricultural produce may be sold by public auction. When any declared agricultural produce is sold by public auction in the private market, 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 who exercises the option shall communicate his decision to the trader concerned before the expiry of the time which the private market license holder may fix for auction sale in the concerned market;  
Provided further that, the Director may permit the sale of the agricultural produce by tender system or by sample or by open agreement as he deems fit.
- (8) Every price quotation made by a trader, commission agent or worker in respect of any declared agricultural produce in direct marketing or private market shall always be exclusive of the container thereof.
- (9) The direct marketing license holder and the private market license holder shall keep regular and proper accounts of every sale transaction of agricultural produce in a Register specified by the Director in that behalf.

*Explanation:* Making of entries collectively relating to more than one transaction shall not be deemed to be keeping regular and proper accounts within the meaning of this sub-rule.

- (10) Every trader operating in a private market and the direct marketing license holder shall, immediately after weighment or measurement of the declared agricultural produce, issue a bill in the form prescribed in the operational and working guidelines, furnishing details (including price) of all the agricultural produce sold by him. The trader operating in a private market shall retain one copy of the bill with himself and submit one copy to the private market license holder, one copy to the purchaser and one copy to the seller. However, the direct marketing license holder shall retain one copy of the bill with himself and give one copy of the same to the concerned purchaser.
- (11) The private market license holder shall grant licenses to the traders, commission agents and weighmen on such terms and conditions provided in the operational and working guidelines made in this behalf.
- (12) The provisions of the Bombay Weights and Measures (Enforcement) Act, 1958 (Bom. LXIX of 1958), shall be applicable to the direct marketing, private markets and farmer - consumer markets.
- (13) Every trader, commission agent, broker, processor, weighman, measurer, warehouseman and surveyor and such other market functionary as the private market license holder may specify in this behalf, licensed under these rules shall keep such books in such forms and submit such periodical returns and at such time and in such form as the Director may, from time to time, specify.

- (14) Every direct marketing license holder, the private market license holder and the farmer-consumer market license holder shall maintain daily a list of prices of the different varieties and grades of declared agricultural produce marketed in the market area, and such information shall be displayed for the use of persons operating in the market in such manner that it is readily available to them.
- (15) All directions issued by the private market license holder and farmer-consumer market license holder for the guidance of persons using the market or operating in the market area, shall be displayed on the notice board or cause such notices to be served on persons concerned or to be published in the newspapers having wide circulation in the market area.
- (16) (a) Immediately after any agricultural produce is weighed or measured in the direct marketing or private market or farmer-consumer market, 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. The payment of the goods shall be made to the agriculturist on the same day of weighing or measuring of the goods and after deducting the legitimate charges only;  
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.
- (b) For the purpose of ascertaining that, payment for the agricultural produce sold in the private market is made to the seller as required by these rules, the private market shall through its officers specially empowered by it in this behalf, arrange for the periodical inspection of books of accounts of traders and commission agents operating in the said market or shall make inquiry, as the case may be.

- (17) The charges payable to a licensed commission agent, broker, weighman, measurer or surveyor in respect of his services, in the private market and farmer-consumer market as also other market charges, shall be such as may be specified in the operational and working guidelines, subject to the maximum as may be determined by the Government, from time to time
- (18) No person operating in any direct marketing, private market or farmer-consumer market shall adulterate any declared agricultural produce or shall cause such produce to be adulterated and it shall be duty of every direct marketing license holder, private market license holder and farmer-consumer market license holder 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 sub-rule, adulteration of agricultural produce assigned the same meaning as defined under the Prevention of Food Adulteration Act, 1954 (Act 37 of 1954).
- (19) The private market license holder and farmer-consumer market license holder may arrange to store the agricultural produce brought by the cultivator in its market, when it is not sold or when the cultivator desires to store the agricultural produce till he obtains better price, in their godowns or godowns of the purchasers or processors or warehousemen. The private market license holder and the farmer-consumer market license holder shall fix every year, the charges for such storages.

#### **4K. Power to order production, inspection and seizure of documents.**

The Director shall have powers to direct the various functionaries operating in the private markets and farmer-consumer markets and direct marketing licence holder to produce documents and records before him or shall have power to enter in the premises for inspection or seizure of the record and to take action against them as per the provisions of the Act, rules and operational and working guidelines of the licence holder.



#### **4L. Manner of inquiry and inspection.**

- (1) An order authorizing inquiry or inspection under section 40 shall, amongst other things contain the following:
  - (a) The name of the persons authorized to conduct the inquiry or inspection;
  - (b) The name of the direct marketing license holder, private market license holder and farmer-consumer market license holder or whose affairs are to be inquired into or whose accounts and records are to be inspected;
  - (c) The specific point or points on which an inquiry or inspection is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Director;
  - (d) Any other matter relating to the inquiry or inspection.
- (2) If the inquiry or inspection cannot be completed within the period specified in the order referred to in sub-rule(1), the person conducting the inquiry or inspection shall submit an interim report stating the reasons for not completing inquiry or inspection in time and the Director, if he is satisfied, may grant such extension of time for completion of the inquiry or inspection as he may deem necessary or he may withdraw the inquiry or inspection from the person to whom it is entrusted and hold the inquiry 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 authorized to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the direct marketing license holder, private market license holder and farmer-consumer market license holder 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 respective markets in regard to the transactions and working of the respective markets as he deems necessary for the conduct of such inquiry or inspection.

- (4) The person authorized to conduct the inquiry 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 therefore supported by such documentary or other evidences as recorded by him during the course of his inquiry or inspection. The Director shall pass orders of suspension or cancellation of license as may be considered just after giving a reasonable opportunity of being heard to the concerned person including the direct marketing license holder, private market license holder and farmer-consumer market license holder.

#### **4M. Appeals.**

A person aggrieved by the decision of the Director under the clause (a) of sub-section(4) of section 5D desiring to file an appeal to the State Government, shall comply with the following requirements:-

- (i) The appeal memo should be in writing and duly signed and verified by the appellant;
- (ii) The certified copy of the decision or order should be accompanied with the appeal memo;
- (iii) The appeal should be properly stamped;
- (iv) The appellant shall, when so required by the appellate authority deposit a sum money as may be directed by the appellate authority;
- (v) The appeal may be filed personally or through an advocate of the appellant.

**4N. Non-application of provisions of rules 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 4J, 4K, 4L, 4M of this Chapter existing Agricultural Produce Market Committees and Traders.**

Nothing in this Chapter shall apply to the existing Agricultural Produce Market Committees and Traders obtaining license for operating in more than one market area.]

Inserted by Notification No. Krubas, 2005/CR-608/11-C, dated 4.6.2007

**+ [Chapter - IB  
Contract Farming Agreement**

**4-O Registration of Contract Farming Sponsor.**

- (1) The Contract Farming Sponsor for getting himself registered shall make an application in writing to the District Deputy Registrar of Co-operative societies, in Form G alongwith the documents prescribed in that Form, with a fee of rupees five hundred paid by challan in the Government treasury.
- (2) On examination of the application made under sub-rule(1), and after ascertaining the payment of necessary fee for registration, the Deputy District Registrar of Co-operative Societies shall, record the particulars of such application in the register maintained in Form H and dispose of the application within a period of sixty days from the date of receipt of the application.
- (3) The Contract Farming Agreement between the Contract Farming Producer and the Contract Farming Sponsor shall normally be in Form 1. However, the Contract Farming Producer and the Contract Farming Sponsor shall be at liberty to mutually decide the terms and conditions of the Contract Farming Agreement which shall not be contrary to the provisions of the Act and the rules made thereunder.

- (4) The Contract Farming Sponsor shall submit the original copy of the Contract Farming Agreement entered with the Contract Farming Producer in Form 1 for recording to the District Deputy Registrar of Co-operative Societies, who shall acknowledge the same.
- (5) Any dispute arising out of the contract Farming Agreement shall be referred to the District Deputy Registrar of Co-operative Societies by making an application in writing accompanied with a court-fee stamp of rupees twenty for the purpose of settlement. The District Deputy Registrar of Co-operative Societies after verifying the documents shall give his decision within a period of thirty days after giving an opportunity of being heard to the concerned parties.
- (6) Any person who is aggrieved by the decision of the District Deputy Registrar of Co-operative Societies under sub-rule (5) may, within a period of thirty days from the date of such decision, file an appeal to the Divisional Joint Registrar of Co-operative Societies in writing, which shall be accompanied with a court-fee stamp of rupees twenty, and a copy of such decision appealed against. The Divisional Joint Registrar of Co-operative Societies shall decide the appeal within a period of thirty days from the date of receipt thereof and the decision given by the Divisional Joint Registrar of Co-operative Societies shall be final.
- (7) The Contract Farming Sponsor shall be liable to pay the cost of supervision to the State Government at the rate notified by the State Government under sub-section (2) of section 34A and submit a copy of the treasury challan regarding such payment to the District Deputy Registrar of Co-operative Societies. If the Contract Farming Sponsor has purchased the produce with an intention to export or processing, then he shall inform the same to the District Deputy Registrar of Co-operative Societies in Form F. The Contract Farming Sponsor shall submit a certificate to the District Deputy Registrar of Co-operative Societies that, he is exporting or processing the produce within a period of ninety days from the date of purchase. The Agricultural Produce purchased under the Contract Farming Agreement may be sold anywhere by the Contract Farming Sponsor.

- (8) Notwithstanding anything contained in the Contract Farming Agreement, no Contract Farming Sponsor shall raise permanent infrastructure of any kind or create any leasehold rights or charge whatever nature on the land of the Contract Farming Producer.
- (9) The Contract Farming Agreement shall be entered by the Contract Farming Sponsor exclusively for the purchase of the agricultural produce from the Contract Farming Producer and it shall be construed to mean only as such for all purposes.
- (10) The minimum period of Contract Farming Agreement shall be for one crop season, and the maximum period shall not be more than three years.
- (11) The recovery of loans and advances given by the Contract Farming Sponsor to the Contract Farming Producer shall be recovered only from the agricultural produce and in no case by sale of the land regarding which the Contract Farming Agreement has been entered into].

+ Chapter-IB inserted by Notification No. Krubas-2003/CR-306/11-C dated 4.6.2007

## **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 license 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.

### **Short Notes**

The Supreme Court has considered the language of rule 5 read with section 6 of the Act in case of Rameshchandra K. Porwal vs State of Maharashtra, A I R 1981 S C 1127 = (1981) 2 S C C 722. In para 13 of the judgement, the Supreme Court has said that:

“The argument was that Rule 5 which banned marketing of any declared market agricultural produce in any place in a market area other than the principal market or subsidiary market established therein applied only to a sale of agricultural produce by producer to a trader. We do not see any warrant for submission of the learned counsel in the language employed in section 6 or Rule 5. If the legislature or the rule making authority wanted to make a distinction between sale of agricultural produce by producer to a trader and subsequent sale by a trader to a trader, nothing would have been simpler than to say so instead of adopting the circumlocutions way in which the learned counsel claims it has been said. The proviso to Rule 5 speaks of operating at any place within the market area by trader, commission agent, or other market functionary after obtaining a license while the main provision refers to the marketing of declared agricultural produce at any place in the market area. Surely, it cannot be contended that the proviso is unrelated to the main provision.”

## 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 byelaws for a license or for renewal thereof, as the case may be, to the Market Committee alongwith the fee prescribed by the byelaws, 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 byelaws;  
<sup>1</sup>(or)
  - (b) cash security or bank or third person's guarantee required by the Director or prescribed by byelaws.
  - <sup>2</sup>[(c) -----]
- (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 license in Form I, or, as the case may be, renew it in that Form (such license 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, <sup>3</sup>[if a solvency certificate is not produced];
  - (iii) capacity for providing adequate equipment for smooth conduct of the business;
  - (iv) conduct of the applicant;
  - <sup>4</sup>[(v) -----]

(b) in the case of renewal of a license, also whether <sup>5</sup>[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 paid or payable to the Market Committee in the last preceding market year] the applicant has traded or not in the market area or whether the person has overtraded;

Provided that, no license 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, these rules and the bye laws.

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

<sup>9</sup>[(3A) Notwithstanding anything contained in sub-rules (1), (2) and (3), any trader desiring to operate in more than one market area, shall make an application in writing to the Director in FORM 1A for grant of a license or for renewal thereof, as the case may be, alongwith the license fee of rupees five hundred per market area.

(3B) On receipt of an application together with the fee, the Director shall record the date of receipt thereof on such application and shall complete an inquiry, as he deems fit and after satisfying himself on the points provided in sub-clauses (i) to (iv) of clause (a) of sub-rule (2), grant the applicant trader a license in FORM 1B, or as the case may be, renew it.



- (3C) The license holder shall inform the date on which he would commence the business in a particular market area to the concerned Agricultural Produce Market Committees. The license holder shall pay the market fees as per rule 32 and cost of supervision as per rule 34A to the concerned Market Committees on the quantum of agricultural produce purchased in the respective market areas.
- (3D) The name of such trader shall appear in the voters list of only such market committee and he shall be eligible to contest the election of only that market committee in whose market area he normally resides.]
- (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 license to any person, who in his or its opinion, is not solvent or in the case of renewal of license, 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 willfully obstructing, suspending or stopping the marketing of declared agricultural produce in the market area and in consequence thereof, the marketing of declared agricultural produce in the market area, the marketing of any such produce had been obstructed, suspended, or stopped. If any license is not granted or renewed the applicant shall be informed of the same and the reasons therefore and the license fee, if paid, shall be refunded to the applicant.
- (5) <sup>6</sup>[(a) On receipt of the application for grant or for renewal of the license, 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 of such application, within thirty days of its receipts.

- (b) When the license 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 license to the applicant.]
- <sup>7</sup>[(5A) An application for renewal of a license shall be made before <sup>10</sup>[28<sup>th</sup> or 29<sup>th</sup> February, as the case may be, every year]. It shall be competent for the Market Committee to accept an application made after the aforesaid date on payment of late fee at the rate of 10 percent of the license fee per day of default.]
- (6) The licenses shall be valid for the persons in whose names they are issued and shall not be transferable. Licenses 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 reason therefor.
- <sup>8</sup>[(7) Every license 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 license for three years, such grant or renewal shall be subject to the production by the licensee 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]

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

1. The word "or" added by Notification No. APM.2067/2475C1 dated 11.9.1968.

2. Clause (C) was added by Notification No. APM.1167/25332/(Part III)C1, dated 18.2.1971 but later on it is dated by Notification No. APM.1088/6524/37/11C, dated 1990.
3. The words added by Notification No. APM.2067/2475C1 dated 11.9.1968.
4. Clause (v) deleted by Notification No.APM.1167/25332/(part III)C1, dated 18.2.1971
5. The words added.
6. Sub-rule (5) substituted,
7. Sub-rule (5A) inserted,
8. Sub-rule (7) Substituted,  
Amendments 5 to 8 effected by Notification No. APM. 1088/6524/37/11C dated 7.6.1990.
9. Inserted by Notification No. Krubas. 2005/CR-608/11-C, dated 4.6.2007
10. Substituted for the words "31<sup>st</sup> August every year" by Notification No. Krubas. 2005/CR-608/11-C, dated 4.6.2007

## **7. Licenses 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 byelaws for the grant of a license 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 byelaws, if any, such fee not being in excess of maximum fees per market year indicated below, namely:

Category of License		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 license applied for in the form provided by sub rule(3) or, as the case may be, renew it in that Form, namely;

<sup>1</sup>[(i) Character of the applicant as it appears from the certificate of character given by any Gazetted Officer or a member of the State Legislature.]

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

<sup>2</sup>[(iii) -----]

<sup>3</sup>[(2A) An application for the renewal of a license shall be made before <sup>4</sup>[28<sup>th</sup> or 29<sup>th</sup> February, as the case may be, of the year] in which the period of the license 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 default]

(3) The Director or as the case may be, the Market Committee shall, when he or it decides to grant a license, grant the market functionary specified below a license 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 licenses under his signature;

Category of License		Maximum fees to be charged per market year Rs.
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 license being granted, shall execute an agreement in such form as may be approved by the Director or under byelaws, agreeing to abide by the provisions of the Act, these rules and the byelaws.
- (5) The license shall be valid for the persons in whose names they are issued and shall not be transferable. Licenses shall also be liable for cancellation or suspension for a breach of these rules or byelaws 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 license to any person if the conduct of such person is found to be detrimental to the efficient functioning of the market, or where the license is sought to be renewed, the person has remained absent without permission of the Market Committee Continuously for more than a month without any valid reason. If any license is not granted or renewed, the applicant shall be informed of the same and the reasons therefore and the license fee, if paid, shall be refunded to the applicant.

- (7) The license shall be granted or renewed for a period ending on the <sup>5</sup>[31<sup>st</sup> March] 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.
1. Clause (i) substituted, and
  2. Clause (iii) deleted by Notification No. APM 1167/25332(Part III)C1 Dated 18.2.1971.
  3. Sub-rule (2A) inserted by Notification No. APM 1088/6524/3711C dated 7.6.1990.
  4. Substituted for the words "31<sup>st</sup> August of the year" by Notification No. Krubas, 2005/CR-608/11-C, dated 4.6.2007.
  5. Substituted for the words "30<sup>th</sup> September" by Notification No. Krubas. 2005/CR-608/11-C, dated 4.6.2007.

## **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 license, shall purchase either in his name or in partnership with 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 trader's license 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 authorized 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 authorized 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 charge, shall be such as may

be specified in the byelaws +[subject to maximum and minimum, as may be determined by the Director, from time to time]

+ The words inserted by Notification No. APM.1088/6524/11C, dated 7.6.1990

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

- (1) Subject to the provisions of this rule, any market functionary 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 license by every market functionary.
- (4) No person other than those assistants whose names are entered in the license of a market functionary shall be allowed to operate in the market area or in any market on his behalf.
- (5) The license 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 license to operate in the market area or market therein on his behalf, irrespective of whether such a person was once an authorized 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 who license in 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 any where in the market area.



12. Disposal of declared agricultural produce.

+ [Every declared agricultural produce] shall be sold by public action;

Provided that the Director, if he deems fit, permit sale thereof by tender system or by sample or by open agreement.

+ substituted for the words "Ordinarily, every declared agricultural produce" by Notification No. APM. 1088/6524/37/11C, dated 7.6.1990

**13. Sale by auction.**

When any declared agricultural produce is sold 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 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 produce as may be specified by the Director, in the 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 byelaws in that behalf in quaduplicate. Each such slip shall be signed by him, the seller and purchaser or their agents. A copy of the slip so prepared shall be forward 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 byelaws;

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 byelaws 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 bill 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 produces 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 entried 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  
\$[----]

(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 authorized in that behalf after deducting fees or remuneration to be paid to the trader, if any, in accordance with the byelaws 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 enquiry, as the case may be, whereas 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.]

+ Clause (b) substituted and

\* Words inserted by Notification No. APM. 1088/6524/37/11C.dated 7.6.1990.

\$ The words "after deducting there from the charges payable to him, and the market charges payable in accordance with the byelaws made in that behalf" deleted by notification No. APM 1095/4808/222/11C dated 17.3.1997.

## **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 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, hold 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 standardization 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 weighted on it on payment of the charges fixed under the byelaws.

**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 or 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 provisions of the Bombay Weights and Measures (Enforcement) Act, 1958 and the rules made thereunder.
- (3) An appeal under subsection (2) of section 34 shall be made within thirty days from the date of the decision under sub section (1) of that section.

**+26. Application of provisions of Bom. LXIX of 1958 to all matters relating to weighing or measuring of declared agricultural produce not affected.**

Except as otherwise provided by section 34 of the Act and rules 24 and 25 the application of the provisions of the Bombay Weights and Measures (Enforcement) Act, 1958 to all matter

pertaining to the enforcement of the standard weights and measures and all matters connected therewith in relation to the marketing of declared agricultural produce in any market area or any market therein shall not be affected.]

+Substituted by Notification No. APM 1167/25332/(Part-III) C1 dated 18.2.1971.

## **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 specified by general or special order of the Director or any officer authorized 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 rules shall keep such books in such forms and render such periodical returns and at such time and in such forms as the +[Director] may from time to time direct; and shall render such assistance in the collection of 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 any bye laws, as may required by the +[Director]

+ Substituted for the words "Market Committee" by Notification No. APM 2072/3166CI dated 28.9.1972.

## Short Notes

Rule 28 casts obligation of the person referred to therein to render assistance in collection of fees in such manner as may be required by the market committee. It is obligatory on the trader, commission agent, broker, processor, weighman, measurer, warehouseman and surveyor to render such assistance to the collection of fees and prevention of the evasion of payment of fees due under the rules and byelaws as may be required by the market committee. (Raghavendra V. Deshpande Vs APMC Solapur, 1980 Mah LJ 423 DB)

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

Every weighman, measurer and surveyor shall use equipment as may be +[directed by the Director]

+ Substituted for the words "laid down in the byelaws of a Market Committee" by Notification No. APM 2072/3166CI dated 28.9.1972

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

Every licensed weighmen, measurer and hamal while operation 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 weigh man 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 be served on persons concerned or to be published in the newspapers circulating in the market area.



### **+ [31A. Storage and accommodation.**

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 godowans 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 license of the committee shall not collect any storage charges for such storage or accommodation.]

+ Inserted by Notification No. APM. 1088/6524/37/11C Dated 7.6.1990.

## **(Part II)**

### **[Market Fees, Charges and payment of cost of supervision]**

#### **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 byelaws 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 market committee an amount equal to the market fee 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 the production of the proof of processing or export of agricultural produce within 30 days from the date of the aforesaid declaration.]

(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 order.

(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.]

+ Words added in subsection (3), and

\* Subsections (5) (a), (b), (c) inserted by Notification No. APM.1088/6524/ 11C dated 7.6.1990.

# Subheading substituted for "Market fees and charges" by Notification No. CMS.1071/33988 C1 dated 9.8.1973

## Short Notes

After reading the provisions of section 31 of the Act with rule 32, the High Court held that:

“These provisions make it clear that the incidence of levy is the completed transaction of sale in the Market Committee and the liability is fastened on a purchaser of the produce and thus there is no warrant for charging levy on the importer and that too before the sale takes place.”  
(para 2) \*(Kirana Grains Vs State of Maharashtra, 1986(2) Bom CR 499-DB)

### **33. Collection of fees, charges and receipts therefore.**

- +[(1) The fees or charge payable under the Act, shall be collected by an employee not below the rank of a permanent clerk of the Committee, duly authorized by the committee in this behalf or by a commission agent or a trader holding licenses from the committee for marketing agricultural produce in the market area, and the right to collect the fees or charges shall not be farmed out.]
- (2) \*[Every such employee or Commission agent or +rader] so authorized, 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 authorized, in this behalf by the Market Committee.
- (3) Every Market Committee shall maintain a register showing the fees or charges collected by it.

+ Substituted by Notification No. APM 2082/51051/404/11C dated 26.9.1984

\* Substituted for the words “Every servant so authorized”, *ibid*.

### **34. Servants to wear badges.**

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

### **<sup>1</sup>[34A. Manner of payment of the cost of supervision under section 34 B(2)**

- (1) A Market Committee shall collect the cost of supervision in the market area from the purchaser at a rate notified by the State Government under subsection (2) of section 34(A)

- (2) The cost of supervision shall be paid by the purchaser to the Market Committee after weightment or measurement of the declared agricultural produce.
- (3) Secretary or any other person <sup>3</sup>[authorized] 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 <sup>2</sup>[-----]
  1. Section 34 A inserted by Notification No. CMS 1071/33988 C1 dated 9.8.1973
  2. The words “under the Account Head XXXIII Cooperation. XXVIII B Cooperation miscellaneous. Receipts Supervision fees (other than consumer’s Cooperative)” deleted by Notification APM 1088/652437/11C dated 7.6.1990.
  3. Corrected by Corrigendum dated 6/8/2974, vide Notification No. 1071/33988/C8, published in MGG Part 4B dated 29.8.1974 at page 1013, By this corrigendum the words “authorized by him” are corrected as “authorized”

**+ [34B. Non-application of provisions of rules 5 to 34A of Chapter II to direct marketing, farmer-consumer market and private market.**

Nothing in this Chapter shall apply to the direct marketing defined under clause (ea), farmer-consumer market defined under clause (f1) and private market defined under clause (ma) of section 2.]

+            Inserted by Notification No. Krubas. 2005/CR 608/11-C, dated 4.6.2007

**Chapter III**  
**Constitution of Market Committee**  
**(Part I)**

**<sup>1</sup>[[35. Preparation of list of voters. Division of market area into constituencies.**

<sup>2</sup>(1) <sup>3</sup>[For the purpose of electing fifteen agriculturists, two members to be elected by traders and commission agents and one member to be elected by hamals and weighmen as provided by clauses (a), (b) and (b-1) of sub-section (1) of section 13, every market area shall consists of,-]

- (A) Cooperative Societies' Constituency;
- (B) Village Panchayat's Constituency;
- (C) Trader's Constituency; and
- (D) Hamals' and Weighmen's Constituency]

(2) Each such Constituency shall consist of the whole of the Market area.]]

1. Rule 35 substituted by notification No. APM 2069/7757C1 dated 14.11.1970
2. Later on sub-rule (1) substituted by Notification No. APM. 1088/6524/37/11C, dated 7.6.1990
3. Portion substituted by Notification No. Krubas. 2005/CR 608/11-C, dated 4.6.2007

**<sup>1</sup>[[35A. Preparation of list of voters for election to Bombay Agricultural Produce Market Committee.**

<sup>2</sup>(1) For purposes of electing representatives of agriculturists of the Mumbai Agricultural Produce Marketing Committee under sub-clause (i) of clause (a) of sub-section (1A) of section 13, of the Act, the Collector of Mumbai shall call upon the District Deputy Registrar of Cooperative Societies of all the districts in each of Revenue Divisions in the State, to furnish to him a list of agriculturist members of Agricultural Produce Market Committees within their respective jurisdiction elected

under clause (a) of subsection (1) of section 13 of the Act, before the date specified by him, in that behalf.]

- (2) On receipt of such lists the <sup>3</sup>[Collector of Mumbai] shall prepare a voters list separately for each of the Revenue Divisions and every such list shall be published on the notice board of the respective offices of the <sup>4</sup>[Collector of Mumbai], the District Deputy Registrar of Cooperative Societies and office of the Collectors of the respective districts in the respective Revenue Division and in any other manner as the <sup>3</sup>[Collector of Mumbai] may deem fit.]

1. Rule 35A added by Notification No. APM 2078/49985/II/11C dated 18.4.1985.
2. Sub-rule (1) substituted by Notification No. Krubas. 2007/CR-254/11-C dated 2.11.2007
3. Substituted for the words "Collector of Bombay" by Notification No. Krubas. 2007/CR-254/11-C, dated 2.11.2007
4. Substituted for "Collector, Bombay" by Notification No. Krubas. 2007/CR-254/11-C, dated 2.11.2007.

### **+ [35AA. Preparation of list of voters for election to Divisional or Regional Market Committee**

- (1) For the purposes of electing the representatives of agriculturists under sub-clauses (i), (ii), (iii) and (iv) of clause (c) of sub-section (1B) of section 13, the concerned Collector shall call upon the concerned District Deputy Registrar of Co-operative Societies, to prepare the voters list as per the constitution of the Divisional or Regional Market Committee under clause (C) of sub-section (1B) of section 13.
- (2) On receipt of such lists the concerned Collector shall prepare a voters list separately for each of the districts and taluka and every such lists shall be published on the notice board of the respective offices of the concerned Collector and the concerned District Deputy Registrar of the Co-operative Societies.]

- + Inserted by Notification No. Krubas. 2005/C R - 608/11- C, dated 4.6.2007

## **<sup>1</sup>[35 A.1A Duty of the Collector to hold election of the Market Committee.**

- (1) The elections of the Market Committee shall be held or caused to be held by the <sup>2</sup>[Collector or, the District Deputy Registrar, as the case may be,] in accordance with the provisions of the Act and the rules.
- (2) The District Deputy Registrar of Cooperative Societies shall maintain a register in Form No. 8A in his office showing the names of the Market Committees whose elections are due every year.
- <sup>3</sup>(3) The district Deputy Registrar shall, with regard to the Market Committees, whose elections are to be held by the Collector, under clause (b) of sub-section (1) of section <sup>\*</sup>[14] of the Act, make a report in Form No. 8B to the Collector on or before 30<sup>th</sup> day of September every year, in respect of the Market Committees whose term of office is to expire in the succeeding market year.]
- (4) On receipt of such report, the Collector shall publish on or before the <sup>4</sup>[30<sup>th</sup> April of that year] a list of market committees whose elections are due to be held in that market year.]  
<sup>5</sup>[Provided that, in respect of the Market Committees, whose elections are to be held by the District Deputy Registrar under clause (a) or sub-section (1) of section <sup>\*</sup>[14] of the Act, the District Deputy Registrar shall, himself publish such list.]

1. Inserted by Notification No.APM 1088/6524/37/11C dated 7.6.1990. Readers are requested to check this amendment since it is not strictly carried out in Government publication as per above Notification. It is mentioned in rule 13 of the Notification that new rule 35A is inserted while new rule 35A was already inserted by Notification dated 18.4.1985.
2. Substituted for the words "Collector" by Notification No. Krubas. 2007/CR 254/11C dated 2.11.2007
3. Sub-rule (3) substituted, *ibid.*
4. Substituted for the words "31<sup>st</sup> October of that year" by Notification No. Krubas. 2005/CR-608/11-C, dated 4.6.2007
5. Proviso inserted by Notification No. Krubas. 2007/CR-254/11-C dated 2.11.2007, \* Printed as per Gazette. Please verify.

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

1. Inserted by Notification No. APM 2078/49985/II/11C dated 18.4.1985
2. Substituted for the words "Bombay Agricultural Produce Market Committee" by Notification No. Krubas 2007/CR-254/11-C, dated 2.11.2007

**35-BB. Application of certain rules for election to Divisional or Regional Market Committee.**

Save as otherwise provided in these rules, the provisions of rules 35A, 1A, 37 to 39, 41 to 90 shall apply *mutatis mutandis* to the elections of the members of the Divisional or Regional Market Committee.]

- + Inserted by Notification No. Krubas. 2005/CR 608/11-C, dated 4.6.2007

**35C. Nomination of representative to Mumbai Agricultural Produce Market Committee].**

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

1. Inserted by Notification No. APM 2078/49985/11/11C dated 18.4.1985
2. Substituted for the words "Collector of Bombay" by the Notification No. Krubas. 2007/CR-254/11-C dated 2.11.2007.
3. Substituted for the words "Municipal Corporation of Greater Bombay", *ibid*
4. Substituted for the words "Bombay Agricultural Produce Market Committee", *ibid*,



## 36. Voters' list

- <sup>1</sup>[(1) The Collector shall call upon the District Deputy Registrar of Cooperative Societies to prepare and furnish to him a list of members of the Managing Committees of the Agricultural credit societies and the multipurpose cooperative societies and call upon the Block Development officer to prepare and furnish to him a list of members of the village Panchayat's 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 licensed by the committee within such time as may be specified by him. Thereafter, the Collector 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 weighmens constituency his name shall appear in the respective register maintained by the market committee at least 3 months before the preparation of such lists.]

<sup>9</sup>[Provided further that, in respect of the Market Committees, whose elections are to be held by the District Deputy Registrar, under clause (a) of sub-section (1) of section <sup>\*</sup>[14] of the Act, the District Deputy Registrar shall cause such list to be prepared.]

- (2) Every such list shall be revised before general election at least six months before the date on which the term of the market committee is due to expire;

Provided that <sup>10</sup>[the Collector or, the District Deputy Registrar, as the case may be,] may <sup>2</sup>[---] direct the revision of such list also at any other time before any general election is due.

- <sup>3</sup>[(3) The voters list for Cooperative societies constituency shall be prepared societywise. The voters list for village panchyats constituency shall be prepared panchayatwise, 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.]

<sup>4</sup>[(4) -----]

<sup>4</sup>[(5) -----]

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

<sup>11</sup>[Provided that, in respect of the Market Committees, whose elections are to be held by the District Deputy Registrar under clause (a) of sub-section (1) of section <sup>14</sup>[14] of the Act, the District Deputy Registrar shall himself publish such list in such manner as he 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 <sup>5</sup>[---] and in 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 <sup>12</sup>[or the District Deputy Registrar, as the case may be,] before the date fixed by the Collector <sup>12</sup>[or the District Deputy Registrar, as the case may be,] in that behalf being a date not later than one month from the date of publication of the list.

- (10) The Collector <sup>12</sup>[or the District Deputy Registrar, as the case may be] 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 <sup>12</sup>[or the District Deputy Registrar, as the case may be,] relating to such claim or objection shall be final.
- (11) The Collector <sup>12</sup>[or the District Deputy Registrar, as the case may be] 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 votes under sub rule (11), the Collector <sup>12</sup>[or the District Deputy Registrar, as the case may be] 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 <sup>12</sup>[or the District Deputy Registrar, as the case may be,] may cause a list of amendments to be prepared; and thereupon the provisions of sub-rule (3) to (11) shall apply in the case 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 available for inspection and sale in whole or in part in the <sup>6</sup>[offices of the Collector, the Market Committee and the Village Panchayat concerned] or at any other place as the Collector <sup>12</sup>[or the District Deputy Registrar, as the case may be,] 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.

7[[ (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 <sup>8</sup>[not later than 3 days before the last date for nomination] apply to the Collector <sup>12</sup>[or the District Deputy Registrar, as the case may be,] for inclusion of his name in the list.

(16) On receipt of the application under sub-rule (15) the Collector <sup>12</sup>[or the District Deputy Registrar, as the case may be,] 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.]]

1. Sub-rule (1) substituted by Notification No. APM1088/6524/3711C dated 7.6.1990
2. The words "in the case of the list of voters for the traders' constituency" deleted by Notification No. APM 2069/7757C1 dated 14.11.1970
3. Sub-rule (3) substituted by Notification No. APM1088/6524/3711C dated 7.6.1990
4. Sub-rules (4) and (5) deleted by Notification No. APM 2069/7757C1 dated 14.11.1970
5. The words "and the area in the list for which entered" deleted by Notification No. APM 2069/7757C1 dated 14.11.1970
6. Substituted for the words office of the Collector " by Notification No. APM 1167/25332/(Part III)C1 dated 18.2.1971.
7. Sub-rules (15) and (16) added by Notification No. APM 1167/25332/(Part III-C1 dated 18.2.1971.
8. Substituted for the words "not after the last date for making nomination and before the completion of the election" by Notification No. APM. 2071/39345/C1 dated 2.10.1972.
9. Proviso inserted by Notification No. Krubas 2007/CR-254/11-C dated 2.11.2007. \*Printed as per Gazette. Please verify.
10. Substituted for the words "the Collector", *ibid*.
11. Proviso inserted, *ibid*,
12. Substituted for the word "Collector", *ibid*.

## Short Notes

The provisions of rule 36 are interpreted by the High Court in case of *Karbhari Piraji- vs State of Maharashtra, 1999 (1) mah LJ 858-DB=1999 (2) Bom CR 227*. In this case, the election programme declared by the SDO for election of Market Committee, Kopergaon and the voters list was challenged before the High Court. It was contended that the work of revision of the voters' list and declaration of programme undertaken by SDO was without any authority. The High Court has rejected the contentions raised on behalf of the petitioner and dismissed the petition. It is observed that SDO was duly authorized by Collector to exercise powers of Collector. It is further observed in para 7 that the procedure under rule 36(1) was followed in this case and hence, the objection about revision of voters' list is without any merit.

The provisions relating to election of market committee are discussed by the High Court in case of *Digamber – vs – Election Registration Officer, 2003(1) Mah LJ 669-DB=2003 (2) Bom CR 532*. The Court has observed in para 24 that the Act is a composite Act, which is essentially enacted to regulate the marketing of agricultural produce in market area. Section 14(1) provides the mechanism for elections to the Market Committee, which specifically states that the members to the Market Committee are to be elected in accordance with the Rules. Under the Rules, the preparation of the voters list is provided under rule 36 and the determination of validity of election is dealt with under rule 88.

In case of *Atul Nansaheb Kambe – Vs – Collector, 2008(5) Mah LJ 452-SB*, the High Court has considered the provisions of section 13 of the APMC Act along with the provisions of rule 36(1), proviso, of the Rules, 1967. It was contended on behalf of the petitioner that his request for inclusion of name in the voter's list was wrongly rejected. While dealing with the contention raised, the Court has noticed that after amendment to the Act by Mah Act 11 of 2006, no corresponding amendment was carried out in rule 36. While dismissing the petition, it is observed that impugned order is based on amended provision of section 13 of the Act though it is correct to say that rule 36 is not amended after amendment of section 13. The impugned order is upheld with further observations that the rules will never have effect of overriding the provisions of Act.

The provisions of sub-rule (10) of rule 36 are considered by the High Court in case of *Bhatu Devidas Patil –Vs- State of Maharashtra 2010(3) Mah LJ 903-SB*. In this case, by way of present petition, the petitioners have challenged the order passed by the District Deputy Registrar, Cooperative Societies, Jalgaon, by which the names of the petitioners have been deleted from the

voters' list of the Gram Panchayat constituency finalized for the elections of Agricultural Produce Market Committee, Amalner. The High Court has considered the provisions of section 13 of the Act and rule 36 of the Rules and dismissed the petition with the observations-

- (i) I am, therefore, of the considered view that if there is change in the constitution of the Grampanchayat, by virtue of election, the persons who represent the Grampanchayat and who are entitled to vote would be in a position to make an application even after publication of final list of voters in view of Sub-Rule 12 of Rule 36 of the said Rules and even, as late as 3 days prior to the date fixed for nomination as provided under sub-Rule 15 **[Para 7]**
- (ii) Since the basic qualification to vote in the election, from the constituency concerned, is to be a member of the Gram-panchayat, no error could be found with the approach adopted by the respondent no.2 In passing the order impugned in the present petition. The petition is devoid of any merit **[Para 8]**

The provisions of rule 36(2) are interpreted by the High Court in case of *Sai Vividh Karyakari Seva Sahakari Sanstha Maryadit –Vs- State of Maharashtra 2012(1) Bom CR 149-SB=2012 (2) Mah LJ 274*. It is held that in view of the scheme of the Rule 36, there cannot be any doubt that the petitioners who are registered in May and June 2011 are not entitled nor eligible to be included in the list of voters. It is necessary to note the important observations of the Court while interpreting the rule 36 and they are reproduced below-

- (i) The Rules of 1967 does not lay down the provisions for publication of provisional list and thereafter a final list, but if we go through the scheme of Rule 36, the list which is revised, prepared and published under sub-rule (6) of Rule 36 would be in the nature of provisional list and same is made final after deciding the objections under sub rule (11) of Rule 36, Further still powers are given to the Collector/Returning Officer to republish the list and if he finds that the names of any persons is not entered in the final list of voters can again amend the same and include it in the final list of voters prior to the three days of last date of filing of the nomination paper. **[Para 12]**
- (ii) Rule 35 of the Rules of 1967 deals with the various constituencies, the duties of the Collector. The Collector is required to prepare the voter list separately for each of the District and Talukas. Rule 36 deals with voters list, wherein powers are given

to the Collector to call upon the District Deputy Registrar of the Co-operative Societies to prepare and furnish to him the list of the members of the Agricultural Credit Societies and the Multi Purpose Co-operative Societies. So also separate list for each of the constituencies. Sub-rule (2) of Rule 36 lays down a mandate that every such list shall be revised before the general election at least six months before the date on which the term of market committee is due to expire. Reading sub-rule (2) of Rule 36 it is manifest that the list has to be revised at least six months before the due date of the expiry of the term of the market committee. The proviso to sub-rule (2) gives the power and authority to the Collector to direct the revision of such lists also at any other time before any general election is due.

**[Para 13]**

- (iii) Proviso to sub-rule (2) of Rule 36 will have to be read harmoniously with Rule 2. It will have to be read in a manner that both co-exists and head on collusion between the two shall have to be avoided. The proviso cannot be interpreted in a manner which would render sub-rule (2) of Rule 36 as a useless lumber or a dead letter. Sanctity will have to be given to the mandate cast upon the Collector or the authority to revise the list at least six months before the date on which the term of market committee is due to expire. If the proviso is interpreted in the manner that even after the publication of list of voters as provided in sub-rule (2), the Collector can still revise the cut off date, then the same would not be in consonance with the mandate. It would be doing violence to the language and the phraseology of sub-rule (2) of Rule 36 **[Para 16]**

- (iv) In sub-rule (2) the legislature has used the word shall, whereas in proviso the legislature has used the word 'may'. The fact that the legislature in its wisdom has used the word 'may' in proviso and shall in sub-rule (2) clearly speaks about its intention. It strengthens the inference that the said words are used in their primary sense and the literal meaning should be attached to it. The said word 'may' in the proviso given discretion to the authority i.e. in certain contingencies such list can be revised before the general election is due. The same would be under certain contingencies; the same cannot be read in a blanket manner. **[Para 18]**

The provisions of rule 36(12) are considered in case of *Vasant Ramdas Mahajan, Director –Vs- Distt. Deputy Registrar Cooperative Societies Wardha, Letters Patent Appeal Nos. 65/2011 and 66/2011, Corum: S.A. Bobde & R.M. Savant, JJ-Decided on 25.2.2011*. The main question before the Court was; as to whether an interdiction is called for within the election process in the matter of finalization of the voters list? It is observed that merely because the petitioners feel that a different view is possible on the basis of certain documents, would not be a ground to interdict in the election process. While dismissing the appeals, it is observed in para 13-

- (i) It is required to be noted that the petitioners in both the petitions had filed their objections to the provisional list of voters. The objection of the petitioners were to the effect that the Non-applicants have been wrongly included in the provisional list of voters as they do not fulfill the requirement for being so included in the categories to which they belong. The District Deputy Registrar had granted hearing to the petitioners and their counsel in respect of the objections and by his order dated 30.12.2010 has rejected the said objections that order of the District Deputy Registrar discloses that the District Deputy Registrar has taken into consideration the material placed on record by the A.P.M.C. The said material is in the form of Minutes of the meetings of the General Body of the A.P.M.C. The said Minutes, according to the District Deputy Registrar, inter alia, disclose that the licenses were granted as well as renewed. The District Deputy Registrar, therefore, on the said basis did not deem it fit to entertain the objections filed by the petitioners and accordingly, rejected the same.
- (ii) No doubt, the District Deputy Registrar has relied upon the report of the Assistant Registrar the said report of the Assistant Registrar can be said to be a fact finding report and can be said to be only an input for the District Deputy Registrar to arrive at a finding regarding the objections filed by the petitioners. Insofar as the application under Rule 36(12) is concerned, the District Deputy Registrar, in view of his order dated 30.12.2010, was not required to record separate findings in respect of the non-applicants, as he has already dealt with the objections in his order dated 30.12.2010.



### 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 or is not qualified to be elected at any election.

### <sup>1</sup>[[38. Persons to be qualified to be elected.

(1) Every person who is an agriculturist, and who is residing in the market area and is not less than twenty-one years of age on such date as the Collector <sup>7</sup>[or the District Deputy Registrar, as the case may be,] may be for the purpose of any election or bye-election specify in this behalf shall, unless disqualified under these rules, be qualified to be elected <sup>2</sup>[-----]

(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 Traders' Constituency <sup>3</sup>[----]

**Explanation-** A person shall be deemed to reside ordinarily within the market area, If he

(a) has actually resided therein for an aggregate period of not less than 180 days during the calendar year preceding that in which the list of voters for the time being under preparation for Co-operative Societies or Village Panchayats' constituency is provisionally published under sub-rule (6) of 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 lists 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 departments 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 <sup>4</sup>[Collector] as provided sub-section (2) of section 2.]]

<sup>5</sup>[(4) Every person whose name is included in the list of voters prepared under rule 35-  
A shall unless disqualified under these rules, be qualified to be elected to the  
<sup>8</sup>[Mumbai Agricultural Produce Market Committee]

<sup>6</sup>[(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.]

1. Rule 38 substituted by Notification No. APM 2069/7757-C-1 dated 8.2.1971.
2. The portion beginning with the words "seven agriculturist" and ending with the words "Village Panchayats" Constituency" deleted by the Notification No. APM. 1088/6524/27/11-C dated 7.6.1990.
3. The words "and every person whose name is not in such list shall not be qualified to be elected from that constituency" deleted by the Notification No. APM. 1088/6524/27/11-C dated 7.6.1990.
4. The word "Director" substituted by the word "Collector" by the Notification No. APM. 1088/6524/27/11-C dated 7.6.1990.
5. Sub-rule (4) inserted by Notification No. APM. 2078/49985/II-C dated 18.4.1985.
6. Sub-rule (4) again added by Notification No. APM. 1088/6524/37/11-C dated 7.6.1990.
7. Inserted by Notification No. Krubas 2007/CR-254/11-C dated 2.11.2007
8. Substituted for the words "Bombay Agricultural Produce Market Committee", *ibid*.

(NB: Amendments to this rule are carried out by me strictly as per Gazette Notifications regarding amendments and the amendments to this rule are not carefully done and carried out in Government publication. Readers to note. I am always subject to correction.)

### **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.

<sup>+</sup>[(3) -----]

+[(4) ----- ]

(5) No person shall votes 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.

+ Sub-rules (3) and (4) delted by Notification No. APM.2069/7757/C-1 dated 8.2.1971.

#### **<sup>1</sup>[40. Election of Chairman or representative of Co-operative Societies.**

(1) If there are more than one Co-operative societies doing business of processing or marketing of declared agricultural produce in any market area and election of a member has to be made under the proviso to clause (c) of sub-section (1) of section 13, the <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] shall call upon such societies to communicate the names of their Chairman who are willing to contest the Election or in the absence, their Chairman, a representative of each of such societies elected by its Managing Committee in this behalf before a day specified in this behalf by the <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be].

(2) On receipt of the names of the Chairman, or, as the case may be, of their representatives the <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] shall, direct the Managing Committee 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 <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] may fix in this behalf. In case equality of votes, their selection shall be made by drawing lots]

1. Substituted by Notification No. APM 2071/1425-C-1 dated 17.7.1971.

2. Substituted for the words "Collector" by Notification No. Krubas 2007/CR-254/11-C dated 2.11.2007

## **<sup>1</sup>[40A. Election of Chairman or representatives of Panchayat Samitis.**

If there are more than one Panchayat Samitis functioning in any market area, the <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] 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 representative of such Panchayat Samitis, the <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] 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 <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] on or before the specified date.]

1. Inserted by Notification No. APM.2069/7757/C-1 dated 8.2.1971.
2. Substituted for the words "Collector" by Notification No. Krubas 2007/CR-254/11-C dated 2.11.2007

## **41. Disqualifications of membership.**

- (1) A person shall be disqualified for being chosen as or for being, a member of a market Committee,
  - (a) If he has been convicted by a Court in India of any offence and sentenced to imprisonment for a term exceeding six months unless such disqualification has been removed by an order of the State Government;
  - (b) If he has not attained the age of 21; or
  - (c) If he is of unsound mind and stands so declared by a competent court; or
  - (d) If he is an undischarged insolvent; or
  - (e) If he is a deaf-mute; or
  - (f) If he has failed to pay any fees or charges due to the Market Committee;or

- <sup>1</sup>[(g) if he is a servant of the market committee or of Government or of a Local authority or holds a license from such committee other than that of trader, commission agent, hamals 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 or the rule or bye-laws made there-under more than once; or
- <sup>2</sup>[(j) if he has failed to make payments to any seller or his commission agent <sup>3</sup>[as required by the Act and these rules.]]
- <sup>4</sup>[(k) if he is disqualified by the Act or these rules.]

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

- (i) representing the trader's constituency, if he does not ordinarily reside in the market area or if the license issued to him is cancelled, or suspended or not renewed;
- (ii) representing <sup>5</sup>[the Co-operative Societies' constituency or the Village panchayats' Constituency, for agriculturists], if his main income is not from agriculture or possesses a traders', commission agents' or broker license or has interest in a joint family or a firm which has a trader's or commission agents' or broker license.

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

<sup>6</sup>[(3) When any question arisen as to whether a person has become subject to any of the disqualification 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 <sup>8</sup>[or the District Deputy Registrar, as the case may be] 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.]

- <sup>7</sup>[(4) Not 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.]]

1. Clause (g) substituted by Notification No. APM. 1088/6524/37/11-C dated 7.6.1990.
2. Clause (i) substituted by Notification No. APM 2071/11971-C-1 dated 5.8.1971.
3. The portion beginning with the words and figures “within 24 hours” and ending with the words “Commission agent” substituted by Notification No. APM. 1088/6524/37/11-C dated 7.6.1990.
4. The Clause (k) was earlier substituted by Notification No. APM 1583/6290/11-C dated 8.3.1984 but this amended clause (k) was struck down by the High Court In 1984 Mah LJ 910-DB, Later on this clause is substituted by Notification No. APM. 1088/6524/37/11-C dated 7.6.1990.
5. Substituted for the words “agriculturists’ constituency” by Notification No. APM 2069/7757-C dated 8.2.1971.
6. Sub-rules (3) to (5) added by Notification No. APM 2071/11971-C-1 dated 5.8.1971 and later on Sub-rule (3) substituted by Notification No. APM. 1088/6524/37/11-C dated 7.6.1990.
7. Sub-rules (4) and (5) added by Notification No. APM 2071/11971-C-1 dated 5.8.1971
8. Inserted by Notification No. Krubas. 2007/CR-254/11-C dated 2.11.2007.

## Short Notes

The validity of rule 41(1)(k) was challenged before the High Court in case of *Vinayakrao-vs-State of Maharashtra. 1984 Mah LJ 910-DB=AIR 1985 Bom 94*. After considering the scheme of the Act and the rules framed thereunder, the High Court held that clause (k) or sub-rule (1) of Rule 41 added by Amendment Rules, 1984 on 8.3.1984, is illegal, void and inoperative.

Thereafter the clause (k) is substituted by Notification dated 7.6.1990.

The object of provision of rule 41(2)(ii) is considered by the High Court in case of *Pruthwiraj-vs-Srungas, 1987 Mah LJ 1065-DB=1988 Mah LR 327*. The High Court observed that;

“The whole object of rule 41(2)(ii) seems to be that only bona fide agriculturist should represent the constituency of Co-operative Societies and/or Village Panchayat. Mere owning the land or mere actual cultivation does not make one an agriculturist.”

It is held that the crucial test under this rules is expressed by the word “if his main income is not from agriculture..”

The provisions of rule 41(1) are interpreted by the High Court in case of *Hanumant @ Hemant Haribhau Thakre-Vs-Deorao Sudamrao Kadu, 2010(3) Mah LJ 190-SB*. In this case, petitioner, a Director of APMC, has challenged the order passed by the respondent No. 4 District Deputy Registrar, Yeotmal. The petitioner contended that in application invoking Rule 41(3), as filed by respondent No. 1 and 2, the disqualification sought was under Rule 41(2), and hence, it was not maintainable. It is held that petitioner has been elected from Section 13(1)(a) constituency and has been rightly held disqualified in view of Rule 41(1)(k) under sub-rule (3) thereof and reference to Rule 41(2) by respondent No. 4 is an obvious error. While explaining the scope of rule 41(1), it is observed in para 9 -

“Rule 41(1) prescribes disqualification both “for being chosen as” and “for being”, a member of APMC. Thus a person holding such disqualification can not aspire to be elected as also to continue as member. Clause “k” of this Rule takes within its sweep the disqualifications prescribed by the Act and the Rules. Distinction between “for being chosen as” and “for being” is apparent and I do not find it necessary to consult any dictionary for it. Rule 41(2) states that a person shall not be chosen as a member to represent trader’s constituency or cooperative societies’ constituency or village panchayat’s constituency to represent agriculturist in certain other contingencies also.”

#### **Administrative Machinery For the Conduct of Election.**

#### **<sup>1</sup>[41A. Appointment of Returning Officer.**

- (1) <sup>2</sup>[The Collector or the District Deputy Registrar, as the case may be] 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 related to the scrutiny of nomination paper 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 as Assistant Returning Officer.]

1. Rule 41 A Inserted by Notification No. APM.2069/7757/C-1 dated 8.2.1971.
2. Substituted for the words "The Collector" by Notification No. Krubas, 2007/CR-254/11-C dated 2.11.2007

## **<sup>1</sup>[[41-B. General Duty of Returning Officer.**

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 conduction the election in the manner provided by these rules <sup>2</sup>[or the orders made thereunder.]]

1. Rule 41 B Inserted by Notification No. APM.2069/7757/C-1 dated 8.2.1971.
2. Words added by Notification No. APM 2071/39345-C-1 dated 2.10.1972

## **<sup>+</sup>[41C. Polling Stations.**

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 stations so provided and the polling areas for which they have respectively been provided.]

- <sup>+</sup> Rule 41-C substituted by Notification No. APM. 1088/6524/37/11-C dated 7.6.1990.



#### **<sup>1</sup>[41D. Appointment of Presiding and Polling Officer.**

- (1) The Returning Officer shall appoint a Presiding Officer for each polling station and such a polling officer or officers to assist the Presiding Officer as he thinks necessary, but shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election: Provided that, if a polling officer is absent from the polling station, the Presiding Officer may appoint any person who is present at the polling station other than person has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the 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 Officers, 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 Officers 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).

\* Rule 41 D added by Notification No APM 20691/77S7-C-1 dated 8.2.1971.

#### **<sup>1</sup>[41E. General duty of the Presiding Officer.**

- (I) It shall be the General duty of the Presiding officer at the Polling station to keep order thereat and to see that poll is fairly taken.]

<sup>2</sup>[(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.]

I. Rule 41 E added by Notification No APM 2069/7757-C-1 dated 8.2.1971.

2. Rule 41 E renumbered as sub-rule (1) and sub-rule (2) added by Notification No APM 1088/6524/37-11-C dated 7.6.1990.

#### **+ [41F. Control.**

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 or the District Deputy Registrar, as the case may be.]

\* Substituted by Notification No. Krubas. 2007/CR-254/11-C dated 02.11.2007.

#### **+ [42. Order for General Election to Market Committee. - - - - -]**

\* Rule 42 deleted by Notification No. APM 1088/6524/37-11-C dated 7.6.1990.

#### **<sup>1</sup>[43. Appointment of dates, etc for various stages of election.**

- (I) The <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] shall, by order draw and declare a programme of various stages 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 Election programme.
  - (ii) Date of publication of list of nominations received- As and when received till the date. fixed for making nominations.
  - (iii) Date of scrutiny of nominations.-3rd day of the last date for making nominations.
  - (iv) Date of publication of list of valid nominations after scrutiny.- Next day after the date of completion of scrutiny or where there 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 valid nominations after scrutiny.

(vi) Date of publication of final list of contesting candidates. - The date next succeeding the last day fixed for withdrawal of candidature.

(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 Officers.
- (2) The <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] shall, not less than forty-five days before the date fixed for the poll, publish in Marathi, the dated 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 <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] and shall be mentioned in the election programme declare by him.
- (5) The <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] 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 2[Collector or the District Deputy Registrar, as the case may be] 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 2[Collector or the District Deputy Registrar, as the case may be].]]

I. This rule 43 substituted by Notification No. APM.1088/6524/37/11- C-dated 7.6.1990.

2. Substituted for the word "Collector" by notification No. Krubas. 2007/CR-254/11-C dated 02.11.2007.

### **Short Notes**

A question was raised before the High Court in case of Gayaprasad-vs- State of Maharashtra, 1984 Mah L J 947-DB that-

"Whether the Collector has jurisdiction to stay the calendar of events for election to market committee notified under rule 43 of the rules?"

The power of Collector to grant stay and to vary the programme is upheld by the High Court but at the same time it is held that the power should be exercised with care.

#### **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 <sup>1</sup>[the Act, these rules, and bye laws.]
- (2) Every nomination paper presented under rule 45 shall be completed in Form 9:  
<sup>2</sup>[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 rules.]  
<sup>3</sup>[(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.]
- (3) The nomination paper shall be supplied by the Returning Officer or an officer authorized by him in this behalf, <sup>4</sup>[[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 <sup>5</sup>[Collector or the District Deputy Registrar, as the case may be].]]

1. Substituted for the words" these rules" by Notification No APM. 1088/6524/37/11-C dated 7.6.1990.
2. Proviso inserted by above notification.
3. Sub-rule (2A) added by above notification.
4. Substituted for the words" to any voter on demand" by Notification No APM.1167/25332/ (Part-III)-C-I dated 18.2.1971.
5. Substituted for the word "Collector" by Notification No. Krubas. 2007/CR- 254/11-C dated 02.11.2007.

**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 <sup>1</sup>[two voters of his constituency one of whom shall be the proposer and another as the seconder.]

(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 <sup>2</sup>[or seconder]. He shall not subscribe as proposer more than one nomination paper.

<sup>3</sup>[(2-A) In the case of 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.]

<sup>4</sup>[(3) On Presentation of a nomination paper the Returning Officer shall satisfy himself that the candidate is an <sup>5</sup>[ agriculturist residing in the market area] or as the case may be, a trader and that the name and the number in the list of voters of the proposers as entered in the nomination paper are the same as entered in the list of voters:

<sup>6</sup>[.....]

Provided that the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said name or number to be corrected in order to bring

them in conformity with the corresponding entries in the list of voters and where necessary and clerical or printing error in the said entries shall be overlooked .

<sup>7</sup>[*Explanation (1)-*

For the purpose of satisfying the Returning Officer that the candidate is an agriculturist, a certificate of the <sup>8</sup>[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 <sup>9</sup>[ sub-section (1) of section 2 of the Act, and is residing in the market]area 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 the nomination paper and the same shall be conclusive proof that a candidate belongs to the caste mentioned in the certificate.]]

<sup>10</sup>[(4) .....]

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

<sup>11</sup>[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.]

1. Substituted for the words "a voter of the constituency as a proposer" by Notification No APM.1088/6524/37/11-C dated 7.6.1990
2. The words inserted by above Notification.
3. Sub-Rule (2A) inserted by above Notification.

4. Sub-rule (3) Substituted by Notification No APM.2069/7757-C-1 dated 8.2.1971.
5. Substituted for the words "agriculturist" by Notification No APM/1088/ 6524/ 37/ 11-C dated 7.6.1990
6. The words "If the nomination is rejected under this sub-rule, the Returning officer shall record thereon his reasons for rejecting the same" deleted by Notification No APM 2071/3345-C-1-dated 2.10.1972.
7. Explanation to Sub-rule (3) renumbered as explanation 1 and explanation 2 added by Notification No APM1088/6524/37-11-C dated 7.6.1990
8. Substituted for the words "Sarpanch or Patwari of the village" by Notification No. APM.2071/39345-C-1 dated 2.10.1972.
9. Substituted for the words "sub-sections (1), (2) of section 2 of the Act" by Notification No APM.1088/6524/37-11-C dated 7.6.1990.
10. Sub-rule (4) deleted by Notification No APM.2061/7757-C-1 dated 8.2.1971.
11. Proviso inserted by Notification No APM 1167/25332-(Part III)-C-1 dated 18.2.1971.

### Short Notes

The explanation (1) to sub-rule (3) of rule 45 is considered by the High court in case of *Sheshrao-vs-S DO, Buldhana, 1974 Mah L J Note 35-DB*. It is held that:

"The certificate of Talathi is sufficient for the satisfaction of the Returning officer and if acting on the certificate he accepts the nomination paper of the candidates when no objection is raised from any quarter he is justified in doing so. The conclusiveness of the certificate cannot be challenged in appeal under rule 51 if no objection is taken before the returning officer."

The provisions of rule 45(2) of the Rules are considered by the High Court in case of *Sanjay Sadashiv Patil -Vs- State of Maharashtra, 2008(4) Mah L J 262-SB*. The petitioner has challenged the order of rejection of his nomination paper in view of the provisions contained in rule 45(2) of the Rules. The petitioner sought relief of quashing the decision of the Returning Officer and Appellate Authority and further prayed for permitting the petitioner to participate in election.

While dealing with the objection as to jurisdiction of learned Single Judge over the subject matter of petition, it is held in para 14 that subject matter of present petition comes within the jurisdiction of a Single Judge.



On merits, the real question before the Court was: whether the nomination of the petitioner is rightly rejected? After considering the provisions of rule 45(2), it is held in para 42 -

"The interpretation of sub-rule (2) of rule 45 can be construed to permit multiple nominations and this would not result in opposing intention of Legislature when proposal for nomination in different categories is permitted, and this course advance the democratic process."

#### **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, of he is otherwise duly qualified, be nominated as a candidate for each of such constituencies.

#### **47. Symbols of election.**

(1) The <sup>1</sup>[Collector or the District Deputy Registrar, as the case may be] 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 subjected [He shall not allot any symbols which are associated with political parties.]

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

<sup>2</sup>[(3) Every candidate shall forthwith be informed of the symbol allotted to him and will be supplied with a specimen thereof by the Returning Officer.]

1. Substituted for the word "Collector" by Notification No. Krubas. 2007/CR- 254/11-C dated 02.11.2007.

2. Inserted by Notification No, APM 1088/6524/37/11-C dated 7.6.1990.

## **48. Deposits.**

A candidates 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 excepts 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 the 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 of the date to which the proceedings have been adjourned.
- (6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

- (7) For the purpose of this, rule, the production of a certified copy of an entry made in the list of voters of the relevant constituency shall be conclusive evidence of the right of any voter named in that entry to stand-for election, unless it is proved that the candidate is disqualified.
- (8) Immediately after all the nominations 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 or the District Deputy Registrar, as the case may be] 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 as there are candidates whose nomination papers have been accepted (excluding himself).
- (2) The decision of the +[Collector or the District Deputy Registrar, as the case may be] 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.

+ Substituted for the word "Collector" by Notification No. Krubas. 2007/CR- 254/11-C dated 02.11.2007.

## Short Notes

The appeal is provided to the Collector against the decision of the Returning Officer accepting or rejecting a nomination paper and finality is given to the decision of the Collector. Thus the appeal will lie only against the decision of Returning Officer accepting or rejecting a nomination paper. (*Radhakishan-vs- Assistant Collector*, 1983 Mah L J 126 -DB=1982 Mah L R 447)

In case of *Sheh Rao-vs-S D O, Buldhana*, 1974 Mah L J Note 35-DB, the High Court held that the appellate Court cannot go into question which is not raised before the Returning Officer. In this case it is further held that the point regarding conclusiveness of the certificate cannot be challenged for the first time in appeal if no objection is taken before the returning Officer.

But in the case of *Pruthwiraj-vs-Sheungas*, 1987 Mah L J 1065- DB=1988 Mah L R 327, the High Court has held that:

"The First point is whether the points which were raised or could have been raised at the time of scrutiny of the nomination papers before the Returning Officer or in an appeal against his decision before the Collector, can be agitated in election petition in view of the finality attached to the decision of the Returning Officer by rule 51 (2). It seems to us that the answer has to be recorded in the affirmative despite somewhat confusing language used in rule 51 (2) and first impression created thereby the contrary."

### **52. Withdrawal of candidature.**

- (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer-
  - (a) where no appeals 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 Collector +[or the District Deputy Registrar, as the case may be] is given.

- (2) The notice shall be delivered to the Returning Officer before 3 O' clock in the afternoon on the day fixed under sub-rule (1) for withdrawal of candidature.
- (3) The notice may be delivered either by the candidate in person or by his proposer who has been authorised in this behalf in writing by the candidate.
- (4) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.
- (5) The Returning 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.

+ Inserted by Notification No. Krubas. 2007/CR-2S4/11-C dated 02.11.2007.

### **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 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 of proposer, of other candidate.
- (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 +[ or the District Deputy Registrar, as the case may be]-

- (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.

+ Inserted by Notification No. Krubas. 2007/CR-254/11-C dated 02.11.2007.

#### **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.**

- (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 such candidates, at each Polling Station. Such appointment shall be made by a letter in writing in Form I0A 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 IOB.
- (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 IOB 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 signed 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.]

+ Inserted by Notification No APM.1088/6524/37-11-C dated 7.6.1990.

## **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 +[or the District Deputy Registrar, as the case may be] and all proceeding with reference to the election shall be commenced a new 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 candidates at the time of the countermanding of the poll; and



(ii) no person who has given a notice of a withdrawal of his candidature under sub-rule(I) of rule 52 before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

+ Inserted by Notification No. Krubas. 2007/CR-254/11-C dated 02.11.2007.

## **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.**

(1) At every election where a poll is taken, votes shall be <sup>1</sup>[taken] by ballot in the manner hereinafter provided and no votes shall be <sup>2</sup>[given] by proxy.

<sup>3</sup>[(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 one candidate.]

1. The word "given" substituted by "taken", and
2. The word "received substituted by "given" by Notification No. APM.1167/ 25332 - (Part-III)-C-1 dated 18-2-1971.
3. Substituted by notification no. APM. 10.2001/C. R. - 294/11-C dated 24.9.2001.

## **59. Ballot Box.**

Every Ballot Box shall be design as may be approved by the Collector +[or the District Deputy Registrar, as the case may be].

+ Inserted by Notification No. Krubas. 2007/CR-254/11-C dated 02.11.2007.

## **60. Form of Ballot Paper.**

- (1) Every ballot paper shall be in Form <sup>1</sup>[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 declared upon by the Collector <sup>2</sup>[or the District Deputy Registrar, as the case may be].

1. Substituted for figure "10" by Notification No APM.1167/25332- (Part III) -C-1 dated 18-2-1971.

2. Inserted by Notification No. Krubas. 2007/CR-254/11-C dated 02.11.2007.

## **+ [60A. Arrangement of Polling Stations.**

- (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 paper, 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 articles necessary for voters to mark to 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.]

\* Rule 60A inserted by Notification No APM.1088/6524/37-C- 11 dated 7.6.1990.

## **<sup>1</sup> [60B. Admission to Polling Station.**

The Presiding Officer shall regulate the number of voters to be admitted at anyone 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 <sup>2</sup>[Collector, the District Deputy Registrar, the Returning Officer, as the case may be];
- (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.]

- 1. Rule 60B inserted by Notification No APM.1088/6524/37-C- 11 dated 7.6.1990.
- 2. Substituted for the word "Collector" by Notification No.Krubas. 2007/CR-254/11-C dated 02.11.2007.

## **+ [60C. The Preparation of ballot boxes for Poll.**

- (1) 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 a 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 as a polling station 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 filed 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 person' 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.]

\* Rule 60 C inserted by Notification No.APM.1088/6524/37-C-11 dated 7.6.1990.

## **61. Identification of Voters.**

- (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him otherwise in taking a poll.
- (2) As each voter enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf shall check the voter's name and other particulars with the relevant entry in the list of voters and then call out the serial numbers, 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.**

- (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 11 B; 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 (I) be forfeited to +[the Election Fund of the concerned Market Committee] and in the other case, he shall return it to challenger at the conclusion of the inquiry.

\*Substituted for the words "the State Election Fund" by Notification No. Krubas. 2007/CR-254/11-C dated 02.11.2007.

### **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.]

\* Rules 61A and 61B added by Notification No. APM.1088/6524/37-11-C dated 7-6-1990.

## **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 +[ or the District Deputy Registrar, as the case may be] may direct.
- (4) At the time of issuing a ballot paper to a voter, the Polling Officer shall record the serial number thereof against the entry relating to the voter in the copy of the list of voters set apart for the purpose.
- (5) Save as provided in sub-rule (4), no person in the polling station shall note down the serial number of the ballot paper issued to a particular voter.

+ Inserted by Notification No. Krubas. 2007/CR-2S4/11-C dated 02.11.2007.

## **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] for whom he intends to vote;
  - (c) fold the ballot paper so as to conceal his +[vote or votes];
  - (d) if required, show the Presiding Officer the distinguishing mark on the ballot paper;
  - (e) insert the folded ballot paper into the ballot box; and
  - (f) quit the polling station.

(2) Every voter shall vote without undue delay.

(3) No voter shall be allowed to enter a polling compartment when another voter is inside it.

\* Substituted for "Candidate" ,and

\*Substituted for "Vote" by Notification No. APM. 2069/7757-C- 1 dated 8- 2-1971.

**+ [64. Recording of votes of blind or infirm voters.**

(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 21 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 vote and inserting it into the ballot:

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

Provided further that, before any person is permitted to act as the companion of a voter on any day under this rule, the persons 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.]

\* Substituted by Notification No. APM. 1167/25332-(Part-III)-C-1 dated 18- 2-1971.



## **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 the polling station except that it shall be-
  - (a) Serially the last in the bundle of ballot papers issued for use at the polling station;  
and
  - (b) endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

- (4) The voter, after marking a tendered ballot paper in the polling compartment and folding it, shall instead of putting it into the ballot box give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

**67. Closing of Poll.**

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

**68. Sealing of ballot boxes after poll.**

- (1) As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of any candidates or their agents, 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 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]

\* Original rule 69 renumbered as sub rule (1) of that rule and sub-rule (2) inserted by Notification No.APM.1088/6524/37-11-C dated 7-6-1990.

## **70. Sealing of other packers.**

- (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 of 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 of 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.

## **<sup>1</sup>[71A. Fresh poll in case of destruction etc. of boxes.**

- (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 <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be].
- (2) The <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] shall, upon receipt of a report, or *sou 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.]

1. Inserted by Notification No. APM. 1088/6524/37-11-C dated 7- 6-1990.

2. Substituted for the word "Collector" by Notification No. Krubas. 2007/CR- 254/11-C dated 02.11.2007.

**( 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 directions of, the Returning Officer, and each contesting candidates, 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) Person authorised by the 1[Collector or the District Deputy Registrar, as the case may be];
  - (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 of 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.
  
- <sup>2</sup>[(4) Any duly authorised person, who durning the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place where the votes are being counted, by a Police Officer on duty acting under the direction of the Returning Officer or the Officer-in-Charge in the election process.]

1. Substituted for the word "collector" by Notification No.Krubas.2007/CR-254/11-C dated 2.11.2007.

2. Substituted by Notification No.APM.1088/6524/37-11-C dated 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 the 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 box and shall order a fresh poll.

**75. Scrutiny and rejection of ballot paper.**

- (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 it 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 in distinct 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]:

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 polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form 14 and announce the particulars.
- (3) The valid ballot papers shall thereafter be bundled together and kept along with the bundle of rejected papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:-
  - (a) the name of the constituency;
  - (b) the particulars of the polling station where the ballot papers have been used;
  - (c) the date of counting.

\* Substituted for "one valid vote" by Notification No APM. 2069/ 7757-C-1 dated 8-2-1971.

## **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.]

\* Added by Notification No. APM. 1088/6524/37-11-C dated 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 76 shall apply so far as may be to such further counting.



## 79. Recount of votes.

- (1) After the completion of the counting, the Returning officer shall record in the result sheet in Form +[14] the total number of votes polled by each candidate and announce the same.
- (2) After such announcement has been made, the 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 therefor.
- (5) If the Returning Officer declares under sub-rule (3) to allow the application either in whole or in part, he shall-
  - (a) count the ballot papers again in accordance with his decision;
  - (b) amend the result sheet in Form +[14] to the extent necessary after such recount, and
  - (c) announce the amendments so made by him.
- (6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form +[14] and no application for 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).

+ Substituted for figure "13" by Notification No. APM. 1167/25332/ (Part III)- C-1 dated 18-2-1971 read with Notification No. APM. 1088/ 6524/37-C-1 dated 7-6-1990.

## **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 or the District Deputy Registrar, as the case may be] 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 the signed copies thereof to the +[Collector or the District Deputy Registrar, as the case may be] as soon as possible.

+ Substituted for the word "Collector" by Notification, No. Krubas. 2007/CR- 254/11-C dated 02.11.2007.

## **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 the District Deputy Registrar, as the case may be] 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 +[ or the District Deputy Registrar, as the case may be] shall declare the candidate from the constituency or constituencies concerned securing the next higher number of votes as duly elected.

+ Inserted by Notification No. Krubas. 2007/CR-254/11-C dated 02.11.2007.

## **<sup>1</sup>[83. Publication of Names of Members and issue of certificate to elected members.**

On receipt of election results under rule 81, the the <sup>2</sup>[Collector or the District Deputy Registrar, as the case may be] 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.]

1. Substituted by Notification No. APM. 1088/6524/37/11-C dated 7-6-1990.
2. Substituted for the word "Collector" by Notification No. Krubas. 2007!CR- 254/11-C dated 02.11.2007.

#### **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 be 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.]

+Substituted by Notification No. APM. 1088/6524/37-C-11 dated 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 not 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 or the District Deputy Registrar, as the case may be].
- (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 or the District Deputy Registrar, as the case may be].

+ Substituted for the word "Collector" by Notification No. Krubas. 2007/CR- 254/11-C dated 02.11.2007.

## **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 or the District Deputy Registrar, as the case may be] 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.

+ Substituted for the word "Collector" by Notification No. Krubas, 2007/CR- 254/11-C dated 02.11.2007.

**+ [88. Determination of validity of Election.**

(1) If the validity of any election including bye-election of 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 election refers, such person may, within seven days after the date of the declaration of the result of the election apply in writing to. -

(a) the District Deputy Registrar, in case the election pertains to Market Committees, whose annual income from fees under sub-section (1) of election 31, in the immediately preceding market year does not exceed rupees 5 crore, and

(b) to the Collector in case the election pertains to Market Committees, whose annual income from fees under sub-section (1) of section 31, in the immediately preceding market year exceeds rupees 5 crore.

(2) On receipt of an application under sub-rule (1), the District Deputy Registrar or the Collector, as the case may be 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 District Deputy Registrar or the Collector, as the case may be, sets aside the election, he shall fix a date as soon as conveniently may be, for holding a fresh election.

(3) (a) 'Any person aggrieved by the decision of the District District Deputy Registrar may within seven days from the date on which the decision is communicated to him, prefer an appeal against such decision to the Divisional Joint Registrar;

(b) Any person aggrieved by the decision of the Collector may within seven days from the date on which the decision is communicated to him, prefer an appeal against such decision to the Divisional Commissioner appointed under section 6 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966).

- (4) The decision of the District Deputy Registrar or the Collector subject to the decision of the Division Joint Registrar Divisional Commissioner or the Divisional Commissioner appointed under section 6 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), as the case may be, in appeal, shall be final.]

+ Inserted by Notification No. KPN. 2010/CR-1/21-C dated 13.08.2010.

### Short Notes

The provisions of newly inserted rule 88, its validity and applicability, are considered by the Division Bench in case of *Sadashivrao Ganpatrao Mahajan - Vs- The Election Officer and Assistant Registrar for election of Agriculture Produce Market Committee, Ralegaon, 2011 (1) Mah L J 189-DB = 2011 (1) Bom C R 152*. In this case, the petitioner challenged order dated 03.06.2010 by which it was held that respondent no.2 is eligible to contest the election of Agriculture Produce Market Committee, Ralegaon. The petitioner further prayed for direction to respondent nos. 2 and 3 to reject nomination papers of respondent no.2 for contesting the election. During the pendency of the petition, respondent no.2 contested the election since there was no stay to the election and has been declared elected to the A P M C, Ralegaon from Cooperative Society's Constituency under Section 13(1) (a) (i) of Act.

It was contended on behalf of the respondent no.2 that the petitioner has an alternate remedy by way of election petition under Rule 88 of the A P M C Rules. In reply, the petitioner contended Rule 88 of APMC Rules has, in fact, been deleted from the book on 02.11.2007. In reply, it was submitted by respondent No.2 that the deletion of rule 88 was accidental and that the rule has been restored by Notification in the Official Gazette dated 13.08.2010. The High Court declined to interfere with the impugned order with the observations that the petitioner must avail of the remedy provided by rule 88 of the APMC Rules. However, the important and relevant observations of the Court are reproduced below -

- (i) It is clear that Sub Section (4) of Section 60 of the APMC Act does not prescribe "*simple laying*" without further procedure. The rule, after enactment introduces a further procedure i.e. of laying before both Houses of Legislature. So also, the said clause does not prescribe laying subject to affirmative resolution since there is no requirement

that draft of the rules must be approved by each House of Legislature before they come into force. Thus, on a plain construction, sub Section (4) of Section 60 of the APMC Act can be said to prescribe a laying subject to negative resolution and, therefore, directory.

**[Para 8]**

(ii) There is no doubt that, Sub Section (4) of Section 60 of the *APMC Act* has an immediate operative effect and is subject to annulment or modification. The intention of the Legislature that a Rule should come into effect immediately subject to a negative resolution of the House of Legislature is evident from the last part of sub section (4) of Section 60, which provides that the modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule. This postulates that things can be done under the Rule as soon as it is enacted and that such thing done should be treated as laid even if the Rule is modified or nullified by the Legislature. **[para 10]**

(iii) We, thus, hold that Sub Section (4) of Section 60 of the APMC Act is directory in regard to the laying rules before the House of Legislature and that rule 88 of the APMC Rules, which provides for questioning an election by way of election petition, has come into force on 13.08.2010 i.e. the date of its publication in the *Official Gazette*. **[Para 12]**

**+ [89. Declaration of disqualification - - - - -]**

+ Deleted by Notification No. APM. 1088/6524/37/C-11 dated 7-6- 1990.

**<sup>1</sup>[90. Expenditure in connection with or incidental to elections.**

- (1) All expenditure incurred by <sup>2</sup>[Collector, District Deputy Registrar or Returning Officer, as the case may be] in connection with or included 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 <sup>3</sup>[Collector or District Deputy Registrar, as the case may be] 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 to time.

- (3) The <sup>3</sup>[Collector or District Deputy Registrar, as the case may be] 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 <sup>3</sup>[Collector or District Deputy Registrar, as the case may be] shall refund the amount of unspent balance, if any, to the Market Committee alongwith the statement of receipts and expenditure.

<sup>4</sup>[(4) There shall be an audit of the accounts of such election by Registrar of Co-operative Societies or an officer authorised by him under section 81 of the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961)]

- I. Original rule 90 renumbered as sub-rule (1) of that rule and sub-rules (2) to (4) added by Notification No. APM. 1088/6524/37- C-11 dated 7-6-1990.
2. Substituted for the words "Collector or Returning Officer" by Notification No. 2007/CR-254/11-C dated 02.11.2007.
3. Substituted for the word "Collector" by Notification No. 2007/CR- 254/11-C dated 02.11.2007.
4. Substituted, *ibid*.

**+ [90A. Non-application of provisions of rules 35 to 90 of Chapter III to direct marketing, farmer-consumer market and private market.-**

Nothing in this Chapter shall apply to the direct marketing defined under clause (ea), farmer-consumer market defined under clause (f1) and private market defined under clause (ma) of section 2.]

+ Inserted by Notification No. Krubas. 2005/C R- 608/11-C, dated 4.6.2007.



## **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.

#### **Functions and powers of Chairman and Vice-Chairman.**

- (1) The Chairman shall convene, preside at and conduct meetings of-
- (a) Market Committee;
  - (b) have access to the records of a Market Committee;
  - (c) discharge all duties imposed and exercise all powers conferred on him by or under the Act and 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. +[----  
-----]
- (2) The Market Committee may, by at 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.

+ The words "stating the reasons for which the leave is required" by Notification No. APM.1167/25332-(Part-III)-C-1 dated 18.2.1971.

**+ [93A. Non-application of provisions of rules 91 to 93 of Chapter IV to direct marketing, farmer-consumer market and private market.**

Nothing in this Chapter shall apply to the direct marketing defined under clause (ea), farmer-consumer market defined under clause (f1) and private market defined under clause (ma) of section 2.]

+ Inserted by Notification No. Krubas. 2005/C R- 608/11-C, dated 4.6.2007.

## Chapter V

### Market Committee - Powers And Duties

#### 94 The Market Committee to provide for certain matters.

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

- (1) for the maintenance and improvement of any enclosure or building which may constitute the market;
- (2) for the construction and repair of 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.**

- (1) The Market Committee may authorise 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 32 A.
- (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 and 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 Cooperation 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 an employee of the Market Committee, the Market Committee has taken appropriate disciplinary action against him .

**94-C. Power to make alternative arrangements during strike.**

- (l) 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 Co-

operative 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 or 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.

#### **94-D. Power to take steps to prevent purchases of agricultural produce below the 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.]

\* Rules 94 A to 94 D inserted by Notification No. APM. 1088/6524/37-11-C dated 7-6-1990.

## **95. Duties of the Market Committee.**

- (1) A market Committee shall furnish all the information which the Director or the officers duly authorised by him may require, in addition to the duties prescribed by the Act and the rule and bye-laws made thereunder, the Market Committee shall also be responsible for-
- (i) maintenance of proper check on all receipt and payment by its officer;
  - (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 retail or for any other activity which is against public policy or public moral.]
- (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 provision 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.]

\* Inserted by Notification No. APM. 1088/6S24/37/11-C dated 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 time to time and submit on or before 31 st December copies of its to the Director and to such officers as may be specified by the Director, in that behalf.



**+ [96A. Non-application of provisions of rules 94 to 96 of Chapter V to direct marketing, farmer-consumer market and private market.**

Nothing in this Chapter shall apply to the direct marketing defined under clause (ea), farmer-consumer market defined under clause (fi) and private market defined under clause (ma) of section 2.]

\* Inserted by Notification No. Krubas. 200S/C R- 608/11-C, dated 4.6.2007.

**+ [97. Constitution of Board for settlement of disputes under section 10 ----- ]**

**+ (98. Settlement of disputes ----- ]**

**+ (99. Fees to be paid for settling disputes ----- ]**

\* Rules 97,98 and 99 deleted by Notification No. APM.I088/6S24/37-11-C dated 7- 6-1990.

## **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.

+ [(2A) (a) The Maharashtra State Agricultural Marketing Board shall prepare a list of the persons eligible for being appointed as Secretaries of the Market Committees.

(b) Notwithstanding anything contained in the bye-laws of the Market Committees, the Maharashtra State Agricultural Marketing Board shall lay down the norms regarding the qualification and experience and the mode of selection of the persons to be included in the list. It shall be binding on the Market Committees to appoint a person as Secretary from this list only.

(2B) If the Secretary is dismissed by the Market Committee, his name shall stand deleted from the list.

(2C) The names of the Secretaries which are previously approved by the Director and the officers of the State Government or Central Government or otherwise who are deputed as Secretaries on the Agricultural Produce Marketing Committees shall be deemed to have been included in the list of the Secretaries.]

(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 or 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 injured 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 an officer or servant left in indigent circumstances on account of the premature death of such officer or servant.

(11) No officer or servant employed by a Market Committee shall ----

- (a) except in accordance with the general or special order of the Committee, communicate directly or indirectly the contents of any confidential documents or information to any member of the general public;
- (b) canvas or otherwise interfere or use his influence in connection with, or take part in, any election to the Committee otherwise than in the discharge of any duties assigned to him officially.

+ Inserted by Notification No. Krubas. 200S/C R- 608/11-C, dated 4.6.2007.

### **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 salaries 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 any 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 salaries 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 future employment.
- (viii) Withdrawal of privileges, if any.

### **Short Notes**

The provisions of rule 102 are interpreted by the High Court in case of *Suresh -vs- State of Maharashtra*, 1999 (3) Mah L J 374 - DB = 2000 (4) Born C R 194. In this case, the employee of the A P M C was punished under rule 102 after holding departmental enquiry, and thereafter, his claim for promotion was turned down on the ground that he was placed at the bottom of the seniority list because of such punishment. It was contended that it amounts to double punishment for one offence. But the contention was rejected and the petition was dismissed.

## **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 charges 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.

### Short Notes

In case of *Pramod -vs- A PM C*, 1984(1) *Born C R 50- DB*, the High Court has considered the scope of rule 103 and it is said that:

"Though the proviso (b) to rule 103 is *pari material* to proviso (b) to Article 3 II (2) of the Constitution of India, the employment with the market committee cannot be equated with the employment with the Government. Their rigour and conditions of employment are not the same. Following the procedure of inquiry as laid down by rule 103 is a formality and recourse could be taken to proviso (b) of rule 103 in very exceptional and rare cases. The matter in this behalf does not rest solely on the subjective satisfaction of the Market Committee, but this discretion can be exercised on the basis of the objective facts which are again justiciable.

#### **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.

### **Short Notes**

The maintainability of appeal under rule 104 was the issue for consideration before the Division Bench in case of *A P M C Umrer-vs- Divisional Joint Registrar, 2002 (2) Mah L J 583 - DB = 2002 (3) Bom C R 743*. It is held in para 7 that the appeal provided in Rule 104 is the appeal against the order of imposition of suspension as penalty and not against the interim suspension.

In case of *Shantaram Waghu Sonawane -Vs- Agricultural Produce Market Committee, 2011(2) Bom. C. R. 481-SB = 2011 (4) Mah L J 323*, the writ petition was dismissed by the High Court on the ground that remedy of filing further appeal under Rule 104 to State Government is available to petitioner. [See also *Pramod Rajaram Chavan=Vs- Agricultural Produce Market Committee, 1984(1) BomC.R. 50-DB.*]

### **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 activities of the Market

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

**+ [106A. Non-application of provisions of rules 100 to 106 of Chapter VI to direct marketing, farmer-consumer market and private market.-**

Nothing in this Chapter shall apply to the direct marketing defined under clause (ea), farmer-consumer market defined under clause (f1) and private market defined under clause (ma) of section 2.]

+ Inserted by Notification No. Krubas. 200S/C R- 60S/11-C, dated 4.6.2007.

## **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 moneys to be credited in the Market Fund shall be credited at least twice a week in full into any such bank.
- (2) The Market Committee may, with the approval of the Director or person authorised by him, invest its surplus funds in any of the securities specified in section 20 of the Indian Trust Act, 1882, loan bonds or debentures of the Apex Co-operative Land Development Bank and Government Savings Certificates.

#### **108. Expenditure.**

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



payments shall be obtained.

- (2) Every cheque drawn on behalf of a Market Committee shall be signed by the Chairman and Secretary of the Committee. In the absence of the Chairman, if by the Market Committee and the Secretary and in the absence of the Secretary, it shall be signed either by both the Chairman and Vice-Chairman or by the Chairman and one of the members of the Market Committee.
- (3) Except in the following cases, the Chairman shall not pass any bill, unless the expenditure detailed therein has received the previous sanction of the Market Committee, namely:-
  - (i) salaries and allowances of sanctioned establishment,
  - (ii) Payment for works and repairs sanctioned by competent authority,
  - (iii) urgent expenditure for which there is budget provision of which does not exceed Rs. 500.

### **109. Certain functions which the Market Committee may undertake and for which funds may be sent.**

The Market Committee may, subject to the provisions of the Act and the rules but subject always to the availability sufficient surplus funds at its disposal, undertake any of the functions such as organisation of 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 the purposes with the previous approval of the Director or the officer authorised by him in that behalf.

#### **+ [109-A Acquisition and disposal of movable and immovable property by Market Committees:**

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.]

\* Inserted by Notification No. APM.1088/6524/37-11-C dated 7- 6-1990.

## **110. Remittances to treasury or bank.**

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

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

## **111. Pass Book.**

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

## **1[112. Submission of Budget.**

- (1) The Market Committee shall meet 2[in the month of January] 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 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 3 [31 st January 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 communicate 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

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 31 st 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].

1. Substituted by Notification No. APM.1088/6524/37-11-C dated 7-6-1990.
2. Substituted for the words ""in the month of July" by Notification No. Krubas. 2005/C R -608/11-C, dated 4.6.2007.
3. Substituted for the words "31st July of every year" by Notification No. Krubas. 2005/C R -608/11-C, dated 4.6.2007.

### **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. 5000 the plans and estimates shall be approved by the Market Committee.

### **115. Supervision of works.**

All works shall be carried out 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 Ledger-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 Trade 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 a 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 <sup>1</sup>[50 paise for 200 words.]
  - (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 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.
- <sup>2</sup>[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 money due to the Committee or in the accounts of the Committee and any loss, waste or misappropriation of moneys or other property, owned by or vested in the Committee, if such loss is a direct consequence of neglect or misconduct of persons or person 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.]

- (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.

1. Substituted for the words "fifteen paise per folio" , and
2. Sub-rule (6A) inserted by Notification No. APM. 1088\ 6524\ 37\11-C dated 7-6- 1990.

**+ [116A. Non-application of provisions of rules 107 to: 116 of Chapter VII to direct marketing, farmer-consumer market and private market.**

Nothing in this Chapter shall apply to the direct marketing defined under clause (ea), farmer-consumer market defined under clause (f1) and private market defined under clause (ma) of section 2.]

+ Inserted by Notification No. Krubas. 2005/C R- 608/11-C, dated 4.6.2007.

**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 inquired 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 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 tile 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 finding and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his enquiry or inspection. The

Director shall pass such order 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.

#### **+ [117 A. Compounding of offences.**

- (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 or 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 offences.
- (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.]

+ Rules 117A and 117B inserted by Notification No.APM.1088\6524\37-11-C dated 7-6-1990.

### **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 +[50paise per 200 words], The Chairman or Secretary may supply such copy under his signature.

+ Substituted for the words " 15 paise per folio" by Notification No. APM.1088\6524\37-11-C dated 7-6-1990.

### **119. Qualifications and appointment of Tribunal under section 57.-**

- (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 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 as such meeting];
- (b) appointment of sub-committees, powers and duties to be delegated to sub-committee 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 license, manner of refunding license fee,, agreement to be executed before the grant of a license, solvency certificate banks, or third person's guarantee, and issue of a duplicate copy of a license which is lost, destroyed to mutilated;
- (f) determining the quantity of declared agricultural produce for the purpose of retail sale and personal consumption;
- (g) the form for a weighment 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 market area in any market therein;
- (j) issue of badges under these rules;
- (k) rates of charges provided under the Act;
- (l) hours of trading and holidays;
- (m) payment of expenses of the Tribunal under section 57;
- (n) rate of sitting fees to members and payment of traveling and other allowances to members of the Market Committee.
- (o) maintenance of records, registers and account books by 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, by-laws and notifications issued thereunder;
- (s) preservation and destruction of records;
- (t) manner and period of preservation of bills;
- (u) charges for weighing 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 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 provision of the Act and these rules.]

+ Substituted by Notification No. APM.1167/25332(Part III ) 11-C- dated 18-2-1971.

### **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 a 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) Wherever 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-law to the Director immediately.]

- (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-laws as it would stand after amendment, signed by the Chairman or in his absence by the Vice-Chairman and secretary of the Market Committee; and

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

- (5) On receipt of a copy the resolution and other particulars referred to in sub-rule(4), the Director shall examine 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 therefore. The by-law 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.

+ Sub-rule(3A) inserted by Notification No.APM.1088\6524\37- 11-C dated 7-6-1990.

#### **+ [121 A. Power of the State Government.**

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 for 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.]

+ Inserted by Notification No. 2073\8651\11-C dated 21-1- 1977.

## **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 Agriculture Produce Market Rules, published in Government of Central Provinces Agriculture Department, Notification No.1662-848 (-)X of 1941, dated the 25th July 1942.
- (iii) the Rules published in Government of Central Provinces, Agriculture Department, Notification No.1073-576-XLY, 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-XLY, dated the 5th October 1934, and
- (vi) the Hyderabad Agricultural Market Rules, shall stand repealed except as respects things done or omitted to be done under those rules.

### **+ [122A. Non-application of provisions of rules 117 to 122 of Chapter VIII to direct marketing, farmer-consumer market and private market.-**

Nothing in this Chapter shall apply to the direct marketing defined under clause (ea), farmer-consumer market defined under clause (f1) and private market defined under clause (ma) of section 2.]

+ Inserted by Notification No. Krubas. 2005/C R- 608/11-C, dated 4.6.2007.

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+[FORMAA

[See rules 4 C (1) and 4D(1)]

**Application for grant of license for private market and farmer-consumers market.**

Date :

To,  
The Director of Marketing,  
Maharashtra State, Pune..

I/We ..... (Name) ..... (Address)  
..... (Phone No.) ..... am /are making an  
application for the grant of License for establishing private market/farmer consumer market. The  
necessary documents as required are enclosed. I am ready and willing to pay the necessary  
license fee of Rs. .... as per rules for obtaining the above mentioned license. You are  
requested to grant the license.

Yours faithfully,

(Applicant)

The following documents are submitted with this application. Certificate of Incorporation or  
Registration in respect of Company, Co-operative Society, Trust, Corporation, Partnership etc.

Memorandum of Association or Articles of Association and operational and working  
guidelines (as applicable).

Names and Address and Telephone number of all the Directors and owners and partners  
etc.

Details of infrastructure created with the break up of the cost including the cost of the land  
in following table (Proof in support of cost should also be enclosed):

Sr.No.	Type of Infrastructure	Estimated Cost (Rs.)
1		
2		

3		
4		
5		

Certificate of Chartered Engineer or Executive Engineer, Public Works Department of Government of Maharashtra regarding the crow fly distance between the two nearest points or the private market and main or sub-yard of the neighboring Market Committees.

Documents relating to land including location map, 7/12 extract, area, title, (In case of leasehold land lease agreement, possession certificate et.)

Treasury challan in support of having paid the license fee.

Operational and working guidelines as to who private market shall be conducted or operated.

A Bank guarantee as provided in rule 4 C(4) and 4D(3), undertaking or Affidavit that the applicant shall abide by all the provisions of the Act and rules made thereunder and in case of violation he shall be liable for action including cancellation of license.

Undertaking or Affidavit that the applicant shall abide by all the provisions of the Act and rules made thereunder and in case of violation he shall be liable for action including cancellation of license.

Date :

Place :

(Applicant)

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**FORM A**

*[See rules 4B(1)]*

**Application for obtaining license for direct marketing of agricultural produce from the Agriculturists**

Date :

To,

Sir,

I/We ..... (Name ) ..... (Address)  
 ..... ( Phone No.) ..... am/are making an application for a



License for direct purchase of agricultural produce from the Agriculturists, in the below mentioned market areas. I am ready and willing to pay the necessary license fee or Rs. .... as per

rules for obtaining the above mentioned license.

1. ....
2. ....
3. ....
4. ....

Alongwith this application I am enclosing the following documents.

Solvency Certificate

Bank Guarantee.

Details of Registration Documents of the Applicant (e.g. Company/Partnership Firm/Non-Governmental Organisation /Co-operative Society/Government Organization etc. and names and addresses of their Directors, Partners etc.)

#### **Declaration**

- (1) I/We agree to abide by the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 and the rules made thereunder and amendments made to it from time to time and the directions and orders issued by the Director of Marketing, from time to time.
- (2) I/We agree to keep all the necessary records and information about the functioning of our business and to co-operate to produce whatever information and documents will be asked for inspection by appropriate authority.
- (3) I/We agree to pay whatever charges or fees or amounts liable and due from me legally,
- (4) I/We agree to avoid business with persons doing illegal business and will co-operate in taking legal action against such persons.

Signature of Applicant.

1. Name:  
Address :  
Signature :

2. Name :  
 Address :  
 Signature :

-----

**Form B**

*[See rule 4 B(2)]*

**Name of centers to be operated by direct marketers for purchase of agricultural produce initially**

Sr.No.	Name and Address of Center	Date of opening of center	Commodities Purchased

Date :

Signature

-----

**Form C**

*[See rule 4 B(2)]*

**Name of centers opened by direct marketers for purchase of agricultural produce after obtaining license.**

Sr.No.	Name and Address of Center	Date of opening of center	Commodities Purchased

--	--	--	--

Date :

Signature

**FORM D**

*[See rules 4B(5), 4C(4) and 4D(4)]*

**Register of license holders for direct marketing of agricultural produce and establishing private markets and farmer-consumer markets.**

Sr.no.	Name and Address of Applicant	Date of Receipt of Application for license	Type of License and Date of issuance	Market area	License fee Rs.(Challan No.)	License No. and Date	License Period	Remarks and Signature

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**Form E**

*[See rules 4B (5), 4C(4) and 4D(4)]*

**License for direct marketing of agricultural produce establishing private market and Farmer-consumer market**

License is hereby granted to ..... (Name) ..... (Address) ..... (Phone No.) ..... Hereinafter referred to as the licensee) on payment of fee of Rs. .... for direct marketing of agricultural produce and establishing or operating private market or famer-consumer market in ..... market area, subject to the provisions of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967, on the following conditions, that is to say :-

- I. The licensee shall abide by the provisions of the said Act and rules and the conditions of agreement entered into by the licensee on ..... with the Director of Marketing.
- II. This license is not transferable.
- II. This license may be suspended or cancelled in accordance with the provisions of the said Act and the rules made thereunder and if the license holder commits any act or abstains from carrying out his normal business in the market with the intention of willfully obstructing, suspending or stopping the marketing of agricultural produce in the market area, the license may be suspended or cancelled.
- IV. In the event of suspension or cancellation of this license, it shall be surrendered to the Director of Marketing.
- V. The licensee shall not adulterate or cause any declared agricultural produce to be adulterated.
- VI. The licensee shall help the Director in preventing evasion of market fees.
- VII. The licensee after grant of license by Director shall within a period of fifteen days inform about the authorised representative of the licensee who shall be responsible on his behalf.
- VIII. The licensee shall maintain books, registers and records in the manner, required by the Director and shall make them available for inspection to the Director or person authorized by him.
- IX. The licensee shall furnish information and returns to the Director as may be required by him from time to time.
- X. (a) Agricultural produce shall be sold by way of open auction in private markets.  
(b) Direct marketing license holder will put up the notice of price of commodity at which he will purchase on a particular day.

- (c) Private market or direct purchaser shall not purchase or allow to purchase of any agricultural produce below minimum support price announced by the Government for the particular commodities.
- I. The licensee shall, if the declared agricultural produce is sold through his agency or by him, pay to seller the price of the agricultural produce so sold on the same day.
  - II. 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 made by the concerned Market, approved by the Director of Marketing.
  - III. The licensee shall not make or recover any trade allowance.
  - IV. The licensee shall provide for authorized weights and measures.
  - V. The licensee shall pay to the licensed weighman or measurer and hamals only at the rates approved by the Director and shall not employ them for any household or private work
  - VI. The licensee shall inform the Director of any change in the constitution of the licensee.
  - VII. The licensee shall refer all his disputes in relation to the marketing of the declared agricultural produce in the manner provided under the Maharashtra Agricultural Produce Marketing (Development and Regulation ) Rules, 1967.

Place

Date

Director of Agricultural Marketing,  
Maharashtra State

Renewal of License.

Date of Renewal	Period for which renewal	Signature of Director and date

-----

**Form F**

*[See rule 4H(3)]*

**Form of Declaration regarding goods processed or exported.**

Kind of agricultural produce	Carts and packages with quantity	Where bought	Name of seller	Through whom bought	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 or processing.

Date :

Signature]

+ Forms inserted by Notification No.Krubas.2005/C R- 608/11-C, dated 4.6.2007

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**+ [Form G**

*[See rule 40 (1)]*

**Application for registration as Contract Farming Sponsor**

Date :

To

.....  
.....

.....  
Sir,

I/We ..... (Name) ..... (Address) (Phone No.)  
..... am /are making an application for a registration as Contract Farming  
Sponsor and the Contract Farming Agreement is for the period from . ..... to  
..... i.e. .... year. I am ready and willing to pay the necessary fees of Rs.  
..... for the above registration.

Along with this application I am enclosing the following documents,-

- I. Solvency Certificate.
- II. Bank Guarantee.
- III. Details of Registration Documents of Company/Partnership Firm/ Non-Governmental Organizations/Co-operative Society/ Government Organization etc. and names and addresses of Directors and Partners etc.
- IV. Details of agricultural produce coming under the contract.

Signature of the Applicant.

-----  
**Form H**

[See rule 40(2)]

**Register of Contract Farming Sponsor**

Sr.no.	Name and Address of Applicant	Date of Receipt of Application	Registration fee in Rs.	Registration Number and date	Period for which Registration is granted	Remarks and Signature

**Form I**

[See rule 40(3) and (4)]

**Model Agreement for Contract Farming**

This Agreement is made and entered into at ..... on the ..... day of ..... 200 between ..... age ..... residing at ..... hereinafter called the party of the First Part (which expression shall unless repugnant to the context or meaning thereof means and includes his heirs, executors, administrators and assigns) of the First Part, and Shri/M/s. .... a Pvt./Public Limited Company incorporated under the provisions of Companies Act, 1956 and having its registered office at ..... hereinafter called the party of the Second Part (which expression shall unless repugnant to the context or meaning thereof means and includes its successors and assigns) of the other part.

Whereas, the party of the First Part is the owner/cultivator of the agricultural land bearing the following particulars:-

Village	Gat No.	Area in Hectare	Tahsil and District	State

And Whereas, the party of the Second Part is trading in agricultural produce and also providing technical know-how in respect of land preparation, nursery, fertilization, pest management, irrigation, harvesting and alike things.

And Whereas, the party of the Second Part is interested in the items of the agricultural produce more particularly mentioned in the Schedule annexed with this form and at the request of the party of the Second Part, and party of the First Part has agreed to cultivate and produce the items of agricultural produce mentioned in the Schedule annexed hereto.



And Whereas, the parties hereto have agreed to reduce in writing the terms and conditions in the manner hereinafter appearing.

Now, the presents witnesseth and it is hereby agreed by and between the parties as follows:-

**Clause 1.-** The party of the First Part agrees to cultivate and produce and deliver to the party of the Second Part and the party of the Second Part agrees to buy from the party of the First Part the items of the agricultural produces particulars of the items, quality, quantity and price of the items are more particularly mentioned in the Schedule annexed hereto.

**Clause 2.-** The agricultural produce particulars of which are mentioned in the Schedule annexed hereto shall be supplied by the party of the First Part of the party of the Second Part within the period of ..... months/years from date hereof; or

It is expressly agreed between the parties hereto that this agreement is for agricultural produce particulars of which are described in the Schedule annexed hereto and for a period of ..... months / years and after the expiration of said period, this agreement shall automatically come to an end.

**Clause 3.-** The party of the First Part agrees to cultivate, produce and supply quantity mentioned in the Schedule annexed hereto to the party of the Second Part.

**Clause 4.-** The party of the First Part agrees to supply the quantity contracted according to the quality specifications stipulated in the Schedule annexed hereto. If the agricultural produce is not as per the agreed quality standards, the party of the Second Part shall be entitled to entitled to refuse to take the delivery of the agricultural produce only on this count. On refusal to take the delivery of the agricultural produce;-

(a) the party of the First Part shall be free to sell the produce to the party of the Second Part at a mutually re-negotiated price; or

(b) the party of the First Part shall be free to sell the produce in the open market (to bulk Buyer viz. exporter/processor/manufacture etc.) and if he gets a price less than the price contracted, he shall pay proportionately less amount to the party of the Second Part, for his investment;

or

(c) the party of the First Part shall be free to sell the produce in the market yard and if the price obtained by him is less than the price contracted, then he shall return proportionately less amount to the party of the Second Part, for his investment.

In the event, the party of the Second Part refuses or fails to take the delivery of the contracted produce for this own reasons then the party of the First Part shall be free to sell the produce in the open market and if the price received is lower than the contracted price the difference shall be on account of the party of Second Part and the party of the Second Part shall pay the said difference to the party of the First Part within a period of ..... days from asserting the said differences.

**Clause 5.-**The party of the First Part agrees to adopt instructions or practices in respect of the land preparation, nursery, fertilization, pest management, irrigation, harvesting and any other, as suggested by the party of the Second Part, from time to time, and cultivate and produce the items as per the specifications mentioned in the Schedule annexed hereto.

**Clause 6.-** It is expressly agreed by and between the parties hereto that buying shall be as per the following terms and buying slips shall be issued immediately after the purchase.

Date	Delivery Point	Cost of Delivery

It is further agreed that it shall be the responsibility of the party of the Second Part to take into possession of the contracted produce at the delivery point after it is offered for delivery and if he fails to take delivery within ..... period then the party of the First Part shall be free to sell the agriculture produce contracted as under:-

- (a) in the open market (bulk buyer viz. exporter or processor or manufacturer etc.) and if he gets a price less than the price contracted, he shall pay proportionately less amount to the party of the Second Part, for his investment; or
- (b) in the market yard and if the price obtained is less than the contracted price then he shall return proportionately less amount to the party of the Second Part, for his investment.

It is further agreed that the quality maintenance in transit shall be the responsibility of the party of the Second Part and the party of the First Part shall not be responsible or liable for the same.

**Clause 7.-** The party of the Second Part shall pay to the party of the First Part the price or rate mentioned in the Schedule annexed hereto when his crop has been harvested and delivered to the party of the Second Part after deducting all outstanding advances given to the party of the First Part by the party of the Second Part. The following table shall be followed for the payment.

Date	Mode of Payment	Palce of Payment

**Clause 8.-** The parties hereto shall insure the contracted produce mentioned in the Schedule annexed hereto, for the period of \*..... against the risk of losses due to acts of Gods destruction of specified assets, loan default and production and income loss

and all other acts or events beyond the control of the parties, such as very low production caused by the serious out break of a disease, epidemic or by abnormal weather condition, floods, drought, hailstorm, cyclones, earthquakes, fire or other catastrophes, war, acts of Government, action existing on or after the effective date of this agreement which prevent totally or partially the fulfillment of the obligation of the agriculturists. Upon request, the party of the First Part invoking such acts shall provide to the other party the confirmation of the existence of facts. Such evidence shall consist of a statement or certificate of the appropriate Government Department. If such a statement or certificate cannot reasonably be obtained, the party of the First Part claiming such acts may as substitute, thereof, make a notarial statement describing in details the facts claimed and the reasons why such a certificate or statement confirming the existence of such facts has not been obtained. Alternatively, subject to the mutual agreement between the two parties, the party of the First Part may fill his quota of the produce through other sources and the loss suffered by him thereby due to price difference, shall be shared equally between the parties, after taking into account the amount recovered from the insurance company. The insurance premium shall be shared equally by both the parties.

**Clause 9.-** The party of the Second part hereby agrees to provide following services to the party of the First Part during the period of cultivation and post harvest management. The particulars of the services are as follows:-

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

**Clause 10.-** The party of the Second part shall not thrust the labour on the part of the First Part.

**Clause 11.-** The party of the Second part or it's representatives agrees to have regular interactions with the agriculturist forum setup or named by the party of the First Part during the period of contract.

**Clause 12.-** The party of the Second part or it's representatives at their costs shall have the right to enter in the premises or the fields of the party of the First Part to monitor farming practices adopted and the quality of the produce from time to time.

**Clause 13.-** The party of the Second part confirms that he has registered himself with the District Deputy Registrar of Co-operative Societies ..... on ..... and shall pay the fees in accordance with the rules prevailing in this regard to the District Deputy Registrar of Co-operative Societies which has jurisdiction to regulate the marketing of agriculture produce which is cultivated on the land described .....; or the party of the Second Part has registered himself on ..... with a single point registration Authority namely ..... prescribed by the State Government in this regard. The fees levied by the respective District Deputy Registrar of Co-operative Societies shall be borne by the party of the Second Part exclusively and shall not be deducted in any manner, whatsoever, from the amounts paid to the party of the First Part.

**Clause 14.-** The party of the Second part shall have no rights whatsoever as to the title ownership, possession of the land /property of the party of the First Part nor shall it in any way alienate the property of the First Part particularly nor mortgage, lease, sub-lease or transfer the land property of the First Party in any way to any other person or institution during the continuance of this agreement.

- Clause 15.-** The party of the Second part shall submit original copy of this agreement signed by both the parties within a period of fifteen days from the date of execution thereof with the ..... market committee or District Deputy Registrar of Co-operative Societies as required by the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 or any other registering authority prescribed for the purpose.
- Clause 16.-** Dissolution, termination or cancellation of the Contract Farming Agreement shall be with the consent of both the parties. Such dissolution or termination or cancellation deed shall be communicated to the District Deputy Registrar of Co-operative Societies within a period of fifteen days of such dissolution, termination or cancellation.
- Clause 17.-** In the event of any dispute or differences arising between the parties hereto or as to the rights and obligations under this agreement or as to any claim monetary or otherwise of one party against the other or as to the interpretation and effect of any terms and conditions of this agreement, such dispute or differences shall be referred to Divisional Joint Registrar of Co-operative Societies.
- Clause 18.-** In case of change of address of any party to this agreement, it shall be intimated to the other party and also to the District Deputy Registrar of Co-operative Societies.
- Clause 19.-** Each party hereto shall act in good faith diligently and honestly with the other in the performance of their responsibilities under this agreement and nothing will be done to jeopardize the interest of the other.
- In witness whereof the parties have signed this agreement on the ..... day, ..... month and ..... year first above mentioned.

Signed, Sealed and Delivered by the  
 Within named 'Party of the First Part' in the  
 Presence of .....

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

Signed, Sealed and Delivered by the  
 Within named 'Party of the Second Part' in the  
 Presence of .....

1. ....
- 2.....

**Schedule**  
**Grade Specification, Quantity and Price Chart**

Grade	Specification	Quantity	Price/Rate]
Grade 11 or A	Size, Colour, Aroma etc.		

+ Forms inserted by Notification No. Krubas.2003/C R-306/11-C, dated 4.6.2007

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**Form 1**

[See rule 6(2)]

*License for operating as a trader, commission agent or broker*

THE \*..... AGRICULTURAL PRODUCE  
 MARKET COMMITTEE.

License is hereby granted to ..... address  
 ..... (hereinafter referred to as the licensee) on payment of  
 fee of Rs. .... for the use of \* ..... in the market  
 area or for operating in the market area for which the said Market Committee is established for the  
 marketing of + ..... as a trader/commission agent/ Broker, subject to the provisions of  
 the Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963, the Maharashtra  
 Agriculture Produce Marketing (Regulation) Rules, 1967, and Bye-laws of the said Market

Committee and the, following conditions, that is to say:-

1. The licensee shall abide by the provisions of the said Act, 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.
2. This license shall be valid upto and inclusive of 30th day of September 19..... and shall then expire unless it is renewed.
3. This license is not transferable.
4. This license 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 license, the lincenses shall surrender it to the Director/Market Committee.
6. The licensee shall carry on business as ..... only and at such places for which the licensee is issued and unless the licensee carries on any other business under a license 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 name of assistant engaged by licensee)



(2) All acts of assistant 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, registers 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 Office] authorized 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 manner provided for under the Bye-laws of the Market Committee <sup>a</sup>[and shall issue account slips or purchase bills according to the provisions of the Maharashtra Agricultural Produce Marketing (Regulation) Rules 1967].
13. The license 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.
14. The license 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 broken in any transaction in respect of any declared agricultural produce other than poultry, cattle, sheep and goats or except between a trade or trader.
17. The licensee shall provide for authorised weights and measures and shall carry cut the weighment at such places as may be approved by the Director/Market Committee.

18. The licensee shall pay to the licensed weighman or measure and hamals only at the rates approved by the Director/Market Committee and shall not employ them for any house hold or private work.
19. The licensee shall not purchase either in his own name or jointly for himself and other any declared agricultural produce brought in his adat except after fulfilling conditions laid down in rule 8.
20. The license 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 .....

2

Seal

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

Renewal of License

Date of renewal	period of which renewed	signature of Director/Chairman and date

\* Here insert the name as provided by section 12.

\*\* Here specify name of place, whether principle market or subsidiary, etc.

+ Here specify name of declared agricultural produce in relation to its marketing in the market area or market.

++ To be declared when the license is granted by the Director.

<sup>a</sup> Not applicable in case of broker.

Note.- Reference to Director should be retained only when the license is granted by him under the Act. It should be omitted when a license is granted by a Market Committee.

<sup>β</sup> To be retained in the case of licenses to commission agents only.

1. substituted for "other person" Notification No.APM.1167/25332/(Part-III) C-1 dated 18-2-1971.

2. Added by above Notification.

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**+[Form 1A**

*[See rule 6(3A)]*

**Application for obtaining license for operating in more than one market area as a Trader**

Date :

To,

.....  
.....  
.....

Sir,

I/We ..... (Name ) ..... (Address)  
.....(Phone No.) ..... am / are making an application for a License for operating as a Trader in more than one Agricultural Produce Marketing Committee, in the below mentioned market areas. I am ready and willing to pay the necessary license fee of Rs. .... as per rules for obtaining the above mentioned license.

1. ....

2. ....

3. ....
4. ....

Along with this application I am enclosing the following documents.

- I. Solvency Certificate
- II. Bank Guarantee

**Declaration**

- (1) I/We agree to abide by the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 and rules made thereunder and amendments made to it from time to time and the directions or orders issued by the Director of Marketing, from time to time.
- (2) I/We agree to keep all the necessary records and information about the functioning of our business and to co-operate to produce whatever information and documents will be asked for inspection by appropriate authority.
- (3) I/We agree to pay whatever charges or fees or amounts liable and due from me legally.
- (4) I/We agree to avoid business with persons doing illegal business and will co-operate in taking legal action against such persons.

Signature of Applicant

1. Name :  
Address :  
Signature:
  
2. Name :  
Address :  
Signature:

-----

**Form 1 B**

[See rule 6(3B)]

**License for operating in more than one market area as a Trader**

License is hereby granted to ..... (Name) ..... (Address)  
..... (Phone No.) ..... hereinafter referred to as the licensee  
) on payment of fee of Rs. .... for operating in the market areas of, -

.....  
.....  
.....

Subject to the provisions of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963, the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967, on the following conditions, that is to say:-

1. The licensee shall abide by the provisions of the said Act and the rules and the conditions of agreement entered into by the licensee on ..... with the Director of Marketing.
2. This license is not transferable.
3. This license may be suspended or cancelled in accordance with the provisions of the said Act, and the rules made thereunder.
4. In the event of suspension or cancellation of this license, it shall be surrendered it to the Director of Marketing.
5. The licensee shall carry on business as a Trader only and at such places for which the license is issued and unless the licensee carries on any other business under a license granted under a license 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.
6. The licensee shall pay market fees and supervision charges as prescribed to the concerned Agricultural Produce Market Committee.

7. The licensee shall not adulterate or cause any declared agricultural produce to be adulterated.
8. The licensee shall help the Director in preventing evasion of market fees.
9. The licensee after grant of license by Director shall within a period of fifteen days inform about the authorised representative of the licensee who shall be responsible on his behalf.
10. The licensee shall maintain books, registers and records in the manner, required by Director and shall make them available for inspection to the Director or person authorized by him.
11. The licensee shall furnish information and returns to the Director as may be required by him from time to time.
12. The licensee shall settle the price of agricultural produce according to the manner provided for under the Bye-laws of the Market Committee and shall issue account slips or purchase bills according to the provisions of the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967.
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.
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 recover any trade allowance.
16. The licensee shall provide for authorized weights and measures.
17. The licensee shall pay to the licensed weighman or measurer and hamals only at the rates approved by the Director and shall not employ them for any household or private work.

18. The licensee shall inform the Director of any change in the constitution of the licensee.
19. The licensee shall refer all his disputes in relation to the marketing of the declared agricultural produce in the manner provided under the Maharashtra Agricultural Produce Marketing (Development and Regulation) Rules, 1967.

Place :

Date:

Director of Agricultural Marketing,  
Maharashtra State

Renewal of License

Date of Renewal	Period for which renewal	Signature of Director and date

Director of Agricultural Marketing,  
Maharashtra State.]

+ Forms inserted by Notification No.Krubas.2005/C R\*608/11-C, dated 4.6.2007.

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**Form 2**

[See rule 7(3)]

License for operating as a weighman/Measurer

THE \* ..... AGRICULTURAL PRODUCE MARKET COMMITTEE

License is hereby granted to ..... address ..... (hereinafter referred to as the licensee) for the use of \*..... in the Market area or for operating in the market area for which the said Market Committee is established (for the marketing of + ..... ) as a weighman/measurer subject to 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 license 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 license shall be valid upto and inclusive of 30th day of September 19..... and shall then expire unless it is renewed.
3. The license is not transferable.
4. The license shall be liable to be suspended or cancelled in accordance with the provisions of the Maharashtra Produce Marketing (Regulation) Act, 1963 and the Rules made thereunder.
5. In the event of suspension or cancellation of this license, 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 license 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 licenses 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 shall, in relation to the marketing of the declared agricultural produce, be deemed to be acts done on behalf of the licensee with the 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 or the '[Chairman, Vice-Chairman] Secretary of 2[any other officer] authorised by the Market Committee.
12. The licensee shall not remain absent from the market area or any market therein where he ordinary operates as a weighman or measurer' without the previous approval of the officer authorised by the Market Committee in the 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 weighment/measuerment 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 :

3

Seal

Director of Agricultural Marketing  
(And Rural Finance for the  
State of Maharashtra.)  
Chairman ..... Agricultural  
Produce Market Committee.

Renewal of License

Date of renewal	period of which renewed	signature of Director/Chairman and date

\* Here insert name as provided by section 12

\*\* Here specify name of place, whether principle market or subsidiary market etc.,

+ Here specify the name of the declared agricultural produce in relation to its marketing in the market area or the market.

Note,- Reference to director should be retained when the license is granted by him under the Act. It should be omitted when a license is granted by the Market Committee.

1. Substituted for Chairman.
2. Substituted for "any officer" and
3. Seal inserted by Notification No. APM1167/25332( Part-III)C -1 dated 18-2-1971.

**Form 3**  
[See rule 7(3)]

License for operating as a Warehouseman

.....AGRICULTURAL PRODUCE MARKET COMMITTEE

License is hereby granted to .....  
address ..... (hereinafter referred to as the licensee) on payment  
of Rs..... for use of \*.....in the market area or for operating in the market  
area for which the said Market Committee is established (for the marketing of \*\*.....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) Act, 1967, the bye-laws of the Agricultural Produce Market Committee ..... and the condition of agreement entered into by the licensee on ..... with the Market Committee.
2. The license shall be valid upto and inclusive of 30th day of September 19..... and shall then expire unless it is renewed.
3. The license is not transferable.
4. The license shall be liable to be suspended or cancelled in accordance with the provisions of the Maharashtra Agriculture Produce Marketing (Regulation) Act, 1963, and the rules made thereunder.
5. In the event of suspension or cancellation of this license, 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 license 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 license 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:

Seal

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

Renewal of License

Date of renewal	period of which renewed	Signature of Director/Chairman and date

\* Here specify the name of place, whether principal market or subsidiary market.

\*\* Here specify the name of the declared agricultural produce in relation to its marketing is the market area or the market.

Note.- Reference to Director should be retained only when the license is granted by him under the Act. It should be omitted when the license is granted by a Market Committee.

- - - - -

Form 4  
[See rule 7(3)]

License of operating as a Surveyor/Processor/Carting and Clearing Agent/and others operating in a market area or in any market therein

The\* ..... Agricultural Produce Market Committee License is hereby granted to ..... Address ..... (hereinafter referred to as the licensee) on payment of fee of Rs. .... or use of+..... in the market area or for operating in the market area for which the said Market Committee is established as a..... subject to the provision of the 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) Act, 1963,the Maharashtra Agricultural Produce Marketing (Regulation) Rules, 1967 and the bye-laws of the said Committee and the conditions of a agreement entered into by the licensee on ..... with the Market Committee.
2. The license shall be valid upto and inclusive of 30th day of September 19.....and shall then expire, unless it is renewed.
3. The license is not transferable.
4. The license shall be liable to be suspended or cancelled in accordance with the provisions of the Maharashtra Agricultural Produce Marketing (Regulations) Act, 1963 and the rules made thereunder.

- 5 In the event of suspension or cancellation of this license, 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 license 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 License

Date of renewal	period of which renewed	Signature of Director/Chairman and date

\* Here insert the name of Committee as provided by section 12.

\*\* Here specify name of place whether principal market or subsidiary market etc.

"Here insert Surveyor / Processor, etc.

Note- Reference to Director should be retained only when the license is granted by him under the Act. It should be omitted when the license is granted by a Market Committee.

### Form 5

[See rule 7(3)]

License 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 \* .....  
Agricultural Produce Market Committee License is hereby granted to .....  
address ..... (hereinafter referred to as the the licensee) on payment of fee of  
Rs..... for use of \* ..... in the market area or for operating in the market area for  
which the said Market Committee is established as an assistant to β ..... 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 (Regulations) Rules 1967, the bye-laws of the said Committee and the conditions of agreement entered into by the license on ..... with the Market Committee.
- 2 The license shall be valid upto and inclusive of 30th September 19.....and shall then expire, unless it is renewed.
- 3 The license is not transferable.

4. The license 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 license, the license shall surrender it to the Director/Market Committee.
6. The licensee shall carry on business as assistant to B..... and at such places only for which the license 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 license 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 License

Date of renewal	period of which renewed	signature of Director/Chairman and date

\* Here state name of Committee as provided by section 12.



+ Here specify name of place whether principal market or subsidiary market etc.

<sup>B</sup> Here insert Commission Agent, Trader, etc.

**Note.** Reference to Director should be retained only when the license is granted by him under the Act. It should be omitted when license is granted by a Market Committee.

### Form 6

[See rule 7(3)]

License for operating as a Hamal

The \*..... Agricultural Produce Market Committee License is hereby granted to ..... address ..... (hereinafter referred to as the licensee) on payment of fee of Rs ..... for the use of+..... in the market area or for operating in the market area for which the said Market Committee is established as a hamal 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 license 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 license shall be valid upto and 'inclusive of 30th day of September, 19..... shall then expire, unless it is renewed
- 3 The license is not transferable.
4. The license 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 license, 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 license 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 decision of the Market Committee and the instruction of the '[Chairman, Vice Chairman], Secretary or 2[any other 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 :

Seal

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

### Renewal of License

Date of renewal	period of which renewed	signature of Director/Chairman and date

\* Here insert the name of Committee as provided by section 12.

+ Here specify name of place whether principal market or subsidiary market etc.

Note- Reference to Director should be retained only when the license is granted by him under the Act. It should be omitted when the license is granted by a Market Committee.

**1. Substituted for "Chairman" and**

**2. Substituted for "any officer", Notification No. APM1167/25332- (Part-III) C-11 dated 18-2-1971.**

Form 7  
[See rule 7(3)]

License for operating as\* .....

The + ..... Agricultural Produce Market Committee License is hereby granted to ..... Address

..... (hereinafter referred as the licensee) on payment

of Rs ..... for the use of ..... in the market

area or for operating in the market area for which the said Market Committee is established as

\* ..... 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 Marketing (Regulation) Rules, 1967 and bye-laws of the said Committee and the conditions or agreement entered into by the licensee on.....with the Market Committee.
2. The license shall be valid upto and inclusive of 30th day of September 19.....and shall then expire unless it is renewed.
3. The license is not transferable.
4. The license shall be liable to be suspended or cancelled in accordance with the 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 license 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 license 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.
- a9. The licensee shall abide by the decision of the Market Committee and the instructions of the '[Chairman, Vice Chairman], Secretaries or 2[any other Officer] authorised by the Market Committee in the behalf.

Place:

Date :

Seal

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

\* Here insert the category of the functionary for which license is granted

+ Here insert the name of the Market Committee.

\* Here specify the name of the place, whether principle market or subsidiary market.

1. Substituted for "Chairman", and

2. Substituted for "any officer", by Notification No. APM. 1167/25332- (Part III)-  
C-11 dated 18-2-1971.

-----  
**Form 8**

[See rule 32(3)]

Form of Declaration

Kind of agricultural produce	Carts and packages with quantity	Where bought	Name of seller	Through whom bought	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**

[See rule 35-A (2) ]

*Form of Register showing the names of Market committee to be maintained by the District Deputy Registrar, Co-operative Societies regarding particulars of election of market committee to be held during market year.*

Sr. No.	Name of the Market Committee and its full address	Strength of the Market Committee		No. of persons from Scheduled Caste Scheduled Tribes to be elected from Column 4	Date on which the last election was held..
		Name of Constituency	No. 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 Constituency –wise			Remarks
		Name of Constituency	Names of Market Committee members	Full address of the member	
7	8	9	10	11	12

- **Inserted vide Government Notification No.APM/1088/6524/11-C, dated 7<sup>th</sup> June 1990.**

**FORM 8-B**

**[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.

Sr. 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 term of present elected members of the Market Committee expires	Strength of the Market Committee		No. of members from Scheduled Castes Scheduled Tribes to be		Remarks
	Name of Constituency	No. of members to be elected	Remarks Column No.7	Remarks Column No.7	
5	6	7	8	9	9

- Inserted vide Government Notification No.APM/1088/6524/11-C, dated 7th June 1990.

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**\* [FORM 9**

[See rule 35-A (3)]

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 the candidate  
( Father's / Husbands'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 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.**

hereby signify my willingness to serve as a member of the Market Committee, if 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 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 9 Substituted by Notification No.APM.1088/6524/37/11-C dated-7-6-1990.

-----  
\* FORM 10

[See rule 53 (1)]

Final list of contesting candidates.

Election to the Market Committee Tahsil .....  
District ..... from the ..... Constituency.

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

	1 .....		
	2 .....		
	3 .....etc.		
		Name of the Constituency.	
	1 .....		
	2 .....		
	3 .....		

Place :

Signature of Returning Officer.

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 10 Substituted by Notification No.APM.1088/6524/37/11-C dated-7-6-1990.**

-----

### FORM 10-A

[See rule 54A(1)]

Appointment of Polling Agents.

Election to the Market Committee ..... Tahsil  
 District ..... in ..... 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

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.  
Singed 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 the present election do hereby request you that, I have appointed Polling Agent 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 votes on .....

1. Shri. ....Address .....
2. Shri. ....Address .....

Date : 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 ..... do  
(Name of constituency)

anything forbidden by the Act, or these Rules or Bye-laws thereunder.

Date : Signature of the Polling /  
Counting Agent.  
Singed before me.

Date : Returning Officer / 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 of 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 the 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 Committee).

of .....

(Name of constituency)

Date :

Signature of the Polling /  
Counting Agent.

Singed before me.

Date :

Returning Officer / Polling Officer.]

\* Form 10A, 10B, and 10C added by Notification No.APM.1088/6524/37/11-C dated-7-6-1990.

-----

**FORM 11**

*[See rule 60 (1)]*

*Form of Ballot Paper*

The ..... Agricultural Produce Market Committee  
Election for ..... Constituency.

Name of the Candidate 1	Symbols assigned 2	Voter's mark 3
.....	.....	.....
.....	.....	.....
.....	.....	.....

**Note** . Serial number of each ballot paper shall appear at the top on the front side.

-----

**\* [Form 11-A**

List of blind and infirm voters

Election to the ..... from the ..... Constituency

Number and Name of the Polling Station.....

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

Date

Signature of the

Presiding Officer.]

\* Inserted by Notification No.APM.11167/ 25332/(Part – III)-C-1 dated-18-2-1971

-----  
**\* [Form 11-B**

[See rule 61 A (2) (c ) ]

Election to the ..... from the ..... Constituency.

No. and Name of the Polling Station..... in .....APMC

Constituency/name of place of poll .....

Sr.No of entry	Name of elector	Serial Number	Signature or thumb impression of the person challenged	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
		Part of roll						
1	2	3	4	5	6	7	8	9

Date

Signature of the Presiding Officer.



**FORM 11- C**

[See rule 83 ]

Result Sheet.

.....Election to the ..... Agricultural  
Produce Market Committee..... Taluka .....District.

Sr. No.	Name of the elected member	Full address of the elected member	Constituency from which elected
1.	2.	3.	4.

\* Inserted by Notification No.APM.1088/6524/11-C, dated-7-6-1990.

**FORM 11- D**

[See rule 83 ]

**CERTIFICATE OF ELECTION**

I ,.....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 :

Date : ..... Returning Officer .....]

\* Inserted by Notification No.APM.1088/6524/11-C, dated-7-6-1990.

-----

**FORM 12**

[See rule 66 (2) ]

*Tendered Voter List*

Election of the ..... Agricultural Produce  
Market Committee  
.....Constituency.

Polling Station ..... No. of Polling Station, if any .....

Sr.No. of the entry	Name of the voter	Serial Number of the voter in the list of voters	Address of Voter	Serial Number of the tendered	Serial Number of ballot paper issued to the person who has already voted	Signature or thumb impression of the voter

Date :

Signature of the Presiding Officer.

-----

**FORM 3**

[See rule 69 ]

**Ballot Paper Account**

Election 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 of papers returned		
4	Number of ballot papers cancelled.		
5	Number of tendered ballot papers used.		
6	Number of ballot papers in ballot boxes.		

Date :

Signature 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.

Date :

Signature of the Presiding Officer.

-----

**FORM 14**

*[[See rule 76(2) and [79(1) and (5)B]]*

**Result Sheet**

Election to the ..... Agricultural Produce Market Committee  
from the ..... Constituency.

Sr. No.	Polling Station Name	Number of valid votes caste in favour of					Number of			Number of tendered votes	Remarks	
		A	B	C	D	etc	Valid votes	Rejected votes	Total votes for polling Station			

Total number of votes at Polling Station

Place :

Date :

Returning Officer.

+ Substituted for figure "79" by Notification No. 1167/ 25332/(Part – III)-C-1 dated-18-2-1971

-----

**FORM 15**

[See rule 81]

*Form of Return of Election*

..... Agricultural Produce Market Committee Election for  
for ..... Constituency  
..... 19.

	Name of Candidate	Name of valid votes + [polled] 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.

+ Substituted for "given" by Notification No. 1167/ 25332/(Part – III)-C-1 dated-18-2-1971

-----

**FORM 16**

*[See rule 116 (1)]*

*Cash Book*

Year :

Name of the Agricultural Produce Market Committee .....

RECEIPT					PAYMENT.				
Date	Credit Voucher No.	Individual ledger No. and folio	General Ledger No. and folio	Particulars Amount	Date	Debit Voucher No.	Individual ledger No. and folio	General Ledger No. and folio	Particulars Amount
				Rs. P.					Rs. P.

**FORM 17**

*[See rule 116 (1)]*

*General Ledger*

Year :

Name of the Agricultural Produce Market Committee .....

Account .....

Amount sanctioned in the budget .....

+ [Original / Supplementary / By reappropriations]

(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.	

+ Corrected by Notification No. 1167/ 25332/(Part – III)-C-1 dated-18-2-1971

-

-----

**FORM 18**

*[See rule 116 (1)]*

*Individual Ledger*

Year :

Name 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 Register*

Name of the Agricultural Produce Market Committee .....

Name of the License Holder/ General Commission Agent .....TraderProcessor

Date	From or through whom purchased		Commodity	Quantity or Number Purchased	Rate which purchased
	Name	Bill No. or Account Slip No.			
1.	2.	3.	4.	5.	6.
					Rs. P.

Value of produce	Rate of market fee percent / 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)]**License Fee Register*

Name of the Agricultural Produce Market Committee .....

Year .....Page No .....

Sr No	Date	Receipt No.	Name of the Address			Category of license and license fee				
			Licence holder	Firm		G.C.A.	Trader	Broker	Weighman / Measurer	Surveyor
1	2	3.	4.	5	6	7	8	9	10	11
						Rs.	Rs.	Rs.	Rs.	Rs.

Ware house 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 license-holder for operating as  
Commission Agent or Trader or Broker*

Name of the Agricultural Produce Market Committee .....

Year .....Page No .....



**FORM 22**

Sr. No.	Name of the		Address	Category of license		Year		
	License holder	Firm		Commission Agent	Trader	Resolution No.	Date of Resolution	License No. and Date
1	2	3	4	5	6	7(a)	7(b)	7(c)

Year			Year			Remark
Resolution No.	Date of Resolution	License No. and Date	Resolution No.	Date of Resolution	License 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 Register**

Name of the Agricultural Produce Market Committee .....

Particulars of the form or register .....

Year .....

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 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 Register

Name of the Agricultural Produce Market Committee .....

Items of Stationery ..... Unit .....

Year .....

Date	Opening stock	Receipt	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 Register

Name 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 (a)	Amount(b)
1	2	3	4	5	6
			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 Register

Month ..... Year.....

Name of the Agricultural Produce Market Committee .....

Sr.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						
Provident fund contribution	Advances if any	Insurance premium	Income Tax	Total deductions	Net amount paid	Signature of the employee
11	12	13	14	15		

-----

**FORM 26**

[See rule 116(1)]

**Government Loan Register**

Year..... Page No.....

The Agricultural Produce Market Committee .....

Sr.No.	Date of application and Resolution No.	Amount of Loan sanctioned	Purpose for which loan sanctioned	No. and date of the order and the authority sanctioning loan
1	2	3	4	5

Rate of interest and penal interest	Due date of repayment	Annual installment			
		Loan	Interest	Penal interest if any	Total
6	7	8(a)	8(b)	8(c)	8(d)

Amount repaid				Chalan No. and date under which installment of principal and interest paid	Balance	Remarks
Principal	Interest	Penal interest if any	Total			
9(a)	9(b)	9(c)	9(d)	10	11	12

-----

**FORM 27**

*[See rule 116 (1)]*

*Property Register*

Name of the Agricultural Produce Market Committee .....

Sr.No.	Nature of the property ( land buildings etc.)	Description of the property (Sr.No. House No. Area etc.)	Valuation of property	From whom purchased
1	2	3	4	5

If Constructed actual cost of construction	Date of purchase or completion of construction	Valuation after depreciation		Remarks
		Year	Value	
6	7	8(a)	8(b)	9