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MARA AUTONOMOUS DISTRICT COUNCIL (TRADING) REGULATION, 1990.

A BILL

to provide for the regulation and control of Trading in the Mara Autonomous District.

WHEREAS it is expedient to provide for the regulation and control of trading within the Mara Autonomous District;

AND WHEREAS the powers conferred by sub-paragraph (1) of paragraph 10 of the Sixth Schedule to the Constitution of India as amended (herein-after referred to as "the Constitution") the District Council of Mara Autonomous District is empowered to make regulations for the control of trading within the said Autonomous District;

NOW, THEREFORE, in exercise of the said powers, and other powers enabling it in that behalf, the District Council of the Mara Autonomous District is pleased to make the following Regulations in the Forty First Year of the Republic of India as follows :-

1. SHORT TITLE, EXTENT AND COMMENCEMENT :

- 1) This Regulation may be called the Mara Autonomous District Trading Regulation, 1990.
- 2) It shall extent to the whole of the Mara Autonomous District.
- 3) It shall come into force at once.

2. DEFINITIONS :

In this Regulation, unless the context otherwise requires, —

- (a) "District" means the Mara Autonomous District as defined in Part III of the Table appended to paragraph 20 of the Sixth Schedule to the Constitution of India;
- (b) "District Council" means the District council of the Mara Autonomous District,
- (c) "Executive Committee" means the Executive Committee of the Mara Autonomous District;
- (d) "Licence" means a Licence to be held by a person under seal of the District Council for the purpose of trading within the District;
- (e) "Prescribed" means prescribed by rules made under this Regulation;
- (f) "Schedule" means the Schedule appended to this Regulation;
- (g) "Trade" means the whole sale or retail purchase or any Commodity for sale or the whole sale or retail sale of any Commodity purchased for sale; and includes repairing of any kind, management of business of any dealing.

3. CONTROL OF TRADING :

No person shall carry on whole sale or retail trade or business in any commodity or goods in the District except under and in accordance with the terms and conditions of a licence issued under this Regulation.

Provided that such a licence should not be refused to a person who has been carrying on such business with the valid licence before the commencement of this Regulation unless the licence violates any term or condition of the licence.

Provided further that if such licence is refused, the ground of refusal shall be recorded in writing.

4. APPLICATION FOR LICENCE :

- (1) Any person desiring to carry on any trade or business by himself or by any other person on his behalf may make an application for the grant of licence to the Executive Committee.
- (2) Every application under sub-section (1) shall be made in such form and shall contain such particulars as prescribed in Appendix-A.

3. GRANT OF LICENCE:

- (1) On receipt of an application for the grant of a licence under section 4, the Executive Committee, after holding such enquiry as it deems fit may or may not grant a licence to the applicant having regard to the following factors namely :-
 - (a) the experience of the applicant with respect to the trade for which the application for the licence has been made;
 - (b) the village, town or city where the applicant intends to carry on trade;
 - (c) the number of persons to be or already engaged in the trade for which the application for the licence has been made, in the village, town or city;
 - (d) the place or building where the applicant intends to carry on trade;
 - (e) the antecedents of the applicant;
 - (f) the general ability and standing of the applicant in the trade for which the application for a licence has been made;
 - (g) the expertise of the applicant, and
 - (h) such other relevant factors as the circumstances of the case may require.
- (2) Every licence granted under this clause shall be on payment of such fees, not exceeding one thousand rupees, as may be prescribed.
- (3) Every licence granted under this section may be for a definite period having regard to the nature of the trade for which the application for the licence has been made and shall be subject to such conditions and in such form and shall contain such particulars as may be prescribed.

6. RENEWAL OF LICENCE :

Where a licence has been granted under section 5 for any definite period and the same has not been revoked earlier under section 8, such licence may, on an application made by the licensee, be renewed by the Executive Committee for such period and on payment of such fees not exceeding the fee payable for the licence under clause 5, as may be prescribed.

7. MAINTENANCE OF ACCOUNTS :

- (1) Every holder of licence granted under section 5, or renewed under section 6 shall maintain such books of account and other records as may be prescribed.

- (2) Every book of account or other record maintained under sub-section (1) shall, at all reasonable times be open for inspection by the Executive Committee or by any other officer of the District Council authorised in writing by the Executive Committee.

8. REVOCATION OF LICENCE :

If the Executive Committee is satisfied either on a reference made to it in this behalf or otherwise that :-

(a) A licence granted under section 5 has been obtained by misrepresentation of an essential fact, or

(b) Holder of a licence has, without reasonable cause, failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Regulation, the Executive Committee may, after giving the holder of the licence an opportunity of showing cause, revoke the licence.

9. PERIOD FOR DISPOSAL OF COMMODITIES BY LICENCEE WHOSE LICENCE HAS BEEN REVOKED :

Notwithstanding anything contained in section 3, any person whose licence has been revoked under section 8, shall, after making a declaration before the Executive Committee in such form and in such manner as may be prescribed, of all the commodities in his ownership, control or possession immediately before such revocation, dispose of such commodities within a period of one month from the date of revocation of licence :

Provided that the Executive Committee may, on an application made to it in this behalf and for any good reason, extend such further period of time for such disposal, provided that the period or the aggregate of the periods so extended shall not in any case exceed three months.

10. PENALTY :

- (1) If any person contravenes any of provision of this Regulation or the terms and conditions of a licence issued under this Regulation he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 2,000/- or with both in the first offence and if such breach continues, all commodities in his ownership, control or possession may be seized by the officer appointed in this behalf by the Executive Committee.
- (2) If any person prevents any officer referred to in sub-section (2) or section 7, from inspecting any book of account or other record maintained under sub-section (1) of section 7 he shall be liable to punishment with imprisonment for a term which may extend to one month or with fine which may extend to Rs. 500/- or with both.

11. BAR OF SUITS IN CIVIL COURT:

No suit shall be brought in any Civil Court to set aside or modify any fine or penalty and orders passed under the provisions of this Regulation, and no prosecution shall lie against any officer or Executive Member of the District Council for anything done in good faith or intended to be done under this Regulation.

12. APPEAL:

Any trader objecting to an order of fine or penalty passed by the authorised officer of the District Council may within thirty days from the date of service of such order, appeal to the Executive Committee against such order of fine or penalty and the decision of the Executive Committee shall be final.

13. POWER TO MAKE RULES:

- (1) Subject to approval of Governor of Mizoram, the Executive Committee may make rules for the purpose of giving effect to the provisions of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for :-
 - (a) the form in which an application for the grant of a licence may be made under sub-section (1) of section 4 and the particulars which such application shall contain;
 - (b) the fees on payment of which, the conditions subject to which and the form in which a licence may be granted under sub-section (1) of section 5 and the particulars which such licence shall contain;
 - (c) the books of account and other records to be maintained under section 7 ;
 - (d) and other matters which may be prescribed.

14. POWER OF THE EXECUTIVE COMMITTEE TO FIX RATE OF ESSENTIAL COMMODITIES :

- (1) The Executive Committee may, with a view to fixing the local rates, fix the rate of essential commodities mentioned in the following schedule.
- (2) The Executive Committee may, for the same purpose under sub-section (1),
 - (a) includes any other Commodities in the Schedule,
 - (d) exclude any commodities from the Schedule.

SCHEDULED COMMODITIES UNDER SECTION 14.

1. Potatoes
2. Onions
3. Masur Dal.
4. Chillies (Dry)
5. Eggs.
6. Salt.
7. Sugar.
8. Tea-leaves (Dry)
9. Kerosine Oil.
10. Mustard Oil.
11. Tomatoes.

15. REPEAL AND SAVINGS :

The Lakher Autonomous District (Trading by Non-Tribal) Regulation 1973 is hereby repealed : Provided that all action taken and licence issued under the said Regulation so repealed shall be deemed to have taken and issued under this Regulation.

APPENDIX-A

(See Section 4 (2))

APPLICATION FOR GRANT OF TRADE LICENCE :

I/We _____ son/daughter/wife of _____
 _____ Resident of Village/Town/City _____
 _____ P. S. _____
 District _____ P.O. _____
 State _____ National _____

do hereby apply for the grant of a licence to trade in village/Town _____
 in the Mara Autonomous District in Mizoram in goods/Commodities specified
 below. Particulars are furnished below :-

1. Specific goods or Commodities in which the trade is to be undertaken.
2. Investment required for the trade and the source of Investment.
3. Land, house and installations required (description of land or house, if any, already owned or possessed by the applicant should also be furnished).
4. Area of the Village or Town where the trade is to be carried on.
5. Period for which the licence is sought for.
6. The Experience of the applicant in the trade.
7. The technical knowledge and know-how of the applicant in the trade.
8. Name with addresses of persons to be employed in the trade.
9. Number of tribals to be employed in the trade.
10. Sources of supplies and agencies, if any.
11. Anticipated time to start the trade.
12. Anticipated profit, both gross and net.
13. If the applicant has been already in similar trade, the registration number, Patent, Income tax and Sales tax returns (which ever is applicable) of the year preceding the application and the receipts for Payment of such taxes to be enclosed.
14. I/We hereby testify that the statements made above are true to the best of My/Our knowledge and receipts of Rs. 10/- as application fee is enclosed herewith.

Date _____

Signature of the applicant.

APPENDIX-B

(See Section-5(1))

FORM OF LICENCE

Trade Licence No. _____ of _____

This is to permit Shri/Smt. _____
 Son/Daughter/Wife of _____ Resident of Village/ Town/City _____
 P.S. _____ P.O. _____ State _____ to trade in the goods
 and commodities specified below and for the period of one year from 1st April/19
 _____ to 31st March/19_____. The trade shall be carried on in Village/Town—
 _____ and in _____: Areas (specific location to be mentioned). The
 licenced trader shall strictly follow the conditions laid down in the Regulation and
 rules made thereunder and the terms and conditions printed overleaf and on non-
 compliance of any of the Regulation or rules and the terms and condition of li-
 cence, the licence shall be cancelled. This licence covers only one business establish-
 ment and for only one specific location. For opening any branch at any other
 places a fresh licence will be required.

1. Name of the goods and commodities in which the trade shall be carried on.

2. Investment of _____
 Rupees in permitted.

3. Employment of _____ Non-Tribals in connection with the trade is permitted.

4. Certified that the trader has deposited Rs.1,000/- as licence fee vide Receipt.

 Date _____

Place _____

Date _____

(Signature of the licenced trader)

(By order of District Council)

TERMS AND CONDITION OF THE LICENCE:

1. The licenced trader shall be bound by the provisions of both the Regulation and Rules made thereunder.
2. No commodities other than these permit in the licence shall be allowed to be transacted.
3. The licenced trader shall confine his trading operation only to the area specified in the licence.
4. The licenced trader may be required to submit such returns as may be prescribed by the Executive Committee.
5. Renewal of licence is subject to the payment of the prescribed fee which may be reflected in the event of default of payment.
6. This licence is not transferable from one person to another.
7. The licenced trader should report without fail to the Executive Committee on the expiry of the validity of the licence, and submit the licence to the Executive Committee in this behalf.
8. No licenced trader is allowed to employ any person other than his/her/wife/husband/children without the prior permission of the Executive Committee.
9. Trading should be done on Cash basis only.
10. Failure to comply with any of the conditions of the licence and the provision of the Mara Autonomous District (Trading) Regulations, 1990 and the rules made thereunder may entail cancellation of the licence.

Date_____

Signature of the applicant.

RT. Zachono,
Executive Member(Rev),
Mara Autonomous District Council,
Siaha.

I do hereby certify that the above bill, namely, the Mara Autonomous District Council (TRADING) Regulation, 1990

was passed by the Mara Autonomous District Council in its meeting held on Dated 21st March, 1991.

And

in authentication thereof, I give my signature, this day the Tenth April, 1991 Anno Domini.

Dated Siaha
the 10/4/1991

K. Paicbho
Chairman,
Mara Autonomous District Council,
SIAHA.

Authenticated

Chief Secretary
Govt. of Mizoram

I assent to the above bill.

Dated 16.10.1992.

Swaraj Kaushal,
Governor,
Mizoram.