

The Orissa Agricultural

Produce Markets Rules, 1958*

Notification No. 18221-MIA 2/85-D, dated the 24th May, 1958- In exercise of the powers conferred by Section 27 of the Orissa Agricultural Produce Markets Act, 1956 (Orissa Act 3 of 1957), the State Government do hereby make the following rules the same having been previously published as required by Sub-section (4) of the said section of the said Act, namely :

part - I Preliminary

1. Short title and extent- These rules may be called 1[the Orissa Agricultural Produce markets Rules,1958] and shall apply to any market area or areas notified as such under Section 4 of the Orissa Agricultural Produce Markets Act, 1956.

2. Definitions- In these rules, unless there is anything repugnant in the subject or context-

(i) "Act" means the Orissa Agricultural Produce Markets Act, 1956;

(ii) "Broker" means an agent (not being a private servant) habitually employed on commission to make contracts for the purchase or sale of agricultural produce on behalf of his principal;

2[(iii) "Market" includes a market yard;]

(iv) [Omitted]

(v) "Market yard" means any area declared to be market yard under Clause (a) of Rule 46;

(vi) "Government" means the Government of Orissa;

(vii) "Financial year" means the person appointed as the Secretary of the Market Committee under these rules or any officer or servant appointed for the time being to perform the duties of the Secretary ;

(viii) "Section" means section of the Act;

(ix) "Trader" means section of the Act ;

(x) "Trader" means a person buying and selling agricultural produce as the principal or as the duly authorised agent of one or more farms ;

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

part - II Constitution of Market Committees and Election

3. Disqualification for membership- A person shall be disqualified for being chosen a member of a Market Committee-

(1) If his name is not entered on tile voters' list prepared and maintained under these rules;

- (2) if he has not attained the age of 21 years ;
- (3) if he has not attained the age of 21 years;
- (4) if he is an undischarged insolvent;
- (5) if he has been convicted and sentenced by a Court within or without India, to be imprisoned to an offence punishable with imprisonment for a term exceeding six months unless such disqualification has been removed by an order passed by Government ;
- (6) if he is a servant to the Market Committee or holds a licence from such committee as broker, weighman, measurer or surveyor;
- (7) if he has directly or indirectly any share or interest in any contract or employment with , or on behalf of, or under the Market Committee :

Provided that a person shall not be chosen as a member representing the traders' constituency if he does not ordinarily reside within 10 miles of the market yard and if he has not been registered under Rule 60.

Explanation - For the purpose of this rule a person shall be deemed to be ordinarily residing within 10 miles of the market yard, if he resides in such yard for not less than 180 days in a calendar year.

4. Constituencies- For the purposes of electing members to a Market Committee in every market area, the following shall be the constituencies-

- (1) Traders ' Constituency
- (2) Agriculturists' Constituency
- (3) Local Authorities' Constituency.

5. Persons qualified to vote- (1) Traders' Constituency-The following persons shall be qualified to vote in a traders' Constituency,

(a) All persons licensed under Sub-section (3) of Section 4 in the market area before the date fixed in this behalf by the Collector;

(b) All traders approved by the Market Committee and registered as such under Rule 60 before the date fixed in this behalf, by the Collector.

(2) Agriculturists' Constituency-The following persons shall be qualified to vote an Agriculturists' Constituency ;

(a) All members of the organisations of agriculturists operating in the market-area ;

(b) Where no such organisations exist, the following agriculturists ordinarily residing within the market area, namely :

(i) holders of land whether unalienated , assessed or assessable jointly or severally at not less than Rs. 5 at the end of the revenue year immediately preceding the financial year in which the election is held, or

(ii) tenants of unalienated lands assessed at not less than Rs. 5 at the end of the revenue year immediately preceding the financial year in which the election is held, or

(iii) tenants of alienated lands assessed or assessable at not less than Rs.5 at the end of the revenue year immediately proceeding the financial year in which the election is held

(c) If any question arises whether any person is or is not an agriculturist for the purposes of this rule, the Collector shall decide it and his decision shall be final;

(d) No person shall be entitled to have his name entered in the list of votes for more than one market area or as member of more than one organisation of agriculturists.

(3) Local Authorities' Constituency-(a) In case in which the Market area is wholly within the limits of a local authority, the members, of such local authority shall be qualified to vote.

(b) In a case where market area is within the limits of more than one local authority, each local authority shall select three persons from among the Councillors or the members of such local authority and the persons so selected shall be qualified to vote for election of a representative of such, local authorities on the Market Committee.

6. Name of persons qualified to vote to be reported to Collector or Market Committee, as the case may be-(1) Every Organisation of agriculturist and every local authority shall report to the Collector the names of the persons qualified to vote under Rule 5 on or before the date fixed in this behalf by the Collector.

(ii) Every Firm, Corporation, Traders' Association or any other body qualified to vote in a Traders' constituency under these rules shall nominate a person to nominate a person to vote on its behalf and intimate in writing the name of person so nominated the Collector not later than the date fixed in this behalf by the Collector of the district.

7. Voters' list- (1) The Collector or any other person authorised by him in this behalf (hereinafter in this rule referred to as such person) shall cause to be prepared separate lists of voters qualified to vote for the Agriculturists' constituency, Traders, constituency and the Local Authorities' constituency in cases in which there are more than one local authority within a market area. Every such list shall be revised for each triennial election; provided that in the case of the list of voters qualified to vote for the local authorities' constituency Government may direct the revision of such list also at any other time before the next triennial election is due. The Collector or such person shall for this purpose call upon the Market Committee to prepare from market registers and to furnish to him the names of the persons qualified to vote in the local authorities, constituency. He shall also call upon the organization of agriculturist within the market area to intimate to him the names of persons qualified to vote under the agriculturists' constituency and where no Organisation or agriculturists exists, he shall cause to be prepared a list of persons qualified to vote under Rule 5 (2) (b).

(2) Every list of voters prepared under Sub-rule (1) shall show the full name, residence and serial number of the voter and the nature of his qualification.

(3) Every such list shall be published provisionally in such manner as the Collector or such persons may deem fit.

(4) When publishing the list provisionally the Collector or such person shall fix a date, not later than one month from the date of publication of the lists before which any application, for the inclusion, exclusion or correction of any entry shall reach him. The Collector or such person or any other officer appointed by the Collector for the purpose shall hear and decide any applications and objections

received before the date so fixed and the decision of the Collector, such person or the other officer relating to such application or objection shall be final.

(5) The Collector of such person shall cause the lists to be amended in accordance with the orders passed under Sub-rule (1) and shall cause them to be republished finally in the regional language of the market area in such manner as he may deem fit.

(6) The Collector of such final lists shall be made available for inspection and sale in whole or in part in the office of the Collector or such person.

(7) The final list republished under Sub-rule(5) shall remain in force and continue in operation as the list of voters for the purpose of any bye-election.

(8) Notwithstanding anything contained in the above Sub-rule the provisions of Sub-rules (3) to (7) shall not apply to the voters' list of the local authority constituency in cases in which there are more than one authority for a market area.

8. Calling upon the constituency to elect- As soon as may be after the final publication of the list of voters under Sub-rule (5) of Rule 7 the Collector shall call upon the constituencies to elect their representatives to the Market Committee and a date fixed by him in this behalf.

9. Notice to elect- Not less than thirty days before the day fixed for election the Collector shall publish in Oriya and in such other regional language of the market area as he may deem necessary a notice in a newspaper circulating in the market area and post copies of such notice in village hats or in Grama Panchayat offices and other conspicuous places in the villages included in that area stating-

(a) the number of persons to be elected;

(b) the date on which, the place at which and the hours between which nomination papers shall be presented to him or to any other person authorised by him in this behalf which date shall not be less than fourteen days from the date of publication of the notice;

(c) the date on which scrutiny or nomination papers shall be made;

(d) the date on which and the place or places at which the votes of the electors shall be taken if there be a poll and the hours during which polls be taken ; and

(e) the day on which and the place and hours in which votes shall be counted.

10. Nominations- (i) Each candidate shall on the date fixed under Clause (b) of 'Rule 9 deliver to the Collector or any other person authorised by him in this behalf the nomination paper in Form I appended of these rules.

(ii) Every nomination paper shall be signed by two persons qualified to vote as proposer and seconder and the candidate shall sign a declaration on it expressing his willingness to stand for election to the Market Committee.

11. Deposit on nomination-(i) At or before the time of delivery of nominated paper each candidate shall deposit with the Collector or any other person authorised in this behalf a sum of Rs. 5 . No candidate shall be deemed to be duly nominated unless the deposit referred to in this rule has been made.

(ii) If a candidate, by whom the deposit referred to in Sub-rule (1) has been made withdraw his candidature in the manner and within the time specified in Rule 15 or if the nomination of any such candidate is rejected under Rule 14 the deposit shall be returned to the candidate, and if any candidate dies before the commencement of the poll any such deposit shall be returned to his legal representative.

(iii) If a candidate by whom the deposit referred to in Sub-rule(1) has been made is not elected and the number of votes polled by him does not exceed one-eighth of the total number of votes polled divided by the numbers to be elected from the particular constituency the deposit shall be forfeited to the Market Committee.

(iv) For the purposes of Sub-rule (iii), the total number of vote polled shall be deemed to be the total number of ballot papers, other than rejected ballot papers counted.

(v) A deposit made by the candidate shall if it is not forfeited under the Sub-rule(iii) be returned to the candidate as soon as it may be after publication of the result of the election in Orissa Gazette.

12. Publication of list of nominations - As soon as may be after the date fixed for the presentation of nomination papers, the Collector or the person authorised by him under Rule 10 shall publish a list in Form II of all nominations received with a notice that the nomination papers shall be scrutinised on the date appointed under Clause (c) of Rule 9 at the place and hour specified in such notice. The list of nominations and the notice shall be published in such manner as the Collector or the person authorised as aforesaid may deem fit.

13. Scrutiny of nominations- On the date fixed for the scrutiny of nominations under Clause (c) of Rule 9, the candidates, one proposer and one seconder of each candidate and one other person duly authorised in writing by each candidate may attend at such time and place as the Collector (c) of Rule 9 at the place and hour published in such manner as the Collector or the person authorised as aforesaid may deem fit.

14. Disposal of objections and rejection of nomination- (1) The Collector or the persons authorised by him under Rule 10 shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may, either on such objection or on his own motion after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds :

(a) that the candidate, the proposer or the seconder is a person whose name is not registered on the list of voters; or

(b) that the nomination has not been made in the manner prescribed under these rules.

(2) The Collector or the person authorised as aforesaid 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. The scrutiny shall be completed on the day fixed in this behalf under Clause (c) of Rule 9 and shall not be adjourned on any ground.

15. Withdrawal of candidature- (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered either in person by the candidate himself or by any of his proposers or seconders to the Collector or to the person authorised by him under Rule 10, within three days of the date succeeding the date fixed for the scrutiny of nominations under Clause (c) of Rule 9.

(2) On the completion of scrutiny of nomination and after the expiry of the period within which candidature will be withdrawn under Sub-rule (1) the Collector or the person authorised by him in this behalf shall prepare in Form III a list of persons whose nominations are in order and who have not

withdrawn their candidature and cause it to be affixed in some conspicuous place in his office in the Sub-divisional Office, the Anchal office concerned and in the office of the Market Committee not less than 7 days before the date fixed for election.

16. 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 15 exceeds that of the vacancies to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected and the Collector or the person authorised by him under Rule 10 shall call upon the constituency to fill the remaining vacancy or vacancies. As the case may be, within such time as may be specified in the same manner as specified in the foregoing provisions.

17. Arrangements for the holding of election etc.- The Collector or the person authorised by him in this behalf shall make such arrangements as may be necessary for the holding and supervisions of the election for the scrutiny of the ballot papers and for declaration of the election.

18. Voting- Every voter shall have as many votes as there are members to be elected on behalf of the constituency and may give all his votes to one candidate or may distribute them among the candidates as he chooses.

18-A. 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 candidates and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be given by the Collector or the person authorised by him in this behalf to the candidate, or as the case may be, the candidates, selected by-lot by him in such manner as the Collector or such person may determine, shall be declared elected.

19. Death of candidate before Poll- If after the taking of a poll it has become necessary under Rule 16 (1) and before the poll is taken a candidate who has been duly nominated dies, the Collector shall upon being satisfied of the fact of the death of the candidate, countermand the poll and the election proceedings shall be commenced anew in all respects as if for a new election:

Provided that no fresh nomination shall be necessary in the case of a candidate who stood validly nominated at the time of the countermanding of the poll.

20. Intimation to the Collector of the name of the representative of a local authority - In a case in which the market area is wholly within the limits of a local authority, the local authority shall intimate in writing to the Collector the name of the person elected as its representative under Clause (iii) of Sub-section (1) of Section 6 before a date fixed by the Collector in this behalf.

21. Filling in casual vacancies in the Market Committee- The procedure for holding a bye-election for purposes of filling up vacancies caused under Sub-section (4) of Section 6 shall be the same as that for a general election; provided that the preparation and publication of fresh lists of voters shall not be necessary.

22. Publication of the names of elected and nominated members of the Committee - Names of the elected and nominated members of the Market Committee shall be, published in the Official Gazette as soon as-conveniently may be after their election and nomination.

23. Person disqualified to cease to be member- No person shall continue to be a member of the Market Committee if at any time after his nomination, or election, as the case may be, he becomes subject to any of the disqualifications mentioned in Rule 3, and his seat shall thereupon become vacant :

Provided that a member representing the Organisation of agriculturists or a co-operative institution shall be debarred from continuing to be such member if he ceases to be a member of the Organisation of which he was the representative.

24. Expenditure in connection with or incidental to such elections- All expenditure incurred by the Collector or the person authorised by him under Rule 10 in connection with or incidental to the election members of the Market Committee shall be recoverable under Section 24 from the Market Committee by the Collector as an arrear of land revenue.

part - III
Market Committee, its Chairman, officers and servants and Disputes Sub-Committee
Their Functions and Powers

25. Functions and powers of the Chairman- 1[(1) The Chairman shall be the controlling and supervising officer of the market Committee and all officers and servants of the Market Committee shall, subject to these rules and the direction, if any, given by the Market Committee, be subject to his control.

(2) The Chairman shall-

(a) keep a watch over the financial and administrative matter of the Market Committee ;

(b) direct , in case of emergency, to stop execution of any work or the doing of any act which requires the sanction of the Market Committee ;

(c) be the authority competent to grant leave to the Secretary;

(d) make correspondence with the Government, Board or Directorate, as the case may be, in regard to the affairs of the Market Committee as and when deemed necessary ;

(e) convene or cause to be convened meetings of the Market Committee and record or cause to be recorded minutes thereof].

2[25-A. Secretary of the Market Committee and his functions and powers- (1) Every Market Committee shall have a Secretary appointed by the Market Committee with the approval of the Board, who shall be the Chief Executive and custodian of all records and properties of the market Committee.

(2) He shall perform and discharge the following powers and duties, namely :

(i) convene the meetings of the Market Committee under the authority of the Chairman or a special meetings of the Market Committee on a requisition under Rule 87 and maintain minutes of the proceedings thereof;

(ii) convene the meetings of the Sub-Committee, if any, of authority of the Chairman or a special meetings of the Market Committee on a requisition under Rule 87 and maintain minutes of the proceedings thereof;

(iii) attend the meetings of the Market Committee and of every Sub-Committee and take part in the discussions but shall not move any resolution or vote at any such meeting ;

(iv) take action to give effect to the resolutions of the Committee and of the Sub-Committee and report about all action taken in pursuance of such resolutions to the Committee in its immediately following meetings;

- (v) prepare the budget proposals;
- (vi) furnish to the Market Committee/Director/Board/Government such returns, statements, estimates, statistics and reporters as they may from time to time require, including reports,
 - (a) regarding the fines and penalties levied, or any disciplinary action taken against the member of the staff and the market functionaries and others;
 - (b) overtrading by traders;
 - (c) contravention of the Act, Rules, Bye-laws or the standing orders, by any person;
 - (d) suspension or cancellation of licences;
 - (e) administration of the Market Committee and regulation of the marketing
- (vii) produce before the Committee/Director/Board/Government whenever called for, such documents, books, registers and the like as may be necessary to the transaction of the business of the Committee or the Sub-Committee;
- (viii) direct the work of all employees of the Market Committee in such a manner as to ensure proper efficient working of the Market Committee and towards that end all such employees shall be subject to his immediate control;
- (ix) supervise the work of the officers and other employees of the Market Committee and initiate necessary disciplinary action against any of them for their negligence and misconduct etc. with the prior approval of the Chairman;
- (x) be responsible for collection for fees and other money leviable by or due to the Market Committee;
- (xi) be responsible for proper maintenance of accounts for all money received and paid for by and on behalf of the Market Committee;
- (xii) make disbursement of all money lawfully payable by the Market Committee:
Provided that if individual disbursement exceeds Rs. 500.00
(rupees five hundred), it shall be passed by the Chairman.
- (xiii) report to the Chairman/Director/Board as soon as possible in respect of fraud, embezzlement, theft or loss of Market Committee funds or property.
- (xiv) sanction of casual leave to all officers and servants of Market Committee and also earned leave with the approval of the Chairman;
- (xv) advise the Committee and its Chairman in the light of the provisions of the Act, Rules and Bye-laws and the previous decisions or direction of the Committee/Director/Board ;
- (xvi) supervise all construction and repair works in the market yard in addition to the technical supervision by the Engineering staff, if any ;

(xvii) forward to the Director/Board or any other persons authorised in his behalf copies of the proceedings of all meetings of the Market Committee and Sub-Committee duly attested by him and furnish the same, when called for by the State Government under Sec. 25 of the Act;

(xix) maintain a monthly diary of inspections and records of seizure of Books of accounts and unauthorised agricultural produces, detention of vehicles, assessment of market fees and all other important occurrences and send copies of the same to the Director, Board and any other Officer authorised in this behalf by the Director or the Board , and to the Government as and when called for by it, and

(xx) make an annual assessment of the work of the employees of the market Committee and submit the same to the Chairman.

(3) On receipt of a complaint either written or oral, regarding any matter concerning sale and purchase of Agricultural Produces in the market yards, the Secretary shall conduct an enquiry and shall make a report of the same to the Chairman for taking such action as he may think necessary in accordance with the provision of the Act, Rules and Bye-laws . It shall also be the duty of the Secretary to check if proper payment to sellers in the market-yard is being made and that no irregularities in making wrighthment of Agricultural Produces are being committed.

(4) If any decision of the Committee of the direction of the Chairman or Vice-Chairman is apparently contrary to the Act, Rules or Bye-laws, the Secretary shall apprise the Government , Board and the Director of such apparent violation, before giving effect to the same and carry out the decision of the Government or such other person authorised by it in that behalf thereon.

(5) The decision of the Government under Sub-rule (4) shall be final and deemed to be a decision for the Market Committee.]

26. Meeting of the Committee - (i) Every meeting of the Market Committee shall be prescribed over by the Chairman or in his absence by the Vice-Chairman or in the absence of the Vice-Chairman also by a member elected by the meeting.

(ii) The Chairman shall be entitled to speak and vote on all question at the meeting.

(iii) The Vice-Chairman, or a member presiding over the meeting in the absence of Chairman, shall for that meeting or during the period in which he presides over it have all the powers of the Chairman.

(iv) All questions which may come up before the Committee at any meeting shall be decided by the vote of the majority of the members present at the meeting and in every case of equality of votes the President oft he meeting shall have and exercise a second or casting vote.

27. Minute book to the kept- A minute book shall be kept by every Market Committee. The record of proceeding of every meeting shall be entered therein by, or under the supervision of the Chairman or other presiding member and shall be signed by him. The minute book shall be permanently preserved and shall be open for inspection also the Director or any other person authorised by the Chairman or the Director in this behalf.

28. Persons entitled to attend meeting- The Director or any other person authorised by him in this behalf shall be entitled to attend any meeting of the Market Committee but they shall not be entitled to vote.

29. Copy of the meeting - A copy of the proceedings of every meeting of the Market Committee shall be forwarded to the Director or any other person authorised by the Director in this behalf.

30. The Market Committee to provide fund for development work- After paying all sums due to Government , the Market Committee shall so far as the funds at its disposal permit and subject to the provisions of the Act and these rules, provide-

- (i) for the maintenance and improvement of any enclosure or building or erections which may constitute the market yard ;
- (ii) for the construction and repair of buildings, cattle-sheds , water reservoirs and other erections necessary for the purpose of market ; and
- (iii) for the health, sanitation, convenience and safety of the persons using the market.

31. Appointment of Disputes Sub-Committee - (1) The Market Committee may appoint a Sub-Committee called the Disputes : Sub-Committee consisting of -

- (i) one of the nominated members of the Committee, who shall be the Chairman of the Sub-Committees ;
- (ii) one of the representatives of the agriculturists on the Market committee ;
- (iii) one of the representatives of the traders on the Market Committee ; and
- (iv) the representative of local authorities on the Market Committee or, if there is no representative of local authorities on the Committee, any other member of the Committee, to arrange for the settlement of disputes between buyers and sellers or their agents including disputes regarding the quality or weight of the article, the allowances for wrappings, containers, dirt or impurities or deductions from any cause :

Provide that the Chairman of the Market Committee shall not be a member of the Disputes Sub-Committee.

(2) The Collector or any person authorised by him in this behalf may require a Disputes Sub-Committee to appoint in respect in respect of each market yard specified by him a panel of not less than 12 persons but not more than 24 persons to act as arbitrators in the settlement of the disputes aforesaid. Every person included in the panel shall be either an agriculturist living in or near the market area or a trader doing business in such area.

(3) Where any such dispute arises, the parties thereto may agree to the settlement thereof in accordance with the following provisions :

(a) The dispute shall be reported to the Secretary of the Market Committee who shall try to settle the dispute. If he fails, the dispute shall be settle in the following manner on payment of fees fixed by the Market Committee ;

(b) Each party to the dispute shall select one arbitrator from the panel appointed for the purpose by the Disputes Sub-Committee ;

(c) If the arbitrators fail to agree, they may appoint an umpire who shall also be chosen from the panel aforesaid to settle the dispute ;

(d) An appeal shall lie against the decision of the arbitrators or umpire to the Disputes Sub-Committee ;

(e) The decision of the arbitrators or umpire, or where an appeal has been made to the Disputes Sub-Committee, the decision of such Sub-Committee shall be final. The dispute shall, as far as possible, be decided on the spot and on the same day.

(4) No business shall be transacted at a meeting of such Sub-Committee unless there be present at least two members.

(5) Every meeting of the Sub-Committee shall be presided over, by the Chairman of the Sub-Committee and in his absence by members, present at the meeting and in every case of equality of votes, the Chairman or the presiding member shall have and exercise a second or casting vote.

(6) All questions which may come before the Sub-Committee at any meeting shall be decided by the vote of majority of the members present at the meeting and in every case of equality of votes, the Chairman or the presiding member shall have and exercise a second or casting vote.

7) The Market Committee shall maintain a full record of all the disputes which come before the Disputes Sub-Committee.

32. The Market Committee shall make bye-laws for arbitration in the settlement of disputes and it shall provide for the formation of panel of arbitrators from among whom parties may select arbitrators and for payment of fees for arbitration cast which shall be borne as decided by the arbitrators in each case.

33. Servants of the Market Committee - 1[(1) The Market Committee may appoint such Officers and servants as may be necessary for the proper management of the market :

Provided that the superior Officers of the Committee shall be appointed only with the previous approval of the Board.

(2) Superior Officers shall be the Secretary, Clerks and such officers and servants of the Market Committee as the Board may determine from time to time.

(3) The terms and conditions of service of superior officers shall be such as may be approved by the Board and those of others shall be such as the Market Committee may decide from time to time.

(4) The Market Committee shall be the Disciplinary Authority in respect of all officers and servants of the Committee :

Provided that the removal or dismissal of superior officers as a measure of punishment shall be subject to the approval of the Board.]

34. Duties of the Market Committee - The Market Committee shall furnish all information which the Director or the officers duly authorised by him may require in addition to the duties prescribed by the Act and the rules and its own bye-laws the Market 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 ; and

(3) keeping a copy of the Act and of the rules and notifications issued thereunder and of its bye-laws open to inspection free of charge at its office.

Market fund, expenditure and accounts

35. The Market Committee Fund - All moneys received by the Market Committee shall be credited to the fund called the Market Committee Fund. Except where Government on application by the Market Committee or otherwise shall direct, all money paid into the Market Committee Fund shall be credited at least twice a week in full into Government treasury or sub-treasury or a Bank duly approved for this purpose by the Director. All balance from the Fund shall be kept in such treasury or sub-treasury or Bank and it shall not be drawn upon except in accordance with these rules.

36. Expenditure - (i) Every cheque drawn on behalf of the Market Committee shall be signed by the Chairman and its Secretary . In the absence of the Chairman it shall be signed by the Vice-Chairman and in the Secretary by the Chairman or Vice-Chairman and one of the members of the Market Committee. No cheque shall be drawn except on a regular detailed bill.

(1) Salary and allowance of establishment ;

(2) Payment for works and repairs sanctioned by an authority specifically authorised by the Committee in this behalf.

(3) Urgent expenditure for which Chairman the bills for payment of above nature may be passed and signed by the Vice-chairman.

37. Remittance to treasury or Bank- All remittances to the Government treasury or sub-treasury or Bank shall be accompanied by challans or deposit slips in duplicate.

The monthly or other periodical statement or accounts furnished by the treasury or sub-treasury or the Bank shall be regularly filed and made available for audit.

38. Pass Book- The pass book shall be got written up-to-date at least once a month by the treasury or sub-treasury department or the Bank by which the original account is kept.

CASE LAWS : (i) Ori. Agri. Mkt. Produce Rules, 1958 read with General Clauses Act, 1947-Sec. 27-A(1)- The rules can be effective from the date of notification : 1997 (I) OLR 497 : 83 (1997) CLT 656 : AIR 1997 Ori. 172.

(ii) Even though the amended rules have been laid before the Legislative Assembly the validity of rules can be examined in strict compliance with Sec. 2706) of the Orissa Agricultural Produce Markets Act, 1956 : 1997 (I) OLR 497 : 83 (1997) CLT 656 : AIR 1997 Ori. 172.

(iii) Rules 38, 39(2) and 45 read with Orissa Agricultural Produce Markets Act, 1956 - Sec. 18-B (i) - Board can exercise the powers of superintendence and control over working and other affairs of Marketing Committee - The rule is not unreasonable and not in conflict with object of the Act : 1997 (I) OLR 497 : 83 (1997) CLT 656 : AIR 1997 Ori.172.

39. Submission of Budget- (1) For the purposes of Rules 39 to 45 market year shall be held to commence on the 1st November and end on the 31st October.

(2) The Market Committee shall hold a meeting in each market year during first week of October to prepare a budget of income and expenditure for the ensuing market year. Budgets shall be submitted to the 1[Board or any other Officer authorised in that behalf] not later than the 15th October for approval and an abstract of account of receipt and expenditure of the previous market year shall be submitted to the 1 [Board or any other Officer authorised in that behalf] not later than the 31st December.

(3) No expenditure shall be incurred for which there is no budget provision unless it can be met by re-appropriation from savings under other heads.

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

1[41. Approval of Plans and Estimates -(1) Plans and Estimates for works up to a value of rupees five thousand each shall be approved by the Market Committee and the Plans and the Estimates for works of a value exceeding rupees five thousand each be approved by the Board, on the recommendation of the Market Committee.

(2) Plans and Estimates for all works, shall be prepared by the Engineering Cell of the Board.]

42. Supervision of works-1[(1) All construction works of the Market Committee shall be executed under the technical supervision of the Engineering Cell of the Board.

(2) Subject to the provision of Sub-rule (1), the Chairman of the Market Committee or any member of the Market Committee duly authorised in this behalf by the Chairman shall exercise overall supervision and control over the execution of all works of the Market Committee.

(3) Tenders shall be called for in respect of every work which is to be executed on contract basis :

Provided that the Market Committee may dispense with the calling of tenders in the cas of :

(i) a supplemental maintenance work relating to a road or a building which is found necessary after the annual maintenance contract for that road or building has been settled, if the estimated cost of the supplemental maintenance work does not exceed 50% of the amount of the original maintenance estimates or Rs. 5,000.00 whichever is less, and such supplemental work is necessitated by reasons other than negligence of the original maintenance contractor as certified by the Technical Cell of the Board.

(ii) any emergent work, if the estimated cost of the work does not exceed Rs. 5,000.00 and the Chairman certifies that the delay, labour or cost involved will out-weight the advantage arising from calling for tenders.

(4) (i) Tender in sealed cover shall be invited by the Chairman through advertisement in one or more newspapers having wide circulation in the market area, and of other concerned local officers and also by a public notice affixed on the Notice Board of the Office of Market Committee.

(ii) Every advertisement and notice so published ordinarily state-

(a) time and place where the contract documents may be inspected;

(b) the prescribed form of tendering , that is, whether it should be at a specified percentage below or above the estimated rates, or whether definite rates should be quoted for each item of work tender is accepted ;

(c) time and place where tenders are to be submitted ;

(d) time and place where tenders are to be opened ;

(e) the amount of earnest money which shall accompany the tender and the amount and nature of security required in case the tender is accepted ;

(f) the authority competent to accept the tender; and

(g) the authority competent to accept the tender, reserves the right to reject any or all of the tenders received without assigning any reasons.

(5) Before tenders are invited for the execution of any work, the Engineer-in-charge of the work in the Engineering Cell of the Board shall prepare contract documents which shall include :

(i) a Schedule of quantities of various items of work to be executed and of materials required under each such item, and

(ii) a set of conditions of contract to be complied with by the tender in case his tender is accepted.

(6) No tender shall ordinarily be treated as valid unless it is accompanied with a money receipt in support of deposit of earnest money. A separate list of all sums deposited as earnest money shall be maintained under the signature of a person or an officer of the Market Committee authorised by the Market Committee in that behalf.

(7) The amount of earnest money to be deposited shall be sufficiently large as to be the security against any loss that may be caused on account of the contractor failing to furnish the required security within the appointed time after the acceptance of his tender or until the sums due to him form a sufficient guarantee, as the case may be.

(8) A tender Committee consisting of Chairman, Secretary of the Market Committee and the Engineer-in-charge of the work shall, at the time and place specified for the purpose, open the sealed covers containing the tenders in the presence of tenders or their authorised agents as may be present. Until the sealed covers are so opened they shall be kept in the personal custody of the Secretary of the Market Committee. On opening the tenders the Chairman shall initial all corrections in each tender paper which may have been made by the tenders and duly attested by him. If there are corrections in the tender unattested by the tenderer a note of such corrections shall be made on the tender itself, when it is opened.

(9) After the tenders are opened they shall be entered in a Register against each work. The Secretary shall certify to the corrections of the entries with reference to the original tenders which shall be preserved and made available for the purpose of audit and inspection.

(10)(i) The lowest tender shall ordinarily be accepted by the Committee. Where it is considered undesirable to accept the lowest tender the reasons shall be clearly recorded in writing by the Chairman.

(ii) Where the capacity for work and the integrity of a tenders is not known his tender need not be necessarily rejected. But in such case an additional security not ordinarily exceeding 15% of the contract amount as the Committee consider necessary shall however be taken from such tenders in the circumstances so warrant. Where the lowest tender is rejected next lower tender shall be considered. If it is considered undesirable to accept that tender the next lower tender shall be considered. In every order of rejection of a tender the reasons shall be recorded in writing by the Chairman.

(iii) In no case shall a tender be accepted at rates higher than those quoted in the tender by the tenderer.

(iv) There shall be no avoidable delay in the disposal of tenders after they are opened. The Committee shall dispose of tenders ordinarily within in seven days from the date on which they are opened. If the Committee fails to dispose of the tender within a period of seven days after recording reasons

therefore may dispose of the same within a period of two months from the date of opening of the tender.

(v) Tenders remaining undisposed of for a period exceeding two months from the date on which they are opened shall stand cancelled and on such cancellation the work in respect of which the said tenders had been originally called for shall be put to re-tender within a period of 15 days from the date of such cancellation. Cost escalation taking place, if any, between the date of such cancellation and the date of finalisation of the re-tender, shall be recovered from the person responsible for non-finalisation of the original tender, or the re-tender, as the case may be.

(v) Save as otherwise provided, the provisions of the Orissa Public Works Department Code relating to tenders and execution of works shall mutatis mutandis be followed.]

1[42-A The Register of contractors - (i) A register of contractors in such form as may be prescribed by the Board from time to time, shall be maintained in the office of Market Committee, containing names and other particulars of contractors licensed by P.W. Department and other such Government organisations and such register shall be treated as confidential.

(ii) The Register of contractors shall be kept up-to-date . An officer of the Board specially authorised by the Board in this behalf shall scrutinise the register at least once a year, and sign it in token of his scrutiny.

(iii) In the remarks column of the register, the qualification of the contractor , his solvency , the quality of work previously executed by him and all other relevant particulars shall be entered.

(iv) Any person desirous of being registered as a contractor of the Market Committee, shall apply to the Chairman of the Market Committee stating his qualification and previous experience and solvency. The Chairman shall make an enquiry and obtain orders of the Market Committee on the application , before registering him as a contractor for the Market t Committee.

(v) Any person who is not licenced contractor of the P.W.D. or other such Government Organisation may also be registered as a contractor of the Market Committee on deposit of such amount as may be fixed by the Market Committee from time to time :

43. Permanent Fund- The surplus amount of the Market Committee Fund, at the close of each year shall be credited to the permanent fund of the committee and it shall be used only towards incurring the expenses of a permanent nature such as the construction of buildings.

44. Annual Report- By the end of each market year, the Market Committee shall prepare an annual report and submit a copy of it to the Director or such other officers as may be appointed by the Director.

45. Accounts and audit- (i) Subject to the previsions contained in these rules accounts of the Market Committee shall be maintained in such manner as the 1[Board may direct.

(ii) The accounts of the Market Committee shall be audited by such auditor as may be approved by the Director an payment of such audit fees as may be fixed from time to time by the Director . At the time of audit, 1[the Secretary of the Market Committee or any officer of the Market Committee authorised by the Secretary] shall cause to be produced all accounts, registers documents and other relevant papers which may be called for by the audit officer for the purposes of audit. An explanation called for by that officer for the settlement of any discrepancy shall also be immediately furnished to him.

45-A. Marketing Development Fund - (1) All moneys received by or on behalf of the Board shall be credited to a fund called the Marketing Development Fund.

(2) All expenditure incurred by the Board shall be defrayed out of the said fund.

(3) Subject to the provisions of the Act, the Marketing Development Fund shall be utilised by the Board for the following purposes, namely :

(i) grading and standardizations of Agricultural Produces ;

(ii) general improvement of the regulation or Marketing in the State.

(iii) granting subventions to Market Committees for the purposes of this Act on such terms and conditions as the Board may determine from time to time;

(iv) acquisition of land and construction of buildings for due discharge of the functions of the Board or efficient functioning of the markets under its supervision ;

(v) Pay, person , leave allowance, gratuities, compensations for injuries resulting from accidents compassionate allowances, contribution towards leave allowances, pension or provident fund of the officers and servants employed by the Board as may be decided by the Board from time to time ;

(vi) travelling and other allowances to the members of the Board as may be decided by the Board from time to time ;

(vii) propaganda and publicity on matters relating to regulated Marketing of Agricultural Produce ;

(viii) meeting any legal expenses incurred by the Board ;

(ix) imparting education in regulated Marketing of Agricultural Produce to the produces, traders consumers and the members as well as functionaries of the Market Committees and the Board ;

(x) training of the officers and staff of the Market Committees and Board ;

(xi) organising and arranging workshops, seminars, exhibitions, etc. on development of marketing and regulation of marketing of agricultural produces as envisaged under the Act ;

(xii) general improvements of the facilities for the storage and transport of notified Agricultural Produce to the Market Yard ;

(xiv) for any other purposes, as may be deemed necessary by the Board for execution of the functions assigned to it under this Act, or as may be specified by the Government for carrying out the purposes of the Act.

45-B. Contribution to be paid to the Board- Every Market Committee shall make contributions to the Board as required under Section 18-G of the Act, at a rate of five per centum of its gross income derived from licence fee and market fees in a market year, besides paying such an additional per centum of the said income as may be fixed by the Board in proportion to cost of the works of the Market Committee, executed in that year.

45-C. Accounts of the Board - The Accounts of the Board shall be maintained in such forms as may be decided by the Board from time to time with the approval of the State Government.]

part - V
Market yard and market

1[46. Declaration of the market yard and the market - The State Government may be notification in the Official Gazette declare-

- (a) any enclosure, building or locality in any market area to be a market yard ; and
- (b) any area including all lands and buildings thereon within such distance of the market yard as it thinks fit to be a market.

Explanation- A market so declared shall include industrial concerns situated within its area together with their compounds, godowns and warehouses used for storage or agricultural produces.

1[47. Control and conservancy in the market yard- (1) The market Committee shall maintain one or more market yards as may be declared as such in pursuance of Rule 46. Subject to these rules and the general or special orders of the State Government and to such control as is by these or by any other law for the time being in force vested in the Collector or Director or local authority including the Grama Panchayat, the Market Committee shall manage market yards having regard always to the convenience of the trade-in agricultural produce and the purposes for which the control is vested in the Market Committee. The market yard shall be open for trading at such hours as the Market Committee may from time to time fix . Carts or consignments of agricultural produce intended for sale shall be assembled in the market yard in such manner and at such time as may be permitted and ingress and egress may be permitted to such persons and at such times as the Market Committee may consider proper.

(2) The Market Committee shall, within the market ,exercise such rights and perform such functions as may be necessary for the convenient control of the market including the collection of fees in accordance with the Act, these rules and the bye-laws of the Committee and for the convenience and comfort for the persons using the market.

(3) The Market Committee may if it considers necessary to do so for the purposes of control of the market require the owner or manager of any industrial concern located within the market to furnish such information in respect of any notified agricultural produce which is handled or used by the said concern.

(4) Any owner or manager so required to furnish information may appeal, within a fortnight of the date of receipt of the order, to the Director against the order and the decision of the Director in the matter shall be final.

part - VI
Fees - Levy and Collection

1[48. 2[(1) The Market Committee shall levy and collection market fees from -

- (a) a purchaser of notified agricultural produces marketed in the market area;
- (b) the person deemed to be a purchaser under the explanation to Section 11 of the Act in respect of the notified agricultural produce ; and
- (c) the persons bringing any notified agricultural produce into the market area for the purpose of processing or for export only, but not processing in therein or exporting it therefrom within the period of thirty days as provided in the provisions to Sub-section (6) of Section 4 of the Act, at such rates as

may be specified in its bye-laws , subject to the minima and the maxima specified in Section 11 of the Act;]

(2) The Market Committee shall levy and Collect licence fees from traders, adatyasm, brokers, weighmen, measurers, surveyors and warehouseman operating in the market 1[area] at such as may be fixed in its bye-laws .

(3) 1[A person bringing any notified agricultural produce from outside the market area into the market area, for the purpose of processing by his industrial concern situated within the market fee unless for export from such area, shall be subject to levy of market fee unless he furnishes a declaration in respect of the produce and the certificate in Form-IV, to any Officer or servant of the Market Committee specifically authorised by the Committee in that behalf at the time of entry for the said produce in to the market area :]

Provided that if the agricultural produce is not used by the industrial concern and is removed from the market or if it is not exported within twenty days for the purchase, the Market Committee shall levy and collect fees on such agricultural produce from the industrial concern or the persons furnishing the certificate at such rates as may be specified in its bye-laws.

(4) Retail sale of agricultural produce by the producer shall be exempted from any fees.

Explanation- “Retail sale” in respect of any agricultural produce means the sale of such agricultural produce in any calendar day not exceeding the quantity or value specified in the bye-laws of the Market Committee.

(5) 1[Purchase of any agricultural produce in any calendar day not exceeding the quantity or value specified in the bye-laws of the Market Committee , by a buyer for his domestic or household consumption shall be exempted from the payment of any fee.]

2[48-A. Establishment of check points by the Market Committee- The Market Committee may, for the purpose of due discharge of its responsibilities, under the Act, Rules and Bye-laws, establish check points at such locations as may be notified by it from time to time, with the previous approval of the Government.]

49. Recovery of fees- (1) 3[* * 8] 4[The license fees shall be paid along with the application for licence but in case the Market Committee refuses the grant of a licence. The fees recovered shall be refunded to the applicant.]

50. Receipt- (1) The Market Committee shall maintain a register showing the fees collected by it. A receipt duly signed by the person authorised by the Market Committee shall be granted to every person in respect of fees collected from him under these rules or the bye-laws.

(2) Every person authorised by the Market Committee to collect fees shall pass receipts to the payees, keeping counterfoils of the receipts so granted an shall render account of all receipts at least once a day to the person duly authorised in this behalf by the Market Committee.

51. Collection of fees- The fees shall be collected by the paid servants of the Market Committee and the right to collect the fees shall not be formed out.

1[Provided that the collection of fees through a trader, adayua or buyer shall, if such collection is authorised in the bye-laws of the market Committee and, is deposited with a paid servant of the Committee in the manner specified in the said bye-laws , be deemed to be a collection by the paid servants of the Committee.]

52. Servant to wear badges- A servant of the Market Committee authorised to collect fees, shall wear a suitable badge provided by the Market Committee.

53. Security- The Market Committee shall take such security as it thinks fit from its employees who are entrusted with the handling of money.

54. Penalty for evasion of payment of fees- Any person removing or attempting to remove agricultural produce from the 2[market area] 3[* * *] before the fee has been paid and the receipt prepared and granted shall, on conviction, be punishable with fine which may extend to 2[rupees five hundred].

part - VII
Sales and Trading in Market

55. Sale of agricultural produce- 4[* * *] 5[(1) Such details of agricultural produce resold in the market shall also be reported to the Market Committee in accordance with the provisions of the bye-laws.

(2) The price of agricultural produce brought into the 2[market area] for sale shall be settled by open auction or by open agreement and not by secret signs and no deduction shall be made from the agreed price of the consignment except for any authorised trade allowance.]

56. Account of Sales to be maintained- (1) The Market Committee shall maintain a record in which regular and proper account of each consignment of the agricultural produce brought in for sale in the market shall be kept.

Explanation- For the purpose of this Sub-rule entries collectively relating to more than one consignment shall not be deemed to be a proper and regular account of consignment .

57. Agreement to be executed between buyer and seller- (1) Every purchaser or agricultural produce shall sign an agreement, in duplicate, in Form V in favour of the seller before removing it from the market area. One copy of the agreement shall be supplied to the seller and the other shall be kept on the record of the Market Committee. Printed forms of agreement shall be supplied free of cost by the Market Committee.

(2) Nothing in this rule shall apply to the purchasers of agricultural produce for their own private and/or household use. The purchase by such purchasers shall be subject to such conditions as may be specified in the bye-laws.

58. Publication of prices- The Market Committee shall so far as practicable place at the disposal of those using the market information on such matters as the prices of principal agricultural commodities ruling at the importing marketing centres of the State. The information shall be furnished in such a manner as will be readily available to all persons using the market.

59. Penalty for disobedience of orders of the Committee-

(1) No person shall-

(a) enter a market yard in contravention of a direction given by a servant or member of the Market Committee ;

(b) disobey any of the directions of the Market Committee in regard to the places where carts laden with agricultural produce may stand or loads of agricultural produce may be exposed or in regard to the road by which or in regard to the times at which they may proceed.

(2) Any person contravening or disobeying any of the directions referred to in Sub-rule (1) shall, on conviction, be punishable with fine which may extend to 1[Rs. 100(rupees one hundred)] for the first offence and to 1[Rs. 500(rupees one hundred)] for the first offence and to 1[Rs. 500(rupees five hundred)] for any subsequent offence.

60. Licensed traders and general commission agents- (1) No person shall do business as a trader of a general commission agent in agricultural produce in any 1[market area] except under a licence by the Market Committee under this rule.

(2) Any person desiring to hold such licence shall make a written application for a licence to the Market Committee and shall pay such fee as may be specified in the bye-laws.

(3) On receipt of such application together with the proper amount of the fee the Market Committee may, after making such enquiries, as may be considered necessary for the efficient conduct of the market, grant him the licence applied for. On the grant of such licence the applicant shall execute an agreement in such form as the Market Committee may determine, agreeing to conform with these rules and the bye-laws and such other conditions as may be laid down by the Market Committee for holding the licence.

(4) Notwithstanding anything contained in Sub-rule(3), the Market Committee may refuse to grant a licence to any person, who in its opinion, is not solvent or whose operations in the market area are not, likely to further efficient working of the market under the control of the Market Committee.

(5) The licence shall be granted for a period of one year, after which it may be renewed on application and on payment of such fees as may be specified in the bye-laws.

(6) The names of all such traders and general commission agent shall be entered in a register to be maintained for the purpose.

(7) Whoever does business as a trader or a general commission agent in agricultural produce in any market area without a licence granted under this rule or otherwise contravenes any of the provisions of this rule shall, on conviction, be punishable with fine which may extend to 1[rupees five hundred] and in the case of a continued contravention with a further fine which may extend to 1[rupees one hundred] to everyday during which the contravention continued after the date of the first conviction subject to a maximum of 1[rupees five hundred]

CASE LAW -Rule 60-This tries to cover the whole field of licensing-Hence, it is ultra vires Act 3 of 1957: 1974 TLR 1837 (Oris.)

61. Powers of the Market Committee to suspend or cancel the licence granted to traders and general commission agents.-

(1) The Market Committee may, by a resolution passed by a majority consisting not less than two-thirds of its members cancel or suspend for a fixed period, the licence granted to one trader or general commission agent if he contravenes any of the conditions of his agreement of licence or of the rules or bye-laws or who, in the opinion of the Market Committee, is not solvent :

Provided that no order cancelling the licences or suspending the same for a period of more than six months shall be passed without previous approval of the Director.

(2) Any appeal against the decision of the Committee given under Sub-rule (1) shall lie to such Officer as may be authorised by the Director in this behalf and the decision of such officer in such appeal shall be final.

Provided that such appeal is made within thirty days of the decision of the Market Committee and the appellant abides by the decisions of the Market Committee from the date of such decision till the date of the orders passed in appeal.

62. Licensed brokers, weighmen, measurers and surveyors-(1) No person shall do business in any 1[market area] as a broker, weighman, measurer or surveyor except under a licence granted by the Market Committee.

(2) Any person desiring to hold such licence shall make a written application for a licence to the Market Committee and shall pay such fees as may be specified in the bye-laws.

(3) On receipt of such application together with the proper fees as may be specified in the , bye-laws the Market Committee may, after making such enquiries as may be considered necessary for the efficient running of the market, grant him the licence applied for. On the grant of such licence the applicant shall sign an agreement in such form as the Market Committee may determine agreeing to conform with the bye-laws and such other conditions as may be laid down by the Market Committee for holding the licence.

(4) Notwithstanding anything contained in Sub-rule (3), the Market Committee may refuse to grant licence to any person, who, in its opinion is not solvent or whose operations in the 1[market area] are not likely to further the efficient working of the market under the control of the Market Committee.

(5) The licence shall remain in force from the date on which it is granted till 31st August following and may be renewed thereafter on application and on payment of such fees as may be specified in the by-laws.

(6) The Market Committee may, by a resolution, cancel or suspend for a fixed period the licence granted to any broker, weighman, measurer or surveyor if he contravenes any of the conditions of his agreement of licence or of the rules or bye-laws or if in the opinion of the Market Committee his continuance as licence-holder is likely to be detrimental to the working of the market.

(7) An appeal under Sub-section (2) of Section 13 of the Act shall be filed within 30 days of the date of decision of the Market Committee.

(8) The Chairman may suspend the licence of any broker, weighman, measurer or surveyor for any of defaults for a period which may extend to one month.

(9) No person shall be entitled to do business other than that for which he holds a licence or licences.

(10) No person who is in the service of another person shall be eligible to hold a licence as a broker, weighman, measurer or surveyor. If any licensed broker, weighman, measurer or surveyor enters service or does business other than that for which he holds a licence or licences his licence or licences shall be deemed to have been cancelled.

63. Charges for brokerage, weighing, measuring and surveying- The fee payable to a licensed broker, weighman, measurer or surveyor in respect of his services shall be such as may be specified in the bye-laws.

64. Keeping of books by broker, weighman, measurer and surveyor- Every broker, weighman, measurer and surveyor licensed under these rules shall keep such books in such form and tender such periodical returns and at such time and in such form as the Market Committee may, from time to time , direct and shall tender such assistance rules and bye-laws and in the prevention of the breach of the rules and bye-laws as may be required by the Market Committee.

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

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

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

68. Penalties for plying trade without licence or badge- Any person working in the market area as a broker, weighman, measurer or surveyor without a licence or any weighmen or measurer plying his trade without the authorised badge shall, on conviction be punishable with fine which may extend to Rs. 200.

69. General commission agents, etc. not to receive fees other than those specified for their services - No licensed general commission agent or his servant and no broker, weighman, measurer and surveyor shall solicit or receive fees other than those specified for their services in the bye-laws. For contravention of the provision of this rule their licence shall be liable to be cancelled forthwith.

70. Trader or his servant not to solicit brokerage or weighing, measuring or surveying charges - If any trader or his servant or agent solicits or receives any fees for brokerage or weighing, measuring or surveying charges, the trader's licence shall be liable to be cancelled forthwith.

71. Weighment or measuring by licensed weighmen or measurers-In the case of a sale or purchase of agricultural produce. All weighment and measuring shall be done by licensed weighmen and measurers.

72. Penalties to licensed general commission agent, brokers, surveyor, weighman or measurer for demanding or receiving any sum not authorised by rules or bye-laws- Any licensed general commission agent, broker, weighman, measurer or surveyor who shall demand, receive or retain or shall permit any other person to demand, receive or retain on account of or under the colour of, fees due in respect of his service, any sum not due under these rules or the bye-law or a larger sum than is due under these rules or bye-laws and any person who, not being a licensed general commission agent, broker, weighman, measurer or surveyor, shall demand, receive or retain or facilitate the demanding, receiving or retaining of such sums, shall, on conviction, be punishable with fine which may extend to Rs. 200.

73. The licensed trade to provide equipment for weighing and measuring- (1) The licensed trader shall provide or arrange to provide all such necessary authorised weights and measurers and authorised weighing instruments at the time of taking delivery of agricultural produce sold in the market area as may be specified in the bye-laws.

(2) No licensed trader shall use weights and measures of weighing instruments of her than authorised weights and measures or weighing instruments.

(3) Any licensed trader who commits a breach of the provisions of this rule shall be deemed to have violated the conditions of his licence.

74. Weights and measures to be used in market area- No weight, measure or weighing or measuring instrument other than and authorised weight, measure or weighing or measuring instrument shall be used in any market area.

75. Units of price quotations to be used in the market area - The units of price quotations in every market area shall be in terms of authorised weights and measures and shall be such as are approved by the Director or any officer authorised by him in this behalf.

76. A set of standard weights and measures, weighing and measuring instruments to be kept by the Market Committee - The Market Committee shall keep at least one set of such weights and measures and weighing and measuring instruments as are standard weights and measures and measuring instruments respectively under the Orissa Weights and Measures Act. Such standard weights and measure weighing and measuring instrument- shall be available to the public for inspection and checking at all reasonable hours.

77. Counter-balancing in weighmen- If any rope or gunny bag or any other is used to the bundles in the pan on the goods side of the scale, weight equivalent to the weight of the rope or of the gunny bag or of the article so used shall be added to the pan on the weight side of the scales in order to counter-balance the weight of the rope or of the gunny bag or of the article used for typing the buttdies.

78. Weighment on aweigh-bridge- Where the funds at its disposal permit the Market Committee may, and , if required by Government, shall erect one or more weigh-bridges in the market and shall be responsible for keeping the same in proper working order. Any buyer or seller may at his option his produce weighed on it on payment of the fees fixed under the bye-laws.

79. Inspection of weights and measures and weighing and measuring instruments- (1) All weights and measures and weighing and measuring instruments which are in use in market area shall be verified and stamped by the inspector appointed under Sections 15 and 16 of the Orissa Weights and Measures Act, 1943 (herein referred to as Inspector or Weights and Measures), within whose jurisdiction the market is situated in accordance with the provisions of the said Act (Act 7 of 1943) and rules made thereunder.

(2) Every licensed trader, general commission agent, weighman or Measurer shall, on a requisition in writing being made to him by the Chairman of the Market Committee, immediately produce for examination all and every scale and weight and measure used, kept, or possessed by him or by any person or persons under his authority or control and shall allow the Chairman to inspect, examine and compare the same.

(3) On a requisition by the Market Committee, the Inspector of Weights a Measures, in whose jurisdiction the market area is situated, shall carry out the inspection and testing of weights, measures and weighing or measuring instruments in use in the market area and shall take such action as is consistent with the provisions of the Orissa Weights an Measures Act, 1943 and the rules made thereunder.

(4) An appeal against the decision of the Market Committee under Subsection (7) of Section 13 shall lie within 30 days of such decision.

80. Report regarding unauthorised weights an measures and weighing and measuring instruments- If in the absence of an Inspector of Weights and Measures any weight or measure or weighing or measuring instrument is, on examination, reasonably suspected to be unauthorisd, a report shall forthwith be made by the Chairman of the Market Committee in writing to the Inspector of Weights and Measures, who shall thereupon proceed in accordance with the provisions of the Orissa Weights an Measures Act,1943 and the rules made thereunder.

81. Penalty for disobedience of order to produce weights of measures or weighing or measuring instruments for examination. Whoever being bound under provision of Rule 79 to produce any weights or measures of weighing or measuring instrument, does not produce the weights or measures or weighing or measuring instruments or does not allow the examination, inspection or comparison of any weight or measure or weighing or measuring instrument shall on conviction, be punishable with fine which May extend to Rs. 200.

82. Storing of agricultural produce - All agricultural produce brought into a 1[market area] shall be stored at such places as may be specified in the bye-laws. Pending such arrangement, the agricultural produce brought into the 1[market area] when unsold may be stored in the compounds, godowns and warehouses owned or hired by the licensed general, commission agent or broker for that purpose. The goods so stored shall be weighed in the presence of the seller or his representative at the time of delivery for storing and an acknowledgment indicating the kind and weight of goods shall be given by the licensed general commission agent or broker to the seller. Such storing of agricultural produce shall be subject to the payment of such storage fee and such other conditions as may be specified in the bye-laws.

83. Regulation of advances of agriculturists- A licensed general commission agent or broker may give advances either in c a se or in kind to agriculturists but such advances shall be made subject to the following conditions :

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

(2) 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 signature every individual transaction of lending and recovery in the copy of the account book so given.

84. Prevention of adulteration of agricultural produce - It shall be the duty of the Market Committee to take all possible steps to prevent the adulteration of agricultural produce in the market area and no person doing business in the market area shall cause adulteration of agricultural produce in such area.

Explanation - For the purpose of this rule adulteration of agricultural produce shall include the mixing of inferior variety of jute with superior variety, ghee with vegetable ghee and mixing of earth, sand, dirt, sticks, or any other external matter to the agricultural produce.

85. Grading and standardisation of the agricultural produce- The Market Committee shall maintain for the use of sellers and buyers a set of samples of standard grades of agricultural produce sold at the market and shall renew the same as may be necessary from time to time. The Market Committee shall also arrange to keep and exhibit samples of different grades of agricultural produce with indications of parity prices based on rates ruling in terminal and key markets for the information of sellers and buyers.

(2) The Market Committee may carry out the work on grading of agricultural produce.

(3) The fees to be charged for carrying out grading of agricultural produce shall not exceed the maximum specified in the bye-laws.

86. Keeping of price list- The Market Committee shall maintain daily lists of prices of different types and grades of agricultural produce in respect of which the market is established.

1[87. Authority competent to call special meeting of Market Committee- (1)The Secretary of the Market Committee, shall convene special meetings of the Market Committee on receipt of a

requisition in writing from the Government, Board, Director or at least half within such time as may be specified in the requisition to consider any matter of immediate importance to the constitution, function or other affairs of the Market Committee including the management control and development of markets thereunder.

(2) If a special meeting is not convened in accordance with any such requisition specified in Sub-rule (1), the requisiting authority shall have the power to convene such meetings and the meeting convened shall be deemed to be a meeting convened by the Secretary .]

88. 2[* * *]

3[89. The State Government may by notification in the official Gazette suspend during the first year of the establishment of any market 1[Committee], the operation of any of the provisions of these rules for such time and to such extent as they think fit.]

form I
[See Rule 10 (i)]
Nomination Paper

1. Name of the constituency
2. Full name of candidate
3. Number of candidates in the list of voters
4. Father's or husband's name
5. Age
6. Community
8. Occupation and address
9. Full name of proposer
10. Number of proposer in the list of voters
11. Signature of the proposer
12. Full name of the seconder
13. Number of the seconder in the list of voters
14. Signature of the seconder

I declare that I am willing to stand for election to the Market Committee of

Signature of candidate

Certificate of delivery by the Collector or other authorised person

Serial No.....

This nomination paper was delivered to me by (person) at

(date and hour)

Signature of the Collector or other

authorised person

Instruction - Nomination papers which are not presented to the Collector or other authorised person before(hour) on the dayof 20.....shall not be received.

form II
[See Rule 12]

List of Nominations received on.....(Date)forconstituency

1. Serial number
2. Name of candidate
3. Father's or husband's name
4. Sex
5. Community
6. Occupation and address
7. Name at proposer
8. Name of seconder

Note- The nomination papers shall be taken up for scrutiny at.....A.M. / P.M. theday ofat(place)

Signature of the Collector or
person authorised by him

form III
[See Rule 15 (2)]
List of Valid Nominations

1. Serial number
2. Name of candidates
3. Sex.
4. Community
5. Address

Note- The Poll shall be taken between.....andat.....the polling stations already notified.

Signature of the Collector or
person authorised by him

form IV
[See Rule 48 (3)]
Form of Declaration and Certificate

kind of agricultural

produce

Carts and

packages

Where bought

Name of seller

Through whom

bought

Name of the buyer

of his agent

(1) (2) (3) (4) (5) (6)

I hereby certify that the above-mentioned agricultural produce has been bought outside the limits of the market area and brought in the limits of the market area and brought in the limits of the market for the purpos of.....

Date..... Signature

form V
[See Rule 57(1)]
Form of Agreement

1. Name of seller and his village
2. Name of general commission agent, if any
3. Name of buyer or his agent
4. Number of carts, packages and loads
5. kind of produce, quality
6. Rate
7. Place of delivery
8. Date Market fee Rs. nP Ticket number

Signature of Market Committee's servant

I hereby agree that when the above-mentioned agricultural produce is unloaded, if refused to take it at the rate stated above the matter shall be referred for arbitration in accordance with the provisions contained in Rule 31 of the Orissa Agricultural Produce Rules, 1958. I bind myself to accept the decision given in such arbitration under the said rule.

Signature of the buyer or his agent