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## NOTIFICATIONS

[No. TDL. 101/74-77/113, the 7th May, 1977. In exercise of the powers conferred by sub-section (4) of section 1 of the Mizoram Trading by Non-Tribals (Regulation) Act, 1974 (Mizoram Act No. 1 of 1975), the Lt. Governor (Administrator) of Mizoram is pleased to appoint the 7th May, 1977 as the date on which the said Act shall come into force in the Aizawl and Lunglei Districts of the Union Territory of Mizoram.]

x x x

[No. TDL. 101/74-77/114, the 7th May, 1977. In exercise of the powers conferred by sub-section (b) of Section 2 of the Mizoram Trading by Non-Tribal (Regulation) Act, 1974 (Mizoram Act No. 1 of 1975) the Lt. Governor (Administrator) of Mizoram is pleased to appoint the following officers as the Licensing Authority within the Jurisdiction specified against them for the purpose of the said Act with effect from 7th May, 1977.

Name	Jurisdiction
1. Deputy Commissioner, Aizawl District.	Within the area of Aizawl District
2. Deputy Commissioner, Lunglei District.	Within the area of Lunglei District.

P. Lalnithangã,  
Secretary to the Govt of Mizoram  
Revenue Department.]

## ORDER

[No. TDL 101/74-77/115, 7th May, 1977. WHEREAS certain non-tribals have been bonafide residing in the areas comprised in the Union Territory of Mizoram for ten years or more and carrying on trade;

AND WHEREAS the Lt. Governor (Administrator) of Mizoram is of the opinion that the operation of the provisions of the Mizoram Trading by Non-tribals (Regulation) Act, 1974 (Mizoram Act 1 of 1975) will cause undue hardship to such non-tribals and that such operation will not be in public interest;

NOW, THEREFORE, in exercise of the powers conferred by Section 14 of the Mizoram Trading by Non-Tribals (Regulation) Act, 1974 (Mizoram Act No 1 of 1975), the Lt. Governor (Administrator) of Mizoram is pleased to exempt from the provisions of the said Act all non-tribals who have been residents in the areas comprised in the Union Territory of Mizoram for ten years or more preceding the date of publication of this order in the Mizoram Gazette and who have been engaged in carrying on any trade since before the commencement of this Act subject to the condition that such non-tribals claiming exemption under this order shall file before the Licensing Authority within sixty days from the date of publication of this order in the Mizoram Gazette a statement in the form as specified in the Appendix to this order.

## APPENDIX

Form of statement to be filed by non-tribal traders claiming exemption from the provision of the Mizoram Trading by Non-Tribals (Regulation) Act, 1974 (Mizoram Act No 1 of 1975) under order No TDL 101/74-77/115 dated 7th May, 1977 of the Government of Mizoram in the Revenue Department.

To

The Licensing Authority

1. Name of the non-tribal trader
2. Address
3. Place where trade is carried on
4. Nature of the trade
5. Period of bonafide residence in Mizoram
6. Signature of the trader
7. Date

P. Lalnithaängä  
Secretary  
to the Govt. of Mizoram  
Revenue Department.]

**THE MIZORAM TRADING BY NON-TRIBALS  
(REGULATION) RULES, 1977**

[No. IDL. 101/74-77/116, the 7th May, 1977. In exercise of the powers conferred by section 15 of the Mizoram Trading by Non-Tribals (Regulation) Act, 1974 (Mizoram Act, No. 1 of 1975) the Lt. Governor of Mizoram is pleased to make the following rules, namely:—

**CHAPTER I**

- Short title, 1.** (a) These rules may be called the Mizoram Trading by Non-Tribals (Regulation) Rules, 1977.
- (b) They shall extend to the whole of the Union territory of Mizoram.
- (c) They shall come into force on the date appointed under sub-section (4) of section 1 of the Act,

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

- (a) "Act" means the Mizoram Trading by Non-Tribals (Regulation) Act, 1974 (Mizoram Act No 1 of 1975);
- (b) "Appellate Authority" means the Committee, constituted by the Government consisting of three official members as may be notified by the Government in the Gazette;
- (c) "court" means the Court of executive Magistrate of competent jurisdiction;
- (d) "fairs" means temporary markets, set up in connection with social or other occasion where goods and commodities may be offered either for display or for sale in stalls or by hawking;
- (e) "festivals" means any celebration, religious, social or philanthropic or sessions of performances of music, plays, sports or the like;
- (f) "gazette" means the Mizoram Gazette;
- (g) "government" means the Government of the Union territory of Mizoram;
- (h) "licence" means the formal grant of permission to trade in goods and commodities, specifying the places where such trades are to be carried out and the period for which the licence shall remain valid and shall include all such terms and conditions as may be specified in the document constituting the licence;

- (l) "non-tribals" means and includes all persons other than the Schedule Tribes enumerated in Part II - Mizoram in the Constitution (Scheduled Tribes) (Union Territories) Order, 1951.
- (j) "trade" means the wholesale or retail purchase of any commodity for sale or the wholesale or retail sale of any commodity purchased for sale.

## CHAPTER II

- Application for grant of licence.** 3. Any non-tribal desirous of trading in any goods or commodities within the Union territory of Mizoram shall apply to the licensing authority in the Form prescribed in Appendix—A together with a Treasury Chalan indicating the deposit of Rupees five as non refundable application fee.
- Grant of licence.** 4. On receipt to the application, the licensing authority shall make a record thereof and shall make enquiries with a view to ascertain the truth or otherwise of the information furnished by the applicant and shall take into account the antecedents, general ability, experience and experties of the applicant and such other factors as may be considered necessary by the licensing authority, and shall make note of the findings, copy of which shall be sent to the Government. The licensing authority, on being satisfied on all aspects aforementioned and depending on the desirability and the merit of the case, shall, in appropriate cases and with information to the Government, issue a license in the Form prescribed at Appendix — B.
- Licence fees.** 5. Every licence shall be issued on payment of licence fees of fifty rupees to be deposited by Treasury Chalan.
- Rules not to apply to certain trades.** 6. Nothing in these rules shall apply to any trade carried on in connection with any fair or festival.
- Revocation of licence.** 7. The licensing authority, after making due enquiry and on being satisfied as required under provisions of section 8 of the Act may revoke any licence for reasons to be recorded in writing :
- Provided that -
- (a) no licence shall be revoked unless thirty clear days notice in writing is served on the licensee calling upon him to show cause as to why the licence shall not be revoked;

- (b) any representation, objection or evidence and circumstances submitted by the licensee shall be heard and considered before revocation of the licence;
- (c) a copy of the revocation order together with a report explaining the grounds on which the licence may be revoked shall be submitted to the Government;
- (d) the licensee shall also be served with a copy of the revocation order.

**Licensing authority to submit monthly returns to Govt.** 8. Every licensing authority shall submit monthly returns of statement indicating the number and details of applications received, licences granted, refused, rejected and revoked during the month, to the Government not later than the 15th day of the following month.

**Disposal of goods etc; on revocation of licence.** 9. Immediately on revocation of a licence, the trader shall submit to the licencing authority a declation in writing, indicating all goods and Commodities urder his ownership or possessions held for the purpose of trade and shall dispose of all such goods or commodities by sale or otherwise within a period of one month from the date of revocation failing which, the licensing authority may take charge of all such goods or commodities, appoint a receiver and dispose of the same by public auction, sale proceeds of which shall be given to the owner of the goods; or commoditie so disposed of:

Provided that on an application made in this behalf, and for good and sufficient reasons, the period for disposal of the goods and commodities may be extended by the licensing authority, so that the aggregate of the period so extended shall not exceed three months.

**Appeal against decisions of licensing authority.** 10. Any person aggrieved by an order or decision of the licensing authority, may before expiry of thirty days from the date of receipt of the order or decision, prefer an appeal before the appeallate authority and represent his case in writing and the appellate authority shall, after examining the records and after hearing the appellant in person, pass such orders as may be deemed fit and proper under the circumstances and the of the appeallate authority shall be be binding upon the licencing authority;

Provided that copies of the orders of the appeallate authority

shall, immediately on disposal of the appeal, be furnished to the appellant, the licensing authority and the Government.

**Renewal of licence.** 11. Every application for renewal of a licence shall be submitted together with a Treasury Chalan indicating deposit of rupees fifty only.

**Persons seeking exemption from provisions of Mizoram Act No. 1 of 1975 to apply to Government.** 12. (1) Any person or class of persons seeking exemption from the provisions of the Act may apply in writing to the Government giving detailed information regarding the length of period of residence in the Union territory, length of period during which any trade has been carried on in the Union territory and the nature of the commodity or commodities in which trading has been done etc., On receipt of such an application, the Government will call for the relevant informations and pass such order as may be deemed fit and proper and a copy of the order shall be communicated to the applicant.

(2) Nothing in sub-rule (1) shall apply to any person who is exempted from the provisions of the Act by virtue of order No TDL 101/74-77/115 dated 7th May, 1977 of the Government of Mizoram in the Revenue Department.

### CHAPTER III

**Inspection, control and supervision.** 13. Every licensed trader shall maintain such books of accounts as prescribed in Appendix 'C'.

### CHAPTER IV

**Licensing authority to submit complaint before court.** 14. The licensing authority, on being satisfied that any trader has violated any of the provisions of these rules or the provisions of section 12 of the Act, shall submit a complaint before the court and thereupon the court shall proceed against the trader under provisions of section 12 of the Act.

**Trial and appeal** 15. For purposes of trial and appeal, cases registered under provisions of section 12 of the Act shall be treated in the manner in which offences entailing similar penalties under the Indian Penal Code are dealt with.

### CHAPTER V

**Provision as to certain modifications** 16. The Government may, at any time, change, alter, amend or insert fresh or further provisions in these rules which shall be binding on the traders, the licensing authority and the appellate authority.

- Legislative Assembly to approve.** 17. All additions, amendments, changes and alterations in these rules, shall be laid before the Legislative Assembly of Mizoram and notwithstanding actions already taken, no change or addition in the rules shall be valid if not approved by the Legislative Assembly or shall be valid in such modified form as may be passed by the Legislative Assembly.

### APPENDIX 'A'

#### APPLICATION FORM FOR GRANT OF LICENCE UNDER SECTION 4 OF THE MIZORAM TRADING BY NON-TRIBALS (REGULATIONS) ACT, 1974.

I/We... ..  
 Son/Daughter of ... ..  
 resident of Village/town/city ... ..  
 ... .. District ... ..  
 State ... .. do hereby apply for the grant of a licence to  
 trade in village/town ... .. in the District  
 ... .. in Mizoram in goods/commodities specified  
 below. Particulars as required under rule 3 of the Mizoram Trading by Non-  
 Tribals (Regulation) Rules, 1977 are furnished below :—

1. 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).
4. Area or the village or town where the trade is to be carried out.
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.
8. Number of Non-Tribals 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 of the year preceding the application and the receipts for payment of such taxes to be enclosed.

I/We hereby testify that the statements made above are true to the best of my/our knowledge and treasury chalan indicating deposit of Rs. 5/- as application fees is enclosed herewith.

Date... ..

Signature of the applicant.

APPENDIX 'B'

FORM OF LICENCE GRANTED UNDER SECTION OF THE MIZORAM TRADING BY NON-TRIBALS (REGULATION) ACT, 1974

Non-Tribal Trade (NTT) Licence No ... .. of ... ..

In exercise of powers conferred under rule 4 of the Mizoram Trading by Non-Tribals (Regulation) Rules, 1977.

Shri/Srimati ... .. Son/ Daughter of ... .. Resident ... .. State ... ..

is hereby granted the licence to trade in the goods and commodities specified below and for a period of ... .. years with effect from the date of issue of this licence. The trade shall be carried out in village/town ... .. and in ... .. area (specific location to be mentioned). The trader shall strictly follow the conditions laid down in the aforesaid rules and those printed overleaf and on non-compliance of any of the rules, the licence shall be revoked. This licence covers only one business establishment and for only one specific location. For opening any branch at any other place, a fresh licence will be required.

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

2. Investment of Rupees ... .. is permitted.

3. Employment of ... .. non-tribals in connection with the trade is permitted.

4. Certified that the trader has deposited Rs 50/- as licensing fee vide Treasury Chalan No ... .. Dated ... .. of ... .. Treasury.

Place ... .. Date ... ..

Signature of Licensing Authority. Seal of the Licensing Authority.



## TERMS AND CONDITIONS OF THE LICENCE

1. The licence holder shall be bound by the provisions of both the Act and the Rules.
2. No commodities other than those permitted in the licence shall be allowed to be transacted.
3. The licence holder shall confine his trading operations only to the area specified in the licence.
4. The licence holder may be required to submit such returns as may be prescribed by the Government.
5. Renewal of licence is subject to the payment of the prescribed fee of Rs. 50/- which may be rejected in the event of default of payment.
6. Failure to comply with any of the conditions of the licence and the provisions of the Mizoram Trading by Non-Tribals (Regulation) Act, 1974 and the rules made thereunder may entail cancellation of the licence.

### APPENDIX 'C'

Form of Account Book to be maintained under Section 7 of the Mizoram Trading by Non-Tribals Regulation) Act, 1974-

For the month of \_\_\_\_\_

- |  |       |
|--|-------|
| 1. Name of Trader                              | _____ |
| 2. Licence No.                                 | _____ |
| 3. Place of Trade                              | _____ |
| 4. Stock in hand at the beginning of the month | _____ |
| 5. Commodities in which licensed for trade     | _____ |

6. Description of commodities received, quantities and the sources of supply.

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7. Details of commodities sold during the month.
8. Stock position at the end of the month.
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Place \_\_\_\_\_  
Date \_\_\_\_\_

Signature of the Trader or  
his authorised agent.]