

**The Goa Agricultural Produce Marketing
(Development and Regulation) Act, 2007 and
Rules, 2010**

The Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007

The Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007) [1-8-2007] published in Official Gazette, Series I No. 18 dated 6-8-2007 and come into force w.e.f. 26-8-2010.

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GOVERNMENT OF GOA
Department of Law & Judiciary
Legal Affairs Division

Notification

7-12-2007-LA

The Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007), which has been passed by the Legislative Assembly of Goa on 8-3-2007 and assented to by the Governor of Goa on 1-8-2007, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 6th August, 2007.

The Agricultural Produce Marketing (Development and Regulation) Act, 2007

(Goa Act 11 of 2007) [1-8-2007]

AN

ACT

To provide for improved regulation in marketing of agricultural produce, development of efficient marketing system, promotion of agriprocessing and agricultural export and the establishment and proper administration of markets for agricultural produce in the State of Goa and to put in place an effective infrastructure for marketing of agricultural produce and lay down procedure and system thereto.

BE it enacted by the Legislative Assembly of Goa in the Fifty-eighth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. Short title, extent and commencement.— (1) This Act may be called the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. Definitions.— In this Act, unless the context otherwise requires,—

(a) "agricultural produce" means all produce (whether processed or unprocessed) of agriculture, horticulture, apiculture, sericulture, livestock and products of livestock, forest produce, etc., as are specified in the Schedule or declared by the Government by Notification from time to time and also includes mixture of two or more than two of such products;

(b) "agriculturist" means a person who ordinarily by his own labour or by the labour of any member of his family or by the labour of his tenants or servants or hired labour or otherwise, is engaged in the production or growth of any notified agricultural produce, and includes—

(a) a member of a co-operative society registered in the State of Goa which is dealing with agricultural produce; or

(b) a person who has sold agricultural produce to the co-operative society, of the value not less than Rs. 5000/- or of such amount as may be determined by the State Marketing Officer from time to time in the preceding financial year; but does not include a trader, trading agent, broker, processor or commission agent;

(c) "bill" means a bill issued by the traders as prescribed;

(d) "business" means the purchase, sale, processing, value addition, storage, transportation or other connected activity of agricultural produce;

(e) "buyer" means a person or a firm or a company or a co-operative society or a Government agency or a public undertaking or a public agency or a corporation or a commission agent, who himself or on behalf of any other person or agent, buys or agrees to buy agricultural produce in the market area as notified under this Act;

(f) "bye-laws" means the bye-laws made by the Goa Agricultural Marketing Board under this Act;

(g) "Collector" means the Collector of the district or any officer empowered to discharge the duties of the Collector under the provisions of this Act;

(h) "commission agent" means a person who on behalf of his principal trader and in consideration of a commission on the amount involved in such transaction, buys agricultural produce and keeps it in his custody and delivers it to the principal trader in due course or receives and takes in his custody agricultural produce sent for sale within the market area or from outside the market area, sells the same in the market area and collects payment thereof from the buyer and remits the sale proceeds to his principal trader;

(i) "contract farming" means farming by a person called "Contract Farming Producer" under a written agreement with another person called "Contract Farming Sponsor" to the effect that his agricultural produce shall be purchased as specified in the contract farming agreement;

(j) "contract farming agreement" means the agreement made for contract farming between Contract Farming Producer and Contract Farming Sponsor;

(k) "contract farming producer" means an individual agriculturist or association of agriculturists, by whatever name called;

(l) "contract farming sponsor" means a person entering into contract with the contract farming producer in terms of section 46 of this Act;

(m) "District Council" means a Zilla Panchayat established under the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994);

(n) "export" means dispatch of agricultural produce outside India;

(o) "exporter" means such person or a firm who exports agricultural produce;

(p) "e-trading" means trading in which billing, booking, contracting, negotiating, information exchange, record keeping and other connected activities are done electronically on computer network or internet;

(q) "Government" means the Government of Goa;

(r) "hamal" means a labourer or coolie engaged for Dara-making, loading, unloading, filling, stitching, emptying or carrying any agricultural produce in the notified market area;

(s) "Import" means bringing agricultural produce in India from other country;

(t) "Importer" means a person or firm who imports agricultural produce;

(u) "Licence" means a licence granted under this Act;

(v) "Licensee" means a person or association or firm or company or public sector undertaking or society holding a licence issued under this Act;

(w) "local authority" means and includes a Village Panchayat or Zilla Panchayat or Municipal Council or Municipal Corporation, as the case may be;

(x) "Market" means a market area declared under section 4 of this Act and includes market yard and sub-yards;

(y) "market area" means area notified as market area under section 4 of this Act;

(z) "market charges" includes charges on account of or in respect of commission, brokerage, weighing, measuring, hamali (loading, unloading and carrying), cleaning, drying, stitching, stacking, hiring, stamping, bagging, storing, warehousing, grading, surveying, transporting and processing;

(za) "market functionary" means a trader, a commission agent, buyer, hamal, processor, stockist and such other person as may be declared under the rules or bye-laws to be a market functionary;

(zb) "market yard" means a specified place and includes any enclosure, building or locality declared as such in any market area by the Government;

(zc) "marketing" means all activities involved in the flow of agricultural produce commencing from the stage of harvest till it reaches to the ultimate consumers, viz. grading, processing, storage, transport, channels of distribution and all other activities involved in the process;

(zd) "Marketing Board or Board" means the Goa Agricultural Marketing Board established under section 10 of this Act;

(ze) "notified agricultural produce" means any agricultural produce notified under section 4 of this Act;

(zf) "Other Backward Classes" means the other backward classes of citizens as specified by the Government from time to time;

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

(zh) "private market yard" means such place other than the market yard or sub-market yard in the market area where infrastructure has been developed and managed by a person for marketing of notified agricultural produce by holding a licence for this purpose under this Act;

(zi) "processing" means any one or more of a series of treatments relating to powdering, crushing, decorticating, dehusking, parboiling, polishing, ginning, pressing, curing or any other manual, mechanical, chemical or physical mode of treatment to which agricultural produce or its product is subjected to;

(zj) "processor" means a person who undertakes processing of any notified agricultural produce on his own accord or on payment of a charge;

(zk) "registration" means registration done under this Act;

(zl) "retail sale" means a sale of notified agricultural produce not exceeding such quantity as the Marketing Board may, by bye-laws, determine for retail sale in respect thereof;

(zm) "rules" means rules made under this Act by the Government;

(zn) "Schedule" means the Schedule to this Act;

(zo) "schedule castes/schedule tribes" shall carry the same meaning as assigned to them under clause (24) and (25) respectively of Article 366 of the Constitution of India;

(zp) "Secretary" means the Secretary of the Marketing Board and includes a Joint, Deputy or Assistant Secretary of the Marketing Board;

(zq) "seller" means a person who sells or agrees to sell any agricultural produce;

(zr) "State Marketing Officer" means a person appointed as the State Marketing Officer for the State of Goa;

(zs) "Sub-market yard" means a specified place other than market yard and includes any enclosure, building or locality, declared as such in any market area by the Government or the State Marketing Officer, by notification;

(zt) "trader" means a person who in his normal course of business buys or sells any agricultural produce and includes a person engaged in processing of agricultural produce but does not include an agriculturist;

(zu) "transportation" means taking agricultural produce by pushcart, bullock cart, truck or other vehicle, in the course of business, for marketing, from one place to another;

(zv) "transporter" means a person who transports agricultural produce;

(zw) "Value addition" means processing, grading, packing or other activities due to which value is added to the agricultural produce;

(zx) "Year" means the financial year or such year as may be notified by the Government from time to time.

CHAPTER II

Establishment of Markets

3. Notification of intention of developing and regulating marketing of agricultural produce in specified area.— (1) Upon a representation made by any person or local authority or by the growers of any agricultural produce within the area for which a market is proposed to be established or otherwise, the Government or the person appointed by the Government as the State Marketing Officer, may, by notification in the Official Gazette and in such other manner as may be prescribed, declare its or his intention of developing and regulating the marketing of such agricultural produce in such area as may be specified in the notification.

(2) A notification under sub-section (1) shall state that any objection or suggestion which may be received by the Government or the State Marketing Officer within a period which shall be not less than thirty days from the date of publication of such notification in the Official Gazette, shall be considered by the Government or the State Marketing Officer.

4. Declaration of market areas and development and regulation of marketing of specified agricultural produce therein.— After expiry of the period specified in the notification issued under section 3 and after considering such objections and suggestions as may be received before the expiry of such period and after making such inquiry as may be necessary, the Government or the State Marketing Officer may, by notification, declare the area specified in the notification issued under section 3 or any portion thereof to be a market area for the purposes of this Act and that marketing of all or any kind of agricultural produce specified in the notification issued under section 3 shall be developed and regulated under this Act in such market area.

5. Management of market yards, sub-market yards, Farmers/Consumer/Market and Private Market.— (1) In every market area, there may be:—

- (i) market yard managed by the Marketing Board;
- (ii) one or more than one sub-market yards managed by the Marketing Board;
- (iii) one or more than one private market yards/private markets managed by a person other than the Marketing Board;
- (iv) one or more than one farmer's/consumer's markets managed by a person other than the Marketing Board.

(2) The Government shall, as soon as may be, after the issue of notification under section 4, by notification, declare any specified place including any structure, enclosure, open place, or locality in the market area to be a market yard or sub-market yard, as the case may be.

6. Notification of intention to alter limits of or to amalgamate or to split a market area.— (1) The Government may, by notification, declare its intention,—

- (i) to alter the limits of a market area by including within it any other area in the vicinity thereof or by excluding therefrom any area comprised therein; or
- (ii) to amalgamate two or more market areas and constitute one market area thereof.

(2) Every notification issued under sub-section (1) of this section shall define the limits of the area which is intended to be included in or excluded from a market area, or of the market areas intended to be amalgamated into one market area, or of the area of each of the markets intended to be constituted after splitting up an existing market area, as the case may be, and shall also specify the period which shall not be less than six weeks within which objections, if any, shall be received by the Government.

7. Procedure subsequent to notification under section 6.— (1) Any inhabitant of the market area or of the areas covered by the notification issued under sub-section (1) of section 6 may, if he objects to anything contained therein, submit his objections in writing to the Government within the period specified for this purpose in the said notification.

(2) When the period specified in the notification issued under sub-section (1) of section 6 has expired and the Government has considered and passed orders on such objections as may have been submitted to it within such period, the Government may, by notification, include the area or any part thereof in the market area or exclude it therefrom or amalgamate market areas thereof.

8. Effect of alteration of limits.— Where a notification under section 7 has been issued, the Government shall, after consulting the Marketing Board, frame a scheme to determine what portion of the assets and other properties vested in one market shall vest in the other market and in what manner the liabilities of the market shall be apportioned between the two markets and such scheme shall come into force on the date of its publication in the Official Gazette.

9. Power of Government to issue consequential order.— (a) Where a notification is issued under sub-section (1) of section 6 excluding area from any market area and such excluded area is not declared to be a separate market area; or

(b) Where a notification is issued under sub-section (1) of section 6 including any area within a market area, the Government may pass such consequential orders as it may deem fit in respect thereof and the sub-committee constituted for such market area before the date of such exclusion or inclusion, shall, notwithstanding anything contained in this Act, continue to be sub-committee for the said excluded or included area until the declaration of such areas as market area under this Act.

CHAPTER III

Constitution of Marketing Board

10. Establishment of the Marketing Board.— The Government shall establish a Marketing Board called as the Goa Agricultural Marketing Board for the State of Goa consisting of a Chairman, a Vice-Chairman and other members. The Marketing Board shall have such powers and discharge all such functions as are vested in it by or under this Act.

11. Incorporation of the Marketing Board.— The Marketing Board shall be a body corporate by the name of "the Goa Agricultural Marketing Board", and shall have perpetual succession and a common seal and it may sue or be sued in its corporate name and shall be competent to contract, acquire and hold property, both movable and immovable and to do all other things necessary for the purposes for which it is established.

12. Constitution of the Marketing Board.— (1) Subject to the provisions of sub-section (2), the Marketing Board shall consist of the following nineteen members, namely:—

(a) Eleven agriculturist members to represent agriculturists from each taluka of the State of Goa to be elected by the agriculturists only from the respective talukas;

(b) two female agriculturists members, one each from the North Goa District and the South Goa District, to be elected by the agriculturists only in the manner prescribed;

(c) one trader holding 'A' class licence to be elected from amongst traders of all classes;

(d) one Chairman of a co-operative society registered in the State of Goa, having a valid licence from the Marketing Board, doing the business of notified agricultural produce in the market area, to be elected from amongst the Chairmen of co-operative societies;

(e) two members to be nominated by the Government, one being from the office of the Registrar of Co-operative Societies, Government of Goa, and the other being from the Department of Agriculture, Government of Goa, to function during the term of the Marketing Board;

(f) President of the Goa Cashew Manufacturers Association;

(g) the Secretary of the Marketing Board, to function during the term of the Marketing Board.

(2) Notwithstanding anything contained in sub-section (1) or any other provisions of this Act, when the Marketing Board is constituted for the first time, all the members, the Chairman and the Vice-Chairman thereof shall be nominated by the Government:

Provided that the Chairman and the Vice-Chairman shall be nominated from amongst the agriculturists from the State of Goa.

13. Election and term of office of members.— (1) The members shall be elected in the prescribed manner. Such rules may also provide for the determination of constituencies, the preparation and maintenance of the list of voters, persons qualified to be elected, disqualifications for being chosen as, and for being a member, the right to vote, the payment of deposit and its forfeiture, the determination of election disputes and all matters incidental and ancillary thereto, including provisions regarding election expenses.

(2) Except as otherwise provided in this Act, the members of the Marketing Board (not being a Marketing Board constituted for the first time) shall hold office for a period of five years and the members of the Marketing Board constituted for the first time shall hold office for a period of two years:

Provided that, where the general elections of the members of Marketing Board could not be held before expiry of the term of office of its members as aforesaid, the Government may, by order published in the Official Gazette, extend from time to time, the term of office of the members of the Marketing Board, so however that, the period for which the term of office is so extended shall not exceed the period of one year in the aggregate:

Provided further that person who is a member of the Marketing Board by virtue of he being Chairman of a Co-operative Society, shall hold office so long as he continues to be such Chairman and in case of a member who is a representative of traders shall hold office so long as he continues to hold 'A' class licence.

(3) The names of all the members of the Marketing Board shall be published by the Government in the Official Gazette and upon such publication, the Marketing Board shall be deemed to be duly constituted.

14. Preparation of list of voters and statement of expenditure.— (1) The superintendence, direction and control of the preparation of the list of voters for the purpose of conducting election to the Marketing Board shall vest with the Marketing

Board and for the purpose of preparing the list of voters and conduct of election, the Marketing Board shall constitute necessary election fund.

(2) Whenever the list of voters is to be prepared or revised for the purpose of conducting election to the Marketing Board, the Registrar of Co-operative Societies shall, in writing, inform the Marketing Board about the same and require the Marketing Board to submit the list of voters of different constituencies and also require to deposit with him such amount before such date as may be specified by him for meeting expenses of elections.

(3) The Registrar of Co-operative Societies shall, after the declaration of the result of the election, draw up a statement of the expenditure incurred in conducting the election and shall within a period of three months from such result forward the same to the Marketing Board for information. The balance amount remaining unspent, if any, shall be refunded to the Marketing Board alongwith the dead stock purchased for the purpose. If the expenditure incurred exceeds the amount of deposit, the Registrar of Co-operative Societies shall call upon the Marketing Board to pay the excess amount as specified by him within one month from the date of receipt of the direction from him and the Marketing Board shall comply with such direction.

15. Commencement of term of office of members.— (1) The term of office of members of the Marketing Board shall commence on the date of the first meeting of the Marketing Board at which business is transacted.

(2) The first meeting of a Marketing Board shall be held on such date as may be fixed by the State Marketing Officer or any officer authorised by him in that behalf, being a date which is within thirty days from the date on which the names of members are published in the Official Gazette. If the first meeting is, for any reason, not held within thirty days as aforesaid, the State Marketing Officer shall report the fact to the Government and state therein the reasons for the failure to hold the meeting and shall, thereafter, act according to the directions of the Government issued in that behalf.

(3) The term of office of outgoing members shall expire on the date immediately preceding the date of such first meeting.

16. Appointment of Administrator or Committee of Administrators after expiry of the normal or extended term of office of members.— (1) Notwithstanding anything contained in sub-section (3) of section 15 or any other provisions of this Act, where the term of office of two years, five years or the extended term of office, if any, of members of the Marketing Board has expired, the Government or any officer not below the rank of Assistant Registrar authorized by it, shall, by a written order,—

(a) direct that all members of the Marketing Board shall, as from the date specified in the Order, cease to hold and vacate their offices as members or otherwise; and

(b) appoint a person or the Committee comprising of not more than three members, from time to time, as the Administrator or the Committee of Administrators, as the case may be, to manage the affairs of the Marketing Board, for the period specified in the order upto the date of the first meeting of the reconstituted Board after the election is held (hereinafter in this section referred to as the "said period") and election shall be

held within a period of six months from the date, the Administrator or the Committee of the Administrators, as the case may be, assumes office:

Provided that this period of six months may be extended, from time to time, by the Government, in exceptional circumstances, to a period not exceeding one year in the aggregate, by notification published in the Official Gazette, for reasons which shall be stated in such notification.

(2) During the said period, all the powers and duties of the Board and its various authorities under this Act and the rules and bye-laws made thereunder or any other law for the time being in force shall be exercised and performed by the Administrator or the committee of the Administrators, as the case may be.

(3) The Administrator or the Committee of Administrators, as the case may be, may delegate any of his or its powers and duties to any officer, for the time being serving under him or it or under the Marketing Board.

(4) The Administrator or the members of the Committee of Administrators, as the case may be, shall receive such remuneration from the Fund of the Marketing Board as the Government may, from time to time, by general or special order, determine.

17. Resignation of members and nominations in certain circumstances.— (1) Any member of the Marketing Board may resign his office by writing under his hand addressed to the Chairman and the Chairman may resign his office by writing under his hand addressed to the State Marketing Officer and such resignation shall take effect from the date it is accepted by the Chairman or the State Marketing Officer, as the case may be.

(2) If, at any time, it appears to the Government that the Marketing Board by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act, the Government may, by order published in the Official Gazette, nominate persons to fill the vacancies of the members who have resigned:

Provided that the persons so nominated shall hold office only for the remainder of the term of the members in whose place they are nominated or until the vacancies are duly filled in by election, whichever is earlier.

18. Removal of members for misconduct.— The Government, on the recommendation of the Marketing Board, supported by not less than two third of its members having voting right at a meeting, may remove any member of the Marketing Board who has been found guilty of neglect or misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member or is adjudged as insolvent:

Provided that, no such member shall be removed from his office unless he has been given reasonable opportunity of being heard by the Government.

19. Casual vacancies.— Subject to the provisions of sub-section (2) of section 13, in the event of any vacancy occurring on account of death, resignation or removal of a member or otherwise, the Chairman shall forthwith communicate the occurrence of such

vacancy to the State Marketing Officer and the vacancy shall be filled in as soon as convenient as may be, by the election or by appointment or by nomination of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed or nominated would have held it, if the vacancy had not occurred:

Provided that, if the vacancy occurs within six months preceding the date on which the term of office of the member expires, the vacancy shall, unless the Government directs otherwise, not be filled.

20. Election of Chairman and Vice-Chairman.— The meeting of the Marketing Board shall be presided over by the Chairman and in the absence of the Chairman, by the Vice-Chairman. The Chairman and the Vice-Chairman shall be elected by the members of the Marketing Board, excluding the Secretary of the Marketing Board and the Government nominees. Only the members as mentioned in clauses (a), (b) and (d) of sub-section (1) of section 12 shall be eligible to contest the elections for the post of the Chairman or the Vice-Chairman.

21. Term of office of Chairman and Vice-Chairman.— The Chairman and the Vice-Chairman shall hold office for such period as may be prescribed.

22. Chairman and Vice-Chairman to hold office until their successors enter upon office.— The Chairman and the Vice-Chairman shall, notwithstanding the expiration of their term of office, continue to hold their office, until their successors enter upon their office or the Administrator or the Committee of Administrators, as the case may be, is appointed under section 16 and assumes office.

23. Honorarium to Chairman and Vice-Chairman.— The Chairman and the Vice-Chairman shall be paid such honorarium as the State Marketing Officer may specify, having regard to the finances of the Marketing Board, so however that, the total amount of such honorarium to be paid shall not exceed the limit as may be prescribed.

24. Procedure for election of Chairman and Vice-Chairman.— (1) On the constitution of the Marketing Board after a general election or otherwise, a meeting shall be called for the election of the Chairman and Vice-Chairman on the date fixed by the State Marketing Officer under sub-section (2) of section 15.

(2) Such meeting shall be presided over by the State Marketing Officer or any person authorised by him in that behalf. The State Marketing Officer or such authorised person shall, when presiding over the meeting, have the same powers as that of the powers exercised by the Chairman while presiding over a meeting of the Marketing Board, but shall not have the right to vote.

(3) If, in the election of a Chairman or Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the presiding officer in such manner as he may determine.

(4) In the event of a dispute arising as to the validity of the election of a Chairman or Vice-Chairman, the State Marketing Officer, if he is the presiding officer, shall decide the

dispute himself and in any other case the officer/person authorised to act as a presiding officer by the State Marketing Officer shall refer the dispute to the State Marketing Officer for his decision. The decision of the State Marketing Officer, subject to an appeal to the Government, shall be final and no suit or other proceeding shall lie in any Court in respect of any such decision.

25. Resignation of Chairman and Vice-Chairman.— (1) The Chairman may resign from his office by writing under his hand addressed to the State Marketing Officer and such resignation shall take effect from the date it is accepted by the State Marketing Officer.

(2) The Vice-Chairman may resign from his office by writing under his hand addressed to the Chairman and such resignation shall take effect from the date it is accepted by the Chairman.

26. Motion of no-confidence against Chairman or Vice-Chairman.— (1) A Chairman or Vice-Chairman shall forthwith cease to be a Chairman or a Vice-Chairman, as the case may be, if the Marketing Board at a special meeting by a resolution passed by a majority of not less than two third of its total number of members (excluding the members who have no right to vote), so decides.

(2) The requisition for such special meeting shall be signed by not less than half of the total number of members (excluding the members who have no right to vote) and shall be sent to the State Marketing Officer.

(3) The State Marketing Officer shall, within fifteen days from the date of receipt of the requisition under sub-section (2), convene a special meeting of the Marketing Board:

Provided that, when the State Marketing Officer convenes such special meeting of the Board, he shall give advance written notice thereof to the Chairman or to the Vice-Chairman, as the case may be.

(4) A special meeting to consider a resolution under sub-section (1) shall be presided over, by the State Marketing Officer or such person/officer authorized by him in this behalf, but the State Marketing Officer or such person/officer shall have no right to vote at such meeting.

(5) The member of Marketing Board who have no right to vote may take part in the discussion.

(6) If the motion of no confidence is not carried or if the meeting could not be held for want of quorum, no such requisition for considering fresh such motion of no confidence in the same Chairman or Vice-Chairman shall be made before the expiry of six months from the date of such meeting.

27. Consequences of absence of Chairman, Vice-Chairman or member without leave.— Subject to the rules made by the Government in this behalf, a Chairman, a Vice-Chairman or a member, as the case may be, who absents himself from three consecutive meetings of the Marketing Board without leave of the Marketing Board, shall cease to be a Chairman, a Vice-Chairman or a member, as the case may be.

28. Vacancies in office of Chairman and Vice-Chairman to be filled up.— (1) In the event of a vacancy in the office of the Chairman or Vice-Chairman by reason of death, resignation, removal or otherwise, the vacancy shall, subject to the provisions of this Act, be filled, as soon as may be, by election or by nomination of the Chairman or Vice-Chairman, as the case may be.

(2) Every Chairman or Vice-Chairman elected or nominated under this section to fill a casual vacancy shall hold office for such period as the Chairman or Vice-Chairman in whose place he is elected or nominated, as the case may be, would have held it if such vacancy had not occurred.

29. Refusal to hand over charge to new Chairman or Vice-Chairman.— (1) On the election or nomination of a new Chairman or Vice-Chairman, the out-going Chairman or Vice-Chairman in whose place the new Chairman or Vice-Chairman has been elected or nominated shall forthwith hand over charge of his office to such new Chairman or Vice-Chairman, as the case may be.

(2) If the outgoing Chairman or Vice-Chairman fails or refuses to hand over the charge of his office as required under sub-section (1), the State Marketing Officer or any Officer empowered by the State Marketing Officer in this behalf, may, by order in writing, direct the Chairman or the Vice-Chairman, as the case may be, to forthwith hand over the charge of his office and all records, funds, papers and property of the Marketing Board in his possession, if any, to the new Chairman or Vice-Chairman.

(3) If the outgoing Chairman or Vice-Chairman to whom a direction has been issued under sub-section (2) does not comply with such direction, the State Marketing Officer or any person authorized by him in this behalf may apply to the Sub-divisional Magistrate within whose jurisdiction the Marketing Board is functioning for seizing and taking possession of records, papers, funds and property of the Marketing Board in the possession of such Chairman or Vice-Chairman.

(4) On receipt of an application under sub-section (3), the Sub-divisional Magistrate may authorize any police officer, not below the rank of a Police Sub-Inspector, to enter and search any place where the records, funds, papers and property of the Marketing Board are kept or likely to be kept and to seize them and hand over possession thereof to the new Chairman or Vice-Chairman, as the case may be, who then shall be deemed to have assumed charge.

30. Meetings, etc. of Marketing Board.— The meetings, quorum and procedure to be followed at meetings of the Marketing Board shall be regulated in accordance with the bye-laws made for that purpose by the Marketing Board.

31. Members to act during vacancy and acts of Marketing Board, etc., not to be invalidated by informalities.— (1) During any vacancy of member in the Marketing Board, the continuing members may act as if no vacancy has occurred.

(2) A Marketing Board shall have power to act notwithstanding any vacancy in the office of member thereof or any defect in the constitution thereof or in any act or proceedings thereof and all such acts shall be valid notwithstanding that it is subsequently

discovered that some person who was not entitled to do so, presided over the meeting of Marketing Board or voted at such meeting or otherwise took part in the proceedings of the Marketing Board.

CHAPTER IV

Powers and duties of Marketing Board

32. Powers and duties of Marketing Board.— (1) It shall be the duty of the Marketing Board to implement the provisions of this Act, the rules and bye-laws made thereunder in the market area, to provide facilities for marketing of agricultural produce in the market area as directed by the State Marketing Officer or the Government, as the case may be, and do such other acts as may be required in relation to the superintendence, direction and control of markets or for regulating marketing of agricultural produce in any place in the market area and for purposes connected with the matters aforesaid and for that purpose may exercise such powers, perform such duties and discharge such functions as may be provided by or under this Act.

(2) Without prejudice to the generality of the foregoing provisions, the Marketing Board may,—

- (a) regulate the entry of persons and of vehicular traffic into the market;
- (b) supervise the behaviour of the persons who enter the market for transacting business;
- (c) grant, renew, refuse, suspend or cancel licences;
- (d) maintain and manage the market, including admissions to and conditions for use of market within the market area;
- (e) provide for necessary facilities required for the marketing of agricultural produce within the market in the market area;
- (f) regulate and supervise the auctions of notified agricultural produce in accordance with the provisions and procedure laid down under the rules made under this Act or the Bye-laws of the Marketing Board;
- (g) regulate the making, carrying out and enforcement or cancellation of agreements of sales, weighment, delivery, payment and all other matters relating to marketing of notified agricultural produce in the prescribed manner;
- (h) take all possible steps to prevent adulteration and to promote and organize grading and standardization of agricultural produce;
- (i) take measures for the prevention of purchase and sale below the minimum support prices as fixed by the Government from time to time;
- (j) collect, maintain, disseminate and supply information in respect of production, sales, storage, processing, prices and movement of notified agricultural produce including information relating to crops, statistics and marketing intelligence as may be required by the State Marketing Officer;

(k) arrange to obtain fitness (health) certificate from veterinary doctor in respect of animals, cattle, birds, etc., which are bought or sold in the market area;

(l) carry out the publicity about the benefits of regulation, system of transaction facilities provided in the market area through such media as, in the opinion of the Marketing Board, may be effective or necessary;

(m) provide for settlement of disputes arising out of any kind of transactions connected with the marketing of agricultural produce and all matters incidental and ancillary thereto;

(n) subject to the provisions of section 11, acquire, hold or dispose off any movable or immovable property for the purpose of efficiently carrying out its duties;

(o) institute or defend any suit, prosecution, action, proceedings, application or arbitration and compromise such suit or action;

(p) make arrangement for holding of elections of the Marketing Board in the prescribed manner;

(q) levy, take, recover and receive charges, fees, rates and other sums or money to which the Marketing Board is entitled;

(r) subject to approval of the State Marketing Officer, obtain loans, subsidies, subventions from the State and Central Government or any financing agency for providing warehousing and marketing facilities in the market;

(s) subject to approval of the State Marketing Officer, prepare budgets, supplementary budgets, make re-appropriation in the budget and incur expenditure accordingly;

(t) keep a set of standard weights and measures in the markets against which weighing and measurement may be checked;

(u) inspect and verify the scales, weights and measures which are in use in the market area and also the books of accounts and other documents maintained by the licensee in such manner as may be prescribed;

(v) administer the Marketing Board Fund referred to in section 44 of this Act and maintain the account thereof and get the same audited in the prescribed manner;

(w) prosecute persons for violating the provisions of this Act, the rules and bye-laws framed thereunder;

(x) provide storage and warehousing facilities in the market area;

(y) with the prior sanction of the Government or the State Marketing Officer, undertake any other activity conducive to the promotion or regulation of marketing of agricultural produce;

(z) perform such other duties as may be prescribed;

33. Appointment of sub-committees and delegation of power.— The Marketing Board may appoint one or more sub-committees consisting of one or more of its members and may delegate to such sub-committee, such of its powers or duties as it may

think fit. The sub-committee so appointed shall function under the superintendence, guidance, direction and control of the Marketing Board.

34. Power to levy market fees (single point levy).— (1) The Marketing Board shall levy market fee,—

(i) on the sale or purchase of notified agricultural produce, whether brought from a place within the State or from a place outside the State, into the market area; and

(ii) on the notified agricultural produce, whether brought from a place within the State or from a place outside the State, into the market area for processing; at such rates as may be fixed by the Government from time to time subject to a minimum rate of one rupee and maximum of two rupees for every one hundred rupees of price of agricultural produce, in the manner prescribed.

(2) The market fees specified in sub-section (1) shall not be levied.—

(i) for the second time in other market area of the State, where such market fee has already been paid on a particular agricultural produce in any market area of the State and the information to that effect has been furnished by the concerned person in the manner prescribed.

(ii) more than once in any market area, in case the agricultural produce is being resold in the process of commercial transaction between traders or two consumers, provided that, the information to that effect has been furnished by the concerned person in the manner prescribed.

(3) On the agricultural produce brought in the market area for commercial transaction or for processing or for export, the market fee shall be deposited by the buyer or processor or exporter, as the case may be, in the office of the Marketing Board, within 14 days from the date of entry of such agricultural produce in the market area or before its sale or resale or processing or dispatch outside the market area, as the case may be:

Provided that in case if any notified agricultural produce is found to have been processed, sold, resold or dispatched outside the market area without payment of market fee payable on such produce, the Marketing Board shall impose penalty on the concerned person which shall be five times of the market fees payable.

(4) The market fee shall be payable by the buyer of the notified agricultural produce and shall not be deducted from the price payable to the seller:

Provided that where the buyer of the notified agricultural produce cannot be identified, all the fees shall be payable by the person who has sold or brought the agricultural produce for sale in the market area:

Provided further that in case of commercial transactions between traders in the market area, the market fee shall be collected and paid by the seller.

(5) The market functionaries, as may be specified by the Marketing Board in the bye-laws, shall maintain account relating to sale, purchase, processing or addition in value of agricultural produce in the prescribed forms and submit to the Marketing Board periodical returns in that respect in the manner prescribed.

(6) The Marketing Board may levy and collect entrance fee on vehicles, which enter the market yard/sub-market yard, at such rate as may be specified in the bye-laws.

35. Power to borrow.— (1) The Marketing Board may, with previous sanction of the State Marketing Officer, raise money required for carrying out the purpose for which it is established, on the security of any property vested in it and of any fees leviable and recoverable by it under this Act.

(2) The Marketing Board may, for the purpose of meeting the expenditure on lands, buildings and equipment required for establishing the market, obtain a loan from the Government on such terms and conditions as the Government may determine.

36. Power to order production of accounts, entry, inspection and seizure.— (1) The Secretary of the Marketing Board or any officer empowered by the Marketing Board in this behalf, may, for the purposes of this Act, require any person carrying on business in any kind of notified agricultural produce to produce before him the accounts and other documents, and to furnish any information relating to stocks of such agricultural produce or purchase, sale, processing, value addition and delivery of such agricultural produce by such person and also to furnish any other information relating to payment of market fees by such person.

(2) All accounts and registers maintained by any person in the ordinary course of business of any notified agricultural produce and documents relating to stocks of such agricultural produce or purchase, sale, processing, value addition of such agricultural produce in his possession and offices, establishment, godowns, vessels or vehicles of such person shall be kept open for inspection at all reasonable times by the Secretary of the Marketing Board or any officer empowered by the Marketing Board or the Government.

(3) If any such authorized officer has reason to suspect that any person is attempting to evade the payment of any market fee due and payable by him under section 34 or that any person has purchased, sold, processed or added value to any notified agricultural produce in contravention of any of the provisions of this Act or the rules or the bye-laws framed thereunder, in the market areas, he may, by order in writing to such person, seize such accounts, registers or documents of such person, as may be necessary and shall grant a receipt for the same and shall retain the same so long as it may be necessary for the examination thereof or for prosecution.

(4) For the purposes of sub-section (2) or sub-section (3), such authorised officer may enter or search any place of business, warehouse, office, establishment, godown, vessel or vehicle where such officer has reason to believe that such person keeps or for the time being has kept accounts, registers or documents of his business or stock of notified agricultural produce relating to his business.

(5) The provisions of sub-sections (4) to (8) of section 100 of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to search under sub-section (4).

(6) Where, any books of accounts or other documents seized under sub-section (3) contains entries recorded therein making a reference as to the quantity, quotations, rates, receipts or payment of money or sale or purchase of goods, such books of accounts or other documents shall be admitted in evidence and such entries shall be considered as

prima-facie evidence of matters, transactions and accounts purported to have been recorded therein.

37. Power to stop vehicles and inspect store.— (1) At any time when so required by any officer empowered by the Marketing Board in this behalf in the market area concerned, the driver or any other person incharge of the vehicle, vessel or other conveyance shall stop the vehicle, vessel or other conveyance, as the case may be and keep it stationery, as long as may reasonably be necessary and allow such officer to examine the contents of the vehicle, vessel or other conveyance and inspect the records relating to notified agricultural produce carried by him and disclose his name and address and the name and address of the owner of the vehicle, vessel or other conveyance and the name and address of the owner of the notified agricultural produce carried by such vehicle, vessel or other conveyance.

(2) The officer empowered under sub-section (1) shall have power to seize any notified agricultural produce brought into or taken out of or proposed to be taken out of the market area by any vehicle, vessel or other conveyance, if such officer has reason to believe that any market fee or other amount due and payable under this Act or value payable to the seller in respect of such produce has not been paid.

(3) If any officer empowered under sub-section (1) has reason to suspect that any person is attempting to evade the payment of any market fee due and payable by him under section 34 or that any person has purchased or stored any notified agricultural produce in contravention of any of the provisions of this Act or the rules or the bye-laws framed thereunder in the market area, he may enter or search any place of business, warehouse, office, establishment or godown where, he has reason to believe that such person keeps or has for the time being kept stock of notified agricultural produce and he may first seize such agricultural produce and such seized agricultural produce may be confiscated in favour of the Marketing Board in the manner as prescribed for this purpose:

Provided that a reasonable opportunity of being heard shall be given to the person concerned before confiscation of the agricultural produce.

(3) The provisions of sections 100, 457, 458 and 459 of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply to entry, search and seizure under sub-sections (1), (2) and (3), as they apply in relation to the entry, search and seizure of property by the Police Officer and such seizure shall forthwith be reported by the officer aforesaid to a Magistrate having jurisdiction over the area.

38. Power to write off loss, shortage of fee, etc., which is irrecoverable.— The Marketing Board may write off any fee or other amount whatsoever due to it or wherever any loss to the Marketing Board in money or store or other property occurs through any fraud or negligence of any person or for any other cause and in the opinion of the Marketing Board, the fee, amount, money, store or property is found to be irrecoverable or should be remitted, the Marketing Board may order to write off or remit such fee, amount, money, store or property as loss or irrecoverable, as the case may be:

Provided that where the amount due or the value of the store or other property exceeds five hundred rupees, the Marketing Board shall, before making any order to write off or remit as aforesaid, obtain the sanction of the State Marketing Officer.

39. Execution of contracts.— (1) Every contract entered into by the Marketing Board shall be in writing and signed on behalf of the Marketing Board by its Chairman and the Secretary or in the absence of the Chairman, by the Vice-Chairman and Secretary.

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

40. Certain disputes regarding weights and measures to be decided by the Secretary of the Marketing Board.— (1) The disputes relating to the method of verifying, re-verifying, adjusting or stamping any weights or measures or weighing or measuring instrument in any market area, such dispute may, at the request of the party interested, be referred to the Secretary of the Marketing Board and the decision of the Secretary of the Marketing Board shall, subject to the provisions of sub-section (2), be final.

(2) An appeal shall lie, within the prescribed time limit, from the decision under sub-section (1) to the Government or such officer as the Government may appoint in this behalf. The decision of the Government or such officer, shall be final.

41. Power to grant exemption from payment of market fees.— (1) The Government may, by notification in the Official Gazette and subject to such conditions and restrictions, if any, as may be specified therein, exempt in whole or in part, any agricultural produce brought for sale or bought or sold in the market area, specified in such notification, from the payment of market fee for such period as may be specified therein.

(2) Any notification issued under sub-section (1) may be rescinded by the Government before the expiry of the period for which it would have remained in force and on rescission, such notification shall cease to be in force.

CHAPTER V

Staff of Marketing Board

42. Power of the Marketing Board to employ staff.— (1) The Marketing Board may employ a Secretary and such other officers and servants as may be necessary for the management of the market and for the collection, maintenance, dissemination and supply of information relating to crops, statistics and market intelligence and for carrying out its duties under this Act and shall pay such officers and servants such salaries and allowances, pension or gratuity as the Marketing Board thinks fit and shall contribute to any Provident Fund and Pension Fund which may be established for the benefit of such employees:

Provided that all posts other than that of a Secretary, save as such general or special directions issued by the State Marketing Officer in this behalf, shall be created with the prior approval of the State Marketing Officer.

(2) The Secretary of the Marketing Board shall be the Chief Executive Officer and the custodian of the records and properties of the Marketing Board who shall exercise such powers as are conferred and perform such duties as are imposed upon him by or under this Act.

(3) The powers conferred by this section on the Secretary of the Marketing Board shall be exercised subject to any rules which may be made in that behalf by the Government.

CHAPTER VI

Budget and Fund of the Marketing Board

43. Preparation and sanction of budget.— (1) The Marketing Board shall prepare and pass the budget of its income and expenditure for the ensuing year in the prescribed form and shall submit it to the State Marketing Officer for sanction before the prescribed date every year. The State Marketing Officer shall sanction the budget with or without modification within two months from the date of receipt thereof. If the budget is not returned by the State Marketing Officer within two months, it shall be presumed to have been sanctioned by the State Marketing Officer.

(2) The Marketing Board may sanction or cause to undertake execution of construction works out of its fund other than the permanent funds referred to in sub-section (5) of this section on the basis of the plan and designs approved by the Marketing Board:

Provided that no expenditure except payment of pension shall be made out of the pension fund.

(3) No expenditure shall be incurred by the Marketing Board on any item if there is no provision to that effect in the budget sanctioned thereof unless it can be met by re-appropriation from saving under any other head. The sanction for the re-appropriation may be obtained from the State Marketing Officer, provided that, in case of re-appropriation from minor head under one major head, sanction for re-appropriation will not be required.

(4) The Marketing Board may, at any time during the year for which any budget has been sanctioned, cause a revised or supplementary budget to be passed and obtain sanction in the same manner as if it is an original budget.

(5) The Marketing Board shall make provision in its budget for crediting the amount into the permanent fund at the rate of twenty percent of its gross receipts comprising of license fee and market fees and into the pension fund as specified from time to time by the State Marketing Officer. No expenditure from the permanent fund shall be incurred except with the prior approval or as per the direction given by the State Marketing Officer. No expenditure from this fund or from amount as provided under sub-section (2) of section 44 shall be proposed in the budget referred to in sub-section (1).

(6) The State Marketing Officer, while according sanction for construction work, may, at his discretion, direct that the execution of the works shall be entrusted to the Public Works Department of the Government or any other agency authorized by the Government for this purpose or to the contractor/s from the approved panel of contractors.

44. Marketing Board fund.— (1) Save as provided in sub-section (2), all moneys received by the Marketing Board shall be paid into a fund to be called 'the Marketing Board fund' and all expenditure incurred by the Marketing Board under or for the purposes of this Act shall be defrayed out of the said fund. Any surplus remaining with the Marketing Board after meeting such expenditure shall be invested in such manner as may be prescribed.

Any money received by the Marketing Board by way of arbitration fee or as a security for costs in arbitration proceedings relating to the disputes or any money received by the Board by way of security deposit, contribution to Provident Fund or for payment in respect of any notified agricultural produce or charges payable to weighman, hamal and other functionaries and such other money received by the Marketing Board as may be provided in the rules or bye-laws shall not form part of the Marketing Board fund and shall be kept in such manner as may be prescribed.

(2) Save as otherwise provided in this Act, the amount to the credit of the Marketing Board fund as also other money received by the Marketing Board shall be kept in a scheduled co-operative bank or in a Nationalized Bank or in Post Office Saving Bank or in any other mode with the approval of the State Marketing Officer.

45. Application of Marketing Board fund. — (1) Subject to the provisions of section 44, the Marketing Board, in order to discharge functions and duties entrusted to it under this Act, may use the Marketing Board fund. Without prejudice to the generality of this provision, the Marketing Board fund may be used for the following purposes, namely:—

- (i) the acquisition of a site or sites for the market;
- (ii) the establishment, maintenance and improvement of the market yard;
- (iii) the construction and repairs of building necessary for the purpose of the market yard and for convenience or safety of the persons using the market yard;
- (iv) the maintenance of standard weights and measures;
- (v) the meeting of establishment charges including payment and contribution towards provident fund, pension and gratuity of the officers and servants employed by the Marketing Board;
- (vi) loans and advances to the employees of the Marketing Board;
- (vii) the payment of interest on the loans that may be raised for the purpose of the market and for provision of sinking fund, in respect of such loans;
- (viii) the collection and dissemination of information relating to crop statistics and marketing of agricultural produce;
- (ix) meeting the expenses incurred in auditing the accounts of the Marketing Board;
- (x) payment of honorarium to the Chairman, Vice-Chairman, travelling allowances to the Chairman, Vice-Chairman and other members of the Marketing Board and sitting fees payable to members for attending the meetings;

- (xi) contribution to the National Council of State Agricultural Marketing Boards as prescribed;
- (xii) contribution to any scheme for development of agricultural marketing including transport;
- (xiii) to provide facilities like grading, standardization, quality certification services and communication to agriculturists in the market area;
- (xiv) to provide for development of agricultural produce in the market area;
- (xv) payment of expenses on elections under this Act;
- (xvi) incurring of all expenses on research training in marketing of agricultural produce;
- (xvii) prevention, in conjunction with other agencies, viz. State, Central and others, of distress sale of agricultural produce;
- (xviii) fostering co-operative marketing and assisting co-operative marketing societies in the procurement and organization of profitable disposal of produce, particularly the produce belonging to small and marginal farmers;
- (xix) to create and promote, on it's own or through public or private partnership, infrastructure of post-harvest handling of agricultural produce, cold storages, pre-cooling facilities, pack houses and all such infrastructure which is required to develop modern market system;
- (xx) any other purpose connected with the marketing of agricultural produce under this Act which is in the public interest, subject however, that the expenditure thereon is made with the prior sanction of the State Marketing Officer.

CHAPTER VII

Contract Farming

46. Procedure and Form of Contract Farming Agreement.— The Contract Farming Agreements shall be governed in the manner laid down hereinafter.—

- (1) Contract Farming Sponsor shall register himself with the Marketing Board or with the officer authorised by the Marketing Board in that behalf in such manner as may be prescribed.
- (2) The Contract Farming Sponsor shall get the Contract Farming Agreement recorded with the officer authorised by the Marketing Board, in this behalf.
- (3) The Contract Farming Agreement shall be in such form and contain such particulars, terms and conditions as may be prescribed.
- (4) Notwithstanding anything contained in the Contract Farming Agreement, no title, rights, ownership or possession, shall be transferred, alienated or vest in the contract farming sponsor, his successor or his agent as a consequence arising out of such Contract Farming Agreement.

(5) Any dispute arising out of the Contract Farming Agreement shall be referred to an authority prescribed in that behalf for settlement. The prescribed authority shall resolve the dispute in a summary manner within 30 days from the date of receipt of such reference after giving the parties a reasonable opportunity of being heard.

(6) Any party aggrieved by the decision of the prescribed authority may prefer an appeal to the prescribed Appellate Authority within thirty days from the date of decision and such Appellate Authority shall dispose of the appeal within thirty days from the date of such appeal after giving the parties a reasonable opportunity of being heard and the decision of the Appellate Authority shall be final and binding upon the parties thereto.

(7) The decision of the authority under sub-section (5) and the decision in the appeal under sub-section (6) shall have force of a decree of the civil court and shall be enforceable as such and the decretal amount shall be recovered as arrears of land revenue from the party thereto.

(8) Any dispute relating to or arising out of Contract Farming Agreement shall not be called in question in any Court of Law.

(9) The agricultural produce covered under the Contract Farming Agreement may be sold to the Contract Farming Sponsor outside the market area which shall be free from levy of market fees.

CHAPTER VIII

Regulation of Trading

47. Regulation of marketing of agricultural produce.— (1) No person shall, except in accordance with the provisions of this Act and the rules and bye-laws made thereunder,—

(i) use any place in the market area for the marketing of notified agricultural produce; or

(ii) operate in the market area as a market functionary.

(2) Nothing in sub-section (1) shall apply to:—

(i) the sale of agricultural produce which is made by the producer himself to any person for his domestic consumption upto the quantity of one quintal;

(ii) notified agricultural produce which is brought for sale by head load, provided that the Government may by notification, withdraw this exemption specifying the reasons therein in respect of such market area as is specified in the notification;

(iii) the purchase or sale of notified agricultural produce which is made by a petty trader;

(iv) purchase of notified agricultural produce which is made by an authorized fair price shop dealer from the Food Corporation of India, the State Commodities Trading Corporation or any other agency or institution authorized by the Government for distribution of essential commodities through the public distribution system;

(v) the transfer of agricultural produce to a co-operative society for the purpose of securing an advance therefrom.

48. Sale of agricultural produce in markets.— (1) Entire notified agricultural produce shall be ordinarily sold in the market yards/sub-market yards or in the private yards of the licence holder, subject to the provisions of sub-section (2):

Provided that the notified agricultural produce may be sold at other places also to a licence holder under section 52 of this Act:

Provided further that it shall not be necessary to bring agricultural produce covered under Contract Farming to the market yard/sub-market yard/private yard and it may be directly sold to contract farming sponsor from farmers' fields.

(2) The notified agricultural produce brought by the licensed/registered trader from a place outside the market area or within the market area in the course of commercial transaction may be bought or sold anywhere in the market area.

(3) The price of the notified agricultural produce, brought for sale into the market yard, shall be settled by a tender bid or open auction or any other transparent system and no deduction shall be made from the agreed price on any account whatsoever by the seller:

Provided that the price of notified agricultural produce in the private yard shall be settled in the manner prescribed.

(4) Weighment or measurement or counting of the agricultural produce so purchased shall be done by such a person and such system as is provided in the bye-laws or at any other place specified for the purpose by the Marketing Board.

49. Terms and procedure of buying and selling.— (1) Except in the commercial transaction between two traders, any other person who buys notified agricultural produce in the market area, shall execute an agreement in triplicate, in such form, as may be prescribed, in favour of the seller and one copy of such agreement shall be kept by the buyer, second copy shall be supplied to the seller and the third copy shall be kept in the records of the Marketing Board.

(2) (a) The price of the notified agricultural produce brought in the market yard/sub-market yard/private yard shall be paid on the same day to the seller in market yard/sub-market yard/ /private yard, as the case may be, and that the payment for notified agricultural produce purchased from such yard, shall be made to the seller, if he is not a trader, on the same day there itself;

(b) In case the purchaser does not make payment as provided under clause (a), he shall be liable to penalty at the rate of one percent per day on the total price of the agricultural produce payable to the seller, for five days from the date on which such amount is payable;

(c) In case the purchaser does not make payment to the seller as provided under clause (b) above, within five days, his license and registration shall be deemed to have been cancelled on the sixth day of such purchase and he shall not be registered or granted any license or permitted to operate under this Act for a period of one year from the date of such cancellation.

(3) No wholesale transaction of notified agricultural produce shall be entered directly by licensed/registered trader with producer of such agricultural produce in the market yard/sub-market yard/private yard or at such place except in accordance with the provisions contained in the bye-laws:

Provided that agricultural produce, produced under contract farming, may be directly bought by contract farming sponsor anywhere.

(4) The commission agent shall recover his commission only from his principal trader at such rate as may be specified in the bye-laws including all expenses as may be incurred by him in storage of the agricultural produce and for other services rendered by him.

(5) Every commission agent shall be liable,—

(a) to keep the goods of his principal in safe custody without any charge other than the commission payable to him; and

(b) to pay the price of the goods to the principal as soon as the goods are sold by him irrespective of the fact that whether he has received or has not received the price from the buyer of such goods.

50. Permission for transportation of agricultural produce.— (1) No agricultural produce shall be removed out of the market area or brought in the market area from outside the State of Goa or outside India except in the manner and in accordance with the permit issued in such form as may be specified by the Secretary of the Marketing Board:

Provided that the bill issued by the seller shall be retained till the time of transportation of processed product of agricultural produce out of the market area:

Provided further that the producer of agricultural produce himself may take the agricultural produce from one place to another without a permit.

(2) Under commercial transactions, any agricultural produce may be transported in the market area in the manner as specified by the Secretary of the Marketing Board.

51. Registration of functionaries.— (1) Any person who desires to operate in the market area as trader, commission agent, weighman, hamal, surveyor, warehouseman, contract farming buyer, owner or occupier of processing factory or as any other market functionary, in respect of any notified agricultural produce, shall apply to the Marketing Board for his registration or renewal of such registration, in such manner and within such period as may be prescribed:

Provided that any person may buy agricultural produce in the market yard/sub-market yard on day-to-day basis without getting himself registered:

Provided further that any person who desires to carry on trade or transact, in any notified agricultural produce in more than one market area, shall get himself registered, for that respective function, with the prescribed authority.

(2) Every application for registration or renewal of registration shall be accompanied with such fee as the Government may prescribe.

(3) The Marketing Board may, on receipt of an application for registration or renewal of registration, together with the fees prescribed therefor, grant a certificate of registration or renewal, as the case may be, for such period as may be prescribed.

(4) The Marketing Board may refuse to register or refuse to renew the registration on any of the following grounds:—

(i) the applicant is a minor or the application is not bonafide;

(ii) the applicant has been declared defaulter under any Act or rules on bye-laws made thereunder;

(iii) the applicant has been found guilty under this Act.

(5) (i) The application received under sub-section (1) shall be disposed off by the Marketing Board within four weeks from the date of its receipt, but if the Marketing Board fails to dispose off any application within such four weeks time then the applicant shall remind, in writing the Marketing Board, in respect of his application; and the applicant shall also inform about the same, in writing, to the authority specified by the Secretary of the Marketing Board in this regard.

(ii) On expiry of the period of two weeks from the date of receipt of the reminder by the Marketing Board and receipt of information by such authority, if the application is not disposed off, it shall be deemed that the registration or its renewal, as the case may be, has been granted.

(iii) The authority, on the basis of information received by it and after expiry of period of two weeks specified above, shall confirm that the application for registration/renewal was submitted to the Marketing Board and due action has not been taken by the Marketing Board for disposal of the same and then it shall issue a certificate as per clause (ii) of sub-section (5) regarding grant of deemed registration or its deemed renewal within two weeks time.

(6) The registration granted or renewed under this section shall be subject to the provisions of this Act, and the rules and bye-laws made thereunder.

(7) No commission agent shall act in any transaction between the agriculturist, seller, trader or purchaser or on their behalf, nor shall he deduct any amount towards commission from the sale proceeds payable to the agriculturist, seller, trader or purchaser.

52. Establishment of private yard, and direct purchase of agricultural produce from agriculturist (direct purchasing from producer).— The State Marketing Officer may grant a license to purchase agricultural produce, by establishing private yard, directly from the agriculturist, in one or more market areas for,—

(a) the purpose of processing the notified agricultural produce;

(b) trade of notified agricultural produce of particular specification;

(c) export of notified agricultural produce;

(d) grading, packing and any other activity so as to add value to agricultural produce.

53. Establishment of consumer/farmer market (Direct sale by the producer).—

(1) Consumer/Farmer market may be established by developing infrastructure as prescribed, by any person in any market area and that the producer of agricultural produce himself may sell his produce as prescribed directly to the consumer at such place:

Provided that the consumer shall not purchase the agricultural produce more than the prescribed quantum in the consumer market.

(2) Market service charge shall be collected on sale of the agricultural produce by the seller and shall be remitted to the proprietor of the consumer market.

(3) Save as otherwise provided in this Act, no market fee shall be leviable on the transaction undertaken in the consumer/farmer market.

(4) License for establishment of consumer/farmer market shall be granted by the Government.

54. Grant/renewal of license of private yard/consumer/farmer market and weighman.—

(1) Any person who, under section 52 desires to purchase notified agricultural produce directly from the agriculturist or wishes to establish a private yard or under section 53 desires to establish a consumer/farmer market in one or more than one market area, shall apply to the State Marketing Officer for grant of licence or renewal of such license, as the case may be, in the manner and for the period, as may be prescribed.

(2) Alongwith every such application for license or renewal of license, fees as prescribed, shall be deposited.

(3) The State Marketing Officer may, on receipt of an application for grant of license or renewal of license together with the prescribed fees therefor, grant a license or renew it, as the case may be, for such period as may be prescribed.

(4) Application received under sub-section (1) for grant of license or renewal of such license may be rejected with reasons in writing. Such application may be rejected on any of the following grounds:—

(i) the Marketing Board's dues are outstanding against the applicant;

(ii) the applicant is minor or the application is not bonafide;

(iii) the applicant has been declared defaulter under any Act or rules and bye-laws made thereunder;

(iv) the applicant has been declared guilty in any criminal case and convicted by imprisonment;

(v) any other ground, as may be prescribed.

(5) The license granted or renewed under this section shall be subject to the provisions of this Act, rules or bye-laws made thereunder.

55. Power to cancel or suspend license/registration.— (1) Subject to the provisions of sub-section (4), the State Marketing Officer or the Marketing Board who has issued

license or registration, as the case may be, may, for reasons to be communicated to the license holder/registration holder in writing, suspend or cancel, license/registration, if, —

(a) the license or registration has been obtained through willful misrepresentation or fraud; or

(b) the holder of the license or registration or any of his servants or any one acting on his behalf with his express or implied permission, commits breach of any of the terms or conditions of license/registration; or

(c) the holder of the license/registration in combination with other license/registration holder commits any act or abstains from carrying on his normal business in the market area with the intention of wilfully obstructing, suspending or stopping the marketing of notified agricultural produce in the market yard/sub-market yard as a consequence of which the marketing of any notified agricultural produce has been obstructed, suspended or stopped; or

(d) the holder of the license/registration has been adjudged as an insolvent; or

(e) the holder of the license/registration incurs any disqualification, as may be prescribed; or

(f) the holder of license/registration is convicted of any offence under this Act.

(2) Subject to the provisions of sub-section (4), the Chairman or Secretary of the Marketing Board may, for reasons to be communicated in writing to the registration holder, by order, suspend registration for a period not exceeding one month on any reasons for which the Marketing Board may suspend a registration under sub-section (1):

Provided that such order shall cease to have effect on expiry of a period of ten days, from the date on which it is made, unless confirmed by the Marketing Board before expiry of such ten days.

(3) Notwithstanding anything contained in sub-section (1) but subject to the provisions of sub-section (4), the State Marketing Officer may, for reasons to be communicated in writing to the registration holder, by order, suspend or cancel the registration granted or renewed by the Marketing Board:

Provided that no order under this sub-section shall be made without giving notice to the Marketing Board.

(4) No license or registration shall be suspended or cancelled under this section without giving a reasonable opportunity to its holder to show cause against such suspension or cancellation.

56. Appeal.— (1) Any person aggrieved by an order, passed under sections 51, 54 or 55, as the case may be, prefer an appeal in such manner, as may be prescribed,—

(a) to the State Marketing Officer, where such order is passed by the Chairman/Secretary of the Marketing Board, within seven days of receipt of the order;

(b) to the State Marketing Officer, where such order is passed by the Marketing Board, within thirty days of receipt of the order; and

(c) to the Government, where such order is passed by the State Marketing Officer, within thirty days of receipt of the order.

(2) The Appellate Authority, if it considers necessary to do so, grant a stay of the order appealed against for such period as it may deem fit.

(3) The order passed by the Chairman/Secretary of the Marketing Board or the Marketing Board or the State Marketing Officer shall, subject to the order in the appeal under this section, be final and shall not be called in question in any Court of law.

57. Redressal of dispute between Farmer market or Consumer market and Marketing Board.— (1) Dispute between the farmer market or consumer market and Marketing Board shall be referred to the State Marketing Officer or his representative or any other officer authorized by the Government in this regard. The dispute shall be resolved after giving both parties a reasonable opportunity of being heard, in the manner prescribed.

(2) The decision given by the authority under sub-section (1) above shall be final and shall not be called in question in any Court of law.

58. Prohibition of trade allowances other than those specified under this Act.— No trade allowance or deduction, other than specified by or under this Act, shall be made or received by any person in any market area in any transaction in respect of the notified agricultural produce and no Civil Court, shall, in any suit or proceeding arising out of any such transaction, have regard to any trade allowance not so specified.

59. Submission of annual account by licensee/registered functionaries and assessment of market fee.— (1) Every trader, processor, proprietor of a private yard, proprietor of consumer/farmer market or commission agent connected with the business of notified agricultural produce shall before the 30th June of every year submit to the Secretary of the Marketing Board, a statement of transactions undertaken by or through him during the previous financial year ending on 31st March in the prescribed manner.

(2) The Secretary of the Marketing Board shall accept or reject the statement submitted to him under sub-section (1) after necessary examination and verification on the basis of information available in the Marketing Board and shall assess the balance amount payable by the functionary and levy the assessed amount.

(3) Any person aggrieved by the proceedings of the Secretary, may within 30 days from the date of receipt of notice by him, appeal to the Marketing Board.

(4) An officer authorized by the Government may, on his own motion or on an application made to the Government, start the process of re-verification of the statement which was verified by the Secretary, within two years from the date of verification made by the Secretary and for this purpose such officer shall exercise the powers under section 36 of this Act.

(5) The re-verification made by the Officer authorized by the Government, shall be final.

60. Assessment of market fees payable to Marketing Board by the licensed/registered functionaries.— If any person required to produce accounts or furnish information under sub-section (1) of section 69 fails to produce such accounts or to furnish information or knowingly furnishes incomplete or incorrect account or information or has not maintained proper accounts of the business of the notified agricultural produce, then, the Secretary of the Marketing Board on his own motion, shall assess such person for levying fees levied under section 34 on the basis of the information available with the Marketing Board.

CHAPTER IX

Penalties

61. Penalty for contravention of Act, rules and bye-laws.— Any person who contravenes any provisions of this Act or of any rule or bye-laws or order issued thereunder shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

62. Recovery of market dues.— Whenever any person is convicted of any offence punishable under this Act, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Marketing Board the amount of fees or any other amount due from him under this Act or rules or bye-laws made thereunder and may, in his discretion, also recover and pay over to the Marketing Board costs of the prosecution.

63. Cognizance of offences.— No Court shall take cognizance of any offence punishable under this Act or any rule or any bye-laws made thereunder except on the complaint made by the Collector or the Chairman, Vice-Chairman, Secretary of the Marketing Board or by any person duly authorized by the Marketing Board in this behalf or by the State Marketing Officer.

CHAPTER X

Control

64. Inspection of markets and inquiry into the affairs of the Marketing Board.—
(1) The State Marketing Officer may:—

- (a) inspect or cause to be inspected the accounts and offices of the Marketing Board;
- (b) hold inquiry into the affairs of the Marketing Board;
- (c) call from the Marketing Board, return, statement, accounts or reports which he may think fit to require the Board to furnish;
- (d) require the Marketing Board to take into consideration.—
 - (i) any objection, on the ground of illegality, inexpediency or impropriety which appears to him to exist, to the doing of anything or which is about to be done or is being done by or on behalf of the Board;

(ii) any information he is able to furnish and which appears to him to necessitate the doing of a certain thing by the Board;

(e) direct that, anything which is about to be done or is being done, should not be done, pending consideration of the reply and anything which should be done but is not being done should be done within such time as he may direct.

(2) When the affairs of the Marketing Board are investigated under this section or the proceedings of the Marketing Board are examined by the State Marketing Officer under section 69, the Chairman, Vice-Chairman, Secretary and all other officers, servants and members of the Board shall furnish such information in their possession in regard to the affairs or proceedings of the Marketing Board as the State Marketing Officer, may require.

(3) The State Marketing Officer, while investigating the affairs of the Marketing Board under sub-section (1), shall have power to summon and enforce the attendance of officers or members of the Marketing Board and to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the Code of Civil Procedure, 1908 (5 of 1908).

(4) Where the State Marketing Officer has reason to believe that the books and records of the Marketing Board are likely to be tampered with or destroyed or the funds or property of the Marketing Board are likely to be misappropriated or misapplied, the State Marketing Officer may issue order directing a person duly authorized by him in writing to seize and take possession of such books and records, funds and property of the Marketing Board and the officer or officers of the Marketing Board responsible for the custody of such books, records, funds and property shall give delivery thereof to the person so authorized.

65. Powers to remove a member of the Marketing Board.— (1) The State Marketing Officer may remove a member, Chairman, or Vice-Chairman of the Marketing Board where he is of the opinion that:—

(a) such member, Chairman or Vice-Chairman has been guilty for misconduct or for gross negligence of his duty as member, Chairman or Vice-Chairman;

(b) such member, Chairman or Vice-Chairman has ceased to hold the qualification necessary for his being a member, Chairman or Vice-Chairman, as the case may be.

(2) No order of removal under sub-section (1) shall be passed unless the person concerned has been given a reasonable opportunity of submitting an explanation in respect of the allegations against him.

(3) The State Marketing Officer may suspend any member or Chairman or Vice-Chairman of the Marketing Board, who has been served with the notice under sub-sections (1) and (2) or against whom any complaint has been received or who commits irregularities for a period from the date of issue of notice or of receipt of complaint or from the date of noticing of irregularities by the State Marketing Officer till the final decision is taken in the case.

66. Supersession of the Marketing Board.— Where the Government is of the opinion that the Marketing Board has failed in the performance of its functions or discharge of its duties or has exceeded or abused the powers conferred on it by or under this Act, it may, by notification in the Official Gazette, supersede the Marketing Board:

Provided that no order of supersession shall be passed unless the Government has accorded reasonable opportunity to the Marketing Board of submitting a written explanation in respect of the allegations against it.

67. Consequence of supersession of Marketing Board.— Upon publication of the notification superseding the Marketing Board under section 66, the following consequences shall ensue:—

(i) all the members including the Chairman, Vice-Chairman of the Marketing Board shall, as from the date of publication of the notification, be deemed to have vacated their offices;

(ii) the Government shall direct that steps be taken for constitution of new Marketing Board under section 12 and till the time a new Marketing Board under section 12 is constituted as aforesaid, the State Marketing Officer shall make such arrangements for carrying out the functions of the Marketing Board as he may deem fit for a period not exceeding six months and for that purpose, he may direct that all the functions, powers and duties of the Marketing Board and its Chairman under this Act, shall be performed, exercised and discharged by such person or authority as the State Marketing Officer may appoint in this behalf and such person or authority shall be deemed to be Marketing Board or Chairman, as the case may be.

68. Power of State Marketing Officer to direct Marketing Board for amending bye-laws.— (1) If it appears to the State Marketing Officer that it is necessary or expedient in the interest of a market or of the Marketing Board to make any bye-laws or to amend any bye laws, he may, by order require the Marketing Board to make such bye-laws or to carry out amendment to the bye-laws within such time as he may specify in such order.

(2) If the Marketing Board fails to make such bye-laws or such amendment in the bye-laws within the time specified, the State Marketing Officer may, after giving the Marketing Board a reasonable opportunity of being heard, by order, make such bye-laws or carry out such amendment to the bye-laws and thereupon subject to any order under sub-section (3), such bye-laws or such amendment to the bye-laws shall be deemed to have been made or amended by the Marketing Board in accordance with the provisions of this Act or the rules made thereunder and thereupon such bye-laws or amended bye-laws shall be binding on the Marketing Board.

(3) An appeal shall lie to the Government from any order of the State Marketing Officer under sub-section (1) within thirty days from the date of such order and the decision of the Government on such appeal shall be final.

69. Power of the State Marketing Officer to prohibit execution of resolution passed or order made by the Marketing Board.— (1) The State Marketing Officer may, on his own motion or on report or complaint received, by order, prohibit the

execution of a resolution passed or order made by the Marketing Board or its Chairman or any of its officers or servants, if he is of the opinion that such resolution or order is prejudicial to the public interest or is likely to hinder efficient running of the business in any market area, principal market yard or sub-market yard or is against the provisions of this Act or the rules or bye-laws made thereunder.

(2) Where the execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Board, if so required by the State Marketing Officer, to take such action, as the Board would have been entitled to take if such resolution or order had never been passed or made, which is necessary for preventing the Chairman or any of its officers or servants from doing or continuing to do anything under such resolution or order.

70. Power to call for proceedings of Marketing Board and the State Marketing Officer.— (1) The State Marketing Officer may, on his own motion or on an application made to him, call for and examine the proceedings of the Marketing Board and the Government may on its own motion or on application made to it, call for and examine the proceedings of the State Marketing Officer, for the purpose of satisfying himself or itself, as the case may be, as to the legality or propriety of any decision taken or order passed and as to the regularity of the proceedings of the Board or the State Marketing Officer, as the case may be. If, upon examination, it appears to the State Marketing Officer or the Government that any such decision, order or proceedings should be modified, annulled, reversed or remitted for reconsideration, he or it, as the case may be, may pass such order thereof as deemed fit:

Provided that every application to the Government for the exercise of the powers under this section shall be filed within sixty days from the date on which the decision or order to which the application relates was communicated to the applicant:

Provided further that no such order shall be passed under sub-section (1) without giving a reasonable opportunity of being heard to the parties affected thereto.

(2) The Government or the State Marketing Officer, as the case may be, may suspend the execution of the decision taken or order passed by the State Marketing Officer or the Marketing Board, pending the exercise of its/his powers under sub-section (1).

71. Liability of Chairman, Vice-Chairman, members and employees for loss, waste or misappropriation, etc.— (1) In the course of the inquiry or inspection under section 64 or in the course of the audit under this Act, in case if it is found that any person who is or was entrusted with the management of the Marketing Board or any deceased, past or present Chairman, Vice-Chairman, member, officer incharge of the Marketing Board or any other officer or employee of the Marketing Board or an officer of the Government, has made or directed by assenting or concurring or participating in any affirmative vote or proceeding related thereto, any payment or application of any money or other property belonging to or under the control of the Marketing Board to any purpose, contrary to the provisions of this Act or rules or bye-laws made thereunder or has caused any deficiency or loss by gross negligence or misconduct or has misappropriated or fraudulently retained any money or other property belonging to the Marketing Board, the State Marketing Officer may, on his own motion or on application, inquire himself or direct any officer subordinate to him duly authorized by him by an

order in writing in this behalf to inquire into, the conduct of such persons, within two years of the date of report of audit, inquiry or inspection, as the case may be.

(2) If, upon an inquiry made under sub-section (1), the State Marketing Officer is satisfied that there are good grounds for an order under this sub-section, he may make an order requiring such person or in the case of a deceased person, his legal representative, who inherits his estate, to repay or restore the money or property or any part thereof, with interest at such rate or to pay contribution and costs or compensation to such extent as the State Marketing Officer may consider just and equitable:

Provided that no order under this sub-section shall be made unless the person concerned has been given a reasonable opportunity of being heard in the matter:

Provided further that the liability of a legal representative of the deceased shall be limited to the extent of the property of the deceased which is inherited by such legal representative.

(3) Any person aggrieved by an order made under sub-section (2), may, within thirty days from the date of communication of the order to him, appeal to the Government and the Order of the Government in such appeal shall be final and conclusive.

(4) No order passed under sub-section (2) or sub-section (3) shall be called in question in any Court of law.

(5) Any order made under sub-section (2) or sub-section (3) shall, on the application of the State Marketing Officer, be enforced by a Civil Court, having jurisdiction in the same manner as if it is a decree of such court and any sum directed to be paid by such order may be recovered as arrears of land revenue.

(6) The State Marketing Officer may, if he is satisfied on affidavit, inquiry or otherwise, that any person with intention to delay or obstruct the enforcement of any order passed against him under this section is about to dispose of the whole or any part of his property or is about to remove the whole or any part of his property from the State, unless adequate security is furnished, direct the conditional attachment of such property or any part thereof as he thinks necessary and such attachment shall have the same effect as if it is made by a competent Civil Court.

72. Power of the Government to amend Schedule.— (1) The Government may, by notification, add to or omit from or amend any of the items of agricultural produce specified in the Schedule to this Act and thereupon the said Schedule shall be deemed to have been amended accordingly:

Provided that no notification shall be issued by Government under this section without giving previous publication in the Official Gazette of not less than forty five days, of its intention to issue such notification.

73. Power of Government to give directions.— (1) The Government may give directions to the Marketing Board.

(2) The Marketing Board shall be bound to comply with the directions issued by the Government under sub-section (1).

74. Recovery of sums due to the Marketing Board.— Any sum due to the Marketing Board on account of any charge, costs, expenses, fees, rent or on any other account under the provisions of this Act or any rule or bye-laws made thereunder shall be recoverable in the same manner as arrears of land revenue.

75. Chairman, Vice-Chairman, members, officers and servants of the Marketing Board to be public servants.— The Chairman, Vice-Chairman, members, Secretary, other officers and servants of the Marketing Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

76. Delegation of powers.— (1) The Government may delegate to any of its officer not below the rank of State Marketing Officer any of the powers conferred on it by or under this Act other than the power to make rules under section 81.

(2) The State Marketing officer may delegate any of his powers to any officer of the Government not below the rank of Assistant Registrar of Co-operative Societies.

77. Bar to civil suit and protection to persons acting in good faith.— No suit, prosecution or legal proceedings in respect of anything done in good faith or intended to be done in good faith under this Act or rules, or bye-laws made thereunder, shall lie against the State Marketing Officer or officers of the Government or against the Marketing Board or any person acting under and in accordance with the directions of the State Marketing Officer, Government or the Board.

78. Bar to suit in absence of notice.— Notwithstanding anything contained in any other law, no suit shall be instituted against the Board, until the expiration of two months from the date of notice in writing stating the cause of action, name and place of abode/office of the intending plaintiff and the relief which he claims has been delivered or left at the office of the Board. Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of the cause of action.

79. Duty of local authority to give information and assistance.— (1) It shall be the duty of every local authority to give all the necessary information, in its possession or under the control of its officers, to the Marketing Board or its officers authorized in that behalf, relating to the movement of agricultural produce into or out of the area of the local authority free of any charges.

(2) It shall also be the duty of every local authority and its officers and staff concerned to give all the possible assistance to any officer of the Marketing Board in exercise of his powers and discharging his duties under this Act.

80. Act not to be invalidated by informality, vacancy, etc.— No act done or proceeding taken under this Act by the Board shall be invalidated merely on the ground of,—

- (a) any vacancy or defect in the constitution of the Marketing Board;
- (b) any defect or irregularity in the appointment of the person acting as a member thereof;
- (c) any defect or irregularity in such act or proceedings, not affecting the substance.

CHAPTER XI

Rules and Bye-Laws

81. Power to make rules.— (1) The Government may, by notification in the Official Gazette and after previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters:—

(i) other manner of publication of notification as provided in sub-section (1) of section 3;

(ii) the manner of election of female agriculturists as members on the Marketing Board, as provided in clause (b) of sub-section (1) of section 12;

(iii) the manner of election of members as provided in sub-section (1) of section 13;

(iv) the period during which a Chairman or a Vice-Chairman shall hold office as provided in section 21;

(v) the limit of the total amount of honorarium to be paid to the Chairman and the Vice-Chairman of the Marketing Board as provided in section 23;

(vi) the manner of periodical inspection of all weights and measures and weighing and measuring instruments in use in a market area, as provided in section 32 (2) (u) and

(vii) the matters subject to which the powers conferred on the Secretary of the Marketing Board under section 42 shall be exercised as provided in sub-section (3) of section 42;

(viii) form of budget of the Marketing Board and the date for submitting the same to the State Marketing Officer as provided in sub-section (1) of section 43;

(ix) the manner in which the amount to the credit of the Marketing Board Fund shall be invested as provided in sub-section (1) of section 44 and the manner in which the money received by the Marketing Board as stated in sub-section (2) of section 44 shall be kept as provided in that sub-section;

(x) the use of the Marketing Board Fund for making contribution to the National Council of State Agricultural Marketing Board, as provided in item (xi) of sub-section (1) of section 45;

(xi) the manner of settling price of notified agricultural produce in the private yard, as provided in sub-section (3) of section 48;

(xii) all matters as stated in sections 51, 53 and 54;

(xiii) the manner of filing appeal as provided in section 56;

(xiv) the manner of resolving dispute as provided in section 57;

(xv) any other matter which has to be, or may be, prescribed.

In making any rule, the Government may direct that breach thereof shall be punishable with fine which may extend to two hundred rupees.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa.

82. Power to make bye-laws.— (1) Subject to the provisions of this Act and the rules made thereunder, the Marketing Board may, in respect of marketing area under its management, make bye-laws for:—

(i) the regulation of business of the Marketing Board;

(ii) the conditions of trading in a market;

(iii) the delegation of powers, duties and functions to the officers and servants, appointment, pay, punishment, pension, gratuity, leave, leave allowances, contribution by them to any provident fund which may be established for the benefit of such officers and servants and other conditions of service;

(iv) the delegation of powers, duties and functions to a sub-committee, if any;

(v) market functionaries who are required to obtain licence under this Act;

(vi) enabling and regulating e-trading;

(vii) any other matter for which bye-laws are required to be made under this Act or it may be necessary to frame bye-laws for effectively implementing the provisions of this Act and the rules made thereunder in the market area.

(2) No bye-laws made under sub-section (1) shall take effect until they have been approved by the State Marketing Officer.

(3) In making any bye-laws, the Marketing Board may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees and where the breach is a continuing one, with further fine which may extend to ten rupees for everyday during the period when such breach continues.

CHAPTER XII

Repeal and Savings

83. Repeal and Savings.— (1) The Maharashtra Agricultural Produce Marketing (Regulation) Act, 1963 (Act No. XX of 1964), as extended to the State of Goa, is hereby repealed.

(2) Notwithstanding such repeal,—

(i) anything done or any action taken (including any appointment, delegation or declaration made, notification, rule, direction or notice issued, bye-laws framed, market area, markets, sub-markets, market yards and sub-market yards declared, established or notified, licences granted, fees levied and collected, instruments

executed, any fund established or constituted) by or under the provisions of the repealed Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force unless and until superseded by anything done or any action taken under this Act;

(ii) unless the Government otherwise directs, the Marketing Board constituted under the repealed Act, the Chairman, Vice-Chairman and members appointed shall continue to exercise their powers until the expiry of their term under the repealed Act or till the Marketing Board is constituted in accordance with the provisions of this Act, whichever is earlier.

(3) On issue of directions under clause (ii) of sub-section (2), the provisions of this section shall apply as from the date specified in the direction as if the Marketing Board stood dissolved on that date.

84. Power to remove difficulty.— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing such difficulty:

Provided that no such order shall be made under this section after the expiry of two years from the date of the commencement of this Act.

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

SCHEDULE

[See Sections 2 (A) and 72]

(I) FIBRES:

- (1) Cotton (ginned and unginned).

(II) CEREALS:

- (1) Wheat (husked and unhusked).
- (2) Paddy (husked and unhusked).
- (3) Jowar.
- (4) Bajri.
- (5) Vari.
- (6) Maize.
- (7) Sarsay.
- (8) Barley.
- (9) Ragi.

(III) PULSES:

- (1) Tur
- (2) Gram.
- (3) Udid.
- (4) Mung.
- (5) Lang.
- (6) Peas.
- (7) Kulthi.
- (8) Splits (Dal of pulses).
- (9) Masur.
- (10) Ghevda Beans.

(IV) OILSEEDS:

- (1) Groundnut (shelled and unshelled)
- (2) Linseed.
- (3) Sesame.
- (4) Sunflower.
- (5) Ambadi.
- (6) Coconut (husked and unhusked).
- (7) Tender Coconut.
- (8) Copra.
- (9) Cotton seed.
- (10) Kokum (and it's products).

(V) NARCOTICS:

- (1) Tobacco and it's products.

(VI) Gur, Sugar and Sugarcane**(VII) FRUITS:**

- (1) Mango and it's products.
- (2) Mosambi (sweet lime).
- (3) Santra (Orange).
- (4) Lemon.
- (5) Banana.
- (6) Grapes.
- (7) Chickoo.

- (8) Melon.
- (9) Water Melon.
- (10) Papaya.
- (11) Guava.
- (12) Bor.
- (13) Pineapple.
- (14) Jackfruit including its products.
- (15) Cashew Apple.
- (16) Apple.

(VIII) VEGETABLES:

- (1) Potato.
- (2) Onion.
- (3) Tomato.
- (4) Suran.
- (5) Leafy and fresh vegetables.
- (6) Yam Potato.
- (7) Sweet Potato.
- (8) Ulsande.
- (9) Ladies finger.
- (10) Brinjal.
- (11) Cucumber.
- (12) Pumpkin.
- (13) Carrot.
- (14) Raddish.

(IX) ANIMAL HUSBANDRY PRODUCTS:

- (1) Eggs.
- (2) Poultry.
- (3) Cattle.
- (4) Sheep.
- (5) Goat.
- (6) Pigs.
- (7) Wool.
- (8) Butter.
- (9) Ghee.
- (10) Milk.
- (11) Hides and Skins.

(X) CONDIMENTS, SPICES AND OTHERS:

- (1) Turmeric.
- (2) Ginger.
- (3) Garlic.
- (4) Corriander.
- (5) Chilli.
- (6) Cardaman and Pepper.
- (7) Variali.
- (8) Betelnut.
- (9) Betel leaves.
- (10) Raw Cashewnuts (including processed).
- (11) Cumin (Jira).
- (12) Rai (mustard).

- (13) Methi.
- (14) Isabgul.
- (15) Asarios
- (16) Musli.
- (17) Gum.
- (18) Tamarind.
- (19) Arecanut (Beda).
- (20) Kokam Sol and Seed.

(XI) GRASS AND FODDER:

(XII) CATTLE FEEDS:

- (1) Guwar.
- (2) Punvad.

(XIII) APICULTURE:

- (1) Honey.

(XIV) PISCICULTURE:

- (1) Fish.
- (2) Fish processed (canned).

(XV) SERICULTURE:

- (1) Silk.

(XVI) FOREST PRODUCE:

- (1) Hilda.
- (2) Gum.
- (3) Bidi leaves.
- (4) Lac.
- (5) Bamboo.
- (6) Karmal.
- (7) Bimal.
- (8) Ambada.
- (9) Timber and Firewood.

(XVII) EDIBLE OILS:

- (1) Coconut oil.
- (2) Groundnut oil.
- (3) Palm oil.

(XVIII) OTHERS:

- (1) Flowers.

Secretariat,
Porvorim-Goa.
Dated: 6-8-2007.

ANUJA PRABHU DESSAI
Secretary to the Government of Goa,
Law Department (Legal Affairs).

Department of Co-operation
Office of the Registrar of Co-operative Societies

—
Notification

13/1/07-MR/MKT/RCS

Whereas the following draft rules which the Government proposes to make under section 81 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Act 11 of 2007), were pre-published in the Official Gazette, under Series I No. 15 dated 08-07-2010 under Government Notification No.13/01/07-MR/MKT/RCS inviting objections and suggestions from the persons whose interest are likely to be affected thereby within 30 days from the date of publication of the said Notification in the Official Gazette.

And whereas the said Gazette was made available to the public on 08-07-2010.

And whereas no objections/suggestions were received from the public on the said draft rules and therefore the said rules have been confirmed.

Now therefore in exercise of the powers conferred by sub-section (1) of section 81 of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Act 11 of 2007), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

CHAPTER I

Preliminary

1. Short title and commencement.— (1) These rules may be called the Goa Agricultural Produce Marketing (Development and Regulation) Rules, 2010.

(2) They shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.*

2. Definitions.— (1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 (Goa Act 11 of 2007);

(b) “Agreement Recording Authority” means an Authority designated as such by the Marketing Board who shall record Contract Farming Agreements entered between the contract farming sponsor and the contract farming producer;

(c) “Assessing Authority” means the Secretary of the Marketing Board, and it shall be the State Marketing Officer in case of a private market, including E-market, direct purchase from agriculturist farmer, consumer/farmer market and contract farming;

(d) “broker” means an agent whose ordinary business is to negotiate and make contracts on payments of brokerage as to purchase or sale of notified agricultural

*Rules came into force w.e.f. 9-9-2010 published in Official Gazette Sr. I. No. 24 dated 9-9-2010.

produce or livestock or products of livestock on behalf of the principal but does not include a servant of such principal whether engaged in negotiating or making such contracts;

(e) “Carting or Clearing Agent” means any person who is engaged in providing any service, either directly or indirectly, connected with the clearing and forwarding operations in any manner to any other person and includes a consignment agent;

(f) “Consumer/Farmer Market” means a market established under section 53 of the Act and managed by a person or a body of persons other than a Marketing Board where farmers sell their agricultural produce directly to the consumers not exceeding the quantity as may be specified in the Bye-laws;

(g) “Counting Agent” means a person appointed by a candidate to be his counting agent, with the previous approval of the Registrar of the Co-operative Societies;

(h) “Election Agent” means a person appointed by a candidate to be his Election Agent, with the previous approval of the Registrar of the Co-operative Societies;

(i) “financial Year” means the year commencing on the 1st day of April and ending on the 31st day of March, next following;

(j) “Form” means the form appended to these Rules;

(k) “forwarding agent” means a person or a group of persons of local grower-cum-traders or a transporter who, in consideration of commission, consolidates the agricultural produce from the producers in the market area and makes transport arrangement to forward the consolidated produce to commission agents, buyers and traders in the market within or outside the State for sale;

(l) “incidental charges” means the charges payable by the seller in lieu of the services rendered in connection with the handling of agricultural produce prior to the finalization of the bid at auction, such as, unloading, stacking, cleaning and dressing charges and shall also include remuneration for weighing of agricultural produce before the finalization of bids at the auction or negotiation;

(m) “Licence” means licence to operate as a market functionary in any market area under the Act;

(n) “Licensing Authority” means an authority to which an application for grant and/or renewal of licence is made under sections 52, 53 and 54 of the Act;

(o) “Market year” means the year commencing on the 1st day of April and ending on the 31st day of March next following;

(p) “Notice board” means the board placed in or near the office of a Marketing Board for the purpose of displaying notices;

(q) “Official Gazette” means the Official Gazette of the Government of Goa;

(r) “private market” means a market set up under clause (iii) of sub-section (1) of 5 of the Act, for all or any of the agricultural produce specified in the notification issued under section 3 of the Act, including an E-market managed by a person other than the Marketing Board;

(s) “Polling Officer” means a polling officer appointed by the Registrar of Co-operative Societies for the purpose of any election specified in Chapter III of these rules;

(t) “Presiding Officer” means a Presiding Officer appointed by the Registrar of Co-operative Societies for the purpose of Chapter III of these rules;

(u) “Returning Officer” means a Returning Officer appointed by the Registrar of Co-operative Societies for the purpose of Chapter III of these rules;

(v) “Registrar” means the Registrar of Co-operative Societies, Government of Goa;

(w) “Registration Authority” means an authority competent under section 51 of the Act to register market functionaries;

(x) “Registration holder” means a person holding a Registration Certificate issued under these rules;

(y) “Office of Marketing Board” means the place where the headquarters of Marketing Board is located;

(z) “section” means a section of the Act;

(za) “Sponsor Registering Authority” means an Authority designated by the Government for registering Contract Farming Sponsor;

(zb) “State” means the State of Goa;

(zc) “surveyor” means a person who on arrival of a consignment of agricultural produce for sale in any market area or market, surveys it for ascertaining the quality, refraction, adulteration and other like factors;

(zd) “Warehouse” means any building, structure or other protected enclosure, which is, or may be used for the purpose of storing declared agricultural produce (being goods on behalf of depositors) and includes as warehouse licenced or run under the Warehousing Corporations Act, 1962 (58 of 1962) but does not include a clock room attached to a hotel, railway station, port or to any premises of like nature;

(ze) “Warehouseman” includes a person or a firm holding a licence for issuing receipts for goods stored in a warehouse run under the Warehousing Corporations Act, 1962 (58 of 1962).

(2) Words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Act.

CHAPTER II

Publication of Notification relating to Notified Area

3. Manner of publication of Notifications.— (1) Every notification under section 3 published in the Official Gazette, shall also be published by displaying the copy thereof in

a conspicuous place, in the office of the Municipality, Zilla Panchayat or Village Panchayat, as the case may be, within whose jurisdiction, the area specified in such notification or any part thereof, is situated.

(2) No notification under section 3 published in the Official Gazette, shall become invalid by reason only that copy thereof has not been published or displayed as provided in sub-rule (1) above.

CHAPTER III

Part - I

Election and term of office of members of the Marketing Board

4. Election of members of the Marketing Board.— The Marketing Board shall communicate to the Registrar of Co-operative Societies as soon as required, but before the six months of the expiry of the term of office of members of the Marketing Board, to hold the election and provide the list of voters of different constituencies as required and also place at the disposal the required funds incidental for holding of such election.

5. Determination of constituencies.— (1) For the purpose of election of eleven agriculturists members to represent each Taluka of the State, and two female agriculturist members representing North and South Districts of the State respectively; and one trader holding “A” class licence to be elected from amongst the traders of all classes, as provided by clauses (a), (b) and (c) respectively of sub-section (1) of section 12 of the Act, the State shall consist of the following constituencies, namely:—

(i) In the constituencies consisting of agriculturists as specified in clauses (a) and (b) of sub-section (1) of section 12 of the Act, the Registrar shall cause to prepare a list of Agriculturists Talukawise and Districtwise to be elected by the Agriculturist Constituencies:

Provided that for election of an agriculturists for being the member of the Marketing Board, only agriculturists from the respective constituency shall be eligible to vote so also only agriculturists shall contest the election.

(ii) In the trader constituencies, Marketing Board shall communicate the list of members of traders holding ‘A’ class licence/registration in the market area together with the details of the place of residence of each such trader to the secretary of the Marketing Board.

(2) *Persons Qualified to vote.*— (i) Persons whose names are entered in the list of voters shall be qualified to vote at an election to which the list of voters relate, unless he/she has ceased to vote in the capacity in which his name was entered in such list;

(ii) he or she should be ordinarily resident of the State;

(iii) he or she should be the grower of agricultural produce, owner of livestock and livestock product in the notified area, for Agriculturist Constituency;

(iv) he or she should have attained the age of 18 years;

(v) he or she should be of sound mind;

(vi) he or she should have not been declared as insolvent or sentenced by criminal court whether within or outside the State for an offence involving moral turpitude;

6. Determination of co-operative societies doing the business of notified agricultural produce.— The Secretary of the Marketing Board shall prepare and furnish to the Registrar the list of co-operative societies that are registered in the State, having a valid licence from the Marketing Board and doing the business of notified agricultural produce in the market area.

7. Voters list.— (1) Before the election of the Marketing Board, the State Marketing Officer shall notify the list of voters by collecting information from the Registrar so that the members may vote and contest the elections.

(2) The voters in the list shall be arranged in alphabetical order with full name, residential address and serial number and the class of the trader i.e. 'A' class, 'B' class or 'C' class.

(3) Every such list shall be published in Marathi, English and Konkani languages within a period of one month from its receipt by the Registrar in such manner as the Registrar may determine.

(4) After the publication of the notification under sub-rule (1), the Registrar of Co-operative Societies shall write to all the Co-operative Societies in the State to prepare and furnish the names of the chairmen who are qualified to be voters.

(5) If any co-operative society fails to submit the names of its chairman the Registrar shall go ahead for publishing the list leaving aside the defaulter co-operative society which list shall be deemed to be final for the purpose of conducting elections to the Marketing Board.

(6) The Registrar shall ask the Marketing Board to prepare and furnish to him the names of all the persons qualified to vote as traders from the register maintained by the Marketing Board, within such time as may be specified by him:

Provided that, where a person qualified to vote as a trader is a firm or body corporate (including a co-operative society), such a firm or body corporate shall nominate a person (being a person who is either a partner of the firm or a member of managing committee in the case of a co-operative society or a person duly authorized by any other body corporate) to vote on its behalf and intimate the name of the persons to the Registrar within such time as he may fix in that behalf for being included in the list of voters, to represent that firm or body:

Provided further that, if such firm or body is holding more than one licence, it shall not nominate more than one person as aforesaid.

(7) At the time of publishing the list of voters, a notice shall be published in the like manner calling upon the persons whose names are entered in the list to lodge any objection or claim that they desire to make against the list as published, and in the manner herein specified.

(8) Such claim or objection shall be made in writing and shall specify the constituency in question, the grounds on which the right to 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 and in case of objection, the number in the list of the person to whose entry objection is taken and the constituency in the list for which his name is entered.

(9) Every claim or objection shall be delivered or sent by post so as to reach the Office of the Registrar before the date fixed by the Registrar in that regard being a date not later than one month from the date of publication of the list.

(10) The Registrar shall after hearing the parties and recording the evidence, if any, adduced by the parties and after further inquiry, if any, shall pass an order on the claim or objection, and the order of the Registrar relating to such claim or objection shall be final.

(11) The Registrar shall cause the list to be amended in accordance with the orders passed under above sub-rule and shall cause the same to be published finally in English, Marathi and Konkani language in such manner as he may deem fit.

(12) If, after the final publication of the list of voters under above sub-rule, the Registrar, upon an application being made by any person 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, he may cause a list of amendments to be prepared and thereupon the provisions of sub-rules (2), (3) and (7) to (11) shall apply in the case of such list in the like manner as they apply in the case of list of voters.

(13) The final list as also the final list of amendments shall be republished 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.

(14) Copies of such final list including the final list of amendments and additions shall be available for inspection and sale, in whole or in part, in the office of the Registrar or at any other place as the Registrar may specify in this behalf.

8. Voters list to be conclusive.— Subject to any disqualification incurred by a person, the final voter's list published under rule 7 shall be conclusive evidence for the purpose of determining whether any person is qualified to vote, or as the case may be, is qualified or is not qualified to be elected at any election.

9. Persons qualified to be elected.— (1) Every person specified in sub-section (1) of section 12 of the Act residing in the market area and is not less than twenty one years of age, on such date as the Registrar may for the purposes of any election or bye-election specify in this behalf, shall, unless disqualified under these rules, be qualified to be elected.

Explanation.— A person shall be deemed to reside ordinarily within the limits of market area, if he has actually resided therein for an aggregate period of not less than 180 days during the calendar year preceding the list of voters is provisionally published under sub-rule (3) of rule 7.

(2) If any question arises whether any person is or is not residing in the market area for the purpose of this rule, the matter shall be decided by the State Marketing Officer, whose decision shall be final.

10. Right to vote.— (1) No person except whose name 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 if he is subject to any disqualification under these rules.

(3) No person shall vote at any election if he is confined in a prison whether under a sentence of imprisonment or otherwise, or in a 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.

11. Election representative of the Co-operative Societies.— If there are more than one Co-operative Society doing the business of marketing of notified agricultural produce in the market area, the Registrar shall call upon such societies, if they so desire, to communicate the names of their Chairmen for being elected on the Marketing Board. On receipt of the names of the Chairmen, the Registrar shall direct them to elect one of them to be a member on the Marketing Board. Such an election may be held by ballot on the day, place and time as may be fixed by the Registrar. In case of equality of votes, the election shall be made by drawing lots.

12. Disqualifications of membership.— A person shall be disqualified for being chosen as, or for being, a member of the Marketing Board, if,—

(a) he has been convicted by any Court in India of any offence and sentenced to imprisonment for a term exceeding six months; or

(b) he has not attained the age of 21 years; or

(c) he is of unsound mind and stands so declared by a competent Court; or

(d) he is an on discharged insolvent; or

(e) he is deaf-mute; or

(f) he has failed to pay any fees, rent or charges due to the Marketing Board; or

(g) he is servant of the Marketing Board or holds a licence from Marketing Board other than that of a trader or commission agent; or

(h) he has directly or indirectly any share or interest in any contract or employment with or on behalf of or under the Marketing Board; or

(i) he has committed any breach of the Act or the rules or bye-laws made thereunder more than once; or

(j) he has failed to make payments to sellers within 24 hours; or

(k) he is disqualified by the Act or the rules.

13. Order of general election of the Marketing Board.— (1) General election shall be held for the purpose of constituting new Marketing Board on the expiration of the duration of the existing Marketing Board or on its supersession.

(2) For the said purpose, the Registrar shall, by an order, call upon all the constituencies in the market area to elect members in accordance with the provisions of these rules before the date specified by him in the said order.

14. Appointment of dates for filing nominations, etc.— (1) As soon as the order under the above rule is issued, the Registrar shall, subject to the provisions of sub-rule (2), by an order, appoint,—

(a) the date, time and place for making nominations, which date shall not be before 14 days after the date of the first order;

(b) the date, time and place for scrutiny of nominations;

(c) the last date for withdrawal of candidature;

(d) the date or dates, the place or places and the time during which a poll shall, if necessary, be taken;

(e) the day and the place and hour at which the votes shall be counted.

(2) The Registrar shall, at least 45 days before the date fixed for the poll, publish in English, Konkani and Marathi languages the dates so appointed, by means of a notice in the newspapers, circulated in the market area and paste copies of such notice on the notice board of the Marketing Board and in Village Panchayats and other conspicuous places in the villages included in the market area.

15. Nomination of Candidates.— (1) Any person may be nominated as a candidate for election to fill a seat if he possesses the requisite qualifications under the provisions of these rules.

(2) Every nomination paper presented shall be in **Form 'A'** hereto.

(3) A nomination paper shall be supplied by the Returning Officer or an Officer authorized by him in this behalf, to any voter on demand.

16. Presentation of the nomination paper and requirements for valid nomination.— (1) On or before the date appointed under clause (a) of sub-rule (1) of rule 14, each candidate shall, either in person or by his proposer, deliver to the Returning Officer within the date, time and at the place specified in the order made under rule 14 the nomination paper duly completed, signed by the candidate and by a voter of the constituency as proposer.

(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.

(3) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the candidate is an agriculturist falling within the provisions of clauses (a) and (b) of sub-section (1) of section 12 and the name and number in the list of voters of the proposer as entered in the nomination paper are the same as that in the list of voters. If a nomination paper is rejected under this sub-rule, the Returning Officer shall record thereon his reasons for rejecting the same and in that case, the candidate may deliver fresh nomination paper subject to all the provisions of this rule:

Provided that, the Returning Officer shall permit any clerical or technical errors in the nomination paper as regards to the name or number to be corrected in order to bring them in conformity with the corresponding entry in the list of voters and where necessary any clerical or printing error in the said entries shall be overlooked.

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

17. Right to be nominated in two or more constituencies in a Market Area.— When election for two or more constituencies in a market area are to be held, one and the same person may, if he is otherwise duly qualified, be nominated as a candidate for each of such constituencies.

18. Symbols of election.— (1) The Registrar shall, by order pasted on the notice board of the Marketing Board, specify the symbols that may be chosen by the candidates at an election in any constituency and the restrictions to which their choice shall be subject.

(2) Where, at any such election, more than one nomination papers are delivered on behalf of candidate, the declaration as to the symbol made in the nomination paper first delivered shall be considered and no other declaration as to symbols shall be taken into consideration under rule 24, even if that nomination paper has been rejected.

19. Deposits.— A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited with the Returning Officer, a sum of rupees one thousand in cash at the time of such nomination:

Provided that, where a candidate has filed more than one nomination paper for elections in the same constituency, not more than one deposit shall be required of him under this rule.

20. Notice of nomination and time and place of scrutiny.— The Returning Officer shall, on receiving the nomination papers under rule 16, inform the person or persons delivering the same of the day, time and place fixed for scrutiny of nomination and shall enter on the nomination paper, its serial number and shall sign thereon a certificate relating the date and the time when the nomination papers have been delivered to him and shall as soon as may be thereafter, affix 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 candidates and of the proposer.

21. Scrutiny of nominations.— (1) On the date appointed for the scrutiny of nominations under rule 14, the candidate, one proposer of each candidate, and one person duly authorized in writing by each candidate, and no other person, may attend at the time and place appointed in this behalf under rule 14 and the Returning Officer shall give them all reasonable opportunity for examining the nomination papers of all candidates which have been delivered as required by rule 16.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections made to any nomination, and may, either on such objection or on his own motion, after conducting a summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

(a) That the candidate is disqualified for being chosen as or for being a member of the Marketing Board;

(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 under rule 16 or rule 19;

(d) That the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clauses (c) or (d) of sub-rule (2) shall be deemed to authorize 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 of nominations on such date appointed in this behalf under clause (b) of rule 14 and shall not allow any adjournment of the proceeding except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that, in case of any objection raised by the Returning Officer or is raised by any other person, the candidate concerned may be allowed time to rebut it not later than the next day and the Returning Officer shall record his decision on the date to which 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 nomination papers have been scrutinized and decision accepting or rejecting the same have been recorded, the Returning Officer shall, subject to the provisions of rule 24 prepare a list of candidates whose nominations have been accepted and shall affix the list on his notice board and shall record the date and the time when the list was so affixed.

22. Appeal.— (1) Any candidate, aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper, may file an appeal to the State Marketing Officer within a period of seven days from the date on which the notice, containing the names of the candidates accepted by the Returning Officer was affixed on the notice board under sub-rule (8) of rule 21 and shall also furnish on the same day to the Returning Officer required copies thereof.

(2) The decision of the State Marketing Officer on the appeal filed under this rule, shall be final and conclusive.

23. Withdrawal of candidature.— (1) Any candidate may withdraw his candidature by notice in writing, signed by him and delivered to the Returning Officer,—

(a) where no appeal is preferred under rule 22, on the day immediately following the day after the expiry of the period specified in sub-rule (1) of rule 22; and

(b) where such an appeal is made, on the day next following the day on which the decision of the State Marketing Officer is given.

(2) The notice shall be delivered to the Returning Office before 3 O'clock in the afternoon on the day as 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 authorized 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 said notice.

(5) The Returning Officer shall, on being satisfied on the genuineness of a notice of withdrawal and the identity of person delivering such notice, cause the notice to be affixed on the notice board in his office.

24. Publication of list of contesting candidates.— (1) On expiry of the period within which candidatures may be withdrawn under sub-rule (1) of rule 23, the Returning Officer shall prepare and publish in **Form 'B'** a list of the contesting candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the said period.

(2) The said list shall, subject to the provisions of sub-rule (4), contain the names in alphabetical order alongwith the addresses of the contesting candidates as given in the nomination papers.

(3) The list of contesting candidates shall be prepared in English, Konkani and Marathi languages.

(4) The alphabetical order referred to in sub-rule (2) shall be determined with reference to the surnames in respect of the candidates having surnames, and in other cases the names of the candidates.

(5) Where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall, subject to any general or special directions issued in this behalf by the Registrar,—

(a) allot different symbol to each contesting candidate in conformity, as far as possible, with his choice; and

(b) if more than one contesting candidate have indicated their preference for the same symbol, decide by drawing lots to which of such candidate the symbol shall 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 him and shall be supplied with a specimen thereof by the Returning Officer.

25. Affix of list on Notice Board.— The Returning Officer shall, immediately after publication of list, cause a copy thereof to be affixed on the notice board in his office and shall also supply a copy thereof to each of the contesting candidates and to the Marketing Board.

26. Appointment of polling agents and counting agents.— (1) At the time of election when the poll is to be taken, the contesting candidate may appoint one agent and one relief agent to act as polling agents to attend at each polling station. Such appointment shall be made by a letter in writing in **Form ‘C’** hereto signed by the candidate.

(2) The candidate shall deliver a letter of appointment to the polling agents who shall, on the date fixed for the poll, present it and sign the declaration contained therein before the Presiding Officer. The Presiding Officer shall retain the said letter presented under his custody.

The polling agents may work as counting agents as per the authority given by the candidate.

(3) Each contesting candidate shall appoint not more than two agents to act as counting agents by a letter in writing in duplicate and signed by the candidate. Before the commencement of the counting of votes, the candidate shall give a 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 so fixed for the counting of votes, present it and sign the declaration contained therein before the Returning Officer. The Returning Officer shall retain in his custody the duplicate copy presented to him. No counting agent shall be allowed to perform any duty at the place fixed for counting of votes, unless he has complied with these provisions.

27. 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, upon being satisfied of the fact of the death of the candidate, shall, countermand the poll and report the fact to the Registrar and all proceeding with reference to the election shall be commenced afresh in all respects as if for a new election:

Provided that—

(i) no further nomination shall be necessary in case of a person who was a contesting candidate at the time of the countermanding of the poll; and

(ii) no person who has given a notice of withdrawal of his candidature under sub-rule (1) of rule 23 before the countermanding of the poll, shall be eligible for being nominated as a candidate for the election after such countermanding.

28. 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 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.

29. Contested election.— In case other than those covered by rule 28 a poll shall be taken.

30. Manner of voting at election.— (1) At every election where a poll is taken, voter shall be given by a ballot in the manner hereinafter provided and no votes shall be received by proxy.

(2) Every voter shall have as many votes as there are members to be elected on behalf of constituency, but he shall not have more than one vote for one candidate.

31. Supply of material to the polling station.— (1) The Returning Officer shall provide to each polling station the required number of ballot boxes, sufficient number of ballot papers, three copies of electoral roll, a list of nominations and such other papers, stationery and forms as may be necessary.

(2) Every ballot box shall be of such design as may be approved by the Registrar.

32. Form of ballot paper.— (1) Every ballot paper for voting shall be printed in **Form 'D'** hereto.

(2) The ballot paper shall contain the names of the candidates in the same order in which they appear in the list of contesting candidates together with the distinct symbol assigned to each candidate by sub-rule (7) of rule 24.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner as may be decided by the Registrar.

33. Identification of voters.— (1) The Presiding Officer may employ at the polling station such person/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 authorized in this behalf shall check the voter's name and other particulars with the relevant entry in the list of voter's and then call out the serial number, name and other particulars of the voters.

(3) In deciding right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer shall overlook merely clerical or printing errors in any entry in the list of voters, if he is satisfied that such person is identical with the voter to whom such entry relates.

34. Issue of ballot paper.— (1) No ballot paper shall be issued to any voter before the time fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any voter after the close of the poll, except to those who are present inside the polling station at the time of closing of the poll. Such voters shall be allowed to record their votes even after poll closes.

(3) Every ballot paper shall, before being issued to a voter, be stamped with such distinguishing mark as the Registrar may direct.

(4) At the time of issuing of ballot paper to a voter, the Presiding Officer or 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 said purpose.

(5) Save as aforesaid 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.

35. Voting procedure.— (1) The voter on receiving the ballot paper shall forthwith—

- (a) proceed to one of the polling compartments;
- (b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;
- (c) fold the ballot paper so as to conceal his vote;
- (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 is inside it.

36. Recording of vote of blind or infirm voter.— (1) If due to blindness or other physical infirmity, a voter is unable to recognize the symbols on the ballot paper to make a mark thereon, the Presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the voter, fold it so as to conceal the vote and insert it into the ballot box.

(2) While acting under this rule, the Presiding Officer shall observe as much secrecy as is feasible. He shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

37. 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 in-advertence, 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 return 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.

38. 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 satisfying the Presiding Officer, be entitled, subject to the following provisions of this

rule, to mark 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 ‘E’** hereto.

(3) A tendered ballot paper shall be the same as 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 writing and signed by him.

(4) The voter, after marking the 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.

39. Closing of poll.— (1) The Presiding Officer shall close a polling station at the time fixed in that behalf under rule 14 and shall thereafter not 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 at the polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

40. Sealing of ballot boxes after poll.— (1) On 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-rule (1) and (2) before another ballot box is put to use.

41. Account of ballot papers.— The Presiding Officer shall, at the close of the poll, prepare a ballot paper account in **Form ‘F’** hereto and enclose it in a separate cover with the words “Ballot Paper Account” thereon.

42. Sealing of other packets.— (1) The Presiding Officer shall then make separate packet of—

(a) the marked copy of the list of voters;

(b) the unused ballot papers;

(c) the cancelled ballot papers;

(d) the cover containing the tendered ballot papers and the list of tendered ballot papers;

(e) the list of challenged votes; and

(f) any other papers directed by the Returning Officer to be kept in sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and of those candidates or their agents, if any, present, who may desire to affix their seal thereon.

43. Transmission of ballot boxes, packets, etc. to the Returning Officer.— (1) The Presiding Officer shall deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct,—

(a) the ballot boxes;

(b) the ballot paper account;

(c) the sealed packets referred to in rule 42; 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.

44. A 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 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 Registrar.

(2) The Registrar shall, upon the receipt of report, or *suo motu*, after taking into consideration all material circumstances stated in sub-rule (1) either,—

(a) declare the poll at the polling station to be void and appoint a day and fix for taking a fresh poll at the polling station and notify such day and the time in such a manner as he may deem fit; or

(b) if satisfied that the result of fresh poll at polling station will not in anyway 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 laid under the Act, the rules or Bye-laws made thereunder, shall apply to every such fresh poll as they apply to the original poll.

Part – II

45. Admission to place fixed for counting.— (1) The Returning Officer shall exclude from the place so fixed for counting of votes all persons except,—

- (a) such person as he may appoint to assist him in the counting;
- (b) persons authorized by the Registrar;
- (c) public servants on duty in connection with the election; and
- (d) candidates, their election agents and counting agents, if any.

(2) No person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall be present while counting at a particular counting table or group of counting table.

(4) Any duly authorized person who during the counting of votes, creates misconduct 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.

46. 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 the counting table, the counting agent present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes have been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has been tampered with, he shall not count the ballot papers contained in that box and shall order a fresh poll.

47. Scrutiny and rejection of ballot papers.— (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinized.

(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 ballot paper 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 votes 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 the serial number, or is of the design different from the serial number, or as the case may be design of ballot paper authorized for use at the polling station; or

(h) if it does not bear the distinguishing mark which it should have borne under the provisions of sub-rule (3) of rule 34:

Provided that—

(i) where Returning Officer is satisfied that any such defect as is mentioned in clause (g) or (h) has been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect;

(ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the vote 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 give 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 writing or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

48. Counting of votes.— (1) At every election where a poll is taken, the votes shall be counted by, or under the supervision and direction of the Returning Officer, and each contesting candidate, his election agent, and his counting agent, if any, shall have a right to be present at the time of counting.

(2) Every ballot paper which is not rejected under rule 47 shall be counted as one valid vote:

Provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(3) After the counting of ballot papers contained in all the ballot boxes used at a polling station have been completed, the Returning Officer shall make the entries in the result sheet in **Form ‘G’** hereto and announce the particulars.

(4) The valid ballot papers shall thereafter be bounded together and kept alongwith the 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 ballot papers have been used; and

(c) the date of counting;

49. 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 paper packets and other papers relating to the election sealed with his own seal and the seal of such candidates or their agents as may desire to affix and shall take adequate precautions for their safe custody.

50. Recommencing of counting after fresh poll.— (1) If a fresh poll is held under rule 44, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date, 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 48 and 49 shall apply to such further counting.

51. Recount of votes.— (1) After the completion of counting, the Returning Officer shall record in the result sheet in **Form ‘G’** hereto the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or, in his absence, his election agent may apply in writing to the Returning Officer for the recount of all or any of the ballot papers already counted stating therein the grounds on which he demands such recount.

(3) On such an application being made, the Returning Officer shall decide 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) recount the ballot papers in accordance with his decision;

(b) amend the result sheet in **Form ‘G’** to the extent necessary after such recount; and

(c) announce the amendment so made by him.

(6) After the total number of votes polled by each candidate have been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in **Form ‘G’** 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).

52. Procedure at election where equality of votes exists.— If on completion of counting of votes an equality of votes is found to exist between any candidates, the candidate shall be selected by lot drawn in the presence of the Returning Officer empowered in this behalf.

53. Declaration of result.— The Returning Officer shall, subject to the provisions of rule 52, if and so far as they apply to a particular case, and if he has been so empowered

by the Registrar thereunder, declare to be elected the candidate to whom the highest number of valid votes have been casted, complete and certify the return of election in **Form 'H'** and send signed copies thereof to the Registrar as soon as possible.

54. Election to more than one seat.— If a person is elected to more than one seat, then within the period of fourteen days from the date of his election, he shall resign all but one of the seats in writing addressed to the Registrar or to any Officer authorized by him in this behalf, on receipt of such resignation or on the seats becoming vacant as aforesaid, the Registrar shall declare the candidate from the constituency or constituencies concerned securing the next higher number of votes as duly elected.

55. Publication of names of members.— (1) On receipt of election results and subject to declaration made under rule 54, the Registrar shall publish the names of all elected members by causing a list of such names together with the permanent address and the names of the constituencies from which they are elected to be pasted on the notice board or at any prominent place in his office. He shall also forward such list to the Government for publication in the Official Gazette.

(2) The Registrar shall also publish the names of members falling under clauses (d), (e) and (f) of sub-section (1) of section 12 by causing a list of such names (together with their permanent addresses) to be pasted on the notice board or at any prominent place in his office.

56. Return or forfeiture of candidate's deposits.— (1) The deposit made under rule 19, shall either be returned to the person making it or to his legal heir or be forfeited in favour of the Marketing Board in accordance with the provisions of this rule.

(2) Except in cases hereinafter mentioned in this rule, deposits shall be returned after the result of election is declared.

(3) If the name of the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposits shall be returned to him after the publication of the list, or after his death to his legal heir.

(4) Subject to the provisions of sub-rule (3), the deposits 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-fifth of the total number of valid votes polled by all the candidates in the constituency.

57. Custody of papers relating to election.— The Returning Officer shall keep in safe custody the packets referred to in rule 42 and all other papers relating to the election.

58. 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) 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 of Law.

(2) All other papers relating to the election shall be open for public inspection.

(3) The packets referred to in sub-rule (1) shall be retained for a period of one year and thereafter shall be destroyed, subject to any direction to the contrary given by the Registrar.

(4) All other papers relating to the elections 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 Registrar.

59. Casual vacancies in the Marketing Board.— When the seat of a member elected to the Marketing Board becomes vacant or is declared vacant or his election (including bye-election) to the Marketing Board is set aside, the Registrar shall fix a date, for holding bye-election to fill the seat and the provisions of these rules shall thereupon *mutatis mutandis* apply accordingly.

60. Determination of validity of election.— (1) If the validity of any election, including bye-election of a member of the Marketing Board is desired to challenge by any person qualified either to be elected or to vote at the election, such person may, within a period of seven days after the date of the declaration of the result of the election, apply in writing to the Registrar.

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

(3) Any person aggrieved by the decision of the Registrar may, within a period of seven days from the date on which the decision is communicated to him, appeal to the Government against such decision of the Registrar and the decision of the Government in such appeal, shall be final.

61. Declaration of disqualification.— (1) If, at any time, the Registrar, after such inquiry as he considers necessary and after giving an opportunity to the member concerned to be heard, is satisfied that any member of the Marketing Board elected or nominated,—

(a) was subject to any of the disqualifications mentioned in rule 12 on the date of his election or nomination; or

(b) has incurred any of the disqualifications mentioned in rule 12 after his election or nomination; or

(c) has ceased to be a chairman of the Co-operative Societies doing the business of notified agricultural produce, the Registrar shall declare the election or nomination of such member invalid or that such member shall not continue to be the member of the Marketing Board.

(2) Any person aggrieved by the decision of the Registrar may, within a period of seven days from the date on which such decision is communicated to him, appeal to the Government against such decision and the decision of the Government shall be final.

62. Expenditure in connection with or incidental to election.— All expenditure incurred by the Registrar or Returning Officer in connection with or incidental to election of the Members of the Marketing Board shall be payable by Marketing Board as a sum due to the State Government to enable the Registrar or Returning Officer to meet the expenditure of this account and he shall cause the Marketing Board to deposit the amount as advance and equal to the estimated expenditure of election, on completion of election and he shall provide detailed account to the Chairman of the Marketing Board.

CHAPTER IV

Chairman and Vice-Chairman

63. Term of office of the Chairman and Vice-Chairman.— (1) The Chairman and Vice-Chairman shall, subject to the provisions of section 22 of the Act, hold office so long as they continue to hold office as members under sub-section (2) of section 13 of the Act.

(2) The Chairman and Vice-Chairman shall be paid such honorarium as the State Marketing Officer may specify, having regard to the finances of the Marketing Board, so however that, the total amount of such honorarium to be paid shall not exceed rupees ten thousand per month.

CHAPTER V

Conduct of Business, other duties of Marketing Board

64. Control of Marketing Board.— (1) (i) Marketing Board shall have absolute control over the principal market and sub-yards established under the Act. The Marketing Board, subject to these rules and to the orders issued by concerned authorities from time to time in this behalf, shall manage its affairs having due regard always to the best interests of the agriculturists and the trader in the notified agricultural produce.

(ii) For exercising the above control effectively, the Marketing Board shall entrust the management of each market to the Deputy Secretary or Assistant Secretary, if appointed, or a Supervisor, if no such Deputy Secretary/Assistant Secretary is appointed. The Deputy Secretary or Assistant Secretary or Supervisor, as the case may be, shall manage the market under the direct supervision of the Secretary.

(2) The market shall be open for trading at such hours as the Marketing Board may fix, from time to time.

(3) Carts, vehicles and animals intended to transport notified agricultural produce shall be kept or allowed to remain at such stands or places and for such time, as may be specified by the Marketing Board.

(4) The notified agricultural produce intended for sale shall be exhibited at such places and in such manner and at such times as may be specified by the Marketing Board.

(5) The ingress and egress in the market shall be permitted to such persons and at such time as may be specified by the Marketing Board:

Provided that no person licensed or registered under the Act shall be prevented from entering the market during any time, when it is open to public.

65. Other duties of the Marketing Board.— The Marketing Board shall,—

(i) implement the provisions of the Act and of the Rules and Bye-laws made thereunder in the market area;

(ii) implement the directions given by the Government/State Marketing Officer from time to time, in the establishment and development of market;

(iii) maintain and manage the market yards;

(iv) provide necessary facilities for the marketing of notified agricultural produce in the market area;

(v) supervise the conduct of the market functionaries;

(vi) regulate the opening, closing and suspending of transactions in market yards;

(vii) enforce the conditions of a licence/registration;

(viii) regulate the preparation, execution, enforcement or cancellation of agreements of sales, weighment, delivery, payment and other matters relating to the marketing of notified agricultural produce;

(ix) provide for the settlements of all disputes between the seller and buyer and others, arising out of any kind of transaction connected with the marketing of a notified agricultural produce and all matters ancillary thereto;

(x) collect, maintain and disseminate information in respect of,—

(a) sale prices and movement of notified agricultural produce;

(b) production, processing and storage of notified agricultural produce; and

(c) any other relevant information;

(xi) take all possible steps to prevent adulteration and to promote grading and standardization of notified agricultural produce;

(xii) levy, recover and receive fees, subscriptions and other sums of money to which the Marketing Board is entitled;

(xiii) employ necessary number of officers and servants for the efficient implementation of the provisions of the Act and of the Rules or Bye-laws;

(xiv) conduct the auction of notified agricultural produce strictly in accordance with the procedure laid down under the Rules or the Bye-laws of the Marketing Board;

(xv) ensure correct weighment of notified agricultural produce;

(xvi) regulate the entry of persons and the vehicular traffic into the market;

(xvii) prosecute persons for violating the provisions of the Act or of the Rules or the Bye-laws;

(xviii) provide facilities, such as, provision of adequate space for direct sales by a producer and assist a producer by preparing invoices and bills on his behalf when he sells his produce to a trader without employing a commission agent;

(xix) direct purchase of notified agricultural produce in the event of drastic fall in prices so as to avoid distress sale by producers;

(xx) promote public private partnership for carrying out market-led extension activities and services in its area, viz., collection, maintenance and dissemination of information in respect of production, sales, storage, processing, prices, arrivals and movement of notified agricultural produce;

(xxi) set up and promote public private partnership in management of the agricultural markets;

(xxii) take measures for prevention of purchases and sales below the minimum support prices fixed by the Government from time to time;

(xxiii) promote and encourage e-trading, and may establish a regulatory system, create infrastructure and undertake activities and steps needed thereto; and

(xxiv) any other activities other than the above as stipulated under section 32 of the Act.

66. Duties of the Secretary of the Marketing Board.— (1) All employees of the Marketing Board shall be under the control of the Secretary and all orders issued to them shall pass through him. He shall be competent to pass orders with regard to their posting in the principal market yard and sub-yards, according to the requirements of the Marketing Board and to grant casual leaves to such employees. The Secretary shall work under the Chairman.

(2) The Secretary shall attend all meetings of the Marketing Board or sub-committee or a joint-committee or an ad hoc committee, except a meeting wherein anything, pertaining to him or any of his relative, is to be considered.

Explanation.— The word “relative”, for the purpose of this sub-rule, shall mean,—

(a) father, mother, wife/husband, son, daughter, brother and sister of the Secretary;

(b) brother and sister of the father of the Secretary; and

(c) father, mother, brother and sister of the wife or husband as the case may be, of the Secretary.

(3) The Secretary shall advise the Marketing Board and its Chairman in the light of the provisions of the Act, Rules and Bye-laws framed under the Act and the directions of the Government or of the State Marketing Officer issued from time to time and the previous decisions of the Marketing Board. His opinion shall be recorded in the proceedings of the meetings of the Marketing Board. The Secretary shall be responsible to send a copy of the proceedings of all the meetings of the Marketing Board to the State Marketing Officer at the earliest but well before the conduct of next meeting.

(4) It shall be the duty of the Secretary to implement the provisions of the Act, Rules and Bye-laws made under the Act and the instructions of the Government or of the State Marketing Officer. The Secretary shall ensure that the decisions of the Marketing Board and of the Chairman shall be consistent with the provisions of the Act, the Rules and the Bye-laws to effect maximum improvement in the market.

(5) The Secretary shall see that communications addressed to the Marketing Board by the Government and the State Marketing Officer is dealt with promptly and efficiently.

(6) The Secretary shall be responsible for carrying out the day to day working of the office of the Marketing Board, maintenance of accounts, punctual rendering of returns, monthly review of the progress made in the enforcement of the Act, Rules and Bye-laws made thereunder and the safe custody of the cash, the common seal, the minutes book and other records and assets of the Marketing Board.

(7) The Secretary shall make an annual assessment of the work of the employees engaged in connection with the management of the affairs of the Marketing Board and shall submit the report thereof to the Chairman of the Marketing Board who shall take this assessment into consideration while making final assessment of the work of such employees.

(8) The Secretary shall publish and circulate from time to time the data of arrivals and rates of agricultural produce standardwise brought into the market area for sale as specified.

(9) Any other activities as provided under sub-section (2) of section 42.

CHAPTER VI

Contract Farming

67. Registration of Contract Farming Sponsor.— (1) A person, for registering himself as Contract Farming Sponsor shall make an application in writing to the Marketing Board in **Form 'I'** appended hereto alongwith such documents as specified in that Form, and a fee of rupees five hundred, per year, per District.

(2) On receipt of application under sub-rule (1) alongwith the requisite fee the Marketing Board shall record the particulars of such application in the register maintained in **Form 'J'** appended hereto and dispose of the application within a period of thirty days from the date of receipt of such application. The Registration Certificate shall be issued in **Form 'K'** appended hereto.

68. Contract Farming Agreement between Contract Farming Producer and Contract Farming Sponsor.— The Contract Farming Agreement between the Contract Farming Producer and the Contract Farming Sponsor shall normally be in **Form 'L'** appended hereto, 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 framed thereunder.

69. Disputes Settlement Authority for disputes pertaining to Contract Farming.— Any dispute arising out of contract farming or Contract Farming Agreement shall be referred to the State Marketing Officer (hereinafter referred to: The Dispute Settlement Authority). The aggrieved person shall make an application in writing accompanied by Court Fee stamp of rupees twenty to the State Marketing Officer. The State Marketing Officer shall, after verification of the documents and after giving a reasonable opportunity of being heard to the concerned parties, give his decision thereon within a period of thirty days from the date of receipt of the application.

70. Appeal against the decision of the Dispute Settlement Authority.— Any person aggrieved by the decision of the State Marketing Officer, may, within a period of thirty days from the date of such decision, file an appeal to the Registrar accompanied by Court Fee stamp of rupees fifty and a copy of decision appealed against. The Registrar, after giving reasonable opportunity of being heard to all the concerned parties and after verifying the concerned record and documents, shall decide the appeal within a period of thirty days from the date of receipt thereof and the decision given by the Registrar shall be final.

CHAPTER - VII

Regulation of Trading

71. Application for registration or renewal of registration under sub-section (1) of section 51 of the Act and fees chargeable therefor.— (1) Any person desiring to register or renew a registration under sub-section (1) of section 51 of the Act shall make an application in **Form ‘M’** appended hereto.

(2) Every such application shall be accompanied by such fee, which shall not exceed Rs. 525/- (Rupees five hundred and twenty five only), as may be provided in the Bye-laws of the Marketing Board.

(3) A person residing outside the notified market area and desiring to operate in a notified market area of the Marketing Board for specific transaction, which shall be less than 10 in numbers in a year, may be granted a special registration on payment of such fee which shall not exceed Rs. 20/- (Rupees twenty only) as may be provided in the Bye-laws of the Marketing Board.

(4) The Registration or Renewal Certificate granted shall be for a period of one year. Before expiry of the period specified in such certificate, it shall be get renewed. Every application for renewal of registration shall be accompanied by fee which shall be half of the fee fixed for registration.

(5) Any person desiring to carry on trade or transact in any notified agricultural produce in more than one market area, shall apply to the Marketing Board for registration in **Form ‘N’** appended hereto alongwith fee of Rs. 50/- (Rupees fifty only) per market area. The Secretary of the Marketing Board, on receipt of such application and fees, may grant registration to the applicant for carrying out trade in more than one market area in **Form ‘O’** appended hereto. The concerned registration holder shall be required to submit returns of purchases of agricultural produce made by him every month to the Marketing Board and shall have to pay the market fee on the purchase of the agricultural produce made in the market area, to the Marketing Board, every month.

(6) No person shall operate within a notified market area as commission agent, trader, warehouseman, weighman, surveyor, hamal or such other market functionaries except in accordance with the conditions under which he is registered with the Marketing Board:

Provided that no person who is in the service of any other person, or who does any other business, excluding the market functionaries of a Private Market or Consumer/Farmer Market or direct marketing licensees or the members or functionaries of Commodity Exchanges, shall be eligible for registration as a commission agent, trader, warehouseman, weighman, surveyor or such other market functionaries:

Provided that no registration with the Marketing Board shall be needed for the market functionaries for operating in a Private Market or Consumer/Farmer Market or for direct marketing.

(7) Any person who desires to obtain registration or renew his registration under sub-rule (1) shall make an application in **Form ‘M’** together with such fees not exceeding the maximum fee as specified below or as may be provided in the Bye-laws of the Marketing Board.

Serial No.	Registration for	Fee per annum for obtaining registration or renewing registration
(1)	Commission Agent/Trader	Rs. 500/-
	(i) “A” class trader	Rs. 500/-
	(ii) “B” class trader	Rs. 300/-
	(iii) “C” class trader	Rs. 200/-
(2)	Warehouseman	Rs. 150/-
(3)	Weighman or surveyor	Rs. 100/-
4)	Hamal	Rs. 5/-:

Provided that the Marketing Board may, in the case of hamal, decide not to collect any registration fee. Further, classification of the traders shall be as per the turnover limit as follows:—

“A” class trader:— Operating in all notified agricultural produce anywhere in the market area and having turnover of more than Rupees 5,00,000/- annually.

“B” class trader:— Operating in all notified agricultural produce anywhere in the market area and having turnover of more than Rupees 3,00,000/- annually.

“C” class trader:— Operating in all notified agricultural produce anywhere in the market area and having turnover of more than Rupees 1,00,000/- annually.

(1) The Marketing Board shall, within a period of thirty days from the date of the receipt of the application for grant or renewal of registration under rule 70 shall either grant a certificate of registration or renew a Certificate of Registration, as the case may be, or reject the application by giving reasons for such rejection.

(2) An application for the renewal of registration shall be made at least 30 days before the last date on which the registration is due to expire:

Provided that where any such application is not made as aforesaid, but is made after the date of expiry of the registration, the Marketing Board shall, on payment of late fee at the rate equivalent to 10 percent of the fee specified for registration for the delay of first fifteen days and 25 percent thereafter for the delay of 30 days, may grant or renew the registration.

Note 1: While calculating the late fee, a fraction of a rupee which is less than half shall be omitted and a half or more shall be rounded off to the next highest figure.

Note 2: The Marketing Board may waive the late fee for reasons to be recorded in writing.

(3) Every renewal of registration granted under this rule shall take effect from the date following the date on which the registration expired.

(4) Every registration made or renewed under this rule shall expire on the last day of the financial year, for which it was issued. Full fees shall be payable even for part of the year.

72. Issue of duplicate Registration Certificate by the Marketing Board.— The Marketing Board may issue a duplicate copy of the Registration Certificate on payment of a fee which shall be half of the fee fixed for registration but not less than Rs. 5/- (Rupees five only), if it is satisfied that original copy of the Registration Certificate issued has been lost or accidentally destroyed.

73. Control over weighment, measurement or counting of notified agricultural produce.— (1) All the weighments, measurement or counting, as the case may be, of agricultural produce, livestock or products of livestock purchased or sold in the market and those under storage, processing or export in the notified market area shall be conducted under the control of the Marketing Board through licensed/registered weighmen who shall render the accounts of the same to the Marketing Board, as may be specified.

(2) Any person contravening the provisions of this rule shall be punishable with simple imprisonment which may extend to six months or with fine or with both as per section 61 of the Act.

74. Use of only authorized weights and measures.— Only such weights and measures as conformed to the metric weights or metric measures and their multiples and sub-multiples thereof shall be used in transactions in the notified market area.

75. Test of scales, weights and measures, by authorized officer of the Marketing Board.— Any officer or employee of the Marketing Board authorized in this behalf, may, at any time and without prior notice, examine and test any scale, weight or measure used, kept or possessed in any place within the limits of the notified market area and inspect, examine and test the weighment, measurement or counting, as the case may be, of any notified agricultural produce, livestock or products of livestock within the limits of the notified market area.

76. Set of metric weights and measures to be kept by the Marketing Board.— The Marketing Board shall keep at least one set of metric weights and scales which shall, during the office hours of the Marketing Board, be available to the public for comparison with their own metric weights and scales.

77. Counter balancing in weighing.— A weight equivalent to that of the bag, tin or other packing material which contains the agricultural produce or products of livestock and the rope or twine used for the packing thereof, shall be added to the weight side of the scale in order to counter the balance of the weight of such bag, tin or other packing material and the rope or twine placed on the weighing side of the scale.

78. Production of scales, measures and weights for inspection.— Every person who has been granted registration under sub-section (1) of section 51 of the Act, shall, on order of any person authorized under rule 75, declare every scale, measure or weight kept or possessed by him or by any person or persons under his authority and control and produce them for examination at such time and at such place as may be required and shall allow the person authorized under rule 75 to examine and test the same.

79. Report of incorrect scales, measures and weights.— If, on examination under rule 75 or rule 78, any scale, measure or weight is found to be unauthorized or to be incorrect, the matter shall be reported by the Secretary of the Marketing Board to the concerned Government Officer incharge of the administration of the weights and measures for such action as is deemed necessary by him in the circumstances of the case.

80. The bill to be issued by the traders.— (1) The traders shall issue bill as specified in clause (c) of section 2 of the Act, in triplicate, to the seller, in the form as specified in the Bye-laws of the Marketing Board.

(2) When any notified agricultural produce is sold by tender system or public auction, it shall be sold to the highest bidder; but the seller may refuse to sell his produce to the highest bidder or may accept a lower bid or postpone the sale of his produce to a later hour or date:

Provided that, the seller exercises such option and communicates the same to the trader concerned before the expiry of the time which the Marketing Board may fix for auction sales or tender sales on the yard.

81. Maintenance of books by market functionaries.— Every market functionary shall, immediately after weighing or measurement or counting of the notified agricultural produce, issue a bill in triplicate in the form prescribed in that behalf by the Bye-laws to every purchaser furnishing details (including price) of all the agricultural produce sold by him. One copy of the bill shall be submitted to the Marketing Board and another shall be retained by him, and third copy shall be supplied to the seller.

CHAPTER VIII

Levy of Market fees and its Collection

82. Levy of Market fees.— (1) The Marketing Board may collect market fees through its licensed/registered commission agents.

(2) Such fees shall be levied as soon as the notified agricultural produce is purchased or sold by a license/registration holder in the Market area. The notified agricultural produce shall be deemed to have been purchased or sold after the notified agricultural produce has been weighed or measured or counted.

(3)(i) The market fees collected by the licensed/registered commission agents or traders on the notified agricultural produce shall be paid to the Marketing Board not later than the 25th day of the succeeding month.

(ii) Any contravention of this sub-rule shall be punishable with fine which may extend to five times of the market fee payable thereof.

83. Check Post.— (1) The Marketing Board may open check post to avoid non-payment of fees in the notified market area and shall inspect vehicles, carts, boats, carrying notified agricultural produce within and outside the notified market area. The Marketing Board shall also inspect the documents regarding purchase, sale, payment of fees etc.

(2) No person shall transport any agricultural produce purchased or sold in the notified market area or from the limits thereof, except on production of the sale slip confirming the realization of the market fees in respect of such agricultural produce, to the Marketing Board.

(3) Any employee of the Marketing Board, authorized in this behalf, shall have the power to stop and check, at any time and without notice, any vehicle suspected to carry unauthorized agricultural produce from any place within the limits of any notified market area.

(4) Any person who fails to stop the vehicle when required to do so under sub-rule (3) shall be punishable with fine which may extend to rupees two hundred only.

84. Penalty for evasion of payment of market fees.— Any person removing or attempting to remove any agricultural produce from any notified market area or allowing the transport of any such notified agricultural produce from such area in contravention of the provisions of rule 84 and before the fee has been paid therefore, in order to evade or facilitate evasion of the payment of the fees, shall be punishable with fine which may extend to rupees two hundred only.

Explanation.— For the purposes of rules 84 and 85, the expression ‘person’ shall also include a Government.

85. Disqualification of the holder of licence/registration.— The holder of the licence/registration shall be disqualified in the event of non payment of due market fee on the notified agricultural produce.

86. Register for market fees.— The Marketing Board shall maintain a register in Form ‘P’ appended hereto showing the market fees under section 34 of the Act or any other charges collected. A receipt shall be given to every person in respect of the fees or charges so collected under these Rules.

87. Use of employees for collecting market fees.— The fees under section 34 of the Act shall be collected by the authorized officers and servants of the Marketing Board. The

Marketing Board may outsource the function of collection of market fees and assign the same to any other person with the prior approval of the State Marketing Officer.

88. Employees collecting market fees.— Every authorized officer or staff of the Marketing Board, other than the Secretary, shall carry an identification card given under the seal of the Marketing Board authorizing him to collect fees on behalf of the Marketing Board.

89. Inspection of cash and accounts by the Secretary of the Marketing Board.— The Secretary shall arrange to inspect and check periodically the cash and accounts of the officers and staff, authorized to collect fees on behalf of the Marketing Board.

CHAPTER IX

Establishment and functioning of private market yard/private market, Consumer/Farmer Market and Direct purchase

90. Application for grant of licence under sections 52 and 54 of the Act and fees chargeable therefor.— (i) Any person who sets up one or more Private Yard; or market; or

(ii) set up Direct Purchase facilities to purchase agricultural produce for all or for any of the purposes mentioned under section 52 of the Act; or

(iii) establish consumer/farmer market in any market area, shall make an application in **Form ‘Q’** appended hereto, in duplicate alongwith documents as specified in the said form, for private yard/or consumer/farmer market, and in **Form ‘M’** appended hereto for Direct Purchase of agricultural produce, to the State Marketing Officer, enclosing therewith, the copy of treasury challan in support of having paid the licence fee of the requisite amount in accordance to the Table below:

Table

(i) Establishment of private market yard/Direct Purchase facilities.	
(a) in one area	Rs. 10,000/- per annum
(b) for more than one area	Rs. 50,000/- per annum
(ii) Establishment of consumer/farmer market	Rs. 2,000/- per annum

91. Grant of licence to establish Private Yard and Consumer/Farmer Market.— (1) Every application to establish private market yard/private market and consumer/farmers market shall be accompanied with.—

(i) a detailed project report showing the financial status of the applicant alongwith the Income Tax returns filed for the previous three assessment years or assets with valuation assessed by Chartered Accountant.

(ii) a Bank Guarantee as decided by the Government shall be deposited with the State Marketing Officer, while applying for licence to establish private yard, consumer/farmer market. However, the Government organizations and local authorities are exempted from furnishing Bank Guarantee.

(iii) the project report of private yard shall contain details, such as, exact location and the extent of land in which the yard is proposed to be established, amount proposed to be spend for setting up facilities for purchase/sale and storage of notified agricultural produce including processing, grading, packing, storing and for sale/export of the agricultural produce by way of value addition and outlay earmarked for providing facilities, if any, like lodging, boarding to the growers who bring produce to the private yard; for establishing laboratory facilities to evaluate and determine the quality of the agricultural produce after processing to satisfy the sanitary and phyto-sanitary requirements of the consumers.

(iv) The project report of the consumer/farmer market shall contain details, such as, exact location and the extent of land in which the market is proposed to be established and outlay earmarked for providing infrastructure like auction hall, sheds, drinking water facilities, toilets, internal roads, etc.

(2) The application, on receipt, shall be scrutinized by the State Marketing Officer or an officer authorized by him, and after being satisfied, he shall enter it in the register maintained in **Form 'R'** appended hereto at the earliest and within a period of thirty days of its receipt.

(3) The State Marketing Officer shall evaluate the project report submitted by the applicant and shall within a period of 60 (sixty) days from the date of receipt of application, issue the letter of intent for commencement of the project based on such evaluation.

(4)(a) On completion of evaluation of the project report, the applicant shall give an intimation to the State Marketing Officer who shall on receipt of intimation authorize an officer to inspect, to ensure completion of the project with all facilities as per the project report. In case of failure by the applicant to implement the project within the period mentioned in the permission or within such extended time which shall not be more than three years from the date of issue of letter intent, the State Marketing Officer may refuse to grant licence for reasons to be communicated. In case of rejection of application, the fee deposited with the application shall be refunded to the applicant, after retaining 5% of the fee paid towards processing cost.

(5) On receipt of the report of implementation of the project, the State Marketing Officer may grant licence in **Form 'S'** appended hereto with such conditions as specified thereto for a period not exceeding ten years, renewable for a period of ten years every time on an application and on payment of fee as applicable for grant of licence.

(6) The licensee may start trading or making purchases, as the case may be, from agriculturist growers of the area or areas specified in the licence only after receipt of the licence. However, in the event of cancellation of licence owing to failure to implement the project, the person licensed shall forthwith stop making purchases under the licence.

(7) The State Marketing Officer or the officer authorized by him not below the rank of an Assistant Registrar shall have power to inspect the private yard and Consumer/Farmer Market.

(8) The licensee shall submit areawise monthly returns of purchases made from the agriculturist growers to the respective Marketing Board and also submit consolidated returns to the State Marketing Officer and pay the Market Fee to the Marketing Board as laid down in the Bye-laws, by the 25th day of the succeeding month. He shall also furnish the sale returns pertaining to processed goods as applicable:

Provided that no market fee shall be levied for the second time in any market area of the State on agricultural produce on which market fee has been levied and collected at the specified rate in a Private Yard:

Provided further that the licensee private yard, shall retain 20% of the market fee so collected for the purpose of developing and maintaining its activities, to conduct and regulate trading of agricultural produce by the agriculturists:

Provided also that no market fee shall be leviable on sale and purchase made in consumer/farmer market.

(9) The licensee shall ensure the payment of sale proceeds to the agriculturists by issuing a sale slip on the day of sale and allow only such allowances and deductions, as are permitted under the rules, collect market charges as are applicable in the notified market area and maintain such register and furnish such returns to the State Marketing Officer as he may direct.

(10) The farmer in the consumer/farmer 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.

(11) The private market yard and consumer/farmer market licence holder shall not be granted licence for direct purchase.

(12) The licensee private market yard, or consumer/farmer market shall also develop the required infrastructure for providing following amenities or facilities:—

(i) Auction, platforms, shops, godowns, canteen, drinking water, latrine, urinals, compost pits, street lights, etc. in the interest and for the convenience of producers as well as other individuals using the market yard.

(ii) In addition to the infrastructure mentioned in clause (i) above, the owner of a private yard may provide such other amenities and facilities therein as are requisite of a modern market such as, warehouses, pre-cooling, cold storage (including controlled atmosphere cold storage), ripening chambers, laboratory facilities to evaluate and determine the quality of the produce after processing to satisfy the sanitary and phyto-sanitary requirements of the consumers, pack houses having grading lines, Kisan Bhawans, loading and unloading sites, electronic auctioning, electronic display of market rates of different commodities, etc.

(iii) The consumer/farmer market shall create minimum infrastructure as are normally provided in 'Apni Mandi', 'Kisan Haat', or 'Ryathu Bazar', including stalls for the farmers/growers, as also shops for ancillary services, i.e. booths for sale of seeds, fertilizers, organic fruits and vegetables, milk, other fruits and vegetables, etc.

92. Issue of licence for direct purchase of agricultural produce.— (1) The applicant while applying for licence for direct purchase of agricultural produce shall furnish the details of the centers to be opened for procurement and shall also submit to the State Marketing Officer the names of the new centers that are opened in the course of his business within a period of three days of their opening.

(2) A Bank Guarantee as decided by the Government shall be deposited with the State Marketing Officer, while applying for a licence of direct purchasing. However, the Government organizations and local authorities are exempted from furnishing Bank Guarantee.

(3) On examination of the application made under rule 92, the State Marketing Officer shall record the date of receipt of such application in the register maintained in **Form 'R'** appended hereto after ascertaining that the necessary licence fee have been deposited. The State Marketing Officer shall issue a licence in **Form 'S'** appended hereto within a period of thirty days of receipt of the application, with such conditions as may be specified therein for a period not exceeding ten years, renewable for a period of 10 years every time on an application and payment of fee as applicable for grant of licence. In case of rejection of application, the fee deposited shall be refunded to the applicant, after retaining 5% of the fee paid towards processing charges.

(4) No licence for establishing a private yard or consumer/farmer market shall be granted to the direct purchase license holder.

(5) The licensee may, start trading or making purchases, as the case may be, from the agriculturist growers of the area or areas specified in the licence only after receipt of the licence. However, in the event of cancellation of licence owing to failure to implement the project, the person licensed shall forthwith stop making purchases under the licence.

(6) The State Marketing Officer or any other officer authorized by him not below the rank of Assistant Registrar of Co-operative Societies shall have the power to inspect premises/purchase center of the licensee.

(7) The licensee shall submit the areawise monthly returns of purchases made from the agriculturist growers to the Marketing Board and also consolidated returns to the State Marketing Officer and pay the market fee to the Marketing Board as laid down in the Bye-laws by 25th day of the succeeding month and shall also furnish the sale returns pertaining to processed goods as applicable:

Provided that no market fee shall be levied for the second time in any market area of the State for agricultural produce on which market fee has been levied and collected at the specified rate on direct purchase of agricultural produce from the agriculturists.

(8) The licensee shall ensure the payment of sale proceeds to the agriculturists by issuing a sale slip on the day of sale and allow only such allowances and deductions as are permitted under the Rules, collect market charges as are applicable in the notified market area and maintain such registers and furnish such returns to the State Marketing Officer as he may direct.

93. Renewal of licence.— (1) A licence granted under section 54, shall be valid for period for which it is granted and shall, subject to any order passed under section 54, be renewed on application made in **Form ‘T’** appended hereto to the authority granting it on payment of fee as applicable to grant of licence.

(2) An application for renewal of a licence shall be made at least thirty days before the date on which the licence is due to expire:

Provided that the authority competent to renew a licence may, on the payment of a fine of Rs. 5,000/- (Rupees five thousand only), by the applicant, entertain an application for renewal made after the expiry of the period of licence but within a period of three months after its expiry.

Note: Every renewal of licence granted under this rule shall be deemed to have come into effect from the day following the date on which the licence expires.

94. Settlement of Disputes.— (1) The consumer/farmer market licence holder, may file a complaint in writing to the State Marketing Officer with the Court fee stamp of rupees twenty alongwith the necessary documents, within a period of thirty days from the date of arising of the dispute.

(2) The State Marketing Officer shall, after giving reasonable opportunity to the concerned parties of being heard and after making necessary inquiry, pass an order within a period of thirty days of receipt of the said complaint. The State Marketing Officer may also *suo-motu* deal with such disputes and pass order thereon within a period of thirty days.

(3) The dispute may include,—

(a) Dispute regarding the payments made to a farmer for purchase of agricultural produce from him while dealing in the consumer/farmer market;

(b) Dispute as regards the jurisdiction (area of operation);

(c) Dispute regarding the weight of agricultural produce, price, fees, taxes, charges etc.;

(d) Any other dispute which State Marketing Officer may decide.

95. Settlement of price of notified agricultural produce.— The price of the notified agricultural produce in the private yard, shall be settled considering the maximum and minimum prices prevailing in the regulated market yards.

96. Procedure for Appeals against the order passed under sections 51, 54 and 55.— (1) An appeal preferred against an order passed under sections 51, 54 and 55 accompanied with a fee of rupees fifty only paid by challan in the Government Treasury, shall be presented to the State Marketing Officer who shall act as the Appellate Authority, in the form of a memorandum couched in respectful decorous and temperate language setting forth precisely and concisely the grounds of appeal. An authenticated copy of impugned order shall invariably be annexed to the Memorandum of appeal.

(2) No appeal filed under this rule shall be entertained unless it is preferred within a period of thirty days from the date on which a copy of the order appealed against is received by the Appellant.

(3) The Appellate Authority shall, after giving an opportunity of being heard to the parties, pass an order confirming or setting aside the order under appeal or remit the matter for re-consideration.

CHAPTER X

Marketing Board Funds, Budget and Accounts

97. Contribution to the National Council of State Agricultural Marketing Boards.— The Marketing Board may contribute to the National Council of the State Agricultural Marketing Boards an amount not exceeding 0.1% of the market fee receipts, annually.

98. Budget of the Marketing Board.— The Marketing Board shall meet annually not later than two months preceding the commencement of the financial year to prepare and adopt budget of income and expenditure for the next year in the **Form ‘U’** appended hereto and shall submit the same to the State Marketing Officer for sanction within a period of thirty days before the closure of the year:

Provided that the Marketing Board shall be competent to incur expenditure provisionally, as per the budget passed by the Marketing Board in case the sanction of the State Marketing Officer is not received within a period of thirty days from the date of submission of the budget.

99. Audit of the Marketing Board.— The Secretary shall produce all accounts, registers, documents and other papers, which may be required by the State Marketing Officer in connection with the audit of the accounts of the Marketing Board and shall also furnish immediately any explanation called by the State Marketing Officer for the settlement of any discrepancy in such accounts.

100. Submission of accounts of the Marketing Board.— The Secretary shall submit all accounts of the Marketing Board as required by the auditor who may be authorized by the State Marketing Officer.

101. Power of Auditor to summon documents.— (1) The auditor may,—

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

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

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

(2) Whoever fails to comply with any requisition lawfully made upon him under this rule shall be punishable with fine which may extend to Rs. 50/- (Rupees fifty only).

102. Auditor to report material impropriety or irregularities, loss, waste or misapplication of funds.— (1) The Auditor shall report to the Marketing Board and the State Marketing Officer any material as regards impropriety or irregularity which he may observe in the expenditure or in recovery of money due to the Marketing Board or in the accounts of the Marketing Board.

(2) The Auditor shall report to the Marketing Board and the State Marketing Officer any loss, waste or misapplication of funds or other property owned by or vested in the Marketing Board, if such loss, waste or misapplication is a direct consequence of neglect or misconduct, with the name of any person directly or indirectly responsible for such loss, waste or misapplication.

103. Duty of the Secretary of the Marketing Board to remedy the defects or irregularities.— The Secretary of the Marketing Board shall forthwith remedy any defects or irregularities that may be pointed out by the Auditor and report the same to the Marketing Board.

104. Powers of the Auditor to disallow any unauthorized items and surcharge thereon.— (1) The Auditor may disallow every item contrary to law and surcharge the same on the person making or authorizing the making of the illegal payment and may frame charge against any person responsible therefor of any deficiency, loss or unprofitable outlay incurred by the negligence or misconduct of that person or of any sum, which ought to have been, but is not, brought to account by that person and shall in every such case, certify the amount due from such person.

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

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

(3) If the person to whom a copy of the Auditor's decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days referred to in rules 105 and 106 shall be calculated from the date of such refusal.

105. Appeal against decision of the Auditor.— Any person aggrieved by disallowance, surcharge or duly furnished with a copy of such decision within the meaning of rule 104 sub-rule (2) and (3) of rule 104 of the Rules may, within a period of fourteen days from the date of receipt of decision, appeal to the State Marketing Officer. Any order passed on such appeal by the State Marketing Officer after giving a reasonable opportunity of being heard to the concerned parties shall be final.

106. Payment to be credited to Treasury.— Every sum certified to be due from any person by the Auditor under these Rules, shall be paid by such person into the Marketing Board Fund, within a period of fourteen days after the intimation to him of the decision of the Auditor, unless such person has appealed to the State Marketing Officer against such decision, and such sum, if not paid, or such sum as the State Marketing Officer shall

declare to be due, shall be recoverable on an application made by the State Marketing Officer to the Court in the same way as an amount decreed by the said Court.

107. Filling of half yearly returns to the Auditor by the Marketing Board.— In order to enable the Auditor to recover all the amount covered by the surcharge certificates issued by him, a half yearly return shall be sent by the Marketing Board to the Auditor and the State Marketing Officer. The action taken to effect the recoveries shall be specified in the return. The return for each half year shall include all surcharges outstanding at the end of the half year and shall be sent to the Auditor by the 10th day of the month succeeding the half year to which the return relates. The return shall contain detailed information regarding the stage of recovery of amounts due and they shall be sent with a certificate that the recovery of the amounts has not become time-barred. Where no amount is pending recovery, a ‘NIL’ return shall be sent. As soon as an amount is completely recovered, the Marketing Board shall report the fact to the Auditor and the State Marketing Officer.

108. Investment of surplus amount the Marketing Board Fund.— (1) Subject to the provisions of sub-section (3) of section 44 of the Act, any surplus amount of the Marketing Board Fund remaining with the Marketing Board after meeting expenditure shall be invested in the form of term deposits and Government Bonds.

(2) Money received by the Marketing Board under sub-section (2) of section 44 of the Act shall be kept in the term deposits in Scheduled Co-operative Banks or Nationalized Banks.

CHAPTER XI

Repeal and Saving

109. Repeal and saving.— (1) The Goa Agricultural Produce Marketing (Regulation) Rules, 1969 are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken shall be deemed to have been done or taken under the corresponding provisions of these rules.

By order and in the name of the Governor of Goa.

P. K. Velip Kankar, Registrar & ex officio Joint Secretary (Co-operative Societies).

Panaji, 9th August, 2010.

FORM A

[See rule 15(2)]

Form of Nomination to be filed for Contesting the Election of the Goa State Agricultural Marketing Board by the Candidate

(To be filled by the proposer)

I hereby nominate as a candidate for election from the Constituency.

(1) Name of the Constituency :

(2) Full name of Candidate :

Receipt for Nomination paper and notice of scrutiny

(To be handed over to the persons presenting the nomination paper)

Serial No. of Nomination paper

The nomination paper of a candidate for election from the constituency of
the Goa State Agricultural Marketing Board was delivered to me at my office at(time) on
..... (date) by the * Candidate

* Proposer of the candidate

All nomination papers will be taken up for scrutiny at (time) on (date) at (place).

Date:

Signature of the Returning Officer

*Strike off if unnecessary.

FORM B

[See rule 24(1)]

List of Contesting Candidates

Election to the Goa State Agricultural Marketing Board from Constituency.

Serial No.	Name of the Candidate	Address of candidate	Symbol allotted to the candidate
(1)			
(2)			
(3)			
(4)			
Etc.			

Place:

Date:

Signature of the Returning Officer

FORM C

[See rule 26(1)]

*** Appointment of Polling Agent**

Election to the **, I a candidate at the above election do hereby
appoint of as a polling agent to attend polling station No..... fixed for the
poll on at place.....

Date:

Signature of Candidate

I agree to act as such polling agent.

Place:

Date:

Signature of Polling Agent

Declaration of Polling Agent to be signed before Presiding Officer

I hereby declare that at the above election, I will not do anything forbidden by the Act and Rules made thereunder, which I have read/has been read over to me.

Date:

Signature of Polling Agent

Signed before me.

Date:

Presiding Officer

* To be handed over to the polling agent for production at the polling station or at the place fixed for poll.

** Here insert one of the following alternatives as may be appropriate:-
(1) Agriculturist Constituency.
(2) Trader's Constituency.

FORM D

[See rule 32(1)]

Form of Voting/Ballot Paper

Counterfoil

Foil

Voting paper No.

Voting paper	Serial No.	Candidate's Name	Candidate's Symbol	Voters mark
Voter's No.	(1)			
on the list	(2)			
of voters	(3)			
	(4)			
	(5)			

Please read this carefully before recording your vote(s).

- (1) You have vote(s).
- (2) Each vote is to be shown by cross mark "X".
- (3) You are not to give more than one vote to any one candidate.

FORM E

[See rule 38 (2)]

Tendered Votes List

Election to the Goa State Agricultural Marketing Board Constituency.

Polling Station Number of Polling Station, if any

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

Date:

Signature of the Presiding Officer

FORM F

[See rule 41]

Ballot Paper Account

Election to the Goa State Agricultural Marketing Board for Constituency.

Polling Station

	Serial No.	Total No.
(1) Number of ballot papers received by the Presiding Officer at the Polling Station or if the Polling Station has more than one booth at each booth		
(2) Number of ballot papers issued to voters		
(3) Number of unused ballot papers returned		
(4) Number of ballot papers cancelled		
(5) Number of tendered ballot papers used		
(6) Number of ballot papers in ballot boxes		

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.

FORM G

[See rule 48 (3) and 51]

Result Sheet

Election to the Goa State Agricultural Marketing Board..... from the
.....Constituency.

Polling Station Serial No. Name A	Number of valid votes casted in favour					Rejected Votes	Number of		Number of Votes	Remarks
	B	C	D	Etc.	Valid		Total Votes	tendered votes for Polling Station		

Total Number of Votes Recorded at Polling Station.....

Place:

Date:

Returning Officer

FORM H

[See rule 53]

Form of Return of Election

The Goa State Agricultural Marketing Board.

Election for Constituency.

.....20.....

Serial No.	Name of Candidate	Number of valid votes given for the candidate
(1)		
(2)		
(3)		
(4)		
Etc.		

Total number of valid votes.....

Total number of invalid votes.....

Total number of tendered votes.....

Declare that

Name :

Address:

has been duly elected.

Dated day of20....

Signature of Returning Officer

FORM I

[See rule 67(1)]

Application for Registration as Contract Farming Sponsor

To,
The Goa State Agricultural Marketing Board,
Margao Main Yard,
Arlem, Raia, Salcete-Goa. 403720.

Sir,

I/We
(Name) (Address) (Phone No.)
Registered as Contract Farming Sponsor for the period from to
....., i.e. years. I/We want the Registration for
..... District (s)/Whole State.

Alongwith 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/Governmental Organization etc. and names and addresses of directors and partners etc.
- (IV) Details of agricultural produce coming under the contract.
- (V) Copy of challan by which fees of rupees five hundred per year per district has been paid in Government Treasury.
- (VI) Income tax returns.

Signature of the Applicant

FORM J

[See rule 67(2)]

Register of Contract Farming Sponsor

Serial No.	Name and Address of Applicant	Date of Receipt of Application	Registration fee (Rs).	District(s) for which the Registration is granted	Period for which Registration is granted	No. and Date of issue of Registration	Signature	Remarks

FORM K

[See rule 67(2)]

CERTIFICATE

Registration of Contract Farming Sponsor

To,

The Applicant

Sub.: - **Registration as Contract farming sponsor in the District(s)/Whole State.**

Sir,

With reference to your application No. dated on above cited subject, it is informed that your application for Registration has been accepted and registered with Registration No. and

The Registration is for the period to for operating in the following District of the State:

The condition of Registration is given below.

(1) The Registration holder shall comply with the provision of the Act, Rules and instructions issued in this behalf.

(2) The Registration holder shall comply with the terms and conditions given in the contract.

Signature of the Registering Authority.

Date:

Place:

FORM L

[See rule 68]

Agreement for Contract Farming

This AGREEMENT is made and entered into at, on this day of, 2010, between, aged years, residing at

(hereinafter called as the “Party of the First Part” which expression shall unless repugnant to the context or meaning thereof mean and include his heirs, executors, administrators and assigns) of the One Part, and M/s. a Company incorporated under the provisions of the Companies Act, 1956 (Act 1 of 1956) and having its registered office at hereinafter called “Party of the Second Part” (which expression shall unless repugnant to the context or meaning thereof mean and include its successors and assigns) of the Other Part.

WHEREAS, the Party of the First Part is the owner/cultivator of the below mentioned agricultural land.

Village	Survey No.	Area in Hectare	Taluka	District	State

AND WHEREAS, the Party of the Second Part is trading 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 agricultural produce more particularly mentioned in Schedule-I hereinafter mentioned;

AND WHEREAS at the request of the Party of the Second Part, Party of the First Part hereby agrees to cultivate and produce the items of agricultural produce mentioned in the Schedule hereinafter mentioned on the terms and conditions hereinafter set forth.

NOW, THEREFORE THESE PRESENTS WITNESSTH AND IT IS HEREBY MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:–

(1) The Party of the First Part agrees to cultivate, 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 agricultural produce more particularly described in the Schedule hereinafter mentioned.

(2) The agricultural produce mentioned in the Schedule shall be supplied by the Party of the First Part to the Party of the Second Part within the period of months/years from the date of execution of this Agreement.

(3) It is expressly agreed between the parties hereto that this Agreement shall remain in force for a period of months/years and after the expiration of said period, this agreement shall automatically come to an end.

(4) The Party of the First Part agrees to cultivate, produce and supply quantity mentioned in the Schedule hereto annexed to the Party of the Second Part.

(5) The Party of the First Part agrees to supply the quantity contracted according to quality specifications stipulated in Schedule. However, if the agricultural produce is not as per the agreed quality standards, the Party of the Second Part may refuse to take the delivery of such agricultural produce.

(6) In the event of Party of the Second Part refuses/fails to take the delivery of the agricultural produce for his own reasons then the Party of the First Part shall be free to sell the same in the market and if the price received is lower than the contracted price, the Party of the Second Part shall pay the said difference in price to the Party of the First Part within a period of days.

(7) The Party of the first part agrees to adopt instructions/practices in respect of Land preparation, 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 specification mentioned in the Schedule hereto. The Party of the Second Part agrees to impart training/skill up gradation to the Party of the First part, provide written materials in local language indicating methods and practices required to produce the commodity as per contracted quality and norm and provide quality extension service through trained and qualified personnel and other services as provided in clause (9) to enable the Party of the First Part to carry out production of agricultural produce efficiently and as specified in the Schedule hereto.

(8) It is expressly agreed by and between the parties hereto that buying will be as per the following terms and buying slips will be issued immediately after the purchase.

Date	Delivery Point	Cost of Delivery
------	----------------	------------------

It is further agreed that it will be the responsibility of the Party of the Second Part to take into possession agricultural produce at the delivery point agreed hereinafter it is offered for delivery and if he fails to take delivery within time/period then the Party of the First Part shall be free to sell the agricultural produce,—

(a) in the open market (bulk buyer viz. exporter/processor/manufacturer/etc.), and if he gets a price less than the price contracted, he will pay to the Party of the Second Part for his investment proportionately less.

(b) in the market yard and if the price obtain is less than the contracted price then he will return proportionately less to the party of the Second part for his investment.

It is further agreed that the quality maintenance in transit will 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.

(9) The Party of the Second Part shall pay to the Party of the First Part the price/rate mentioned in Schedule 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 payment shall be made in the following manner:—

Date	Mode of payment	Place of payment
------	-----------------	------------------

(10) The Party of the Second Part shall provide necessary information and facilitate insurance to the Party of the First Part of the agricultural produce mentioned in Schedule hereto, for the period of _____ against the risk of loss due to acts of God, destructions of specified assets, loan default, 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 outbreak of a disease, epidemic or by abnormal weather condition, floods, drought, hailstorm, cyclone, earthquake, 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 Party. Upon request, the Party of the First Part invoking such acts shall provide to the other Party confirmation of the existence of facts. Such evidence shall consist of a statement of certificate of the appropriate Government Department. Alternatively, subject to the mutual agreement between the two Parties, the Party of the First Part may fill his quota of the agricultural 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.

(11) 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, particulars of which services are as follows:

- (1)
- (2)
- (3)

(12) The Party of the Second Part or it's representatives agrees to have regular interactions with the farmers forum set up/named by the Party of the First Part during the period of contract.

(13) The Party of the Second Part or it's representative at their costs shall have the right to enter the premises/field of the party of the First Part to monitor farming practices adopted and the quality of the produce from time to time.

(14) The Party of the Second Part confirms that he has registered himself with the Sponsor Registering Authority on and shall pay the fees in accordance with the law prevailing in this regard to the Sponsor Registered Authority which has jurisdiction to regulate the marketing of agriculture produce which is cultivated on the land described

(15) The Party of the Second Part will have no rights whatsoever as to the title, ownership, possession of the land/property of the Party of the First Part nor will it in any way alienate the party of the First Part from the land property particularly mortgage, lease, sub-lease or transfer the land property of the Party of the First Part in any way to any other person/institution.

(16) The Party of the Second Part shall submit true copy of this Agreement signed by both the parties, within a period of 15 days from the date of execution hereof, to the authority prescribed for the purpose.

(17) In the event of breach of the terms and conditions of this Agreement by either party, the aggrieved party may send a notice to the other party to rectify the breach. If breach is not rectified within a period of fifteen days from the date of receipt of notice, the aggrieved party may terminate this Agreement.

(18) Exact the provision as contained under clause (17) Termination/Cancellation of the Agreement will be with consent of both the parties. Such termination/cancellation deed will be communicated to the registering authority within 15 days of such termination/cancellation.

(19) In the event of dispute or difference 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 difference shall be referred to Dispute Settlement Authority appointed under rule 69 of the Goa Agricultural Produce Marketing (Development and Regulation) Rules, 2010.

(20) In case of change of address of any party to this Agreement, it should be intimated to the other party and also to the Agreement Registering Authority.

(21) Each party hereto will act in good faith diligently and honestly with the other in the performance of his responsibilities under this Agreement and nothing will be done to jeopardize the interest of the other.

SCHEDULE

Grade, Specification, Quantity and Price Chart

Grade	Specification	Quantity	Price/Rate
Grade 1 or A	Size, Colour, Aroma etc.		
Grade 2 or B			

In witness whereof the parties hereto 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.....

SIGNED, SEALED AND DELIVERED by the within named 'PARTY OF THE SECOND PART' in the presence of

1.....

2.....

FORM M

[See rule 71(1) and 71(7)]

Form of Application for Registration/Renewal of Registration of Market Functionaries

To,
The Secretary,
The Goa State Agricultural Marketing Board,
Margao Main yard,
Raia-Salcete, Margao-Goa.

Sir,

I/We address, an individual/Partnership firm/HUF/Private/Public limited company/Government undertaking/Co-operative Society/NGO, submit the application to you for grant/renewal of Registration as (trader/commission agent/Hamal/weighmen/etc.) for a period of to to work in Marketing Board.

I/We am/are submitting the following documents with this application.

- (i) Copy of receipt in support of having paid the requisite fee of Rs.....
- (ii) Copy of Registration of partnership/private/public limited company etc.
- (iii) Copy of memorandum of association/Bye-laws.
- (iv) Last annual audited balance sheet.
- (v) Copy of the Registration granted for the previous period.
- (vi) Bank guarantee/security bond for Rs.

UNDERTAKING

I/We undertake that I/We are not the defaulters of any of the provisions under _____ Agricultural Produce Marketing (Regulation and Development) Act, 2007 and the Rules, 2010 and

further undertake that I/We have not been convicted or held guilty for violation of the said Act and Rules and I/We also abide by the provisions of the said Act, Rules and Bye-laws and the conditions of Registration.

You are requested to grant Registration to me/us to function as _____ in _____

Place:

Date:

Yours faithfully,

Signature of applicant

FORM N

[See rule 71(5)]

Application for Obtaining Registration for Operating More than One Market Area as a Trader

Date:

To,
The Secretary,
The Goa State Agricultural Marketing Board,
Margao Main Yard,
Arlem, Raia, Salcete-Goa.

Sir,

I/We (Name) (Address)
..... (Phone No.) am/are making an application for
Registration as a trader for operating in more than one **Agricultural Produce Marketing Board**
in the below market areas. I am ready and willing to pay the necessary Registration fee of
Rs..... as per the Rules.

- (1)
- (2)
- (3)
- (4)

Alongwith this application, I am enclosing the following documents:

- (i) Solvency Certificate.
- (ii) Bank Guarantee.
- (iii) Income Tax return of last 3 years.
- (iv) Copy of Registration already granted, if any.

Declaration

(1) I/We agree to abide the Agricultural Produce Marketing (Development and Regulation) Act, 2007 and the Rules made thereunder and amendments made to it from time to time and the directions and orders issued by the State Marketing Officer, 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 person doing illegal business and will co-operate in taking legal action against such persons.

Signature of Applicant

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

FORM O

[See rule 71(5)]

Registration for Operating in More Than One Market Area As A Trader

Registration is hereby granted to (Name)
(Address) (Phone No.) (hereinafter referred to as
the registration holder) on payment of fees of Rs. for operating in the market areas of:
.....
.....
.....

(1) The Registration holder shall abide by the provisions of the said Act and the Rules and the conditions of Agreement entered into by the Registration holder with the State Marketing Officer.

(2) The Registration is not transferable.

(3) This Registration 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 Registration, it shall be surrendered to the State Marketing Officer.

(5) The Registration holder shall carry on business as a Trader only and at such places for which the Registration is issued and as long as Registration holder carries on any of their business under a Registration granted under the said Rules, he shall not carry on any other business functionary in the market area or in any market therein.

(6) The Registration holder shall pay market fees and supervision charges prescribed to the concerned Agricultural Produce Market Committee.

(7) The Registration holder should not adulterate or cause any declared agricultural produce to be adulterated.

(8) The Registration holder shall help the State Marketing Officer in preventing evasion of market fees.

(9) The Registration holder after grant of Registration by the State Marketing Officer shall within a period of fifteen days inform about the authorized representative of the Registration who shall be responsible on his behalf.

(10) The Registration holder shall maintain books, registers and records in the manner, required by the State Marketing Officer and shall make them available for inspection to the State Marketing Officer or person authorized by him.

(11) The Registration holder shall furnish information and return to the State Marketing Officer as may required by him from time to time.

(12) The Registration holder shall settle the prices of agricultural produce according to the manner provided for under the bye-laws of the Marketing Board.

(13) The Registration holder 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 Registration holder 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, the Rules and the Bye-laws thereunder.

(15) The Registration holder shall not make or recover any trade allowance.

(16) The Registration holder shall provide for authorized weights and measures.

(17) The Registration holder shall pay to the registered weighman or measures and hamals only at the rates approved by the State Marketing Officer and shall not employ them for any household or private work.

(18) The Registration holder shall inform the State Marketing Officer of any change in constitution of the Registration holder.

(19) The Registration holder shall refer all his dispute in relation to the marketing of the declared notified Agricultural Produce in the manner provided under rule 22 of Agricultural Produce Marketing (Development and Regulation) Rules, 2010.

Place:

Date:

(Secretary)
The Goa State Agricultural Marketing Board

Renewal of Registration.

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

(Secretary)
The Goa State Agricultural Marketing Board

FORM P

[See rule 86]

**Form of Register Showing the Market Fee and Other Charges
Collected by the Marketing Board**

Serial No.	Date	Total arrivals in tones	Value of the agricultural produce sold	Market fee assessed in Rs.	Market fee collected (Rs).	Licence fee collected	Charges collected from sources	Total
------------	------	-------------------------	--	----------------------------	----------------------------	-----------------------	--------------------------------	-------

FORM Q

[See rule 90]

Application for Grant of Licence for Private Market and Consumer/Farmer Market

Date:

To,
The State Marketing Officer,
Government of Goa,
Panaji – Goa.

I/We (Name)
(Address), (Phone No.)..... am/are making an application for the grant of licence for establishing Private Market/Consumer/Farmer Market. The necessary documents as required are enclosed. I am ready and willing to pay the necessary licence fee of Rs. as per rules for obtaining the above mentioned licence. You are requested to grant me the licence.

Yours faithfully,

(Signature of Applicant)

The following documents are submitted with this application:–

- (i) Certificate of Incorporation or Registration in respect of Company, Co-operative Society, Trust, Corporation, Partnership, etc.
- (ii) Memorandum of Association or Articles of Association.
- (iii) Names and Address and Telephone Number of all the Directors and Owners and Partners, etc.
- (iv) Details of infrastructure created with the break up of the cost of the land in following table (proof in support of cost should also be enclosed):

Sl. No.	Type of Infrastructure	Estimated cost (Rs.)
1.		
2.		
3.		

(v) Treasury Challan in support of having paid the licence fee.

(vi) Operational and working guidelines as to how Private Market shall be conducted or operated.

(vii) Undertaking or Affidavit that 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 licence.

(viii) A Bank Guarantee as provided in Rule..... and

(ix) Income tax return.

(x) Layout plan of the proposed market.

Date:

Place:

Signature of the Applicant

FORM R

[See rule 91(2) and rule 92(3)]

Register of Licence Holders for Direct Marketing of Agricultural Produce and Establishing Private Markets and Consumer/Farmer Markets

Serial No.	Name and Address of the Applicant	Date of Receipt of Application for licence	Type of Licence and Date of issuance	Market area(s)	Licence Fee Rs. (Challan No.)	Licence No. and Date	Validity of Licence	Remarks and Signature
(1)								
(2)								
(3)								
(4)								
(5)								
(6)								
(7)								
(8)								

FORM S

[See rule 91(5) and rule 92(3)]

Licence for Direct Marketing of Agricultural Produce, Establishing Private Market and Consumer/Farmer Market

Licence 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/establishment and operating private market/consumer/farmer market in market area,

subject to the provisions of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007 and the Goa Agricultural Produce Marketing (Development and Regulation) Rules, 2010 on the following conditions:-

(1) The licensee shall abide by the provisions of the said Act and the Rules and the conditions of Agreement entered into by the licence on with the State Marketing Officer.

(2) This Licence is not transferable.

(3) This Licence may be suspended or cancelled in accordance with the provisions of the said Act and the Rules made thereunder and if the Licence holder commits any Act or abstains from carrying out his normal business in the market with the intension of willfully obstructing, suspending or stopping the marketing of agricultural produce in the market area, the Licence may be suspended or cancelled.

(4) In the event of suspension or cancellation of this Licence, it shall be surrendered to the State Marketing Officer.

(5) The Licensee shall not adulterate or cause any declared agricultural produce to be adulterated.

(6) The Licensee shall help the State Marketing Officer in preventing evasion of market fees.

(7) The Licensee after grant of Licence by the State Marketing Officer shall within a period of fifteen days inform about the authorized representative of the Licensee who shall be responsible on his behalf.

(8) The Licensee shall maintain books, registers and records in the manner, required by State Marketing Officer and shall make them available for inspection to the State Marketing Officer or person authorized by him.

(9) The Licensee shall furnish information and return to the State Marketing Officer as may be required by him from time to time.

(a) Agriculture produce shall be sold by way of open auction in Private Markets.

(b) Direct Marketing Licence holder will put up the notice of price of commodity at which he will purchase on a particular or date.

(c) Private market or direct purchaser shall not purchase or allow to purchase any agricultural produce below minimum support price announced by the Government for the particular commodities.

(10) 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.

(11) 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 State Marketing Officer.

(12) The Licensee shall not make or recover any trade allowance.

(13) Licensee shall provide for authorized weights and measures.

(14) The Licensee shall pay to the licensed weighman or measure and hamals only at the rates approved by the State Marketing Officer and shall not employ them for any household or private work.

(15) The Licensee shall inform the State Marketing Officer of any change in the constitution of the Licensee.

(16) The Licensee shall refer all his disputes in relation to the marketing of the notified agricultural produce in the manner provided under the Goa Agricultural Produce Marketing (Development and Regulation) Rules, 2010.

Place:

Date:

State Marketing Officer

Renewal of Licence

Date of Renewal	Period for which renewed	Signature of State Marketing Officer
-----------------	--------------------------	--------------------------------------

FORM T

[See rule 93(1)]

Application Form for The Renewal of Licence Under Section 54

To,

The Licensing Authority,
Goa State Agricultural Marketing Board,
Raia, Salcete-Goa.

Sir,

I hereby request for the renewal of my licence. The necessary particulars are given below:-

- (1) Particulars of the private/consumer market, yard/other marketing infrastructure for which the Licence has been issued
- (2) Name of the applicant (with full particulars of the place of market yard)
- (3) Number of Licence
- (4) Date on which the licence expires
- (5) Period for which renewal is required
- (6) Fee paid Rs.
- (7) Penalty paid, if any, Rs.
- (8) Has the applicant (s) or where the applicant is a firm, has any member thereof singly or in collaboration with any body else, been,—
 - (a) granted any Licence in any other market area and his Licence has been suspended or cancelled. If so, when, where, for what period and for what reasons; or
 - (b) convicted of any offence involving moral turpitude. If so the date of conviction; or
 - (c) declared as an undischarged insolvent
 - (d) defaulter of not paying the dues to the Marketing Board.....

- (1) I am enclosing demand draft No. dated amounting to Rs..... on account of renewal fee.
- (2) The particulars given above are true and correct to the best of my knowledge and belief.

Dated:

Signature of the applicant

FORM No.
(See rule No.)

Purchaser
Market Board
Office Copy

Form of Bill

Sr. No.

Date:

Name and address of the Commission Agent/Trader

Name and address/es of purchaser

Agricultural Produce Rate per unit of

Rupees

Particulars of Weighment/
/measurement & Counting

Total Weight/Measure/Number

Total value of produce Amount of market cess

Commission Agent/Trader

FORM U

(See rule 98)

The Goa State Agricultural Marketing Board, Margao-Goa**BUDGET ESTIMATES FOR THE YEAR**

Revenues	Amount (In Rupees)	Expenditure	Amount (In Rupees)
"A" Fees		"E" Office Bearers and Meeting Exp.	
"B" Others		"F" Establishment	
"C" Income from Investment		"G" Administration	
"D" Government Loan		"H" Principal and Sub-Market yards Maintenance	
		"I" Capital Expenditure for Infrastructure Development	
TOTAL.... Rs.	TOTAL.... Rs.		