

THE
KARNATAKA
AGRICULTURAL PRODUCT MARKETING
(REGULATION AND DEVELOPMENT)
RULES, 1968

CONTENTS

Rules Page No.

PART I

1. Title and extent	155
2. Definitions	156
(i) Act.....	156
(ii) Bye-law	156
(iii) Chairman.....	156
(iv) Committee.....	156
(v) Form.....	156
(vi) Circle.....	156
(vii) Section.....	156
(viii) Vice-Chairman.....	156
(ix) Words and expressions.....	156

PART II

Constitution of Market Committee and Election

3. Persons qualified to vote	156
4. Names of persons authorized by firms, societies, etc., to vote to be reported	157
5. Preparation of voters' lists of agriculturists constituencies	157
5-A. Correction of entries in the lists of voters of agriculturists' constituency and inclusion of names in such lists	163
5-B. Preparation of the lists of voters of the traders' constituency	165

Rules	Page No.
5-C. Maintenance of list of names of the members of the managing committee of Co-operative Marketing Societies and Agricultural Co-operative Processing Societies.....	166
6. Calling upon constituencies and Co-operative Marketing Societies and Agricultural Co-operative Processing Societies to elect.....	167
7. Notice of election	168
8. Nominations.....	169
9. Deposit	170
10. Publication of list of nominations.....	170
11. Scrutiny of nominations.....	170
12. Disposal of objections and rejection of nominations.....	170
13. Withdrawal of candidature	172
14. Procedure for election	172
15. Assignment of symbols	172
16. Form of ballot paper.....	173
17. Arrangements for the holding of election.....	173
18. Voting.....	173
19. Death of a candidate before poll.....	173
20. Polling stations and officers.....	173
21. Appointment of polling agents.....	174
22. Supply of materials to the polling station.....	174
23. Admission to polling stations.....	174
24. Polling arrangements and manner of recording votes.....	175
25. Tendered votes	176
26. Challenging of identity.....	177
27. Spoilt and returned ballot papers.....	178
28. Closing of poll.....	178
29. Sealing of ballot boxes after poll.....	179
30. Account of ballot papers.....	179
31. Sealing packets.....	179

Rules	Page No.
32. Adjournment of poll in emergencies	180
33. Procedure on adjournment of poll.....	180
34. Fresh poll in the case of destruction, etc., of ballot boxes.....	181
35. Counting of votes	182
36. Counting to be continuous.....	183
37. Declaration of results	184
38. Returning Officer not to open the sealed packets.....	184
39. Procedure at election when equality of votes exist.....	184
40. Election papers to be forwarded to Deputy Commissioner.....	184
41. Election of the Representative of the Co-operative Marketing Societies and Agricultural Co-operative Processing Societies	185
42. Casual vacancies.....	186
43. Custody and destruction of voting papers.....	186
44. Prescribed officer for election of Chairman, etc.	186
44-A. Nomination of candidate (Omitted)	187
44-B. Procedure on receipt of nomination paper (Omitted)	187
44-C Scrutiny of nominations (Omitted)	187
44-D. Withdrawal of candidature (Omitted)	187
44-E. Procedure in contested and uncontested elections (Omitted)	187
44-F. Votes to be taken at a meeting (Omitted)	187
44-G. Procedure for the conduct of elections (Omitted)	187
44-H. Counting of votes (Omitted)	187
44-I. Record of proceedings (Omitted)	187
44-J. Sealing and custody of election papers (Omitted)	187

PART III
**Chairman, Vice-Chairman, Officers and Servants of the Committee,
their Functions and Powers**

45.	Validity of election.....	188
46.	Assumption of charge by Chairman or Vice-Chairman	188
46-A	Honorarium to the Chairman and Vice-Chairman of the market committee.....	189
47.	Casual vacancy in the office of the Chairman or Vice-Chairman.....	189
48.	Term of office of Chairman, Vice-Chairman elected to fill a casual vacancy.....	189
49.	Motion of no-confidence against Chairman or Vice-Chairman.....	189
50.	Duties and powers of the Secretary.....	190

PART IV
Conduct of Business

51.	Meeting of the committee.....	192
52.	Copy of the proceedings of the meeting.....	192
53.	Copies of documents or entries in the books of the market committee to be certified.....	192
54.	Up-to-date copy of Act, Rules, etc., to be maintained...	193
55.	Settlement of disputes.....	193
56.	Powers of the market committee to write off.....	196
57.	Duties of the market committee.....	197
58.	References.....	197
59.	Appeal against an order of the committee and Chairman.....	197

PART V
Market Fund, Expenditure and Accounts

60	Market Fund.....	198
60-A	Short-term advance to the producer-seller	198
60-B	Grant of loans to the Co-operative Marketing Societies and Agricultural Co-operative Processing Societies	201

Rules	Page No.
60-C. Providing infrastructural facilities outside the Market Yard, Sub-Market Yard and Market Sub-Yards	203
61. Expenditure.....	205
62. Remittance to Treasury or Bank.....	206
63. Pass Book.....	206
64. Submission of budget	206
64-A. Revision of Budget.....	207
64-B. Supplementary Budget	207
65. Accounts, audit and inspection.....	207
65-A. Accounts to be maintained by the Market functionary	209
66. Auditor to report material impropriety or irregularity, loss, waste or misappropriation.....	209
67. Annual report.....	210
68. Contribution to the Consolidated Fund	210
69. Contribution to the State Agricultural Marketing Board	210
70. Preparation of plans.....	211
71. Approval of plans and estimates	211
72. Supervision of works.....	212

PART VI

Levy and collection of fees

73. Collection of fees	212
74. Receipts.....	212
74-A. Issuance of Permit.....	212
75. Security.....	212
76. Licensed traders, commission agents, etc	213
77. Disqualifications for obtaining a license to operate as traders	216
78. Disqualification for obtaining license to operate as commission agents	218
79. Licensed weighmen, measures, Surveyors, Hamals, Cartmen, Public carrier, etc.	220
80. Issue of duplicate license	221

Rules	Page No.
81 Refusal, cancellation or suspension of license to be communicated to person concerned.....	221
82 Prohibition of brokers from acting on behalf of both the buyer and the seller.....	222
83 Commission agents, etc., not to receive fees other than those specified for their service [Omitted].....	222
84 Trader, etc., not to solicit brokerage or charges for weighing, measuring or surveying.....	222
85 Keeping of books and issue of receipts, etc.	222
86 Reports and returns by traders and commission agents..	223
87 Reports by market functionaries other than traders and commission agents.....	224
87-A Compounding of offences.....	225

PART VI-A

Establishment of private market yards, direct purchase centers and farmer – consumer markets etc.

87-B Grant of license for establishment of private market yard	225
87-C Grant of license for direct purchase of agricultural produce from agriculturists or producers	229
87-D Grant of license to establish farmer-consumer market ...	231
87-E Procedure for Settlement of disputes.....	232
87-F Power to revoke bank guarantee.....	232
87-G Levy of charges, fees by a private market yard licensee and farmer-consumer market licensee	233
87-H Duties and responsibilities of private market yard licensee, direct purchase centre licensee and farmer-consumer market licensee	234
87-I Powers of the Director of Agricultural Marketing to make enquiry and inspection	237
87-J Manner of Preferring Appeals.....	238

PART VII
Karnataka State Agricultural Marketing Board

88. Election of a Member to the State Marketing Board	238
88-A. Nominations.....	240
88-B. Scrutiny of nominations.....	240
88-C. Withdrawal of candidature.....	241
88-D. Procedure in contested and uncontested elections.....	241
88-E. Voting.....	241
88-F. Procedure for the conduct of elections.....	242
88-G. Counting of votes.....	242
88-H. Sealing and custody of election papers.....	244
88-I. Publication of names of the elected members of the Board.....	244
89. Preparation of plans and estimates (Omitted).....	244
90. Budget (Omitted).....	245
91. Marketing Development Fund	245

PART VII-B
Contract Farming

91-A. Registration of Contract Farming Sponsor	245
91-B. Purchase of Produce under Contract Farming Agreement.....	246
91-C. Contract Farming Sponsor prohibited from raising permanent structure of Contract Farming Producers' land.....	246
91-D. Objects of Contract Farming Agreement	246
91-E. Period of Contract Farming Agreement	246
91-F. Recovery of loans and advances given by the Contract Farming Sponsor to the Contract Farming Producer	246
91-G. Submission of Annual Accounts by Contract Farming Sponsor.....	247
91-H. Dispute Settlement Authority of Contract Farming	247
91-I. Appeal against the decision of the Dispute Settlement Authority.....	247

PART-VII-C
E-Trading – Spot Exchange

91-J.	Grant of licence for establishing spot exchange	247
91-K.	Power to revoke bank guarantee.....	248
91-L.	Spot exchange licensee to levy charges, fees etc.	249
91-M.	Duties and responsibilities of spot exchange licensee.....	251
91-N.	Powers of the Director of Agricultural Marketing to make enquiry and inspection	254

PART VIII
Miscellaneous

92.	Powers and duties of the Panchayats appointed as agents of the committees	255
93.	Distribution of assets, rights and liabilities.....	256
94.	Publication of bye-laws.....	256
95.	Publication of standing order.....	256
96.	Repeal and savings	256

FORMS

1.	Notice of publication of Preliminary Voters List	257
2.	Claim Application for inclusion of Name	257
3.	Objection to inclusion of name	258
4.	Objection to particulars in an entry	259
5.	List of Claims	260
6.	List of objections to inclusion of names	260
7.	List of objections to particulars in entries	261
8.	Notice of hearing of a claim	261
9.	Notice to the objector	262
10.	263
11.	Notice of hearing of an objection to particulars in an entry	265
12.	Notice of final publication of Voters' List	266
13.	Application for deletion of entry in Voters' List	266
14.	Application for inclusion of name in the Voters' List for a Traders' Constituency	267
15.	Nomination Paper	268
16.	List of nominations received for...Constituency	269
17.	List of valid nominations	269
18.	270

19. Appointment of Polling Agent	270
20. Tendered Voters' List	271
21. List of Challenged Votes	271
22. Ballot Paper Account	272
23. Record of Ballot Papers in the Box	273
24.	273
25. APMC Election for the office of the Chairman & Vice Chairman	274
26.	274
27. Form of Notice of motion of no-confidence	274
27-A. Application for the Grant of Short Term Advance	275
27-B. Agreement Bond	276
27-C. Receipt	277
27-D. Application Form for Loans to the Agricultural Co-operative Marketing Society/Agricultural Co-operative Processing Society for the purpose of Purchase/sale/processing of Notified Agricultural Produce	277
28. Market Committee	280
29-A. Budget Estimates of theMC for the year	281
29-B.	286
30. Statement showing details of establishment for the year	287
31. Statement showing details of public works to be executed during the ensuing year	287
32. Details of loans sanctioned to the market committee	287
33. Contributions and other dues payable to Govt Dept by the market committee during ensuing year	288
34. Annual Report	288
35.	288
35-A. Permit for transportation of notified agricultural produce	290
35-B. Agricultural Produce Market Committee	291
36.	291
37.	292
37-A. Application for obtaining license for operating in more than one marketing area as a Trader	293
37-B. License for operating in more than one market area as trader	294
38. Election to the membership of the Karnataka State Agricultural Marketing Board	296
39. Ballot paper for election to the KSAMB	296
40. Return of election to the membership of the KSAMB	297
41. Form of application for Grant/Renewal of Traders/Comm.Agents/ Brokers/Exporters/Importers/Stockists/Warehousemen/Ginners/ Pressers/Crushers/Processors License	297
42. Application for the use of retail traders	301
43. Application for Traders Temporary license	302
44. Application for Grant of License of Weighmen/Measurers/ Surveyors	304

45. <u>Application for grant/renewal of Hamal's/Cartmen's/owner of public Carriers/Truck/Tractor License</u>	305
46. <u>Application for grant of license for establishment private market yard/farmer-consumer market</u>	306
47. <u>Register of license holders for establishment of private market yard, direct purchase and farmer-consumer market</u>	308
48. <u>Grant of license for establishment of private market yard, Direct purchase centers and farmer-consumer market</u>	308
49. <u>Application form for the renewal of license of private market yard/ direct purchase center/farmer consumer market under Sec.72-c</u>	310
50. <u>Application for obtaining license for direct purchase of agricultural produce</u>	311
51. <u>Name of places to open direct purchase centers initially</u>	312
52. <u>Name of centers to be opened by direct marketing for purchase of agricultural produce after obtaining license</u>	313
53. <u>Register for recording and details of cash security/ bank guarantee</u>	313
54. <u>Application for Registration as Contract Farming sponsor</u>	314
55. <u>Register of Contract Farming Sponsor</u>	314
56. <u>Registration of Contract Farming Sponsor</u>	315
57. <u>Agreement for Contract Farming</u>	315
57-A. <u>Agreement for Contract Farming</u>	320
58. <u>Register for Registration of Contract Farming Agreement</u>	322
59. <u>Form for Annual Accounts of Contract Farming Sponsor</u>	322
60. <u>Application for grant of license for establishment of Spot Exchange</u>	323
61. <u>Grant of License for establishment of Spot Exchange</u>	325
62. <u>Certificate to be given in case of a Trader delivers Market Fee paid goods to Spot Exchange warehouse</u>	326
63. <u>Certificate of Market Fee paid Notified Agricultural Produce Delivery slip</u>	327

**THE
KARNATAKA AGRICULTURAL PRODUCE MARKETING
(REGULATION AND DEVELOPMENT)
RULES, 1968**

(As amended by GSR 406, dated 22-11-1968; GSR 44, dated 3-2-1970; GSR 69, dated 26-2-1970; GSR 116, dated 20-3-1970, GSR 112, dated 60-4-1970; GSR 151, dated 8-4-1970; GSR 120, dated 14-4-1970; GSR 131, dated 20-4-1970, GSR 187, dated 16-5-1970; GSR 191, dated 25-5-1970; GSR 218, dated 16-6-1970; GSR 258, dated 7-7-1970; GSR 74, dated 12-3-1971; GSR 104, dated 14-3-1974; GSR 343, dated 21-10-1976; GSR 332, dated 28-10-1977; SO 2627, dated 26-9-1978; GSR 30, dated 9-1-1979; GSR 155, dated 15-5-1979; GSR 30, dated 12-12-1985; GSR 83, dated 7-3-1988; GSR 93, dated 7-4-1988; GSR 127, dated 25-5-1988; GSR 23, dated 30-1-1990; GSR 164, dated 8-11-1990; Notification No.CMW 174 MRE 91, dated 27-1-1996; Notification Nos.CMW 214 MRE97, dated 29-1-2001; Co-op 10 MRE 2001, dated 30-10-2001; CMW 15 MRD 99, dated 5-2-2002; CD 248 MRE 2003, dated 3-2-2004; CD 370 MRE 2003, dated 22-7-2004 and CD 229 MRE 2007, dated 19-3-2008.)

GSR 102.-In exercise of the powers conferred by Section 146 of the Karnataka Agricultural Produce Marketing 2[(Regulation and Development)] Act, 1966 (Mysore Act 27 of 1966), the Government of Karnataka hereby makes the following Rules, the draft of the same having been published as required by sub-section (1) of Section 146 of the said Act in Notification No.GSR 65 (DCP 257 CMD 65, dated 4th February, 1967) in the Karnataka Gazette (Extraordinary), dated 4th February, 1967, namely.-

PART 1

1. Title and extent.-(1) These Rules may be called the Karnataka Agricultural Produce Marketing 3[(Regulation and Development)] Rules, 1968.

(2) They shall extend to the whole State of Karnataka.

1. Published in the Karnataka Gazette, Extraordinary, dated 10-4-1968 vide Notification No.DPC 257 CMD 67, dated 3-4-1968

2. Substituted for the brackets and work “(Regulation)” by Notification No. CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008

3. Substituted for the brackets and work “(Regulation)” by Notification No. CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008

2. **Definitions.**- In these Rules, unless the context otherwise requires.-

- (i) **“Act”** means the Karnataka Agricultural Produce Marketing [(Regulation and Development)] Act, 1966;
- (ii) **“Bye-law ”** means a bye-law made under Sections 148 and 149 of the Act;
- (iii) **“Chairman ”** means the Chairman of the committee;
- (iv) **“Committee”** means the market committee;
- (v) **“Form”** means a Form appended to these Rules;
- (vi) **“Circle”** means a revenue circle and shall have the same meaning as in the Karnataka Land Revenue Act, 1964;
- (vii) **“Section”** means a section of the Act;
- (viii) **“Vice Chairman”** means the Vice Chairman of the committee.

[(ix)] The words and expressions used in these rules but not defined herein shall have the same meaning as assigned to them in the Act.]

PART II

Constitution of Market Committee and Election

3. Persons qualified to vote.- [(1) All agriculturists in a market area who are not less than [eighteen 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 votes in all the constituencies shall be deemed to be void.

[(3) All traders other than retail traders in the market area shall be entitled to have their names entered in the list of voters of the traders’ constituency.]

-
1. Substituted for the brackets and work “(Regulation)” by Notification No. CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008.
 2. Clause (ix) inserted by Notification No. CD 229 MRE 2007, dated 19-3-2008, w.e.f 20-3-2008.
 3. Sub-rule (1) substituted by GSR 44, dated 3-2-1970.
 4. Substituted for the words “twenty-one years” by GSR 164, dated 8-11-1990.
 5. Sub-rule (3) substituted by GSR 23, dated 30-1-1990

 [(4) x x x x x.]

(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 that 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 authorized by firms, societies, etc., to vote to be reported.-Every firm or corporation or co-operative society qualified to vote in a traders' constituency [x x x x x.] under these Rules shall nominate a person to vote on its behalf and intimate in writing the name of the person so nominated to the committee or [and the Deputy Commissioner or any 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 agriculturists' constituencies.-(1) The Deputy Commissioner or any officer authorized by him in this behalf hereinafter in this rule referred to as authorized officer] shall cause to be prepared in Kannada and also in such other language or languages as he deems necessary, lists of voters entitled to have their names entered in the lists of voters or agriculturists' constituencies.

(2) The lists 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 eight hundred.

(3) The names of voters in each part of the lists shall be arranged according to survey number or sub-division 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 sub-division 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 1.

(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 sub-division

-
1. Sub-rule(4) omitted by Notification No.CMW 174 MRE 91, dated 27-1-1994.
 2. The words "or in a commission agent's constituency" omitted by Notification No.CMW 174 MRE 91, dated 27-1-1994.
 3. Substituted for the words "or its authorized agents" by GSR 44, dated 3-2-1970.
 4. Rules 5, 5-A and 5-B substituted by GSR 44, dated 3-2-1970

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 in Form 16 maintained under the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964), or any other record maintained by or on behalf of the State 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.

He shall also.-

- (a) make copy of each separate part of the list together with a copy of the notice in Form 1 available for inspection at a specified place accessible to the public and in or near the area to which that part relates;
- (b) give such further publicity to the notice in Form 1 as he may consider necessary.

(6) Every claim for the inclusion of a name in the voters' list and every objection to an 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 of 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) Substituted for the expression " Chief Marketing Officer" by GSR 127, dated 25-5-1988

(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) in 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 authorized officer; or
- (ii) be sent by registered post to the Deputy Commissioner or the authorized officer.

(9) The Deputy Commissioner or the authorized officer shall.-

(a) maintain in duplicate a list of claims in Form 5, a list of objections 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 authorized officer.

(11) If the Deputy Commissioner or the authorized officer is satisfied as to the validity of any claim or objection, he may allow it without further inquiry 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 authorized officer by any person, it shall not be allowed without further inquiry.

(12) Where a claim or objection is not disposed of under sub-rule (10) or sub-rule (11), the Deputy Commissioner or the authorized 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 acclain, 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 this sub-rule may be given either personally or by registered post or by affixing it to the person's residence or last known residence in the market area.

(13)(a) The Deputy Commissioner or the authorized officer shall hold a summary inquiry into every claim or objection 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 may be, the objector and the persons 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 inadvertence or error during preparation, the names of any voters have been left out in the lists of voters and that 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 his 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 lists 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), (13) and (14) and to correct any clerical or printing errors or other inaccuracies subsequently discovered in the voters' lists; and
- (ii) publish the voters' 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 lists of voters of the agriculturists' constituencies.

(16)(a) An appeal shall lie from any decision of the Deputy Commissioner or the authorized officer under sub-rule (13) or sub-rule (14) to [the Director of Agricultural Marketing]:

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 the authorized 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 appellant; and

1. Substituted for the words " the Divisional Commissioner" by Notification No.CD 248 MRE 2003, dated 3-2-29004, w.e.f 16-2-2004

-
- (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 this 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 authorized officer shall cause such amendments to be made in the lists of voters as may be necessary to give effect to the decisions of the appellate officer 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 of Agricultural Marketing] may direct;
- (b) Where the lists of voters or any part thereof is to be revised intensively at any time, it shall be prepared afresh and the preceding sub-rules 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 authorized 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 provisions of sub-rules (3) to (16) shall apply in relation to such revision 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

1. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988, w.e.f 25-5-1988

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 authorized 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 inclusion.

5-A. 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 (hereinafter in this Rule referred to as the authorized officer), on application made to him or on his own motion, is satisfied after such inquiry as he thinks fit, that any entry in the list 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 authorized officer, shall subject to such general or special directions, if any, as may be given by the [Director of Agricultural Marketing] in this behalf, amend 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 then 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 authorized 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 authorized officer for the inclusion of his name in that list;
- (b) The Deputy Commissioner or the authorized officer shall, if satisfied that the agriculturist is entitled to be registered in the list of voters, direct his name to be included therein;

1. Substituted for the expression " Chief Marketing Officer" by GSR 127, dated 25-5-1988.

-
- (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 nominations 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 Forms 2, 4 and 13 as may be appropriate;
- (b) The Deputy Commissioner or the authorized 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 authorized 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 is entitled to be registered in the lists of voters, direct his name to be included therein:

Provided that when an application is rejected by the Deputy Commissioner or the authorized 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 Director of Agricultural Marketing] 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 appellant;
 - (ii) accompanied by a copy of the order appealed from; and
 - (iii) presented to [the Director of Agricultural Marketing] or sent by registered post so as to reach him within the period specified in clause (a).

1. Substituted for the words " the Divisional Commissioner" by Notification No.CD 248 MRE 2003, dated 3-2-29004, w.e.f 16-2-2004

2. Substituted for the words " the Divisional Commissioner" by Notification No.CD 248 MRE 2003, dated 3-2-29004, w.e.f 16-2-2004

(c) For the purposes of clause (b) an appeal shall be deemed to have been presented to [the Director of Agricultural Marketing], when the memorandum of appeal is delivered by, or on behalf of the appellant to [the Director of Agricultural Marketing] himself or to any other officer appointed by him in this behalf.

(d) The provision of clauses (d) and (e) of sub-rule (16) of Rule 5 and of clause (c) of sub-rule (2) of this rule shall mutatis mutandis be applicable to an order passed in appeal under this sub-rule.

COMMENTS

Synopsis

1. *Applicant should be a licensed trader*

2. *Seven clear days notice*

1. *Applicant should be a licensed trader*

Rules 5-A(2) & 5-B(3) proviso & Form 14.- On the date of the application for inclusion in the voters' list the applicant should be a licensed trader – *Chandrashekar B.S. v Tahsildar, 1976(1) Kar.L.J.38:ILR 1976 Kar.256.*

2. *Seven clear days notice*

Rule 5-A(3)(b).- A person who is interested in raising any objection to the application for inclusion in the voters' list must have seven clear days notice- *Chandrashekar B.S v Tahsildar, (1976)1 Kar.L.J.38: ILR 1976 Kar.256.*

5-B. Preparation of the lists of voters of the traders' constituency [x x x x x].-
 (1) The Deputy Commissioner or any officer authorized by him in this behalf (hereinafter in this Rule referred to as the authorized officer), shall maintain in his office [list] of voters containing the name, father's/husband's name, residence, age, address and licence number of [traders other than

1. Substituted for the words " the Divisional Commissioner" by Notification No.CD 248 MRE 2003, dated 3-2-29004, w.e.f 16-2-2004.
2. Substituted for the words " the Divisional Commissioner" by Notification No.CD 248 MRE 2003, dated 3-2-29004, w.e.f 16-2-2004
3. The words "and the Commission Agent's Constituency" omitted by Notification No. CMW 174 MRE 91, dated 27-1-1994
4. Substituted for the words "two lists" by Notification No.CMW 174 MRE 91, dated 27-1-1994
5. Substituted for the letters and words " 'A' class, 'B' class and 'C' class traders" by GSR 23, dated 30-1-1990

retail traders] licensed by the market committee [x x x x x] to operate in the market area.

(2) In order to enable the Deputy Commissioner or the authorized 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 authorized officer about every change in the lists of licensed traders [x x x x x]; and the Deputy Commissioner or the authorized 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 [x x x x x].

(3) The provisions of Rule 5-A shall apply in relation to the lists of voters of the traders' constituency [x x x x x] 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) of sub-rule (2) of Rule 5-A is received by the Deputy Commissioner or the authorized 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 authorized officer shall act in accordance with sub-rule (2).]

[5-C. Maintenance of list of names of the members of the managing committee of [Co-operative Marketing Societies and Agricultural Co-operative Processing Societies].-(1) The Deputy Commissioner or any officer authorized by him in this behalf (hereinafter in this rule referred to as the authorized officer) shall, in respect of the [Co-operative Marketing Societies and Agricultural

1. The words "and of Commission Agents holding licences issued by the market committee" omitted by Notification No.CMW 174 MRE 91, dated 27-1-1994.

2. The words "and Commission Agents" omitted by Notification No.CMW 174 MRE 91, dated 27-1-1994

3. The words "or licensed commission agents" omitted by Notification No.CMW 174 MRE 91, dated 27-1-1994.

4. The words "and commission agents constituency" omitted by Notification No.CMW 174 MRE 91, dated 27-1-1994

5. Rule 5-C inserted by GSR 191, dated 25-5-1970

6. Substituted for the words "Taluk Marketing Societies" by Notification No.CMW 174 MRE 91, dated 27-1-1994

7. Substituted for the words "Taluk Marketing Societies" by Notification No.CMW 174 MRE 91, dated 27-1-1994

 Co-operative Processing Societies] [x x x x] referred to in [x x x x x] sub-section (1) of Section 11, 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 authorized officer to maintain the list of the members referred to in sub-rule (1) corrected up-to-date, the Manager or the Secretary of every such society shall immediately inform the Deputy Commissioner or the authorized officer of every change in the names of the members of the managing committee of such societies and the Deputy Commissioner or the authorized officer on receipt of information, strike off the names of the persons who have ceased to be and include therein the names of persons who have become members of the managing committee of such societies.

(3) The provisions of Rule 5-A shall apply mutatis mutandis in relation to the list of names of the members of the managing committee of each of the societies referred to in [x x x x x] sub-section (1) of Section 11:

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

[6. Calling upon the constituencies [and [Co-operative Marketing Societies and Agricultural Co-operative Processing Societies]] to elect.—(1) For the purpose of constituting a market committee as required by Section 154-A or after the expiry of the term of a market committee constituted under Section 10 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 under Section 127 or after the period for which an Administrator is appointed under Section 130, the Deputy

-
1. The words "and producer societies" omitted by GSR 23, dated:30-1-1990
 2. The words "the third proviso to" omitted by Notification No.CMW 174 MRE 91, dated 27-1-1994
 3. The words "the first proviso to" omitted by Notification No.CMW 174 MRE 91, dated 27-1-1994
 4. Rule 6 substituted by GSR 44, dated 25-5-1970
 5. Inserted by GSR 191, dated 25-5-1970
 6. Substituted for the word "Institutions" by Notification No.CMW 174 MRE 91, dated 27-1-1994

Commissioner shall by order call upon the constituencies [and [Co-operative Marketing Societies and Agricultural Co-operative Processing Societies]] to elect members in accordance with the provisions of the Act, these rules and of the order 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 [Co-operative Marketing Societies and Agricultural Co-operative Processing Societies] 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 far as may be, in relation to the election of a member to fill such a vacancy.]

[7. Notices of Election. – Not less than twenty days before the date for the election the Deputy Commissioner shall cause a notice in Kannada to be published in a Kannada news paper having wide 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 co-operative marketing societies and Agricultural Co-operative processing societies referred to in sub-section (1) of Section 11.
- (b) The last date fixed for making nominations which shall be the seventh day after the date of publication of the notification or if the day is public holiday.
- (c) The date for the scrutiny of nominations which shall be the day immediately following the last date of making

-
1. Inserted by GSR 191, dated 25-5-1970
 2. Substituted for the word "Institutions" by Notification No.CMW 174 MRE 91, dated 27-1-1994
 3. Inserted by GSR 191, dated 25-5-1970
 4. Substituted for the word "Institutions" by Notification No.CMW 174 MRE 91, dated 27-1-1994
 5. Rule 7 substituted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008

nominations or if that day is public holiday the next succeeding day which is not a public holiday.

- (d) The last date for withdrawal of candidatures which shall be the second day after the date for the scrutiny of nominations or if that day is public holiday the next succeeding day which is not public holiday.
- (e) The date on which a poll shall if necessary be taken which shall be a date, not earlier than the tenth day after the last date for the withdrawal of candidatures and the hours during which poll shall not be less than eight hours.
- (f) The date for counting of votes shall not be more than two days after the date of polling.
- (g) The date before which election shall be completed.]

8. Nominations. – (1) on or before the date and time appointed under clause (b) or Rule 7 each candidate shall, either in person or by his proposer, deliver to an officer specially authorized by the Deputy Commissioner in this behalf (hereinafter 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 nomination 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 larger number of nomination papers than there are vacancies to be filled, only those of the nomination 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 in 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 verify the names and numbers of the proposer and the candidate with the list of voters.

(5) Nomination papers received after the date and the time appointed under clause (b) of Rule 7 shall be rejected.

9. Deposit. – (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 passed in the name of the depositor:

[Provided that in respect of a candidate belonging to Scheduled Castes or Scheduled Tribes the amount to be deposited shall be twenty-five rupees only.]

(2) The deposit 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 the 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 candidate does not exceed one-eighth of the total number of valid votes polled by all the candidates divided by the number of members to be elected.

10. Publication of list of nominations. – As soon as may be, after the expiry of the time fixed for making nominations [the Returning Officer, shall publish] in the office of the Committee and in such other manner as he may deem fit a list in [Form 16] of all the nominations received with a notice that the nomination papers shall be scrutinized on the date appointed under clause (c) of Rule 7 at the place and hour specified in the notice.

10. Publication of list of nominations. – As soon as may be, after the expiry of the time fixed for making nominations [the Returning Officer, shall publish] in the office of the Committee and in such other manner as he may deem fit a list in [Form 16] of all the nominations received with a notice that the nomination papers shall be scrutinized on the date appointed under clause (c) of Rule 7 at the place and hour specified in the notice.

11. Scrutiny of nominations. – On the fixed under clause (c) of Rule 7 for the scrutiny of nominations, the candidates and one of their agents duly authorized in writing by each candidate may attend at such time and place as the Returning Officer may appointed and Returning Officer shall give them all reasonable facilities for examining the nomination paper of all candidates.

12. Disposal of objections and rejection of nomination. – (1) The Returning Officer shall then examine the nomination papers and shall decide all the objections which may be made at the time of scrutiny of any nomination and may, either on such objection, or on his own motion, after such summary enquiry, if any, as he deems

-
1. Proviso to sub-rule (1) inserted by GSR 30, dated 12-12-1985
 2. Inserted by GSR 218, dated 16-6-1970
 3. Substituted for the word and figures "Form 11" by GSR 44, dated 3-2-1970

necessary, reject any nomination on any of the following grounds. –

- (i) that on the date fixed for the scrutiny of nominations, the candidate is either not qualified or is disqualified from being chosen to fill the seat under Section 15 or 16;
- (ii) that the signature of the candidate 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; or
- (iv) that there has been failure to comply with any of the provisions of Rule 8 or Rule 9 [x x x x]

(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.

COMMENTS

The mistake can questioned by a person

Rule 12. – Spelling mistake in the name is not a defect of substantial nature. The power to correct the voters' list is exclusively of the Deputy Commissioner. The mistake can be questioned by a person only at the

-
1. Substituted for the word "proposal" by GSR 218, dated 16-6-1970
 2. The words "of the Act" omitted by GSR 44, dated 3-2-1970
 3. Read for the word "This by GSR 218, dated 16-6-1970

stage of the draft voters' list – *Dungerchand Jain v Tahsildar and Returning Officer, APMC, 1984(1) KLC Sh. No.33.*

13. Withdrawal of candidature. – (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered by him and delivered by him in person or by his proposer of 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 candidatures may be withdrawn under sub-rule (1), the Returning Officer shall prepare [in Kannada 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 of 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. [x x x x x] |
| 11. Flower | 11. [x x x x x] |

-
1. Read for the words "in Kannada alphabetical order" by GSR 218, dated 16-6-1970
 2. Substituted for the word and figure "Form III" by GSR 44, dated 3-2-1970
 3. Read for "nominations or" by GSR 218, dated 16-6-1970
 4. The word "Wheel" omitted by Notification No.CMW 174 MRE 91, dated 27-1-1994
 5. The word "Hand" omitted by GSR 30, dated 9-1-1979

-
13. A twig with tow leaves 14. Elephant
15. Man

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

16. Form of ballot paper. – Every ballot paper shall be in [Form 18] and shall contain the names of the candidates in Kannada in 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 paper 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 a 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 a 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 candidate 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 assist 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.

-
1. Substituted for the word and figures "Form IV" by GSR 44, dated 3-2-1970
 2. Substituted for the word and figures "Form III" by GSR 44, dated 3-2-1970

(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 authorized in this behalf by the Returning Officer.

(4) The Presiding Officer shall be in general charge 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 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 of 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 the nominations and such other paper, stationery and Forms as may be necessary.

23. Admission to Polling Stations. – The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than. –

- (a) Polling Officers;
- (b) Public servants on duty in connection with the election;
- (c) Persons authorized by the Deputy Commissioner;
- (d) Candidates and their polling agents;
- (e) A child in arms accompanying an elector;

-
- (f) A person accompanying a blind or 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 observation.

(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 the polling station;
 - (iii) serial number of the box; and
 - (iv) date of poll.
- (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 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 candidate.

(5) As each voter enters the polling station the Presiding Officer or Polling Officer authorized by him shall check the name and other particulars of every voter with relevant entry in the list of voters.

[(5-A) In the case of a firm, corporation or co-operative society qualified to vote in a traders' constituency [x x x x x], the person nominated by it to vote on its behalf who produces the necessary

-
1. Sub-rule (5-A) inserted by GSR 44, dated 3-2-1970
 2. The words "or a commission agents' constituency " omitted by Notification No.CMW 174, MRE 91, dated 27-1-1994

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 in an entry in the list of voters if he is satisfied that such person is identical with the voter to whom such entry relates.

(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 voter's number in the voters' list in the counterfoil of the ballot paper, and
- (iii) affix his initials against the voter's fold the ballot paper and insert into the ballot box.

(9) The voter on receiving the ballot paper, shall forthwith [proceed to one of the polling booths set up in the polling station and there make a mark on the ballot paper with the instrument supplied for the purpose] 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 recognize the symbols on the ballot paper or to make 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 the ballot paper after another person has

-
1. Substituted for the word and figures "Form IV" by GSR 44, dated 3-2-1970
 2. Substituted for the words "proceed to one of the polling booths and there put a 'X' mark seal "by GSR 23, dated 30-1-1990

already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this Rule, to make a ballot paper (hereinafter 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 I 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 Polling 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 office for the purpose.

26. Challenging of identity. – (1) Any polling agent may challenge the identity of a person claiming to be a 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 the personation;
- (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 votes in [Form 21]; and
- (d) require him to 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 the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity;

1. Substituted for the word and figures "Form VI" by GSR 44, dated 3-2-1970
2. Substituted for the word and figures "Form VII" by GSR 44, dated 3-2-1970

-
- (b) put to the person challenged any questions necessary for the purpose of establishing his identity 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 Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited 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 paper. – (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, in place of the spoilt one and the ballot paper so returned together with its counterfoil shall be marked "Spoilt-Cancelled" by the Presiding Officer.

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

(3) All ballot paper cancelled under sub-rules (1) and (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 box 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 papers. – 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 Paper Account" superscribed thereon.

31. Sealing packets. – (1) The presiding officer shall then make into separate packets. –

- (a) the keys 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 paper account,
- (j) counterfoils of the ballot papers; and
- (k) any other papers directed by the Returning Officer to be kept in a sealed packet.

1. Substituted for the word and figures "Form VII" by GSR 44, dated 3-2-1970

(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 then shall deliver to the Returning Officer the Packets referred to in sub-rule (1) along with 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 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 a 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 Deputy Commissioner and the [Director of Agricultural Marketing] and the candidates concerned and shall as soon as may be, appoint the date on which the poll shall re-commence 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 election 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).

COMMENTS

Power given under Section 61

Rule 32. – The Rule does not affect the power given under Section 61 – *Virupakshappa v APMC, 1979 (1) Kar. L.J.Sh.N.5.*

33. Procedure on adjournment of poll. – (1) If the poll at any polling station is adjourned under Rule 32, provisions of Rules 29 to

1. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988

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 provision 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 is unlawfully taken out of the custody of the a 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 or the poll at that polling station or place cannot 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) Thereupon, 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, affect the result of the election of 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 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 candidate 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 the 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 therefrom, 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 any mark or writing by which the voter can be identified, or

[(b) 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

(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; or

(d) if it is a spurious ballot paper; or

1. Substituted for the word and figures "Form IX" by GSR 44, dated 3-2-1970
2. Substituted for clause (b) by GSR 44, dated 3-2-1970

-
- (e) if 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, authorized 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 or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a 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 intension that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(6) Before rejecting any ballot paper under sub-rule (5), the Returning Officer shall allow the candidate 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 paper 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 votes than one, the vote or votes other than the rejected votes shall be duly 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 result of the election in [Form 24] verify the totals of the votes with the figures in [Forms 22 and 23] 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 an 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 counterfoils 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 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;

1. Substituted for the word and figure "Form X" by GSR 44, dated 3-2-1970
2. Substituted for the word and figures "Form VIII and IX" by GSR 44, dated 3-2-1970
3. Substituted for the word and figure "Form IX" by GSR 44, dated 3-2-1970

-
- (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. Election of the Representative of [the Co-operative Marketing Societies and Agricultural Co-operative Processing Societies.- [(1)xxxxx.]

[(1-A) The member of the committee of management of Co-operative Marketing Societies and Agricultural Co-operative Processing Society operating within the Market area shall elect one representative each o their behalf to serve on the market committee before the date fixed by the Deputy Commissioner in this behalf:

Provided that, where there is more than one Co-operative Marketing Society or Agricultural Co-operative Processing Society operating in the market area, all the members of the committee of management of both classes of societies shall elect one representative each to serve on the market committee before the date fixed by the Deputy Commissioner in this behalf.]

[(2)xxxxx.]

[(3)xxxxx.]

COMMENTS

Synopsis

1. *Election of a representative*
2. *Boards should return the candidates within the prescribed date*
3. *Authorised institutions to nominate their representatives at their meeting*

-
1. Substituted for the word "Institutions" by Notification No. CMW 174 MRE 91, dated 27-1-1994.
 2. Sub-rule(1) omitted by GSR 23, dated 30-1-1990
 3. Sub-rule (1-A) including the proviso inserted by Notification No. CMW 174 MRE 91, dated 27-1-1994.
 4. Sub-rule (2) omitted by GSR 23, dated 30-1-1990
 5. Sub-rule (3) omitted by GSR 23, dated 30-1-1990

1. *Election of a representative*

Rule 41.- Challenge as to election of a representative under Rule 41 of Karnataka Agricultural Produce Marketing (Regulation) Rules, 1968, is within the purview of Section 20 – Not open to challenge under Article 226 of Constitution – *Venkatamuniyappa v Kolar Agricultural Produce Marketing Committee & Others*, 1989(1) Kar.L.J.110.

2. *Boards should return the candidates within the prescribed date*

Rule 41.- The rule can only be read as stating that Co-operative Societies, Taluk Development Boards and the Local Authorities should return the candidates within the prescribed date – *Service Co-operative Society, Chilkapur v D.C., Bidar*, 1975(2) Kar.L.J.420.

3. *Authorises institutions to nominate their representatives at their meeting*

Rule 41.- Authorizes institutions to nominate their representatives at their meeting. Elections need not be held. See Karnataka Agricultural Produce Marketing Regulation Aft, Section 11(1), (1977) 1 Kar.L.J.168.

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 under Section 27 or one month after the disposal of election petition or appeal, if any, whichever 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 the Deputy Commissioner or any other Officer authorized by the Deputy Commissioner in this behalf.

[44. Prescribed officer for election of Chairman, etc.- [(1)] For purposes of Section 41, the Tahsildar of the Taluk in which the

-
1. Substituted for the word and figure “Rule 39” by Notification No. CMW 174 MRE 91, dated 27-1-1994
 2. Rule 44 substituted by GSR 343, dated 21-10-1976 and shall be deemed to have come into force w.e.f. 22-6-1976.
 3. Rule 44 re-numbered as sub-rule(10) thereof by GSR 23, dated 30-1-1990

 market yard is situated shall be the Prescribed Officer and he shall be the Presiding Officer also.]

[(2) Every member who wishes to vote shall be supplied with a ballot paper in Form 25.]

COMMENTS

Election cannot be cancelled

Rule 44(3) Section 27.- The calendar of events for election cannot be cancelled after the election process has commenced – *Tahsildar v Shivaji Rao, 1976(1) Kar.L.J. 272 : AIR 1976 Kant. 233 : ILR 1976 Kar. 629.*

[44-A. Nomination of candidate.-xxxxx.

44-B. Procedure on receipt of nomination paper.-xxxxx.

44-C. Scrutiny of nominations.-xxxxx.

44-D. Withdrawal of candidature.-xxxxx.

44-E. Procedure in contested and uncontested elections.-xxxxx.

44-F. Votes to be taken at a meeting.-xxxxx.

44-G. Procedure for the conduct of elections.-xxxxx.

44-H.Counting of votes.-xxxxx.

44-I. Record of proceedings.-xxxxx.

44-J. Sealing and custody of election papers.-xxxxx.

COMMENTS

Nomination of candidate

Rule 44-A.- Omission to mention the occupation and place of residence of the candidate in the nomination paper is not a defect of substantial character justifying the rejection of the nomination paper.

The High Court will not refuse to exercise jurisdiction under Article 226, Constn., if an order complained of is *ex facie* erroneous or without jurisdiction – *Jayarao v Tahsildar, 1975(2) Kar.L.J. Jr. 33 Sh. N. 60*

1. Sub-rule (2) inserted by GSR 23, dated 30-1-1990.
2. Rules 44-A to 44-J omitted by GSR 343, dated 21-10-1976 and shall be deemed to have come into force w.e.f. 22-6-1976.

PART III
**Chairman, Vice-Chairman, Officers and Servants of the Committee, their
 Functions and Powers**

45. Validity of election.- (1) Any member of the committee may challenge the validity of the election of the Chairman or the Vice-Chairman, as the case may be, within seven days from the [declaration of the result of election under Section 41] by filing an election petition, containing a concise statement of materials on which he relies together with a deposit of two hundred rupees as security for costs.

(2) The District Judge shall, after such enquiry as he deems necessary, and after giving the parties an opportunity of being heard in the matter pass an order (i) dismissing the petition, or (ii) declaring the election of the returned candidate to be void, or (iii) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected.

(3) The procedure provided in the Code of Civil Procedure, 1908 in regard to suits shall be followed by the District Judge as far as it can be made applicable in the trial and disposal of an election petition.

(4) If the District Judge sets aside the election of the Chairman or the Vice-Chairman he shall forthwith communicate the facts by sending a copy of his order to the [Director of Agricultural marketing] who shall issue necessary instruction for holding a fresh election as early as possible.

46. Assumption of charge by Chairman or Vice-Chairman.- The member elected as Chairman or the Vice-Chairman, as the case may be, shall enter upon his duties immediately after the [declaration of the result of election under Section 41.]

COMMENTS

Fees becomes exigible

Rules 46 & 47.- Under Rule 47 fees becomes exigible as soon as the commodity is brought into the market area and not when the sale takes place – *Ravi Vegetable 7 Oil Industries v R.M.C.*, (1972)2 Mys. L.J. 295.

-
1. Substituted for the words, brackets and figures “publication of the result of election under sub-rule (8) of Rule 44-H” by GSR 23, dated 30-1-1990.
 2. Substituted for the expression “Chief Marketing Officer” by GSR 127, dated 25-5-1988.
 3. Substituted for the words, brackets and figures “publication of the result of election under sub-rule (8) of Rule 44-H” by GSR 23, dated 30-1-1990

[46-A. Honorarium to the Chairman and Vice-Chairman of the market committee.- The Chairman and the Vice-Chairman of a market committee shall be paid an honorarium at the rates specified below.

The market committee whose average Gross Receipts by way of Market fees and license fees during the preceding three years is:

		Chairman	Vice Chairman
(a)	Below rupees twenty five lakhs.	Rs.1000	Rs.500 per month
(b)	Rupees twenty five lakhs and above but below rupees fifty lakhs	Rs.1500	Rs.750 per month
(c)	Rupees fifty lakhs and above but below one crore.	Rs.2500	Rs.1250 per month
(d)	Rupees one crore and above	Rs.3000	Rs.1500 per month

Provided that the honorarium payable to the Chairman and the Vice-Chairman of a newly constituted Market Committee under Section 10 shall be Rs.1000/- and Rs.500/- per month respectively during the first year and thereafter on the basis of Gross Annual Income of the preceding year up to the completion of the term of the said committee.]

47. Casual vacancy in the office of the 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 sub-section (3) of Section 41.

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 [xxxx] in whose place he is elected would have held it, if the vacancy had not occurred.

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

-
1. Rule 46-A substituted by Notification No. CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008.
 2. The words "or member" omitted by GSR 44, dated 3-2-1970

 addressed to the Secretary in [Form 27] signed by the member of the committee who intends to move the motion and shall contain the signatures of not less than one-thirds 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) In the meeting of the committee in which a motion of no-confidence is for consideration, while such motion is being considered.-

- (i) The Vice-Chairman if the motion of no-confidence is against the Chairman;
- (ii) The Chairman if the motion of no-confidence is against the Vice-Chairman; and
- [(iii) the Director of Agricultural Marketing or an Officer authorized by him, if a motion of no-confidence is moved both against the Chairman and the Vice-Chairman; shall preside.]

(4) 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.

(5) 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.

50. Duties and powers of the Secretary.- (1) Subject to the provisions of the Act, the Secretary shall be the Chief Executive

-
1. Substituted for the word and figures "XIII" by GSR 44, dated 3-2-1970
 2. Substituted for the word "note" by GSR 44, dated 3-2-1970
 3. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 4. Clause (iii) of sub-rule (3) substituted by Notification No. CMW 174 MRE 91, dated 27-1-1994
 5. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988, w.e.f. 25-5-1988

officer of the committee and shall carry out the resolutions and the directions of the committee from time to time.

(2) The Secretary shall maintain proper accounts of all moneys received or expended for or on behalf of the committee.

[(2-A) The Secretary may execute contracts or agreement on behalf of the Market Committee where the amount or value of such contract or agreement does not exceed one lakh rupees regarding matters in respect of which he is generally or specially authorized to do so by a resolution of the market committee.]

(3) The Secretary shall conduct all correspondence of the committee and attend to office work.

(4) The Secretary shall main records of all disputes which come up for decision before the arbitrators and the Disputes Committee in the form prescribed in the bye-laws.

(5) The Secretary shall be responsible for proper wieghment, delivery, payment and all other matters relating to marketing of agricultural produce within the market area,

(6) The Secretary shall have power to sanction casual leave and earned leave for a period not exceeding thirty days at a time to all officers and servants of the committee. Earned leave exceeding thirty days and all other kinds of leave will have to be sanctioned by the [Assistant Director of Agricultural Marketing] or such other officer as may be authorized by the [Director of Agricultural Marketing] in this behalf.

(7) The Secretary shall advise the committee and its Chairman in the light of the provisions of the Act, rules and bye-laws and the previous decisions or directions of the committee.

(8) The Secretary shall supervise all construction works in the market yard in addition to the technical supervision by the engineering staff, if any.

(9) If any decisions of the committee or the directions of the Chairman or Vice-Chairman are found to be contrary to the Act, rules and bye-laws the Secretary, before giving effect to the same, shall refer the matter for orders to the [Director of Agricultural Marketing] or such other officer authorized by him. The [Director

-
1. Sub-rule (2-A) inserted by Notification No. CMW 174 MRE 91, dated 27-1-1994.
 2. Substituted for the expression "District Marketing Officer" by GSR 127, dated 25-5-1988
 3. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 4. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 5. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988

of Agricultural Marketing] or such other officer 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.

[(10) The Secretary shall be the *ex officio* Secretary of the Disputes Committee.

(11) 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 as soon as may be after such contravention.]

PART IV Conduct of Business

51. Meeting of the committee.- (1) Every meeting of the committee, other than those referred to in Rule 49 shall be convened as laid down under Section 48.

(2) A copy of the notice convening every meeting shall be sent to the [Director of Agricultural Marketing] or any other officer authorized by him in this behalf.

(3) The [Director of Agricultural Marketing] or any officer authorized by him shall be entitled to attend any meeting to the committee, but he shall have no right to vote.

52. Copy of the proceedings of the meeting.- A copy of the proceedings of every meeting of the market committee shall be forwarded to the [Director of Agricultural Marketing] or any officer authorized by him in this behalf and to the members of the committee within fifteen days from the date of meeting.

53. Copies of documents or entries in the books of the market committee to be certified.- Copies of documents or entries in the books of the committee, which are not of confidential nature certified by the Secretary, under the seal of the committee shall be granted on payment of [such fees as specified below.-

(a) for copying and comparing hundred words or part thereof

50 paise

-
1. Sub-rules (10) and (11) substituted by GSR 44, dated 3-2-1970
 2. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 3. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 4. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 5. Substituted for the words "such fees as may be specified in the bye-laws" by GSR 44, dated 3-2-1970

-
- | | |
|--|--------------------------------------|
| (b) for copying and comparing every folio or part thereof, of documents in tabular forms | 55 paise |
| (c) for copies granted in printed form | 10 paise per folio or part thereof.] |

[54. 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 bye-laws shall be sold at such reasonable price as may be fixed by the Committee shall grant certified copies of the amendments thereto on payment of fees of thirty paise for every hundred words or part thereof.]

55. Settlement of disputes.- [(1)(a) The panel of arbitrators appointed under subsection (1) of Section 84 shall consist of not more than forty persons and as far as possible, fifty per cent of them shall be agriculturists, twenty-five per cent shall be traders, and twenty-five per cent 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 unexpired term of the person so removed.

(b) The committee shall appoint a Disputes Committee consisting of.-

- (i) the Vice-Chairman of the committees;
- (ii) three representative of agriculturists other than the Chairman;
- (iii) one representative of traders;
- (iv) one representative of commission agents; and
- (v) one representative of co-operative societies.]

(2) The Vice-Chairman of the committee shall be the *ex officio* Chairman of the Disputes Committee. In the absence of the

-
1. Rule 54 substituted by GSR 44, dated 3-2-1970
 2. Sub-rule(1) substituted by GSR 44, dated 3-2-1970

Vice-Chairman [a person selected by the Disputes Committee from among themselves] shall preside over the meetings.

- [(3)(i) When a dispute referred to in sub-section (1) of Section 84 arises, the Secretary shall, by mediating ascertain whether the parties can mutually arrive at a settlement of the dispute and if they so arrive at a settlement, the same shall be reduced into writing which shall be signed by the parties.
- (ii) If the parties cannot 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 I 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 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 an willing to act as such.
- (iii) If either of the selected arbitrators neglects or refuses to ac, 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 in the bye-laws, 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 in the bye-laws.-
- (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

-
1. Substituted for the words "a Member of the Committee other than the Chairman selected by the Disputes Committee" by GSR 44, dated 3-2-1970.
 2. Sub-rule(3) substituted by GSR 44, dated 3-2-1970

his award shall be binding on both 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 arbitrators, that he is unable to select an 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 cannot agree.
- (viii) If a member of the Disputes Committee is a party to the dispute or is interested in any of the parties to a 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 a 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 approach 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.]

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

(5) All questions which may come up before the 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 give an additional or casting-vote.

(6) The decision of the Disputes Committee shall be final.

[(7) The provisions of Sections 14, 15, 16, 17, 18, 41 and 43 of the Arbitration Act, 1940(Central Act X of 1940) shall, as far as they are not inconsistent with the provisions of the Act, these rules and the bye-laws, apply to arbitrations under Section 84.]

56. Powers of the market committee to write off.- The committee shall before writing off any fee or other amount whatsoever due to it, obtain the sanction of.-

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

57. Duties of the market committee.- The committee shall furnish all information which the [Director of Agricultural Marketing], or any other officer duly authorized by him in this behalf may require. In addition to the duties prescribed by the Act the committee shall also be responsible for.-

-
1. Sub-rule (7) inserted by GSR 44, dated 3-2-1970
 2. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 3. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988

-
- (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 arrivals into the market;
 - (4) maintaining a register of fees collected;
 - (5) taking security from its Officers and Servants;
 - (6) providing persons authorized to collect fees, a money box and counterfoil 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 authorized by him;
 - (10) publishing a statement of assets and liabilities;
 - (11) securing check on receipts and expenditure;
 - (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.

58. References.- All correspondence by the committee with the Government shall be made through the [Director of Agricultural Marketing]

59. Appeal against an order on the committee and Chairman.- Appeal under sub-section (2) of Section 89 shall be made within thirty days from the date of communication of such order.

-
1. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 2. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988

PART V
Market Fund, Expenditure and Accounts

60. Market Fund.- All expenditure incurred by the committee under or for the purposes of this Act shall be defrayed out of the Market Fund and any surplus remaining at the close of 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 the year and it shall be used only towards incurring the expenditure of a permanent nature, such as, construction of buildings, acquisition of lands or purchase of sites or such other purposes as the [Director of Agricultural Marketing], may specify, subject to the provisions of Section 90(3) of the Act.

[60-A. Short-term advance to the producer-seller.- (1) A Market Committee having an annual income exceeding rupees five lakhs by way of market fee and license fee, and having ratproof, rodentproof, leakproof and dampproof godown facilities of its own, may provide short-term advances to the producer-sellers under sub-clause (x) of clause (b) of sub-section (2) of Section 63:

Provided that the Market Committee shall, before implementing the scheme of short-term advance referred to in sub-rule (1), apply to the Director of Agricultural Marketing for his approval, who shall after satisfying himself that such market committee has required fund and possesses godown facilities, may give approval to such market committee.

(2) The Market Committee shall, before the start of every market year obtain from the Assistant Executive Engineer, Market Development Project a certificate regarding fitness of its godown for storing goods.

(3) The amount which maybe earmarked by a market committee for giving such advance during a market year shall not exceed ten per cent of its income by way of market fee and license fee realized during the previous year. The amount so earmarked shall be kept in a separate account called "Fund for short-term advance to producer-sellers". No amount from this fund shall be utilized for a purpose other than for payment of short-term advances to the producer-sellers.

-
1. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 2. Rules 60-A, 60-B and 60-C inserted by Notification No. CMW 174 MRE 91, dated 27-1-1994.

(4) Every producer-seller intending to avail the advance under this rule shall make an application in Form 27-A along with [the agricultural credit pass book issued under Section 4 of the Karnataka Agricultural Credit Pass Book Act, 1984 (Karnataka Act 2 of 1985).]

[Note.- xxxxxx]

(5) The amount of advance shall not exceed sixty per cent of the prevailing market value of the produce pledged in favour of the Market Committee, subject to a maximum of rupees two lakhs in each case.]

(6) A register of advances shall be maintained and every advance made under this rules shall be recorded in that Register quoting the order of the Loan Sanctioning Authority.

(7) The Market Committee shall, while giving advance under this rule give preference to small and marginal farmers who are identified as such by the Revenue Authority or Zilla Parishads.

(8) The period of advance shall not exceed one eighty days from the date of pledging of the produce.]

(9) No interest shall be charged on the advance for a period of first ninety days from the date of disbursement of the advance under sub-rule (1), and thereafter interest shall be charged at the rate specified in the table below till the date of release or disposal of the produce under sub-rule(10) or (16).

TABLE

Sl. No.	Amount	Rate of Interest
1.	Up to Rs.25,000-00	4 per cent per annum
2.	Rs.25,000-00 and above but below Rs.50,000-00	6 per cent per annum
3.	Rs.50,000-00 and above but below Rs.1,00,000-00	8 per cent per annum
4.	Rs.1,00,000-00 and above but below Rs.2,00,000-00	10 per cent per annum]

1. Substituted for the words “a certificate obtained from the concerned Revenue Authority regarding bona fide ownership of the produce sought to be pledged” by GSR 49, dated 8-2-1996.
2. Note omitted by GSR 49, dated 8-2-1996.
3. Sub-rule (5) substituted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008
4. Sub-rule (8) substituted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f 20-3-2008
5. Sub-rule (9) substituted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f 20-3-2008

[(9-A) For the purpose of providing advance under this Rule the Market Committee may with the prior approval of the Director of Agricultural Marketing borrow money from any scheduled Bank or District Central Co-operative Banks for which the Karnataka State Agricultural Marketing Board shall stand guarantee:

Provided that in the case of money borrowed from scheduled Banks or District Central Co-operative Banks, the Karnataka State Agricultural Produce Marketing Board shall bear the difference of interest between the prevailing Bank rate of interest and the rate of interest as specified in sub-rule (9).]

(10) The producer-seller who has pledged the produce shall, within ninety days of the pledge get the produce released after repaying the advance with interest thereon, failing which the market committee may sell the produce by auction or by tender and pay the sale proceeds to the producer-seller after deducting the advance amount and the interest payable thereon and other expenses, if any.

(11) The Market Committee shall allow driage allowances, if any, at the same rate at which it is given by the State Warehousing Corporation and Central Warehousing Corporation.

(12) The amount of advance sanctioned shall on execution of an agreement by the applicant in Form 27-B and verification of the stock of the pledged produce, be disbursed to the applicant by Cheque.

(13) The Market Committee shall insure at its cost the produce pledged under this rule. The Producer-seller who has pledged the produce shall not be liable to pay godown rent, fumigation expenses and such other expenses incurred in connection with storage.

(14) The Secretary or any other officer or servant authorized by him shall be in-charge of the godown. The person in-charge of the godown shall draw two representative samples weighing 250 gms each of the produce brought for storage and seal the samples in the presence of the producer-seller and also obtain his signature on the sample bag or container, which shall be attended by the Secretary. The sealed sample shall be kept in the custody of the secretary or any other officer authorized by him.

(15) The Secretary shall after due verification of the produce deposited in the godown issue a receipt in Form 27-C to the producer-seller

(16) Where a producer-seller requests a Market Committee to arrange for sale of his produce either directly or through any commission agent selected by his it shall arrange for sale accordingly and pay the sale proceeds to him after deducting the amount due to it.

(17) No second advance shall be sanctioned to any producer-seller unless the previous advance together with interest if any, has been repaid.

(18) The Market Committee shall take adequate steps to safeguard the pledged produce against fire, theft and such other risks, and arrange for periodical fumigation at the cost of the Market Committee.

[(19) The market committee may also accept warehouse receipts issued to a producer-seller by the Karnataka State Warehousing Corporation or Central Warehousing Corporation or Taluka Agricultural Produce Co-operative Marketing Societies (TAPCMS) or organizations like Malanadu Arecanut Marketing Co-operative Society Limited (MAMCOS), Central Arecanut and Coca Marketing and processing Co-operative Society Limited (CAMPCO) or such other Co-operative Societies as notified by Director of Agricultural Marketing from time to time and grant short term advance on the pledge of such receipt to an extent of sixty percent of the market value of the produce pledged subject to a maximum of rupees two lakhs in each case.]

(20) If any dispute arises between a Market Committee and a producer-seller in respect of grant of short-term advance or any matter connected therewith shall be referred to the Director of Agricultural Marketing or any officer authorized by him in this behalf and the decision of the Director of Agricultural Marketing or the Officer so authorized shall be final.

60-B. Grant of loans to the Co-operative Marketing Societies and Agricultural Co-operative Processing Societies- (1) The Market Committee may grant loans under sub-clause (viii-a) of clause (b) of sub-section (2) of Section 63 to the co-operative

1. Sub-rule (19) substituted by Notification No.CD 229 MRE 2007, dated 19-3-2009, w.e.f. 20-3-2009

Marketing Societies and Agricultural Co-operative Processing Societies not exceeding three times the Net Disposable Resources (NDR) of such societies, but subject to a maximum of five percent of the income of the Market Committee by way of market fee and licence fee realized during the preceding market year. The term of the loan shall not exceed one year.

Explanation:- For the purpose of sub-rule(1), Net disposable resources shall be computed from the particulars furnished in the latest balance sheet or audit report of the Society in the following manner:

Internal Resources	Commitments
1) Paid-up capital (including Government share capital contribution. In case Government share capital contribution is meant only for acquiring fixed assets, it should not be included in the interest resources of the society)	1. Minimum cash and bank balances.
2) Revenues.	2. Permanent Security deposits.
3) Deposits, if any.	3. Investments in shares of the Bank and other Co-operative Institutions.
4) Surplus, if any, in profit and loss account.	4. Investment out of own resources in fixed assets.
	5. Intangible assets, if any.
	6. Accumulated losses, if any.
Total A	Total B

Net Disposable Resources (NDR)=(A)-(B)

(2) Application for a loan under that rule shall be made in Form 27-D accompanied by following documents, namely:-

- (a) The latest audit report on the accounts of the society audited by the Director of Co-operative Audit or any authority authorized by him.
- (b) The latest audited balance sheet, trading and profit and loss accounts:
- (c) A summary of the financial turnover and turnover of stocks in the precious co-operative year in respect of the

notified agricultural produces dealt with by the Co-operative Marketing Society and Agricultural Co-operative Processing Society.

- (d) A summary of the latest stock position in respect of each notified agricultural produce dealt with by the society.

(3) Market Committee may charge interest on loans at the rates not exceeding the rate of interest charged by the District Central Co-operative Bank and the Karnataka State Co-operative Apex Bank on working capital sanctioned by them to co-operative marketing or processing societies.

(4) If there is a default in repayment of loan, a penal interest shall be levied at the rate of two percent over and above the rate of interest charged under sub-rule (3) .

(5) Where a loan sanctioned under this rule is found to have been used for a purpose other than the purpose for which it is sanctioned, the Market Committee may recall the entire loan amount with interest.

(6) Market Committee shall not sanction loan under this rule unless the society seeking such loan mortgages in favour of the Market Committee its property worth the amount which shall not be less than the loan amount plus an amount equal to forty percent over and above the loan amount:

Provided that the Market Committee may grant loan under this rule without insisting for mortgage of the property of a society, if repayment of such loan together with interest is guaranteed by the State Government

(7) No second advance shall be granted unless the previous advance is fully repaid.

60-C. Providing infrastructural facilities outside the market yard, sub-market yard and market sub-yards:- The Market Committee may provide the following infrastructural facilities in the market area:

- (1) Approach road to market yard, sub-market yard and market sub-yard:
- (2) Construction of covered auction platform or sale platforms:
- (3) Drying platform in the rural markets:
- (4) Drinking water facility in the rural markets;

(5) Godowns in the market area:

(6) Providing peg stones for cattle in rural markets:

(7) Common facility centers for housing machinery for cleaning; grading and other post-harvest operations:]

[(8) Development and maintenance of all rural roads in the market area other than the roads belonging to public works Department, Zilla Panchayats and Taluk Panchayats, Grama panchayats, City Municipal Corporations, Municipal Council and Town Panchayats:

Provided that the Market Committee may develop link road upto five kilometers within the city, town or a village limits leading to the yard.

(9) Subject to the provision of sub-clause (viii-d) of clause (b) of sub-section(2) of Section 63, a Market Committee may spend the maximum amount to the extent specified in the table below, for the purpose of development of rural roads identified by it under clause (8) [and infrastructural facilities identified under clause (1) to (7)]

TABLE

Categories of market committee	The maximum amount of estimate
(1)	(2)
Market committee whose annual income in the preceding market year by way of market fee and licence fee is	
(i) above Rs.5.00 crores	Rs.60 lakhs per annum
(ii) above Rs.3.50 crores and upto Rs.5.00 crores	Rs.50.00 lakhs per annum
(iii) above Rs.2.50 crores and upto Rs.3.50 crore	Rs.40.00 lakhs per annum.
(iv) above Rs.1.50 crores and upto Rs.2.50 crore.	Rs.30.00 lakhs per annum.

1. Clauses (8) and (9) inserted by Notification No.CMW 214 MRE 97, dated 29-1-2001, w.e.f. 31-1-2001.
2. Inserted by Notification No.CD 229 MRE 2007, dated 19-3-2009, w.e.f.20-3-2008
3. Table and Explanation substituted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008.

(v) above Rs.1.00 crore and upto Rs.1,50 crore	Rs.15.00 lakhs per annum
(vi) above Rs.50.00 lakhs and upto Rs.1.00 crore	Rs.10.00 lakhs per annum
(vii) above Rs.20.00 lakhs and upto Rs.50.00 lakhs	Rs.5.00 lakhs per annum
(viii) Rs.20.00 lakhs and below	No provision

Explanation:- (1) A market committee shall spend thirty percent of the amount specified in the table above for the purpose of maintenance of roads developed by it.

2) Estimated cost of each road work shall not be less than rupees on lakh and the work has to be undertaken by following tender process.]

61. Expenditure:- (1) All payments except from imprest shall be made by cheques.

[(2) Cheques of the value of five hundred 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 Accountant and the Secretary shall be competent to sign cheques up to the value of [twenty-five thousand rupess] [X X X X X].

(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 allowances 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.

-
1. Second paragraph of sub-rule(1) numbered as sub-rule (2) by CSR 44, dated 3-2-1970
 2. Substituted for the words “ one thousand rupees’ by Notification No.CD 229 MRE 2007, dated 19-3-2009, w.e.f. 20-3-2008
 3. The words ‘Jointly cheques up to the value of one thousand rupees’ omitted by GST 44, dated 3-2-1970.

- (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 hundred rupees for which there is budget provision

62. Remittance to Treasury of Bank:- All remittances to the Treasury or Bank shall be accompanied by challans or deposit slips in duplicate along with 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.

63. Pass book: The pass book shall be got written up-to-date at least once a month by the Treasury or the Bank at which the account is kept.

[**64. Submission of Budget:-** (1) An annual budget estimate of the income and expenditure of the committee for the ensuing market yard shall be prepared in Forms 29-A and 29-B by the Secretary and placed before the committee. The committee shall meet before 15th January each year to consider the budget. After consideration and approval of the budget, the committee shall forward the same to the Director of Agricultural Marketing or the officer authorized by him for approval before the end of January every year.

(2) The budget shall be accompanied by the following statements:-

- (a) A statement in Form 31 showing the details of the estimated expenditure on works proposed to be undertaken during the year already approved by the Director of Agricultural Marketing in the annual action plan. A statement in Form 32 showing the loans obtained, the Balance outstanding under each loan and the amount to be discharged during the budget year on account of repayment of principal and payment of interest;
- (b) A statement in Form 33 showing the fixed contribution (to the Consolidated Fund) payable by the committee.

-
1. Substituted for the expression “ Chief Marketing Officer” by CSR 127, dated 25-5-1988
 2. Substituted for the word and figures “Form XVI” by GSR 44, dated 3-2-1970
 3. Rule 64 substituted by Notification No.CD 299 MRE 2007, dated 19-3-2009, w.e.f. 20-3-2008.

- (c) If the committee fails to adopt the budget estimates and forward it to the Director of Agricultural Marketing or the officer authorized by him on or before the time specified under sub-rule (1) the Secretary shall prepare and forward the budget with statements referred above to the Director of Agricultural Marketing or the officer authorized by him and it shall be deemed to have been duly adopted by the committee:

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 authorized by him before the commencement of the market year, it shall be deemed to have been duly approved.]

[64-A. **Revision of budget-** If in the course of market year, the market committee finds it necessary, to modify the provisions made in the budget with regard to the receipts or to the distribution of the amounts to be expended on different heads it may make such modifications and submit for sanction of Director of Agricultural Marketing or the officer authorized by him.

64-B. **Supplementary Budget:-** The market committee where budget has been approved by the Director of Agricultural Marketing or the authorized officer in the current financial year cause a supplementary budget to be prepared and submit to the appropriate authority for sanction before 15th of December of the current year.]

65. Accounts, audit and inspection- (1) The accounts and records of the committee shall be kept in the forms appended to these rules in Kannada or 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 authorized 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 purposes 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 authorized 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 authorized 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 market committee shall:-

- (i) in places where there are Banking treasuries, make payment by means of a crossed cheque drawn in favour of the Manager of the Bank for adjustment by credit to the Consolidated Fund of the State; and
- (ii) in other places, remit the charges in cash to the Treasury; under intimation to the [Director of Agricultural Marketing]

-
1. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 2. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 3. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 4. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 5. Substituted for the words " the Secretary of the committee shall make payment by means of a crossed cheque drawn the favour of the Treasury Officer for adjustment by credit to the consolidated fund of the State under intimation to the Chief Marketing Officer" by GSR 332, dated 28-10-1977
 6. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988

[65-A. Accounts to be maintained by the Market functionary:- (1) Every market functionary shall keep and maintain true and correct accounts either in Kannada or in English only relating to his business, showing the goods purchased, produced, processed, sole, imported or exported and value thereof separately together with the vouchers and bills.

(2) Every market functionary shall keep separate purchase and sales accounts in respect of each agricultural produce held by him. He shall likewise maintain separate accounts in respect of each of the agricultural produce in respect of sales or purchase in the course of export or import.

(3) Every market functionary shall keep current books of accounts at the place or places of business entered in licence. Every purchase and every sale shall be brought into account immediately as soon as purchase and sale is effected.

(4) Every Commission Agent, Trader, Importer, Exporter, Stockist, shall maintain day to day stock accounts in respect of each and every agricultural produce dealt with by him. The stock account shall contain the particulars of purchases and receipts, sales, deliveries and balance of stock.

(5) Every processor, Ginner, Presser and manufacturer of agricultural produce shall maintain daily production account showing quantitative details of various raw materials used and quantitative details of agricultural produce manufactured or processed.

(6) The accounts maintained by the market functionaries together with all vouchers, bills, way bills and transport permits relating to stock delivers, purchases, output and sales shall be preserved by them till the assessment for the year to which they relate become final and shall be kept at business premises mentioned in licence.

(7) Accounts so maintained by the market functionary shall be open for inspection at all reasonable time of the working dates.]

66, Auditor to report material impropriety or irregularity, loss, waste or misappropriation:- (1) The auditor shall:-

(a) report to the committee any material defect or irregularity which he may observe in he expenditure or

in the recovery of moneys due to the committee [XXX] 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 mis-application is a direct consequence of neglect or misconduct with the names of person or persons directly or indirectly responsible for such loss, waste or mis-application.

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

67. Annual report:- At the end of each market year, the committee shall prepare an annual report in [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.

68. 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 receipt during to preceding month as may be fixed by the [Director of Agricultural Marketing] under Section 91(2) and send a duplicate challan to the 6[Director of Agricultural Marketing]

69. Contribution to the state Agricultural Marketing Board- (1) Every committee in the State shall, under intimation to Agricultural 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 Agriculture Marketing Board every month under sub-rule(1)

[(3)X X X X X X]

-
- 1) The words “ of moneys due to the Committee” omitted by GSR 44, dated 3-2-1970.
 - 2) Substituted for the word and figure “ Form X” by GSR 44, dated 3-2-1970
 - 3) Substituted for the expression “Chief Marketing Officer” by GSR 127, dated 25-5-1988.
 - 4) Substituted for the expression “Chief Marketing Officer” by GSR 127, dated 25-5-1988.
 - 5) Substituted for the expression “Chief Marketing Officer” by GSR 127, dated 25-5-1988.
 - 6) Substituted for the expression “Chief Marketing Officer” by GSR 127, dated 25-5-1988.
 - 7) Substituted for the expression “Chief Marketing Officer” by GSR 127, dated 25-5-1988.
 - 8) Sub-rule(3) omitted by GSR 44, dated 3-2-1970.

[70.Preparation of plans:- (1) Annual action plan in respect of the works to be undertaken during the ensuing year shall be prepared and submitted by the market committee before November of every year. After scrutiny, the Director of Agricultural Marketing shall communicate appropriate approval before December of the current year. The preparation of plans and estimates for works proposed to be undertaken at the expense of the market committee will be attended by the Engineering cell of Department of Agricultural Marketing. However the market committee may consult an Architect or an Engineer for the preparation of Plans and Estimates.

(2) The Market Committee while preparing the General Fund Budget shall reserve 5% of the capital cost of the building of the Market Committee for maintenance and repairs. Maintenance and annual repairs be completed before December of every year. Separate approval of Director of Agricultural Marketing is not necessary for taking up these works.]

[71. **Approval of plans and estimates:-** (1) Plans and Estimate for works as approved by Director of Agricultural Marketing under the Annual Action Plan under Rule 70 shall be technically examined by the competent officer of the Engineering Cell of the Department and the Engineering cell shall technically scrutinize and sanction the plans and estimates received from the market committee within thirty days from the receipt.

(2) The Plans and estimates for works which are of urgent nature, the estimated cost of which does not exceed the maximum amount specified in column (2) of the table below, may be sanctioned by the market committee after getting the plans and estimates technically examined and approved by the Assistance Executive Engineer, Engineering Cell of the Agricultural Marketing Department.

TABLE

Categories of Market committee whose annual income in the preceding market year by way of market fee and licence fee is	The Maximum amount of estimated cost of the works
Below Rupees twenty-five lakhs	Rs.25000/- for each work subject to a maximum of Rs.2,00,000/- per annum
Rupees twenty-five lakhs and above but below Fifty lakhs	Rs.50,000/- for each work subject to a maximum of Rs.4,00,000/- per annum
Rs.Fifty lakhs and above	Rs.1,00,000/- for each work subject to a maximum of Rs,8,00,000/- per annum.

1. Rule 70 substituted by Notification No. CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008
2. Rule 71 Substituted by Notification No. CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008.

The market committee shall before taking up execution of the works under this sub-rule send copies of the plan and estimate to the Director of Agricultural Marketing for authorized officer with a report regarding necessity of the work taken up. Provided that the expenditure incurred under this rule shall be included in the supplementary budget and got approved]

72. Supervision of works:- All works shall be carried out under the supervision of the Secretary and Chairman of the committee.

PART VI

Levy and collection of fees

73. Collection of fees:- All fees to which committee is entitled shall be collected by [any market functionary if so required by the Secretary or any other officer, servant or agent of the committee duly authorized by the committee in this behalf. The receipt shall be given to the party making the payment and carbon copy retained for office use.

74. Receipts: (1) 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 authorized by committee in this behalf. The receipt shall be given to the party making the payment and carbon copy retained for office use.

[74-A. Issuance of Permit: (1) Every exporter, trader or other market functionary while transporting the goods outside the market area, shall issue a permit in triplicate in Form No.35-A. one copy of the permit shall be handed over to the buyer or agent which shall accompany the goods while in transit and the same shall be produced for inspection in the check post or to the officer authorized to exercise powers under Section 66 and 67 of the Act. Market Committee having due control over the area within forty-eight hours of the issue of permit. The third copy shall be retained by the market functionary which shall be produced at the time of assessment or during inspection.

1. Substituted for the words “ the paid servants or agents” by GSR 44, dated 3-2-1970
2. Substituted for the word and figures “ Form XXI” by GSR 44, dated 3-2-1970
3. Rule 74_A substituted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008.

(2) In addition to the above, the owner or the driver or the person in charge of the vehicle shall:

- (a) Carry with him a goods, vehicle record, a trip sheet or a log book as the case may be:
- (b) Carry with him Bill of Sale or such other documents.

(3) A market functionary who wants to claim exemption under Section 65 of the Act shall produce a certificate in Form 35-B by him before the market committee, where he claims exemption.]

75. Security: Every committee shall take such security as it thinks necessary from its employees who are required to handle cash.

76. Licensed traders, 1[Commission agents, etc.]:- (1) No person shall operate in the market area as a [trader, commission agent, broker, processor, exporter, importer, ginner, presser, crusher, stockiest, [warehousemen] or retail trader] in notified agricultural produce except under and in accordance with a licence granted by the committee under this Rule.

[1-A) No person who is in the service of another person of a firm whether holding any licence granted by the committee or not shall be eligible to hold a licence as a broker. If any licensed 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 the licence.]

[(2) Every application for grant or renewal of a licence to operate in the market are:-

- (i) as a trader, commission agent, broker, exporter, importer, stockist, warehouseman, ginner, presser, crusher or processor shall be in Form 41;
- (ii) as a retail trader shall be in Form 42; and
- (iii) as a temporary trader shall be in Form 43, and shall be accompanied by such fees as may be specified in the bye-laws. The fees paid shall be returned to the applicant, if the committee refuses to grant or renew licence.]

-
1. Substituted for the words “ and commission agents” by GSR 93, dated 7-4-1988
 2. Substituted for the words “ trader or commission agent” by GSR 93, dated 7-4-1988
 3. Inserted by Notification No.CMW 174 MRE 91, dated 27-1-1994
 4. Sub-rule (1-A) inserted by GSR 93, dated 7-4-1988.
 5. Sub-rules (2) and (3) substituted by GSR 93, dated 7-4-1988
 6. Sub rule (2) substituted by Notification No.CMW 174 MRE 91, dated 27-1-1994.

(3) The maximum [licence fees] payable for a licence to operate as a trader, commission agent, broker, processor, exporter, importer, ginner, presser, crusher, [stockist, warehouseman or retail trader] specified in column (2) of the Table below shall be as specified in the corresponding entries in column (3) thereof]

TABLE

SL. No.	Category	Maximum fees leviable per annum Rs.
(1)	(2)	(3)
1	Trader	200
2	Commission agent	200
3	Broker	100
4	Processor	100
5	Exporter	100
6	Importer	100
7	Ginner	100
8	Presser	100
9	Crusher	100
10	Stockist	100
11	Retail trader	25
[12	Warehousemen	100]

Explanation:- A person who has applied for grant of a licence in respect of two or more categories specified in column (2) of the Table above, may be granted a composite licence in respect of all such categories on payment of a separate fee for each such categories.]

(4) On receipt of such application the committee after making such enquiries, as may be considered necessary may if it finds no ground to refuse the licence asked for grant him the licence applied for in [Form 36] On the grant of such licence, the applicant shall

-
1. Substituted for the words " licence fee" GSR 95, dated 16-4-1988, w.e.f. 16-4-1988
 2. Substituted for the workds "stockist or retail trader" by Notification No.CMW 174 MRE 91, dated 27-1-1994
 3. Serial No.12 inserted by Notification No.CMW 174 MRE 91, dated 27-1-1994
 4. Substituted for the word and figures " From XXII' by GWR 44, dated 3-2-1970.

execute an agreement in such form as the committee any determine, agreeing to conform with these rules and the bye-laws.

(5) The committee may, after giving the applicant an opportunity of being heard for reasons to be recorded in writing refuse to grant a licence to any person who is either not solvent or otherwise. [disqualified] under the Act, rules or bye-laws, or whose operations in the market area are not likely to further the efficient working of the market under the control of the committee.

[(6) A licence granted under sub-rule (4) shall, unless renewed remain in force till the end of tenth market year including the year in which it has been granted.]

(7) Every application for renewal of a licence shall be made one month before the expiry of its period.

(8) If the application for renewal is made in accordance with sub-rule (7), the applicant shall be deemed to be duly licensed until orders are passed on the application.

(9) The names of all licensed 3[traders, commission agents, brokers, processors, exporters, importers, ginners, pressers, crushers, stockists and retail traders] shall be entered separately in a register to be maintained for the purpose:

[Provided also that where a trader licensed in one Market Committee desires to effect purchase or sale in the jurisdiction of another Market Committee, he may apply to the Director of Agricultural Marketing for licence in Form 37-A with information mentioned in the said form along with fees of Rs.200/- (Rupees Two Hundred only) per market area. Director of Agricultural Marketing on receipt of such application together with required information and fees may grant licence to the applicant for carrying out trade in more than one market area in Form 37-B. Afterwards, the licence fee so received shall be sent to the concerned Market Committee and shall have to pay the market fee on the purchases of agricultural produce made in the respective market area to the concerned Market Committee as per the provision of the bye-law.]

1. substituted for the word “disgratified” by GSR 44, dated 3-2-1970
2. Sub-rule (6) substituted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008.
3. Substituted for the words “traders and commission agents” by GSR 93, dated 7-4-1988.
4. Proviso inserted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008

 COMMENTS
Repugnant to the provision

Rule 76:- The rule is repugnant to the provisions of Section 8(1) (b) proviso (ii)(b) of the Act. To that extent the rule is invalid- *K.N.Marularadhya V State, (1969) 1 Mys.L.533: AIR 1970 Mys.114.*

77. 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 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 under sub-section (2) of Section 85 of the Act and the bye-laws.

(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 sometime 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 partner with any person to whom a licence is refused.
 - (iv) he has neglected or refused to submit to, abide by and carry out 1[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 fee, fine or other sum payable to it by him or has failed to deposit with or furnish to it the cash security or
-

1. Substituted for the words " any award" by GSR 44, dated 3-2-1970

the bank guarantee as provided in the bye-laws in due time.

- (vi) he has refused to submit his accounts books for the inspection of the committee, or to the sub-committee or any of its officers authorized 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 statements 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 or boycotts against the smooth working of the market or the enforcement of the provisions of the Act, rules or the bye-laws.
- (ix) he has over-traded:
- (x) he has habitually violated the provisions of the Act, the rules or the bye-laws or the lawful directions given by the committee;
- (xi) his previous conduct is such as would disturb the maintenance of a stable and healthy market or is found to have entered into any disreputable or fraudulent transaction with any person: or
- (xii) he has not transacted any business in the notified agricultural commodities during the period of his licence, and he is not a genuine trader but obtained a licence only to avail of advantages accruing therefrom.

COMMENTS

Unreasonable restriction on the fundamental right to carry on any trade or business as guaranteed.

Rule 77(2) (iii):- Violative of Article 19(1)(g) of Constitution Clause (iii) of sub-rule (2) of Rule 77 imposes unreasonable restriction on the fundamental right to carry on any trade or business as guaranteed under Art.19(1)(g) of the Constitution. Normally the operation of such clauses prescribing disqualifications is limited to a specified period. Even in the very Act itself, Section 17, which deals with disqualification for becoming a member, specifies several grounds of disqualification: but at the same time it also provides as to when those disqualification would cease to operate. In case of disqualification falling under CI.(iii) of sub – rule (2)

of RI.77 of the Rules and in respect of similar such disqualifications under sub-rule (2) of RI.77 it is necessary to limit the operation; as otherwise the applicant will not be entitled to carry on the trade or business for all time to come even though it is one of the fundamental rights guaranteed under Art.19(1)(g) of the Constitution. The contention of the Government is that the clause in question is intended to safeguard the finances of the market committee to enable it to recover the market fee. There is no doubt that one of the objects of CI(iii) of sub-rule (2) of RI.77 of the Rules is to ensure prompt payment of market fee by a market functionary. But the court cannot ignore to take note of the evil consequences of such a provision.

It is true that a provision which enables the market committee to recover the market fee should in all probability be upheld. But if such provision comes under the teeth of Art.19(1)(g) of the Constitution, in spite of its laudable object, it is not possible to save it. Sub-rule (2) of RI.77 of the Rules, not only specifies the ground of arrears of payment of market fee on the basis of which the licence is refused to the another partnership firm of which the applicant if he is an individual or a partner of the applicant if it is a partnership, is a partner of such firm, but it also specifies several other grounds on which the grant of renewal of the licence may be refused. Unless such provisions are limited in their operation, in other words such disqualifications cease to operate after a specified therein, they cannot be free from the vice of unreasonableness. No such provision is made in RI.77 of the Rules. There is no provision in the Rules or in the Act limiting the consequence of sub-rule (2) of RI.77 of the Rules. The fact that the Rule has been in force for the last 20 years, will only persuade the Court to grant some time to the State Government to amend the Rule suitably in the light of the observations made in this order, failing which the Rule shall stand struck down.

Accordingly, the State Government is granted time till the end of December, 1988, to amend RI.77(2) of the Rules suitably in the light of the observations made in this order. In the event the State Government fails to amend RI.77(2) of the Rules within the aforesaid period, CI.(iii) of sub-rule(2) of RI.77 of the Rules shall stand struck down as unconstitutional with effect from 1-1-1989. *M/s Raitbandu Gramdyoga v/s APMC, sagar and others*, **1989(1) Kar.L.J.sh.N.11,0.10: ILR 1989 Kar.1371.**

78. Disqualification for obtaining licence to operate as commission agents (1)

No person shall be granted a licence and no person's licence shall be continued or renewed by the committee, to operate as a commission agent in the market area unless it is satisfied, after such inquiry as may be provided in the bye-laws, that the person:-

-
- (i) is solvent;
 - (ii) is not a defaulter in paying to any of his principals the price of his produce after its sale, when demand for such payment was made by the principal; and
 - (iii) has deposited or furnished to the committee the cash security or the bank guarantee as may be provided in the bye-laws.

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

- (i) his licence has been cancelled some time back and that the period of six months has 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 or abide by and carry out ¹(any award of the Arbitrator or Arbitrators) or decision or order of the Disputes Committee;
- (v) he has failed to pay in due time to the committee any sum due to it from him or has failed to deposit with or furnish to it the cash security or the bank guarantee provided in the bye-laws;
- (vi) he has refused to submit his account books for the inspection of the committee or to any of its officers authorized 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 or statements to the committee in due time, in the manner laid down in these rules or bye-laws or as may be specified by the committee;
- (viii) he is found to have setup or instigated to setup directly or indirectly any strikes against the smooth working of

1. Substituted for the words "any award " by GSR 44, dated 3-2-1970.

the market or the enforcement of the provisions of the Act, rules or the bye-laws;

- (ix) 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 any business in the notified agricultural commodities during the period of his licence and he is not a genuine Commission Agent but obtained licence only to avail of advantages accruing therefrom.

79. **(Licenced Weighmen, measurers, surveyors, hamals, cartmen, public carrier, etc.)** – ((1) No person shall operate as a weighmen, measurer, surveyor, hamalis, cartment, owner of public carrier or as any other market functionary in any market area except under a licence in Form 37 granted by the Market Committee.

- (2) Any person desires to hold a licence to operate in the market area as a.-
 - (i) Weighmen, measurer, surveyor shall apply in Form 44;
 - (ii) Hamal, cartman, owner of public carrier or as any other market functionary shall apply in Form 45.

and shall also pay such fee not exceeding rupees one hundred as may be specified in the bye-laws. On receipt of such application the market committee may, if it finds no grounds to refuse, grant or renew the licence in Form 37. On the grant of such licence the applicant shall execute an agreement in such form as the market committee may determine, agreeing to comply with these rules and the bye-laws of the Market Committee.]

(3) The licence granted under sub-rule (2) shall, unless renewed, 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.

1. Substituted for existing heading by Notification No. CMW 174 MRE 91, dated 27-1-1994
2. Sub-rules (1) and (2) substituted by Notification No. CMW 174 MRE 91, dated 27-1-1994
3. Substituted for the words " to do business " by GSR 44, dated 3-2-1970.

(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 a (x x x x x) weighman, measurer, (x x x x x) If any licensed (x x x x x) weighman, measurer (x x x x x) enters service or does business other than that for which he holds a license, he shall be deemed to have committed a breach of the conditions of the licence.

(6) The committee may after giving the applicant an opportunity of being heard, for reasons to be recorded in writing refuse to grant or renew a licence to any person, if the committee is satisfied that the applicant is not likely to further the efficient working of the market under the control of the committee or is otherwise not qualified or disqualified under the Act, rules or bye-laws.

COMMENTS

Application for licence is absolutely necessary

Rule 79(6). – Under Rule 79(6), personal hearing before rejecting the application for licence is absolutely necessary – M.S. Channabasappa & Brothers v Additional Chief Marketing Officer, 1974(1) Kar. L.J.Jr.52 Sh.N.189.

80. Issue of duplicate licence. – The Committee, if it is satisfied, after holding such enquiry as necessary, that a licence issued by it has been lost or accidentally destroyed may issue a duplicate licence on payment of fee of one rupee.

81. 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 (2) of Rule 77 or sub-rule (6) of Rule 79; or
- (b) cancels or suspends a licence under Section 73 of the Act,

the committee shall communicate its decision or order, as the case may be, to the person concerned.-

-
1. The word " broker " omitted by GSR 93, dated 7-4-1988
 2. The words " or survey or " omitted by GSR 93, dated 7-4-1988
 3. The word "broker" omitted by GSR 93, dated 7-4-1988
 4. The words " or survey or " omitted by GSR 93, dated 7-4-1988

- (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.

82. Prohibition of brokers from acting on behalf of both the buyer and the seller.- (1) No licensed broker shall act on behalf of both the buyer and the seller of agricultural produce in any transaction.

(2) Any licensed 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.

(83. Commission agents, etc., not to receive fees other than those specified for their service. – x x x x x)

84. Trader, 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 condition of the licence.

85. 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 authorized representative and countersigned by the payer or the deliverer, as the case may be, or by the authorized representative of such person in such form as may be
-

prescribed in the bye-laws and maintain the carbon copies thereof.

86. Reports and returns by traders and commission agents. – Subject to the provisions of the Act and the bye-laws, every licensed trader and commission agent operating in the market area shall render 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 agreements of the sales or purchases entered into. –

- (i) in the market yard, market sub-yard or sub-yards and sub-market yard or sub-market yards];
- (ii) in the market and [sub-market or sub-markets] excluding market yard, market sub-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-yards and ⁵(sub-market yard or sub-market yards);

-
1. Item (i) of clause (a) substituted by GSR 44, dated 3-2-1970
 2. Substituted for the words " sub-markets or sub-markets" by GSR 44, dated 3-2-1970
 3. Substituted for the words " sub-market, sub-yard or yards" by GSR 44, dated 3-2-1970
 4. Substitute for the words "excluding market yards, market sub-yards or sub-yards and sub-market yards, sub-market yards" by GSR 4, dated 3-2-1970
 5. Substituted for the words "sub-market yard or yards" by GSR 44, dated 3-2-1970

- (ii) in the market and sub-market or sub-markets excluding market yard, [market sub-yard or sub-yards and] sub-market yard or 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 this Act, the rules and bye-laws of the committee.

87. Reports by market functionaries other than traders and commission agents.- (1) Every licensed ginner, processor, presser, warehouseman, importer, exporter, stockist and every other market functionary other than a licensed trader and a commission agent, operating in the market area shall submit to that committee or to the officer specified by the committee in this behalf, such periodical returns, at such time and in such form as may be provided in the bye-laws or as the committee may from time to time direct.

(2) If any market functionary fails to submit reports and returns as required under sub-rule (1) and sub-section (1) of Section 83 the committee may authorize 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 reasons for not producing the required returns and reports.

(3) The counterfoils or duplicate copies of all reports and returns submitted under sub-rule (1) shall be preserved by the market functionaries for a period of two years from the date of such submission and they shall be made available for inspection whenever required by the committee during that period.

[87-A. Compounding of offences. – No offence for contravention of the provisions of Sections 8, 79 and 80 shall be compounded under Section 70.]

**[PART VI-A
Establishment of private market yards, direct purchase centers and farmer –
consumer markets etc.**

87-B. Grant of licence for establishment of private market yard. – (1) Subject to the provisions of Section 72-A and 72-C of the Act, any person who has already established the infrastructure or desiring to establish a private market yard in one or more market areas may submit an application in writing to the Director of Agricultural Marketing in Form 46 for grant of licence or renewal thereof, along with the documents. The Director of Agricultural Marketing may grant licence for establishment of private market yard or renew the same.-

Private Market Yard shall be three types, namely. –

(i) **Private market yard licensee develops, manages and controls the yard.**-
(a) Private market yard licensee develops, manages and controls the yard by providing infrastructure facilities such as auction halls, sheds, shops, godowns, storages, pre-cooling, cold storages, raitha bhavan, canteen, ripening chambers, laboratory facilities to evaluate quality of produce, grading and packaging facilities, loading and unloading site, electronic display of market rates, electronic weighbridges, internal roads, drinking water and sanitary facilities, etc., with an investment of not less than the amount as specified below excluding the cost of land.-

- (i) Rupees ten crores in Bangalore city.
- (ii) Rupees five crores in other district head quarters.
- (iii) Rupees two crores in other places.

(b) The Land earmarked for establishment of Private Market Yard shall bear a clear title or lease hold right by agreement for a period of not less than ten years with possession. The extent of such land for establishment of a Private Market Yard shall not be less than. –

1. Rule 87-A inserted by GSR 44, dated 3-2-1970

2. Part VI-A and Rules 87-B to 87-J inserted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f.20-03-2008.

- (i) ten acres in respect of City or Town situated in the district headquarters other than Bangalore; and
- (ii) five acres in respect of other places.

(c) No private market under this rule, except market relating to fruits, vegetables, flowers and such other perishable commodities as may be notified by Government from time to time, shall be established in Bangalore.-

- (i) Within a radius of 25 kilometers from the existing market committee; and
- (ii) the extent of land of such private market shall not be less than 50 acres."

(ii) **Private market yard licensee himself takes up buying or selling of notified agricultural produce on wholesale basis.** – (a) Private Market Yards where private market yard licensee himself takes up buying or selling of notified agricultural produce on wholesale basis. For this purpose, necessary infrastructural facilities required for such activity shall have been provided or shall be provided with an investment of not less than the amount specified below including the cost of land.

- (i) Rupees five crores in Bangalore city.
- (ii) Rupees three crores in other district head quarters.
- (iii) Rupees two crores in other places.

(b) The extent of land for a private market yard under this category shall not be less than the extent as specified below and the land shall bear a clear title or lease hold title agreement for a minimum period of thirty years with a peaceful possession.

- (i) Minimum of three acres of land in the city or town situated in the district head quarters.
- (ii) Minimum of two acres of land in other places.

(iii) **Private Market setup with the assistance from Central or State Government etc. (herein after called Terminal Market).** – Private Markets set up with the assistance from Central Government or State Government or fully financed by the private entrepreneurs or on public private partnership model with establishment of main terminal market and collection centers for procurement of notified agricultural produce with a minimum investment of rupees twenty-five crores for the purpose.

(2) The applicants under the above categories shall specify the place and location of the establishment of private market yards for marketing of notified agricultural produce in market area.

(3) The licence fees payable for grant or renewal of licence per annum for each categories of private market yards shall be as specified below payable by demand draft in favour of the Director of Agricultural Marketing, Bangalore.

- (i) Bangalore city – Rupees fifteen thousand
- (ii) District Headquarters – Rupees five thousand.
- (iii) Other places – Rupees two thousand.

Provided that the amount of licence fee paid by the applicant may be refunded if the licence is not granted or renewed for any reason after deducting ten per cent of the fees towards processing cost.

(4) The Director of Agricultural Marketing shall record the date of receipt of the application in the register maintained in Form 47 and shall evaluate the project report. He may also in consultation with the person/persons as he deemed fit may suggest necessary measures for improving the efficiency of private market yard.

(5) The Director of Agricultural Marketing on the basis of the evaluation report may within sixty days from the date of submission of application issue. –

- (i) A letter of permission for the commencement of the project specifying the period for completion which shall not be more than two years in case of new projects.

OR

- (ii) Refuse to issue permission letter for the reasons to be recorded in writing and communicated to the applicant.

Further that no letter of refusal under this rule shall be issued unless a reasonable opportunity of being heard is given to the applicant.

(6) In case of new projects, the applicant shall complete the project within the period specified in such permission letter and if the applicant could not complete the project within the specified period, he may apply to the Director of Agricultural Marketing explaining the reasons for extension of the period. The Director of Agricultural Marketing after inspection of the project may consider extension of time not exceeding one year.

(7) In case of new projects, after completion of the project and for existing projects at the time of application, the applicant shall give intimation to the Director of Agricultural Marketing. The Director of Agricultural Marketing after inspection and enquiry as are considered necessary and shall by a notification issued under Section 6 of the Act declare the private market yard for the regulation of marketing of notified agricultural produce specified in the notification.

(8) After the issue of notification under sub-rule (7), the Director of Agricultural Marketing may subject to the provisions of Section 72-C of the Act, grant licence in Form 48 for establishment of a private market yard subject to the conditions specified therein.

(9) Before commencement of marketing of agricultural produce the applicant shall deposit an irrevocable and continuous bank guarantee or cash security as specified below or a amount equal to two per cent of the annual turnover of the previous year whichever is more with Director of Agricultural Marketing.

- (i) In Bangalore city – rupees fifty lakhs.
- (ii) In places of district head quarters – rupees twenty-five lakhs.
- (iii) In other places – rupees five lakhs.

Provided that the bank guarantee prescribed under this rule shall be fifty per cent to the Government organizations and co-operative institutions.

(10) The private market yard licensee shall submit application for renewal of licence in Form 49 to the Director of Agricultural Marketing. The Director of Agricultural Marketing after making such enquiries as he deemed fit, may renew the licence of the private market yard for marketing of notified agricultural produce.

(11) The Director of Agricultural Marketing, after giving the applicant an opportunity of being heard, for the reasons to be recorded in writing refuse to grant or refuse to renew the licence to the applicant who is either not solvent or otherwise disqualified under the Act and Rules;

Provided that no order under this sub-rule shall be made unless a reasonable opportunity of being heard is given to the applicant.

(12) A licence granted under sub-rule (8) shall, unless renewed remain in force till the end of tenth market year including the year in which it has been granted.

(13) Every application for renewal of licence shall be made one month before the expiry of its period. The application for renewal of licence if is in accordance with the provisions of the Act and Rules, the applicant shall be deemed to be duly licensed until orders are passed on such application.

(14) The private market yard licensee who himself is a buyer or any person operating as a buyer in a private market yard shall pay market fee at the rates as specified under Section 65 of the Act.

87-C Grant of licence for direct purchase of agricultural produce from agriculturists or producers. – (1) Subject to the provisions of Section 72-A of the Act, any person desiring to purchase agricultural produce directly from the agriculturists or producer-sellers in one or more market areas may submit a application in writing to the Director of Agricultural Marketing in Form 50 for grant of licence, along with the documents specified in the form subject to the following conditions.-

- (i) The applicant shall furnish details of direct purchase centers proposed to be opened initially in Form 51. He shall also submit the names of new centers likely to be opened in the course of his business in Form 52 before fifteen days of their opening.
- (ii) The applicant shall submit details of financial status, resources with supportive documents, bank statements, income tax returns, list of permanent assets and liabilities, memorandum and articles of association if it is a company and other documents showing the credibility of the applicant for direct purchase of notified agricultural produce from agriculturists, producer-seller.
- (iii) The applicant shall provide necessary infrastructure facilities for weighment, storage, shelter and other basic facilities as may be specified by the Director of Agricultural Marketing from time to time.

(2) The licence fees for grant or renewal of licence for establishment of a direct purchase centre shall be Rupees fifty thousand payable by demand draft in favour of the Director of Agricultural Marketing, Bangalore:

Provided that the amount of licence fee paid by the applicant may be refunded if the licence is not granted or renewed for the reasons other than non compliance of requirements of the

conditions of licence after deducting ten per cent of the fees towards processing cost.

(3) The Director of Agricultural Marketing shall record the date of receipt of the application in the register maintained in Form 47 and shall evaluate the proposal. He may also in consultation with the person/persons as he deemed fit suggest necessary measures for improvement of the activities of a direct purchase center.

(4) The Director of Agricultural Marketing may after satisfying himself that the arrangements made for purchasing of notified agricultural produce from the agriculturists in the direct purchase centre are sufficient to carry on the activities, grant licence in Form 48 to start business in such centre subject to the conditions specified therein.

(5) The applicant shall deposit an irrevocable continuous bank guarantee or cash security of Rupees fifty lakhs or an amount equal to two per cent of the annual turnover of the previous year whichever is more with the Director of Agriculture Marketing:

Provided that the bank guarantee specified under this rule shall be fifty percent to the Government organizations and co-operative institutions.

(6) The direct purchase licensee shall do cash and carry business in the direct purchase center and pay the seller in cash or cheque immediately.

(7) The Direct Purchase Centre licensee shall submit application for renewal of licence in Form 49 to the Director of Agricultural Marketing. The Director of Agricultural Marketing after making such enquiries as he deemed fit, may renew the licence of the Direct Purchase Centre for purchase of notified agricultural produce from agriculturist, producer-sellers.

(8) The Director of Agricultural Marketing after giving the applicant an opportunity of being heard, for the reasons to be recorded in writing refuse to grant, suspend or cancel licence to the applicant.

(9) A licence granted under sub-rule (4) shall, unless renewed remain in force till the end of tenth market year including the year in which it has been granted.

(10) Every application for renewal of licence shall be made one month before the expiry of its period. If the application applied for renewal of licence by the applicant is in accordance with the

provisions of the Act and Rules, the applicant shall be deemed to be duly licensed until orders are passed on the application.

(11) Subject to the provisions of the Act, Rules and the directions issued by the Director of Agricultural Marketing from time to time, the direct purchase center licensee shall operate in the area or place for which licence has been granted.

(12) Direct purchase licensee may sell his produce either in the market established by the market committee or private market yard or sell in retail or process such agricultural produce or may export by value addition through grading, packing etc.

87-D. Grant of licence to establish farmer-consumer market. –(1) Subject to the provisions of Section 72-B and 72-C of the Act, any person desiring to establish a farmer-consumer market in one or more market areas shall submit an application in writing to the Director of Agricultural Marketing or the Officer authorized by him in Form 46 for grant of licence or renewal thereof in Form 49 along with the documents specified in that Form subject to the conditions specified below. The Director of Agricultural Marketing or the Officer authorized by him shall record the date of receipt of such applications in the register maintained in Form 47.

(2) The Farmer-Consumer Market shall be established on a land with clear title or leasehold title having the lease agreement for a minimum period of five years with a peaceful possession.

(3) The applicant shall provide infrastructure facilities such as sheds, drinking water facilities, sanitary facilities, roads, storage facilities including stalls for the farmers/growers, shops for ancillary service such as booths for sale of seeds, fertilizers, fruits, vegetable, milk, etc.

(4) The licence fee for establishing a farmer-consumer market shall be rupees ten thousand.

(5) The Director of Agricultural Marketing or the Officer authorized by him shall verify the documents submitted by the applicant and after inspection of the proposed farmer-consumer market established by the applicant may grant licence in Form 48 within a period of thirty days from the date of receipt of the applications subject to the conditions specified therein.

(6) In the farmer-consumer market the farmer or the producer-seller shall not be permitted to sell more than the quantity of notified agricultural produce as may be specified by the Director of Agricultural Marketing from time to time.

87-E. Procedure for Settlement of disputes. – (1) Any dispute between the private market yard licensee, direct purchase centre licensee, farmer consumer market licensee and the market committee, agriculturist, trader, commission agent or a consumer shall be filed in writing by the complainant himself or his authorized representative to the Director of Agricultural Marketing or any subordinate officers authorized by him affixing necessary documents within a period of thirty days from the date of arising the dispute.

(2) The Director of Agricultural Marketing or any subordinate officers authorized by him shall after giving an opportunity of being heard to the concerned parties and making necessary enquiry, give his decision within a period of sixty days from the date of receipt of the complaint.

The disputes may also include.-

- (i) Dispute regarding the payment to be made to the farmers for the purchase of agricultural produce from him while keeling in the direct marketing or private markets or farmer-consumer markets;
- (ii) Dispute as to the jurisdiction (Area of operation)
- (iii) Dispute regarding the weight of agricultural produce, price, charges, fees, taxes, etc.
- (iv) Any other dispute tenable under the Act and the rules made thereunder.

87-F. Power to revoke bank guarantee. – (1) The cash security or the bank guarantee deposited by the private market yard licensee, direct purchase centre licensee shall be recorded in Form 53 and maintained by the Director of Agricultural Marketing.

(2) The Director of Agricultural Marketing shall have the power to revoke the bank guarantee furnished by the private market yard licensee, direct marketing licensee in the event of. –

- (i) failure to pay the sale proceeds to the agriculturists or producer-sellers or any other dues by the private market licensee or person operating in the private market yard for which they are liable to pay to the agriculturists or producer-sellers.
- (ii) failure to pay the sale proceeds to the agriculturists or producer-sellers or any other dues by the direct purchase licensee for which they are liable.

(3) The Director of Agricultural Marketing shall have the right to forfeit the whole amount of bank guarantee if the dues to be paid by the licensee to the agriculturists or producer-seller is more than fifty per cent of the bank guarantee or if the licensee is continuously in default for more than three times in making payments or if the dues are more than ten per cent of the goods purchased in a month.

(4) The bank guarantee furnished by the licensee shall be unconditional and the amount guaranteed by the bank or part thereof as the Director of Agricultural Marketing on demand shall be payable. No other kind of bank guarantee shall be accepted.

(5) Subject to the provision of Act and Rules, the bank guarantee furnished by the licensee to the Director of Agricultural Marketing shall be refundable to him on ceasing to be a licensee if the Director of Agricultural Marketing is satisfied that there are no liabilities due by the licensee either to the agriculturists, producer-sellers, market committee or any other person in respect of the transactions for which the bank guarantee is furnished.

(6) The bank guarantee shall be deemed to be held in trust for the purpose for which it is made and shall not be used for or utilized for any purposes nor it shall be liable for levy of attachment or execution by any court or other authority for any other purposes.

(7) The licensee shall recoup the bank guarantee within a period of one month from the date of such forfeiture under sub-rule (2) or (3), failing which the licence of the private market yard, direct purchase licensee shall be cancelled.

(8) The cash security or bank guarantee furnished by the private market yard licensee or the direct purchase licensee shall be deposited in a scheduled bank situated at Bangalore as the licensee may specify. The amount of such security or bank guarantee shall be deemed to have been enhanced to the extent of the interest credited by the bank in respect of the security or guarantee held in deposit.

87-G. Levy of charges, fees by a private market yard licensee and farmer-consumer market licensee.- For the purpose of determining the registration fee and other charges under clause (b) of Section 64-A of the Act and after considering the facilities provided in the above said categories of private market yards and the proposal submitted by the licensee for fixation of the fees and other charges, the Director of Agricultural Marketing shall pass an order to determine the maximum rate of charges to be levied and collected by a private market yard licensee.

87-H. Duties and responsibilities of private market yard licensee, direct purchase centre licensee and farmer-consumer market licensee.- (1) The private market yard licensee, farmer-consumer market licensee and direct purchase licensee shall. –

- i. frame the operational and working guidelines for the administration and regulation of trading activities in the categories of private market yards, direct purchase centre and farmer-consumer market and shall submit the draft of the same along with the application for licence. Such guidelines shall be in consonance with the provisions of the Act and the rules made thereunder.
- ii. furnish all the necessary information to the Director of Agricultural Marketing or the Officers authorized by him as he may require in this behalf.

(2) They shall also be responsible for. –

- a. keeping a copy of the operational and working guidelines open to inspection at its office by the Officers of the Department of Agricultural Marketing at all reasonable times;
- b. provide information of allotment of shops, godowns, sheds, plots or any other premises only for the purposes of sale and purchase of agricultural produce or such other purpose directly or indirectly connected with the sale and purchase of agricultural produce;
- c. maintain a register showing the fees and all other charges collected by them from the sellers and buyers;
- d. submit periodical reports and annual reports containing such information as may be directed by the Director of Agricultural Marketing or any Officer authorized by him;
- e. comply with the method of sale of the agricultural produce permitted by the Director of Agricultural Marketing or Officer authorized by him as provided under Section 76 of the Act;
- f. every price quotation made by a trader, buyer or agent in respect of any notified agricultural produce in direct purchase in private market yard shall always be exclusive of the container thereof;

-
- (g) the direct purchase licensee and the private market yard licensee shall keep regular and proper accounts either manual or on electronic media of every purchase and sale transaction of a agricultural produce in a register specified by the Director of Agricultural Marketing in this behalf from time to time;

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

- (h) Every trader operating in a private market yard and the direct purchase licensee shall, immediately after weighment or measurement of the agricultural produce, issue a bill in the form as specified in the operational and working guidelines, furnishing details including price of all the agricultural produce purchase or sold by him. The trader operating in private market shall retain one copy of the bill with himself and submit one copy to the private market yard licensee, one copy to the purchaser or to the seller. The direct purchase licensee shall retain one copy of the bill with himself and give one copy of the same to the concerned Seller;
- (i) The private market yard licensee may grant registration to operate as the traders, commission agents, etc., on such terms and conditions provided in the operational and working guidelines made in this behalf;
- (j) The provisions of the Karnataka Weights and Measures (Enforcement) Act, shall be applicable to the direct purchase center, private market yard and farmer-consumer market yard;
- (k) Immediately after any agricultural produce is weighed or measured in the direct purchase centre or private market yard or farmer-consumer market, the purchaser shall settle the account and pay the seller or his agent, as the case may be, the sale proceeds of the produce so purchased:

Provided that, under no circumstances payment of the Agricultural produce sold shall be withheld by a commission agent or purchaser either on deposit account or personal account or in any other account of a similar nature. The licensee of the private market yard, direct purchase center shall be held responsible for not arranging payment to the farmers, producer-sellers.

-
- (l) For the purpose of ascertaining that the payment for the agricultural produce sold in the private market yard, direct purchase centre is made to the farmer, producer-sellers as required by these rules, the private market yard licensee or the direct purchase centre licensee shall through its Officer arrange for the periodical inspection of books of accounts of traders and commission agents operating in the said market center and shall make inquiry, as the case may be.
- (m) The charges payable to a licensed commission agent, broker, weighmen, measurer or surveyor, etc., in respect of his services, in the private market yard and farmer-consumer market as also other market charges if any shall be as may be specified in the operational and working guidelines, subject to the maximum rates as may be determined by the Government or the Director of Agricultural Marketing from time to time;
- (n) No person operating in any direct purchase centre, private market yard or farmer-consumer market shall adulterate any notified agricultural produce or shall cause such produce to be adulterated and it shall be the duty of every direct purchase licence holder, private market yard licensee and farmer-consumer market licensee to take adequate steps including power to take samples of such produce to see that the agricultural produce intended for marketing, processing, storage or export in the market area is not adulterated.

Explanation:- For the purpose of this sub-rule, adulteration of agricultural produce is assigned the same meaning as defined under the prevention of Food Adulteration Act, 1954(Central Act 37 of 1954)

- (o) The private market yard licensee, direct purchase licensee and farmer-consumer market licensee shall arrange for the storage of agricultural produce brought by the agriculturist, producer-seller when it is not sold or when the producer-seller desires to store the agricultural produce till he obtains better price, in their godowns or godowns of the purchasers or processors or warehouseman. The private market yard licensee and the farmer-consumer market licensee may fix every year, the charges for such storages.

-
- (p) The private market yard licensee and direct purchase licensee shall declare the details of address of warehouses, godowns and storage places where agricultural produce have been stocked/stored and shall submit monthly returns to the Director of Agricultural Marketing or the Officer authorized by him.

87-I. Powers of the Director of Agricultural Marketing to make enquiry and inspection:- (1) The Director of Agricultural Marketing shall have the power to enquire and inspect the affairs of private market yard, direct purchase center and farmer-consumer market, and may authorize any of his subordinate Officer for such enquiry or inspection. An order authorizing inquiry or inspection of Director of Agricultural Marketing or the Officer authorized by him shall, amongst other things contain the following:-

- a) The name of the persons authorized to conduct the inquiry or inspection;
- b) The name of the direct purchase license holder, private market yard license holder and farmer-consumer market license holder or whose affairs are to be inquired into or whose accounts and records are to be inspected;
- c) The specific point or points on which an inquiry or inspection is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Director of the Agricultural Marketing;
- d) Any other matter relating to the inquiry or inspection of the offices or any person operating in the private market yard, direct purchase center or farmer-consumer market.

(2) If the inquiry or inspection cannot be completed within the period specified in the order referred to in sub-rule(1), the person conducting the inquiry or inspection shall submit an interim report stating the reasons for not completing inquiry or inspection in time and the Director of Agricultural Marketing may grant such extension of time for the completion of the inquiry or inspection, he deems necessary or may withdraw the inquiry or inspection from the person to whom it is entrusted and hold the inquiry or inspection by himself or entrust it to such other person as he deems fit.

(3) On receipt of the order referred to in sub-rule (1), the person authorized to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in

possession of the direct purchase license holder, private market license holder and farmer-consumer market license holder or any of its Officers, members, agents or servants or any person operating therein and obtain such information or explanation from any such persons in regard to the transactions and working of the respective markets, centers as he deems necessary for the conduct of such inquiry or inspection.

(4) The person authorized to conduct an inquiry or inspection shall submit the report to the Director of Agricultural Marketing, on all the points mentioned in the order referred to in sub-rule (1) and the report shall contain his findings and the reasons therefore supported by such documentary or other evidences as recorded by him during the course of his inquiry or inspection. The Director of Agricultural Marketing may pass orders of suspension or cancellation of license as may be considered just and proper.

Provided that before passing an order of suspension or cancellation of licence the Director of Agricultural Marketing shall give the persons including the private Market yard licensee, direct purchase centre licensee or farmer-consumer market licensee reasonable opportunity of being heard.

87-J. Manner of Preferring Appeals:- A person aggrieved by the orders of the Director of Agricultural Marketing may appeal under Section 72-E(1)(b) of the Act, by complying with the following requirements.-

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

PART VII

Karnataka State Agricultural Marketing Board

[88. Election of a Member to the State Marketing Board:- (1) The election of a member to the State Agricultural Marketing Board

under clause (ii) of sub-section (1) of Section 101, shall be held in the manner hereinafter specified.

(2) For purposes of the said election, the [Assistant Director of Agricultural Marketing] of the revenue district shall be the Returning Officer.

(3) The Returning Officer shall maintain in his office a list of the Chairman of all the market committees in the district. In order to enable him to maintain such list corrected up-to-date, the Secretaries of all the market committees in the District shall furnish to the Returning Officer the name of the Chairman of their respective market committees and also inform immediately the Returning Officer of every change in the names of the Chairmen. The Returning Officer shall, on receipt of the information, strike out the names of persons who have ceased to be the Chairmen and include therein the names of persons who have become Chairman of such market committee.

(4) The provisions of Rule 5-A shall apply *mutatis mutandis* in relation to the list of names of Chairmen:

Provided that where an application under sub-rule (1) or clause (a) of sub-rule (2) of Rule 5-A is received by the Returning 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, shall act in accordance with sub-rule(2).

(5) The Returning Officer shall, by order, call upon the electorate of Chairman of all the market committees in each revenue district to elect a member to the Board and fix the date of election, he shall publish a notice by affixing on the notice board of his office stating:-

- (i) The place at which and the time within which nomination shall be received and the last date for making nominations which shall not be less than seven days from the date of publication of the notice;
- (ii) The date of the scrutiny of nomination 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;

-
- (iii) The last day for withdrawal of nominations, which shall be third day after the date of scrutiny of nominations or if that day is public holiday, the next succeeding day which is not a public holiday;
 - (iv) The date, which shall not be less than fifteen days from the date of publication of the notice, on which and the hours during which, poll shall, if necessary, be taken; and
 - (v) The place and time for counting of votes.

(6) A copy of the notice referred to in sub-rule (5) shall be sent to the Chairman of all the market committees in each district by registered post immediately after its publication.

(7) In the case of a bye-election referred to in Section 105, the notice under sub-rule (5) shall be published as soon as may be after the occurrence of vacancy.

88-A. Nominations:-(1) Where in any revenue district, there are more than one market committees, and Chairman intending to contest for election to the Board, shall deliver his nomination paper to the Returning Officer in Form 38 between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon at the place specified in this behalf in the notice referred to in sub-rule(5) of Rule 88.

(2) The Returning Officer shall, on receiving the nomination paper, enter in the nomination paper its serial number, the date on which and the hours at which the nomination paper has been delivered to him and shall verify the name and the number of the candidate with the list of Chairmen maintained in his office.

(3) Nomination papers received after the date and time appointed under clause (ii) of sub-rule (5) of Rule 88 shall be rejected.

(4) Nothing in this Rule shall prevent any candidate from filing more than one nomination paper for the same election.

88-B Scrutiny of nominations:- (1) The candidates and their agents, who shall not be more than one for each candidate, shall be entitled to be present at the time of scrutiny of nominations and the Returning Officer shall give them all reasonable facilities for examining nomination papers of all candidates.

(2) The Returning Officer shall then examine the nomination papers and decide all objections which may be made at the time of scrutiny to any nominations and may either on such objection or on

his own motion and after such summary enquiry, if any, as he thinks necessary, reject the nomination paper on any of the following grounds, namely:-

- (a) that the signature of the candidate on the nomination paper is not genuine or has been obtained by fraud; or
- (b) that the nomination paper has not been duly completed and the defect or irregularity is of a substantial character.

(3) The Returning Officer shall endorse on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

88-C Withdrawal of candidature:- (1) Any candidate may withdraw his candidature by a notice in writing subscribed by him and delivered in person to the Returning Officer before three o'clock in the afternoon on or before the date fixed under clause(iii) of sub-rule (5) of Rule 88. On receipt of the notice, the Returning Officer shall note thereon the date and the time at which it was delivered.

(2) No person who has given notice of withdrawal of his candidature under sub-rule (1) shall be entitled to withdraw or cancel the notice.

88-D. Procedure in contested and uncontested elections.- If after the expiry of the period within which candidature may be withdrawn:-

- a) there is only one candidate whose nomination is valid and who has not withdrawn his candidature, the Returning Officer shall forthwith declare such candidate to be duly elected to be a member of the Board; or
- b) the number of candidates who have been duly nominated but who have not withdrawn their candidature exceeds one, the Returning Officer shall except in the case falling under the proviso to sub-section (1) of Section 101, prepare a list of validly nominated candidates in alphabetical order and cause a copy of the list so prepared to be affixed to the notice board of his office.

88-E Voting:- Where votes of the Chairman are to be taken for the purpose of the election, the polling shall take place on the date and time appointed under clause (iv) of sub-rule (5) of Rule 88 at the office of the Returning Officer.

88-F. Procedure for the conduct of elections:- (1) At the place set apart for voting, the Returning Officer shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein, but cannot be withdrawn there from without the box being opened.

(2) The Returning Officer shall immediately before the votes are taken, show the ballot box empty to such Chairmen as may be present, so that they may see that it is empty and then shall lock it up and place his seal upon it in such manner as to prevent it being opened without breaking such seal.

(3) Every chairman wishing to vote shall be supplied with a ballot paper in Form 39 bearing the seal of the office of the [Assistant Director of Agricultural Marketing] and the signature of the Returning Officer and on which names of all contesting candidates are printed, typed or written in English and Kannada. At the time of issuing a ballot paper to a Chairman, the Returning Officer shall record the serial number thereof against the entry relating to the Chairman in the list of Chairmen kept for the purpose.

(4) The Chairman to whom a ballot paper is issued under sub-rule (3) shall on receipt of the ballot paper proceed to the place set apart for the purpose and [affix seal with the instrument supplied] mark against the name of the candidate for whom he wished to vote. He shall then fold up the ballot paper so as to conceal his vote and insert it into the ballot box.

(5) A Chairman who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may on returning it to the Returning Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "spoilt-cancelled" by the Returning Officer. If a Chairman after obtaining a ballot paper decides not to use it, he shall return it to the Returning Officer and the ballot paper so returned shall be marked as "Returned-cancelled" by the Returning Officer. All such ballot papers cancelled under this clause shall be kept in a separate packet.

88-G. Counting of votes:- (1) After voting by all, the Chairmen present and wishing to vote, the Returning Officer shall open in the presence of the Chairmen present, the ballot box; count the number

-
1. Substituted for the expression "District Marketing Officer" by GSR 127, dated 25-5-1988
 2. Substituted for the words "there make "X" " by Notification No. CMW 174 MRE 91, dated 27-1-1994.

of ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid, endorsing on the latter, the work “rejected” and the ground of rejection and arrange all the valid ballot papers in the bundle.

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

- a) if it bears any mark or writing by which the elector can be identified; or
- b) if to indicate the vote it bears no mark at all; or
- c) if votes are given on it in favour of more than one candidate; or
- d) 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
- e) if it is a spurious ballot paper:

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

(3) Before rejecting any ballot paper under this Rule, the Returning Officer shall allow each candidate a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) Every ballot paper which is not rejected shall be counted as one valid vote. After the completion of the counting, the Returning Officer shall record in a statement the total number of votes polled by each candidate and announce the same.

(5) (i) After such announcement has been made, the Returning Officer may either on his own initiative or at the instance of any candidate recount the votes:

Provided that nothing herein contained shall make it obligatory on the Returning Officer to recount the same votes more than once.

(ii) When a recount of votes is made under this sub-rule, the Returning Officer shall amend the statement referred to in sub-rule (4) to the extent necessary after such recount and announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule(4) or sub-rule (5), as the case may

be, the Returning Officer shall declare the candidate to whom the largest number of valid votes have been duly elected.

(7) If, after the counting of the votes is completed an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide, between those candidates by lot in such manner as he may determine and proceed as if the candidate on whom the lot falls had received an additional vote. He shall thereafter declare the candidate on whom the lot falls to have been duly elected.

(8) The Returning Officer shall then prepare and certify the election in Form 40 and forward a copy of the same to the [Director of Agricultural Marketing] immediately.

(9) The Returning Officer shall also forward to the [Director of Agricultural Marketing], the name of the Chairman who has been decided by lot drawn by him to represent the market committee in the district on the Board.

88-H Sealing and custody of election papers:- (1) The Returning Officer shall then make up into separate packets the marked copy of the list of Chairmen, the ballot papers relating to each candidate whether counted or rejected, seal up each packet and note thereon the description of its contents, the election to which it relates and date thereof.

(2) These packets shall not be opened and their contents shall not be inspected or produced before any person or authority except under the order of the District Judge under Section 103.

(3) The packet shall be retained in safe custody by the Returning Officer in his office for a period of two years from the date of declaration of the result of election and shall thereafter be destroyed unless a direction to the contrary is given by the District Judge or other competent Court or by the State Government.

88-I. 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]

[89. Preparation of plans and estimates:-XXXXX.]

-
1. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 2. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 3. Substituted for the expression "Chief Marketing Officer" by GSR 127, dated 25-5-1988
 4. Rule 89 omitted by GSR 44, dated 3-2-1970

[90. Budget.-XXXXX]

91. Marketing Development Fund:- (1) All moneys received by the Board shall be kept or invested in Karnataka State Co-operative Apex Bank Limited [or in any of the Nationalized Banks] [or in Government Securities].

(2) The Board may utilize the Marketing Development Fund for purposes enumerated in Section III, through the committees.

[(3) The Board may grant funds out of the Marketing Development Fund to such Advisory Committees or Institutions as are approved by it and which are imparting education in regulated marketing of agricultural produce or carrying on any work which is of general interest to regulated marketing of agricultural produce.]

PART VII-B
Contract Farming

91-A. Registration of Contract Farming Sponsor.- (1) As provided under sub-section (1) of Section 131-C of the Act, the Contract Farming Sponsor for getting himself registered shall make an application in writing to the concerned Secretary of the market committee where the contract is being entered into which shall be called as Sponsor Registering Authority in Form 54 along with the documents specified in that Form, with a fee of rupees five hundred per year payable to the concerned market committee.

(2) On examination of the application made under Sub-rule (1) and after ascertaining the payment of necessary fees for registration, the Sponsor Registering Authority concerned shall record the particulars of such application in the register maintained in Form 55 and dispose of the application within a period of thirty days from the date of receipt of the application and the registration certificate shall be given in Form 56.

(3) The Contract Farming Agreement between the Contract Farming Producer and the Contract Farming Sponsor shall normally be in Form 57 or Form 57-A. However, the Contract Farming Producer and Contract Farming Sponsor shall be at liberty to mutually decide the terms and conditions of the Contract

-
1. Rule 90 omitted by GSR 44, dated 3-2-1970
 2. Inserted by Notification No. CD 370 MRE 2003, dated 22-7-2004
 3. Added by GSR 44, dated 3-2-1970
 4. Sub-rule (3) inserted by GSR 104, dated 14-3-1974
 5. Part VII-B, Part VII-C and Rules 91-A to 91-N inserted by Notification No. CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008

Farming Agreement, which shall not be contrary to the provisions of the Act and the Rules and the same shall be informed to the registering authority.

(4) Contract Farming Sponsor shall submit within fifteen days from the end of the month of execution of agreement, the original copy of the Contract Farming Agreement entered with the Contract Farming Producer for registration to the Secretary of the market committee to be called as Sponsor Registering Authority hereunder who shall acknowledge and record the same in Register maintained in his office in Form 58.

91-B. Purchase of Produce under Contract Farming Agreement.- The Contract Farming Sponsor on purchase of agricultural produce under the Contract Farming Agreement in the market area shall pay market fee as specified under Section 65 of the Act to the concerned market committee.

91-C. Contract Farming Sponsor prohibited from raising permanent structure on Contract Farming Producers land.- Notwithstanding anything contained in the Contract Farming Agreement, the Contract Farming Sponsor is prohibited from raising any permanent structure of any kind or creating any leasehold rights or charge of whatever nature on the land of the Contract Farming Producer.

91-D. Objects of Contract Farming Agreement.- The Contract Farming Agreement shall be entered by the Contract Farming Sponsor, exclusively, for the purchase of the agricultural produce from the Contract Farming Producer and it shall be constructed to mean only as such for all purposes.

91-E. Period of Contract Farming Agreement.- The minimum period of Contract Farming Agreement shall be for one crop season and the maximum period shall be as may be mutually decided between the sponsor and the producer which shall not be against the intention of Contract Farming Agreement.

91-F. Recovery of loans and advances given by the Contract Farming Sponsor to the Contract Farming Producer.- Loans and advances if any given by the Contract Farming Sponsors to the Contract Farming Producer shall be recovered only from sale proceeds of the agricultural produce and in no case by sale of the land regarding which the Contract Farming Agreement has been entered into.

91-G. Submission of Annual Accounts by Contract Farming Sponsor.- The Contract Farming Sponsor shall submit annual accounts in Form 59 before 30th June every year, to the Sponsor Registering Authority in respect of all transactions undertaken by him during the previous market year.

91-H . Dispute Settlement Authority of Contract Farming.- (1) Any dispute arising out of the Contract Farming Agreement shall be referred for settlement to the disputes committee constituted under Section 84 of the Act, by making an application in writing accompanied with a prescribed court-fee stamp for the purpose of settlement of dispute.

(2) The Dispute Settlement Authority, after verification of the documents and after giving reasonable opportunity of being heard to the concerned parties shall give its decision within a period of thirty days.

91-I. Appeal against the decision of the Dispute Settlement Authority.- (1) Any person who is aggrieved by the decision of the Dispute Settlement Authority under Rule 91-H may, within a period of thirty days from the date of such decision, file an appeal before the Director of Agricultural Marketing accompanied with a specified court-fee stamp and copy of such decision appealed against.

(2) The appellate authority, after giving reasonable opportunity of being heard to all the concerned parties and after verifying the records and documents, shall decide the appeal within a period of thirty days from the date of receipt thereof and the decision of the appellate authority shall be final.

PART VII-C

E-Trading –Spot Exchange

91-J. Grant of license for establishing spot exchange.- (1) Subject to the provisions of Section 131-D of the Act, any person desiring to establish a Spot Exchange in one or more market areas may submit an application in writing to the Director of Agricultural Marketing in Form 60 for grant of license along with the documents mentioned in that form subject to the conditions specified below:-

- (i) The applicant shall specify the place and location of the proposed establishment of Spot Exchange in the market area.
- (ii) The applicant shall specify the place, location of proposed establishment of Spot Exchange, the

-
- commodities and respective delivery centers in which it proposes to launch spot trading.
- (iii) The applicant shall submit a detailed project report of the Spot Exchange, the amount proposed to be spent for the project, operational and working guidelines as to how the Spot Exchange will be conducted, controlled and operated. The details of settlement guarantee fund to provide guarantee performance of all contracts executed on the spot exchange platform. Facilities proposed to be provided, financial status and resources with supportive documents, viz. Bank statements and income tax returns, list of permanent assets and liabilities, and other documents showing the credibility for establishment of a Spot Exchange.
- (2) The license fees payable for grant of license for each Spot Exchange shall be fifteen thousand by demand draft payable in favour of Director of Agricultural Marketing, Bangalore.
- (3) The Director of Agricultural Marketing may after satisfying himself about the arrangements made in the spot exchange for conducting electronic spot trading in notified agricultural produce, grant license in Form 61 for establishment of spot exchange subject to the conditions specified therein.
- (4) Before commencement of operation of the Spot Exchange, the applicant shall deposit a bank guarantee worth Rupees twenty-five lakhs.
- (5) The Director of Agricultural Marketing after giving the applicant an opportunity of being heard, for the reasons to be recorded in writing refuse to grant the licence to the applicant who is either not solvent or otherwise disqualified under the Act and Rules:
- Provided that no order of refusal under this sub-rule shall be made unless a reasonable opportunity of being heard is given to the applicant.
- 91-K. Power to revoke bank guarantee.:-** (1) The bank guarantee deposited by the spot exchange licensee shall be recorded and maintained by the Director of Agricultural Marketing or the Officer authorized by him.
- (2) The Director of Agricultural Marketing or any Officer authorized by him shall have the power to invoke the bank guarantee furnished by the spot exchange licensee, in the event of

failure to pay the sale proceeds to the agriculturists or sellers or any other dues by the spot exchange licensee, or person operating in the spot exchange for which they are liable to pay to the sellers.

- (3) The Director of Agricultural Marketing or any Officer authorized by him shall have right to forfeit the whole amount of bank guarantee if the dues to be paid by the licensee to the agriculturists, or producer seller is more than fifty percent of the bank guarantee or if the licensee is continuously in default for more than three times in making payments or if the dues are more than ten percent of the goods purchased in a month.
- (4) The bank guarantee furnished by the licensee shall be unconditional and the amount guaranteed by the bank or part thereof as the Director of Agricultural Marketing or the Officer authorized by him may demand shall be payable. No other kind of bank guarantee shall be accepted.
- (5) Subject to the provision of this act and rules the bank guarantee furnished by the licensee to the Director of Agricultural Marketing or The Officer authorized by him shall be refundable to him on ceasing to be licensee, if the Director of Agricultural Marketing or the Officer authorized by him is satisfied that there are no liabilities due by the licensee either to the agriculturists, producer-seller, market committee or any other person in respect the transactions for which the bank guarantee is furnished.
- (6) The bank guarantee furnished shall be deemed to be held in trust for the purposes for which it is made and shall not be used for or utilized for any other purposes, nor it shall be liable to attachment in any execution by any court or other authority for any other purposes.
- (7) The licensee shall recoup the bank guarantee within a period of one month from the date of such forfeiture under sub-rule (3), failing which the license of the spot exchange licensee shall be cancelled.

91-L. Spot exchange licensee to levy charges, fees, etc.- (1) The spot exchange licensee shall be competent to realize market fee as specified under Section 65 of the Act from the buyers of agricultural produce in the spot exchange and shall remit the same to the concerned market committee within the period as specified in the bye-laws of the market committee.

(2) It may also collect fees relating to membership, VSAT, annual subscription. *etc.*, from its members.

(3) Manner of imposition of market fees, transaction charges and other fees:-

- a) In respect of deliveries of notified agricultural produce on which market fee is not already paid, the Spot Exchange shall collect the market fee from the buyer at the rate of seventy percent of the market fees payable under Section 65(2) of the Act calculated on the basis of official clearing rate on the date of transaction. Spot Exchange shall maintain complete record of such rate of transaction, delivered quantity, market fees applicable, etc.
- b) The market fee as specified above shall be applicable only in such transactions, which result into deliveries and on which market fee is not already paid earlier.
- c) The spot exchange will introduce two separate types of contracts for a commodity to trade, namely:-
 1. Market fee unpaid farmers produce
 2. Market fee paid traders stock

All trade taking place in the Spot Exchange shall be based on physical delivery.

- d) When a farmer will sell his produce on spot exchange platform, it will be the responsibility of the spot exchange to collect market fee from the buyer and to remit the same to the Market Committee. All such sale transactions will be executed in farmer's produce contracts. In respect of such transactions, spot exchange will maintain complete record of rate of transaction, delivered quantity, market fee applicable, etc.
- e) When a trader sells his stock on spot exchange, he will sell the same in Market fee paid traders stock contracts. Since market fee will not be applicable on such commodities again, spot exchange will maintain a complete check on delivery of such stock and the relevant records relating thereto so as to prove that market fee on such commodity was paid earlier. At the time of delivering such produce in its warehouse, spot exchange will insist for submission of specified form, in Form No.62, to be signed by a trader holding concerned Market Committee license.

-
- (f) In accordance with the procedure specified above, spot exchange will be able to segregate the trades properly and keep track of all transactions, where market fee is required to be collected from the buyer.
- (g) Spot Exchange will issue a certificate as per Form No.63 about payment of market fee on such goods at the time of discharge of produce from its warehouse. Such certificate shall be kept in the vehicle carrying the goods in the market area. Spot Exchange shall maintain complete record relating to issue of such certificate and the supporting evidence, which can be verified by the Director or any officer authorized by him or concerned Deputy/Assistant Director, Agricultural Marketing or Secretary, Market Committee at any point of time. Such certificate shall be sufficient proof of compliance with market fee, so far as the market committees or authorities are concerned.
- (h) The membership shall be available to all including farmers or their groups/co-operatives/companies. The membership fee for the farmers group/co-operatives shall be decided in consultation with the Director of agricultural marketing.

91-M. Duties and responsibilities of spot exchange licensee.- (1) The spot exchange licensee shall.-

- (i) provide the facilities and services as specified in Section 131-D(4).
- (ii) frame the operational and working guidelines as to how the spot exchange will be conducted, controlled operated and the details of trading, delivery, clearing, settlement, etc., and shall submit the draft of the same along with the application for licence. Such guidelines shall be in consonance with the provisions of the Act and the rules made thereunder.
- (iii) furnish all the necessary information to the Director of Agricultural Marketing or the Officers authorised by him and to the concerned market committee, as he may require in this behalf.
- (iv) the spot exchange licensee shall also be responsible for:-
- (a) keeping a copy of the operational and working guidelines open to inspection at its office by the

Officers of the Department of Agricultural Marketing at all reasonable times.

- (b) Maintain records electronically or in a register showing the fees and all other charges collected by them from the sellers and buyers.
- (c) Submission of periodical reports and annual reports containing such information as may be directed by the Director of Agricultural Marketing or any Officer authorised by him.
- (d) It shall have transparency in operations and decision making related to entire operations. It shall have system of well organised and capitalised brokerage houses, where members/ brokers with reasonable capital adequacy can participate .
- (e) The management running the exchange shall be reliable effective and impartial and also with experience in handling commodity markets. The ownership/management and members/brokers of exchange shall be separate persons/bodies.

(2) Every price quotation made by a trader, buyer or agent in respect of any notified agricultural produce on spot exchange shall always be as per the contract specification notified by the Exchange in advance.

(3) The spot exchange licensee shall keep regular and proper accounts of every e-trading transaction of agricultural produce in an electronic form or in a register.

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

(4) The spot exchange licensee shall arrange for the storage of agricultural produce brought by the agriculturist, producer –seller when it is not sold or when the producer-seller desires to store the agricultural produce till he obtains better price, in their godowns or godowns of the purchasers or processors or warehouseman. The spot exchange may fix every, the charges for such storages.

(5) The spot exchange licensee shall declare the details of address of warehouses, godowns, and storage places where agricultural produce have been stocked/stored and shall submit monthly returns to the Director of Agricultural Marketing or the Officer authorised by him.

(6) The spot exchange licensee shall not involve in any misconduct or misconduct or buying selling of notified agricultural produce on 9its own account. It shall provide periodical statement regarding total stock of various produce lying in its warehouses located in the State, so that the Government may check and monitor any intention to create artificial scarcity which may lead to rise in prices of such agricultural produce. If the licensee is found to be involved in any act of misconduct or failure in giving details, the Director of Agricultural Marketing shall take immediate legal action for suspending or cancelling the licence.

(7) It shall provide real time price and trade related information on notified agricultural commodities in the market area, district, state and at national level and shall, as far as possible provide permanent electronic price display board at yards of the market committees in the area of its operation for which the Market Committee shall provide sufficient space, infrastructure, PC, power supply and manpower at its own cost, while the spot exchange shall provide its connectivity, software and real time price information free of cost.

(8) It shall ensure delivery of commodities sold by the agriculturists only after full payment by the buyers.

(9) Seller shall give physical delivery at the Exchange designated warehouse, or the godowns of the farmers which are approved by the spot exchange where grading and quality certification will be done and warehouse receipt will be issued to the agriculturist. After obtaining warehouse receipt, he can sell the same on spot exchange platform. In case he has kept his produce at the exchange designated warehouse earlier, he may sell the same any time through any member of the recognized spot exchange and tender warehouse receipt

(10) The prices quoted by the buyer shall be net payable to the farmer excluding the market fee, brokerage, charge, etc. The transport, cost and other miscellaneous costs delivered at warehouses shall be on the account of buyer and the buyer shall quote only the net payable price to the farmer.

(11) The Spot Exchange licensee shall grant registration to its members, sub-brokers, franchisees and clients and other market functionaries, which will enable them to deal in agricultural produce at Spot Exchange. If they are registered with the exchange they need not have any license from concerned market committee. If such members or clients wish to participate in concerned market

committee auction or to buy produce directly from agriculturists outside the exchange platform, they have to take relevant license from concerned market committee.

(12) It shall not be a mandatory for any agriculturist to be a member to sell his produce on the exchange platform. He will be entitled to sell his produce as a client through a member of exchange.

91-N. Powers of the Director of Agricultural Marketing to make enquiry and inspection.- (1) The Director of Agricultural Marketing shall have the power to enquire and inspect the affairs of spot exchange licensee and may authorize any of his subordinate Officer for such enquiry or inspection. An order authorizing inquiry or inspection by Director of Agricultural Marketing or the Officer authorized by him shall, amongst other things contain the following.-

- (i) The name of the persons authorised to conduct the inquiry or inspection.
- (ii) The name of the spot exchange licensee whose affairs are to be inquired into or whose accounts and records are to be inspected;
- (iii) The specific point or points on which an inquiry or inspections is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Director of Agricultural Marketing.
- (iv) Any other matter relating to the inquiry or inspection of the offices or any person operating in the spot exchange.

(2) If the inquiry or inspection cannot be completed within the period specified in the order referred to in sub-rule (1), the person conducting the inquiry or inspection shall submit an interim report stating the reasons for not completing inquiry or inspection in time and the Director of Agricultural Marketing may grant such extension of time for the completion of the inquiry or inspection, as he may deem necessary or may withdraw the inquiry or inspection from the person to whom it is entrusted and hold the inquiry or inspection himself or entrust it to such other person as he deems fit.

(3) On receipt of the order referred to in sub-rule (1), the person authorized to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the spot exchange licensee or any of its Officers, members, agents or servants or any person operating therein and obtain such information or explanation from any such persons in

regard to the transactions and working of the respective markets, centers as he deems necessary for the conduct of such inquiry or inspection.

(4) The person authorized to conduct the inquiry or inspection shall submit the report to the Director of Agricultural Marketing, on all the points mentioned in the order referred to in sub-rule (1) and the report shall contain his findings and the reasons therefore supported by such documentary or other evidences as record by him during the course of his inquiry or inspection. The Director of Agricultural Marketing may pass orders of suspension or cancellation of licence as he may consider just and proper, after giving reasonable opportunity of being heard].

PART VIII **Miscellaneous**

92. Powers and duties of the Panchayats appointed as agents of the committees.- (1) Panchayats appointed as agents of the committees under sub-section (1) of Section 97 of the Act, shall exercise powers and perform duties as specified below.-

- (i) It shall not allow any market functionary to operate in the area under its jurisdiction without obtaining the necessary licence from the committee.
- (ii) It shall have power to receive applications for grant or renewal of licence and to collect the prescribed licence fee on behalf of the committee.
- (iii) It shall have power to specify the time and place of business in the area under its jurisdiction and to conduct and supervise the sale, weighment, delivery, payment and all other matters relating to marketing of notified agricultural produce .
- (iv) It shall collect market fee from the buyer in respect of the agricultural produce sold in the area under its jurisdiction at the rates specified in the bye –laws of the committee and issue receipts in the form prescribed.
- (v) The Chairman or the Secretary of the Panchayat, shall have power to examine and inspect the weight used in the sale and purchase of agricultural produce in the area under its jurisdiction.
- (vi) It shall have power to call for the periodical reports and returns to be furnished by the market functionaries under these Rules.

(2) It shall be the duty of the Panchayat to.-

-
- (i) forward all applications for grant or renewal of licence together with the licence fee to the committee forward all applications for grant or renewal of licence together with the licence fee to the committee,
 - (ii) forward to the committee all periodical reports and returns received from the market functionaries, before 5th of succeeding month;
 - (iii) provide necessary basic facilities for transacting business;
 - (iv) receive and publish the market rates and other allied information on the notice board of the Panchayat for the benefit of all concerned.
 - (v) do propaganda in regard to proper methods of preparation, storage, packing transportation and marketing of agricultural produce; and
 - (vi) do all other functions entrusted to it by the committee for regulating the marketing of agricultural produce in the area under its jurisdiction.

(3) The powers exercised and the duties performed by the Panchayat in accordance with the Act, rules and bye-laws, [in the area under its jurisdiction] shall be deemed to have been exercised or performed by the committee.

93. Distribution of assets, rights and liabilities.- The assets, rights and liabilities of the dissolved committee shall be distributed among the new committees established in the area equitably [having regard to the income derived and expenditure incurred] in the respective areas.

94. Publication of bye-laws.- (1) The committee shall prepare bye-laws and publish the same by affixture on the notice board of the committee.

(2) The bye –laws prepared under Section 149 shall also be published by affixture on the notice board of the committee.

95. Publication of standing order.- Every standing order made by a committee under Section 151 shall be published by affixture on the notice board of the committee and Panchayats appointed as agents of the committee.

96. Repeal and saving.- Subject to the provisions of Section 154, all Rules corresponding to the foregoing Rules are hereby *repealed*.

1. Substituted for the words “ the area under its jurisdiction” by GSR 44, dated 3-2-1970

2. Substituted for the words “ on the basis of approximate income derived and amenities” by SO 2627, dated 26-9-1978.

[FORM 1

[See Rule 5(5)]

Notice of Publication of Preliminary Voters' List

To

The Voters of the [Village /Villages]

Notice is hereby given that the voters' list has been prepared in accordance with the Karnataka Agricultural Produce Marketing (Regulation) Rules, 1968, and a copy thereof is available for inspection at my office, and at during office hours.

If there be any claim for the inclusion of 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 the19, 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).....

Date.....

FORM 2

[See Rule 5(7)(a)]

Claim Application for inclusion of name

To

The Deputy Commissioner/Authorised Officer,
.....[Village / Villages /Constituency].

Sir,

I request that my name be included in the voters' list for the above [Village/villages/Constituency] in Part No.....relating to.....

My name (in full)

My Father's/Mother's Husband's name

Particulars of the agricultural land cultivated by me are.-

1. Form 1 to 14 inserted by GSR 44, dated 3-2-1970.
2. Substituted for the word " Constituency" by GSR 112, dated 6-4-1970
3. Substituted for the word " Constituency" by GSR 151, dated 8-4-1970 shall be deemed to have come into force w.e.f. 8-4-1970.
4. Substituted for the word "Constituency" by GSR 151, dated 8-4-1970 and shall be deemed to have come into force w.e.f. 8-4-1970.

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 [Village /Villages / Constituency]:

or

that my name may have been included in the voters' list for the[Village/Villages /Constituency] in and, 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 tomy serial number therein isI support this claim and countersign it.

.....

Signature of the Voter

Name (in full).....

FORM 3

[See Rule 5(7)(b)]
Objection to inclusion of name

To
The Deputy Commissioner/Authorised Officer,
.....[Village/Villages/Constituency].

-
1. Substituted for the word " Constituency" by GSR 151, dated 8-4-1970 and shall be deemed to have come into force w.e.f. 8-4-1970.
 2. Substituted for the word " Constituency" by GSR 151, dated 8-4-1970 shall be deemed to have come into force w.e.f. 8-4-1970.
 3. Substituted for the word "Constituency" by GSR 151, dated 8-4-1970 and shall be deemed to have come into force w.e.f. 8-4-1970.

Sir,

I object to the inclusion of the name ofat 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)
.....

Date.....

I am a voter included in the same part of the voters list in which the name is objected to
appear, viz, Part No.....relating tomy serial number therein is
.....I support this objection and countersign it.

.....
Signature of the Voter
Name (in full).....

FORM 4

[See Rule 5(7) (c)]

Objection to particulars in an entry

To

The Deputy Commissioner /Authorised Officer,
.....[Village/Villages/Constituency]

1. Substituted for the word" Constituency" by GSR 151, dated 8-4-1970 and shall be deemed to have
come into force w.e.f. 8-4-1970.

FORM 7

[See Rule 5(9) 9(a)]

List of objections to particulars in entries.

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

[See Rule 5(12) (b)(i)]

(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) atO' clock on the day of19..... You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....
 Date..... Deputy Commissioner/Authorised Officer.

FORM 8

[See 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)

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 of19..... You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....
Date.....
Officer
.....
Deputy Commissioner/Authorised

**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 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 9

[See Rule 5(12) (b)(ii)]

**Duplicate
(Office copy)
Notice to the objector**

To

(Full name address
of objector)
Reference: Claim No.....

Take notice that your objection to the inclusion of the name of –

.....
.....

will be heard at.....(place).....O' clock on the.....day of19..... . You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....
Date.....
Deputy Commissioner/Authorised Officer

FORM 9

[See Rule 5(12) (b)(ii)]

**Notice to the objector
Original**

To be served on the
(Objector)

To
(Full name and address
of objector)

Reference: Objection No.....

Take notice that your objection to the inclusion of the name ofwill be heard at(place) at..... O' clock on theday of.....19..... You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....
Date..... 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 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 10

[See Rule 5(12) (b)(ii)]

Original

(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. [Village/Villages/Constituency] filed by

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

will be heard at(place) at..... O' clock on theday of19..... You 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.....
Date..... Deputy Commissioner/Authorised Officer

FORM 10
[See Rule 5(12) (b)(ii)]
Duplicate
(Office Copy)

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.....[Village/Villages/Constituency] filed by

(Full name and address
of objector)

will be heard at(place)at..... O' clock on theday of19..... You 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)

1. Substituted for the word " Constituency" by GSR 151, dated 8-4-1970 and shall be deemed to have come into force w.e.f. 8-4-1970.
2. Substituted for the word " Constituency" by GSR 151, dated 8-4-1970 shall be deemed to have come into force w.e.f. 8-4-1970.

Place.....
Date..... Deputy Commissioner/Authorised Officer

Certificate of service of notice
Received notice of the date of hearing

Date.....
.....
person objected to

Certified that the notice on the person, the entry relating to whose name has been objected to, has been duly served by me this.....day 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
[See 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 the objection to certain particulars in the entry relating to you will be heard at(place) atO' clock on theday of19.....You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....
Date..... Deputy Commissioner/Authorised Officer

FORM 11
[See Rule 5(12) (b)(iii)]
Original
(To be served on the objector)

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) at.....O' clock on theday of19..... You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....
Date..... 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 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 12

[See 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.....[Village/Villages/Constituency] has been prepared in accordance with the Karnataka Agricultural Produce Marketing (Regulation) Rules, 1968, 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
Place..... Address.....
Date.....

FORM 13

[See Rule 5-A(3)(a)]

Application for deletion of entry in Voters' List

To
The Deputy Commissioner/Authorised Officer
.....[Village/Villages/Constituency]

-
1. Substituted for the word " Constituency" by GSR 151, dated 8-4-1970 and shall be deemed to have come into force w.e.f. 8-4-1970.
 2. Substituted for the word " Constituency" by GSR 151, dated 8-4-1970 shall be deemed to have come into force w.e.f. 8-4-1970.

Sir,

I submit that the entry at Serial No.....in Part No.....of the Voters' list for the above-mentioned [Village /Villages/Constituency] relating to *Shri/smt.....*Son/Wife/Daughter of requires to be deleted as 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 above are true to the best of my knowledge and belief.

I declare that I am a voter of this [Village /Villages/Constituency] being enrolled at Serial No.....in Part No.....of the list.

Signature /Thumb impression of objector
 (Full Postal Address).....

Date.....

Place.....

*Strike out the inappropriate words.

FORM 14

[See Rule 5-B (3)]

Application for inclusion of name in the Voters' List for a Traders' Constituency [xxxxx]

To

The Deputy Commissioner/Authorised Officer
 Constituency.

Sir,

I am a [xxxxxx] Trader /[licensed]

as such by the market committee. My licence No. is.....which was issued by the market committeeon.....I am,

1. Substituted for the word " Constituency" by GSR 151, dated 8-4-1970 and shall be deemed to have come into force w.e.f. 8-4-1970.
2. Substituted for the word " Constituency" by GSR 151, dated 8-4-1970 shall be deemed to have come into force w.e.f. 8-4-1970.
3. The words " Commission Agents' Constituency" omitted by Notification No. CMW 174 MRE 91, dated 27-1-1994
4. The letters and words "A' class 'B' class 'C' class "omitted GSR 23, dated 30-1-1990.
5. Substituted for the words " Commission Agent licenced" by Notification No. CMW 174 MRE 91, date 27-1-1994.

therefore, entitled to be registered as a voter in the Traders' Constituency/[xxxx] in the voters' list thereof.

My address is:

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

Yours faithfully]

FORM 15
[See Rule 8(i)]
Nomination Paper

1. Name of the constituency [or co-operative Marketing Societies/Agricultural Co-operative Processing Societies]
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 the Candidate

Certificate of delivery by the Returning Officer.

Serial No.....

This nomination paper was delivered to me by.....atwas on.....

Signature of the Returning Officer.

-
1. The words "Commission Agents' Constituency omitted by Notification No. CMW 174 MRE 91, dated 27-1-1994
 2. Forms I to XXIII renumbered as Forms 15 to 37 (including Forms 29-A and 29-B) by GSR 44, dated 3-2-1970
 3. Inserted by Notification No. CMW 174 MRE 91, dated 27-1-1994.

FORM 16

(See Rule 10)

List of nominations received forConstituency

Sl. No.	Name of Candidate	Name of Father/Husband	Sex	Occupation and address	Name of Proposer
1	2	3	4	5	6

Note : The nomination papers shall be taken up for scrutiny atam/pm theday of2009 at(place)

Signature of the Returning Officer

FORM 17

[(See Rule 13(2)]

List of valid nominations

Sl. No.	Name of Candidate	Sex	Address
1	2	3	4

Note : The poll shall be taken betweenandat the Polling Stations already notified.

Signature of the Returning Officer

FORM 18
(See Rule 16)

Counterfoil
Voting Paper No.

Foil
Voting Paper No.

Sl. No.	Candidate's Name	Candidate's Symbol	Voter's Mark
---------	------------------	--------------------	--------------

- Voter's No. on the list of voters 1.
- 2.
- 3.
- Voter's signature or mark 4.
- 5.
- 6.

Please read this carefully before recording your vote(s).

- (1) You havevote(s).
- [(2) Each vote is to be marked with the instrument supplied for the purpose.
- (3) You may give one vote to one candidate.

FORM 19

[See Rule 21(1)]

***Appointment of Polling Agent**

Election to the **

I.....a candidate/the election agent ofwho is a candidate at the above election to hereby appointofas a polling agent to attend polling station No.....at place fixed for the poll.....at

Place :

Date : Signature of Candidate/Election Agent

I agree to act as such polling agent.

Place :

Date : Signature of the Polling Agent

Declaration of Polling Agent to be signed before Presiding Officer

I hereby declare that at the above election, I will not do anything forbidden by the Act and Rules made thereunder, which I have read/has been read over to me.

1. Item 2 substituted by GSR 23, dated 30.1.1990.

Date :
 Signed before me
 Date :

Signature of Polling Agen,
 Presiding Officer

* To be handed over to the polling agent for production at the polling station or at the place fixed for the poll.

** Here insert one of the following alternatives as may be appropriate –

- (1) Agriculturists' Constituency No.
- (2) Traders' Constituency.
- (3) [Co-operative Marketing Society/Societies]
- (4) [(4) Agricultural Co-operative Processing Society/Societies.]

.....

FORM 20

[See Rule 25(2)]

Tendered Voters' List

Election to the *from theconstituency

Number and name of Polling Station

Part Number	Serial Number and name of elector	Address of elector	Serial No.of tendered ballot paper	Serial No.of ballot paper issued to the person who has already voted
1	2	3	4	5

Date:.....

Signature of Presiding Officer

*Appropriate particulars of the election to be inserted here.

FORM 21

[See Rule 26(2)]

List of Challenged Votes

Election to the *from theconstituency Polling Station

-
1. Substituted for the words "Commission Agents' Constituency" by Notification No.CMW 174 MRE 91, dated:27-1-1994.
 2. Item (4) inserted by Notification No.CMW 174 MRE 91, dated : 27-1-1994.

Serial No. of entry	Name of Elector	Serial Number of Part of roll	Elector's name in that part	Signature or thumb impression of the person challenged
1	2	3	4	5

Address of the person challenged	Name of identifier, if any	Name of challenger	Order of Presiding Officer	Signature of challenger on receiving refund of deposit
6	7	8	9	10

Date :

Signature of the Presiding Officer

* Appropriate particulars of the election to be inserted here.

FORM 22
 [See Rule 30]

Ballot Paper Account

Election to thefrom theconstituency
 No. and name of the Polling Station

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

Date :

Signature of Presiding Officer

FORM 23
[See Rule 35(4)]
Record of Ballot Papers in the Box

Name of the Polling Station	No.of ballot boxes	No.of ballot papers in box
1	2	3

Signature of the Presiding Officer

FORM 24
[See Rule 37(1)]

Return showing results of the Election for seats in the market committee at

.....

Name of Candidate
(1)

Number of Valid Votes
(2)

A
B
C
D
E

Total number of valid votes :
Total number of invalid votes:

I do hereby declare that the candidates mentioned below have been duly elected for theconstituency of themarket committee noted against them.

1.
2.
3.
4.

Signature of the Presiding Officer

[FORM 24 - A. X X X X X]

FORM 25

[See Rule 44(2)]

Agricultural Produce Market Committee
 Election for the office of the Chairman/Vice-Chairman

Counterfoil	Foil		
Serial number of the ballot paper	Sl. No. of the candidate	Name of the candidate	Voter's mark

1.
2.
3.
4.

Instruction to Electors.

1. You have only one vote.
- [2. Place a mark with the instrument supplied for the purpose clearly opposite to the name of the candidate 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 X X X X X]

FORM 27

[See Rule 49(1)]

Form of Notice of motion of no-confidence

To
 The Secretary of the market committee,

-
1. Form 24-A omitted by GSR 343, dated 21-10-1976 and shall be deemed to have come into force w.e.f 22-6-1976.
 2. Substituted for the brackets, words and figures "[See Rule 44(10)]" by GSR 23, dated 30-1-1990.
 3. Item 2 substituted by GSR 23, dated 30-1-1990.
 4. Form 26 omitted by GSR 23, dated 30-1-1990.

Dear Sir,

I/WeMember/Members of the market committee
intend to move a motion of no-confidence against the
 Chairman/Vice-Chairmanfor the following reasons.

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

We support the above notice,

.....
 (Signature/s)

.....

[FORM 27-A

[See Rule 60-A(4)]

APPLICATION FOR THE GRANT OF SHORT-TERM ADVANCE

To,
 The Secretary,
 Agricultural Produce Market Committee,

Sir/Madam,

I/We request that a short-term advance of Rs.....against the pledge of
bags.....may be sanctioned. My/Our particulars are given below :

1. Name
2. Father's Name of Applicant/s :
3. Age of the applicant/s:
4. Full address (residential) :
5. Land Particulars :
6. Extent of wet land / extent of dry
 Land/crops grown approximate
 Quality of each commodity.

I shall abide by all the condition of grant of short-term advance and agree to all
 conditions as per the agreement bond.

My address for service shall be as furnished in this application and I will inform
 any change in address.

I have not obtained any short-term advance previously.

The short-term advance taken has been cleared and there are no dues to the
 Market Committee.

Place :

Date : Signature of the Applicant.

FORM 27-B

[See Rule 60-A(12)]

AGREEMENT BOND

I/we S/o R/o Obtained short-term advance of Rs. From the Agricultural Produce Market Committee on the pledge of Bagsbelongs to me on the following terms and conditions.

1. The produce which I have pledged to the Market Committee is my own and will remain in the custody of the Market Committee without any obstruction on my part.

2. The pledged stock shall be sold by me within ninety days and advance with interest shall be cleared from the sale proceeds before stocks are allowed to be lifted by the purchaser from the godowns of the Market Committee.

3. I shall pay interest at eight per cent per annum on the short term advance granted by the Market Committee from 31st day of the date of release of the advance amount to the date of clearance of produce from the godown.

4. The Market Committee shall have the right to sell the produce on the ninety-first day from the date of storage of pledged stocks in the open auction or in the tender and pay the sale proceeds to me after deducting the advance together with the interest and other expenses, if any if the sale proceeds do not fully meet the loan due from me, interest thereon and other dues, I undertake to pay the balance so remaining with interest.

5. If after repaying the above short-term advance and interest any balance of stock or cash from the sale is left the same shall be handed over to me by the Market Committee.

6. I shall not in any way hold the Market Committee responsible for the weight, quality, conditions of the pledged produce kept under its custody.

7. In the even of my death the period of operation the balance of sale proceeds after recovery of all dues towards short-term advance shall be handed over to my successor or in case I am liable to pay any dues even after adjustment of the sale proceeds the same shall be collected from my successor.

8. In case of any dispute arising out of this agreement I/we bind myself to the decision the direction of Agriculture Marketing or an Officer authorized by him for the said purpose and undertake not to resort to any civil suit on the said decision.

Place :

Date : Signature of the applicant

Witness :

-
1. Name
- Address
-
2. Name
- Address
-

FORM 27-C
[See Rule 60-A(15)]
RECEIPT

The following produce belonging to Sri. Son of Sri..... Village /Town TalukDistrict have been accepted for storage in the godowns of the Agricultural Produce Market Committee for providing short term advances against them.

Description of the goods	Variety & grade	No. of Packages/ bags, quantity, etc. with distinguishing markets if any	Measurement weight	Market Value	Total value of goods	Amount of advance made	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Place :
Date :

Signature of Secretary
(Seal)

FORM 27-D
[See Rule 60-B(2)]

Application Form for Loans to The Agricultural Co-operative Marketing Society/Agricultural Co-operative Processing Society for the purpose of purchase/sale/processing of Notified Agricultural Produce

1. Name of the Society :
2. Registration No.under Co-operative Societies Act :
3. K.S.T. and / or C.S.T. Registration No. :

-
4. Category of licence issued by the Market Committee, their No's and validity of the licence. :
5. Date of Establishment of the Society :
6. Address of the Registered office and factory :
7. Whether the Office/factory premises are owned. If rented or on lease or on hire purchase, furnish details of rental, lease/hire-purchase , furnish details of rental, lease/hire-purchase period, etc., (enclose copies of documents) :
8. List of notified Agricultural Produce dealt by the society be furnished :
9. Details of processing of agricultural produce be furnished. (Only in the case of Agricultural Co-operative Processing societies) :
10. Amount of Market Fee remitted to the Market Committee during last three years. :
11. The purpose for which loan is required :
12. The Quantum of loan is required :
13. The financial position of the society be furnished with supporting documents like last Audit Report, latest Audited balance Sheet, Trading and Profit and loss Account. :
- (A) **Internal Resources :**
- (i) Paid-up capital (including Government share capital).
If the Government contribution in the share capital is for acquiring fixed assets, it should not be included in the internal resources :
- (ii) Reserves :
- (iii) Deposits held, if any :
- (iv) Surplus, if any, in profit and loss account :
- Total _____

(B) Commitments :

- (i) Minimum cash and Bank balances. :
- (ii) Payment of Security Deposits. :
- (iii) Investments in Shares of the Bank and other Co-operative Institutions. :
- (iv) Investment out of own Resources in fixed assets :
- (v) Intangible assets, if any :
- (vi) Accumulated losses, if any :

Total :

(C) Net Disposable Resources :

A – B

14. A summary of financial turnover and turnover of stocks of notified agricultural Produce dealt by the society in the previous Co-operative year be furnished. :
15. A summary of latest stock position of notified Agricultural Produce held by the Society be furnished. :
16. The details of the movable / immovable property/properties the society proposes to mortgage in favour of the Market Committee. :
17. Whether the society has obtained loans/ advances from any Bank or other institutions. If so, give the details of loan and outstanding balance and the details of the movable/ immovable properties the society has mortgaged. :
18. Whether the society has already mortgaged the properties mentioned in Sl. No. 16 above. :
19. Resolution of the society seeking loan from the Agricultural Produce Market Committee be furnished. :

Signature.

Chairman,
..... Society

Signature

Secretary / Manager
..... Society

FORM 28

[See Rule 62]

Market Committee

Register of Remittances made to the Treasury or Bank

Date of remittance	Reference to folio number in Office Cash Book	On what account (Nature of the tax or particulars of the amount shall be furnished)
1	2	3

Head of Credit in the Treasury Accounts	Amount	Signature of the Treasurer	Signature of the Officer in-charge of the Treasury or Bank
4	5	6	7
	Rs. P.		

FORM 29-A
[See Rule 64(1)]

Budget Estimates of the Market Committee for the year

INCOME

Sl. No.	Items	Average income For the last 3 years	Actual Income of the previous year	Sanctioned Budget Estimates for the previous year	Details of revised Estimates			Estimated income of market committee for the year	Income estimated by [Director of Agricultural Marketing] for the year	Explanatory note of market committee	Reference to explanatory note of sanctioned budget
					Actual income for 9 months	Estimated income for 3 months	Estimated total for the year				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

I. Licence fees

[Traders Retail Traders]

II. Commission Agents.

III. Brokers.

-
1. Substituted by GSR 127, dated 25-5-1988.
 2. Substituted by GSR 23, dated 30-1-1990

Others :-

- (1) Cartman
- (2) Hamals
- (3) Processors
- (4) Truck owners
- (5)
- (6)

Market fees at % on a likely turnover of Rs lakhs.

Total I to V . . .

- I. Registration fee
- II. Sale of Books and Forms
- III. Miscellaneous –

- (1) Interest on Deposits
- (2) Income from Property
- (3)
- (4)
- (5)

Grand Total . .

EXPENDITURE

Sl. No.	Items	Average expenditure for the last 3 years	Actual Expenditure for the previous year	Sanctioned Budget Estimate For the Previous year	Details of revised accounts			Estimated expenditure of market committee for the year	Estimated expenditure of [Director of Agricultural Marketing]	Reference to Budget Notes of market committee	Reference to supplementary note of sanctioned Budget
					Actual expenditure for 9 months	Estimated expenditure for 3 months	Estimated Total				
(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(21)	(22)

1. Contributions :-

- (1) To the Consolidated Fund of the State at % Of Gross Receipts.
- (2) Contribution to State Marketing Board at 5% of receipts.

Total

II. Establishment :--

- (a) Pay
- (b) D.A.
- (c) H.R.A.
- (d) Other allowances (as per detailed statement enclosed)

Total

III. Traveling Allowance :--

- (1) To Members
 - (2) To Staff
-

Total

IV. Printing and Stationary

V. Contingency

VI. Propaganda

VII. Postages & 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

1. Substituted by GSR 127, dated 25-5-1988.
2. Substituted by GSR 23, dated 30-1-1990

FORM 29 – B
[See Rule 64(1)]

Permanent Budget Estimates of the market committee for the year

I. Permanent Fund as it ... Rs. P. stood on 1[30-03-19 . . .]	I.	On Dead Stock
II. Government Loan, if any.....	II.	Acquisition (details to be furnished)
III. Probable Surplus ...	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.	V.	Other items, if any –
(a)	(a)	
(b)	(b)	
(c)	(c)	
(d)	(d)	
Balance available for expenditure		Net balance carried over.

Secretary
Place
Date

Chairman

FORM 30

[See Rule 64(3)(a)]

Statement showing details of the establishment for the year
19 ... 19...

Sl. No.	Head of Account	Designation Of the posts	No. of posts sanctioned	No.and date of Government Order or other authority sanctioning the post	Scale of pay of the posts
1	2	3	4	5	6

1. Substituted for the figures “30-06-19” by Notification No.CMW 174 MRE 91, dated 27-1-1994

Name of the present incumbents of the posts and their pay and allowances on the First April of the current year				Total anticipated expenditure under the head of account during the ensuing year
Name of incumbent	Pay on the First of April	D.A.	Other allowances to be specified	
7	8	9	10	11

FORM 31

[See Rule 64(3)(b)]

Statement showing details of public works to be executed during the ensuing year

Sl. No.	Head of Account	Name of Description of the work	No. and date of Govt. Order or other authority sanctioning the work	Amount of sanctioned estimate	Outlay incurred on the work so far	Outlay proposed to be incurred on the work during the ensuing year	Remarks
1	2	3	4	5	6	7	8

FORM 32

[See Rule 64(3)(c)]

Details of loans sanctioned to the market committee

Sl. No.	No. and date of order sanctioning the loan	Purpose for which the loan was sanctioned	Amount of loan sanctioned	Amount of loan drawn by the market committee	
				Amount	Date of drawal
1	2	3	4	5	6

No. of instalments in which the loan is to be repaid and period of each instalment	Rate of interest	Overdue amounts of loan and interest to be repaid, if any		Remarks
		Overdue amount of loan to be repaid	Amount of interest overdue	
7	8	9	10	11

ABSTRACT

1. Total amount of loans raised by the market committee as on 1st April.....
2. Amounts 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 64(3)(d)]

Contributions and other dues payable to Government Departments by the market committee during ensuing year

Sl. No.	Details of contributions or other dues payable to Government	Amount payable	Number and 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 67]

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 Co-operative Societies ratio with total turnover.
 11. Marketing charges.
 12. Movement 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 74]

Market committee

General Receipt

Book No.

Receipt No.

Date

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

Signature of the Secretary

FORM 35-A

[See Rule 74-A(1)]

Permit for transportation of notified agricultural produce

The Agricultural Produce Market Committee,

Book No.
 Permit No.

Licence No:
 Date :

Timing:

- (1) Name and address of the Trader / Exporter.
 - (2) Registration No. of the Vehicle / Lorry / Van etc.,
 - (3) Purchased from whom with Address.
 - (4) To whom transported with Address.
 - (5) Description of the Agricultural Produce under Transit :
 - (a) Name of the Commodity :
 - (b) Quantity / Weight
 - (c) Value (in Rupees) :
 - (6) Whether Market fee paid? Details.
 (Bill/Receipt No. and Date or)
 Purchase/Sale Bill No. and Date.
 - (7) Duration of the permit in force hours of the Day of 200 to
 Hours of day of 200
- I declare that the information furnished above are true to the best of my knowledge and belief.

Signature of Trader/Exporter.

Terms and Conditions

1. First copy of the transport permit (Original) shall accompany the vehicle in transit. Second copy of the permit shall be submitted within 48 hours of issue to the Secretary of the market committee where the agricultural produce is purchased. Third copy of the transport permit shall be retained by the trader / exporter for his use and the same shall produce for verification if the market committee desires.

-
2. Transport permit shall be shown to enforcement cell officials / other authorized officials and in the check post established in the market area for verification while in transit. The officer / staff who verify the transport permit shall sign and record the designation and time on each permit.
 3. This permit is valid for one time transportation and cannot be transferred for any reasons.
 4. The duration time permit should not be modified without any valid reasons.]

[FORM 35-B
[See Rule 74-A]
Agricultural Produce Market Committee

.....
Certificate

Book No.....

Serial No.

Date :

This is to certify that the M/s. is a licensed Commission Agent or Trader of this market committee. He has paid the Market Fee of Rs. towards the goods transported vide permit No..... on vide receipt No.

Secretary
APMC.]

[FORM 36
[See Rule 76(4)]

No.....

The Agricultural Produce Market Committee,

.....
 As per Rule 76(4) of the Karnataka Agricultural Produce Marketing (Regulation) Rules, 1968, Sri. Son of residing in Place Taluka District is hereby licensed as a

*Trader	Importer
Commission Agent	Ginner
Broker	Presser
Processor	Crusher
Exporter	Stockist

-
1. Form 35-B inserted by Notification No.CD 229 MRE 2007, DATED 19-3-2008, W.E.F 20-3-2008
 2. Form 36 substituted by GSR 93, dated 7-4-1988

[Warehouseman]

Retail Trader

for the market year ending 2[31st March, 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 :

Dated :

*(Strike out which is not required)]

[FORM 37

[See Rule 79(2)]

No

The Agricultural Produce Market Committee

As per Rule 79(2) of the Karnataka Agricultural Produce Marketing (Regulation) Rules, 1968, Sri Son of residing in Place Taluk District is hereby licensed as a

Weighman

Cartman

Measurer

Lorry Owner

Surveyor

Owner of Public carrier

Hamal

for the market year ending 31st March 19 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 :

Dated:

*(Strike out which is not applicable)]

-
1. Inserted by Notification No. CMW 174 MRE 91, dated 27-1-1994
 2. Substituted for the word and figures “ 30th June, 19... ” by Notification No. CMW 174 MRE 91, dated 27-1-1994.
 3. Form 37 substituted by Notification No. CMW 174 MRE 91, dated 27-1-1994.

[FORM 37-A

[See Rule 76]

Application for obtaining licence for operating in more than one marketing area as a Trader

Date :

To,
Sir,

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

1.
2.
3.
4.

Along with this application I am enclosing the following documents.

- I. Solvency Certificate
- II. Bank Guarantee

Declaration

(1) I/We agree to abide by the Karnataka Agricultural Produce Marketing (Regulation & Development) Act, 1966 and rules made thereunder and amendments made to it from time to time and the directions or orders issued by the Director of Agricultural Marketing, from time to time.

(2) I/We agree to keep all the necessary records and information about the functioning of our business and to co-operate to produce whatever information and documents will be asked for inspection by appropriate authority.

(3) I/We agree to pay whatever charges of fees or amounts liable and due from me legally.

(4) I/We agree to avoid business with the persons doing illegal business and will co-operate in taking legal action against such persons.

Signature of the Applicant

1. Name :

Address:

Signature:

2. Name:

Address:

Signature:

— — —

FORM 37-B

[See Rule 76]

Licence for operating in more than one market area as a Trader

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

.....

.....

.....

Subject to the provisions of the Karnataka Agricultural Produce Marketing
(Regulation & Development) Act, 1966, and the Karnataka Agricultural Produce
Marketing (Regulation & Development) Rules 1968, on the following conditions,
namely:-

1. The licensee shall abide by the provisions of the said Act and the rules and the conditions of agreement entered into by the licensee on with the Director of Agricultural Marketing.
2. This licence is not transferable.
3. This licence may be suspended or cancelled in accordance with the provisions of the said Act, and the rules made thereunder.
4. In the event of suspension or cancellation of this licence, it shall be surrendered to the Director of Agricultural Marketing.
5. The licensee shall carry on business as a Trader only and at such places for which the licence is issued and unless the licensee carries on any other business under a licence granted under the said rules, shall not carry on any other business of a market functionary in the market areas or in any market therein.
6. The licensee shall pay market fees as prescribed in the bye-laws, to the concerned Agricultural Produce Market Committee.
7. The licensee shall not adulterate or cause any declared agricultural produce to be adulterated.
8. The licensee shall help the Director in preventing evasion of market fees.
9. The licensee after grant of licence by Director shall within a period of fifteen days inform about the authorized representative of the licensee who shall be responsible on his behalf.

-
10. The licensee shall maintain books, register and records in the manner, required by the Director and shall make them available for inspection to the Director or person authorized by him.
 11. The licensee shall furnish information and returns to the Director as may be required by him from time to time.
 12. The licensee shall settle the price of agricultural produce in the manner provided for under the Bye-laws of the Market Committee and shall issue account slips or purchase bills according to the provisions of the Karnataka Agricultural Produce Marketing (Regulation and Development) Rules, 1968.
 13. The licensee shall, if the declared agricultural produce is sold through his agency or by him, pay to the seller the price of the agricultural produce so said on the same day.
 14. The licensee shall not solicit or receive any fee or recover any charges other than those which he is entitled to receive or recover in accordance with the provisions of the Act, and the rules and bye-laws made thereunder.
 15. The licensee shall not make or recover any trade allowance.
 16. The licensee shall provide for authorized weights and measures.
 17. The licensee shall pay to the licensed weighman or measurer and hamals as per the provisions of the bye-law.
 18. The licensee shall inform the Director of any change in the constitution of the licensee.
 19. The licensee shall refer all his disputes in relation to the marketing of the declared agricultural produce in the manner provided under the Karnataka Agricultural Produce Marketing (Regulation and Development) Act, 1966 and Rules, 1968.

Place:

Date :

Director of Agricultural Marketing
Karnataka State.

Renewal of Licence

Date of Renewal

Period of Renewal

Signature of Director
and date

Director of Agricultural Marketing
Karnataka State.]

FORM 38

[See Rule 88-A(1)]

Election to the membership of the Karnataka State Agricultural Marketing Board

I, Chairman of the Agricultural Produce Market Committee, District nominate myself, (desire to stand) as a candidate for election to the Membership of the Karnataka State Agricultural Marketing Board.

Date:

Signature of the Candidate.

FORM 39

[See Rule 88-F(3)]

Ballot paper for election to the Karnataka State Agricultural Marketing Board

Counterfoil Serial Number of the ballot paper	Foil		
	Sl. No. of the Candidate	Name of the Candidate	Voter's Mark

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

Instructions to Electors

1. You have only one vote.
- [2. Place a cross mark with the instrument supplied for the purpose clearly opposite to the name of the candidate to whom you wish to 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.

1. Forms 38 to 40 inserted by GSR 74, dated 12-3-1971.
 2. Item 2 substituted by Notification No.CMW 174 MRE 91, dated 27-1-1994

FORM 40

[See Rule 88-G(8)]

Return of election to the membership of the
Karnataka State Agricultural Marketing Board

Sl. No.	Name of the Candidate	Number of valid votes polled	Total number of valid votes polled:	Total number of rejected votes:

I declare that Shri Chairman, Agricultural Produce Market Committee. of thedistrict has been elected as a Member of the Karnataka State Agricultural Marketing Board.

Returning Officer]

.....

FORM 41

[See Rule 72(1) read with Rule 76(2)(i)]

**Form of Application for Grant/Renewal of
Traders/Commission-Agents/Brokers/Exporters/Importers/Stockists/
Warehousemen/Ginners/Pressers/Crushers/Processors Licence**

To:

The Secretary,
Agricultural Produce Market Committee,
.....

Sir/Madam

I/We hereby apply for the grant / renewal of traders / Commission.

Agents/Brokers/Exporters/Importers/Stockists/Warehousemen/Ginners/
Pressers/Crushers/Processors licence for the Market Year ending with 31st March 19

The Particulars are as stated below :

1. Business name of the applicant.
 - (i) Relationship of the signatory to the application (in case of minor) :
2. Name and address of the applicant/
Signatory (in block letters)
 - (i) Name and address of the business Premises and Phone number, if any :

-
- (ii) Residence address and Phone number,
If any :
3. Father's/Husband's name and date of birth of the applicant (i)
(ii)
4. Status of the applicant (State whether individual or partnership firm or co-operative society or Joint Hindu Family or Association or company or Corporation or Board or any other status) :
- (a) If individual proprietor is minor or incapacitated person, state whether his guardian who has signed this application is the natural guardian or one appointed by the Court :
- (b) If partnership firm, give names of Partner /s and furnish the registration Certificate / partnership deed :
- (c) If Company or society or Board or Corporation give names of President/ Chairman/Directors and Managers/ Managing Agents if any. In all cases give names of agents or persons authorized to carry on business whether by General Power of Attorney, by resolution or otherwise. :
- (d) In other cases, give names of proprietor or persons in management :
- (e) If joint Hindu Family firm give Names of all members and manager With age of each member :
- (f) Name or Names of other firms Companies, carrying on business in Agricultural Produce in which the Applicant or a partner of the applicant firm or a Director of the applicant company is a partner or Director as the case may be. If so, give particulars. :
5. Agricultural Produce in which the applicant Proposes to carry on trade :
6. Whether the applicant owes any out standings Relating to his business, to any producer/ Seller. If so, state particulars of out standings :

7. Whether the applicant deposited with or furnished to the Market Committee a cash Security or Bank guarantee as provided in Section 85 or 86 of the Act and as specified in the bye-laws of the Market Committee as the case may be. Give full particulars.

Cash Rupees	Receipt Number and Date	Bank Guarantee for Rupees.	Bank guarantee No. & Date.	Name of the Ban	Period	
					From	To
(1)	(2)	(3)	(4)	(5)	(6)	(7)

8. Whether the applicant owns any Movable/immovable property. If so, give particulars with details of encumbrances, if any.

Movable Immovable

9. Whether the applicant has storage Facility, If so, give particulars and state whether they are registered with the Market Committees as specified in the bye-laws of the Market Committee.

CTS No. Storage Capacity
Ward/ Lane/ Bags / MTs

Godowns Owned
Rented / Leased

10. Whether the applicant has processing unit/factory. If so, give details (for Ginners/ Pressers/Processors/Crushers).

Name & address of
The Processing
unit / factory

CTS Ward and
CTS number/lane

Capacity

Owned

Rented

Leased

11. Mention the names and addresses of the Assistants who will work on behalf of the applicant.

Name	Age	Address	Specimen Signature
(1)			
(2)			
(3)			
(4)			

12. Whether the applicant has registered his name/Firm under the KST Act/ CST Act if so, give details Certified copies to be enclosed.

13. If the application is for renewal of licence, has the applicant transacted business during previous year.

14. If the application is for renewal enclose the original certificate of licence previously granted by the Market Committee.

15. Whether the applicant owes any dues to the Market Committee on account of charge/ costs/expenses/fees/rent or on any other account. If so give details.

16. Any other information.

Signature of the applicant

Designation/Seal.

I hereby declare that the information contained in the above application is true to the best of my knowledge and information. I have read and understood the provisions of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and the Rules 1968 and the Bye-laws of your Committee and the standing orders and terms and conditions and restrictions of licence made thereunder and declare that I agree to abide by them and any amendments to the same made in future.

I also agree to execute an agreement and to fulfill other conditions prescribed by the Agricultural Produce Market Committee from time to time.

 I am remitting herewith the licence fee of Rs. (Rupees)
 for the market year ending with 31st March, 199 . . . is paid today by *Cash/Demand
 Draft.

I request you to *grant/renew licence for the market year ending with
 31st March, 199

Yours faithfully,

Place:

Taluk:

District:

Date :

Signature

*(Strike out whichever is not applicable)

I hereby Certify that the licence fee of Rs. (Rupees.) has been
 received under Receipt No. dated after verification of the facts
 furnished above

Date:

Signature of the Accountant.

FORM 42

[See Rule 72(1) read with Rule 76(2)(i)]

Form of Application for the use of retail traders

To:

The Secretary,
 Agricultural Produce Market Committee,

Sir/Madam,

I/We hereby apply for the grant/renewal of my retail trader's licence. The
 particulars are as stated below:

- | | | |
|-----|--|---|
| (1) | Name and Full address of the applicant | : |
| (2) | Name and address of partners in the
Case of firms | : |
| (3) | Place of business/shop and full address | : |
| (4) | Reidential address | : |
| (5) | Agricultural Produce/s which is/
are proposed to be traded | : |
| (6) | Whether the applicant has registered
His name or firm under the Karntaka
Sales Tax Act and Central Sale Tax Act. | : |

-
- If so, furnish registration numbers with
 Details :
- (7) Turnover of the applicant during the
 Previous market year :
- (8) If the application is for renewal enclose
 The original certificate of licence previously
 granted by the Market Committee. :

Signature of the Applicant

I/We do hereby declare that the information furnished is true to the best of my knowledge and information. I have read and understood the provisions of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and Rules 1968 and the Bye-laws of your Market Committee and the standing orders and terms and conditions and restrictions of licence made thereunder and declare that, I/We agree to abide by them and any amendments to the same made from time to time.

I/We also agree to execute an agreement and to fulfill other conditions prescribed by the Agricultural Produce Market Committee from time to time.

I am remitting herewith the licence fee of Rs.(Rupees) for the market year 199..... is paid today by Cash/Demand Draft.

I request you to grant / renew Retail licence to me for the market year ending with 31st March.

Place:
 Taluk :
 District:
 Date :

Signature of the Applicant

I hereby certify tht the licence fee of Rs.(Rupees) has been received under receipt No. dated after verification of the facts furnished above.

Signature of the Accountant

FORM 43

[See Rule 72(3) read with Rule 76(2)(iii)]

Form of Application for Traders Temporary Licence

For the period from to

To.
 The Secretary,
 Agricultural Produce Market Committee,

Dear Sir/Madam,

1. Full Name of Trader* :
 2. Temporary Address : Taluk District
 3. Permanent Address : Taluk District
 4. Agricultural Produce which
 is proposed to be traded in
 5. Name and address of other
 representatives or assistants
 who will work in the market
 area on behalf of the applicant.

Name and addresses.

- (i)
 (ii)
 (iii)
 (iv)

6. Copies of the KST/CST
 Registration/Renewal Certificate
 (Copy of certificate to be enclosed).

I hereby declare that I have read and understood the Karnataka Agricultural Produce Marketing(Regulation) Act, 1966 and Rules and the Bye-laws, standing orders, terms and conditions and restrictions of licence made thereunder and declare that I agree to abide by them and by any amendments to the same made in future.

I agree to execute an agreement and to fulfill other conditions prescribed by the Committee.

I also agree to pay the price of goods purchased in cash before delivery.

I request you to grant me a temporary licence.

Licence fee of Rs..... (Rupees.....) for a period not exceeding one month commencing from..... ending with is remitted herewith which kindly receive and Temporary licence from..... to..... may please be granted.

Place:

Taluka:

District:

Date:

Signature of the Applicant.

* In case of firms the name of the firm and that of its owner, or its principal representative who will work in the market on its behalf, may be stated.

I hereby certify that the licence fee Rs..... (Rupees.....) has been received under receipt No..... Dated..... after verification of the facts furnished above.

Signature of the Accountant.

FORM 44

[See Section 72(1) read with Rule 79(2)(i)]

**Form of Application for Grant of Licence of
Weighmen/Measurers/Surveyors**

To:

The Secretary,
Agricultural Produce Market Committee,
.....

Sir/Madam,

I (Name)..... Resident ofTaluk.....District.....hereby apply for the grant or renewal of weighmen's /Measurers/Surveyors licence to operate in theMarket yard/Market sub-yard/Sub-Market Yard within the Market area of Agricultural Produce Market Committee.

I am a literate person, capable of reading and writing in Kannada, having studied upto.....

I hereby agree not to enter service in any form with any licensed Trader, Commission Agent or Broker within the market area.

I agree to abide by the directions issued by the Market Committee from time to time regarding the place and method of weighing, recording and submission of proper returns etc.,

I will wear the weighman's/Measurer's/Surveyor's badge, in the manner directed, during the time of weighing measuring notified agricultural produce in the market yard/market sub-yard/sub-market yard.

I have read and understood the provisions of the Karnataka Agricultural Produce Marketing(Regulation) Act, 1966 and the Rules and the Bye-laws, standing orders made thereunder and I agree to abide by them and by any amendments made thereto. I also agree to abide by any other terms and conditions restrictions of licence imposed by the Committee.

I declare that I am/am not holder of licence at present/original certificate of the licence previously issued by the Market Committee is hereby enclosed.

I am remitting herewith the licence fee of Rs.....(Rupees..... in cash/demand draft for the market year 199.....

I request you to grant/renew a weighman's/Measurer's/Surveyor's licence to me for the market year ending with 31st March, 199.....

1. Place :
2. Taluk :
3. District:

Yours faithfully,
Signature of Applicant.

I hereby certify that the licence fee of Rs..... (Rupees.....) has been collected under Receipt No.....dated.....after verification of the facts furnished above.

Date : Signature of the Accountant.

FORM 45

[See Section 72(1) read with Rule 79(2)(ii)]

Application for grant/renewal of Hamal's/Cartmen's/Owner of Public Carriers/Truck/Tractor Licence.

To:
The Secretary,
Agricultural Produce Market Committee,
.....

Sir/Madam,

I (name).....Resident of.....Taluk.....
District.....Hamal's/Cartmen's/Owner of Public Carriers/Truck/Tractor licence to operate in the market yard/market area of the agricultural produce Market Committee.....

I hereby agree not to enter service in any form with any licensed Trader, Commission Agent or Brokers within the market area.

I have read and understood the provisions of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and the Rules, the bye-laws and the standing orders, terms and conditions and restrictions of licence made thereunder and agree to abide by them and by any amendments made thereto.

My vehicle Registration Number is.....

I declare that I am/am not a holder of licence at present/original certificate of the licence previously issued by the Market Committee is hereby enclosed.

I am remitting herewith the licence fee of Rs.....(Rupees.....) for the Market year.....in cash/demand draft.

I request you to grant/renew Hamali's/Cartman's/Owner of Public Carriers/Truck/Tractor licence to me for the market year ending with 31st March, 199.....

Yours faithfully,

Place :

Taluk:

District:

Signature of the Applicant.

I hereby certify that the licence fee of Rs.....(Rupees.....) has been collected under Receipt No..... dated.....after verification of the facts furnished above.

Date :

Signature of the Accountant.

[FORM 46

[See Rule 87-B(1), 87-D(1)]

Application for grant of licence for establishment private market yard/farmer-consumer market.

From:

To,

The Director Agricultural
Marketing in Karnataka,
Bangalore/Authorized Officer.

Sir,

I/We.....(Name).....(Address).....(Phone No)..... am/are making an application for the grant of Licence for establishing private market yard/farmer consumer market. The necessary documents as required under the provisions of the Act and Rules are herewith enclosed. I am/we are ready and willing to pay the necessary licence fee of Rs..... as per rules for obtaining the above licence.

I/we request you to grant/renew the licence.

Yours faithfully,

Place :

Date :

(Applicant)

Name:

Firm seal.

(Strike out whichever not applicable)

Documents submitted with this application.

(1) Certificate of incorporation or Registration in respect of Company, Co-operative Society/Institution, Trust, Corporation, Partnership, *etc.*

1. Forms 46 to 57-A to 63 inserted by Notification No.CD 229 MRE 2007, dated 19-3-2008, w.e.f. 20-3-2008.

(2) Memorandum of Association/Articles of Association and operational and working guidelines of the proposed private market yard, farmer-consumer market. (as applicable).

(3) Names and full address and telephone number of all the Directors and owners and partners etc. (They shall inform immediately subsequent changes if any).

(4) Detailed project-report approved/certified copy of the plan of the private market yard, farmer-consumer market purchasing centers. Details of infrastructure created, intended to be created with the breakup of the cost including the cost of the land in following table (proof in support of cost shall also be enclosed):

SlNo	Type of Infrastructure	Estimated Cost (Rs.)/Actual cost (if already set up).
1		
2		
3		
4		
5		

(5) Financial Status of the applicant with supportive document such as bank statements, Income-tax returns, PAN, Assets and Liability statement and its valuation certificate issued by a recognized chartered accountant.

(6) Documents relating to land including location map, ownership extract, area, title, (In case of leasehold land, lease agreement, possession certificate, etc) and a certificate of legal practitioner to that effect.

(7) Demand Draft in support of having paid the licence fee.

(8) Operational and working guidelines as to how private market yard and farmer-consumer market shall be conducted, controlled and operated.

(9) A Bank guarantee as provided in these rules undertaking and Affidavit that the applicant shall abide by all the provisions of the Act and rules made thereunder and in case of violation he/they shall be liable for legal action including cancellation of licence and recovery of all dues.

(10) The outlay earmarked for providing facilities for lodging, boarding for the users of market. Laboratory facilities to evaluate and determine the quality of the produce, sanitary, hygienic systems and phytosanitary requirements of the consumers of such produce.

(11) Applicant shall specify the agricultural produce intended for marketing in the private market yard/farmer-consumer market.

(12) Any other relevant information/documents that the applicant desires to furnish.

(Applicant)

Name:

Seal:

FORM 47

[See Rule 87-B(3), 87-C(3), 87-D(1)]

**Register of Licence holders for establishment of Private market yard,
direct purchase and farmer-consumer market.**

Sl No	Name and Address of Applicant.	Date of Receipt of application for licence.	Type of licence.	Market area.	Licence fee Rs. (Challan No.)	Licence No. and Date	Licence period	Remarks and Signature
1	2	3	4	5	6	7	8	9

FORM 48

[See Rule 87-B(3), 87-C(3), 87-D(1)]

**Register of Licence holders for establishment of Private market yard,
Direct purchase and farmer-consumer market.****CERTIFICATE**

Licence is hereby granted to..... (Name)(Address) (Phone No.)..... (hereinafter referred to as the licensee) on payment of fee of Rs....for establishment of Private market yard (Category,) Direct purchase centers/Farmer-consumer market in the market area of Agricultural Produce Market Committee..... for the marketing of notified agricultural produce subject to the provisions of the Karnataka Agricultural Produce Marketing (Regulation and Development) Act, 1966 and Rules, 1968 on the following terms and conditions:-----

Terms and Conditions:

- (1) The licensee shall abide by the provisions of the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 and the rules framed thereunder.
- (2) This licence is not transferable.
- (3) This licence may be suspended or cancelled in accordance with the provisions of the said Act and the rules made thereunder and if the licensee commits any act or abstains from carrying out his normal business in the market/yard with the intention of willfully obstructing, suspending or stopping the marketing of agricultural produce in the market area, the licence may be suspended or cancelled.
- (4) In the event of suspension or cancellation of this licence, it shall be surrendered to the Director of Agricultural Marketing or the Officer authorized by him.

-
- (5) The licensee shall not adulterate or cause any notified agricultural produce to be adulterated.
 - (6) The licensee shall help and comply with the directions issued by the Commissioner/Director/Authorized Officer in preventing evasion of market fees.
 - (7) The licensee after grant of licence by the Director of Agricultural Marketing or the Officer authorized by him shall within a period of fifteen days inform about the authorized representative of the licensee who shall be responsible on his behalf.
 - (8) The licensee shall maintain books, registers and records in respect of the agricultural produce in the manner, required by the Director of Agricultural Marketing or any person authorized by him.
 - (9) The licensee shall furnish information and returns to the Director of Agricultural Marketing or the Officer authorized by him as may be required by him from time to time-----
 - (a) Sale and purchase of agricultural produce shall be as specified in Section 76 of the Act.
 - (b) Direct purchase centre licensee shall display the price of commodity at the place where he will purchase on a particular day.
 - (10) The licensee shall, if notified agricultural produce is sold through his agency or by him, pay to the seller the price of the agricultural produce so sold on the same day by cash or cheque as the case may be.
 - (11) The licensee shall not solicit or receive any fees or recover any charges other than those which he is entitled to receive or recover in accordance with the provisions of the Act and the rules.
 - (12) The licensee shall not make or recover any trade allowance other than those prescribed.
 - (13) The licensee shall provide for authorized weights and measures.
 - (14) The licensee shall pay to the measurer and hamals, etc., at the rates approved by the Director of Agricultural Marketing.
 - (15) The licensee shall inform the Director of Agricultural Marketing any change in the constitution of the licensee.
 - (16) The licensee shall refer all disputes in relation to the marketing of the notified agricultural produce in the manner provided under Karnataka Agricultural Produce Marketing (Regulation and Development) Act, 1966 and Rules, 1968 as are applicable.

-
- (17) The licensee shall not involve in any misconduct or illegal stocking of notified agricultural produce for a long period with an intention to create artificial scarcity which leads to price rise.
 - (18) In case the license issued is defaced, misplaced, torn, lost or accidentally destroyed, etc., a duplicate license on payment of Rs.100.00 may be issued.
 - (19) The licence granted under this certificate unless renewed remains in force till the end of tenth market year including the year in which it has been granted.

Place : Director of Agricultural
 Date : Marketing.

FORM 49

[See Rule 87-B(9), 87-C(7), 87-D(1)]

Application Form for the renewal of licence of private market yard/direct purchase centre/farmer consumer market under Section 72-C

To
 The Director of Agricultural Marketing/Authorized Officer,

Sir,

I request for the renewal of my Licence. The necessary particulars are given below.—

- 1. Particulars of the private market yard/direct purchase centre/farmer-consumer market for which the Licence has been granted.
- 2. Name of the applicant (with full particulars of the place of market yard)
- 3. No. of licence.
- 4. Date on which the Licence expires.
- 5. Period for which renewal is required.
- 6. The amount of Bank guarantee/cash security deposited with the licensing authority.
- 7. Has the applicant(s) or where the applicant is a firm, has any member thereof singly or in collaboration with any body else, been.-----
 - (a) Granted any licence in any other market area and his licence has been suspended or cancelled. If so, when, where, for what period and for what reasons;..... or
 - (b) Convicted of any offence involving moral turpitude. If so the date of conviction;.....or

-
- (c) Declared as a undischarged insolvent.....
- (d) Defaulter of not paying the dues to the market committee/seller/agriculturist/producer-seller.....
- (1) I am enclosing a demand draft No.....Dated.....Amounting to Rs..... on account of renewal fee.
- (2) The particulars given above are true and correct to the best of my knowledge and belief.

Dated.....

Signature of the applicant.

FORM 50

[See Rule 87-C(1)]

Application for obtaining licence for direct purchase of agricultural produce.

From:

To:

The Director
of Agricultural Marketing/Authorized Officer.

Sir,

I/we.....(Name).....(Address).....(Phone No.)..... am/are making an application for a licence for direct purchase of agricultural produce from the Agriculturists/producer-seller in the below mentioned market area. I am/We are ready and willing to pay the necessary licence fee of Rs.....as per rules for obtaining the above mentioned licence.

Yours faithfully,
(Applicant)
Name :
Firm seal:

Along with this application I am/we are enclosing the following necessary documents as required under the Act and Rules.

Documents submitted with application.

- 1.Solvency Certificate.
- 2.Bank Guarantee.
- 3.Details of Registration Documents of the Applicant (e.g. Company/Partnership Firm/NonGovernmentOrganization/Co-operative Society/Institutions/Government Organization, etc.
- 4.Names and addresses of their Directors, Partners, etc.
- 5.Income tax return.

Declaration

- (1) I/We agree to abide by the Karnataka Agricultural Produce Marketing (Development and Regulation) Act, 1966, and the rules made thereunder and amendments made and the directions and orders issued by the Director of Agricultural Marketing, or the Officer authorized by him from time to time.
- (2) I/we agree to keep all the necessary records and information about the functioning of our business and to co-operate to produce or seller whatever information and documents will be asked for inspection by appropriate authority.
- (3) I/We agree to pay whatever charges or fees or amount liable and due from me/us legally.
- (4) I/We agree to avoid business with persons doing illegal trade/business and will co-operate in taking legal action against such persons.
- (5) I/We agree to pay the sale proceeds immediately to the farmer/producer-seller.

Signature of Applicant.

Seal

Name :

Address:

Signature:

FORM 51

[See Rule 87-C(1)(i)]

Name of places to open direct purchase centers initially

From:

To:

The Director of Agricultural Marketing,
/Authorized Officer.

Sir,

I/We are submitting herewith the names of places where direct purchase centers to be opened immediately after obtaining licence.

Sl.No.	Name and Address of the Center	Date of opening of center	Commodities to be purchased.
1	2	3	4

Date :

Signature

Place:

Seal

FORM 52*[See Rule 87-C(1)(i)]***Name of centers to be opened by direct marketers for purchase of agricultural produce after obtaining licence.**

From:

To:

The Director
of Agricultural Marketing,
/Authorized Officer.

Sir,

I/We are submitting herewith the names of places where direct purchase centers likely to be opened within fifteen days from this letter.

Sl.No	Name and Address of the Center	Date of opening of center	Commodities to be purchased
1	2	3	4

Date :

Signature

Place:

Seal

FORM 53*[See Rule 87-F(1)]***Register for recording the details of cash security/bank guarantee**

Sl. No	Name of the applicant	Category of Licence	Amount	Date of expiry	Remarks
1	2	3	4	5	6

FORM 56
[See Rule 91-A(2)]
Register of Contract Farming Sponsor

To:

.....
.....

Sub : Registration as Contract farming sponsor.

Sir,

With reference to your Application No.....dated.....on above cited subject, it is informed that your application for Registration has been accepted vide Registration No.....dated.....

The registration is for the period.....tofor operating in the market area of APMC.....

The condition of registration is given below.

1. The registration holder shall comply with the provisions of the Act, Rules and instructions issued in this behalf.
2. The registration holder shall comply with the terms and conditions given in the contract.

Date :
authority

Signature of the registering

Place :

FORM 57
[See Rule 94-A(2)]
Agreement for Contract Farming

THIS AGREEMENT is made and entered into at.....on theday of, between.....age.....residing at,herein after called the party of the First part (which expression shall unless repugnant to the context or meaning thereof mean and include his heirs, executors, administrators and assigns) of the one part, and M/s.....a Pvt./Public Limited Co. incorporated under the provisions of Companies Act, 1956 and having its registered office at..... herein after called the party of the Second part (which expression shall unless repugnant to the context or meaning thereof mean and include its successors and assigns) of the other part.

WHEREAS the party of the First part is the owner/cultivator of the agricultural land bearing the following particulars.

Village	SINo.	Area in Hectare	Taluka & Dist. State.

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

AND WHEREAS the party of the Second part is interested in the items of the agricultural produce more particularly mentioned in Schedule-I hereto annexed and at the request of the party of the Second part, party of the First part has agreed to cultivate and produce the items of agricultural produce mentioned in the Schedule-I hereto annexed.

AND WHEREAS the parties hereto have agreed to reduce in writing the terms and conditions in the manner hereinafter appearing.

NOW, THESE PRESENCE WITNESSTH AND IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

Clause 1 :

The party of the First part agrees to cultivate and produce and deliver to the party of the Second part and the party of the Second part agrees to buy from the party of the first part the items of the agricultural produces. Particulars of the items, quality, quantity and price of the items are more particularly mentioned in the Schedule-I hereto annexed.

Clause 2:

The agricultural produce particulars of which are mentioned in the Schedule-I hereto will be supplied by the party of he First part to the party of the Second part within.....months/years from the date hereof.

OR

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

Clause 3:

The party of the First part agrees to cultivate, produce and supply quantity mentioned in the Schedule-I hereto annexed to the party of the Second part.

Clause 4 :

The party of the First part agrees to supply the quantity contracted according to the quality specifications stipulated in Schedule-I. If the agricultural produce is not as per the agreed quality standards, the party of the Second part will be entitled to refuse to take the delivery of the agricultural produce only on this count. Then

- (a) The party of the First part shall be free to sell the produce to the party of the Second part at a mutually renegotiated price.

OR

- (b) In open market (to bulk Buyer viz. exporter/processor/manufacturer etc.) and if he gets a price less than the price contracted, he will pay to the party of the Second part, for his investment proportionately less.

 OR

- (c) In the market yard and if the price obtained by him is less than contracted price, then he will pay to the party of the second part, for his investment proportionately less.

In the event the party of the Second part refuses/fails to take the delivery of the contracted produce for his own reasons then the party of the First part will be free to sell the produce in the open market and if the price received is lower than the contracted price the difference will be on account of the party of the Second part and the party of the second part shall pay the said difference to the party of the First part within a period of.....days from ascertaining the said difference.

Clause 5 :

The party of the First part agrees to adopt instructions/practices in respect of Land preparation, nursery, fertilization, pest management, irrigation, harvesting and any other, as suggested by the party of the Second part from time to time and cultivate and produce the items as per specifications mentioned in the Schedule-I hereto.

Clause 6 :

It is expressly agreed by and between the parties hereto that buying will be as per the following terms and buying slips will be issued immediately after the purchase.

Date	Delivery Point	Cost of Delivery
-------------	-----------------------	-------------------------

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

- (a) In the open market (bulk buyer viz. exporter/processor/manufacturer, etc.), and if he gets a price less than the price contracted, he will pay to the party of the Second part for his investment proportionately less.
- (b) In the market yard, and if the price obtained is less than the contracted price then he will return proportionately less to the party of the Second part for his investment. It is further agreed that the quality maintenance in transit will be the responsibility of the party of the Second part and the party of the First part shall not be responsible or liable for the same.

Clause 7:

The party of the Second part shall pay to the party of the First part the price/rate mentioned in Schedule-I when his crop has been harvested and delivered to the party of the Second part after deducting all outstanding advances given to the party of the First part by the party of the Second part. The following schedule shall be followed for the payment.

Date	Mode of Payment	Place of Payment
------	-----------------	------------------

Clause 8:

The parties hereto shall insure the contracted produce mentioned in Schedule-I hereto, for the period of..... Against the risk of losses due to acts of God, destruction of specified assets, loan default and production and income loss and all other acts or events beyond the control of the parties, such as very low production caused by the serious outbreak of a disease, epidemic or by abnormal weather condition, floods, drought, hailstorm, cyclones, earthquakes, fire or other catastrophes, war, acts of Government, action existing on or after the effective date of this agreement which prevent totally or partially the fulfillment of the obligation of the farmer. Upon request, the party of the First part invoking such acts shall provide to the other party confirmation of the existence of facts. Such evidence shall consist of a statement of certificate of the appropriate Governmental Department. If such a statement or certificate cannot reasonably be obtained, the party of the First part claiming such acts may, as substitute, thereof, make a notarial statement describing in details the facts claimed and the reasons why such a certificate or statement confirming the existence of such facts cannot be issued alternatively, subject to the mutual agreement between the two parties, the party of the First part may fill his quota of the produce through other sources and the loss suffered by him thereby due to price difference, shall be shared equally between the parties, after taking into account the amount recovered from the insurance company. The insurance premium shall be shared equally by both the parties.

Clause 9:

The party of the Second part hereby agrees to provide following services to the party of the First part during the period of cultivation and post harvest management:

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

Clause 10:

The party of the Second part or its representatives agrees to have regular interactions with the farmers forum set up/named by the party of the First part during the period of contract.

Clause 11:

The party of the Second part or its representatives at their costs shall have the right to enter the premises/fields of the party of the First part to monitor farming practices adopted and the quality of the produce from time to time.

Clause 12:

The party of the Second part confirms that he has registered himself with the Sponsor Registering Authority.....on.....and shall pay the fees in accordance with the law prevailing in this regard to the Sponsor Registered Authority which has jurisdiction to regulate the marketing of agriculture produce which is cultivated on the land described.....OR The party of the Second part has registered himself on.....with Sponsor Registering Authority (single point) namely.....prescribed by the State in this regard. The fees levied by the respective Sponsor registering Authority shall be borne by the party of the Second part exclusively and will not be deducted in any manner, whatsoever, from the amounts payable to the party of the First part.

Clause 13:

The party of the Second part will have no rights whatsoever as to the Title, Ownership, Possession of the land/property of the party of the First part nor will it in any way alienate the party of the First part from the land property particularly nor mortgage. Lease, sub-lease or transfer the land property of the First party in any way to any other person/institution during the continuation of this agreement.

Clause 14:

The party of the Second part shall submit true copy of this agreement signed by both the parties within a period of 15 days from the date of execution thereof with the market committee/sponsor Registering Authority as required by the APMR Act/and other registering authority prescribed for the purpose.

Clause 15:

Dissolution, Termination/Cancellation of the Contract will be with consent of both the parties. Such dissolution or termination/cancellation deed will be communicated to the registering authority within 15 days of such dissolution, termination/cancellation.

Clause 16:

In the event of any dispute or difference arising between the parties hereto or as to the rights and obligations under this agreement or as to any claim, monetary or otherwise of one party against the other or as to the interpretation and effect of any terms and conditions of this agreement, such dispute or difference shall be referred to disputes committee constituted under the Rules.

Clause 17:

In case of change of address of any party to this agreement, it should be intimated to the other party and also to the Sponsor Registering Authority.

Clause 18:

Each party hereto will act in good faith diligently and honestly with the other in the performance of their responsibilities under this agreement and nothing will be done to jeopardize the interest of the other.

In witness whereof the parties have signed this agreement on theday,.....month andyear first above mentioned.

 SIGNED, SEALED AND DELIVERED BY THE)

within named 'PARTY OF THE FIRST PART')

In the presence of.....)

1.....)

2.....)

SIGNED, SEALED AND DELIVERED by the)

Within named 'PARTY OF THE SECOND PART')

In the presence of.....)

1.....)

2.....)

Schedule
Agricultural Produce, Grade, Specification, Quantity and Price Chart

Agricultural Produce	Grade	Specification	Quantity	Price/Rate
	Grade 1 or A	Size, Colour, Aroma etc.		
	Grade 2 or B			

FORM 57-A

[See Rule 91-A(3)]

Agreement for Contract Farming

Agreement between.

Sir.....S/o.....R/o.....Village.....Taluk
District..... hereinafter referred to as contract farming Producer or simply Producer.

AND

M/s.....Address.....Hereinafter referred to as contract farming Sponsor or simply Sponsor. We, the above said contract farming Producer and contract farming Sponsor mutually agree on the following terms and conditions for production and purchase and sale of..... (Commodities). The Producer owns/taken on lease an extent of Acres of land in Survey No..... ofVillage..... Taluk..... District.....

2. The Producer agreed to produce.....(Commodity) required by the sponsor during Season of.....(year/years).

3. The Sponsor agreed to provide the services with service charge specified hereunder/for production of the said commodity/commodities by the Producer. The Producer agreed to recover the service charges from the sale proceeds payable to him.

Details of service

Service charge

4. The sponsor agreed to purchase the commodity conforming to specifications at the rates explicitly given hereunder.

Commodity	Specification	Rate per kg./qtl.
1	2	3

5. The Sponsor cannot demand damages if the produce harvested does not conform to the specifications and quantity agreed upon.

6. The sponsor has agreed to purchase the entire quantity/..... quintals produced by the Producer at the rate/s as at clause 4 above.

7. The Producer has agreed to deliver the agreed quantities of commodities first to the sponsor and if and only if there is any left over quantity, he is at liberty to dispose of the commodities to others.

8. The Sponsor has agreed to take delivery of the commodity at the farm/villages after weighment and payment by incurring all expenditure incidental therefore, like handling, weighment, cost of containers, etc.

9. The sponsor has agreed not to refuse to take delivery of the quantity of produce conforming to specifications given at clauses 6 and 4 above.

10. The sponsor has agreed to give a third party guarantee in the form of bank guarantee for the entire value of the contract agreement.

11. In case the Producer sells the produce to any other person in violation of the terms of the agreement, the sponsor may approach the Market Committee for redressal. Market Committee shall proceed against the Producer including attachment of stocks and properties belonging to the Producer.

12. The sponsor can claim the loss suffered by him for breach of agreement by the Producer.

13. In case the Sponsor fails to take delivery of the produce, the Producer can ask Market Committee to recover the loss sustained by him from the bank guarantee furnished by the sponsor.

14. Any dispute arising out of this agreement shall be resolved as per sub-sections (4) of Section 131-C of The Karnataka Agricultural Produce Marketing (Regulation and Development) Act, 1966.

15. The agreement ceases to be in force on.....(Date).

Signature of the contract
farming sponsor

Signature of the contract
farming producer.

Witness:

1. Name and address (Signature)
2. Name and address (Signature)

FORM 58

[See Rule 91-A(4)]

Register for registration of Contract Farming Agreement

Sl No	Name of parties to the agreement			Type of agricultural produce	Estimated Qty. of agricultural produce	Period of contract	Estimated value of agricultural produce	Date of agreement	Sign of registering office	Remarks.
	First Party (Farmer)	Second Party (Purchaser)	Third party							
1	2	3	4	5	6	7	8	9	10	11

FORM 59

[See Rule 91-1]

Form of Annual Accounts of Contract Farming Sponsor

Sl. No	Name of the Commodity	No. of farmers with whom contracts signed	Area in hectares under contract farming agreement	Qty. purchased in tonnes.
1	2	3	4	5

Total value and qty. of produce purchased	Value paid to the farmers	Payment outstanding for more than 15 days.	
		No. of farmers	Amount in Rs.
6	7	8	9

Signature of Contract Farming Sponsor.

FORM 60

[See Rule 91-J(1)]

Application for grant of licence for establishment of Spot Exchange.

From:

To,
The Director Agricultural
Marketing in Karnataka,
Bangalore.
Sir,

I/we..... (Name).....(Address) (Phone No.).....am/are making an application for the grant of Licence for establishing Spot Exchange. The necessary documents as required under the provisions of the Act and Rules are herewith enclosed. I am/we are ready and willing to pay the necessary licence fee of Rs..... as per rules for obtaining the above licence.

I/We request you to grant/renew the licence.

Place :
Date :

Yours faithfully,

(Applicant)

Name :
Firm seal.

(Strike out whichever not applicable)

Documents submitted with this application.

- (1) Certificate of incorporation or Registration in respect of Company, Co-operative Society/Institution, Trust, Corporation, Partnership, etc.
- (2) Memorandum of Association/Articles of Association, etc.

(3) Names and full address and telephone number of all the Directors and owners and partners, etc. (They shall immediately inform subsequent changes if any).

(4) Detailed project-report of the proposed Spot Exchange, amount proposed to be spent for the project, operational and working guidelines as to how the Spot Exchange will be conducted, controlled and operated, the details of settlement guarantee fund to provide guarantee performance of all contracts executed on the spot exchange platform and the facilities proposed to be provided, financial status and resources with supportive documents, three years bank statements and income-tax returns, list of permanent assets and liabilities, memorandum and articles of association of the company and other documents showing the credibility of the applicant for establishment of a Spot Exchange as per the following table:

Sl. No.	Type of Infrastructure.	Estimated Cost (Rs.)
1		
2		
3		
4		
5		

(5) Financial status of the applicant with supportive document such as bank statements, Income-tax returns, PAN, Assets and Liability statement and its valuation certificate issued by a recognized chartered accountant.

(6) Demand Draft in support of having paid the licence fee.

(7) An undertaking and affidavit to the effect that the applicant shall abide by all the provisions of the Act and rules made thereunder and in case of violation he/they shall be liable for legal action including cancellation of licence and recovery of all dues.

(8) Applicant shall specify the agricultural produce intended for marketing in the Spot Exchange.

(9) Any other relevant information/documents that the applicant desires to furnished.

(Applicant)

Name:

Seal :

FORM 61

[See Rule 91-J(3)]

Grant of Licence for establishment of Spot Exchange**CERTIFICATE**

Licence is hereby granted to.....(Name).....(Address).....(Phone No.).....(hereinafter referred to as the licensee) on payment of fee of Rs.....for establishment of Spot Exchange in the State of Karnataka for conduction and facilitation e-trading in notified agricultural produce subject to the provisions of the Karnataka Agricultural Produce Marketing (Regulation and Development) Act, 1966 and Rules, 1968 on the following terms and conditions:---

Terms and Conditions

- (1) The licensee shall abide by the provisions of the Karnataka Agricultural Produce Marketing (Regulation and Development) Act, 1966 and rules framed thereunder.
- (2) This licence is not transferable.
- (3) This licence may be suspended or cancelled in accordance with the provisions of the said Act and the rules made thereunder and if the licensee commits any act or abstains from carrying out his normal business in the market/yard with the intention of willfully obstructing, suspending or stopping the marketing of agricultural produce in the market area, the licence may be suspended or cancelled.
- (4) In the event of suspension or cancellation of this licence, it shall be surrendered to the Director of Agricultural Marketing.
- (5) The licensee shall help and comply the directions issued by the Commissioner/Director in preventing evasion of market fees.
- (6) The licensee after grant of licence by the Director of Agricultural Marketing shall within a period of seven days inform the Director and the market committees concerned about the authorized representative of the licensee who shall be responsible on his behalf.
- (7) The licensee shall maintain books, registers and records in respect of the e-trading of the agricultural produce in the manner, required by the Director of Agricultural Marketing.
- (8) The licensee shall furnish information and returns to the Director of Agricultural Marketing or the Officer authorized by him from time to time.
- (9) The licensee shall not solicit or receive any fees or recover any charges other than those which he is entitled to receive or recover in accordance with the provisions of the Act and the rules.

-
- (10) The licensee shall provide for authorized weights and measures.
- (11) The licensee shall inform the Director of Agricultural Marketing any change in the constitution of the licensee.
- (12) Redressal of disputes shall be in accordance with, Section 131-G of the Act.

Place :

Date:

Director of Agricultural Marketing.

FORM 62
[See Rule 91-L]

Certificate to be given in case a Trader delivers Market Fee Paid goods to Spot Exchange warehouse DELIVERY SLIP

Name of the Market Yard:

Serial No.....

Name of the Commission Agent/Trader

APMC License No.

Name of agricultural produce	Weight	Name of buyer	Remarks

(a) In case of farmer purchase (original procurement by the trader).

I hereby solemnly declare and undertake that I have delivered the above mentioned commodities on which, the requisite market fees and other charges as applicable under the Karnataka Agricultural Produce Marketing (Regulation) Act, 1966 have been deposited with the concerned market committee/will be deposited with the concerned market committee on the due date and payment of sale proceeds has been made to the agriculturist seller.

The above mentioned sale is against the following purchase from farmer:

Date of purchase from the Farmer/Auction.

Market fee applicable on such purchase:

OR

(b) In case of purchase from concerned market committee licensed trader.

I hereby solemnly declare and undertake that I have delivered the above mentioned commodities, which were procured by me from a registered APMC Trader as detailed below and I have complete record of such purchase along with the relevant Bill of purchase in my record.

 Bill Number.

Date of purchase from licensed concerned market committee trader.

License No. of concerned market committee trader from whom such commodities were purchased.

I further certify that both the purchase and sale stated above, form part of my purchase and sales records and books of accounts.

Signature of the Trader.

License No.

FORM 63

[See Rule 91-L]

**Certificate of Market Fee Paid Notified Agricultural Produce
 DELIVERY SLIP**

(To be issued by Spot Exchange)

Delivery Center

Name of Market Yard:

Serial No.....

Name of Selling Member
 Registration/License No.:

Name of Buying Member
 Registration/License No.:

We hereby certify that the following deliveries have been lifted from our warehouse located at, which is inMarket area, and the complete details of payment of market fee and name of the original trader along with his license number, who has delivered originally and is responsible for payment of market fee on such goods are maintained with us, which can be verified from our records. We have delivered the below mentioned commodities to the person named below:

Name of agricultural produce	Weight	Name of the person to whom delivery has been given	Remarks
(1)	(2)	(3)	(4)

Signature of the Warehouse Manager
 Name of the Spot Exchange
 Phone No.:
 Address.]

