

**ⁱTHE JAMMU & KASHMIR STATE AGRICULTURAL
PRODUCE MARKETING (REGULATION) RULES 1998**

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**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT-AGRICULTURE PRODUCTION
DEPARTMENT.**

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Notification

Jammu, the 13th November, 2003.

SRO-383:- in exercise of the powers conferred by section 93 of the Jammu and Kashmir State Agricultural Produce Marketing (Regulation) Act, 1997, the Government hereby make the Jammu and Kashmir Agricultural Produce Marketing (Regulation) Rules, 2003 forming annexure to this notification.

By order of the Government of Jammu and Kashmir

Sd/-

Principal Secretary to Government
Agriculture Production Department

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ANNEXURE TO SRO-383 DATED 13-11-2003

**JAMMU & KASHMIR STATE AGRICULTURAL
PRODUCE MARKETING (REGULATION) RULES 1998**

CHAPTER - I

1. SHORT TITLE AND COMMENCEMENT: - (1) THESE RULES MAY BE CALLED THE JAMMU AND KASHMIR AGRICULTURE PRODUCE MARKETING (REGULATION) RULES 1999.

- (2). They shall extend to the whole of the state
(3). They shall come into force from the date of published in the Government Gazette.

2. **Definitions:** In these rules, unless the context otherwise requires.

- (i) 'Act' means the Jammu and Kashmir Agriculture Produce Marketing (Regulations) Act, 1997.
(ii) 'Agriculturists constituency' means the catchment area of the market or sub-market which is represented by the producer for his trading participation.
(iii) 'Chairman' means the Chairman of the Committee.
(iv) 'Committee' means the Market Committee.
(v) 'Deputy Commissioner' means the Deputy Commissioner of the District having jurisdiction over the notified market area or, if

such area is situated in more than one District, such Deputy Commissioner of one of these Districts as may be specified by the State Government in this behalf.

- (vi) "District Mandi Officer" means an officer appointed as such by the Board.
- (vii) 'Form' means a form appended to these rules.
- (viii) "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 finalisation of the bid at the auction, such as unloading, cleaning and dressing charges.
- (ix) "Palledar" means a persons who assists in loading, unloading, weighing, measuring, cleaning and dressing of Agriculture Produce.
- (x) 'Section' means a section of the Act.
- (xi) "Secretary" means the Secretary of the market Committee.
- (xii) "Vehicle" includes a motor vehicle, a boat or other vessel, animal or conveyance of any kind.
- (xiii) 'Vice-Chairman' means the Vice Chairman of the Committee.
- (xiv) "Weighman" means who weighs or counts a consignment of the notified agricultural produce, livestock or products of live stock.
- (xv) "Year" means the financial Year.

CHAPTER - II

ELECTIONS TO THE MARKET COMMITTEE

3. Persons qualified to vote: (1) All Agriculturists in a market area who are not less than twenty one years of age on 1st January of the year in which the list of voters is prepared, shall be entitled to have their names entered in the lists of voters of Agriculturists Constituencies.
 - (2) No person shall be entitled to have his name entered in the list of voters for more than one Agriculturists Constituency. If by mistake or otherwise his name is entered in two or more constituencies, he shall exercise his vote only in one constituency. If he exercises his vote in two or more constituencies his vote in all the constituencies shall be deemed to be void.
 - (3) All 'A' class, 'B' class and 'C' class traders in the market area shall be entitled to have their names entered in the list of voters of the Traders Constituency.
 - (4) All Commission Agents holding licences issued by the committee to operate in the market area shall be entitled to have their names entered in the list of voters of the Commission Agents constituency.
 - (5) No person shall at any election, vote in the same constituency more than once notwithstanding that his name might have included in the list of voters for the constituency more than once, and if he votes more than once all his votes in that constituency shall be deemed to be void.

4. **Names of persons authorised by firms, societies etc. ; to vote to be reported :**

Every Firm or Corporation or cooperative society qualified to vote in a traders constituency or in a Commission Agents constituency under these rules shall nominate a person to vote on its behalf and intimate in writing the names of the person so nominated to the Committee (and the Deputy Commissioner or any other officer authorized by him in this behalf not later than the date fixed in this behalf by the Deputy Commissioner).

5. **Preparation of voters lists of Agriculturist's Constituencies.**

- (1) The Deputy Commissioner or any officer authorized by him in this behalf (herein after referred to as 'authorized officer') shall cause to be prepared in Urdu/Hindi/English and also in such other language or languages as he deems necessary, lists of voters entitled to have their names entered in the list of voters Agriculturists constituencies.
- (2) The list shall be divided into convenient parts, each part consisting of voters in a village or group of contiguous villages which shall be numbered consecutively. The number of names included in any part shall not ordinarily exceed 300 (three hundred).
- (3) The names of voters in each part of the list shall according to survey number or subdivision of a survey number of the land cultivated in a village by each Agriculturist and where any agriculturist cultivates more than one survey number or subdivisions of a survey number his name shall be entered only once in respect of all such lands. All voters in each part of the list shall be numbered, so far as practicable consecutively with a separate series of number beginning with number one.
- (4) The Deputy Commissioner or the authorized officer shall prepare a preliminary voters list consisting of the voter's name., surname if any, his age and the survey number or subdivision number of a survey number of the land cultivated by him in a village, on the basis of the entries in the record of rights maintained under Jammu and Kashmir Land Revenue Act, or any other record maintained by or on behalf of the Government containing the particulars of persons cultivating Agricultural lands ;

Provided that if in respect of any village no record containing the relevant particulars is available, the preliminary voters lists shall be prepared after ascertaining the names and ages of the persons cultivating agricultural lands as occupants or as tenants of occupants.

- (5) As soon as the preliminary voters list is ready, the Deputy Commissioner or the authorized officer shall publish it by making a copy thereof available for inspection and displaying a notice in form 1 :-
 - (i) at his office, and

- (ii) at such other places in the market area as may be specified by him for the purpose which must be accessible to the public and in or near the area to which that part relates.
- (6) Every claim for the inclusion of a name in the voters list and every objection to any entry therein shall be lodged within a period of thirty days from the date of publication of the ‘ Preliminary voters ‘ list under sub-rule (5) :
- Provided that the Director Agricultural Marketing may by notification in the official Gazette, extend the period.
- (7) (a) Every claim shall be :-
- (i) in form 2.
 - (ii) signed by the person desiring his name to be included in the voters list and
 - (iii) countersigned by any other person whose name is already included in that part of the voters list in which the claimant desires his name to be included.
- (b) Every objection to the inclusion of a name in the voters list shall be :-
- (i) in form 3
 - (ii) preferred only by a person whose name is already included in the voters list. ; and
 - (iii) countersigned by any other person whose name is already included in that part of the voters list in which the name objected to appears.
- (c) Every objection to any particular or particulars in an entry in the voters list shall be :-
- (i) Form 4, and
 - (ii) Preferred only by the person to whom that entry relates.
- (8) Every claim or objection shall
- (i) Either be presented to the Deputy Commissioner or the authorised officer or
 - (ii) be sent by registered post to the Deputy Commissioner or the authorised officer.
- (9) The Deputy Commissioner or the authorised officer shall
- (a) maintain in duplicate a list of claims in Form 5, a list of objection to the inclusion of names in form 6, and a list of objections to particulars in form 7 and
 - (b) keep exhibited one copy of each such lists on a notice board in his office.

- (10) Any claim or objection which is not lodged within the period or in the form and manner herein specified shall be rejected by the Deputy Commissioner or the authorised officer.
- (11) If the Deputy Commissioner or the authorised officer is satisfied as to the validity of any claim or objection, he may allow it without further enquiry after the expiry of one week from the date on which it is entered in the lists exhibited by him under clause (b) of sub-rule (9) :
- Provided that where before any such claim or objection has been allowed, a demand for inquiry has been made in writing to the Deputy Commissioner or the authorised officer by any person it shall not be allowed without further inquiry.
- (12) Where a claim or objection is not disposed off under sub-rule (10) or sub-rule (11) the Deputy Commissioner or the authorised officer shall :-
- a) Specify in the lists exhibited by him under clause (b) of sub-rule (9) the date, time and place of hearing for the claim or objection ; and
- b) give notice of the hearing
- (i) In the case of a claim to the claimant in Form 8 ;
- (ii) In the case of an objection as to the inclusion of a name, to the objector in Form 9 and to the person objected to in Form 10 and
- (iii) In the case of an objection to a particular or particulars in an entry, to the objector in Form 11. A notice under the sub-rule may be given either personally or by registered post or by affixing it to the persons residence or last known residence in the market area.
- (13) (a) The Deputy Commissioner or the authorised officer shall hold a summary inquiry into every claim or objections in respect of which notice has been given under sub-rule (12) and shall record his decision thereon.
- (b) At the hearing, the claimant or as the case maybe, the objector and the person objected to and any other person who in the opinion of the Deputy Commissioner or the authorized officer is likely to be of assistance to him shall be entitled to appear and be heard.
- (c) The Deputy Commissioner or the authorized officer may in his discretion, require any claimant, objector or person objected to, to appear in person before him.
- (14) If it appears to the Deputy Commissioner or the authorized officer that owing to in advertence or error during preparation, the names of any voters have been leftout in the lists of voters and remedial action should be taken under this sub-rule, the Deputy Commissioner or the authorized officer shall,

- a) prepare a list of the names and other details of such voters.
- b) exhibit on the notice board of the office a copy of the list together with a notice as to the time and place at which the inclusion of these names in the list will be considered and also publish the list and the notice in such other manner as he may think fit and
- c) after considering any verbal or written objection that may be preferred, decide whether all or any of the names should be included in the list of voters.

(15) (a) The Deputy Commissioner or the authorized officer shall thereafter :-

- i) prepare a list of amendments to carry out his decisions under sub-rules (11) and (14) and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the voters lists ; and
- ii) publish the voters lists together with the list of amendments, by making a complete copy thereof available for inspection and displaying a notice in form 12 at his office.

(b) on such publication, the voters lists together with the list of amendments shall be the list of voters of the agriculturists constituencies.

(16) (a) An appeal shall lie from any decision of the Deputy Commissioner or the authorised officer under sub-rule (13) or sub-rule (14) to the Divisional Commissioner ;

Provided that an appeal shall not lie where the person desiring to appeal has not availed himself of the right to be heard by, or to make representations to the Deputy Commissioner or authorised officer on the matter which is the subject of appeal.

- b) Every appeal under clause (a) shall be
 - i) in the form of a memorandum signed by the applicant ; and
 - ii) presented to the appellate officer within a period of fifteen days from the date of announcement of the decision or sent to that officer by registered post so as to reach him within that period.
- c) The presentation of an appeal under the sub-rule shall not have the effect of staying or postponing any action to be taken by the Deputy Commissioner or the authorized officer under sub-rule (15).
- d) Every decision of the appellate officer shall be final, but in so far as it reverses or modifies a decision of the Deputy

Commissioner or the authorized officer shall take effect only from the date of the decision in appeal.

- e) The Deputy Commissioner or the authorised officer shall cause such amendment to be made in the lists of voters as may be necessary to give effect to the decisions of the appellate officers under this sub-rule.
- 17) (a) The lists of voters shall be revised at any time either intensively or summarily or partly intensively and partly summarily as the Director Agricultural Marketing may direct.
- (b) Where the list of voters or any part thereof is to be revised intensively at any time, it shall be prepared afresh and the preceding sub-rule shall apply in relation to such revision as they apply in relation to the first preparation of the lists of voters.
 - (c) When the lists of voters or any part thereof is to be revised summarily at any time, the Deputy Commissioner or the authorised officer shall cause to be prepared a list of amendments to the relevant parts of the lists of voters on the basis of such information as may be readily available and publish the lists of voters together with the list of amendments in draft and the provision of sub-rules (3) to (16) shall apply in relation to such revisions as they apply in relation to the first preparation of the lists of voters.
 - (d) Where at any time between the publication of any draft of the revised lists of voters under clause (b) or of the lists of voters and the list of amendments under clause (c) and the final publication of the same under sub-rule (15) any names have been directed to be included in the lists of voters for the time being in force under sub-rule (16) the Deputy Commissioner or the authorised officer shall cause the names to be included also in the revised lists of voters unless there is in his opinion, any valid objections to such inclusions.

5A. Correction of entries in the lists of voters of Agriculturists Constituency and inclusion of names in such lists.

(1) If the Deputy Commissioner or any officer authorized by him in this behalf (herein after in this rule referred to as the authorized officer) on application made to him or in his own motion is satisfied after such inquiry as he thinks fit that any entry in the lists of voters of an agriculturists constituency: -

- a) is erroneous or defective in any particular or .
- b) should be deleted on the ground that the person concerned is dead or has ceased to be an agriculturist in the constituency or is otherwise not entitled to be registered in that list, the Deputy Commissioner or the authorised officer shall subject to such general or special directions if any, as may be given by the Director of Agricultural Marketing in this behalf, demand or delete the entry. Provided that before taking any

action on any ground under clause (a) or any action under clause b) on the ground that the person concerned has ceased to be an agriculturist in any constituency or that he is otherwise not entitled to be registered in the list of voters of that constituency, the Deputy Commissioner or the authorised officer shall give the person concerned a reasonable opportunity of being heard in respect of the action proposed to be taken in relation to him.

- 2). (a) Any person whose name is not included in the list of voters of an agriculturists constituency may apply to the Deputy Commissioner or the authorised officer for the inclusion of his name in that list.
- (b) The Deputy Commissioner or the authorised officer shall if satisfied that the agriculturist is entitled to be registered in the list of voters direct his name to be included therein.
- (c) No amendment or deletion of any entry shall be made under sub-rule (1) and no direction for the inclusion of a name in the list of voters of a constituency shall be given under this sub-rule after the last date for making nomination for an election in that constituency and before the completion of that election.
- 3). (a) Every application under sub-rule (1) or clause (a) of sub-rule (2) shall be made in duplicate in such of the Form 2,4 and 13 as may be appropriate.
- (b) The Deputy Commissioner or the authorised officer shall immediately on receipt of such application, direct that one copy thereof be posted in some conspicuous place in his office together with a notice inviting objections to such application within a period of seven days from the date of such posting.
- (c) The Deputy Commissioner or the authorised officer shall as soon as may be after the expiry of the period specified in clause (b) consider the objections, if any, received by him and shall if satisfied that the applicant entitled to be registered in the lists of voters, direct his name to be included there in.

Provided that when an application is rejected by the Deputy Commissioner or the authorised officer, he shall record in writing a brief statement of his reasons for such rejection.

- (4). (a) Any person aggrieved by any order made under sub-rule (1) or sub-rule (2) may appeal to the Divisional Commissioner within a period of fifteen days from the date of the order appealed from.
- (b) Every appeal under clause (a) shall be :-
 - i) in the form of a memorandum signed by the appelliant.

- ii) accompanied by a copy of the order appealed from ; and
 - iii) presented to the Divisional Commissioner or sent by the registered post so as to reach him within the period specified in clause (a).
- (c) For the purpose of clause (b) an appeal shall be deemed to have been presented to the Divisional Commissioner when the memorandum of appeal is delivered by or on behalf of the appellant to the Divisional Commissioner himself or to any other officer appointed by him in this behalf.
- (d) The provisions of clauses (d) and (e) of sub-rule (16) of rule 5 and clause (c) of sub-rule (2) of this rule shall mutatis-mutandis be applicable to an order passed in appeal under this sub-rule.

5B. Preparation of the lists of voters of the ' Traders ' Constituency and Commission Agent's Constituency.

- (1). The Deputy Commissioner or any officer authorised by him in this behalf (herein after in this rule referred to as the authorised officer) shall maintain in his office two lists of voters containing the name, fathers/husbands name, residence, age, address and licence number of 'A' class 'B' class and 'C' class traders licensed by the market committee and of commission agents holding licences issued by the market committee to operate in the market area.
- (2) In order to enable the Deputy Commissioner or the authorised officer to maintain the lists of voters in sub-rule (1) corrected up-to-date, the Secretary of every market committee shall immediately inform the Deputy Commissioner or the authorised officer about every change in the lists of licensed traders and Commission Agents and the Deputy Commissioner or the Authorised Officer shall on receipt of the information, strike off from the relevant lists of voters the names of persons who have ceased to be and include therein the names of persons who have become licensed traders or licensed commission agents.
- (3) The provisions of rule 5A. shall apply in relation to the lists of voters of the ' Traders ' Constituency and Commission Agents Constituency as they apply in relation to the lists of voters of Agriculturists Constituencies.

Provided that an application for the inclusion of a name shall be in Form 14.

Provided further that where an application under sub-rule (1) or clause (a) or sub-rule (2) of rule 5A is received by the Deputy Commissioner or the Authorised Officer he shall refer such application to the Secretary of

the Market Committee concerned and on receipt of information in relation thereto from the said Secretary, the Deputy Commissioner or the authorised officer act in accordance with sub-rule (2).

5C. Maintenance of list of names of the members of the Managing Committee of Producers Societies.

- (1) The Deputy Commissioner or any officer authorised by him shall in respect of the producers societies referred to in the first provision to subsection (1,2) of section (14), maintain in his office a list of all the members of the managing committee of each of such classes of societies.
- (2) In order to enable the Deputy Commissioner or the authorised officer to maintain the list of the members referred to in sub-rule (1) the registrar of Fruit and Vegetable Cooperatives shall immediately inform the Deputy Commissioner or the Authorised Officer of every change in the names of the members of the managing committee of such societies and the Deputy Commissioner or the A.O. on receipt of information, strike off the names of the persons who have ceased to be and include therein the names of person who have become members of the managing committee of such societies.
- (3) The provisions of the rule 5A shall apply mutatis-mutandis in the relation to the list of names of the members of the managing committee of each of the societies referred to in the first proviso of subsections (1,2) of section 14.

Provided further where an application under sub-rule (1) or clause (a) of sub-rule (2) of rule 5A is received by the Deputy Commissioner or the A.O. he shall refer such application to the Manager or Secretary of the Society concerned and on receipt of information in relation there to from the said Manager or Secretary shall act in accordance with sub-rule (2).

6. Calling upon the constituencies and institutions to elect :

- 1) For the purpose of constituting a market committee or after the expiry of the terms of a market committee constituted under section 14 or for the purpose of filling the vacancies arising by efflux of time in the office of the members of a market committee or after the period of supersession or after the period for which an Administrator is appointed, the Deputy Commissioner shall by order call upon the constituencies and institutions to elect members in accordance with the provisions of the Act, these rules and of the orders made under the Act or these rules.

Provided that no order under this sub-rule shall be issued more than three months prior to the date on

which the term of office of the retiring members, or the period of appointment of the administrator is due to expire.

- (2) When the seat of a member elected to a market committee becomes vacant or is declared vacant or his election to the committee is declared void, the Deputy Commissioner shall by order call upon the constituency or the institutions concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the order and the provisions of the Act, these rules and of the orders made under the Act or these rules shall apply, as for as may be in relation to the election of a member to fill such a vacancy.

7. Notice to elect

- (1) Not less than forty five days before the date for the election the Deputy Commissioner shall cause a notice in Urdu/Hindi/English to be published in a Urdu/Hindi/English Newspaper having circulation in the market area and at the places specified in sub-rule (5) of rule (5) stating.
 - (a) the number of persons to be elected in each constituency and by the producers societies referred to in the proviso to sub-section (1) of section 14.
 - (b) the place, time and the last date which shall not be less than fourteen days from the date of publication of the notice, for making nomination.
 - (c) the date for the scrutiny of nominations which shall be the second day after the last date for making nominations or if that day is a public holiday the next succeeding day which is not a public holiday.
 - (d) last day for withdrawal of nominations, which shall be the third day after the date of scrutiny of nominations or if that day is a public holiday the next succeeding day which is not a public holiday.
 - (e) the date, which shall not be less than forty five days from the date of publications of the notice on which and the hours during which poll shall if necessary be taken.
 - (f) the date which shall not be more than two days after the date of polling place and time for counting of votes.
 - (g) the date before which election shall be completed.

8. Nomination:

- (1) on or before the date and time appointed under clauses (b) of rule 7 each candidate shall either in

person or by his proposer, deliver to an officer specially authorised by the Deputy Commissioner in this behalf (herein after in this chapter referred to as the Returning Officer a nomination paper completed in (Form 15) and signed by the candidate and by a voter as proposer.

- (2) The same person may sign as proposer as many nominations papers as there are vacancies to be filled. Each candidate shall be nominated by a separate nomination paper.
- (3) Where any person has signed as proposer, a large number of nomination papers than there are vacancies to be filled, only those of the nominations papers so signed which have been first received upto the number of vacancies to be filled shall be deemed to have been accepted.
- (4) The Returning Officer shall on receiving a nomination paper enter the nomination paper its serial number, the date on which and the hour at which the nomination paper has been delivered to him and shall be deemed to have been accepted.

9. **Deposits**

- (1) No candidate shall be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited with Returning Officer a sum of Fifty rupees at the time of delivery of nomination paper. Receipt shall be Issued in the name of the depositor.
- (2) The deposits made under sub-rule (1) shall be returned to the candidate or his nominee if he withdraws his candidature in the manner and within the time specified in clause (d) of rule 7 or if his nomination is rejected under rule 12 or if he dies before the commencement of the poll or if it is not forfeited under sub-rule (4).
- (3) Every candidate shall appoint a nominee for the purpose of sub-rule (2) at the time of making deposit.
- (4) The deposit made under sub-rule (1) shall be forfeited to Government if the valid votes polled by the candidates does not exceed one eighth of the total number of valid votes polled by all the voters divided by the number of members to be elected.

10. **Publication of list of nomination :** As soon as may be, after the expiry of the time fixed for making nominations in the office of the committee and in such other manner as the returning officer

may deem fit a list in (Form 16) of all the nominations received will be published with a notice that the nomination papers shall be scrutinized on the date appointed under clause (c) or rule 7 at the place and hour specified in the notice.

11. **Scrutiny of Nominations**

On the date fixed under clause (c) of rule (7) for the scrutiny of nominations.

12. **Disposal of objections and rejections of nominations:**

(1) The Returning Officer shall then examine the nomination paper and shall decide all the objections which may be made at the time of scrutiny to any nomination and may either on such objections or in his own motion after such summary enquiry if any, as he deems necessary reject any nomination on any of the following grounds :-

- (I) that on the date fixed for the scrutiny of nomination the candidate is either not qualified or is disqualified from being chosen to fill the seat under sections 15 or 16.
- (II) that the signature of the candidates or the proposer on the nomination paper is not genuine.
- (III) that the proposer is a person whose name is not found in the list of voters.

2) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

Explanation : For the purpose of this sub-rule a failure to appoint a nominee under sub-rule (3) of rule 9 shall not be deemed to be a defect of a substantial character.

3) 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.

4) The Returning Officer shall complete the scrutiny on the day fixed in this behalf under clause (c) of rule 7 and shall not adjourn scrutiny on any ground except when such proceedings are interrupted or obstructed by riot or by causes beyond his control.

5) on the same day immediately after the scrutiny of nomination papers the Returning Officer shall prepare a list of validly nominated candidates and publish it by affixture on the notice board of the Committee and his office.

13. **Withdrawal of Candidature** :(1) Any candidate may withdraw his candidature by notice in writing

subscribed by him and delivered by him in person or by his proposer to the Returning Officer within the date fixed under clause (d) of Rule 7 and on receipt of such notice the Returning Officer shall note thereon the date and time at which it was delivered and by whom it was delivered.

- (2) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule (1) the Returning Officer shall prepare in Urdu/Hindi/English in alphabetical order in (Form 17) a list of candidates whose nominations are in order and who have not withdrawn their candidature and cause it to be affixed on the Notice Board of his office and the office of the Committee.

14. Procedure for Election:

- (1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub-rule (1) of rule 13 exceeds that of the vacancies to be filled there shall be an election by ballot.
- (2) If the number of candidates duly nominated are equal to or less than the number of vacancies to be filled all such candidates shall be declared to be duly elected.

15. Assignment of Symbols :

Where a poll becomes necessary, the Returning Officer shall assign to each candidate any one of the following symbols and his decision in this behalf shall be final :-

1. Cow
2. Scales
3. Horse
4. Sun
5. Umbrella
6. Dog
7. Bird
8. Goat
9. Lamb
10. Wheel
11. Flower
12. A twig with two leaves.
13. Elephant.
14. Man

Provided that if the number of symbols falls short of the number of contesting candidates, the Returning Officer may in his direction assign any symbol.

16. Form of ballot paper :

Every ballot paper shall be in (Form 18) and shall contain the names of the candidates in Urdu/Hindi/English in the same order in which they appear in (Form 17).

17. **Arrangements for the holding of election:**
The Deputy Commissioner or the Returning Officer shall make such arrangements as may be necessary for manufacture of ballot boxes for holding and supervision of the election, for the scrutiny of the ballot papers and for declaration of the results of the election.
18. **Voting**
Every person whose name is included in the list of voters shall have as many votes as there are members to be elected on behalf of the constituency but he shall not give more than one vote to any candidate.
19. **Death of candidate before poll**
If, after the taking of a poll has become necessary and before the poll is taken, a candidate who has been duly nominated dies, the Deputy Commissioner shall upon being satisfied of the fact of the death of the candidate, countermand the poll and all proceedings with reference to the election shall be commenced new in all respects as if for a new election.
Provided that no fresh nomination shall be necessary in the case of a person who was a contesting candidates at the time of the countermanding of the poll.
20. **Polling Stations and Officers :**
- (1) The Returning Officer shall provide sufficient number of polling stations for each constituency and he shall appoint a presiding officer and one or more polling officers for each polling station. He shall also if necessary, appoint one or more officers to assists the polling officers in the identification of the voters:
Provided that if a Polling Officer is absent from the Polling Station, the Presiding Officer may appoint any officer as a Polling Officer who is present at the Polling Station.
- (2) A Polling Officer shall, if so directed by the Presiding officer perform all or any of the functions of a Presiding Officer.
- (3) If the Presiding Officer owing to illness or other unavoidable cause is absent from the Polling Station, his functions shall be performed by such Polling Officer as may be authorised in this behalf by the Returning Officer.
- (4) The Presiding Officer shall be in general incharge of all arrangements at the Polling Station and may issue orders as to the manner in which the persons shall be admitted to the Polling Station and generally for preservation of peace

and order at or in vicinity of the Polling Station. It shall be the duty of the Polling Officer to assist the Presiding Officer in the performance of his duties.

21. Appointment of Polling Agents :

- (1) A contesting candidate may appoint in (Form 19) one Polling Agent and two relief agents and the order of appointment shall be made over to the Polling Agents for production at the Polling Station.
- (2) No Polling Agent shall be admitted into the polling station unless he has delivered to the Presiding Officer the instrument or his appointment under sub-rule (1) after duly completing and signing before the Presiding Officer the declaration contained therein.

22. Supply of materials to the Polling Station :

The Returning Officer shall provide for each polling station necessary number of ballot boxes, a sufficient number of ballot papers, three copies of list of voters, a list of nominations and such other papers stationery and forms as may be necessary.

23. Admission to Polling Station.

The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude there from all persons other than :-

- (a) Polling Officer.
- (b) Public servants on duty in connection with the election.
- (c) Persons authorised by the Deputy Commissioner
- (d) Candidates and their polling agents.
- (e) A child in arms accompanying an elector.
- (f) A person accompanying a blind infirm elector who cannot move without help ;
and
- g) Such other persons as the Returning Officer or the Presiding Officer may employ under sub-rule (1) of rule 20.

24. Polling arrangements and manner of recording votes :

- (1) Outside each polling station there shall be displayed prominently.

- (a) a notice specifying the polling area the voters of which are entitled to vote at the polling station ; and
 - (b) a copy of the list of contesting candidates.
- (2) At such polling station there shall be set up two or more polling booths in which voters can record their votes screened from observations.
- (3) Immediately before the commencement of the poll, the presiding officer shall demonstrate to such candidates their agents or persons as may be present at the polling station that ballot box is empty and shall then.
- (a) affix a label to the box marked with
 - (i) the serial number, if any, and the name of the constituency.
 - (ii) serial number and name of Polling Station.
 - (iii) Serial number of the box ; and
 - (iv) date of pole.
 - (b) Lock it and seal it with his seal and seals of such candidates or their agents as may be present and desirous of affixing the same. The seal shall be affixed in such a manner that it is not possible to open it without breaking it.
- (4) The sealed box shall be placed in full view of the Presiding Officer and the agents of the candidates.
- (5) As each voter enters the polling station the Presiding Officer or Polling Officer authorised by him shall check the name and other particulars of every voter with relevant entry in the list of voters.
- (5A) In the case of a firm, corporation or cooperative society qualified to vote in a traders constituency or a commission agent's constituency, the person nominated by it to vote on its behalf who produces the necessary authority containing the seal if any, of the firm, corporation or society may be permitted to vote on its behalf.
- (6) In deciding the right of a person to obtain a ballot paper the presiding officer or polling officer, as the case may be shall overlook merely clerical or printing errors on any entry in the list of voters if he is satisfied that such person is identical with the voter to whom such entry relates.
- (7) Vote shall be given by ballot and in person and no vote shall be received by proxy.
- (8) Every voter wishing to vote shall be furnished with a ballot paper in Form (18) and before a ballot paper is handed over the Polling Officer shall :-

- (i) initial it on the back.
 - (ii) enter the voters number in the voters list in the counterfoil of the ballot paper ; and
 - (iii) affix his initials against the voters name in the voters list.
- (9) The voter on receiving the ballot paper shall forthwith proceed to one of the Polling booths and there Put a 'X' mark seal against the name of the candidate or candidates for whom he desires to vote, fold the ballot paper and insert into the ballot box.
- (10) If the voter is blind or infirm or is unable to recognise the symbols on the ballot paper or to make a mark thereon, the presiding Officer shall record the vote on the ballot paper in accordance with the wishes of the voter and take his thumb impression and attest it. The presiding officer while acting under this sub-rule shall observe as much secrecy as is feasible and shall keep a brief record of each such instance without indicating the manner in which vote has been given.
- (11) Special facilities in accordance with the instructions if any, issued by the Deputy Commissioner in that behalf may be accorded to women voters.

25.

Tendered Votes :

- (1) If a person representing himself to be particular voter applies for a ballot paper after another person has already voted as such voter he shall on satisfactorily answering such question relating to his identity as the Presiding Officer may ask, be entitled subject to the following provisions of this rule to make a ballot paper (herein after in these rules referred to as a tendered vote) in the same manner as any other voter.
- (2) Every such person shall before being supplied with a tendered vote sign his name against the entry relating to him in a list in Form - 20.
- (3) A tendered vote shall be the same as the other ballot papers used at the polling 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 vote' by the Presiding Officer in his own hand and signed by him.
- (4) The voter after making a tendered vote and folding it shall instead of putting it into the ballot box give it to the Presiding Officer who shall place it in a cover specially placed before the officer for the purpose.

26. **Challenging of identify**

- (1) Any polling agent may challenge the identify of a person claiming to be particular voter by first depositing a sum of two rupees in cash with the presiding officer for each such challenge.
- (2) On such deposit being made the Presiding Officer shall
 - (a) warn the person challenged of the penalty for personating.
 - (b) read the relevant entry in the voters list in full and ask him whether he is the person referred to in that entry.
 - (c) enter his name and address in the list of challenged vote in Form - 21 ; and
 - (d) require him affix his signature in the said list.
- (3) The Presiding Officer shall thereafter hold a summary inquiry into the challenge and may for that purpose :-
 - (a) Require that challenger to produce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identify.
 - (b) put to the person challenged any questions necessary for the purpose of establishing his identify and require him to answer them on oath ; and
 - (c) administer an oath to the person challenged and any other person offering to give evidence.
- (4) If after the inquiry the Presiding Office considers that the challenge has not been established he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.
- (5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good-faith, he shall direct that he deposit made under sub-rule (1) be forefeited to Government and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

27. **Spoilt and Returned Ballot Papers**

- (1) A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper in place of the spoilt one and the ballot paper so returned together with its counterfoil

shall be marked 'Spoiled Cancelled' by the Presiding Officer.

(2) If a voter after obtaining a ballot paper decides not to use it he shall return it to the Presiding Officer and the ballot paper so returned shall be marked 'Returned Cancelled' by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) & (2) shall be kept in a separate packet.

28. **Closing of Poll**

(1) The Presiding Officer shall close a Polling Station at the hour fixed in that behalf, under clause (e) of rule 7 and shall not thereafter admit any voter into the Polling Station.

Provided, that all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the Polling Station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

(3) If for any reason, it is not possible to open a Polling Station at the fixed hour or if by reason of disorder at the Polling Station or for any other sufficient reason polling for a certain time has to be stopped, the Presiding Officer shall after recording the reasons and informing the same to the candidates or their agents if any, keep the Polling Station open for a further period equal to that which lapsed between the hour appointed for the opening of the Polling Station and the hour at which it was actually opened or the time during which the Polling was stopped as the case may be.

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

(1) As soon as practicable after the closing of the poll the presiding officer shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any Polling Agent present to affix his seal.

(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 ballot getting full, the first box shall be closed, sealed and secured as provided in sub-rule (1) before another ballot box is put into use.

30. **Account of Ballot Paper**
The Presiding Officer shall at the close of the poll, prepare a ballot paper account in form (22) and enclose it in a separate cover with the words ' Ballot Papers Account' superscribed thereon.
31. **Sealing of Packets**
- (1) The Presiding Officer shall then make into separate packets :-
- (a) the key of the ballot boxes.
 - (b) the unused ballot papers.
 - (c) spoilt ballot papers.
 - (d) returned ballot papers.
 - (e) tendered votes.
 - (f) tendered voters list.
 - (g) list of challenged votes.
 - (h) marked copies of electoral roll.
 - (i) ballot papers account.
 - (j) counterfoils of the ballot papers ;
 - (k) any other papers directed by the returning officer to be kept in a sealed packet.
- (2) Each such packet shall be sealed with the seals of the Presiding Officer and of those candidates or polling agents present who may desire to affix the seals thereon.
- (3) The Presiding Officer than shall deliver to the Returning Officer the packets referred to in sub-rule (1) alongwith the ballot box accompanied by a statement. Each packet shall be numbered and shall bear a note as to its contents.
32. **Adjournment of poll in emergencies.**
- (1) If at an election the proceedings at any polling station are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling station or the Returning Officer shall inform the candidates or their agents in writing about the same and announce an adjournment of the poll to date to be notified later, and where the poll is so adjourned by a Presiding Officer, he shall forthwith inform the Returning Officer concerned.
- (2) Whenever a poll is adjourned under sub-rule (1) the Returning Officer shall immediately report in writing the circumstances to the Dy.Commissioner and the Director of Agriculture Marketing and the candidates concerned and shall as soon as may be, appoint the date on which the poll shall recommence and fix the Polling Station at which and the hours during which the poll will be taken and shall

not count the votes cast at such elections until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Returning Officer in such manner as he may deem fit shall notify the date, place and hours of polling fixed under sub-rule(2).

33. **Procedure on adjournment of poll.**

(1) If the poll at any polling station is adjourned under rule (32) provisions of rules 29 to 31 shall, as far as practicable apply as if the poll was closed at the hour fixed in that behalf under item (2) of rule 7.

(2) When an adjourned poll is recommended under sub-rule 2 of rule 32, the voters who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer at the Polling Station at which such adjourned poll is held, with the sealed packet containing the marked copy of the list of the voters and a new ballot box.

(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of the list of voters for recording the serial numbers of the ballot papers issued to voters at the adjourned poll.

(5) The provisions of the Act and these rules shall apply to every such recommended poll as they apply to the original poll.

34. **Fresh poll in the case of destruction etc. of Ballot Boxes.**

(1) If at any election :

(a) any ballot box used at a polling station un-lawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or lost or is damaged or tampered with, to such an extent that the result of the poll at that polling station or place can not be ascertained, or

(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station, the Presiding Officer shall forthwith report the matter to the Returning Officer.

(2) There upon the Returning Officer shall after taking all material circumstances into account either ;

(a) declare the poll at that polling station to be void, appoint a day, fix the hours for taking a fresh poll at that polling station and notify the

day so appointed and the hours so fixed in such manner as he may deem fit/or

- (b) if satisfied that the result of a fresh poll at that polling station will not, in any way effect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Presiding Officer under intimation to the candidate or his agents as he may deem proper for the further conduct and completion of the election.

- (3) The provision of the Act and these rules shall apply to every such fresh poll as they apply to the original poll.

35. **Counting of Votes**

On the day and at the place and time fixed under clause (f) of rule 7 for the counting of the votes and in the presence of candidates and their agents present, the Returning Officer shall proceed as follows :-

- (1) Before any ballot box is opened at a counting table, the candidates or their agents 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.

- (2) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

- (3) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 34.

- (4) The ballot box or boxes relating to each polling station shall be opened one after another in the order of the number assigned to the polling booths and the Returning Officer shall take out the ballot papers there-from, count them or cause them to be counted and record the number thereof in a statement in form (23).

- (5) The Returning Officer shall reject a ballot paper :-

- (a) if it bears no mark at all to indicate the vote or bears a mark made otherwise than with the instrument supplied for the purpose; or

- (b) if it bears any mark or writing by which the voter can be identified; or

- (bb) if the mark indicating the vote thereon is placed in such a manner as to make

it doubtful to which candidate the vote has been given ; or

(c) if votes are given on it in favour of more than the number of candidates for whom votes should be given.

(d) if it is a spurious ballot paper or

(e) it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established ; or

(f) if it bears a serial number or is of a design different from the serial numbers or as the case may be, design of the ballot papers, authorised for use at the particular polling station ; or

(g) if it does not bear the initials of the Polling Officer.

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

Provided further that ballot paper shall not be rejected merely on the ground that the mark indicating a vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way paper is marked.

- (6) Before rejecting any ballot paper under sub-rule (5) the Returning Officer shall allow the candidates or his agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.
- (7) The Returning Officer shall record on every ballot paper which he rejects the word ' Rejected ' and briefly record the ground for rejection.
- (8) All ballot papers rejected under this rule shall be bundled together.
- (9) The votes recorded on every ballot paper which is not rejected under sub-rule (5) shall be counted.

Provided that no cover containing tendered votes shall be opened and no such paper shall be counted.

- (10) A vote recorded on a valid ballot paper shall be rejected if the mark indicating the vote or votes thereon is placed on the ballot papers in such a manner as to make it doubtful to which candidate the vote or votes has or have been given.

Provided that where a voter has more vote than one, the vote or votes other than rejected vote shall be dully counted.

36. **Counting to be continuous :**
The Returning Officer shall as far as practicable, proceed continuously with the counting of votes and shall during any necessary interval when the counting has to be suspended, place the ballot papers, packets and all other documents relating to the election under his own seal and seals of such candidates or their agents as may desire to affix them ; and shall take adequate precaution for safe custody of said articles.
37. **Declaration of results**
(1) After completing the scrutiny and counting of votes the Returning Officer shall prepare a return of the election in form (24) verify the totals of the votes with the figures in form (22 & 23) and declare such number of candidates equal to the number of seats in that constituency as have secured the highest number of votes in the descending order to be duly elected.
(2) Any candidate or his agent shall on application be permitted to take a copy or on extract of the return in form (24).
38. **Returning Officer not to open the sealed packets :**
The Returning Officer shall not open the sealed packets containing the tendered ballot papers or the marked copies of the electoral roll or the counterfoil of the ballot papers.
39. **Procedure at Election when Equality of votes exists**
If, when a poll has been taken at an election an equality of votes is found to exist between any two or more candidates and the addition of one vote will entitle any of the candidates to be declared elected, the Returning Officer shall after intimation to the candidates forthwith decide between those candidates by lot in such a manner as the Returning Officer may determine to and proceed as if the candidate on whom the lot falls had received an additional vote.
40. **Election papers to be forwarded to Deputy Commissioner :**
1) The Returning Officer shall in separate sealed packets forward to the Deputy Commissioner all papers relating to election including :-
(a) The ballot papers counted as valid
(b) The ballot papers rejected as invalid.
(c) The unused ballot papers.
(d) Counterfoils of ballot papers.
(e) The spoiled ballot papers.
(f) Tendered ballot papers.

- (g) The returned ballot papers.
 - (h) Tendered voters list.
 - (i) Account of ballot papers.
 - (j) List of challenged votes and
 - (k) The marked copy of the electoral roll.
- (2) Each packet shall bear a note as to its contents.
41. **Elections of the representatives of institutions.**
 (1) Members of the managing committee of the producers society the area of operation of which is within the (market area) shall elect one representative to serve on the committee from among themselves, before the date fixed by the Deputy Commissioner in this behalf.
42. **Casual vacancies**
 The provision for the election of or nomination of members of the committee shall mutatis- mutandis be applicable for the purpose of filling up of casual vacancies of members of the Committee.
43. **Custody and Destruction of voting papers.**
 (1) Subject to the provisions of sub-rule (2) the Deputy Commissioner shall keep in safe custody the packets forwarded to him under rule 40 and all other papers relating to the election.
 (2) On the expiry of three months from the date of publication of the names of elected members of the committee or one month after the disposal of election petition or appeal if any, which ever is later, all the papers relating to the election shall be destroyed in the presence of the Chairman or Vice Chairman or such officer as the committee may appoint in this behalf, on the date fixed by Deputy Commissioner or any other officer authorised by the Deputy Commissioner in this behalf.

CHAPTER -III

COMPOSITION OF MARKET COMMITTEES, RESIGNATION OR REMOVAL OF A MEMBER OF A MARKET COMMITTEE OR ITS CHAIRMAN.

44. **Composition of Market Committee** (i) Every market Committee shall be composed of :
- (a) 18 members, in case it has an annual income of 50 lacs and above.

- (b) 15 members in case it has an annual income of below Rs. 50 lacs.
Consisting of the representatives of different interests specified in Sub-Section (1) of section 14 of the Act as follows, namely :-

Name of the interest whom member represents.	Number of representatives each a Committee should consist of if it is a	
	18 member committee	15 member committee.
1. Representatives of fruit Associations of the area where market is located.	7	5
2. Representatives of Fruit & Vegetable Growers Cooperatives.	1	1
3. Representative of Government.	1	1
4. Representative of JKHPMC.	1	1
5. Representative of Agro Industries Development Corporation.	1	1
6. Representative of I.G. Transport.	1	1
7. Growers Agriculture Produce.	6	5
	<u>18</u>	<u>15</u>

- (ii) The committee shall elect Chairman/Vice Chairman as per procedure provided in section (15 i & ii). The ballot paper shall be in Form 25 and return of elections in Form 26.

45. **Handing over charge to new Chairman or Vice Chairman by the out-going Chairman or Vice Chairman** (1) on the appointment of a new Chairman, the outgoing Chairman or Vice-Chairman in whose place the new Chairman or Vice Chairman has been appointed 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 handover charge of his office as required under sub-rule (1), the Director or any officer empowered by the Director in this behalf may, by order, in writing direct the Chairman or Vice-Chairman, as the case may be, to handover charge of his office and all records and property of the market committee forthwith, if any, in his possession as such Chairman or Vice-Chairman, to the new Chairman or Vice Chairman

46. **Removal of a member of Committee :** Any member of a Market Committee may be removed by the Director/Board :-

- (a) If he acts in a manner which in the opinion of the Director/Board is prejudicial to the working of the market committee, or

- (b) if he is convicted by a Court of Law for any one or more offences under the Act or any other Act or the rules or bye-laws made thereunder unless a period of three years has elapsed from the date of expiry of such conviction, or
- (c) if he becomes of unsound mind and stands so declared by the Medical Board.
- (d) if he is employed as a paid legal practitioner on behalf of the market committee or, as legal practitioner against the market committee or as an officer or servant under the Act.

Explanation :- For the purpose of this rule a member of a market committee shall be considered by the Director/Board to have acted in a manner, prejudicial to the working of the Market Committee, if on the receipt of a report from the Chairman or otherwise supported by such evidence, if any as may be produced, the Director/Board is satisfied that :-

- (i) he openly or secretly organised some or all Traders against their assemblage at the competitive auctions of the notified agricultural produce, livestock or products of livestock with a view to depress the market prices thereby forcing the sellers to part with their commodities at lower prices, or.
 - (ii) he himself persuaded or organised others to persuade the sellers to sell their notified agricultural produce, livestock or products of livestock in his premises or premises belonging to others without the channel of the market with a view to earn, without the notice or knowledge of the market committee, for himself and others in whose premises the sales are to take place unauthorised allowances from such sales, or.
 - (iii) he himself or in collusion with others wilfully disobeys or refuses to carry out, the provisions of the Act and of the rules or the bye-laws made thereunder which regulate the payment of licence fees, market fees or any other fees or refuses to pay any arrears of amount due to the market committee or sale proceeds of the notified commodities due to a seller or commission agent with a view to deprive the market committee of its financial resources with a view to force the sellers or commission agents to bargain with the sellers to the latter's advantage.
 - (iv) he himself or in connivance with others organises strikes or helps the organisation of strikes by weighmen, hamals, motor lorry drivers, cartmen, or other functionaries of the market for gaining higher emoluments or any other concessions from the market committee, buyers, sellers or commission agents.
- (2) (i) The Government shall, before taking action under sub-rule (1) issue a notice calling upon the members of

the market committee concerned to show cause within such time as may be specified therein, not being less than seven days from the service thereof, why he should not be removed as a member of the market committee and consider his reply thereto, if any, received from the member before the expiry of the time specified in the notice.

(ii) The Government shall also send a copy of the notice referred to in clause (i) to the market committee concerned for information.

47. Casual vacancy in the office of the Chairman or Vice-Chairman

For filling a casual vacancy in the office of Chairman or Vice Chairman the provisions for the election of Chairman or Vice-Chairman of the committee shall mutatis mutandis be applicable for the purposes of holding election under subsection (1) of section 15.

48. Term of Office of Chairman, Vice Chairman elected to fill a casual vacancy.

Every chairman or vice-chairman of the market committee elected to fill a casual vacancy, shall hold office so long only as the chairman or vice-chairman in whose place he is elected would have held it, if the vacancy had not accrued.

49. Motion of no-confidence against Chairman or Vice - Chairman:

(1) Notice of a motion of no-confidence against the Chairman or Vice-Chairman of the Committee shall be in writing addressed to the Secretary in Form 27 signed by the member of the Committee who intends to move the motion and shall contain the signature of not less than one third of the total number of members of the Committee supporting the notice. In case the motion of no confidence is against both the Chairman and Vice-Chairman, separate notices one in respect of the Chairman and the other in respect of the Vice Chairman shall be given in the manner aforesaid.

(2) On receipt of the notice under sub-rule (1) the Secretary shall intimate the same to the Director of Agricultural Marketing.

(3) Save as otherwise provided in the Act a meeting convened for the purpose of considering a motion under this rule shall not for any reason be adjourned.

(4) The Secretary shall communicate forthwith to the Director of Agricultural Marketing the decision taken by the

Committee on any motion of no-confidence together with the names of all the members of the Committee present at the meeting and number of votes given in favour of or against such motion. He shall also forward at the same time to each member present at the meeting a copy of the motion and the result of the voting thereon.

CHAPTER IV

CONTROL OF THE MARKET, POWERS & DUTIES OF CHAIRMAN & VICE CHAIRMAN AND DUTIES AND POWERS OF SECRETARY

50. **Control of Market:-** (1) The Market Committee shall have absolute control over the market and subject to these rules and to the order of the Government and to such control as is by these rules or by any other law invested in the Director, District Collector or the Government, shall manage its affairs having due regard always to the convenience and best interests of the trade in the notified agricultural produce, livestock or products of livestock.
- (b) For exercising the above control effectively, the market committee shall entrust the management of each market to the Deputy/Assistant Secretary or the Supervisor as the case may be and shall manage the market under the direct supervision of the Secretary/Chief Executive Officer.
- (2) The market shall be open for trading at such hours as may be provided in the Bye-Laws.
- (3) Carts, vehicles and animals intended to transport notified commodities shall be kept or allowed to remain at such stands or places and for such time, as may be earmarked by the market committee.
- (4) The notified agricultural produce, livestock or products of livestock intended for sale shall be exhibited at such places and in such manner and at such times as may be permitted by the market committee.
- (5) The ingress and egress in the market area shall be permitted to such person and at such times as the market committee may deem proper :
- Provided that no person licenced under the Act shall be prevented from entering the market during any time, when it is open to the public.
51. **Power and duties of Chairman and Vice Chairman**
:(1)The Chairman of the Market Committee shall be the Chief Controlling and supervising authority of the market committee. All officers and servants of the market committee, be subject to his control.
- (2) The Chairman shall :-

- (a) preside over the meetings of the committee and conduct business at such meetings :
- (b) control the financial and executive administration of the market committee.
- (c) exercise general supervision and control over the officers and servants employed in connection with the affairs of the market committee (whether such officers or servants are Government servants or not).
- (d) in case of emergency, direct the execution or stoppage of any work or the doing of any act which requires the sanction of the market committee.

(3) The Vice-Chairman shall :-

- (a) in the absence of the Chairman, preside over the meetings of the market committee.
- (b) exercise such powers and perform such duties of the Chairman as the Chairman may, from time to time, delegate to him ; and
- (c) exercise the powers and perform the duties of the Chairman during the absence of the Chairman on account of a vacancy in the office of the Chairman or otherwise.
- (d) In the absence of both the Chairman and Vice Chairman, the member elected by the meeting shall preside over such meeting of the market committee.

52. **Duties and Powers of the Secretary :** Notwithstanding anything and without any prejudice to the generality of section 33 :-

- (1) The Secretary shall maintain proper accounts of all moneys received or expended for or on behalf of the Committee.
- (2) The Secretary shall conduct all correspondence of the Committee and attend to office work.
- (3) The Secretary shall maintain records of all disputes which come up for decision before the arbitrators and the disputes committee in the form prescribed.
- (4) The Secretary shall be responsible for a proper weighment, delivery, payment and all other matters relating to marketing of agricultural produce within the market area.
- (5) The Secretary shall have power to sanction casual leave and earned leaves for a period not exceeding thirty days at a time to all officers and servant of the Committee. Earned leaves exceeding thirty days and all other kinds of leave will have to be sanctioned by the Director of Agricultural Marketing or such other officer as may be authorized by the Director Agricultural Marketing in this behalf.
- (6) The Secretary shall advice the Committee and its Chairman in the light of the provisions of the Act, and

rules, the previous decisions or directions of the Committee.

- (7) The Secretary shall supervise all construction works in the market yard in addition to the technical supervision by the Engineering Staff.
- (8) If any decision of the Committee or the directions of the Chairman or Vice-Chairman are found to be contrary to the Act, and rules, the Secretary, before giving effect to the same, shall refer the matter for orders to the Director of Agricultural Marketing who after giving an opportunity to the Committee or Chairman or Vice-Chairman to be heard, shall give a decision and such decision shall be final.
- (9) The Secretary shall be the Ex-Office Secretary of the disputes Committee.
- (10) The Secretary shall furnish to the Committee particulars of contraventions, if any, of the provisions of the Act, the Rules or the Bye-Laws by a market functionary and the action, if any, taken thereon.

CHAPTER - V

MEETING OF MARKET COMMITTEE, QUORUM AT MEETINGS, CONSTITUTION OF SUB-COMMITTEE & SETTLEMENT OF DISPUTES

53. **Meeting of the Committee, Forwarding copies minutes and Issuance of Copies (a) Meeting of the Committee**
- (1) The Secretary shall initiate notice for convening a meeting of market committee.
 - (2) A copy of the notice convening every meeting shall be sent to the Director of Agricultural Marketing or any other officer authorised by him in this behalf.
 - (3) The Director of Agricultural Marketing or any officer Authorised by him shall be entitled to attend any meeting of the Committee but he shall have no right to vote.
- (b) **Forwarding copies of minutes of meeting to Director Agriculture Marketing :** Copy of the proceedings of every meeting of the Market Committee shall be forwarded to the Director of Agricultural Marketing or any officer authorised by him in this behalf and to the members of the Committee within fifteen days from the date of meeting.
- (c) **Copies of Documents or entries in the books of the Market Committee :** Copies of documents or entries in the books of the Committee which are not of confidential nature certified by the Secretary or any other officer authorised by him shall be granted on payment of following fee :-

- (a) for copying and comparing hundred words or part thereof Rs. 2
- (b) for copying and comparing every folio or part thereof of documents in tabular forms. Rs. 3
- (c) for copies granted in printed form.... Rs. 5

54. **Quorum for a meeting of market committee :-** The quorum for a meeting of the market committee consisting of 18 members and 15 members shall be 10 and 8 respectively :

Provided that the quorum for the adjourned meeting shall be 5 for 18 member market committee and 4 for 15 member market committee and at such a meeting only such specific items of agenda as have been circulated to members for discussion in the meeting called earlier shall be disposed off.

55. **Minute Book etc :-** (1) A minutes book shall be kept by the market committee for permanent record and a record of the proceedings of every meeting shall be entered therein by the Secretary under the supervision of the Chairman or the member presiding over the meeting and shall be signed both by the Chairman or the member presiding and the Secretary. It shall be open for inspection during the office hours of the market committee by members thereof and also by the Director, and any other officer authorised by him in this behalf. It shall not be treated as a public document and copies of the record of proceedings of any meeting entered therein shall be supplied by the Chairman to a person when so required by an order of a court or on application made to the Chairman in this behalf, after collecting the necessary fees fixed therefor in its bye-laws.

56. **Constitution of sub-committees :-** (1) A market committee may constitute all or any of the following sub-committees for assisting it in the discharge of its functions, namely :-

- (i) Executive Sub-Committee ;
- (ii) Appointments Sub-Committee ;
- (iii) Finance and Works Sub-committee ;
- (iv) Disputes Sub-committee ;

(2) each of the committee as aforesaid (except disputes sub-committee) shall besides the Chairman of the market committee consist of two other members appointed by the market committee. The Chairman of the committee shall act as Chairman of the such sub-committees.

Provided in the absence of Chairman, the Vice Chairman of the committee shall function as chairman

(3) The disputes sub-committee shall consist of the following ;

- (i) The Vice Chairman of the committee.
- (ii) Three representatives of the agriculturists

- (iii) One representative of traders.
- (iv) One representative of commission agent
- (v) One representative of fruit and vegetable Growers Cooperative Marketing Societies.

The Vice Chairman of the committee shall be the Chairman of the disputes sub-committee. In the absence of Vice Chairman a person selected by the dispute sub-committee from among themselves shall preside over the meeting.

- (4) The Secretary shall also function as the Secretary of all the sub-committees.

57. **Up-to-date copy of Act, rules etc to be maintained :**

(1) Every Committee shall maintain an up-to-date copy of the Act, rules, bye-laws and notifications issued hereunder in the office of the Committee and make them available to the Public for perusal.

(2) Printed copies of the Rules/ Bye-Laws shall be sold at such reasonable price as may be fixed by the Committee which shall also grant certified copies of the amendments thereto on payment of fees of fifty paise for every hundred words or part thereof.

- 58. **Settlement of disputes :** (1) For the purpose of settling disputes between buyers and sellers of Agricultural Produce or the agents etc. including any disputes regarding quality or weight or payment or any matter in relation to the regulation of marketing of agricultural produce in the market area, the market committee for that market area may appoint arbitrators or refer the matter to the disputes sub-committee.

(2) The parties to disputes may agree to settle the dispute by arbitration and in the absence of such an agreement the Secretary of the market shall refer the matter to disputes sub-committee.

- 59. **Settlement of disputes by arbitration :** (1) The panel of arbitrators appointed shall consist of not more than ten persons and as far as possible, fifty percent of them shall be agriculturists, twenty five percent shall be traders, and twenty five percent shall be commission agents. The appointment shall be for a period of one year but the panel shall continue until the next panel of arbitrators are appointed.

Provided that the Committee may at any time for reasons to be recorded in writing remove any person from the panel and appoint another person in his place for the un-expired term of the person so removed.

(2) (i) When a dispute referred to in rule -58 (i) arises, the Secretary shall by mediating ascertain whether the parties can mutually arrive at a settlement, the same shall be reduced into writing which shall be signed by the parties.

(ii) If the parties can not mutually arrive at a settlement the complaining party shall credit to the Committee such fee within such period after the date of service of notice by the Secretary in that regard, as may be specified in the Bye-Laws. If he fails to credit the fees within the specified time his claim shall be deemed to have been rejected. As soon as the fee is paid the Secretary shall require the parties to the dispute by a notice in writing to select within such time as may be specified in the bye-laws one arbitrator each from the panel of arbitrators who is willing to act as such.

(iii) If either of the selected arbitrators neglects or refuses to act or has become incapable of acting or dies, the Secretary shall require the party who selected such arbitrator to select within such time as may be specified, a new arbitrator who is ready and willing to act as such in his place.

(iv) Save as provided in clause (vii) if one party to the dispute fails to select an arbitrator, either originally or by way of substitution as aforesaid within the time specified for the purpose :-

(a) If such party happens to be the complaining party, his claim shall be deemed to have been rejected.

(b) If such party happens to be the opposing party and the complaining party has selected the arbitrator within the time specified for the purpose in the bye-laws, the arbitrator selected by the complaining party shall act as sole arbitrator and his award shall be binding on both the parties as if he had been appointed by consent.

(v) The arbitrator or arbitrators selected by the parties shall be informed of the dispute by the Secretary and he or they shall make an award within such time as may be specified in the bye-laws and subject to clause (vi) the award so made shall be final.

(vi) An appeal shall lie against the award of the arbitrator or arbitrators to the Disputes Committee and shall be filed within a period of seven days from the date of communication of the award to the parties.

(vii) A dispute shall be referred to the Disputes Committee by the Secretary if :-

- (a) Either of the disputants reports to the Secretary within the time specified in the bye-laws for the selection of arbitrator who is ready and willing to act as such ; or
- (b) If the arbitrators fail to make an award within the time specified in the bye-laws : or
- (c) If the arbitrators inform the Secretary in writing that they can not agree.

(viii) If a member of the disputes committee is a party to the dispute before the Disputes Committee, he shall not participate in the proceedings relating to the said dispute. For the purpose of the said dispute the Committee may appoint another person as a member of the Disputes Committee.

(ix) The Disputes Committee shall make their award within such time as may be specified in the bye-laws, if no award is made within such time or if the Disputes Committee is of opinion that the parties may be directed to approach court of law to establish their respective rights, the Secretary shall report the matter to the Committee which shall accord sanction to the parties to a court of law.

(x) An award made by the sole arbitrator, the arbitrators or the Disputes Committee, as the case may be, shall provide for costs of the proceedings and shall be prepared in quadruplicate, all copies of the award made by the sole arbitrator or the arbitrators as the case may be shall be signed by the sole arbitrator or the arbitrators, as the case may be. All copies of the award made by the Disputes Committee shall be signed by the Chairman or the member as the case may be presiding over the meeting or meetings of the Disputes Committee at which the dispute was settled. One copy each shall be sent to the parties to the dispute and the remaining copies shall form part of the record.

(3) No business shall be transacted at a meeting of the Disputes Committee unless there be present at least three members.

(4) All questions which may come up before Disputes Committee at a meeting shall be decided by a majority of votes of the members present and voting. In case of equality of votes the Chairman of the Disputes Committee or the member presiding over the meeting as the case may be, shall be given an additional or casting vote.

CHAPTER - VI

POWERS OF THE MARKET COMMITTEE TO WRITE OFF, DUTIES OF THE MARKET COMMITTEE, GRADING AND STANDARDISATION, REGULATION OF ADVANCES, KEEPING OF RECORDS OF ARRIVALS AND PRICES ETC.

60. Powers of the Market Committee to write off:

The Committee shall before writing off any fee or other amount what-so-ever due to it, obtain the sanction of :-

- (i) The Director of Agricultural Marketing if such fee or amounts exceeds one thousand rupees but does not exceed five thousand rupees, and
- (ii) The Government if such fee or amounts exceeds rupees five thousand.

61. Duties of the Market Committee : The Committee shall furnish all information which the Director of Agricultural Marketing or any other officer duly authorised by him in this behalf may require. In addition to the duties prescribed by the Act the Committee shall also be responsible for :-

- (1) The maintenance of proper checks on all receipts and payments by its officers;
- (2) The proper execution of all works chargeable to the market Committee funds;
- (3) Maintaining register of fee collected;
- (4) Maintaining register of arrivals & prices into market;
- (5) Taking security from its officers and servants;
- (6) Providing persons authorised to collect fees, a money box and counter-foil receipt books;
- (7) Providing badges to weighmen, hamals, cartmen and peons;
- (8) Having plans and estimates prepared for works.
- (9) Keeping accounts in such forms as may be directed by the Director of Agricultural Marketing or the Officer authorised by him;
- (10) Publishing a statement of assets and liabilities;
- (11) Securing check on receipts and expenditures;
- (12) Regulating expenditure according to budget;
- (13) Preparing and adopting budget for the ensuing year;
- (14) Providing Marketing Information;

- (15) Arranging for temporary storage or stocking of notified crops ; and
- (16) Doing all such other things as may from time to time be necessary for the efficient working of the Committee.

62. **Market Fund: Expenditure and Accounts.**

All expenditure incurred by the Committee under or for the purpose of this Act shall be defrayed out of the Market fund and any surplus remaining at the close of the each market year after such expenditure has been met shall be credited to the permanent fund of the committee within three months of the close of year and it shall be used only towards incurring the expenditure of a permanent nature, such as construction of buildings, acquisition of land or purchase of sites or such other purposes as the Director of Agricultural Marketing may specify.

63. **Subscription for Market Intelligence and Propaganda:**

- (a) **Subscription for Market Intelligence :** The market committee may, with the approval of the Director, levy a subscription not exceeding Rs. 250 per annum exclusive of postage from every subscriber for copies of the market report published by the market committee. Such subscription shall be paid in advance to the market committee.

The Market committee shall display on the notice board of its office the arrivals, prices and stocks of notified agricultural produce, livestock or products of livestock.

- (b). **Propaganda in favour of production and marketing of the notified agricultural produce, livestock or products of livestock :** The market committee shall whenever its funds permit, subject to the prior approval of the Director provide staff for propaganda (including demonstration and publicity in favour of the improvement of the production and marketing of the notified agricultural produce, livestock or products of livestock.

64. **Promotion of Grading services and Prevention of adulteration**

- a) **Promotion of Grading services :** The market committee shall undertake Grading of notified commodities in accordance with the grades and destinations fixed under the Agricultural Produce (Grading and Marketing Act, 1937 (Central Act 1 of 1937) or other grades fixed by the market committee

and shall with the previous sanction of the Director, appoint necessary staff required for such grading.

b). **Prevention of adulteration of notified commodities**

:-

It shall be the duty of the market committee to take all possible steps to prevent adulteration of notified commodities in the notified area and no person doing business in the notified area shall cause adulteration of any notified commodity or sell or cause to be sold any adulterated commodity in the notified area.

Explanation : For the purpose of this rule, adulteration of notified commodities shall include, as the mixing of varieties of different qualities of a commodity, mixing of sieved remains of commodities and mixing of earth, dirt or stones or any other extraneous matter with any notified commodities.

65. **Regulations of advances to agriculturists** : A licenced general commission agent or a trader or a broker may give advances either in cash or in kind to agriculturists but such advances shall be made subject to the followings conditions :-

(i) If any agreement is entered into between the lender and the borrower, the lender shall supply a copy of the agreement to the borrower.

(ii) When the advances are given from time to time an account book of the advances given and repayments made shall be kept in the manner laid down in the bye-laws. The lender shall give a copy of such account book to the borrower and enter and attest with his signatures every individual transaction of lending and recovery on the copy of the account book so given.

66. **Keeping of records of arrivals and prices** : It shall be obligatory upon the market committee to collect and record market intelligence (arrivals, prices, source etc.) of the notified agricultural commodities arriving in the market on regular basis. The guidelines in this regard may also be provided by Director from time to time.

67. **Powers to remove unauthorised persons from the market** : (i) The Chairman, the Vice Chairman or Secretary of the market committee or any officer or savant of the market committee authorised in this behalf by the market committee may summarily evict from the market any person found to be operating in the market without holding a valid licence.

(ii) Such eviction shall be without prejudice to any punishment to which the person evicted may be liable to under this Act.

68. **Inspection and administration of the Market Committees:-**

1) The Director shall control and co-ordinate the administration and proper working of the market committees in the State.

2(a). He shall inspect and may authorise any of his officers to inspect periodically the offices of the market committees, markets, premises of the licencees etc. and issue such instructions from time to time, for proper implementation of the provisions of the Act or of the rules and bye-laws made thereunder.

b) The Director may, of his own motion, himself inspect or cause to be inspected by an officer authorised by him, the accounts of a market committee or hold an enquiry into the affairs of the market committee.

3) When the affairs of a market committee are enquired into, all members, officers and servants of the market committee shall furnish such information and produce such documents in their possession, relating to the affairs of the market committee as the Director or the officer authorised by him may require.

69. **Setting up of Check Post :** (1) A market committee shall setup and erect check post or market gates or any other fixtures at entry and exit points of the market.

(2) No notified agricultural produce shall be brought inside the market or permitted to leave the market except on the production of the gate pass issued for the purpose by a person authorised by a committee.

Explanation : A market committee may also install check posts in the market area for carrying out the provisions of section 23 of the Act.

(3) (a) A gate pass in Form A shall be issued to any person intending to bring agricultural produce in the market with or without any charge as shall be prescribed in the bye-laws.

(b) Gate pass in Form B shall be issued to any person intending to carry notified agricultural produce from or through the market provided he pays fee or charges if any prescribed.

(4) Any employee of the market committee authorised by it in this behalf shall have power at any time and without notice to stop and check any vehicle suspected to carry unauthorisedly any notified

agricultural produce or products from any place within the limits of any notified market area.

(5) Any person who fails to stop the vehicle when required to do so under (IV) shall be punishable with fine which may extended to Rs. 5000.00.

- 69(A) Penalty for evasion of payment of fee.** Any person removing or attempting to remove any notified agriculture produce, or products from any notified market area or allowing the transport of any such notified agricultural produce, or products from such area in contravention of the provisions of rule 69 before the fee has been paid therefore and a receipt obtained in respect of such payment or practicing any device in order to evade or facilitate evasion of the payment of the fee shall be punishable with fine which may extend Rs.5000.00.
70. **Officers entitled to attend meeting of Market Committee and Meeting of the Market Committee not open to the Public:-**
- a) **Officers entitled to attend meeting of Market Committee:** Officers of the Marketing Department not below the rank of Assistant Director of Marketing/Area Marketing Officers, the District Collector or any of his subordinates not below the rank of a Tehsildar authorised by him in writing shall be entitled to attend any meeting of the market committee constituted for any notified area within his jurisdiction and to address the market committee, on any matter but shall not be entitled to vote. The Chairman of the market committee may request an officer of any other department connected with any notified agricultural produce, livestock or products of livestock to attend and address any meeting of the market committee.
- b). **Meeting of the Market Committee not open to the Public:** The meeting of the market committee shall not ordinarily be open to the public, but such persons of the public who are interested in attending a meeting can do so with the prior permission of the Chairman or the presiding member.
71. **Proposals and references:** All proposals or references from a market committee intended for sanction by or for information or approval of the Government shall be sent to the Director who shall forward such proposals or references to the Government with his remarks and all references from the market committee to any officer of the

Government shall be made through the Head of the Department to which he belongs.

CHAPTER VII

CLASSIFICATIONS OF THE MARKET COMMITTEES, LIMIT OF EXPENDITURE ON GUESTS, LIMITS OF HONORARIUM TO CHAIRMAN, TRAVELLING ALLOWANCE AND SITTING FEE OF THE MEMBERS

72. **Classifications of the market committees :** The market committees shall be classified on the basis of annual income and shall have the following four classes :

Class	Annual income in Rs.
A.	1 crore or above
B.	50 lacs and above but below one crore
C	20 lacs and above but below 50 lacs
D	below 20 lacs

Provided a committee to be shifted from one class to another must have the cut off income for a regular period of three years.

Provided further once a committee is constituted for the first time the Director may on the basis of available information on market intelligence declare a committee to be of a particular class.

73. **Limit of expenditures on distinguished guests :**
A market committee may incur expenditure on distinguished guests subject to a maximum as shown below against each class

Class of the Market	Limit of Annual Expenditure (In Rs.)
A	20,000/=
B	10,000/=
C	5,000/=
D	2,000/-

The classification of the guests for the purpose shall be made by Director Agricultural Marketing. The Director however, may for the reasons to recorded in writing ask a committee not to make any expenditure during a particular year/years.

74. **Limits of Honorarium to Chairman:** The Chairman of a Market committee may be paid honorarium

Traveling allowance at the rate of Rs.2/- per kilometres or daily allowance at the rates prescribed in clause (a) above whichever is lesser.

(e) For halts at State capital and places outside the State :-

Daily allowance of Rs. 150/-

(f) For halts at Delhi, Mumbai, Calcutta and Chennai:-

Daily Allowance of Rs. 200/-

Provided that where the Chairman, Vice Chairman or a member of the committee travels in class lower than that to which he is eligible by rail, he shall draw a single fare of the class by which he actually traveled.

Provided further that if the Chairman, Vice Chairman or a member of the market committee undertakes tour on the same day under this sub-rule , he shall be allowed either sitting fees or daily allowance for the day whichever is opted by him .

- (2) The Market Committee shall not allow its Chairman, Vice Chairman, members, officers or employees to incur any expenditure for performing journeys beyond its jurisdiction to any place within the State without the previous sanction of the Director (or any officer authorised by him in this behalf) and to any place outside the State without the previous sanction of the Government.
- (3) The Market Committee shall not incur any expenditure on any deputation sent by it to any place outside the State without the sanction of the Government and the number of members for any such deputation shall in no case exceed three including the Chairman or Vice Chairman.
77. **Security:** The Market Committee may in its bye-laws provide the security to be deposited by different categories of employees engaged by it .

CHAPTER -VIII

MARKET COMMITTEE WORKS & ERECTION OF STRUCTURES BY ALLOTTEES.

- 78 **MARKET COMMITTEE WORKS :** (a) All plans and estimates for works proposed to be carried out by the market committees shall wherever feasible or practicable be designed by the Engineering cell of the office of the Director.
- (b) Technical sanction of all the original works and repairs shall be accorded by the Authorized Engineer.

- (c). No works for which plans and estimates have not been previously prepared or which have not received the technical sanction shall be included in the budget.
- (2) The Market Committee shall call for tenders in the form and in accordance with the procedure which shall be specified by the Government in consultation with the Director.
- (3)(a) No work shall be undertaken or carried out except under the supervision of a qualified technical officer not below the rank of Junior Engineer appointed for the purpose by the market committee in consultation with the Director.
- (b) In respect of any work the approved estimate of which exceeds Rs. 5,000 the Market Engineer authorised by the Director in this behalf shall inspect the works at the stage of excavation and roof level on intimation by the Market Committee. The foundations shall be filled under the supervision of the said Market Engineer and roof shall not be laid in his absence:

Provided that where the approved estimate of any work does not exceed Rs. 5,000 it shall be competent for the Market Committee to execute the same under its own supervision in accordance with the technical advice tendered by the Director from time to time.

Provided further that the final payment for the work shall be made by market committee on its own responsibility, only after check measurement made by the Market Engineer authorised by the Director in this behalf.

- 79. Erection of structures by allottees : Sanction and Prohibition of erection or re-erection of buildings without permission. (1)** All allottees in the market will have their site plans approved from the Secretary or Chief Executive Officer and no person shall erect or re-erection or commence to erect or re-erection any building without the sanction of the Secretary of the committee or Chief Executive Officer.
Explanation: The Director Agriculture Marketing/ Marketing Board may provide broader frame work under which plans are to be sanctioned.

(2) Any person who intends to erect or re-erection any building shall give notice in writing to the Secretary or Chief Executive Officer of such intention.

(3) **The committee shall by Bye-laws :**

- (a) prescribe the manner in which notice of the intention to erect or re-erection a building shall be given to the committee.
- (b) require that with every such notice shall be furnished a site plan of the land on which it is intended to erect or re-erection such building and a plan and specification of the building of all such character and with such details as the Bye-Laws may require ;

(c) where the building appears likely to be used as a cold storage /warehouse or godown, require the provision of adequate housing accommodation in connection therewith.

(4) Where Bye-Laws have been framed under the Act, no notice under sub-rule (2) shall be considered to be valid until the information, if any, required by such Bye-Laws has been furnished to the satisfaction of the Secretary or Chief Executive Officer..

(5)The Secretary or Chief Executive Officer shall, within seven days of its receipt, sanction a plan or decline to accept a plan as sufficient for purposes of granting sanction, if it does not bear the signature and seal of registered Architect or a Draftsman in token of its having been prepared by such Architect or Draftsman and in that case the notice, if any, given under rule (2) shall not be considered valid.

(6) The fee structure for approval of plans of different structures shall be provided in the Bye-Laws.

80. Refusal of erection or re-erection of buildings._(1) The Secretary or Chief Executive Officer shall refuse to sanction the erection or re-erection of any building in contravention of any Bye-Laws made under the Act or in contravention of any scheme sanctioned under the Jammu and Kashmir Town Planning Act, 1963. or Jammu and Kashmir Municipal Act, 1951.

(2)The Secretary or Chief Executive Officer may refuse to sanction the erection or re-erection of any building for any other reasons, to be communicated in writing to the applicant, which he deems to be just and sufficient, as affecting such building, is Government property or vests in the committee and the consent of the Government or, as the case may be, of the Board has not been obtained, if the title to the land is in dispute between such person and the committee or the Government.

(3)Subject to the provision of sub-rule (1), the Secretary or Chief Executive Officer may sanction the erection or re-erection of any building either absolutely or subject to such modifications in accordance with the Bye-Laws and rules as he may deem fit.

(4) Notwithstanding anything contained in sub-rule (1) or sub-rule (2) but subject to the provisions of Bye-Laws made in this behalf under this Act, if the Secretary or Chief Executive Officer neglects or omits, with in sixty days of the receipt from any person of a valid notice of such person's intention to erect or re-erect a building or within one hundred and twenty days, if the notice relates to a building on the same or part of the same site on which sanction for the erection of a building has been refused within the previous twelve months, to pass orders, sanctioning or refusing to sanction such erection or re-erection, such erection or re-erection shall, unless the land on which it is proposed to

erect or re-erect such buildings belongs to or vests in the Committee, be deemed to have been sanctioned, except in so far as it may contravene any Bye-Law or any general or special order of the Government prohibiting the construction of buildings in any particular area :

81. Power of the Secretary or Chief Executive Officer to direct modification of a sanctioned plan of a building before its completion. __If at any time before the completion of a building of which the erection has been sanctioned under rule 79 the Secretary or Chief Executive Officer or the Committee finds that any modification of the sanctioned plan is necessary, the Secretary or the Committee may, subject to the compensation for any loss to which the owner may be put, direct that the building be modified accordingly.

82. Lapse of sanction after one year, from the date of sanction __(1) Every sanction for the erection or re-erection of any building which shall be given or be deemed to have been given by the Secretary or Chief Executive Officer, shall remain in force for two years only from the date of such sanction, or for such longer period as the Executive Officer may have allowed when conveying sanction under rule 79.

Should the erection or re-erection of the building not have, commenced within two years and completed within three years or such longer period as may have been allowed by the Secretary or Chief Executive Officer the sanction shall be deemed to have been lapsed : but such lapse shall not bar any subsequent application for fresh sanction.

Provided that the Director Agriculture Marketing shall always have power to revoke any sanction for erection or re-erection of any building at any time before commencement of erection or re-erection of any building.

(2)Every order made by the Secretary or Chief Executive Officer or the Director Agriculture Marketing under this Rule shall be final and shall not be called in question in any original suit, application or proceeding and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of the power conferred by or under this Rule.

(3)The provision of this Rule shall have effect notwithstanding anything to the contrary contained in the Act or in any other law for the time being in force.

83. Power of the Secretary or Chief Executive Officer to stop progress of building work unlawfully commenced or carried out. __(1) In any case in which the erection of building has been commenced or is being carried on in contravention of the provisions of these Rules or Bye-Laws made thereunder, the Secretary or Chief Executive Officer may,

by written notice, require the building operations to be discontinued from the date of the service of such notice.

(2) Any person failing to comply with the terms of such notice shall be punishable with fine which may extend to two thousand rupees and when the noncompliance is a continuing one, with a further fine which may extend to one hundred rupees for every day after the first during which the non-compliance continues.

84. **Power of Secretary or Chief Executive Officer to direct removal of persons from buildings to which works are being unlawfully carried on or which are unlawfully occupied**__ (1) Should a building be begun, erected or re-erected--
- (a) without sanction as required by rule 79 (1) or
 - (b) without notice as required by rule; 79 (2) or
 - (c) when sanction has been refused ; or
 - 2(d) in contravention of any bye-law made under the Act

The Secretary or Chief Executive Officer may after giving twenty-four hour's notice direct all persons engaged in any capacity in the work of erecting or re-erecting the building in question or part thereof to remove themselves and shall take such measures as will prevent any one of such persons from again entering into or remaining upon such building or part thereof except with his permission.

(2) All expenditure incurred in the enforcement of the provisions of this Rule may be recovered from the person offending.

85. **Compensation**__ (1) No compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of erection of any building.

(2) The committee shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the prohibition of the re-erection of any building or part of a building except in so far as the prohibition is necessary under any rule or Bye-Law.

Provided that the Committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back unless for a period of three years or more immediately proceeding such notice the building has by reason of its being in a ruinous or dangerous condition become unfit for human habitation.

(3) The Committee shall make reasonable compensation to the owner for any damage or loss which he may sustain in consequence of the inclusion of his land but in assessing such compensation regard shall be had to the benefits accruing to that owner from the

development of the land belonging to him and affected by such inclusion.

86. Penalty for disobedience. - (1) should a building be erected or re-erected:-

- (a) without sanction as required by rule 79 (1) ;
- (b) without notice as required by rule 79 (2): or
- (c) when sanction has been refused ; or
- (d) in contravention of any bye-law made under the Act
- (e) when the sanction has lapsed or has been revoked under rule 82.
- (f) in contravention of any Bye-Law made under these Rule.
- (g) in the case of a building of which erection has been deemed to be sanctioned under rule 80 if it contravenes any bye-law or any scheme sanctioned under the Jammu and Kashmir State Town Planning Act,1963.

The Secretary or Chief Executive Officer shall issue a notice in writing stating the reasons, calling upon the person to show cause within a period of three days, if the contravention relates to clauses (a), (b), (c), or (d) and within five days if contravention relates to clause (e), (f) or (g) why the buildings should not be altered or demolished as he may deem necessary to remove the contravention.

(2) The Secretary or Chief Executive Officer shall cause the notice to be affixed on the outer door or some conspicuous part of the building whereupon the notice shall be deemed to have been duly served upon such person.

(3) If the person to whom notice has been given refuses or fails to show cause within the period specified under sub-section (1) of its service upon him or if after hearing that person and considering any evidence which he may produce in support of his claim within that period, the Secretary or Chief Executive Officer is satisfied that the erection of the building is in contravention of the provision of this section, he shall by order direct the person to demolish, alter or pull down the building or part thereof so far as is necessary to remove the contravention within seven days if the person fails to comply with the directions, the Secretary or Chief Executive Officer or any other officers authorised by him in this behalf shall after the expiry of the said period of seven days cause the building or part thereof to be demolished altered or pulled down as the case may be, and may for that purpose use such police force as may be necessary.

(4) Any person aggrieved by the order of the Secretary or Chief Executive Officer directing the person to demolish, alter or pull down the building or part thereof under sub-rule (3) may prefer an appeal to the Director Agriculture Marketing within seven days after the date of

the aforesaid order of the Secretary. The memorandum of appeal need not be accompanied by a copy of order appealed from.

Provided that the Director Agriculture Marketing shall decide the appeal within thirty days from the date the appeal is filed.

Provided further that the Director Agriculture Marketing either before or after the filing of the appeal, compound the offence and accept by way of compensation such sum as he or it may deem reasonable subject to such rules, regulations and orders as may be prescribed. Where an offence has been compounded no further action shall be taken against the aggrieved person in respect of the offence so compound.

(5) An appeal against the order of the Secretary or Chief Executive Officer shall not operate as stay of proceeding under the order appealed from.

Provided that the Director Agriculture Marketing may stay the enforcement of that order if he is satisfied.

(a) that substantial loss may result to the person applying for stay of execution unless the order is made ; and

(b) that sufficient security as the Director may determine has been given by the applicant for due performance of the order as may be ultimately binding upon him.

(6) No Court shall have jurisdiction to entertain any application, suit or proceeding in respect of any order or action taken under the provision of this rule.

CHAPTER - IX

EXPENDITURE , SUBMISSION OF BUDGET, ACCOUNTS, AUDIT AND INSPECTIONS.

87. EXPENDITURE

(1) All payments except imprest, shall be made by cheques

(2) Cheques of the value of five thousand rupees and below shall be signed jointly by the Accountant or Accounts Clerk and the Secretary and all other cheques shall be jointly signed by the Secretary and

the Chairman or by the Vice-Chairman in the absence of the Chairman.

Provided that where the Secretary is a Gazetted Officer, the Acctt. & the Secretary shall be competent to sign cheques upto the value of ten thousand rupees.

(3) Every payment charged to the Market Fund shall be supported by a bill and an order to pay the amount which shall be expressed both in figures and words and every such order to pay shall be signed by the Secretary after it has been approved by the Committee except ;

(i) for payment of salary and allowance of officers and servants of the Committee.

Provided that where the Secretary is a Gazetted Officer, he shall be competent to draw not only his salary but also the salary of the entire establishment of the Committee.

(ii) for the payment of works and repairs which have been duly sanctioned by the Director of Agricultural Marketing.

(iii) for meeting urgent expenditure not exceeding two thousand rupees for which there is budget provisions.

88. **Remittance to Treasury or Bank**

All remittances to the Treasury or Bank shall be accompanied by Challans or deposit slips in duplicate alongwith remittance register in (Form 28). The monthly or periodical statements of accounts furnished by the Treasury or Bank as the case may be, shall be regularly filed and made available for audit and inspection.

89. **ACCOUNT BOOKS**

Books such as day book, Ledger, Cash Book, Pay Bills etc shall be maintained on regular basis. Besides, the Pass book shall be got written up-to-date (reconciled) at least once a month by the Treasury or the Bank at which the account is kept.

90. **Submission of Budget**

(1) An Annual Budget estimate of the income and expenditure of the Committee for the ensuing market year shall be prepared in forms 29 A and 29 B by the Secretary and placed before the Committee. The Committee shall meet during the first week of April each year to consider the budget. After consideration and approval of the budget, the committee shall forward the same to the Director

Agricultural Marketing not later than 15th of April every year.

(2) No provision for works and repairs shall be included in the budget without the previous approval of the Director of Agricultural Marketing if the estimated cost of its exceeds ten thousand rupees.

(3) The budget shall be accompanied by the following statement in the prescribed forms :-

(a) A statement in form 30 showing the details of the scales and salary of the establishment of the Committee provided for in the budget ;

(b) A statement in form 31 showing the details of the estimated expenditure on works proposed to be undertaken during the year. No works for which plans and estimates have not been previously prepared and sanctioned shall be included in the budget.

(c) A statement in form 32 showing the loans obtained, the balance out standing under each loan and the amount to be discharged during the budget year on account of repayment of principal and payment of interest ;

(d) A statement in form 33 showing the fixed contribution (to the consolidated Fund) payable by the Committee.

(4) If the Committee fails to adopt the budget estimates and forward it to the Director of Agricultural Marketing on or before the time prescribed under sub-rule (1) the Secretary shall prepare and forward the budget with statements referred to in sub-rule (3) to the Director of Agricultural Marketing and shall be deemed to have been duly adopted by the Committee.

(5) A statement of receipts and expenditure of the previous market year shall be submitted to the Director of Agricultural Marketing or any officer authorised by him in this behalf, not later than 31st of May of every year.

(6) No expenditure shall be incurred unless the same is covered by budget grant or it can be met by re-appropriation from the savings under other heads or by supplementary grant from the available reserve approved by the Director of Agricultural Marketing or any officer authorised by him.

Provided that in case the budget is not received back by the committee duly sanctioned by the Director of Agricultural Marketing or any other officer authorised by him before the commencement of the new market year, the

Committee may incur expenditure as provided for in the budget in respect of salary and other allowances of the staff of the committee and other routine expenditure and if it is not approved within one month from the date of commencement of the market year, it shall be deemed to have been duly approved by the Director of Agricultural Marketing or any other officer authorised by him.

91.

Accounts, Audit and Inspections

- (1) The accounts and records of the committee shall be kept in the form appended to these rules in Urdu/Hindi/English but not in any other language.
- (2) The accounts of the committee shall be audited each year by the auditors of the Department of Marketing.
- (3) At the time of audit, the Secretary or any other person authorised by the Chairman in this behalf shall cause to be produced all accounts, registers, documents and other relevant papers which may be called for by the Audit Officer for the purpose of Audit. Any explanation called for by such auditor for the settlement of any discrepancy shall also be immediately furnished to him.
- (4) On receipt of audit report, the Committee shall either remedy the defects or irregularities which may have been pointed out in the report and send to the Director of Agricultural Marketing or the Officer authorised by him in this behalf, within three months, a report of having done so or any explanation in regard to such defects or irregularities as it may wish to give.
- (5) On receipt of such report or explanation, the Director of Agricultural Marketing or the authorised officer may in respect of all or any of the matters discussed in the audit report.
 - (a) accept the report or explanation given by the committee and order the withdrawal of objection ; or
 - (b) direct that the matter be re-investigated at the time of next audit or at any earlier date ; or
 - (c) direct that the defects or irregularities pointed out in the audit report or any of them shall be removed or remedied by the committee.
- (6) The Committee shall pay audit charges at the rate fixed by the Director of Agricultural Marketing from time to time.
- (7) As soon as the audit of accounts of the Committee for each year is completed, the Director of Agricultural Marketing shall intimate the amount of audit charges payable by the Committee within the period of thirty days from the date of receipt of such intimation, the Secretary of the Committee shall make payment by means of a crossed cheque drawn in

favour of the Treasury Officer for adjustment by credit to the consolidated fund of the State under intimation to the Director Agricultural Marketing.

92. **Auditors to report material impropriety or irregularity, loss, waste or misappropriations.**

(1) The auditor shall :-

(a) Report to the Committee any material defect or irregularity which he may observe in the expenditure or in the recovery of money due to the Committee or in the accounts of the committee.

(b) Report to the Committee any loss, waste or misappropriation of money or other property owned by or vested in the Committee, if such loss, waste or misapplication is a direct consequence or neglect or misconduct with the names of person or persons directly or indirectly responsible for such loss, waste or misapplication.

(2) The Secretary shall forthwith remedy the defects or regulates if any.

93. **Annual Report and Contribution to the consolidated fund:-**

A. **Annual Report:** At the end of each market year, the Committee shall prepare an annual report in the form-34 and submit copies of it to the Director of Agricultural Marketing and to such other officers as may be directed by the Director of Agricultural Marketing in this behalf.

B. **Contribution to the consolidated fund:** Every committee shall remit before 15th of every month to the consolidated fund of the State, such percentage of its gross receipts during the preceding month as may be fixed by the Director of Agricultural Marketing and send a duplicate challan to the Director of Agricultural Marketing.

94. **Contribution to the State Agricultural Marketing Board**

(1) Every committee in the State shall under intimation to the Director of Agricultural Marketing, pay to the State Agri. Marketing Board before 15th of every month five percent of its gross receipts during the previous month.

(2) Every committee shall maintain a separate register showing the gross receipts of every calendar month by way of market fee and licence fee and remittances made to the State Agri. Marketing Board every month under sub-rule (1).

95. **Preparation of Plans :**

The preparation of plans and estimates for works proposed to be undertaken and for repairs to the existing buildings at the expense of the committee will be attended to by the Supervisors and Assistant Executive Engineer of the Public Works Department or Engineering Cell of the Marketing Department.

96. **Evidence of sanction**

Plans and estimates for works estimated to cost not more than ten thousand rupees shall be sanctioned by the Chairman of the Committee. In the case of works estimated to cost more than ten thousand rupees, the professional approval of Executive Engineer, Public Works Department or Engineering Cell of Marketing Department shall be obtained and evidenced by his countersignatures. All plans and estimates shall be approved by the Director of Agricultural Marketing or the officer authorised by him.

97. **Supervision of Works**

All works shall be carried out under the supervision of the Secretary and Chairman of the Committee.

CHAPTER -X

LEVY & COLLECTION OF FEES

98. **Levy and collection of fees on the sale and purchase of Agricultural produce :** (1) under Section 21 the committee shall levy.

- (i) Fees on the agricultural produce bought or sold by a licensee; and
- (ii) May also subject to the approval from the marketing Board charge additional fees on the agricultural produce when sold by a Producer to a licensee in the notified area.
- (iii) Following fee shall be charged on the notified commodities
 - (a) All Vegetables 2%
 - (b) All fruits 2%
 - (c) All other notified commodities 2%

Provided the Board may from time to time increase or decrease the market fee.

Provided further no such fees shall be levied on the same agricultural produce more than once in the same notified area. A list of such fee shall be exhibited in some conspicuous place at the office of committee concerned.

- (2) The responsibility of paying the fees prescribed under sub-rule (1) shall be of the buyer and if he is not a licensee then the seller who may realize the same from the buyer. Such fee is leviable as soon as an agricultural produce is bought or sold by a licensee.
- (3) The additional fees shall be realized from the producer by the licensee through whom the producer sells the agricultural produce and if the sale is made by the

producer direct to a licensee the additional fees shall be realised by the licensee from out of the sale proceeds of the agricultural produce.

- (a) All moneys received on behalf of the committee shall be acknowledged by a receipt in carbon duplicate in (Form 35) by the Secretary or any other officer, servant or agent of the Committee duly authorised by the Committee in this behalf. The receipt shall be given to the party making the payment and carbon copy retained for office use.
 - (b) Every officer, servant or agent authorised to receive payments shall every day, render account of all receipts to the Secretary or an officer duly authorised by him in this behalf. All moneys received shall be brought to account.
 - (c) Every committee shall take such security as it thinks necessary from its employees who are required to handle cash.
- (4) The fee including the additional fees shall be paid to the committee or paid to the officer duly authorised to receive such payment on fortnightly basis. The market fee for the first fortnight shall be paid to the committee before 20th of the said month (on the next working day if 20th is holiday) and for the 2nd fortnight by 5th of the succeeding month (on the next working day if 5th is holiday)
- (5) For the purpose of this rule Agricultural Produce shall be deemed to have been brought or sold in a notified market area:-
- (a) If the agreement of sale or purchase thereof is entered into the said area ; or
 - (b) if in pursuance of the agreement of sale or purchase, the agricultural produce is weighed in the same area, or
 - (c) if in pursuance of the agreement of sale or purchase the agricultural produce is delivered in the same area to the producer or to some other person on behalf of the purchaser.
 - (d) if the agricultural produce sold or bought otherwise then in pursuance of an agreement of sale or purchase and is delivered in the said area to the purchaser or to some other person on behalf of the purchaser.
- (6) If in the case of any transaction any two or more of the acts mentioned in sub-rule(5) have been performed within boundaries of two or more notified market areas the market fee shall be payable to the committee within whose jurisdiction the agricultural produce has been weighed in pursuance of the agreement of sale or, if no such weighing has taken place, to the committee, within whose jurisdiction the agricultural produce is delivered.

99. Exemption from payment of market fee : (1) No market fee shall be levied on the sale or purchase of any Agricultural Produce

manufactured or extracted from the agricultural produce in respect of which such fee has already been paid in the same notified market area or in other notified market area within the State.

- (1) The dealer who claims exemption from payment of market fee levied on any agricultural produce manufactured or extracted from the agricultural produce in respect of which the market fee has already been paid in another notified market area shall make declaration and give certificate in Form (K) to the committee from where exemption is claimed and a copy of the same shall be delivered to the committee to which the fee has already been paid. The counterfoil shall be retained by the dealer. The book containing K forms shall be got attested by the dealer from the Secretary or Chief Executive Officer of the concerned market committee or his authorised officer before giving the requisite certificate. The dealer shall produce the certificate within a period of thirty days from the date of transaction to the committee from where exemption is claimed. The certificate presented after the aforesaid period of thirty days shall not be entertained.
- (2) The dealer concerned in the sale or purchase of any quantity of agricultural produce from which he manufactures or extracts any other agricultural produce shall maintain in Form (K1) true and correct accounts of the sale or purchase, as the case may be, of the said agricultural produce and of any agricultural produce manufactured or extracted from it.
- (3) No market fee shall be leviable on purchase of raw hides and skins and sale of cured, tanned and processed hides and skins from the persons who themselves are tanners and are residing in the state.
- (4) No market fee shall be levied on sale or purchase of Gram and Kabli Gram (Chana Kala and Safaid), Turmeric (Haladi), Gur, Shakkar, Green Gram (Moong) Black Gram (Mash), Moth, Masur, Arhar, Rajmah and Soya bean.
- (5) No market fee shall be levied on Indian Colza (Sarsoon), Indian Rape (Toria), Rochet (Tara Mera) Linseed (Alsi), Indian Mustard (Raya), Sesum (Til) and Sunflower Seed imported from outside the state of J&K for the purpose of processing and which is not bought or sold as such in the notified area.

Provided the Board may on the recommendation of the committee direct charging of fee on any or all of the items mentioned in sub-rule (3) to (5) of this rule.

100. Accounts of Transaction and fee to be maintained : (1) Every licensed dealer and dealers exempted under the Act and rules if any shall submit to the committee a return in Form (M) showing his purchases and sales of each transaction.

101. **Seizure of the Agriculture Produce :** (i) The Agriculture Produce belonging to a person selling without a valid licence or taken or

proposed to be taken out of market area shall be liable to be confiscated.

(2) (a) The Secretary or Chief Executive Officer or an officer authorised by the committee not below the rank of the Grading/Marketing Inspector of Agriculture Marketing Department shall seize the agricultural produce referred to in sub-rule (i) and thereforth he shall prepare a seizure memo of the agricultural produce so seized giving such of the following particulars as may be available on spot :-

- (i) Name of the agricultural produce ;
- (ii) Weight or available description of the vehicle ;
- (iii) Name of the driver of the vehicle ;
- (iv) Consignment No. ;
- (v) Name of the consigner or consignee ;
- (vi) Place from where the agriculture produce is seized ;
- (vii) Such other particulars as may be considered necessary.

(b) The seizure memo shall be signed by the Secretary or Chief Executive Officer of the Committee, the driver of the vehicle or the person from whose possession the agricultural produce is seized and if the driver or the person from whose possession the agriculture produce is seized does not sign the seizure memo, it shall be signed by two witnesses alongwith the signatures of the Secretary of the committee.

(3) The Secretary or Chief Executive Officer of the Committee shall inform the Chairman of the committee about the seizure referred to in sub-rule (2) for convening a meeting of the committee or of the sub-committee, as the case may be for taking a decision regarding its confiscation and the meeting of the committee or the sub-committee, as the case may be shall be convened within seventy two hours of the seizure of Agri. produce.

Provided that order to confiscate the agricultural produce, shall not be made without giving the person concerned an opportunity to show cause as to why such order shall not be made.

(4). The confiscated agricultural produce shall be disposed of in an open auction or in such manner as may be decided by the committee and the sale proceeds thereof shall be deposited in the market committee fund.

CHAPTER XI

GRANT, EXEMPTION OF LICENCE TO TRADERS AND REPORTS AND RETURNS ETC.

102. **Grant of Licence :** (i) A person desirous of obtaining a licence under section 36 shall apply in Form A or D to the Secretary of the Committee in whose jurisdiction he wishes to carry on his business or

marketing of Agricultural produce and shall deposit with the Committee, the requisite licence fee and requisite security through D.D. (ii)The licence fee and security for licence issued under this rule shall be as under :-

Category of licences	Licence fee (in Rs.)	Security (in Rs.)
(Per annum)		
A. Traders (wholesalers) including Flour mills, Oil expellers, Rice Mills, Dal Mills who purchase the agriculture produce to sell it after processing	2000	2000
B. Commission Agents carrying on business in the principal market or subsidiary market.	2000	2000
C. Brokers operating in principal and subsidiary market.	1000	1000
D. Processors, warehouse men including Cold Storages & Godowns.	2000	2000
E. Exporters	2000	2000
F. Importers	2000	2000
G. Ginner	1000	1000
H. Presser	1000	1000
I. Stockists	2000	2000
J. Retailers having established premises for carrying on their business and selling to consumers only in the market area excluding the principal & Subsidiary market.	500	500
K. weighmen, measurer, surveyer and other similar market functionaries recognised by the committees.	200	200
L. Palledar	100	100

Provided the Board may from time to time increase or decrease the Licence fee for any or all of the above categories

Provided further that the functionaries referred to in clause J above will not be allowed to purchase from the Commission Agents except when allowed by the Chairman or Chief Executive Officer of the Committee.

(iii) No person who is in the service of another person or a firm whether holding any licence granted by the Committee shall be eligible to hold a licence as a broker. If any licenced broker enters service or

does business other than that for which he holds a licence he shall be deemed to have committed a breach of the conditions of licence.

(iv) Unless otherwise provided in the licence, each licence issued under these rules shall expire on 31st of march following the date of issue.

(v) All classes of traders, weighmen, measurers and other functionaries operating in the market area shall pay fee as scheduled above for each financial year or any part thereof for obtaining licence.

(vi) The Secretary of the Committee shall on receipt of the application Form ensure that the necessary licence fee and security have been deposited and shall, after verifying the correctness of the facts stated therein put up the same to the Committee.

Provided if the Committee is constituted for the first time and Chief Executive Officer is incharge of the Committee. necessary scrutiny shall be made by the Chief Executive Officer.

(vii) The Committee may grant licence to applicant in Form (B) or (E). The licence shall be subject to the conditions mentioned therein.

Provided in the market yard or sub-yard Licences of category A & B shall be granted only to the actual allottees (including their legal heirs) having being allotted a site in that category and no licence shall be granted to an allottee (Trader or Commission Agent) who is utilizing/utilizes the part or whole of the allotted premises for a purpose other than the purpose of allotment.

Provided further the number of Licences (category A&B) granted in the market yard or sub-yard shall not be more than three against the bigger shop (above 800sft.) and two against a smaller shop (less than 800 sft.).

Provided further no individual or firm shall be granted more than one licence of the same category at the same time.

(viii) The security will be released by the Committee three months after the date of closure of the business and on production of the clearance certificate. Issued by the Secretary or Chief Executive Officer of the concerned Committee.

(ix) Where market Committee has not been constituted or has not started functioning the licence shall be granted by the Director. The provision of sub-rules (i) to (viii) of this rule shall, as for as may apply to the grant of licence by the Director.

Provided that the licence fee so received will be credited towards the market development fund.

(x) The Committee may after giving the applicant an opportunity of being heard and for the reasons to be recorded in writing refuse to grant

a licence to any person who is either insolvent or otherwise disqualified under the Act, rules or Bye-Laws or whose operations in the market area is not likely to further the efficient working of the market under the control of the Committee.

(xi) The names of all licenced traders, Commission Agents, brokers, processors, exporters, importers and all other functionaries shall be entered separately in a register to be maintained for the purpose in Form C.

103. PERSONS EXEMPTED FROM TAKING LICENCE.

(i) The following persons shall be exempted from taking licence for the purchase of Agriculture produce :-

- (a) Confectioner and Purveyor of parched, fried or cooked food.
- (b) Persons using Kuhlu, provided that the number of Kuhlus installed by him in the market area is not more than two;
- (c) Hawkers having no fixed premises of business.

Provided that in the case of persons mentioned in (a) & (b) the purchase shall be made for meeting the vocational needs only of the persons concerned.

(ii) The following shall be exempted from taking a Licence for the sale of Agricultural produce.

- (a) Scheduled banks when proceeding against any Agricultural Produce belonging to a producer or a licensee to whom money has been advanced against the security of such Agricultural Produce ; and
- (b) Hawkers who do not engage in any dealing in Agricultural Produce other than such hawking ;

(iii) The following shall be exempted from taking licence for processing of Agricultural Produce, namely ;

- (a) Chakiwalas (including hullers & Pulverisors who do not make any sale or purchase of Agricultural Produce but have installed their Chakkis including hullers and Pulverisors only for grinding Agricultural Produce for consumers.
- (b) Persons engaged in hand pounding of paddy only.

(iv) Scheduled banks storing agricultural produce pledged with them by producer or a licensee to whom money has been advanced against the security of such Agricultural Produce shall be exempted from taking licence in respect of storage business ;

(v) If a dispute arises whether a person is entitled to exemption under this rule or not, the Secretary of the Board shall decide the case after giving the effected person an opportunity of being heard and his decision will be final.

EXPLANATION : For the purposes of clause (c) of sub-rule (i) Clause (b) of sub-rule (ii) of this rule, Hawker ; includes a person engaged in selling agricultural produce by means of mobile vehicle, such as Cycle Rikshaw, Rehra etc and also includes the head load vendors (pheriwala).

104. CHANGE IN THE STYLE AND MEMBERSHIP OF THE FIRM.

(a) Where a firm changes its name without any change in membership thereof an intimation thereof shall , within two weeks from the date of such change be given to the Secretary of the Committee. The Secretary of the Committee shall order necessary corrections to be made in the Licence.

(b) Notwithstanding anything contained in sub-rule (a) if the firm fails to give necessary intimation to the Secretary of the committee in the specified time, the change in the membership and the name of the firm, as the case may be, it shall be deemed to result in the constitution of a new firm necessitating the grant of a fresh licence. Nothing in this rule shall apply in the case of a licence granted to a Cooperative Society.

105. RENEWAL OF LICENCE AND ISSUE OF A DUPLICATE THEREOF:

(i) A licence shall be valid for the period for which it is issued and shall, subject to any order passed, be renewable by Competent Authority on payment of prescribed fee for the issue of such Licence. Renewal application shall be made in Form F or G.

If any area is excluded from any market area and included in another one, the licences issued for the area so excluded shall be deemed to have been issued by the Committee of the market area in which the area is included and shall be renewable by the Committee of that area.

(iii) An application for the renewal of a licence shall be made 30 days before the date on which the licence is due to expire.

Provided further that the authority competent to renew a licence may, on the applicants paying a penalty equal to the amount of annual fee, grant renewal if the application for renewal is made within 30 days after the date of expiry of due date.

Provided further that no licence shall be renewed for part of the year ;

(iv) Every renewal of a licence granted under this rule shall be deemed to take effect from the date following that on which the licence has expired.

(v) If a licence is lost, a duplicate may be issued by the authority which issued the original on payment by licensee a fee of Rs. 100.00.

(vi) Except as provided in sub-rule (iii) every application for renewal of a licence made after the expiry date shall be treated as an application for the grant of a fresh licence.

106. **Disqualification for obtaining a licence to operate as traders.**

(1) No person shall be granted a licence and no person's licence shall be renewed or continued by the Committee,

to operate as a trader in the market area unless it is satisfied after such inquiry as may be provided in the bye-laws, that the person :-

- (i) is in solvent.
- (ii) owes no outstanding or overdue debts, relating to his business to any producer or to any commission agent ; and
- (iii) has deposited with or furnished to the committee the cash security or a bank guarantee.

(2) The committee may refuse to grant or to renew a licence to a person to operate as a trader in the market area, if after such inquiry as may be provided in the bye-laws, it is satisfied that :-

- (i) his licence had been cancelled some time back and that six months have not elapsed since the date of such cancellation ;
- (ii) he has been guilty of any offence or misconduct in any regulated market ;
- (iii) he is a partner with any person to whom a licence is refused.
- (iv) he has neglected or refused to submit to, abide by and carry out any award (of the Arbitrator or Arbitrators) or decision or order of the Disputes Committee.
- (v) he has refused to fulfill trade contracts for no valid reasons or has failed to pay in due time to the committee any fine or other sum payable to it by him or has failed to deposit with or furnish to it the cash security or the bank guarantee as provided in the bye-laws.
- (vi) he has refused to submit his account books for the inspection of the committee or to the sub-committee or any of its officer authorised in that behalf or has failed to comply with any notice given or request made to attend any meeting of the committee.
- (vii) he has failed to submit the reports or returns of statement to the committee in due time in the

manner laid down in these rules and bye-laws or as may be specified in the orders of the committee.

- (viii) he is found to have set up or instigated to set up directly or indirectly any strikes against the smooth working of the market or the enforcement of the provisions of the Act, Rules, or the bye-laws.
- (xi) he has habitually violated provisions of the Act, the rules or the bye-laws or the lawful directions given by the committee.
- (x) he is found to have entered into any disreputable or fraudulent transaction with any person.
- (xi) he has not transacted with any business in the notified Agricultural commodities during the period of his licence and he is not a genuine commission agents but obtained licence only to avail of advantages accruing there-from.

107 Disqualification for obtaining licence to operate as Commission agents:

Same as rule 106 with sub-rule in tact, instead the 'term trader will be substituted by Commission agents'.

108. Licenced Weighmen, measurers (warehouse-men and such other market functionaries as may be determined by the Director of Agricultural Marketing).

(1) No person shall do business as a weighman, surveyor, warehouse man or any other market functionary in any market area except under a licence in Form D granted by the committee.

(2) Any person desiring to hold such licence shall make a written application in prescribed form and shall also pay prescribed security and licence fee. On receipt of such application with fee, the Committee may, if it finds no grounds to refuse grant him the licence applied for in Form E. On the grant of such licence the applicant shall avoid by the provision of the Act, Bye-Laws, Rules and such other conditions as are mentioned in the licence.

(3) The licence granted under sub-rule (2) shall unless cancelled or withdrawn remain in force till the end of the market year in which it has been granted.

(4) No person shall be entitled to do business as a market functionary other than that for which he holds a licence.

(5) No person who is in the service of another person or firm whether holding any licence granted by the committee or not shall be eligible to hold a

licence as weighman, measurer, broker and if any licenced broker, weighman, measurers or surveyor enters service or does business other than that for which he holds a licence, he shall be deemed to have committed a breach of the conditions of the licence.

109. **Refusal, cancellation or suspension of licence to be communicated to person concerned :-**

- (1) Whenever a committee:-
 - (a) refuses to grant a licence under sub-rule (x) of rule 102.
 - (b) or cancels or suspends a licence under the provisions of the Act, the committee shall communicate its decision or order, as the case may be to the person concerned :-
 - (i) by delivering or tendering to him personally a copy of such decision or order, as the case may be or.
 - (ii) by sending the same to him by registered post acknowledgement due.
- (2) Such decision or order, as the case may be shall be deemed to have been communicated to the person concerned on the date on which a copy of it was delivered or tendered to him personally or if refused, on the date of refusal of the same or if sent by registered post on the date it was received or refused by him.

110. **Prohibition of Brokers from acting on behalf of both the buyer and the seller :-**

- (i) No licenced broker shall act on behalf of both the buyer and the seller of agricultural produce in any transaction.
- (2) An licenced broker who commits a breach of the provisions of sub-rule (1) shall be deemed to have committed a breach of the conditions of his licence.

111. **Commission Agents etc. not to receive fee other than those specified for their service.**

No Commission Agent shall receive any fee other than what has been specified in the Act, Rules and Bye-Laws and a breach thereof shall amount to violation of the Act.

112. **Traders etc. not to solicit brokerage or charges for weighing, measuring or surveying:-**

If any trader or his servant or agent acting on his behalf with his express or implied permission solicits or receives any amount either in cash or in kind, as brokerage or charges for weighing, measuring or surveying, he shall be deemed to have committed a breach of the conditions of the licence.

113. **Keeping of books and issue of receipts etc :-**

Every market functionary operating in the market area and holding a licence from the Committee in that regard, shall as the committee may from time to time direct :-

- (i) keep and maintain such registers, documents and books in such form as may be prescribed in the bye-laws.
- (ii) issue receipts for the money and goods received under his own signature or the signature of his authorised representative and countersigned by the payer or the deliverer as the case may be or by the authorised representative of such persons in such form as may be prescribed in the bye-laws and maintain the carbon copies thereof.

114. Reports and returns by traders and Commission Agents:-

Subject to the provisions of the Act and the bye-laws every licenced trader and commission agent operating in the market area shall submit to the committee or to the Officer specified by the committee in this behalf, the reports and returns in respect of his business with such details every day or at such intervals, at such time and in such form as may be provided in the bye-laws or as may be required by the committee relating to :-

- (a) The agreement of the sales or purchases entered into :-
 - (i) in the market yard, market sub yard or market yards and sub market yards.
 - (ii) in the market and sub market or sub markets excluding market yard or sub market yards ; and
 - (iii) in the market area excluding market and sub-market or sub markets.
- (b) The Agricultural Produce given delivery of :-
 - (i) in the market yard, (sub market yard or sub market yards) and sub market, sub-yard or yards.
 - (ii) in the market and sub market or sub-markets (excluding the market yard, market sub yard or sub-yards and sub market yard or sub market yards) ;
 - (iii) in the market area excluding market and sub market or sub markets ;
- (c) The Agricultural Produce taken delivery of :-
 - (i) In the market yard, market sub yard or sub yard and sub market yard or sub market yards ;
 - (ii) In the market and sub markets or sub markets excluding market yard, market sub-yard or sub yards sub-market yard and sub market yards ; and

- (iii) in the market area excluding market and sub-market or sub-markets.
- (d) (i) The amounts due to him by any other market functionary and
 - (ii) the amounts due by him to any producer or any market functionary, and outstanding beyond the period of credit permissible under the bye-laws of the committee.
- (e) The stock of agricultural produce with him.
- (f) The market fees due from him to the committee ; and
- (g) Such other information, as may be deemed necessary by the committee for enforcing the provisions of the Act, the rules and bye-laws of the Committee.

115. Reports by Market Functionaries other than Traders and Commission Agent.

(1) Every licenced dealer, processor, presser, warehouseman, ginner importer, exporter, stockists and every other Market Functionary other than a licenced trader and a commission agent operating in the market area shall submit to the committee or to the officer specified by the committee in this behalf, such periodical returns in Form (L) showing his purchase. The committee shall maintained register in Form (L1) showing the total purchases and sales made by dealers and fees recoverable and recovered from them. The Committee shall levy fee payable under Section 21 on the basis of return furnished in Form L.

(2) If any market functionary fails to submit reports and returns as required under provisions of Act, the committee may authorise any officer to hold an enquiry. That officer shall enquire in detail giving the concerned market functionary an opportunity of being heard and submit a report to the committee regarding sufficiency or otherwise of the reason for not producing the required returns and reports and such an officer may after inspection prepare a return, on the basis of transaction appearing in the dealers accounts books, and the committee may levy a fee, or as the case may be, an additional fee, under section 21 on the basis of such return or amended return but if the account books are reported to be unreliable or as not providing sufficient material for proper preparation or amendment of the return or if no such books are maintained or produce, the officer may make a report to the committee and the committee may make assessment of the dealers business on

such information as may be available or on the basis of best judgment, and levy fee on the basis of such assessment.

- (3) In addition to the fee or additional fee levied under the sub-rule (2) The committee may recover from the defaulter penalty equal to the fee or the additional fee so levied.

(a) Habitual default in the submission of return and habitual submission of false returns shall be a significant ground for suspension or cancellation of, or refusal to renew a licence and the provision of this rule shall apply in addition to and not in derogation of any other law, panel or otherwise, applicable to non-compliance, or defective compliance with the duty imposed upon a dealer by the Act or by the Rules or by any By-law or order of a committee.

- (4) An assessment order made under sub-rule (2) shall be communicated to the assesses by means of a demand notice in Form N and a copy thereof shall be granted to the dealer on making his payment of Rs. 20/- as copying fee to the committee. Every committee shall make a register of copying fee.

- (5) The copy shall be prepared in the office of the committee and certified to be correct by the Secretary or in his absence by a person appointed in this behalf by Chairman. Such certificate shall give the date on which application was received and the copy prepared and delivered to the applicant and shall be conclusive evidence about the correctness of these dates.

- (6)(i) An appeal against the assessment order made under sub-sections (2) and (3) shall lie to the Secretary of the Board within sixty days from the date of communication of assessment order appealed against in the form of memorandum duly stamped with court fee of Rs.100/- and signed by the appellant or his duly authorised Agent and shall be presented to the Secretary of the Board or to an officer authorised by him.

Provided no appeal shall be entertained unless the appellant has deposited with the Committee concerned an amount equal to 25% of the amount of fee assessed as due from him.

In computing the period of limitation for filing an appeal, the period spent in obtaining a certified copy of the order shall be excluded.

(ii) The Secretary of the Board or an officer authorised by him after hearing the appellant and also the committee making the assessment, or if he deems necessary, after such enquiry as he thinks proper, may accept, modify or reject the assessment order appealed against.

(iii) The Secretary of the Board or an officer authorised by him may waive the whole or part of the penalty imposed under sub-rule(3) in a case where such penalty, in his judgement means undue hardship to the appellant .

(iv) The order passed by the Secretary shall be final and conclusive.

CHAPTER-XII

SALE OF AGRICULTURAL PRODUCE, METHODS OF SALE, UNIT OF PRICE QUOTATION, TRADE PRACTICES, CONTROL OVER WEIGHTS AND MEASURERS ETC.

116. Sale of Agricultural Produce :-

(i) All Agricultural Produce brought into the market for sale shall be sold by open auction in the principal or subsidiary market ;

Provided that in special circumstances, the Director may for reasons to be recorded in writing permit sale by mutual agreement ;

(ii) Nothing in the sub-rule (I) shall apply to a retail sale as may be specified in the bye-laws of the committee ;

(iii) A committee shall fix timings for the starting and closing of the auction in respect of any agricultural produce ;

(iv) The price of agricultural produce shall not be settled by secret signs or secret bid and no deduction shall be made from the highest bid received and accepted in the open auction or highest prices mutually settled ;

(v) The auction shall be conducted by the commission agent or auctioneer of the market committee in accordance with the timings fixed and instructions issued by the committee.

(vi) The highest bid offered by a purchaser at an auction sale and at which the seller of the produce has given his consent to sell his produce shall be the sale price of the produce;

(vii) The purchaser shall be considered to have thoroughly inspected the agricultural produce for which he has made a bid and he shall have no right to retract from it.

(viii) As soon as the auction for a lot is over, the employee of the committee shall fill in the relevant particulars in a book to be maintained in Form H and shall secure the signature of both the purchaser and the seller or their respective representative, whoever may be present at the spot.

(ix) A register in Form I shall be maintained in the office of the committee and all heaps of agricultural produce/boxes/other packages as shall be specified which remain unsold during the course of auction shall be entered in the register. It shall be the duty of every commission agent to report to the committee as soon as the unsold heaps or receptacles are disposed off. The purchaser shall be responsible to get the agricultural produce weighed or counted or measured, as the case may be, immediately after the auction, if necessary.

(x) A person engaged by a producer to sell agricultural produce on his behalf shall not act as a buyer either for himself or for another person except with the prior consent of the producer.

(xi) In the absence of any written agreement to the contrary, the sale price of agricultural produce purchased under these rules shall be paid by the purchaser to the commission agent on delivery of Form J.

(xii) Delivery of agricultural produce after sales shall not be made or taken unless and until the commission agent or if the seller does not employ a commission agent, the purchaser has given to the seller a sale voucher in Form J.

117. **Unit of price quotation:** The unit of price quotations in respect of sale of notified agriculture produce, livestock or products of livestock shall be the unit of metric weight or metric measure or the number specified in the bye-laws of the market committee.

118. **Trade practices** (1) The market committee shall provide facilities for direct sale between a seller and buyer in the market. The seller shall be free to sell his notified agricultural produce, livestock or products of livestock either directly or through a licensed Commission Agent or any other person licensed for the purpose.

(2) It shall be the responsibility of the buyers to take the delivery of the notified agricultural produce, livestock or products of livestock immediately after its weighment, measurement or counting as the case

may be in the market in its naked form and make payment thereof on the same day.

119. **Place of control over weighment, measurement or counting:** All the weighments, measurements, or counting, as the case may be, of the notified agricultural produce, livestock or products of livestock purchased or sold in the market and those under storage, pressing, processing or export in the notified area shall be conducted under the control of the market committee through licensed weighmen who shall render such accounts therefor as may be specified by the market committee.

Provided, Board may fix standards of net weight of agriculture produce to be filled in a packed unit such as bag, a half bag or a Palli within each notified market area and may also make rules with regard to methodology of weighment to be followed.

120. **Charging of Commission:** No commission shall be charged from the seller of agriculture produce and commission shall be charged from the buyer of agriculture produce subject to a maximum as shown against each class:-

S.No. Class Percentage of commission to be charged

- | | | |
|----|--|----|
| 1. | All fresh fruits and Vegetables | 6% |
| 2. | All dry fruits | 4% |
| 3. | All other notified commodities including livestock | 2% |

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

122. **Production of scales, measures and weights for inspection :** Every person who is granted a licence under this Act, shall on order by any person authorised by the committee or Secretary or Chief Executive Officer 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 in such place as may be required and shall allow the person authorised under rule to examine and test the same.

123. **Commission agent or buyer to pay sale proceeds to the seller promptly :** When the notified

agricultural produce, livestock or products of livestock is sold through a commission agent, he shall pay the sale proceeds of the notified agricultural produce, livestock or products of livestock from his own account to the seller on the same day of its sale after deducting actual charges payable by the latter

Provided that when any notified agricultural produce, livestock or products of livestock is sold directly by the seller to the buyer, the latter shall pay the sale proceeds to the seller immediately on the same day after the weighment, measurement or counting is done through the market committee on the basis of measurement or counting prepared by it. He shall be entitled to lift the notified agricultural produce, livestock or products of livestock only after payment of sale proceeds.

124. **Issue of sale slip :** Every commission agent shall effect payment in accordance with the sale slip (Form J) prepared and shall issue the original to the seller, duplicate to the buyer, triplicate to the office of the market committee and the fourth copy duly signed or marked with the thumb impression of the seller as having received the net amount of the sale proceeds shall be retained by the commission agent himself for a period of two years or till such time as the sale slips are audited by the officer authorised which ever is earlier.

125. **Issue of storage slips:** Where any notified commodity is brought to the commission agent to conduct its sale in the market or to transport it to other market or export or sell at a latter date, the later shall arrange for its storage on his own account pending such sale or transport thereof, and he shall issue storage slip in the manner specified in the bye-laws of the market committee.

126. **Commission agent to arrange storage facilities:** It shall be the responsibility of the commission agent to arrange for the storage of the notified commodities and its insurance against theft, fire, floods, rains or any natural calamity, if desired by the seller pending its sale in the market or export thereof, at a later date;

Provided that where a seller assembles any notified commodity in the market by direct sale, the market committee besides providing all facilities for such sale, may provide temporary storage for unsold stocks for a period not exceeding one week,

if so desired by the seller and also undertake such insurance on his behalf and recover such amounts as may from time to time, be determined ;

Provided, further that where a notified commodity is stored and not removed within a week, the said notified commodity may be dealt with as specified in the bye-laws of the market committee.

127. **Fixation of trade allowance and deductions:** (1) No licensed trader, broker or weighman shall demand, take or retain any allowance or unpaid for sample in regard to any transaction entered into in the notified area. Any person demanding, taking or retaining such allowance or unpaid for sample or in any way facilitating or conniving at the demanding , taking or retaining of such allowance shall invite action under Act, Rules and Bye-Laws.
Explanation: A sample which it is intended to pay for on weightment is not an unpaid for sample within the meaning of this rule.
- (2) No fees or contribution on account of charity shall be levied on or paid by any seller in respect of the auction sale of his notified commodity in the notified area or its storage, weightment, measurement, pressing, processing or export in the notified area.
- (3) Where a Market Committee is of the opinion that any trader or commission agent in the notified market area has made any collection in excess of what is allowed in the rules or in the bye-laws , the market committee shall by a resolution passed in a meeting, authorise any officer not below the rank of an Assistant Secretary to direct the trader or commission agent to produce before him the sale slip, the account books, relevant records and documents for inspection and to furnish any other information and to explain the contents thereof. Such records and documents shall be treated as confidential except for the purposes of any Government Department.
- (4) The Officer authorised by the market Committee in this behalf, after examination and inspection of the records and after such enquiry as may be necessary may determine the amount collected in excess or unauthorisedly on the basis of the transactions appearing in the dealer's accounts books and on the basis of enquiry made. The officer authorised shall issue a notice to the trader or commission agent concerned calling upon him to show cause within

three days from the service thereof why the said amount collected in excess or unauthorisedly shall not be recovered from him. The Market Committee after duly considering the reply thereto, if any, received from the trader or commission agent, before the expiry of the time specified in the notice, shall direct that he shall pay the excess amount collected within the period of fifteen days alongwith fine which may extend to Rs.1000/- either by crossed Demand Draft or in cash and obtain receipt thereof in token of having paid to the Market Committee the excess collection made by him.

- (5) Whoever does contravention of the provisions of the rule (1) to (4) above shall be deemed to have contravened section 40 of the Act and shall be liable to such punishment as is provided in Section 71 of the Act.

128. Registers to be kept by traders, commission agents, weighmen etc :

- (1) Every licensed trader, commission agent, ginner, presser, processor, ware houseman, importer, exporter, stockists and any other licensed person operating in the notified area shall maintain accounts in such manner and submit such reports and returns to such authority as may be specified in the bye-laws.
- (2) If any licensed person fails to send any reports or returns under this rule or if the Secretary or Chief Executive Officer or the Director considers it necessary to examine the account Books relating to the business of any such person, to satisfy himself about the correctness of any report or returns submitted by him or for any other sufficient reason, the Secretary or Chief Executive Officer or the Director, as the case may be, may direct such person to produce before him the account books and other relevant records and documents for inspection and to explain the contents thereof. Such records and documents of the licensed person shall be treated as confidential except for purposes of any Government Department.

129. Employing a Broker: (1) No person shall, in the absence of an express agreement, be bound to employ a broker in any transaction or be required to pay for a broker employed by any other party to the transaction or to pay for a broker when none is employed

(2) The same person shall not act as a broker both for the buyer and the seller of a notified

agricultural produce, livestock or products of livestock.

- 130. Market charges:** (1) No charges other than those specified by the Director by a general or special order shall be payable by the seller or the purchaser in a market.
- (2) A licensee functioning as commission agent shall not collect any amounts other than the market charges as prescribed under the provisions of the Act, the rules made thereunder or the byelaws.
- (3) Any person contravening the provisions of sub-rule (2) shall invite action under Act, Rules and Bye-Laws.

CHAPTER XIII
OTHER MANNERS OF PUBLICATION, PROCEDURE TO FRAME
BYE-LAWS, PRESERVATION OF RECORD ETC.

131. **Other manners of publication :** 1) Copies of notification issued under section 3 shall be published under the orders at the discretion of the Chairman of the Board/Director in one or more of the modes specified below :-
- (a) by publication in the regional language or in such other language and in such newspapers as in the opinion of the Chairman of the Board/Director will give due publicity among persons likely to be effected thereby.
 - (b) by affixing a copy of the notification in the regional language or in such other language as may be considered necessary by the Chairman of the Board in the Office of every Marketing Committee, Notified Area Committee, Panchayat if any, within whose Jurisdiction the notified market area or any part thereof is situated and at some conspicuous place in the existing market, if any,
 - (c) by affixing a copy of the notification in the regional language or in such other language as may be considered necessary by the Chairman of the Board/Director in the principal common meeting place, if any, of every village within the notified market area.
 - (d) by beat of drum in the villages within the notified market area.
- (2) The time of publication under clauses (a) to (c) and the time and frequency of the drum beating under clause (d) shall be determined by the Chairman of the Board.

- (3) The expenses of publication under sub-rule (1) of copies of the notification issued under section 3 shall be met from the marketing Development fund.
- 132 **Procedure to frame Bye-Laws** : (i) The market committee shall frame Bye-Laws as per the model Bye-Laws prepared by the Director and forward the same to the Director for confirmation.
- Provided where a committee is established for the first time, the Chief Executive Officer in consultation with committee incharge or Chief Executive Officer if there is no committee incharge will make Bye-Laws and forward the same to Director.
- (ii) The Director shall by notification declare its intention of enforcement of the said Bye-Laws.
- (iii) A notification under sub-rule (ii) shall state that any objection or suggestion which may be received by the Director or any other officer authorised in this behalf within a period of not less than 30 days, to be specified in the notification, shall be considered by the Director.
- (iv) After the expiry of the period specified in the notification issued under sub-rule (ii) and after considering such objections and suggestions as may be received before such expiry and making such enquiry, as may be necessary the Director may by another notification enforce the Bye-Laws.
- (v) The provisions of sub-rule (1) to (4) shall mutatis-mutandis apply regarding amendment or cancellation of rules.

- 133 **Mode of service of notice under this Act** : A notice under this Act shall be served by the standard modes of service provided in the Indian Civil Procedure Code.
- 134 **Relaxation of rules** : The Government may by general or special order and for reasons to be recorded therein relax any of the provisions of these rules.
- 135 **Preservation of records** : The following records of the Board and the Market Committee shall be preserved for the period noted against each :

<u>Description of record</u>	<u>Period</u>
Budget	5 years
General Cash Book	Permanently
Establishment bill	35 years
General bills	3 years
Balance sheet	10 years
Ledger	10 years
Register of deposits	Permanently
Application form for licences	Permanently
Other application forms	3 years

Returns of daily (Form L)	5 years after audit.
Purchases of sales/Receipt books	3 years
Register of sale & purchase of Agricultural produce	10 years.
Register of licence	10 years.
Provident fund Register	10 years or till account to which it relates are closed.
Service Books of Employees	5 years after retirement or death (which ever is earlier).
Register of proceedings of the Board or committee or sub-committee	Permanently
Register of correspondence	Permanently
Cheque Books	Permanently
Travelling allowance bills	3 years
Lease deeds	10 years from the day they cease to have effect
Security books	10 years
Treasury Challans	3 years
Imprest Account Register	3 years
Attendance Register	1 years
Movable property Register	10 years
Library Register	10 years
Demand & Collection Register	10 years
Register of stamps	3 years
Stock Register	10 years
Investment Register	Permanently
Files about the appointment, removal and dismissal of employees	35 years
The record of arrivals & prices	10 years
The record which the Board or committee may decide to preserve for more than 3 years	Such period (not more than 10 years) as may be prescribed by the Board or committee.

CHAPTER XIV

STAMP ACCOUNT, STATIONERY ACCOUNT AND PURCHASE OF BOOKS AND PERIODICALS

136. Stamp and Stationery Account:-

- a) **Stamp Account:** A register of stamp account shall be maintained in such form as may be specified by the Government either by general or special order. When any charges are incurred in a contingent bill on account of purchase of stamps for postage, the Secretary or the officer incharge in the case of subordinate offices shall, before signing the contingent bill, satisfy himself that the stamps

have been actually brought to account in the register maintained under this rule and should initial the entries in question. Care shall also be taken to see that the issue entries on account of postage are fully supported by the corresponding entries in the despatch register. The balance shall be struck in the register and verified at the end of each month by the Secretary or by the officer incharge in the case of subordinate offices, who shall certify to the verification in the register.

b). **Stationery Account:** The Market committee shall maintain the stationery account in such form as may be specified in the Bye-Laws. The purchase shall be made annually on indents duly sanctioned by the market committee and showing the stock in hand at the time, the actual consumption of the previous year and the quantity required. The issues should be acknowledged in the register by the recipients concerned. The balance, should be struck at the end of each quarter and verified with the actual stock by the Secretary, who shall certify to the verification in the register.

137. **Purchase of books and periodicals:** The market committee may purchase books, periodicals and maps relating to matters concerning the market committees' activities subject to provision in the budget for the year.

CHAPTER XV

ENGAGEMENT OF PLEADERS AND LAW CHARGES.

138. **Engagement of pleaders :** In respect of all cases leading to disputes civil or criminal, where legal advice or representation in courts is necessary, the Market Committee shall seek or entertain the services of Government Advocates, Public Prosecutors, Pleaders doing Government work or the Law officers appointed by the Government.

139. **Authority to sanction the payment of fee :** In a civil or a criminal suit where the counsel fee does not exceed Rs. 1000/- the committee shall be competent to accord sanction. However in cases where the counsel fees exceeds Rs. 1000/- the sanction of the Director shall be obtained.

CHAPTER XVI
SECRETARY OF MARKET COMMITTEE
AND
OTHER STAFF.

140. **CONSTITUTION:** (a) The service of the Secretaries to the market committee shall consist of the following two classes, namely class I and class II

(b) Class I shall consist of the posts of Secretaries of the following grades namely

(i) Selection grade Secretary to be appointed for A class market committee.

(ii) Special grade Secretary to be appointed for a B class market

The pay scale of selection grade Secretary and Special grade Secretary shall correspond with Deputy Director and Assistant Director/Area Marketing Officer of Marketing Department.

Explanation : In a market where both the grades of Secretaries are placed the special grade Secretary may be designated as Secretary II or Deputy Secretary.

(c) Class II shall consist of the posts of Secretaries of the following grades namely:

(i) Secretary Grade I to be appointed for a C class market

(ii) Secretary Grade II or Assistant Secretary to be appointed for a D class market

The pay scale of the Secretary Grade I and II shall correspond with Assistant Grading and Marketing Officer and Marketing Inspector of Agriculture Marketing Department.

Explanation : In computing this income, the average annual income of the market committee for preceding three years shall be taken into account.

Provided where a committee is established for the first time such computation of the income shall be made by the Director on the basis of Market Intelligence of the said market for preceding three years.

141 **Constitution of other staff :**The other staff of the market committee may include, Market Supervisor, office Superintendent, Market Inspectors, Auction Supervisor, Clerical staff including Accounts Clerk Electrician, Plumber, Security Man, Chowkidar and Peon etc. The requirement of staff for a market committee shall be determined after it comes into being. However, the strength of the employees for a market committee, the service

conditions including salaries and allowances etc. shall be sanctioned by the Government from time to time on the recommendation of Director.

Provided that while a market committee is established for the first time, the Government (in case of gazetted employees) and Director (in case of non-gazetted employees) may make deputation of such number of employees of marketing department to such a market as is felt necessary for successful functioning of the APMC. The staff of the market committee shall be paid from the income of the APMC.

Provided further the APMC may recruit its own fourth class employees as per the requirements to be determined by a special majority and confirmed by the Director.

CHAPTER -XVII

STATE AGRICULTURAL MARKETING BOARD CONSTITUTION FUNCTION & POWERS

142. CONSTITUTION OF BOARD

- (i) The Board will be headed by a Chairman which will be nominated by the Government and the Director Agricultural Marketing will be member Secretary to the Board.
- (ii) For the purposes of enabling the Government to appoint non-official members (Agriculturist) under sub-clause (1) of Section 48, the Director Agriculture Marketing shall submit a panel of two names from each market committee to the Government.
- (iii) For the appointment of two non-official members (trader) on the Board under Sub- clause 1 of Section 48 the Director of Agricultural Marketing shall submit a panel of two names from each market to the Government.
- (iv) The panel of names received under clause(ii) & (iii) of sub-rule (1) shall not be binding upon the Government.
- (v) The casual vacancies among non-official members of the Board shall be filled by calling a panel of names in the manner indicated in sub-rule (ii & iii) consisting of such number as the Government may be each case direct.

- (vi) The term of office of non-official members shall commence from the date on which the appointment is notified in the official Gazette.

143. FUNCTIONS AND POWERS OF CHAIRMAN OF THE BOARD:-

The Chairman of the Board shall ,

- (a) be responsible for the efficient administration of Organisation and to carryout the provisions of the Act and the provision of these rules and to excise general control over the employees of the Board and those of the committees
- (b) be responsible for the preparation of the annual budget for the board.
- (c) preside over the meetings of the Board ;

144. MATTERS ON WHICH BOARD MAY FRAME BYE-LAWS: In addition to the matters specified in Section (94) of the act, the board may frame bye-laws regulating:-

- (a) better marketing of Agricultural Produce and Marketing of Agricultural Produce on Cooperative lines ;
- (b) the grading and standardization of Agricultural Produce ;
- (c) the general improvement in the markets or their respective notified market areas.
- (d) the incurring of expenditure on the construction and repair of the Link Roads and approach roads out of the market committee funds ;
- (e) the maintenance and regulation of rest-houses, staff quarters and other buildings of the Board ;
- (f) the procedure for giving aid to financially week committees.
- (g) the allowances payable to the members of the Boards or Advisory Committees.
- (h) propaganda, demonstration, publicity and education for improvement of Agricultural marketing.
- (i) the person or persons by whom and the manner in which a contract may be entered on behalf of the Board ; and
- (j) any other purpose which in the opinion of the Board or the Committees or to lead to improvement of Marketing and Agriculture in general.

145. BUDGET OF THE BOARD AND COMMITTEES :

The Board shall meet not later then first week of Feb. every year to finalize the budget for the next financial year.

- (1) The Budget finalized by the Board shall be submitted to the State Government not later than the last week

of Feb. proceeding the year to which the budget relates.

- (2) No expenditure shall be incurred by the Board unless there is a provision in the budget to meet the same.
- (3) The Board may re-appropriate any amount under the head of Account to another without prior approval of the State Government.
- (4) The provisions of sub-rules (1), (2) and (3) shall as for as may be apply to the preparation, finalization and submission for sanction of the budget of the committee.

Provided that the budget in the case of Committee shall be submitted for sanction to the Chairman of the Board if it is not received back within two months of the date of despatch by the Committee, shall be presumed to have been sanctioned.

146. PUBLICATION OF NAMES OF THE ELECTED MEMBERS OF THE BOARD:-

The Director of Agricultural Marketing shall, by notification publish the names of all the members elected to the Board.

FORM 1.
(See Rule 5(5))

**NOTICE OF PUBLICATION OF PRELIMINARY VOTERS
LIST**

To

The voters of theconstituency.

Notice is hereby given that the voters list has been prepared in accordance with the Jammu and Kashmir Agricultural Produce Marketing Rule 1999, and a copy thereof is available for inspection at my Office, and atduring office hours.

If there be any claim for the inclusion of a name in the voters list or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged on or before the199.....in form 2, 3 or 4 as may be appropriate.

Every such claim or objection should either be presented in my office toor sent by post to the address given below so as to reach me not later than the aforesaid date.

Deputy Commissioner
Authorised Officer
Address

Dated.

FORM 2
SEC RULE 5 (7) (a)

CLAIM APPLICATION FOR INCLUSION OF NAME

To

The Deputy Commissioner/Authorised Officer,

.....Constituency.

Sir,

I request that my name be included in the voters list for the above constituency in part No :.....relating to

My name (in full).....

My father/Mothers/Husbands name.....

particulars of the Agricultural Land cultivated by me are :-

Survey/Sub-division of

Survey No. of the land.....

Village.....

District.....

I hereby declare that to the best of my knowledge and belief :-

i) that I am an occupant/tenant cultivating the Agricultural land indicated above ;

ii) that my age is.

iii) that I have not applied for the inclusion of my name in the voters list for this or any other constituency.

That my name may have been included in the voters list for the.....constituency inand if so, I request that the same may be excluded from voters list :-

Place

Date

Signature or thumb
Impression of claimant.

I am a voter included in the voters list of the same part in which the claimant has applied for inclusion viz part No:.....relating to.....My serial number therein isI support this claim and countersign it.....

Signature of the voter,
Name (in full).....

FORM 3
Sec Rule 5 (7) (b)(i)

OBJECTION TO INCLUSION OF NAME

To

The Deputy Commissioner/Authorised Officer,
.....Constituency.

Sir,

I object to the inclusion of the name of at
serial NO:.....in part.....of the Voters list for
the following reasons :-

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

I hereby declare that the facts mentioned above are true to the
best of my knowledge and belief.

My name has been included in the voters list for this
constituency as follows :-

Name in full.....
Serial No.....
Part No.....

Signature /thumb impression
of objector, (full postal address)
.....

Dated.....

I am a voter included in the same part of the voters list in which
the same is objected to appear, viz, part No:.....relating toI
support this objection and countersign it.

Signature of the voter,
Name in full

FORM 4
Sec Rule 5 (7) (c)(i)

OBJECTION TO PARTICULARS IN AN ENTRY

To

The Deputy Commissioner/Authorised Officer,

.....Constituency.

Sir,

I submit that the entry relating to myself which appears at serial
No:.....in part..... of the voters list as
.....is not correct, it should be corrected to read as
follows :-

.....

.....

Signature or thumb
impression of the voter.

Place
Dated.

FORM 5
(See Rule 5 (9))

LIST OF CLAIMS

Date of receipt	Serial Number	Name of claimant	Name of father husband/mother	Survey No. or / Sub-Div. of	Name of village/and Tehsil in which land is situated	Date, time, place of hearing
1	2	3	4	5	6	7

FORM 6
(See Rule 5 (9) (a))

LIST OF OBJECTIONS TO INCLUSION OF NAMES

Date of receipt	Serial Number	Full name of objector	Particulars of name objected to			Reasons in brief for objection	Date, time and place of hearing
			Part No.	Sr. NO	Name in full		
1	2	3	4	5	6	7	8

FORM 7
(See Rule 5 (9))

LIST OF OBJECTIONS TO PARTICULARS IN ENTERIES

Date of receipt	Serial Number	Name in full of voter objecting	Part No. and serial No. of entry	Nature of objection	Date, time and place of hearing
1	2	3	4	5	6

FORM 8
Sec Rule 5 (12) (b) (i)
Duplicate
(Office Copy)

NOTICE OF HEARING OF A CLAIM

To

(Full name and address.....)

.....of claimant.

Reference :- Claim No:.....

Take notice that your claim for the inclusion of your name in the voters list will be heard at(place) at..... o'clock on theday of199..... you are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....

Dated.....

Deputy Commissioner/
Authorised Officer.

FORM 8
(Sec Rule 5 (12) (b) (i)
Original
(to be served on the claimant)

NOTICE OF HEARING OF A CLAIM

To

(Full name and address of claimant).....
..... of claimant.

Reference :- Claim No:.....

Take notice that your claim for the inclusion of your name in the voters list will be heard at(place).....ato'clock on theday199.....you are directed to present at the hearing with such evidence as you may like to adduce.

Place....

Dated.....

Deputy Commissioner/
Authorised Officer.

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing

Date.....

Claimant.....

Certified that the notice on the claimant has been duly served by me
this.....day of.....on (name)
personally/by affixation on residence.

Place.....

Dated.....

Serving Officer

N.B. :- If this notice is served by post, attach the receipt here.

FORM 9
(Sec Rule 5 (12) (b) (ii))
Duplicate
(office copy)

NOTICE TO THE OBJECTOR

To

(Full Name and address of objector.....)

Reference :- Claim No:.....

Take notice that your objection to the inclusion of the name ofwill be heard at(place).....O'Clock on theday of199.....You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....

Date.....

Dy. Commissioner/
Authorised Officer.

FORM 9
(Sec Rule 5 (12) (b) (ii)
(To be served to the objector)
NOTICE TO THE OBJECTOR
Original

To be served on the objector

To

(Full name and address of objector).....

.....

Reference :- Claim No:.....

Take notice that your objections to the inclusion of the name of
.....will be heard at(place) at.....O' Clock on theday of
.....199.....You are directed to be present at he hearing with such evidence as
you may like to adduce.

Place.....

Dated.....

Dy. Commissioner/
Authorised Officer.

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing.

Date.....

Objector.....

Certified that the notice on the objector has been duly served by this
.....day ofon (Name).....
.....personally by affixation on residence.....

Place

Dated.....

Serving Officer

N.B.:- If this notice is served by post, attach the receipt here.

FORM 10
[Sec Rule 5 (12) (b) (ii)]

ORIGINAL
(Office Copy)

(To be served on the person objected to)

To
(Full name and address of person objected to)

Reference :- Objection No:.....

Take notice that the objection to the inclusion of your name at
Serial No:in partof the Voters list for
constituency filled by.

(Full name and address of objector)

Will be heard at(place).....O'Clock) on the.....day of199you
are directed to be present at the hearing with such evidence as you may like to
adduce. The grounds of objection (in brief) are :-

- (a)
- (b)
- (c)

Place.....

Dated.....

Deputy Commissioner/
Authorised Officer

FORM 10
(Sec Rule 5 (12) (b) (ii)
Duplicate
(To be served on the person objected to)

To
(Full name and address of person objected to)

Reference :- Objection No:.....

Take notice that the objection to the inclusion of your name at Serial No:.....in part.....of the Voters list for..... constituency filled by.

(Full name and address of objector).....

Will be heard at(place).....O'Clock) on theday of199you are directed to be present at the hearing with such evidence as you may like to adduce. The grounds of objection (in brief) are :-

- (a)
- (b)
- (c)

Place.....

Dated.....

Deputy Commissioner/
Authorised Officer

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing

Date.....

Person objection to Objector :-

Certified that the notice on the person the entry relating to whose name has been objected to has been duly served by me thisday ofon (name).....personally/by affixation on residence.

Place.....

Date.....

Serving Officer.

N.B. :- If this notice is served by post, attach the receipt here.

FORM 11
[Sec Rule 5 (12) (b) (iii)]
Duplicate
Office Copy

***NOTICE OF HEARING OF AN OBJECTION TO PARTICULARS
IN AN ENTRY.***

To

(Full name and address of objector)

Reference :- Objection No:.....

Take notice that your objection to certain particulars in the entry relating to you will be heard at(place) atO'Clock on the..... day of199.....You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....

Dated.....

Deputy Commissioner/
Authorised Officer

FORM 11
[Sec Rule 5 (12) (b) (iii)]
(Original)

NOTICE OF HEARING OF AN OBJECTION TO PARTICULARS IN AN ENTRY.

To

(Full name and address of objector)

Reference :- Objection No:.....

Take notice that your objection to certain particulars in the entry relating to you will be heard at(place) atO'Clock on theday of199.....You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....

Dated.....

Deputy Commissioner/
Authorised Officer

CERTIFICATE OF SERVICE OF NOTICE

Received notice of the date of hearing

Date.....
objector.....

Certified that the notice on the objector has been duly served
me this.....day ofon
(name).....personally/by affixation on residence.

Serving Officer

Place....

Dated.....

N.B.:- If the notice is served by post, attach the receipt here.

FORM 12
[Sec Rule (5-15) (a) (ii)]

NOTICE OF FINAL PUBLICATION OF VOTERS LIST

It is hereby notified for public information that the list of amendments to the draft voters list for the..... Constituency has been prepared in accordance with the J&K Agricultural Produce Marketing (Regulation) Rules, 1998 and a copy of the said list together with the said list of amendments has been published and will be available for inspection at my Office.

Deputy Commissioner/
Authorised Officer

Address.....

Place.....

Dated.....

FORM 13
(Sec Rule 5A (3) (a))

APPLICATION FOR DELETION OF ENTRY IN VOTERS LIST

To

The Deputy Commissioner/Authorised Officer,

.....Constituency.

Sir,

I submit that the entry at serial No:in part No:..... of the voters list for the above mentioned Constituency relating to Shri/Smt.....Son/Wife/daughter ofrequires to be deleted of the said person is dead/is no longer an Agriculturist in this locality/is not entitled to be registered in the voters list for the following reasons :-

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

I hereby declare that the facts mentioned are true to the best of my knowledge and belief.

I declare that I am a voter of this Constituency being enrolled at Serial No:in part No..... of the list.

Signature/thumb impression of objector
(Full postal address).....

Place.....

Dated.....

FORM 14
[Sec Rule 58 (3)]

***APPLICATION FOR INCLUSION OF NAME IN THE VOTERS LIST FOR
A TRADERS CONSTITUENCY/COMMISSION AGENTS CONSTITUENCY***

To

The Deputy Commissioner/Authorised Officer,
.....Constituency.

Sir,

I am A Class/B Class/ C Class--Trader /Commission Agent licenced as such by the Market Committee. My licence No: is which was issued by the Market Committee..... on I am therefore entitled to be registered as a voter in the traders Constituency/Commission Agents Constituency in the voters list thereof.

My address is

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

Yours faithfully,

FORM 15
(Sec Rule 8 (i))

NOMINATION PAPER

1. Name of the constituency
2. Full name of candidate.
3. Number of candidate in the list of voters,
4. Fathers/Husband's name.
5. Age.
6. Sex.
7. Occupation and address
8. Full name of proposer
9. Number of proposer in the list of voters
10. Signature of the proposer.

Candidate's Declaration

I declare that I am willing to stand for election.

Signature of candidate

Certificate of delivery by the Returning Officer.

Serial No:.....

This nomination paper was delivered to me by at was on

Signature of the
Returning Officer

Instruction : Nomination papers which are not presented to the Returning Officer by one.....was on the day of.....199 ...shall be received.

FORM 16
(Sec Rule 10)

LIST OF NOMINATION RECEIVED FOR..... CONSTITUENCY

Serial No.	Name of candidate	Name of Husband/ Father.	Sex	Occupation and address	Name of proposer
1	2	3	4	5	6

Note :- The nomination papers shall be taken up for scrutiny at
A.M./P.M.The.....day of 199.....

Signature of the
Returning Officer

FORM 17
[Sec Rule 13 (2)]

LIST OF VALID NOMINATIONS

S.No.	Name of candidate	Sex	Address
1	2	3	4

Note :- The poll shall be taken between..... and at the Polling Stations already notified.

Signature of the
Returning Officer.

FORM 18
(Sec Rule 16)

Counterfoil voting paper No.	Foil voting paper No.			
	Sr. No.	Candidate's Name	Candidate's Symbol	Voters Mark
	1.			
	2.			
	3.			
	4.			
Voters No. on the list of voters.	5.			
	6.			
Voters signature or mark.				

Please read this carefully before recording your vote (s)

- 1) You havevote (s)
- 2) Each vote is to be shown by cross mark "X"
- 3) You may give one vote to one candidate.

FORM 19
[Sec Rule 21 (1)]

*Appointment for Polling Agent

Election to the _____

I.....a candidate/the election agent
of.....who is a candidate at the above election do hereby
appoint.....of..... as a polling agent to attend polling
station No:.....as place fixed for the poll

Place
Dated

Signature of candidate/
Election Agent

Signature of Polling Agent.

Date:-

Signed before me

Date:-

Presiding Officer

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.

Signature of Polling Agent.

Presiding Officer

* To be handedover to the Polling Agent for production at the Polling
Station or at the place fixed fro the poll.

** Here insert one of the following alternative as may appropriate :-

1. Agriculturists constituency No.....
2. Traders Constituency.
3. Commission Agent Constituency.

FORM 20
[Sec Rule 25 (2)]

TENDERED VOTERS LIST

Election to the* from the.....

.....Constituency.....

Number and Name of Polling Station.....

Part number Serial No. name of elector	Address of elector	Sr. No. of tendered ballot paper.	Sr. No. of ballot paper issued to Whom has already voted	Signature or thumb and impression of person tendering vote.
---	-------------------------------	--	---	--

Dated.....

Signature of Presiding Officer

* Appropriate particulars of the election to be inserted here.

FORM 21
[See Rule 26 (2)(C)]

LIST OF CHALLENGED VOTES

Election to thefrom theConstituency

Polling Station.....

Sr.NO. of entry	Name of elector	Sr. No. of part of roll	Electors name in that part	Signature or thumb impression of the person challenged	Address of the person challenged	Name of identifier if any	Name of challenger	Order of Presiding Officer	Signature of Challenger on receiving funds of deposit
1	2	3	4	5	6	7	8	9	10

Date

Signature of the Presiding Officer

* Appropriate particulars of the election to be inserted here.

FROM 22
(Sec Rule 30)

BALLOT PAPERS ACCOUNT

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

No. and name of the polling station.....

1.	Ballot Papers received	Serial Number	Total Number.
2.	Ballot Papers not used
3.	Ballot Papers issued to voters.....
4.	Ballot Papers cancelled
5.	No. of tendered votes cast at the Polling Station

Date.

Signature of Presiding Officer

FORM 23
(Sec Rule 35 (4))

RECORD OF BALLOT PAPERS IN THE BOX

Name of the polling station.	No. of ballot boxes.	No. of ballot papers in the box.

Signature of the Returning Officer.

FORM 24
(Sec Rule 37 (1))

RETURN SHOWING RESULTS OF THE ELECTION FOR SEATS IN THE MARKET COMMITTEE AT

Name of candidates votes	Number of valid votes
-------------------------------------	----------------------------------

- A
- B
- C
- D
- E

Total Number of valid votes
Total number of invalid votes

I do hereby that the candidates mentioned below have been duly elected for theConstituency of theMarket Committee noted against them.

- 1
- 2
- 3
- 4

Signature of the Returning Officer.

FORM 25
[Sec Rule 44 (ii)]
AGRICULTURE PRODUCE MARKET COMMITTEE
Election for the office of the Chairman/Vice-Chairman

Counter-foil

Serial Number of the ballot	Sr. No. of the candidate	Name of the candidate	Voter's mark.
1			
2			
3			
4			

Instruction of Electors

1. You have only one vote.
2. Place a cross mark 'X' clearly opposite to the name of the candidates to whom you wish to give the vote.
3. You must not vote for more than one candidate.
4. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.

FORM 26
(Sec Rule 44 (ii))

RETURN OF ELECTION

**Election to the office of the Chairman/Vice Chairman of
the..... Agricultural Produce Market Committee**

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

Total number of valid votes polled.....

Total number of rejected votes.....

I declare that :-

.....(Name)
of(Address) has been duly elected as the Chairman/Vice
Chairman.

Presiding Officer

Place

Date

FORM 27
[See Rule 49 (i)]

FORM OF NOTICE OF MOTION OF NO CONFIDENCE

To

The Secretary of the Market Committee,

.....

Dear sir,

I/We.....Member/Members of the Market Committeeintend to move a motion of no confidence against the Chairman/Vice Chairman.....for the following reasons.

I/we declare that the fact/facts stated above is/are true to the best of my/our information and knowledge.

We support the above notice.

(Signature/s)

.....

.....

FORM 28

(See Rule 88)

Market Committee

Register of Remittances made to the Treasury or Bank.

Date	Reference to folio number in office cash book	On what account (nature of the tax or particulars of the amount shall be furnished	Head of credit in the Treasury Account.	Amount Rs.	Signature of the Ps. Treasurer	Signature of the Remittance Officer I/C of the Treasury of Bank
1	2	3	4	5	6	7

FORM 29 A
[See Rule 90(1)]

BUDGET ESTIMATES OF
THE.....MARKET COMMITTEE FOR
THE YEAR.....

INCOME

1. Serial No.
2. Items
3. Average income for the last three years.
4. Actual income of the previous year.
5. Sanctioned Budget estimates for the previous year.
6. Actual income for 9 months.
7. Estimates income for 3 months.
8. Estimates total for the year.
9. Estimated income of Market Committee for the year.
10. Income estimated by Director of Agricultural Marketing for the year.
11. Explanatory note of Market Committee.
12. Reference to explanatory note of sanctioned budget.

Licenses fee :-

- I "A" class traders.
- "B" class traders.
- "C" class traders.
- "D" class traders.

II. Commission Agents

III. Brokers.

IV. Others :-

- 1) Cartman.
- 2) Hamals.
- 3) Procession
- 4) Truck owners.
- 5).....
- 6).....

V. Market fees at % on a likely turnover of
Rs. Lakhs.

Total I to V _____

- VI. Registration fee
- VII. Sale of Books and Forms.
- VIII. Miscellaneous :-
 - 1) Interest on deposits.
 - 2) Income from property
 - 3)
 - 4)
 - 5)
- IX. Grand total :

FORM 29 A (P-2)

EXPENDITURE

13. Serial Number
 14. Item.
 15. Average expenditure for the last three years.
 16. Actual expenditure for the previous year.
 17. Sanctioned Budget Estimate for the previous year.
 18. Actual expenditure for nine months.
 19. Estimated expenditure for three months.
 20. Estimated total expenditure.
 21. Estimated expenditure of Market Committee for the year.
 22. Estimated expenditure of Director of Agri. ; Marketing.
 23. Reference to Budget Notes of Market Committee.
 24. Reference to supplementary note of sanctioned Budget.
- I. Contributions :-
- 1) To be consolidated fund of the State at % of Gross Receipts.
 - 2) Contributions to State Marketing Board at 5% of receipts.
- Total.....
- II. Establishment :-
- a) Pay
 - b) D.A.
 - c) H.R.A.
 - d) Other allowances (as detailed in statement enclosed)
- Total.....
- III. Travelling Allowance :-
- 1) To members.
 - 2) To staff.....
- Total:.....
- IV. Printing and Stationery.
- V. Contingency.
- VI. Propaganda.

VII. Postage and Telegram charges.

VIII. Advertisement.

IX. Distinguished visitors

X. Rent, Rates and Taxes.

XI. Uniform Dresses.

XII. Attending to conferences etc.

XIII. Jeep expenses :-

a) Repairs.

b) Petrol.

Total :-

XIV. Maintenance of buildings, etc.

XV. Other items

a)

b)

c)

d)

Total :

Likely surplus :

Grand Total :

FORM 29 B
[See Rule 90 (1)]

Permanent Budget of theMarket Committee
for the year.....

I. Permanent Fund as it stood on 30.06.19	Rs.	PS	Details of proposed Expenditure.
II. Government Loan if any			I. On dead stock
III. Probable surplus.			II. Acquisition (details to be furnished) III. Development of the Market yard (Details to be furnished).
IV. Less amount already sanctioned but not still spent			IV. Buildings (Details to be furnished).

Items Amount sanctioned

- a)
- b)
- c)
- d)

- V. Other items if any.
- a) _____
 - b) _____
 - c) _____

Balance available expenditure.

Net balance
carried over. _____

Secretary

Chairman.

FORM 30
[See Rule 90 (3) (a)]

STATEMENT SHOWING DETAILS OF THE ESTABLISHMENT FOR THE YEAR 199.....
Name of present incumbents of the posts and their pay and allowances on the first April of the current year.

Sr. No.	Head of Account A/C	Designation of the posts	No. of posts sanctioned	No. & dt. of Govt. order or other authority	Scale of pay of the posts	Name incumbent	Pay on the Ist of April to be specified	D.A.	Other allowance during the ensuing year.	Total anticipated expenditure under the H/O A/C sanctioning the posts
1	2	3	4	5	6	7	8	9	10	11

FORM 31
(See Rule 90 (3) (b))

STATEMENT SHOWING DETAILS OF THE PUBLIC WORKS TO BE EXECUTED DURING THE ENSUING YEAR.

Sr. No.	Head of Account	Name or description	No. & Date of Govt. order or authority sanctioned the work	Amount of sanctioned estimate	Quality incurred on the work so far	Quality proposed to be incurred on the work during the ensuing year	Remarks
1	2	3	4	5	6	7	8

FORM 32
[See Rule 90 (3) (c)]

DETAILS OF LAON SANCTIONED TO THE MARKET COMMITTEE

Sr. No.	No. & dt. order sanctioning authority	Purpose for which the loan was sanctioned	Amount of loan	Amount of loan by the Market Committee			Overdue amount of loan and interest to be repaid if any		
				Amount repaid	Dt. Of interest	No. of draw	Rate of installment in which the loan is to be repaid and period of each installment	Overdue amount	Amount of interest of loan to be overdue
1	2	3	4	5	6	7	8	9	10

ABSTRACT

1. Total amount of loan raised by the Market Committee as on 1st April.
2. Amount of loan repayments due to be made during the budget year.
3. Amounts of interest on loans due to be paid during the budget year

FORM 33
[See Rule 90 (3) (d)]

CONTRIBUTION AND OTHER DUES PAYABLE TO GOVERNMENT
DEPARTMENT BY THE MARKET COMMITTEE DURING THE ENSUING YEAR.

S.NO.	Details of contribution or other dues payable to Government	Amount payable	Number & date of bill or letter in which payment of the contribution or other dues to Government has been urged.	Head of account under which provision for payment of the contribution or other dues has been made	Remarks
1	2	3	4	5	6

FORM 34
[See Rule 93]

ANNUAL REPORT

1. Introduction
2. Market area Regulated Commodities.
3. Rainfall and acreage under cultivation.
4. Licensed Operators - Licence fee (5 years)
5. Arrivals and Valuation - Monthly figures of important Commodities (5 years).
6. Annual Turnover (5 years).
7. Market fee - rate - income (5 years)
8. Market prices - monthly - most common prices.
9. Oil mills and other processing concerns ; their annual turnover.
10. Sales through Cooperative Societies ratio with total turnover.
11. Marketing of goods.
12. Movements of goods.
13. Exports.
14. Method of sale .
15. Agreements.
16. Additional Commodities to be regulated.
17. Extension of market area.
18. Sale yards.
19. Arrivals and sales in sub-yards.
20. Village sales and propaganda.
21. Exhibitions and stalls.
22. Court cases.
23. Cancellation of licences.
24. Disputes.
25. Amendments to Bye-laws.
26. Meetings.
27. Elections.
28. Audit of accounts.
29. Distinguished visitors.
30. Conclusion.

FORM 35
[Rule 98(3) (a)]

Market Committee.....

Central Receipt.

Book No.

Receipt No.....

Date.....

Received from.....a sum of Rs.....
.....(Rupees..... and paise(in words).. on account of
.....

Signature of the Secretary.

FORM 36.
(See Rule 76 (4))

No:

THE AGRICULTURE PRODUCE MARKET COMMITTEE.....

As per Rule 76 (4) of the J&K Agricultural Produce Marketing
(Regulation) Rule 1998 ShriSon of
.....residing in place.....
.Tehsil.....District.....is hereby licensed as a

*Trader	Importer
Commission	Ginner
Agent	
Broker	Crusher
Processor	Stockist
Exporter.	Retail trader.

for the market year ending 30th June 19.....subject to the conditions laid down in the Act, Rules and Bye-laws and such other conditions as may be laid down by the Committee and the terms of agreement executed under sub-rule (4) of Rule 76.

Secretary

Chairman

Seal

Date

*(strike out which is not required)

FORM 37
(See Rule 79 (2))

No.....

THE AGRICULTURE PRODUCE MARKET COMMITTEE

As per rule 79 (2) of the J&K Agricultural Produce Marketing (Regulation) Rules 1998 Shri..... Son of Resident of Place..... Tehsil..... District..... is hereby licensed as a weighmen/Measure/Warehouseman/Lorry owner/Cartman for the Market year ending 30th June, 199..... subject to the conditions laid down by the Committee and the terms of agreement executed under sub-rule (2) of Rule 79.

Secretary

Chairman

Seal :

Date

- (Strike out which is not required)

FORM A
[SEE RULE 102- (i)]

APPLICATION FOR LICENCE CATEGORY
A, B, C, D, E & F.

To

The Secretary,
Market Committee.

Sir,

The particulars of my business are given below :-

1. Name of the applicant with full address.....
2. Place of business for which licence is applied for (give the name or number of the building and the name or number of street or other description sufficient to identify the premises).....
3. If the applicant is a firm, is it a Hindu-Joint-family Firm, or otherwise constituted and has it been registered or not ?.....
4. If the applicant is a firm, give the name of all persons constituting the firm with parentage, residence and address.....

S.No.	Name	Father's/Husband's Name	Full Address
1	2	3	4

5. Name of the Managing proprietor or Manager of the Firm.....
6. Name of other trade Assistants of the applicant Firm.....
7. Name and style under which the applicant will work.....
8. Has the applicant or, where the applicant is a firm, has any member thereof, single or in collaboration with any body else been granted a dealer's licence in any market area in the state of J&K and has such licence been suspended or cancelled ?
If so, when for what period and for what reasons ?.....
9. Category of licence applied for :

- | | | | |
|-----|---|-----|---|
| (1) | A | (4) | D |
| (2) | B | (5) | E |
| (3) | C | (6) | F |

10. Has the applicant or any of his partners been declared insolvent

in the past ? If so, has the insolvency been discharged ?.....

11. Has the applicant or any partners been convicted of any offences relating to his business in the past two years ? If so, nature of offence and the punishment awarded.

.....

Certified that the facts set out in the application are true to best of my knowledge. I undertake to abide by the provision of the J&K Agricultural produce Marketing (Regulation) Act, 1997 and the rules and Bye-Laws and conditions of the licence made thereunder :

I shall be responsible for all acts of my employees. It is requested that a licence of category----- may kindly be granted to me

Signature of the Applicant.

To be filled in by the office of the committee

<u>Particulars of deposit</u>	<u>No. of receipt</u>	<u>Date of receipt</u>	<u>Page No. of cash book where the entry made</u>
1	2	3	4

Licence fee

Security

**Accountant
Marketing Committee**

Report of Secretary of Market Committee

The grant of licence is recommended ; or
The grant of licence is recommended for the following reasons.

FROM B
(See rule 102-vii)

FORM OF LICENCE FOR CATEGORY
A, B, C, D,E & F.

Market area.....S.No. licence.....

This licence is granted to M/s
subject to conditions prescribed hereunder.

1. Place of business for which licence is granted.....
2. Name of the Managing Proprietor or Manager of the Firm with
parentage.....
3. Date from which the licence takes effect
4. Date on which the licence expires.....
5. Category of the licence granted.....

1. A
2. B
3. C
4. D
5. E
6. F

Place :
Date :

Secretary/Chief Executive Officer
Market Committee
(Seal of Market Committee)

Conditions of Licencee

1. The licensee shall comply with the provisions of the J&K Agricultural Produce Marketing (Regulation) Act, 1997 and rules and byelaws framed thereunder and instructions issued from time to time.
2. He shall not permit evasion or infringement of any of the provisions of the act, the rules and bye-laws and shall report in writing to the Market Committee any evasion or breach which comes to his knowledge.
3. He shall produce for inspection his licence, on demand, to the Director or any other officer authorised by him in this behalf or the Secretary of the Committee against a receipt to be given to the licensee in this connection.
4. He shall conduct his business honestly and properly according to principles of fair dealing .
5. He shall display his licence at a conspicuous place in his business premises.
6. He shall keep his business premises clean and in a suitable condition for storage of agricultural produce.
7. He shall not boycott or encourage boycott of any other licensee.

8. He shall not indulge in activities and practices which are detrimental to the interest of the trade and proper functioning of the market.
9. He shall not take or continue in his service any licensed weighman, measurer, surveyor or palledar.
10. He shall be responsible for the safe custody and protection of agricultural produce brought to his shop for sale or storage.
11. He shall not form a pool or combination with other buyers for eliminating competition and shall not make or abet an attempt to do so in order to deprive the seller of a fair price of his produce.
12. He shall, on the expiry or soon after termination of the licence, surrender the same to the committee.
13. He shall, when desired by the committee or any officer authorised by it furnish correct information on the matters pertaining to his business relating to sales, purchase storage, processing and transfer of agricultural produce.
14. The security shall be liable to be forfeited in full by the licencing authority in case the licensee makes a breach of any condition of licence.

FORM C
[See Rule 102-xi]

REGISTER OF LICENCES OF CATEGORY A,B,C,D,E,F,G,H,I,J,K, & L.

1. Notified market area
2. Name of the Firm
3. Address of the premises
4. Name of the Managing Proprietor
or Manager with parentage
5. Licence No.
6. Nature of licence
7. Vehicle No.
8. Name of partners.

Serial No.	Name	Father's Name	Address	Date of Entry
1	2	3	4	5
Date from which the licence takes effect	Date on which the licence expires	Receipt No. received	Signature of issuing authorised with designation.	Remarks
6	7	8	9	10

FORM D
(See Rule 102-i)

APPLICATION FOR LICENCE UNDER CATEGORY G,H,I,J,K, & L

To,

The Secretary,
Market Committee

Sir,

The particulars of my business are given below :-

1. Name of the applicant with parentage, residence and address in full.....
2. Name or style under which the applicant will conduct his business.....
3. Does the applicant wish to be licenced as weighman/measurer/surveyer/(any other market functionary).....
4. Has the licence, if any granted previously to the applicant or if the applicant is a firm, to any member thereof, singly or in collaboration with any body else, for working as weigh man, measurer,surveyor,palledar in any notified market been cancelled ? If so, where, when, for what period and for what reasons ?-----

Certified that the facts set out in the application are true to the best of my knowledge. I undertake to avoid by the provisions of the J&K Agricultural Produce Marketing (Regulation) at , 1997 and rules and Bye-Laws made thereunder and conditions of the licence.

I shall be responsible for all acts of my employees.

It is, therefore, requested that the licence under category may kindly be granted to me.

Signature of the applicant.

To be filled in by the office of committee

Particulars of the deposit	No. of receipt	Date of receipt	Page of Cash Book where the entry made
1	2	3	4

(i) Licence fee

(ii) Security

Date

**Accountant
Market Committee.**

Report of the Secretary Market Committee

The grant of licence is recommended.

The grant of licence is not recommended for the following reasons.

**Secretary
Market Committee**

FORM E

(See Rule 102-vii)

FORM OF LICENCE FOR CATEGORY F,G,H,I,J,K &L

This licence is granted to Shri/Smt..... for doing his business as a weighman/measurer/palldar or surveyor in the market area.....

1. Serial No. of licence.....
2. Date from which the licence takes effect.....
3. Date on which the licence expires.....
4. Place of business.....

**Secretary,
Market Committee**
(Seal of Market Committee)

Conditions of Licence

1. The licensee shall comply with the provisions of the J&K Agricultural Produce Marketing (Regulation) Act, 1997 and rules and bye-laws framed thereunder and instructions issued from time to time.
2. He shall not permit evasion or infringement of any of the provisions of rules and bye-laws mentioned under (1) above and will report in writing to the Committee any evasion or breach which comes to his notice.
3. He shall surrender his licence on demand to the Committee or any other officer authorised by the committee in writing in this behalf.
4. He shall conduct his business honestly and properly according to the principles of fair dealing.
5. He shall not boycott or encourage boycott of any other licensee.
6. He shall not indulge in activities and practices which are detrimental to the interest of the trade and proper functioning of the market.
7. The licensee, except the godown keeper, shall not accept any service under the dealer.
8. The licensee shall abide by such arrangements which may be made by the Market Committee with a view to ensuring the availability of their service as and when required. The licensee shall bear the badge provided to him by the Market Committee during the hours of his business.

FORM E -1

This licence is granted in favour of vehicle/truck tempo/rickshaw/rehra/tonga owned by Shri.....S/O Shri..... for purpose of transport goods in market yard.

1. Serial No. of licence.....
2. Date from which the licence takes effect.....
3. Date on which the licence expires.....
4. Place of business with address.....

Place.....

Date.....

**Secretary,
Market Committee**
(Seal of Market Committee)

Conditions of Licence

1. The licensee shall comply with the provisions of the J&K Agricultural Produce Marketing (Regulation) Act, 1997 and rules and bye-laws framed thereunder and instructions issued from time to time.
2. He shall not permit evasion or infringement of any of the provisions of rules and bye-laws mentioned under (1) above and will report in writing to the Committee any evasion or breach which comes to his notice.
3. He shall surrender his licence on demand to the Committee or any other officer authorised by the committee in writing in this behalf.
4. He shall conduct his business honestly and properly according to the principles of fair dealing.
5. He shall not boycott or encourage boycott of any other licensee.
6. He shall not indulge in activities and practices which are detrimental to the interest of the trade and proper functioning of the market.
7. The licensee, shall not except any service under the dealer.
8. The licensee shall abide by such arrangements which may be made by the market committee with a view to ensuring the availability of their service as and when required.

FORM F
(See Rule 105-i)

APPLICATION FOR RENEWAL OF LICENCE UNDER CATEGORY A, B, C, D,E, & F,

To
The Secretary,
Market Committee.....

Sir,

I request for the renewal of my licence. The necessary particulars are given here below :-

1. Name of the notified market area for which the licence has been issued.....
2. Name of the applicant (with full particulars of the place of business)..... 3.
Name of the Managing Proprietor or the Manager of the firm, if any
4. Number of licence
5. Date on which the licence expires.....
6. Period for which renewal is requested.....
7. Fee paid.....
8. Penalty paid, if any.....
9. Has the applicant or where the applicant is a firm, has any member thereof single or in collaboration with any body else, been
- (a) granted a dealer's licence in any notified market area in the J&K State and has such licence been suspended, or cancelled. If so, when, for what period and for what reasons ;.....
- (b) convicted of an offence affecting the said person's integrity as a man of business. If, so, the date of conviction ;.....
- (c) declared as an undischarged insolvent.....

Certified that the facts set out in the application are true to my knowledge.

Date.....

Signature of the applicant

(To be filled in by the office of the Committee)

Renewal licence fee received	Penalty received, if any	No. of receipt	Date of receipt	Page of cash book where entry made	Remarks
1	2	3	4	5	6

No:

Dated...

Accountant
(Market Committee)

Verified . Renewal licence recommended/not recommended on the following reasons.

Secretary
Market Committee

FORM G
(See Rule 105-i)
APPLICATION FOR RENEWAL OF LICENCE UNDER
CATEGORY F, G, H, I, J, K & L

To

The Secretary,
Market Committee.....

Sir,

I request for the renewal of my licence. The necessary particulars are given here below :-

1. Name of the notified market area for which the licence has been issued.....
2. Name of the applicant (with full particulars of the place of business).....
3. Name of the Managing Proprietor or the Manager of the firm, if any.....
4. Number of licence
5. Date on which the licence expires.....
6. Period for which renewal is requested.....
7. Fee paid....
8. Penalty paid, if any....
9. Has the applicant or where the applicant is a firm, has any member thereof single or in collaboration with any body else, been granted a licence for working as a weighman, measurer, surveyor or palledar in any notified market area in the state of J&K and has such licence been suspended or cancelled. If so, when, where, for what period and for what reason.

Certified that the facts set out in the application are true to my knowledge.

Date.....

Signature of the applicant

Form H

(See Rule 116-viii)

AUCTION REGISTER

Date	Name of C/Agent	Name & address of seller	Descripti on of produce	Approximate quantity	Rate at which the produce has been sold	Name of buyer	Signature of C/Agent and buyer
1	2	3	4	5	6	7	8

Form I
(See Rule 116-ix)

Date Ist auction	Name of seller	Name of Commission Agent	Name of Agricultura l Produce	Approximate weight	Signature of Commission Agent	Date of onwards	Rate of auction	Name of purchaser	Signature of purchaser	Remarks
1	2	3	4	5	6	7	8	9	10	11

Form J
(See Rule 116-xi)

SALE VOUCHER FOR THE COMMISSION AGENT

Book No: Serial No. Name of
Market.....date of auction.....Name of Commission Agent.....Address of
seller.....

Weighment slip No.	Weight	Rate	Value	Incidentals payable by the	Service fee paid to the producer	Market fee payable by the buyer	service M/Fee paid.	Amount of
1	2	3	4	5	6	7	8	

1. Unloading & Heaping
2. Sieving & Dressing
3. Storage.

1. Filling
2. Weighing including putting
the bag on kanta & removing
3. Stitching
4. Loading
5. Commission
6. Arhat

Received Rs.....
Signature of the seller

**Signature of the
Commission Agent**

**I promise to pay a sum of Rs..... To
M/S..... within a period of
.....days**

Form K
(See Rule 99-i)

Kind of Agricultural Produce extracted or manufactured from Agri. Produce	Vehicle No.	Weight	Where brought	Agricultural Produce from which extracted or manufactured	Name of seller	of	Name of buyer and his agent	of	Market Committee to which fee paid	Amount of fee paid	Receipt No. & date	Remarks
1	2	3	4	5	6	7	8	9	10	11		

I hereby certify that the above mentioned Agricultural Produce has been brought from outside the limits of notified Market Area _____ has been brought within the limits of notified Market Area _____ for the purpose of _____ and that the particulars given above are correct.

Signature of the Firm.
Stamp

Form K-1
(See Rule 99-2)

REGISTER OF PROCESSOR

Date of purchase	Name of Agricultural produce	Notified area where purchases made	Market where purchases made	Weight of the Agricultural Produce	Date of payment of fee	Name of extracted commodity	Weight of extracted commodity & date of extraction	Remarks
1	2	3	4	5	6	7	8	9

I hereby declare that the particulars given above are correct.

Signature of Commission Agent

Verified to be correct.
Secretary
Market Committee

FORM L
(See Rule 99 - 2)

RETURN OF DAILY PURCHASES AND SALES

Market Committee.....

COUNTERFOIL

Date

Name of Dealer..... Licence No..... Last date when market fee paid.....

Receipt No.....

PURCHASED

SOLD

Date of transaction	Name of commodity	Name of seller from whom purchased	Weight	Rate	Value	Whether fee is leviable, if not why ?	Amount of fee leviable	Name of buyers to whom sold	Weight	Rate	Value	Whether fee is leviable, if not why ?	Amount of fee leviable	Remarks

Total

Total.....

Signature of dealer/Commission Agent

115(1)

Form L1
(See Rule 115 -i)

REGISTER OF SALE AND PURCHASE OF AGRICULTURE PRODUCE.

Market Committee _____ **Year** _____ **Month** _____

Date	Description of Agri. Produce sold	Name with the no. of Licence of dealers	Quantity of Agri produce sold	Rate	Value of Agri. Produce	Whether fee leviabale if not why	Fee chargeable	Fee recovered	No. & date of receipt issued	Balance of fee to be recovered	Date of recovery of balance	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

MONTHLY TOTAL

FORM M
(See Rule 100 - 1)
Assessment Notice

To.

M/S

.....

WHEREAS

(a) You, a dealer Licence No..... and licenced under section..... of the J&K Agricultural Produce Marketing (Regulation) Act, 1997 of the notified market area, have not furnished return/correct return in Form N for the period from.....to.....

(b) You, a dealer Licence No..... and licenced under section..... of the J&K Agricultural Produce Marketing (Regulation) Act, 1997 of the notified market area have habitually made default in the submission of returns for the period from.....to.....and it appears to the committee that you willfully failed to furnish such returns in respect of the above mentioned period.

And it appears to be necessary to make assessment under Rule.....of the J&K Agricultural Produce Marketing (Regulation) Act, 1997 in respect of the above mentioned period.

You are hereby directed to attend in person or by an authorised agent at (Place).....on (Date).....at (time).....and produce, or cause there to be produced at the said time and place the accounts and documents specified below for the purpose of such assessment, together with the objections which you may wish to prefer and any evidence you may wish to adduce in support thereof and to show cause why in addition to the market fee levied on the basis of assessment a penalty prescribed under rule..... of the said rules should not be imposed upon you.

In the event of your failure to comply with this notice the Committee shall proceed to assess under rule.... of the said rules to the best of its judgement.

Date.....

Secretary
Market Committee

FORM N
(See Rule 115-iv)
Demand Notice
MARKET COMMITTEE

No.....

Date.....

M/s.....
.....

You are hereby informed that your business during the period fromtohas been assessed for the levy of market fee and penalty etc. as under :-

- (a) Assessed value of business.....
- (b) Market fee chargeable.....
- (c) Deduct Market Fee already paid, if any.....
- (d) Net payable (b-c).....
- (e) Penalty.....
- (f) Total (d-c).....

You are hereby directed to pay the sum of Rs. to the market committee..... at its office at (place).....on or before (date)....failing which the said sum will be recoverable from you as an arrear of the land revenue.

Secretary
Market Committee

Form A
(SEE RULE 69(iii) (a))

GATE PASS

Book No:.....

Serial No:.....

Name of Market.....

Date.....

1. Name of Consignor.
2. Name of Consignee.
3. Details of vehicle/cart etc.
4. Details of Agricultural Produce.
5. Purpose of entry into the market.

GATE PASS Form B

(SEE RULE 69(iii) (a))

Book No:.....
Name of Market.....

Serial No:.....
Date.....

1. Name of Holder
2. Details of vehicle/cart etc.
3. Details of Agricultural Produce.
4. How the Agricultural Produce has been acquired.
5. Fees, if payable, whether paid.

ⁱ Errors & Omissions Excepted.

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