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### NOTIFICATION

No.H.12018/77/96-LJD, the 29th November, 1996. The following Act of the Mizoram Legislative Assembly, which received the assent of the Governor of Mizoram is hereby published for general information.

The Mizoram Act No.11 of 1996 " The Mizoram State Agricultural Produce Marketing ( Regulation ) Act, 1996.

( Received the assent of the Governor of Mizoram on the 20th Nov. 1996 ).

### AN ACT

to provide for the better regulation of marketing of Agriculture produce and the establishment and proper administration of markets for Agricultural Produce in the State of Mizoram.

Whereas it is expedient to provide for the better regulation of marketing of Agricultural produce and the establishment and proper administration of markets for Agricultural produce and matters connected therewith in the State of Mizoram.

Be it enacted by the Mizoram State Legislature in the forty-seventh year of the Republic of India as follows:

## CHAPTER -I

## PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Mizoram State Agricultural Produce Marketing (Regulation) Act, 1996.

(2) It extends to the whole of the Mizoram State except to the three Autonomous District Councils of Chhimtuipui District, namely :—

- (a) Mara Autonomous District Council
- (b) Lai Autonomous District Council and
- (c) Chakma Autonomous District Council

(3) It shall come into force on such date as the Government may, by notification, in the official Gazette, appoint and different dates may be appointed for different areas.

Definitions

2. In this Act, unless the context otherwise requires :—

(1) "Agriculturist" means a person who ordinarily by his own labour or by the labour of any member of his family or who by the labour of his tenants or by servants or hired labour or otherwise is engaged in the production or growth of Agricultural produce, but does not include a trader, Commission agent, processor or broker or a partner in a trading firm or industrial concern in or in relation to Agricultural produce;

If a question arises on to whether any person is an Agriculturist or not for the purpose of this Act, the decision of the Deputy Commissioner of the District in which such person is engaged in the production or growth of Agricultural produce shall be final;

(2) "Agricultural produce" means all produce and commodities, whether processed or unprocessed of Agriculture, Horticulture, Apiculture, Pisciculture, Viticulture, Sericulture, Animal Husbandry, fleeces and skins of animals, Forest products etc. as are specified in the Schedule or declared by the Government by notification and also includes admixture of two or more of such produce;

(3) "Board" means the Mizoram State Agricultural Marketing Board, established under Section 46 of this Act;

(4) "Broker" means an agent who, in consideration of a commission merely negotiates and brings about a contract for the purchase or sell of notified Agricultural produce on behalf of his principal, but does not receive, deliver, transport, pay for the purchase of or collect the payment for the sell of the notified Agricultural produce;

(5) "Buyer" means a person, a firm, a company or Cooperative Society or Government Agency, Public undertaking/ Public Agency or Corporation, Commission Agent, who himself or on behalf of any person or agent buys or agrees to buy Agricultural produce in the market area as notified under this Act;

(6) "Bye-laws" means the bye-laws made under rules framed under this Act;

(7) "Commission Agent" or "Arhtia" means a person who, in the ordinary course of business, makes or offers a purchase or sale of Agricultural produce, on behalf of the seller or purchaser of Agriculture produce within or outside the market area or keeps it in his custody and control it during the process of its sale or purchase and collects payment thereof for a commission or Arhat;

(8) "Deputy Commissioner" means the Deputy Commissioner of the District and includes an Additional Deputy Commissioner;

(9) "Director" means the person appointed by the State Government by notification, as Director of Agricultural Marketing and includes any officer or officers empowered by the State Government by notification, to exercise or perform such of the powers or functions of the Director under the provisions of this Act or the Rules or the Bye laws made there-under as may be specified in such notification;

(10) "District Council" means a District Council constituted under paragraph 2 of the Sixth Schedule to the Constitution of India;

(11) "Hammal" means a labourer or coolie engaged for Dara-making, loading, unloading, filling, stitching, emptying or carrying any Agricultural produce in the notified Market area;

(12) "Licence" means a licence granted under this Act;

(13) "Licence" means a person or Association, firm, Company, public sector undertaking or Society holding a licence issued under this Act;

(14) "Local authority" shall mean a Municipal Committee, District Board or body of port Commissioner or other authority legally entitled to, or entrusted by the Government with control or management of a municipal or local fund, including District Council and Village Councils;

(15) "Marketing" means buying and selling of Agricultural produce and includes grading, processing, storage, transport, channels of distribution and any other functions associated with the buying and selling;

(16) "Market area" means any area notified under Section 4 of this Act;

(17) "Market charges" includes charges on account or in respect of Commission, brokerage, weighing measuring, hamali (loading, unloading and carrying), cleaning, drying, sieving, stitching, stacking, hiring, gunny-bags, stamping, bagging, storing, ware-housing, grading, surveying, transporting and processing;

(18) "Marketing Committee" means the Agriculture Produce Marketing Committee established under Section 10 of this Act;

(19) "Market Functionary" means a dealer, a broker, a Commission agent, buyer, Hamal, Processor, a stockist, a trader and such other person as may be declared under the rules or bye-laws to be a market functionary;

(20) "Market proper" means any area including all lands with the buildings and structures thereon within such distance of the principal or sub-market yard as the State Government may, by notification, declare it to be a market proper;

(21) "Market yard" means a specified place and includes any enclosure, building or locality, declared as such in any market area by the State Government or the Director by notification;

(22) "Notified Agricultural Produce" means any Agricultural produce notified under Section 4 of this Act;

(23) "Prescribed" means prescribed by rules made under this Act;

- (24) "Processing" means anyone or more a series of treatments relating to powdering, crushing, decorticating, husking, parboiling, polishing, ginning, pressing, drying, curing or any other manual, mechanical, chemical or physical treatment to which raw-Agricultural produce or its product and matters connected therewith is subjected to;
- (25) "Processor" means a person who processes any notified Agricultural produce on his own accord as on payment of charge;
- (26) "Principal Market Yard" in relation to a market area means a specified place and includes any enclosures, buildings or locality declared as such in any market area by the State Government by notification;
- (27) "Regulations" means regulation made by the Board or Marketing Committee, in accordance with the provisions of this Act;
- (28) "Retail Sale" in relation to a notified Agriculture produce means a sale not exceeding such quantity as the Marketing Committee may, by-laws, determine to be retail sale in respect thereof;
- (29) "Rules" means rules made under this Act;
- (30) "Schedule" means a schedule appended to this Act;
- (31) "Secretary" means the Secretary of a Marketing Committee and includes any other officer who is the Chief Executive Officer of the Marketing Committee;
- (32) "Seller" means a person who sells or agreed to sell any Agricultural produce and includes a person who sells on behalf of any other person as his agent or servant or Commission agent;
- (33) "Sub-Market Yard" in relation to market area means a specified place and includes any enclosure, building or locality declared as such in any market area by the State Government by notification;
- (34) "Trade allowance" means anything realised in cash or kind by the purchaser from seller in any transaction relating to Agriculture produce, either by deduction from the price agreed upon or otherwise;
- (35) "Trader" means any person who in his normal course carries on the business of buying or selling, storing or processing of any notified Agricultural produce as a principal or as a duly authorised agent.

## CHAPTER II

## ESTABLISHMENT OF MARKETS

Notification of intention of regulation of marketing of notified agricultural produces in market area

3. (1) The State Government may, by notification in the official Gazette declare its intention of regulating the marketing of such agricultural produce and in such area as may be specified in the notification.

A copy of the notification under this Section shall also be published in the Mizo Language in news papers.

(2) A notification under sub-section (1) shall state that any objection or suggestion which may be received by the State Government or the Director within a period of not less than fortyfive days, to be specified in the notification, shall be considered by the State Government.

Declaration of market area and re-gulation of marketing

4. After the expiry of the period specified in the notification issued under Section 3 and after considering such objection and suggestions as may be received before such expiry and making such enquiry, if any, as may be necessary, the State Government may, by another notification in the Official Gazette declare the area specified in the notification issued under Section 3 or any portion thereof to be market area for the purpose of this Act and that marketing of all or any of the kinds of agricultural produce specified in the notification issued under this act in such market area. A copy of the notification under this Section shall also be published in news papers in Mizo language.

Alteration of Market area and items of regulated agricultural produce

5. (1) Subject to the provision specified in Sections 3 and 4, the State Government may, at any time by notification, in the official Gazette include from any market area, any area or include therein and additional area or may declare that the regulation of the marketing of any agricultural produce in any market area shall cease or that the marketing of any agricultural produce (hitherto not regulated) shall be regulated in such market area;

Provided that no notification shall be issued under this Section without giving in the Gazette previous notice of not less than 45 days as the State Government consider reasonable of its intention to issue such notification.

(2) Where a notification is issued under sub-section (1), excluding area from any market area and such excluded area is not declared to be separate market area or a notification is issued under Sub-section (1), including, any area within the market area, the Marketing Committee constituted for

such market area before the date of such exclusion or inclusion shall, notwithstanding anything contained in this Act, continued to be the Marketing Committee for the said Marketing Committee under this Act.

(3) When any area ceases to be market area under Sub-section (1) the Marketing Committee constituted therefore shall cease to exist, and the property and rights vested in any such Marketing Committee shall subject to all charges and liabilities effecting

(4) Where any such area is included in two or more other market areas, the State Government shall by order direct that such property rights, charges and liabilities shall vest in the Marketing Committees of such areas in such manner and in such proportions as may be specified in such order.

Amalgamation/  
Division of  
Marketing Com-  
mittees

6. Where the State Government is satisfied that for securing efficient regulation of Marketing of any agricultural produce in any market area, it is necessary that two or more Marketing Committees therein should be amalgamated, then the State Government may, after consulting the Marketing Committees concerned provide for the amalgamation of such Marketing Committees into a single Marketing Committee for the market area in respect of the agricultural produces specified in the notification, with such constitution, property, right, interest and authorities and such liabilities, duties and obligations (including provision in respect of contracts assets, employees, proceedings, and such incidental, consequential and supplementary matters as may be necessary to give effect to such amalgamation) as may be specified in the notification.

Division of  
Market area into  
two or more se-  
parate market  
areas

7. (1) Subject to the procedure specified in Sections 3 and 4, the State Government may divide a market area into two or more separate market areas.

(2) When during the term of Marketing Committee the market area for which it is established is divided into two or more separate market areas, the following consequences shall ensue :—

(a) the Marketing Committee constituted for the Market area under this Act shall be deemed to have been dissolved and the State Government shall constitute separate Marketing Committee under Section 13 for each of the separate market areas subject to such conditions as may be prescribed;

(b) the term of office of the newly constituted committees shall be the same as is applicable to the first Marketing Committee under Sub-section (1) of Section 13;

(c) the assets, right and liabilities of the dissolved Marketing Committee shall be distributed by the State Government between the new Marketing Committees in accordance with such rules as may be prescribed;

(d) any appointment, notification, notice, fee, order, scheme, licence, permission, bye-law or form made, issued or imposed by the Marketing Committee which has been dissolved, in respect of any part of the area subject to the authority of the new Marketing Committees shall be deemed to have been made, issued or imposed by such Marketing Committees concerned unless and until it is superceded by any notification, notice, fee, order, scheme, licence, permission, rule, bye-law or form-made, issued or imposed by it.

(3) If any difficulties arise in giving effect to the provisions of this Section, the State Government or the Director may by order publish in the official Gazette, as the occasion may require, do anything which appears to it to be necessary to remove the difficulty.

Market, Market  
Yards, Sub-Mar-  
ket yards and  
Market Proper

8. (1) For every notified Market Area, there shall be one principal market yard and one or more sub-market yards corresponding to market proper, as may be necessary.

(2) The State Government shall, as soon as may be, after the issue of notification under Section 4, by notification:—

(a) declare any specified place including any structure, enclosure, open place, or locality in the market area whether vested in the Marketing Committee of the market area or not, to be a market yard or sub-market yard for such notified agricultural produce as may be a specified in such notification; and

(b) declare, in relation to such market yard or sub-market yard, any specified area in the market area to be market proper.

Control of Mar-  
keting of noti-  
fied agricultural  
produce

9. On the establishment of a market under Section 4:

(a) no local authority shall, notwithstanding anything contained in any law for the time being in force, set up, established or continued or used any place in the market area/market proper for the marketing of any notified agricultural produce; except in accordance with the provisions of this Act. Provided that the local authority may establish or continue any place for retail sale of any notified agricultural produce subject to the condition that no Market functionary



shall operate in such place except in accordance with the provisions of this Act, and the rules and the bye laws and standing orders of the Marketing Committee;

(b) no person shall, except in accordance with the provisions of this Act and the rules and bye laws made thereunder:—

(i) use any place in the market area for the marketing of the notified agricultural produce, or

(ii) operate in the market area as Market functionary in relation to the marketing of the notified agricultural produce;

Provided that nothing herein shall apply to:

(a) the sale or purchase of such agricultural produce:—

(i) the producer whereof is himself its seller and such sale is made to a person who purchases it for his own private consumption;

(ii) the person who purchases such produce within the market yard or sub-market yard, as the case may be, from a trader for retail sale;

(b) Agricultural produce which is purchased by an authorised fair price shop dealer from the Food Corporation of India, the State Commodity Trading Corporation or any other agency or institution authorised by the State Government for distribution through the public distribution system;

The transfer of such agricultural produce to a Co-operative Society, Ware house, or a Bank for the purpose of securing an advance therefrom.

### CHAPTER III

#### CONSTITUTION OF MARKETING COMMITTEES

- Establishment of marketing Committee and its incorporation
10. (1) For every Market area, the State Government may establish a Marketing Committee having jurisdiction over the entire Market area.
- (2) Every Marketing Committee shall be a body corporate by such name as the State Government may, by notification, specify. It shall have perpetual succession and a common seal and may sue and be sued in its corporate name and shall subject to such restrictions as are imposed by or under this Act, be competent to conduct and to require, hold lease, sale or otherwise transfer any property and to do all other things necessary for the purpose for which it is estab

Provided that no immovable property shall be acquired or transferred by way of sale, lease or otherwise without the prior permission of the Director/Board.

(3) Notwithstanding anything contained in any enactment for the time being in force, every Marketing Committee shall be deemed to be a local authority.

Vesting of property of local authority in Marketing Committee

11. (1) The Marketing Committee may require local authority to transfer to it any land or building belonging to the local authority which is situated within the Market Yard and which immediately before the establishment of the market was being used by the local authority for the purposes of the market and the local authority shall within one month of the receipt of the requisition, transfer the land and/or building, as the case may be, to the Marketing Committee on such terms as may be agreed upon between them.

(2) Where within a period of thirty days from the date of receipt of requisition by the local authority under Sub-section (1) no agreement is reached between the local authority and the Marketing Committee under the said Sub-section, the land or building required by the Marketing Committee for the purposes of this Act and the local authority shall be paid such compensation as may be determined by the concerned authority under Sub-section (5).

Provided that no compensation shall be payable to a local authority in respect of any land or building which had vested in it by virtue of the provision contained in the enactment relating to the constitution of such local authority without payment of any amount whatsoever for such vesting.

Provided further that any party aggrieved by the order of the concerned authority may, within thirty days from the date of such order, appeal to the State Government.

(3) The local authority shall deliver possession of the land or building vesting in the Marketing Committee under Sub-section (2) within a period of seven days from such vesting and on a direction of the local authority to do so, within the period aforesaid, the Deputy Commissioner of the District shall take possession of the land or building and cause it to be delivered to the Marketing Committee.

(4) The order of the State Government and subject to that order, the order of the concerned authority in their respective District under Sub-section (2) shall be final and binding on both the parties.

(5) The Deputy Commissioner shall fix the amount of compensation for the land or building having regard to :-

- (i) the annual rent for which the building might reasonably be expected to be let from year to year;
- (ii) the condition of the building;
- (iii) the amount of compensation paid by the local authority for the acquisition of such land; and
- (iv) the cost or the present value of any building erected or other works executed on the land by the local authority.

(6) The compensation fixed under Sub-section (5), may, at the option of the Marketing Committee, be paid in lump-sum or in such number of equal instalment not exceeding ten as the Deputy Commissioner may fix. Where the compensation paid in instalment, it shall carry interest at the rate of six per cent per annum which shall be payable along-with the instalment.

Acquisition of  
land for Mar-  
keting Com-  
mittee

12. (1) When any land within the market area is required for the purpose of this Act and the Board or the Marketing Committee is unable to acquire it, by agreement the State Government may, at the request of the Board or the Marketing Committee, as the case may be proceed to acquire such land under the provisions of the Land Acquisition Act, 1894 (No 1 of 1894) and on the payment of the compensation awarded under that Act by the Board or Marketing Committee and of any other charges incurred by the State Government in connection with the acquisition, the land shall vest in the Board or the Marketing Committee, as the case may be:

Provided that once a proposal is made by the Marketing Committee, it shall not be withdrawn by it except for such reasons as may be approved by the State Government.

(2) The Board or the Marketing Committee shall not, without the previous sanction of the State Government, transfer any land which has been acquired for the vests in the Board or the Marketing Committee under Sub-section (1) or divert such land to a purpose other than the purpose for which it has been acquired.

Appointment  
of officer-in-  
charge or Com-  
mittee-in-charge  
pending con-  
stitution of

13.(1) When a Marketing Committee is established for the first time under this Act, the State Government or the Director shall by an order appoint :-

- (a) a person to be the officer in charge, for a period not exceeding two years, or

first Marketing  
Committee

(b) a Committee consisting of not more than eleven members to be the Committee-in-charge. The members of the Marketing Committee may be appointed from among persons representing the same interest and in the same proportion as specified in Section 14 of the Act for a period not exceeding one year. The officer-in-charge or the Committee in charge shall subject to the control of the Director, exercise all the powers and perform all the duties of the Marketing Committee under this Act :

Provided that the State Government may at any time during the period aforesaid appoint Committee-in-charge in place of officer-in-charge and officer-in-charge in place of Committee incharge, as the case may be, so appointed shall hold office or shall function for the remaining of the period available to its predecessor:

Provided further that in the event of death, resignation, leave or suspension of the officer in-charge, a casual Vacancy shall be deemed to have occurred in such office and such vacancy shall be filled, as soon as may be, by appointment of a person thereto by the State Government or the Director and until such appointment is made, a person nominated by the Director shall act as officer-in-charge:

Provided that if the Marketing Committee is constituted before the expiry of the period aforesaid the officer incharge shall cease to function on the date appointed for the first general meeting of the newly constituted Marketing Committee.

(2) In the event of a vacancy occurring on account of death, resignation or otherwise in the office of the Marketing Committee in-charge, the Vacancy shall be filled in by fresh appointment by the State Government or the Director.

(3) Any officer in-charge or any or all persons appointed on the Committee in-charge under clause (a) of Sub-section (1) may at any time be removed by the Director who shall have power to appoint another person or persons, as the case may be, in his or their places.

(4) Every person appointed officer-in-charge under Sub-section (1) shall receive from the Marketing Committee fund for his services such pay and allowances as may be fixed by the Director and every member of the Committee-in-charge shall be entitled to receive from the Marketing Committee fund allowances at such rate at which allowances are payable to members of the Marketing Committee.

Constitution 14. (1) Save as Provided in Section 13, every Marketing Committee of the Marketing Committees shall consist of the following members, namely :—

(i) Six members of agriculturists, of which one shall be a woman agriculturist, and another one shall be a representative of village Council within the notified Market area who belong to an agriculturist:

Provided that the agriculturist may include owner of the Cattle whenever the Marketing Committee constituted for cattle market.

(ii) Two members shall be licenced traders elected amongst themselves in the manner prescribed:

Provided that the minority traders are adequately represented when-ever the market deals with more than one group of commodities i.e fruit and vegetables, grains, etc.

(iii) One member shall be representative of the Cooperative Marketing Society/Societies nominated by the Registrar of Co-operative Society:

Provided that such representative shall be the Chairman or Vice-Chairman or Honorary Secretary of the Cooperative Marketing Society.

(iv) Two members shall be the Government nominees out of which, one member shall be the representative of the State Department dealing with agricultural marketing and one member shall be the representative of the State Agricultural or Co-operation Department.

(2) A member elected under clauses (i), (ii) and (iii) of Sub-section (1) shall cease to hold office as such member if he ceases to be a member of the electorate by which he was elected.

(3) The State Government may make rules to provide for the election of the members of the Marketing Committee, the authority which shall conduct election, determination of constituencies, the preparation and maintenance of the list of voters, disqualifications for being chosen as, and for being, a member, the right to vote, the payment of deposit and its forfeiture, election offences, the determination of election disputes and all matters ancillary thereto.

(4) On the failure of the electorate mention in clause (i) and (ii) of sub-section (1) to elect a member or members referred to in the said clause after the election proceedings

have been started in accordance with the provisions of this Act or the rules made thereunder, the State Government shall nominate on behalf of the electorate concerned a person or persons qualified to be a member or members of the Marketing Committee.

(5) Members of every Marketing Committee shall hold office for a period of five years from the date of the first general meeting of the Marketing Committee.

(6) If within the period mentioned in Sub-section (5), the Marketing Committee is not newly constituted, the Marketing Committee shall, on the expiry of such period, be deemed to have been dissolved.

(7) An elected member of the Marketing Committee may resign his office at any time by a letter in writing addressed to the Director/Board to that effect and his office shall become vacant on expiry of fifteen clear days from the date of such resignation unless within the said period of fifteen days he withdraws the resignation by another letter in writing addressed to the Director/Board.

(8) In the event of the death, resignation or removal of a member before the expiry of his term of office, a Casual Vacancy shall be deemed to have occurred in such office and such vacancy shall be filled as soon as may be by the election or nomination, as the case may be, of a person there-to as member, who shall take office forthwith and shall hold such office for the unexpired term of his predecessor; Provided that no casual vacancy shall be filled which occurs within a period of four months proceeding the date on which his term expires.

(9) The Chairman and other members of the Marketing Committee shall be paid from the Marketing Committee Fund such Honorarium, Sitting fees, Travelling Allowances and other allowances as may be fixed by the Director from time to time.

Chairman and  
Vice-Chairman  
of Marketing  
Comm ttee

15. (1) Every Marketing Committee shall have a Chairman and Vice-Chairman. The Chairman shall be elected by the elected members of the Marketing Committee from amongst those who are representatives of Agriculturist. The Vice-Chairman shall be elected by the elected members of the Marketing Committee from amongst themselves.

(2) After every General Election, the Marketing Committee shall elect the Chairman and Vice-Chairman at its first General meeting which shall be convened by the Director within one month of the general election. The Chairman and Vice-Chairman so elected shall hold office for the full term from the date on which they enter upon their respective offices.

(3) The Chairman and Vice-Chairman shall notwithstanding the expiry of their term of office, continue to hold office until their successors enter upon their office.

(4) The meeting convened for the election of the Chairman and Vice-Chairman shall be presided over by the Director or any officer authorised by him in his behalf. The Director or such officer, when presiding over the meeting, have the same Powers as the Chairman when presiding over a meeting of the Marketing Committee, but shall not have the right to vote.

(5) If in the election of a Chairman or Vice-Chairman, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the Officer presiding in such manner as he may determine.

(6) In the event of dispute, arising as to the validity of the election of a Chairman or Vice-Chairman the Director, if he is the presiding Officer, shall decide the dispute himself and in any other case officer presiding shall refer the dispute to the Director for decision. The decision of the Director shall subject to an appeal to the State Government be final and no suit or other proceeding shall lie in any court of law in respect of such decision.

(7) (i) Where the Director/Board is satisfied that the books and records of Marketing Committee are likely to be suppressed, tempered with or destroyed or the funds and property of a Marketing Committee are likely to be misappropriated or misapplied, the Director or the person authorised by him may apply to the Executive Magistrate within whose jurisdiction the Marketing Committee is functioning for seizing and taking possession of the record and property of the Marketing Committee.

(ii) On receipt of the application under Sub-section (i) the Magistrate may authorise any Police officer not below the rank of Sub-Inspector to enter and search any place where the records and property are kept or are likely to be kept and to seize them and handover possession thereof to the Director or the person authorised by him, as the case may be.

Resignation by  
Chairman and  
Vice-Chairman  
and Vacancy in  
their office.

16. (1) A member holding office of Chairman or Vice-Chairman may resign his office at any time in writing addressed to the Director and the Office shall become vacant on the expiry of fifteen clear days from the date of such resignation, unless within the said period of fifteen days he withdraws the resignation in writing addressed to the Director.

(2) Every Chairman and Vice-Chairman shall vacate office if he ceases to be a member of the Marketing Committee.

(3) During the vacancy caused by death or resignation removal or otherwise in the office of the Vice-Chairman is also vacant, then notwithstanding anything contained in this Act, such member of the Marketing Committee as the Director may appoint shall exercise the powers and perform the functions of the Chairman till the new Chairman is duly elected.

No-confidence  
motion against  
Chairman or  
Vice-Chairman

17. (1) A motion of no-confidence may be moved against the Chairman or the Vice-Chairman at a meeting specially convened for the purpose under Sub-section (2) and if the motion is carried by a majority of not less than two-thirds of the members present and voting and if such majority is more than one-half of the total number of members constituting the Marketing Committee for the time being. The Chairman or the Vice Chairman, as the case may be, against whom such motion is passed, shall cease to hold his office with effect from the date immediately next after the date on which such motion is passed.

(2) For the purpose of Sub-section (1), a meeting of the Marketing Committee shall be held in the prescribed manner within thirty days of the date of receipt of the notice of motion of no-confidence.

(3) The Chairman or Vice-Chairman shall not preside over the meeting, but such meeting shall be presided over by an officer of the Government as the Director may appoint for the purpose. However, the Chairman or Vice-Chairman, as the case may be, shall have a right to speak and otherwise to take part in the proceeding of the meeting.

(4) If the motion of no-confidence is not carried as aforesaid or if the meeting could not be held for want of quorum, no notice of any subsequent motion expressing want of confidence in the same Chairman or Vice-Chairman shall be made until after the expiry of six months from the date of such meetings.



## CHAPTER - IV

CONDUCT OF BUSINESS AND POWERS AND  
DUTIES OF MARKETING COMMITTEE

Meeting etc. of  
the Marketing  
Committee

18. (1) Subject to the provisions of this Act, the Marketing Committee shall conduct the business in accordance with the rules made for this purpose.

(2) A Marketing Committee shall meet for the transaction of its business at least once in every quarter, provided that the Marketing Committee may in special circumstances meet at any time and at any place in the Market area as may be prescribed.

Power and du-  
ties of Market-  
ing Committee

19. (1) Subject to the provisions of this Act, it shall be the duty of the Marketing Committee :

(i) to implement the provisions of this Act, the Rules and the bye-laws made thereunder in the Market area;

(ii) to provide such facilities for marketing of Agricultural produce therein as the Director or the State Government may from time to time direct;

(iii) to do such other acts as may be required in relation to the superintendence, direction and control of Market or for regulating marketing of agricultural produce in any place in the Market area, and for purposes connected with the matters aforesaid, and for that purpose may exercise such powers and discharge such functions as may be provided by or under this Act.

(2) Without prejudice to the generality of the foregoing provisions, a Marketing Committee may :-

(i) maintain and manage the Market Yard and Sub-Market Yards within the Market area;

(ii) provide the necessary facilities for the Marketing of Agricultural Produce within the Market Yards and outside the Market Yards and within the sub-market yards in the market area;

(iii) grant or refuse licences to Market functionaries and renew, suspend or cancel such licences, supervised the conduct of the market functionaries and enforce conditions of licences;

(iv) regulate or supervise the auction of notified agricultural produce in accordance with the provisions/procedure laid down under the rules made under this Act or bye-laws of the Marketing Committee;

(v) conduct or supervise the function of notified agricultural produce in accordance with the procedure laid down under the rules made under this Act or bye-laws of the Marketing Committee;

(vi) regulated the making, carrying out and enforcement or cancellation of agreements of sales, weightment, delivery, payment and all other matters relating to the marketing of notified agricultural produce in the manner prescribed;

(vii) organise grading of notified agricultural produce;

(viii) provide for the settlement of all disputes between the seller and the buyer arising out of any kind of transaction connected with the marketing of notified agricultural produce and all matters ancillary thereto in the manner prescribed;

(ix) arrange for collection of such agricultural produce in the Market Area in which all trade therein is to be carried out on exclusively by the State Government by or under any law in force for that purpose or such agricultural produce in the Market area, as the State Government may, from time to time notify;

(x) collect, maintain and disseminate information in respect of production, sale, storage, processing, prices and movement of notified agricultural produces;

(xi) take all possible steps to prevent adulteration of goods and promote grading and standardisation of the notified agricultural produces;

(xii) take measures for the prevention of the purchases and sale below the minimum support prices as fixed by the Government from time to time;

(xiii) levy, take, recover and receive rate, charges, fees and other sums of money to which the Marketing Committee is entitled;

(xiv) employ the necessary number of officers and servants for the efficient implementation of the provisions of this Act, the rules and the bye-laws as prescribed;

(xv) regulate the entry of person and vehicles, traffic into the Market Yard and Sub-Market Yard vesting in the Marketing Committee;

(xvi) prosecute persons for violating the provisions of this Act, the rules and the bye-laws and compound such offences;

(xvii) acquire, hold and dispose of any moveable or immoveable property for the purpose of efficiently carrying out its duties;

(xviii) impose penalties on persons who contravene the provisions of this Act, the rules or the bye-laws or the orders or directions issued under this Act, the rules or the bye-laws by the Marketing Committee, its Chairman or by any Officer duly authorised in this behalf;

(xix) institute or defend any suit prosecution, action proceeding, application or arbitration and compromise such suit;

(xx) provide facilities such as provisions of space for direct sales by a producer and assist a producer by preparing invoices and bills in his behalf when he sell his produces to a trader without employing a commission agent;

(xxi) pay pensions, leave allowances, gratuities, compassionate allowances and contributions towards leave allowances, pensions or provident fund of the officers and servant employed by the Marketing Committee in the manner prescribed;

(xxii) administer Marketing Committee Fund referred to in Section 44 and maintain the account thereof in the prescribed manner;

(xxiii) keep a set of standard weights and measures in each Principal Market Yards and sub-market yards against which weightment and measurement may be checked;

(xxiv) inspect and verify scales, weights and measures in use in a Market area and also the books of accounts and other documents maintained by the Market functionaries in such manner as may be prescribed;

(xxv) arrange to obtain fitness (health) certificate from Veterinary Doctor in respect of animals, cattles, birds, etc. Which are bought or sold in the Market Yards/Market areas;

(xxvi) carry out publicity about the benefits of regulation, the system of transactions, facilities provided in the Market Yard etc. through such means as posters, pamphlets, boardings,

cinema slides, film shows, group meeting etc. or through any other means considered more effective or necessary;

(xxvii) ensure payment in respect of transactions which take place in the Market area to be made on the same day to the seller and in default to seize the agricultural produce in question alongwith other property of the person concerned;

(xxviii) make arrangement for weighment and hammals for weighing and transporting of goods in respect of transaction held on the market yard/sub-market yard;

(xxix) recover the charges in respect of weighment and hammals and distribute the same to weighment and hammals if not paid by the purchaser/seller, as the case may be; and

(xxx) With the prior sanction of the State Government or the Director/Board undertake the construction of roads in the Market area to facilitate movement of agricultural produce to the Market for benefit of producer-sellers and traders operating in the Market area;

**Appointment of Sub-Committee and delegation of power**

20. The Marketing Committee may appoint one or more Sub-committees consisting of one or more of its members for reporting or giving opinion on any matter relevant to the Marketing Committee of it may, subject to such restrictions and conditions as may be specified in the bye-laws, delegate to any such Sub-committee such of its powers or duties as it may think fit.

**Power to levy Market fees**

21. (1) The Marketing Committee shall levy and collect Market fees in respect of Agricultural Produce brought into and bought or sold in the Market area in a manner and at the rates as prescribed in the rules provided that the fees so levied shall not be less than one rupee per one hundred rupees at the price of the Agricultural Produces.

(2) For purpose of Sub-section (1) all notified Agricultural Produces leaving Market Yards shall unless the contrary is provided, be presumed to have been bought within such Market Yards by the person in possession of such produce.

**Power to order production of Accounts and Power of entry, inspection and seizure**

22. (1) Any Officer or Servant of the Marketing Committee/ Marketing Board empowers in this behalf, may, for purposes of this Act require any person carrying of business in any kind of notified Agricultural Produce to produce before him the accounts and other documents and to furnish any information relating to the stocks of such Agricultural Produce, or purchases, sales and deliveries of such Agricultural Produce by such person and also any other information relating to payment of the Market fees and payment to the sellers by such persons.

(2) All Accounts and Registers maintained by any person in the ordinary course of business in any notified Agricultural Produces and the documents relating to the stocks of such Agricultural Produces or purchases, sale and deliveries of such Agricultural Produce in his possession and the Office, establishment, Godowns, vessels or vehicles of such persons shall be opened to inspection at all reasonable times issue by such officers and servants of the Marketing Committee as may be authorised in this behalf.

(3) If any such officer or servant has reason to suspect that any person is attempting to evade the payment of any Market fee or any other charges due from him under this Act or rules or the bye-laws or that any person has purchased any notified Agricultural produce in contravention of any of the provisions of this Act or the rules or the bye-laws in force in the Market areas, he may for reasons to be recorded in writing seize such accounts registers or documents of such persons as may be necessary any shall grant a receipt for the same and shall retain the same only so long as may be necessary for examination thereof or for a prosecution.

(4) For purpose of Sub-section (2) or Sub-section (3), such Officer or servant may enter or search any place of business, warehouse, office, establishment, godown, vessels or vehicles where such Officer or servant has reason to believe that such person keeps or for the time being keeps any accounts, register or documents of his business or stock of notified Agriculture produce relating to his business.

(5) The provision of Section 100 (4) to(8) of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) shall, so far as may be, applied to a search under Sub-section (4).

Power to stop  
vehicles, etc. 23.

(1) At anytime when so required by any Officer or servant of a Marketing Committee/Marketing Board/Director empowered in this behalf, the Driver or any other person in-charge of any vehicle, vessels or other conveyance, which is taken or proposed to be taken out of the Market area shall stop the vehicles, vessels or other conveyance, as the case may be, and keep it stationery, as long as may be reasonably necessary and allow such Officer or servants to examine the contents in the vehicles, vessels and other conveyance and inspect all records relating to notified Agriculture produce carried and give his name and address and the name and address of the of the vehicles, vessels or other conveyance and of the owner of notified Agricultural produces carried in such vehicles, vessels and other conveyance.

(2) The Officer or servants of the Marketing Committee/Board/ State Government empowered under Sub-section (1) shall have power to seize any notified Agricultural produce taken or proposed to be taken out of the market area in any vehicles, vessel or other conveyance, if such Officer or servant has reason to believe that any fee or other amount due under this Act in respect of such produce has not been paid. Such seizure shall forthwith be reported by the Officer or servant aforesaid to Magistrate having Jurisdiction to try the offence under this Act and the provisions of Sections 457, 458 and 459 of the Code of Criminal Procedure, 1973, shall so far as may be, apply in relation to the notified Agricultural produce seized as aforesaid as they apply in relation to property seized by a Police Officer.

Power to borrow

24. (1) A Marketing Committee may, with the previous sanction of Director/Board, raised money or issue debenture required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act.

(2) The Marketing Committee may, for the purpose of meeting the initial expenditure on lands, building, staff and equipments required for establishing the Market, obtain a loan from State Government or Marketing Board or other financial institution.

(3) The conditions subject to which money or loan under Sub-section (2) shall be raised or obtained and the time within which the same shall be repayable shall be subject to the previous sanction of the State Government or the Director or the Board.

Compounding of offences (25)

(1) The Marketing Committee may accept from any person who has committed or is reasonably suspected of having committed an offence (other than contravention of Section 37 and 38) against this Act or the rules or bye-laws, made there under by way of compounding of such offence:-

(a) Where the offence consist of the failure to pay or the evasion of any fee, or other amount recoverable under this Act or the Rules or the bye-laws, in addition to the fee or other amount so recoverable, a sum of money not less than the amount of the fee or other amount and not more than five times the amount of fee or other amount with a minimum of rupees two hundred and fifty; and

(b) in other cases, a sum of money not exceeding one thousand rupees.

(2) On the compounding of any offence under Sub-section (1), no proceeding shall be taken or continued against the person concerned in respect of such offence, and if any proceedings in respect of such offence have already been instituted against him in any Court, the compounding shall have the effect of his acquittal.

Power to write off irrecoverable fee etc. 26. A Marketing Committee may write off any fee or other amount whatsoever due to it whether under a contract or otherwise, or any amount Payable in connection therewith if in its opinion, such fee or amount is irrecoverable:

Provided that the Marketing Committee shall, before writing off any such fee, or amount obtained the sanction of the Director of Marketing/Chairman, Agriculture Marketing Board/Chief Executive Officer, if the fee or amount exceeding rupees five hundred.

Power to remove encroachment on Market Yard 27. Any Officer or servant of the Marketing Committee or the Board empowered by the State Government in this behalf shall have the power to remove any encroachment in any space in the Market Yard and the expenses of such removal shall be paid by the person who has caused the said encroachments and shall be recovered in the same manner as arrears of Land Revenue.

Use of weighing instruments, measures, their inspection and seizure 28. (1) Only such weighing instruments as satisfy the requirements of, and such weight and measures are as prescribed by the under shall be used for weighing and measuring agricultural produce in a notified Market areas;

Provided that in transaction of sale and purchase of Agricultural produce in the principal Market Yard and Sub-Market Yards of the notified Market area, the beam-scale or platform scale shall only be used.

(2) Every Marketing Committee shall keep in the Market Yard at least one weighing instrument of the capacity of one quintal and two sets of weights and in places where measures are used two sets of measures, verified and stamped in accordance with the provisions of the State Weight and Measures Act, and the Rules framed thereunder. The Committee shall caused such weights and measures to be tested and verified once in the course of each Calender year through the Agency appointed and in accordance with the requirements of the said Act and rules.

(3) The Marketing Committee shall allow any person to check free of charge any weight or measure in his possession against the weights and measures maintained under this section.

(4) Weighing instruments, weights and measures kept by a Committee under this Section may at any time be inspected, examined and checked by the Director or Chairman or the Secretary of the Board or any other office duly authorised in this behalf by the Director/Chairman of the Board. After inspection the inspecting authority may have such directions as it may deem proper. The Committee shall be bound to comply with such directions.

(5) The Director or Chairman/Secretary of the Board or the Marketing Committee, and any time and without previous notice to inspect, examine and test any weighing instruments, weight or measure used, kept or possessed within a notified Market area by a Licencee under the Act, and every such licencee in possession of any such weighing instruments, weight or measure shall, when requested, be bound to produce the same before the person entitled so to inspect, examine and test it.

(6) Any person authorised to inspect, examine and test any weighing instrument, weight or measure under Sub-section (5) shall while so acting, have all the powers of an Inspector, weight and measures appointed under the State Weights and Measures Act.

Mode of making contract

29. (1) Subject to the provision of this Act, no contract or agreement on behalf of the Marketing Committee for the purchase, sale, lease, mortgage or other transfer of or acquisition of interest in immovable property shall be executed except with the sanction of the Marketing Committee:

Provided that in cases where the powers under this Sub-section in respect of any matters are delegated to a Sub-committee, sanction of Sub-committee shall be obtained.

(2) Save as provided in sub-section (1):—

(a) the Secretary of the Marketing Committee may execute contract or agreement on behalf of the Marketing Committee where the amount or value of such contract or agreement does not exceed rupees five thousand regarding matters in respect of which he is generally or specifically authorised to do so by a resolution of the Marketing Committee;

(b) the Chairman and the Secretary of the Marketing Committee may jointly execute contract or agreement on behalf of the Marketing Committee where the amount or value of such contract or agreement does not exceed rupees twenty thousand depending on the class of the Marketing Committee as may be prescribed;



(c) in any case other than those referred to in (a) and (b), a contract or agreement on behalf of the Marketing Committee shall be executed by Chairman, the Secretary and other member of the Marketing Committee who shall have been generally or specially authorised by a resolution of the Committee to do so.

(3) Every contract entered into by the Marketing Committee shall be in writing and shall be signed on behalf of the Marketing Committee by the person or persons authorised to do so under Sub-section (2).

(4) No contract other than a contract executed as provided in Sub-section (1), (2) or (3) shall be valid or binding on the Marketing Committee.

(5) Where a contract or agreement is entered into on behalf of a Marketing Committee, the Secretary of the Marketing Committee shall report the fact to the Marketing Committee at its meeting convened and held immediately following the date of entering into of such contract or agreement.

Act of Marketing Committee not to be invalidated

30. No Act of Marketing Committee or of any Sub-Committee thereof or of any person acting as a member, Chairman, Vice-Chairman, Presiding Authority or Secretary shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such Marketing Committee or, Sub-committee, Members, Chairman, Vice-Chairman, Presiding Authority or Secretary or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold a meeting of the Committee or of the Sub-Committee was not given duly or by reason of such act having been done during the period of any vacancy in the office of the Chairman, Vice-Chairman or Secretary or member of such Committee or Sub-Committee or for any other informality not affecting the merits of the case.

## CHAPTER — V BUDGET

Preparation and sanction of Budget

31. (1) Every Marketing Committee shall prepare and pass the Budget of its income and expenditure for the ensuing year in the prescribed form and shall submit it to the Director/Board for sanction before the prescribed date every year. The Director/Board shall sanction the Budget with or without modification within two months from the date of receipt thereof. If the Budget is not returned by the Director/Board within two months, it shall be presumed to have been sanctioned.

(2) No expenditure shall be incurred by a Marketing Committee on any item, if there is no provision in the sanctioned Budget thereof unless it can be met by re-appropriation from saving under any other head. The sanction for re-appropriation may be obtained from the Director/Board provided that in case of re-appropriation from minor heads under one major head, sanction for re-appropriation shall not be required.

(3) A Marketing Committee at any time during the year for which any budget has been sanctioned, caused a revised or supplementary Budget to be passed and sanctioned in the same manner as if it were an original Budget.

(4) The Marketing Committee shall not take up or give order for execution of any construction work estimated to cost more than rupees twenty thousand without prior permission of the Director/Board even if there is a provision there for in the sanctioned budget.

(5) The Director/Board while according sanction for construction works may, at his discretion, direct that the execution of the works shall be entrusted to the Public Works Department of the State Government or Marketing Board or any other agency authorised by the State Government for this purpose.

## CHAPTER — VI

### STAFF OF MARKETING COMMITTEE

Constitution  
of State Agri-  
cultural Mar-  
keting Staff

32. (1) The State Government may for the purpose of providing officers and staff to the Marketing Committee, constitute in the prescribed manner.

(2) The State Government may make rules in respect of recruitment, qualification, appointment, promotion, scale of pay, leave, leave allowance, acting allowance, loans, pension, gratuity, annuity, compassionate fund, provident fund, dismissal, removal, conduct, departmental punishment, appeal and other service conditions of the officers and staff:

Provided that the Marketing Committee shall have powers of withholding promotion and stoppage of increment of the members of the staff.

(3) The Salary, Allowances, Gratuity and other payment required to be made to the members of the officers and staff in accordance with the conditions of their service, shall be in-charged in a Marketing Committee.

Secretary of  
Marketing  
Committee

(4) The Director / Board may transfer any member of the officers and staff from one Marketing Committee to another Marketing Committee.

33(1) Every Marketing Committee shall have a Secretary who shall be the Chief Executive Officer and the custodian of all the records and properties of the Marketing Committee and shall exercise and perform the following powers and duties in addition to such other duties as may be specified in the Act, the rules or bye-laws, namely:-

(i) convene the meeting of the Marketing Committee and of the Sub-Committees, if any, and maintain minutes of the proceedings thereof;

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

(iii) take action to give effect to the Resolution of the Committee and of the Sub-Committees, and report about all actions taken in pursuance of such Resolution, to the Committee as soon as possible;

(iv) prepare the Budget proposals;

(v) furnish to the Marketing Committee such returns, statements, estimates, statistics and reports as the Marketing Committee may, from time to time, required including reports:-

(a) regarding the fines and penalties levied on and any disciplinary actions taken against the members of the staff and the Market functionaries and others;

(b) regarding over trading by traders;

(c) regarding contravention of the Act, the rules, the byelaws of the standing orders by any person;

(d) regarding the suspension or cancellation of licences by the Chairman or the Director;

(e) regarding the administration of the Marketing Committee and the regulation of the Marketing;

(vi) produce before the Committee such documents, books, registers and the like as may be necessary for the transaction of the business of the Committee or the Sub-Committee, and also whenever call upon by the Marketing Committee to do so,

(vii) exercise supervision and control over the acts of all officers and servants of the committee;

(vii) collect fees and other moneys leviable by or due to the Marketing Committee.

(ix) be responsible for all moneys credited to or received on behalf of the Marketing Committee;

(x) make disbursements of all moneys lawfully payable by the Marketing Committee;

(xi) report to the Chairman and Director or the Board as soon as possible in respect of fraud, embezzlement, theft or loss of Marketing Committee fund or property;

(xii) prefer complaints in respect of prosecutions to be launched on behalf of the Marketing Committee and conduct proceedings, civil or Criminal on behalf of the Marketing Committee;

(2) The Secretary shall be appointed by the Director.

Other officers belonging to State Agricultural Marketing Service

34. There shall be such other officers to every Marketing Committee as the State Government may determine and they shall be appointed by the Director/Board; provided that an officer may be appointed for more than one Marketing Committee.

Appointment of Secretary and other officers pending constitution

35. Pending the constitution for appointment as Secretary or other officer under Sections 33 and 34, the State Government or the Director or the Board may depute an officer of Government or Board to act as Secretary or such other officer

Appointment of Staff by the Marketing Committee

36 Every Marketing Committee may appoint such other officers and servants as may be necessary and proper for the efficient discharge of its duties;

Provided that no post shall be created save with the prior sanction of the Director.

## CHAPTER - VII

### REGULATION OF TRADING

Regulation of person operating in the market area

37. No person shall, in respect of any notified Agricultural produce, operate in the market area as trader, commission agent broker, weighmen, Hammal, Surveyor, Warehouseman, owner or occupier of processing or pressing factories or such other market functionary except in accordance with the condition of a licence granted under the provision of the Act and the rules and bye-laws made thereunder.

Power to grant  
Licences

38. (1) Every person specified in Section 37 who desires to operate in the Market area shall apply to the Marketing Committee for grant of a licence or renewal thereof in such manner and within such period as may be prescribed by laws,

(2) Every such application shall be accompanied by such fee as the Director/Board may, subject to the limits Prescribed, specify in this behalf.

(3) The Marketing Committee may grant or renew the licence or for reasons to be recorded in writing refuse to grant or renew the licence;

Provided that if the Marketing Committee fails to grant or renew a licence within a period of sixty days from the date of receipt of application thereof, the licence shall be deemed to have been granted or renewed, as the case may be.

(4) All licences, granted or renewed under this Section shall be subjected to the Provisions of this Act and the rules and bye-laws made thereunder.

(5) The Marketing Committee may, by a resolution pass in that behalf and with the prior approval of the Director or the Board, direct that no commission agent or a broker or Board shall act in any transaction between the producer-seller and trader-purchase. On behalf of a producer-seller nor shall be deducted any amount towards commission or Dalali from the sale proceeds payable to the producer-seller not shall be act on behalf of both the buyer and the seller;

Provided that the resolution so passed shall not be revoked by the Marketing Committee until a period of one year has expired from the date of its approval.

Power to can-  
cel or suspend  
Licences

39. (1) Subject to the provision of Sub-Section (4) a Marketing Committee may, for the reasons to be recorded in writing, suspend or cancelled a licence:-

(a) if the licence has been obtained through willful misrepresentation or fraud;

(b) if the holder of the licence or any servant or anyone acting on his behalf with his expressed or implied permission commits a breach of any of the terms or condition of the licence;

(c) if the holder of the licence in combination with other holders of licences commits any act or abstain from carrying out his normal business in the Market Area with the intention of wilfully obstructing, suspending or stopping the marketing of notified Agricultural produce in the Market yard/Yard and consequence thereof the marketing of any produce has been obstructed, suspended or stopped;

- (d) if the holder of the licence has become an insolvent;
- (e) if the holder of the licence incurs any disqualifications as may be prescribed; or
- (f) if the holder is convicted of any offence under this Act.

(2) (a) Subject to the provisions of Sub-section (4), the Chairman of a Marketing Committee or a person authorised by the Board in this behalf may for reasons to be recorded in writing, suspend a licence for a period not exceeding one month for any reason for which a Marketing Committee or the person authorised by the Board in this behalf may suspend a licence under Sub-section (1);

(b) Subject to the provisions of Sub-Section (4) the Secretary of a Marketing Committee may, for reasons to be recorded in writing, suspend a licence for a period not exceeding one week for any reason for which a Marketing Committee may suspend a licence under Sub-Section(1).

(3) Notwithstanding anything-contained in Sub-section (1) but subject to the provisions of Sub-Section (4), the Director or the Officer authorised by the Board may, for reason to be recorded in writing, by order suspend or cancell any licence granted or renewed by the Marketing Committee;

Provided that no order under this Sub-Section shall be made without notice to the Marketing Committee.

(4) No licence shall be suspended or cancelled under this section, unless the holder thereof is given an opportunity to show cause against such proposed suspension or cancellation.

#### Appeal

40. (1) Any person aggrieved by an order of the Secretary, Chairman of the Marketing Committee, authorised person of the Board or the Director under Sub-Section (1) or (2) (a) and (b) or (3) of Section 39 as the case may be, may prefer an appeal :-

(a) to the Director or the officer authorised by the Board where such order is passed by the Marketing Committee or Chairman or Secretary;

(b) to the State Government, where order is passed by the Director/authorised person of the Board.

(2) An appeal under Sub-section (1) shall be made within a period of thirty days from passing of such order.

(3) The appellate authority, may if it considers necessary so to do, grant a stay of the order appealed against for such period as it may deem fit.

(4) The order passed by the Chairman, the Marketing Committee, the Director and the authorised Officer of the Board shall, subject to the order in appeal under this Section, be final and shall not be called in question in any court of Law.

Prohibition of trade allowances other than those prescribed under this Act 41.

(1) No trade allowance, other than an allowance prescribed by under this Act, shall be made or received by any person in any Market Area in any transaction in respect of the notified Agricultural Produce and no Civil Court, shall in any suit or proceedings arising out of any such transaction have regard to any trade allowance not so prescribed.

(2) The weight of a container shall be counter-balance by the same type of container and no deduction in any form whatsoever shall be allowed for counter balancing the weight of the container. If the same type of container is not available, the weight of container shall be determined and deducted from the weight of the produce.

Sale of notified Agricultural produce in markets 42.

All notified Agricultural Produce brought into the Market proper for sale shall be brought into the Market Yard/Yards specified for such produce and shall not, subject to the provisions of the bye-laws be sold at any other place outside such yard.

Conditions of buying and selling 43.

(1) Any person who buys notified Agricultural Produce in the Market Area shall execute an agreement in triplicate in such form as may be prescribed, in favour of the seller. One copy of the agreement shall be kept by the buyer, one copy shall be supplied to the seller and the remaining copy shall be kept in the record of the Marketing Committee.

(2) The price of the agricultural produce brought in the Market Yard shall be paid to the seller on the same day of the sale.

#### CHAPTER-VIII

#### MARKETING COMMITTEE FUND

Marketing Com- mittee Fund 44.

(1) Save as provided in Sub-Section (2), all moneys received by a Marketing Committee shall be paid into a fund to be called "The Marketing Committee Fund" and all expenditure incurred by the Marketing Committee under or for the purposes of this Act shall be defrayed out of the said Fund. Any surplus remaining with the Marketing Committee after such expenditure has been met, shall be invested in such manner as may be prescribed.

(2) Any money received by the marketing Committee by way of arbitration fee or as security for cost in arbitration proceedings relating to disputes or any money received by the Committee by way of security deposit, contribution of Provident Fund or for payment in respect of any notified agricultural produce, or charges payable to weighment, hammad and other functionaries and such other moneys received by the Marketing Committee as may be provided in the rules or bye-laws shall not formed part of Marketing Committee Fund, and shall be kept in such manner as may be prescribed.

(3) Save as otherwise provided in this Act, the amount to be credited of the Marketing Fund and all other moneys received by the Markering Committee shall be kept in a Co-operative Bank or in Post Office Saving Bank or with the approval of the Director in any Bank.

Application of  
Marketing  
Committee  
Fund.

45. Subject to the provisions of Section 44 of the Marketing Committee Fund may be expended for the following purposes only, namely :-

- (i) the acquisition of a site or sites for the Market Yard;
- (ii) the establishment, maintenance and improvement of the Market Yards;
- (iii) the construction and repairs of buildings necessary for the purposes of the Market Yard and for convenience or safety of the persons using the Market Yards;
- (iv) the maintenance of standards weights and measures;
- (v) the meeting of establishment charges including payment and contribution towards Providents Fund, Pension and Gratuity of the Officers and servants employed by a Marketing Committee;
- (vi) loans and advances to the employees of the Committee;
- (vii) the payment of interest on the loans that they may be raised for the purpose of the market and provisions of sinking fund in respect of such loans;
- (viii) the collection and dissemination relating to crops statistics and marketing of agricultural produce;
- (ix) expenses incurred in auditing the accounts of the Marketing Committee;



- (x) payment of honorarium to Chairman, travelling allowances of Chairman, Vice-Chairman and other members of the Marketing Committees and sitting fees payable to member for attending the meeting;
- (xi) contribution of State Agricultural Marketing Board as prescribed and consolidated fund of the State to the extent required for the salary of the employees of the Directorate of Marketing;
- (xii) contribution to any scheme for development of Agricultural Marketing including transport and scientific storage;
- (xiii) to provide facilities like grading services and communication to agriculturists in the Market Area;
- (xiv) to provide for development of Agricultural Produce in the Market Area;
- (xv) payment of expenses on elections under this Act;
- (xvi) incurring of all expenses for research, extension and training in marketing of agricultural produce;
- (xvii) prevention, in connection with other agencies, State, Central and others of distress sale of agricultural produce;
- (xviii) fostering Co-operative Marketing and assisting Co-operative Marketing Societies in the procurement and organisation of profitable disposal of produce particularly the produce belonging to small and marginal farmers; and
- (xix) any other purposes connected with the Marketing of Agricultural Produce under this Act whereon the expenditure of the Marketing Committee Fund is in the public interest subject to the prior sanction of the Director/Board.

## CHAPTER—IX

### STATE AGRICULTURAL MARKETING BOARD CONSTITUTION, FUNCTIONS AND POWERS

- |   |     |  |
|---|-----|--|
| Establishment of the State Agricultural Marketing Board | 46. | The State Government may, for co-ordinating the activities of Marketing Committees and for exercising such other powers and performing such functions as are conferred or entrusted by under this Act, established and constituted a State Agricultural Marketing Board. |
| Incorporation of the Board                              | 47. | The Board shall be a body corporated having perpetual succession and a common seal and may sue and be sued in it   |

corporate name and shall be competent to acquire and hold property both immovable and movable and to lease, sale or otherwise transfer any such property and to contract and to do all other things necessary for the purpose for which it is established.

- Composition of the State Agricultural Marketing Board
48. The Board shall consist of a Chairman and such other members as may be appointed by the State Government, from amongst the elected Agriculturist members.
- Members of the Board
49. The member of the Board shall be appointed by the State Government from amongst the following categories of persons, namely:-
- (a) Eight official members, that is-
    - (i) The Secretary to the Government of Mizoram in the Trade & Commerce Department;
    - (ii) The Director, Trade & Commerce;
    - (iii) The Director of Agriculture;
    - (iv) The Director of Horticulture;
    - (v) The Director of Animal Husbandry and Veterinary;
    - (vi) The Registrar, Co-operative Societies;
    - (vii) The Director of Local Administration Department;
    - (viii) Managing Director, Mizoram Agricultural Marketing Corporation Limited.
  - (b) Five non-official members, that is-
    - (i) Three members from amongst the producer members of the Marketing Committees;
    - (ii) One member from amongst the member licenced dealers;
    - (iii) One member from amongst the members from licence market functionaries.
  - (c) The Chairman and the non-official members of the Mizoram State Agricultural Marketing Board shall be nominated by the State Government.
  - (d) Director, Trade & Commerce will be Member Secretary of the Board.

Chief Executive Officer of the Board 50. The member-Secretary of the Board shall function as the Chief Executive Officer of the Board.

Terms of office of the non-official members of the Board 51. The terms of office of the non-official members of the Board shall be for three years. However, the members may hold the office at the pleasure of the State Government.

Term of office of the member 52. The tenure of office of a member of the Board shall come to an end as soon as he ceases to hold the office by virtue of which he was nominated.

In the event of supercession of the Marketing Committee from where the member/members have been nominated on the Board, the Government shall appoint person/persons as member of the Board representing interest of the superseded Committees.

Filling of casual vacancy 53. In the event of death or resignation or disqualification or removal of any member of the Board or any vacancy occurred otherwise before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled, as soon as may be, by nomination by the State Government. The person so nominated shall hold such office for the unexpired term of his predecessor.

Resignation of members 54. A member of the Board may resign from membership by tendering his resignation to the State Government under intimation to the Chairman of the Board and the seat of such member shall become vacant on the date of acceptance of his resignation.

Superintendent of the Board 55. The State Government shall exercise superintendence and control over the Board and its officers and may call for such information as it may deem necessary and, in the event of its being satisfied that the Board is not functioning properly, it may suspend the Board and, till such time as a new Board is constituted, make such arrangements for the exercise of the functions of the Board as it may think fit;

Provided that the Board shall be constituted within six months from the date of its suspension.

Allowances to member of the Board 56. The members of the Board other than ex-officio member shall be paid from the State Marketing Development Fund such sitting fees and allowance as may be fixed by the State Government from time to time for attending its meeting and for attending to any other work, assigned to them by Board.

- Functions and powers of the Board
57. The Board shall, subject to the provisions of this Act perform the following functions and shall have power to do such thing as may be necessary or expedient for carrying out these functions :—
- (i) coordination of the working of the Marketing Committees and other affairs thereof including programmes undertaken by such Marketing Committees for the development of markets and market areas;
  - (ii) undertake the State level planning of the development of agricultural produce markets;
  - (iii) administer the State Marketing Development Fund;
  - (iv) giving direction to Marketing Committees in general or any Marketing Committees in particular with a view to ensure improvement thereof;
  - (v) any other functions specifically entrusted to it by this Act; and
  - (vi) such other functions of the like nature as may be entrusted to the Board by the State Government.
- Other functions of the Board
58. Without prejudice to the generality of the foregoing provisions, such functions of the Board shall include :—
- (i) to approve proposals for selection of new sites by the Marketing Committees for establishment of Principal or Sub-Market Yards;
  - (ii) to approve proposal for constructing infrastructural facilities in the market area;
  - (iii) to supervise and guide the Marketing Committees in the preparation of plans and estimate of construction programme undertaken by the Marketing Committee;
  - (iv) to execute all works chargeable to the Board's fund;
  - (v) to maintain accounts in such forms as may be prescribed and get the same audited in such manners as may be laid down in the regulation of the Board;
  - (vi) to publish annually at the close of the year, its progress report, balance sheet, and statement of assets and liabilities and send copies thereof to each member of the Board and the State Government;

- (vii) to make necessary arrangements for propaganda and publicity on matters related to regulated marketing of an agricultural produce;
- (viii) to provide facilities for the training of Officers and Staff of the Marketing Committees;
- (ix) to prepare and adopt budget for the ensuing year;
- (x) to grant subventions or loan to Marketing Committees for the purposes of this Act on such terms and conditions as the Board may determine;
- (xi) arrange or organise Seminars/Workshops/Exhibitions etc. on subjects related to agricultural marketing; and
- (xii) to do such other things as may be of general interest to Marketing Committees or considered necessary for the efficient functioning of the board.

## Regulation

59. (1) The Board may, with the previous approval of the State Government make regulations, not inconsistent with this Act and rules made thereunder for the administration of the affairs of the Board.
- (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters :-
- (a) the summoning and holding of meetings of the Board, the time and date when such meetings are to be hold the conduct of business at such meetings and the number of persons necessary to form a Quorum thereat ;
  - (b) the powers and duties of the officers and other employees of the Board ;
  - (c) the salaries and allowances and other conditions of service of officers and other employees of the Board, of officers of the Marketing Committees ;
  - (d) the management of the property of the Board;
  - (e) the execution of contracts and assurances of property on behalf of the Board ;
  - (f) the maintenance of accounts and the preparation of balance sheet by the Board ;
  - (g) the procedure for carrying out the functions of the Board under this Act; and

(h) any other matter for which provision is to be or may be made in regulation

- Marketing Development Fund 60. All moneys received by or on behalf of the Board shall be credited to a fund called "Marketing Development Fund."
- Payments incurred by the Board 61. All payments incurred by the Board shall be defrayed out of the said fund
- Contribution towards the Board 62. Every Marketing Committee shall, out of its funds, pay to the Board as contribution such percentage of its income derived from licence fees and market fees as may be prescribed by the State Government by notification in the Official Gazette, subject to a maximum of forty percent to meet the expenses of establishment of the Board and expenses incurred in execution of the functions assigned to the Board under this Act.
- Borrowing by issue of bonds of stocks 63. The Board may from time to time, with the previous sanction of the State Government and subject to provisions of this Act and to such conditions as the State Government may by general or special order determine, borrow any sum required for the purposes of this Act.
- Utilisation of Marketing Development Fund 64. The Marketing Development Fund shall be utilised by the Board for discharge of functions entrusted to the Board under this Act. Without prejudice to generality of this provision, the Marketing Development Fund may be utilised for the following purposes, namely :-
- (i) payment of administrative expenditure of the Board;
  - (ii) payment of travelling and other allowances to the Chairman and Members of the Board;
  - (iii) payment of legal expenses incurred by the Board;
  - (iv) granting aid to financially weak Marketing Committees in the form of loan or grant for development purposes;
  - (v) propaganda and publicity on matters relating to marketing of agricultural produce;
  - (vi) training of the officers and staff of the Marketing Committees and Board;
  - (vii) imparting education in marketing of agricultural produce;

(viii) organising and arranging workshops, seminars, exhibition, etc. on development of marketing;

(ix) construction of infrastructural facilities in the market area including construction of link and approached roads, culverts bridges, etc.

(x) general improvement of the regulation of marketing in in the State;

(xi) providing technical assistance to the Marketing Committees; and

(xii) for any other purposes, deemed necessary for execution of the functions assigned to the Board under this Act or as directed by the State Government.

Audit of  
accounts of the  
Board

65. (1) The accounts of the Board shall be subject to audit under the State Local Fund Audit Act or any other relevant Act and for the purpose of the said Act, the Board shall be deemed to be a local authority whose accounts have been declared by the State Government to be subjected to audit under provisions of the Act.

(2) The Board may make arrangement for internal audit of its accounts, as it may deem fit.

Delegation  
of Power

66. (i) Subject to the provisions of this Act, the Board may by general or special order delegate to the Member Secretary of the Board or Sub-Committee appointed by it or to any officer of the Board such of the powers and duties under the Act, as it may deem fit.

(ii) Chairman or Secretary of the Board may delegate his power under this Act to any officer of the Board.

Supervision  
and control  
of the Chair-  
man/Chief  
Executive  
Officer

67. (i) Chairman of the Board shall preside over the meeting.

(ii) Subject to the superintendent of the Board, the general control and direction overall the officers and staff of the Board shall be vested with the Chief Executive Officer.

Functions and  
Powers of the  
Chief Executive  
Officer

68. The Chief Executive Officer of the Board shall—

(i) exercise supervision and control over officers and staff of the Board in matters of executive administration, concerning accounts and records and disposal of all questions relating to the service of the employees as per procedure prescribed.

(ii) appoint officer and staff of the Marketing Board as per direction and procedure prescribed by the Board.

(iii) incur expenditure from the Marketing Board Development Fund on the sanctioned items of work.

(iv) in case of emergency direct the executions or stoppage of any work and doing of any act which required and sanction of the Board.

(v) Prepare annual budget of the Board.

(vi) arrange for internal audit of the Board.

(vii) arrange for the meetings of the Board and maintain records of the Board as per procedure prescribed;

(viii) take such steps as deemed necessary for execution of the decision of the Board;

(ix) inspect the construction work undertaken by the Marketing Committees whether from their own funds or loans and or grants provided by the Board or any other agencies and take corrective measures;

(x) report such acts either of the Marketing Committees or of the Board which are contrary to the provisions laid down under this Act or rules and bye-laws made thereof to the Government; and

(xi) take such steps as deemed necessary for the effective discharge of the functions of the Board.

**Conduct of  
Business of  
the Board**

69. (1) The Board shall met for the transaction of its business at least once in every three months at such place and at such times as the Chairman may determine.

(2) Save as otherwise provided in Sub-section (1) the provisions of Chapter -IV shall mutandis apply for the conduct of the Board.

(3) All Proceeding of the Board shall be authenticated by the signature of the Chairman, Member-Secretary and all other instrument issued by the Board shall be authenticated by the signature of the chairman, Member-Secretary or such other officer of the Board as may be authorised in this behalf by regulation.

(4) The Board shall conduct the business in a manner prescribed under the rule.

**Appointment  
of officers  
and staff of  
the Board**

70 (1) The Board shall with the previous approval of the State Government, create and appoint and such other officers and staff as it considers necessary for the efficient discharge of its duties and functions under this Act.



(2) The terms and conditions of service of officers and staff shall be such as the Board may from time to time determine with the approval of the State Government.

(3) The Board may with previous approval of the State Government or the Central Government as the case may be, appoint the Central or State Government servant as an officer or staff of the Board or of a Marketing Committee on such terms and conditions as it thinks fit.

(4) Notwithstanding anything contained in any other provision of this Act, the Board may constitute cadre of officers and other staff common to all Committees as it may deem fit.

(5) Every person who was holding a post comprised in a cadre referred to in Sub-section (4) in any Marketing Committee (including a Government servant serving on deputation) shall on and from the date of constitution of the cadre (hereinafter in this Section referred to as the said date) become a member of the cadre and shall hold his office or service therein by the same tenure, at the same remuneration, and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity any other matters as he would have held the same on the said date but for the constitutions of the cadre and shall continue to do so until his employment as a member of a cadre is terminated or until his remuneration or other terms and conditions of service are revised or altered by the Board under or in pursuance of any law or in accordance with any provision which for the time being governs his service:

Provided that nothing contained in this section shall apply to any such person, who, by notice in writing given to the State Government may within such time as the State Government may by general or specify, intimate his intention of not becoming a member of the said cadre

**Powers and functions of the Directorate of Marketing** 71.

(1) Subject to the provisions of this Act, the Director of Marketing may perform such function other than those prescribed for the Board under this Act, which would enable proper execution of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, the functions of the Director of Marketing may be included:-

(i) Supervision on the Marketing Committees effective execution of provisions of the Act relating to transactions of Agricultural Commodities taking place on the Market Yard;

- (ii) Launch prosecution for contravening provision to the Act and rules made thereof;
- (iii) Suggest amendments to the Act, and rules framed thereof for effective execution of the objectives of the Act;
- (iv) Approve bye laws framed by the Marketing Committee under this Act and rules formulate thereof;
- (v) Conduct audit of accounts of the Marketing Committee;
- (vi) Grading and Standardization of Agricultural Produce;
- (vii) Approval of the budget of the Marketing Committee;
- (viii) Accord sanction to the creation of posts of officers and staff of the Marketing Committee;
- (ix) Appointment and transfer of Officers and servants.
- (x) Take steps for timely and proper conduct of the elections of the Marketing Committee, and the Chairman and Vice-Chairman of the Marketing Committees;
- (xi) Acceptance of resignation of the Chairman of the Marketing Committee;
- (xii) Prefer and appeal from any person aggrieved by the order of the Marketing Committee;
- (xiii) Approval of the resolutions passed by the Marketing Committee;
- (xiv) Removal of Chairman/Vice-Chairman or members of the Marketing Committee; and
- (xv) Inspect or cause to be inspected accounts and offices of the Marketing Committee.

## CHAPTER-X

### PENALTY

**Penalty for 72. contravention of Act, Rules and bye-laws**

Any person who contravenes any provision of this Act, or of any rule or bye-laws or order issued thereunder shall be punishable with simple imprisonment which may extent to six months or with fine which may extent to one thousand rupees or with both:

Provided that in the case of continuing contravention of the provisions of section 9 and 37, he shall be liable to be punished with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after the first conviction.

Recovery of  
Market duties

73. Whenever any person is convicted of any offence punishable under this Act the Magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the Marketing Committee the amount of fees or any other amount due from him under this Act or rules or bye-laws made thereunder and may, in his discretion, also recover and pay over to the Marketing Committee costs of the prosecution.

Cognizance of  
offences

74. (1) No court inferior to that of Magistrate of the second class shall try any offence under this Act or any rules or bye-laws made thereunder.
- (2) No court shall take cognizance of any offence punishable under this Act or any rule or any bye-laws made thereunder except on the complaint made by Director, the Chairman, Vice-Chairman, or Secretary of the Marketing Committee or of any person duly authorised by the Marketing Committee in this behalf.

## CHAPTER—XI

### CONTROL

Inspection of  
marketing and  
inquiry into  
affairs of  
Marketing  
Committee

75. (1) The Director may—
- (a) inspect or cause to be inspected the account and offices of Marketing Committee;
  - (b) hold enquiry into the affairs of a Marketing Committee;
  - (c) call for from a Marketing Committee return, statement, accounts or reports which he may think fit to require such Committee to furnish;
  - (d) require a Marketing Committee to take into consideration.
  - (i) any objection on the ground of illegality inexpediency or impropriety which appears to him to exist to the doing of anything which is about to be done or is being done by or on behalf of such Committee; or

(ii) any information he is able to furnish and which appears to him to necessitate the doing of a certain thing by such Committee;

(e) direct that anything which is about to be done or is being done should not be done, pending consideration of the reply, and anything which should be done but is not being done should be done within such time as he may direct.

(2) When the affairs of a Marketing Committee are investigated under this Section or the proceeding of any Marketing Committee are examined by the Director under Section 82, the Chairman, Vice-Chairman, Secretary and all other officers and servants and members of such Committee shall furnish such information in their possession in regard to the affairs or proceeding of the Marketing Committee as the Director, or the officer authorised as the case may be, may require.

(3) An officer investigating the affairs of a Marketing Committee under Sub-Section (i) or the State Government examining the proceeding of any Marketing Committee under Section 26 shall have the power to Summon and enforce the attendance of Officers or members of the Marketing Committee and to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure.

(4) Where the Director has reason to believe that the books and records of a Marketing Committee are likely to be tampered with or destroyed or the funds or property of a Marketing Committee are likely to be misappropriated or misapplied, the Director may issue order directing a person duly authorised by him in writing to seize and take possession of such books and records, funds and property of the Marketing Committee and the officer or officers of the Marketing Committee responsible for the custody of such books, records, funds and property shall give delivery thereof to the person so authorised.

Powers to  
remove a  
member of  
the Committee

76.

(1) The Director may remove a member, Chairman, or Vice-Chairman of the Committee where it is of the opinion that he-

(a) has been guilty of misconduct or gross negligence of duty as member, Chairman or Vice-Chairman.

(b) ceases to hold the qualifications necessary for his being a members, Chairman or Vice-Chairman.

(2) No order of removal under sub-section (1) shall be passed unless the Person concerned has been given reasonable opportunity or submitting an explanation in respect of the allegations against him.

**Supercession  
of the Com-  
mittee**

77. Where the Director is of the opinion that a Committee has failed in the performance of its functions or discharge of its duties or has exceeded or abused the powers conferred on it by or under this Act, it may, by notification in the Gazette, supercede the Committee;

Provided that no order of supercession shall be passed unless the Director has afforded reasonable opportunity to the Committee of submitting written explanation in respect of the allegations against it.

**Conse-  
quences of  
supercession**

78. (a) Upon publication of the notification superceding a Committee under Section 77 the following consequences shall ensure:-

(i) all the members including the Chairman, Vice-Chairman of the Committee shall, as from the date of publication of notification, be deemed to have vacated their offices;

(ii) The State Government shall direct the steps to be taken for constitution of a new Committee under Section (14) and till such time a new Committee under Section (14) is constituted as aforesaid, the Director shall make such arrangements for carrying out the functions of the Committee as it may deem fit, for the period not exceeding one year and may, for that purpose direct that all the functions, powers and duties of the committee and its Chairman, under this Act, shall be performed, exercised and discharged by such person or authority as the Director may appoint in this behalf and such person or authority shall be deemed to be the Committee or Chairman, as the case may be.

**Powers of  
Director to  
direct making  
of amending  
Bye-laws**

79. (1) If it appears to the Director that it is necessary or expedient in the interest of marketing or Marketing Committee to make any bye-law, or to amend any bye-law, he may, by order, require the Marketing Committee concerned to make the bye-laws or the amendment of the bye-law within such time as he may specify in such order.

(2) If the Marketing Committee fails to make such bye-law or such amendment of the bye-law within the time specified, the Director, may, after giving the Marketing Committee a reasonable opportunity of being heard by an order made such bye-law or such amendment of the bye-law and thereupon subject to any order under Sub-section (3) and such bye-law or such amendment of the bye-law shall be deemed to have been made or amended by the Marketing Committee in accor-

dance with the provision of this Act or the rules made there-under and thereupon such bye-law or amendment shall be binding on the Marketing Committee.

(3) An appeal shall lie to the State Government from any order of the Director under sub-section (2) within thirty days from the date of such order and decision of the State Government on such appeal shall be final.

Powers to write off, loss shortages and irrecoverable fees

80. (1) Wherein it is found that any amount due to a Marketing Committee is irrecoverable or should be remitted or whenever any loss of a Committee in money or store or other property occurs through the fraud or negligence of any person or for any other cause and the property or money is found to be irrecoverable, the Marketing Committee may order to write off as lost, irrecoverable or remitted, as the case may be:

Provided that if in any case the amount is in excess of one hundred rupees such order shall not take effect without the prior approval of the Director.

Powers to call for proceedings of Marketing Committee and pass order thereon

81. The Director may, at any time, call for and examine the proceedings of any Marketing Committee for the purpose of satisfying itself as to the legality of provisions of any decision taken or order passed by the Marketing Committee. If in any case it appears to the Director that any decision or order or proceedings so called should be modified, annulled or reversed, the Director may pass such order thereon as he thinks fit.

Provided that no such order shall be passed by the Director without giving a reasonable opportunity of being heard to the Marketing Committee or to the parties effected thereby.

Powers of the Director to prohibit execution or further execution of resolution passed or order made by the Committee

82. (1) The Director may, of its own motion or on report or complaints received by order prohibit the execution or further execution of a resolution passed or order made by the Committee or its Chairman or any of its officers or servants, if it is of the opinion that such resolution or order is prejudicial to the public interest or is likely to hinder efficient running of the business in any market area or sub-market yard or is against the provisions of this Act or the rules or bye-laws made thereunder.

(2) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Committee, if so required by the Director, in any which the Committee would have been entitled to take if the resolution

or order had never been made or passed and which is necessary for preventing the Chairman or any of its officers or servants from doing or continuing to do anything under the resolution or order.

Liability of 83. (1)  
Chairman,  
Vice-Chair-  
man, members  
and employees  
for loss, waste or  
misappro-  
priation etc.

If in the course of enquiry or inspection under Section 75 or in the course of audit under this Act, it is found that any person who is or was entrusted with the management of a Marketing Committee or any deceased, past or present Chairman, Vice-Chairman, member, officer-in-charge of Marketing Committee, Secretary or any other officer of the State Government has made or directed by assenting or concurring or participating in any affirmative vote or proceeding related thereto, any payment or application of any money or other property belonging to, or under the control of such Committee to any purpose contrary to the provisions of this Act or rules or bye-laws made thereunder or has caused any deficiency or loss by gross negligence or misconduct or has misappropriated or fraudulently retained any money or other property belonging to the Marketing Committee, the Director may, on his own motion or on the application of the Marketing Committee, enquire himself or direct any officer subordinate to him duly authorised by him by an order in writing in this behalf to enquire into the conduct of such person within two years of the date of report of audit, enquiry or inspection, as the case may be.

(2) If, an enquiry made under Sub-section (1), the Director is satisfied that there are good grounds for an order under this Sub-section, he may make an order requiring such person, or in the case of a deceased person, his legal representative who inherits his estate, to repay or restore the money or and any party thereof, with interest at such rate, or to pay contribution and costs or compensation to such extent as the Director may consider just and equitable;

Provided that no order under this Sub-section shall be made unless the person concerned has been given a reasonable opportunity of being heard in the matter.

Provided further that the liability of a legal representative of the deceased which is inherit by such legal representative.

(3) Any person aggrieved by an order made under Sub-section (2) may, within thirty days from the date of communication of the order to him, appeal to the Director and the order of the Director shall be final and conclusive;

Provided that in computing the period of limitation, the time required for obtaining a copy of the order appealed against shall be excluded.

(4) No order passed under Sub-Section (2) or Sub-Section (3) shall be called in question in any Court of Law.

(5) Any order made under Sub-Section (2) or Sub-Section (3) shall, on the application of the Director, be enforced by any Civil Court having local jurisdiction in the same manner as if it were a decree of such Court, or any sum directed to be paid by such order may be recovered as an arrear of land revenue.

(6) If the Director is satisfied on affidavit, enquiry or otherwise that any person with intention to delay or obstruct the enforcement or any order that may be passed against him under this Section :-

(a) is about to dispose of the whole or any part of his property; or

(b) is about to remove the whole or any part of his property from the state; he may unless adequate security is furnished, direct the conditional attachments of the said property or such attachment shall have the same effect as it may by a competent Civil Court.

**Powers of State Government to amend schedule** 84. The State Government may, by notification, add to or amend or delete any of the items of agricultural produce specified in the Schedule and thereupon the Schedule shall be deemed to be amended accordingly :

Provided that no notification shall be issued under this section without giving in the Gazette previous notice of not less than 45 days as the State Government may consider reasonable of its intention to issue such notification.

**Recovery of sums due to Marketing Committee** 85. Any sum due to a Marketing Committee or the Board on account of any charge, costs, expenses, fees, rent and any other account under the provisions of this Act or any rule or bye-laws made thereunder shall be recoverable in the same manner as an arrear of land revenue.

**Duty of police Officer** 86. It shall be the duty of every Police Officer to communicate as soon as may be, to the Marketing Committee any information which he received regarding any attempt to commit or the Commission of any offence against this Act or any rule or bye-law made thereunder and to assist the Secretary or any Officer or servant of the Marketing Committee demanding his aid in the exercise of his lawful authority.

**Chairman, Vice Chairman, members, officers and** 87. The Chairman, the Vice-Chairman, Member, Secretary, other officers and servants of a Marketing Committee and the Chairman, Vice-Chairman, the members, the officers and other



- servants etc. of Marketing Committee & Board to be public Servant**
- servants of the Board shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).
- Delegation of Powers** 88. (1) The State Government may delegate to the Board or any officer of the State Government not below the rank of Director any of the powers conferred on it by or under the Act other than the powers to make rules under Section 94.
- (2) The Director may delegate to any officer of the State Government not below the rank of Assistant Director or Assistant Marketing officer any of the powers conferred on him by or under this Act.
- Bar to Civil Suit** 89. No suit, prosecution or legal proceeding in respect of anything in good faith done or intended to be done under this Act or rules or bye-laws made thereunder, shall lie against the Director or any officer of the State Government or against the Board or any Marketing Committee or any officer or servant of the Board of any Marketing Committee or against any person acting under and in accordance with the directions of the Director, such officer, or such Committee.
- Bar of Suit in absence of notice** 90. Notwithstanding anything contained in any Section of any Act, no suit shall be instituted against the Board or any Marketing Committee, until the expiration of two months next after notice in writing stating the cause of action, name and place of abode of the intending plaintiff, and the relief which he claims has been delivered or left at his office. Every such suit shall be dismissed unless it is instituted within six months from the date of the actual of the alleged cause or action.
- Duty of local authorities to give information and assistance** 91. It shall be the duty of every local authority to give all the necessary information in the possession of or under the control of its officers to the Marketing Committee or its officers authorised in that behalf, relating to the import and export notified agricultural produce into and out of the area of the local authority, free of any charges.
- It shall also be the duty of every local authority and its officers and staff concerned with the collection of octroi to give all the possible assistance to any officer of the Marketing Committee in exercising his powers and discharging his duties under this Act.
- Protection to persons acting in good faith** 92. No suit, prosecution or other legal proceeding shall be instituted against any person for anything done or intended to be done in good faith under this Act, or the rules, regulations or the bye-laws.

Act not to be invalidated by informality vacancy etc.

93. No act done or proceeding taken under this Act by the Board, by a Marketing Committee or a Sub-Committee appointed by the Board shall be invalidated merely on the ground of :-
- (a) any vacancy or defect in the constitution of Board or Sub-Committee; or
  - (b) any defect or irregularity in the appointment of a person acting as a member thereof; or
  - (c) any defect or irregularity in such act proceeding, not affecting the substance.

## CHAPTER—XII

### RULES AND BYE LAWS

Power to make rules

94. (1) The State Government may, after previous publication, make rules for carrying out the purpose of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

Other manners of publication of notification under Section 3 (1)

(i) fixation of quantity of sale under clause (28) of Section 2;

(ii) (a) qualifications which the representatives of agriculturists shall possess under Section 14(1) (i)

(b) authority which shall conduct elections, determination of constituencies, preparation and maintenance of list of voters, disqualifications for being chosen as, or for being a member, the right to vote, the payment of deposit and its forfeiture, the election offences, the determination of election disputes and all matters ancillary thereto under Section 14 (3).

(iii) the powers to be exercised and the duties to be performed by the Marketing Committee and its Chairman and Vice Chairman;

(iv) (a) the procedure and quorum at a meeting of Marketing Committee and,

(b) the form in which account of purchases and processing of agricultural produce to be maintained;

- (vi) the management of market, the procedure of recovery of market fees, fine for avasion of market fees and manner for assesment of market fees in default of furnishing return;
- (vii) classification of market functionaries for grant of licences, regulation of licence under this Act, the person required to take out licences, the form in which and term and conditions subject to which such licences shall be issued or renewed;
- (viii) the provision for the persons by whom and the forms in which copies of documents and entries in the books of the Marketing Committee may be certified and the charge to be levied for the supply of such copies;
- (ix) the kind and description of weights and measures and the weighing and measuring instruments which shall be used in the transaction in the notified agricultural produce in a market yard;
- (x) the periodical inspection of all weights and measures and the weighing and measuring instruments in use in a market yard;
- (xi) the trade allowance which may be made or received by any person in any transactions in the notified agriculture produce in a market yard;
- (xii) facilities for settlement of any dispute between a buyer and seller of notified agriculture produce or their agents including disputes regarding the quality or weight of the articles payments in respect of the price of goods sold and the allowances for wrapping, containers, dirt or impurities or deductions for any cause by mediations, arbitration or otherwise;
- (xiii) the provision of accommodation for storing any agriculture produce brought into the market;
- (xiv) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of the Marketing Committee, and the granted of sanction to such plans and estimates;
- (xv) the form in which the accounts of a Marketing Committee shall be kept the audit and publication of such audit and the inspection of audit memoranda of the account and supply of such memoranda;
- (xvi) the preparation and submission for sanction of the annual budget and the report and return to be furnished by a Marketing Committee;

- (xvii) the time during which and the manner in which a trade or broker or commission agents shall furnish such return to a Marketing Committee as may be required by it;
- (xviii) the regulation of advance, if any given to agriculturist by brokers or commissions agents or traders;
- (xix) the granting and standardization of the agriculture produces;
- (xx) the keeping of records of arrivals and prices of agricultural produces;
- (xxi) the manner in which auctions of agricultural produce shall be conducted and bids made and accepted in a market;
- (xxii) the recovery and disposal of fees leviable by or under this Act;
- (xxiii) compounding of offences and fixing compensation thereof under this Act or rules or bye-laws made there under;
- (xxiv) manner of constitution of State Agricultural Marketing Services;
- (xxv) recruitment, qualification, appointment, promotion, scale of pay leave, leave allowance acting allowance, loans, pension, gratuity, annuity, compassionate fund, dismissal, removal conduct, departmental punishment, appeals and other Services conditions of the State Agricultural Marketing Services;
- (xxvi) limit of expenditure which may incurred in reception of distinguish guests;
- (xxvii) of honorarium to Chairman, travelling allowance to members and sitting fees payable to members for attending the meetings;
- (xxviii) manner of investment of the surplus in the Marketing Committee fund;
- (xxix) procedure for framing of bye-laws, their amendments or cancellation and for their previous and final publication;
- (xxx) classification of Marketing Committee on the basis of annual income for all or any of the purpose of this Act;
- (xxxi) term of the office of the Chairman and members of the Board;

(xxxii) the powers to be exercised by the Chairman, Vice-Chairman and the Chief Executive officer of the Board.

(xxxiii) all the matters required to be Prescribed by rules under this Act,

(xxxiv) mode of service of notice under this Act,

(xxxv) generally for the guidance of Marketing Committee.

(3) In Making any rules, the State Government may direct that breach thereof shall be punishable with fine which may extend to two hundred rupees;

(4) Every rule under this Act shall be laid on the table of the Legislative Assembly.

Power to  
make bye-  
laws

95. (1) Subject to the provisions of this Act and the rules made thereunder, a Marketing Committee may, in respect of market area under its management, make bye-laws for-

(i) the regulation of business of the Marketing Committee;

(ii) the conditions of trading in a Market;

(iii) delegation of powers, duties and functions to the officer and servants, appointment, pay, punishment, pensions, gratuities, leave, leave allowances, contribution by them to any provident fund which may be established for the benefit of such officers and servants and other conditions of service;

(iv) the delegation of power, duties and functions to a Sub-Committee, if any;

(v) market functionaries who shall be required to take licence

(vi) any other matters for which bye-laws are to be made under this Act or it may be necessary to frame bye-laws for effectively implementing the provisions of this Act and the rules made thereunder in the market area.

(2) No bye-law under Sub-section (1) shall take effect until it has been confirmed by the Director.

(3) In making any bye law the Marketing Committee may direct that a breach thereof shall be punishable with fine which may extend to one hundred rupees and where the breach is a continuing one with further fine which may extend to ten rupees for every day after first during which the breach is proved to have been persisted in.

## CHAPTER- XIII

## REPEAL AND SAVING

Repeal and  
Saving

96. On and from the commencement of this Act;

(1) The Mizo District (Market) Regulation, 1954 and the rules thereunder of 1956 and all other orders issued earlier by the Government of Mizoram regulating the practices of agricultural Marketing within the State of Mizoram in so far as these relate to the Marketing of agricultural produce as defined in this Act, shall stand repealed:

(2) Notwithstanding anything contained in Sub-section (1), any action taken or purported to be taken under the said Regulation and rules made thereunder shall deemed to have been taken or purported to be taken under this Act.

P. Chakraborty,  
Secretary,  
Law & Judicial Deptt,  
Govt of Mizoram.

## SCHEDULE

See Section 2(2)

Sl. NO.	ENGLISH NAME	VERNACULAR NAME	BOTANICAL NAME
<b>I. CEREALS</b>			
1.	Maize	Vaimim	Zea mays
2.	Paddy (Husked and unhusked)	Buhhum	Oryza Sativa
3.	Wheat	Buhsanghar	Triticum Aestivum T. Durum T. Dococum T. Spherococum
<b>II. PULSES</b>			
1.	Chick Pea	Bete	Cicer arietinum
2.	Cow pea	Behlawi	Vigna sinensis
3.	Green Gram	Motor-Chana	Phaseolus Aurous
4.	Lentil	Dailuah	Lens esculents
5.	Mat Bean		Phaseolus Aconitifolius

6. Peas	Bepui	<i>Pisum Sativum</i>
7. Pigeon Pea	Behliang	<i>Gajanus Cajan</i>
8. Soyabean	Bekang	<i>Clycine Max</i>
9. Linseed	Linseed	<i>Linum usitissimum</i>

### III. OIL SEEDS AND EDIBLE OILS

1. Castor	Antam hriaknei	<i>Ricinus Communis</i>
2. Coconut	Coconut	<i>Coco nucifera</i>
3. Ground-nut	Badam	<i>Arachis hypogaea</i>
4. Mustard (Yellow)	Antam	<i>Brassica/Compestri/</i> <i>Var Sarsoan</i>
5. Mustard (Black)	Antam	<i>B. Compestria</i>
6. Sunflower	Nihawi	<i>Helianthus annus</i>
7. Safflower		<i>Carthamus</i> <i>tinctorious</i>
8. Sesame	Chhawhchhi	<i>Sesamum Indicum</i>
9. Linseed		<i>Linum usitatissimum</i>
10. Tung seed	Tungrah	

### IV. VEGETABLES

1. Squash	Iskut	Metons, Chow Choe (Iskut)
2. Pumpkin	Mai	<i>Cucurmita mosohata</i>
3. Bottle gourd	Um ei	<i>Legenaria Vulgaris</i>
4. Spongegourd	Awmpawng	<i>Luffa cyclindrica</i>
5. Ridge gourd	Umrah	<i>L. Aoutangula</i>
6. Bitter gourd	Changkha	<i>Memordica Charantia</i>
7. Snake gourd	Berul	<i>Trichasantes anguica</i>
8. Cucumber	Fanghma	<i>Cucumis sativus</i>
9. Egg plant	Bawkbawn	<i>Sclanum melongena</i>
10. Lettuce	Antam helei	<i>Lactuca santivu</i>
11. Okra (Ladys finger)	Bawrhsaiabe	
12. Potato	Alu	<i>Solunum tuberosum</i>
13. Radish	Buluhi	<i>Raphanus Sativus</i>
14. Spinach	Palak	<i>Spinacia Oleracea</i>
15. Sweet Potato	Kawlbahra	<i>Ipomaes battatus</i>
16. Toro	Bal	<i>Colocasia antiquorum</i>
17. Carrot	Carrot	
18. Onion	Purunsen	<i>Alium copa</i>
19. Water Melon	Dawnfawh	<i>Cirtullus Vulgaria</i>
20. Cauliflower	Parbawr	
21. Cabbage	Zikhlum	
22. Knolkhol	Bulbawk	
23. Broccoli	Parbawr hring	<i>Brassica Oleracca</i>
24. Turnip	Buluhi	<i>Brassica rappa</i>
25. French Bean		
26. Colocasia	Bal	
27. Tomato	Tomato	
28. Beans	Bean	

## V. FRUITS

1. Apple	Apple	<i>Pyrus malus</i>
2. Banana	Bahlha	<i>Musa paradiceaca</i>
3. Grape	Grape rah	<i>Citrus pacadisi</i>
4. Guava	Kawlthei	<i>Psidium quaiava</i>
5. Lemon	Serthur	<i>Citrus limon</i>
6. Litchi	Theifeihmung	<i>Rionotrys Japonica</i>
7. Mulberry	Thingtheihmu	<i>Nitrus Alba</i>
8. Muskmelon	Hmazil	<i>Cucumis melon</i>
9. Orange	Serthlum	<i>Citrus Zeticulate</i>
10. Papaya	Thingfanhma	<i>Carica papya</i>
11. Peach	Theitehmul	<i>Prunus oersica</i>
12. Pear	Perthei	<i>Pyrus communia</i>
13. Pineapple	Lakhuihthei	<i>Anana comosu</i>
14. Plum	Japan thei	<i>Prunus domestica</i>
15. Pomegranto	Theibuhfai	<i>Punica granatum</i>
16. Sweet Orange	Sisu	<i>Citrus sinersis</i>
17. Wood apple		<i>Aegle markeloe</i>
18. Jack fruit	Lamkhuang	<i>Arocapus Letarophyllus</i>
19. Mango	Theihai	
20. Passion fruits	Sapthei	
21. Limes	Ser	

## VI. SPICES AND CONDIMENTS

1. Bay leave		<i>Cinnamomum tamala</i>
2. Cardamon (Large)	Alaichi (A lian)	<i>Amomum sulbulatum</i>
3. Chilli	Hmarcha	<i>Capsicum annum</i>
4. Cinnamon	Thakthing	<i>Cinnamomum Zevlanicum</i>
5. Coriander	Dhania	<i>Cotiadrum Astivan</i>
6. Fenugreed		<i>Trigonella foonum</i>
7. Garlic	Purun var	<i>Graecumstivum</i>
8. Mint	Pudina	<i>Allium</i>
9. Papper	Thingmarcha	<i>Mentha viridis</i>
10. Tarmarind	Tengtere	<i>Piper nigrum</i>
11. Turmeric	Aieng	<i>Tamarindus indica</i>
12. Vannila		<i>Curcuma longa</i>
13. Ginger	Sawhthing	<i>Curcuma vannila planifilis</i>
14. Clova	Lawngpar	<i>Gingiber efficenala</i>
15. Tree spices		<i>Syzegium</i>
16. Small cardamon	Alaichi (ate)	<i>Aromaticum</i>

## VII. FIBRES

1. Cottoa	La	<i>Cosyphium</i>
2. Iute	Liza	



## VIII. SUGAR AND STARCHES

1. Tapioca	Pangbal	Maniho esculeale
2. Sugarcane	Fu	Saccharum

## IX. PLANTATION CROPS

1. Areaca palm	Kuhva Kung	Areca catechu
2. Cacao	Coco	Theobroma cacao
3. Coffee	Coffee	Coffee aravuca c. robusta
4. Papa rubber	Thelet	Heavea brassilliensis
5. Tea	Thingpui	Thea sinensis

## X. NARCOTICS

1. Betel leaf	Panhnah	Piper betle
2. Tobacco	Vaihlo	nicotiana tabacum

## XI. FOREST PRODUCT

1. Bamboo	Mau
2. Cane	Hruihnang
3. Flowers	Pangpar
4. Gum	Thilcharna
5. Honey	Khawizu
6. Timber	Thing/Thingzai
7. Wax	Khawihnun
8. Broom sticks	Hmunphiah
9. Baheda	
10. Chirauji	
11. Mahna flower	
12. Teak	Tik thing

## XII. ANIMAL HUSBANDARY PRODUCES

1. Bristles	Ranmul
2. Cattle	Bawng
3. Cock and Hen	Ar
4. Duck	Varak
5. Eggs	rtui
6. Fish	ngha
7. Ghee	iak (Giu)
8. Goat	e
9. Hides and Skins	Savun
10. Kiowa	
11. Wool	Sahmul

## XIII. SERICULTURE PRODUCTS

- |                              |  |
|------------------------------|--|
| 1. Silk quilt                | Pangangril rizai                               |
| 2. Silk Carpet               | Pangangril Chhuatphah                          |
| 3. Silk mat                  | Pangangril Zampher                             |
| 4. Silk Blanket              | Pangangril blanket                             |
| 5. Other Silk Cloth products | Pangangril kaih atanga puan<br>lam siam dangte |

## XIV. MEDICINAL—AGROMATIC PLANTS/ESSENTIAL OILS

1. Lemon grass
2. Citrionella grass
3. Eucalyptus

## XV. ORNAMENTALS

- |                   |             |                      |
|-------------------|-------------|----------------------|
| 1. Rose           | Rose        |                      |
| 2. Jasmine        | Zanpar      | Jasminum spp.        |
| 3. Chrysenthemum  | October par | Chrysenthemum spp.   |
| 4. Orchids        | Nauban      |                      |
| 5. Gladinlus      |             |                      |
| 6. Tube Rose      | Tube Rose   | Polianthes Tube Rose |
| 7. Dalia          |             |                      |
| 8. Bougain villes | Saron       | Bougainville spp.    |