

**Regd. No. NE 907**



# **The Mizoram Gazette**

## **EXTRA ORDINARY**

### **Published by Authority**

---

Vol. XXV Aizawl, Wednesday, 11.12.1996, Agraahayana 20. S.E. 1918, Issue No. 416

---

#### **NOTIFICATION**

No.D.24016/17/96-TC : In exercise of the powers conferred under Section 94 of the Mizoram State Agricultural Produce Marketing (Regulation) Act, 1996 (Mizoram Act No. 11 of 1996) the Governor of Mizoram is pleased to make the following Rules, namely :

#### **CHAPTER—I**

#### **PRELIMINARY**

#### **1. SHORT TITLE, EXTENT AND COMMENCEMENT :**

- 1) These Rules may be called the Mizoram State Agricultural Produce Marketing Regulation (General) Rules, 1996.
- 2) They shall extent to the area where the Act is in force.
- 3) They shall come into force at once.

#### **2. DEFINITIONS :**

In these Rules unless the context otherwise requires :

- 1) 'Act' means the Mizoram State Agricultural Produce Marketing (Regulation) Act, 1996;
- 2) 'Appellate Authority' means :

a) the Director or the Officer authorised by the Board where such order is passed by the Marketing Committee or Chairman or the Secretary of the Committee, and

b) The State Government where order is passed by the Director/ Authorised person of the Board.

3) 'Form' means a form appended to these rules;

4) 'Incidental charges' means all charges payable by the seller in lieu of the services rendered in connection with the handling of agricultural produce prior to the settlement of sale or finalisation of a bid at auction such as unloading, cleaning and dressing charges ;

5) 'Licensing Authority' means the authority to whom applications for grant of licence be made under the Act;

6) 'Maintenance' in relation to house shall include the payment of local rates and taxes and charges for electricity and water as also charges for telephones including trunk-calls made in connection with the affairs of the Board.

## CHAPTER—2

### MIZORAM STATE AGRICULTURAL MARKETING BOARD

#### 3. CONSTITUTION OF THE BOARD :

1) For the purpose of enabling the State Government to nominate non-official members of the Board under Section 49 (C). Member-Secretary of the Board shall submit a panel of names equal to three times the number of members to be nominated for each category.

2) The panel of names received under sub-rule (1) shall not be binding upon the State Government.

3) The casual vacancies among non-official members shall be filled by calling a panel names in the manner specified in sub-rule (1).

4) The term of Office of non-official members shall commence from the date on which the appointment is notified in the Official Gazette.

#### 4. POWERS AND FUNCTIONS OF THE CHAIRMAN OF THE BOARD :

1) The Chairman of the Board shall preside over the meetings of the Board and in his absence, the member present shall elect one from amongst themselves to preside over the meetings.

2) The minutes of the meeting shall be approved by the Chairman.

3) The Chairman of the Board shall be responsible for the efficient administration of the Board and to carry out the provisions of the Act and the provisions of these rules and to exercise general control over the employees of the Board and those of the Committees.

- 4) The Chairman shall be authority for approving the Budget of the Committees.
- 5) The Chairman shall be responsible for the preparation of the annual budget of the Board.
- 6) He shall be competent authority to accord sanction to an expenditure exceeding five lakhs rupees but not exceeding ten lakhs rupees on any one item provision for which has been made in the Budget. For any expenditure in excess of ten lakhs rupees on any one item approval of the Board shall be obtained.

## 5. POWERS AND FUNCTIONS OF SECRETARY OF THE BOARD:

- 1) The Secretary of the Board shall exercise general control over the office of the Board, its employees and those of the Committees.
- 2) The Secretary of the Board shall approve the tours of the employees of the Board and shall pass their travelling allowance bills.
- 3) The Secretary of the Board shall be the competent authority to accord sanction to an expenditure not exceeding rupees five lakhs on any one item for which provision has been made in the Budget.
- 4) The Secretary of the Board shall convene the meetings of the Board with the approval of the Chairman. He shall also prepare the annual Budget of the Board and submit it to the Chairman for his approval for placing it in the meeting of the Board.

## 6. EXPENDITURE AND INVESTMENT OF MARKETING DEVELOPMENT FUND:

- 1) No expenditure shall be incurred by the Board unless there is a provision in the Budget to meet the same.
- 2) The Marketing Development Fund shall be invested in the manner or kept in the Bank at Aizawl approved by the Board.
- 3) Secretary of the Board may operate Marketing Development Fund to the extent of rupees one lakh at one time and for sum exceeding rupees one lakh for the fund shall be jointly operated by the Chairman and the Secretary of the Board.
- 4) The maximum imprest money to be kept by the Secretary of the Board may be rupees ten thousand at any one time.
- 5) The Board shall maintain account of all receipts and expenditures and for this purpose and the double entry system of accounting shall be adopted.

### CHAPTER-3

#### MARKETING COMMITTEE

#### 7. CONSTITUTION OF MARKETING COMMITTEE FOR THE FIRST TIME:

For constitution of Marketing Committee under section 10, the Secretary of the Board shall send to the State Govt. a panel of double the number of members to be nominated :

Provided that the panel of names shall not be binding upon the State Government.

#### 8. TERM OF OFFICE OF CHAIRMAN AND VICE-CHAIRMAN OF MARKETING COMMITTEE:

1) The term of Office of the Chairman and Vice-Chairman of the Committee shall be co-terminus with the term of office of the members of the Committee.

2) The Chairman or Vice-Chairman of a Committee shall cease to function as such :-

(a) On the termination of his membership; or

(b) On the acceptance of his resignation given in writing to the Board; or

(c) On his removal from the membership by the State Government under section 16; or

(d) on acceptance by the Board of no confidence motion passed by the Committee by two-third majority of total members of the Committee in a meeting specially convened for the purpose;

Provided that no confidence motion may be passed against the Chairman or Vice-Chairman of the Committee constituted only by election.

#### 9. POWERS AND DUTIES OF CHAIRMAN AND VICE-CHAIRMAN OF A COMMITTEE:

1) The Chairman of a Marketing Committee shall be responsible for proper management of the affairs of the Committee in accordance with the provisions of the Act, Rules and Bye-laws framed thereunder.

2) The Chairman of the Committee shall send report about the annual assessment of the work of the Secretary of the Committee to the Secretary of the Board who shall record his opinion thereon.

3) The report about the annual assessment of the work of other employees of the Committee shall be written by the Secretary of the Committee who shall send the same to the Chairman of the Committee who shall record his opinion thereon. If the Chairman of the Committee disagrees with the opinion of the Secretary of the Committee he shall send a copy of his opinion to him.

The Chairman shall forthwith report to the Secretary of the Board in case of any member of the Committee dies or become subject to any of the disqualification mentioned under Rules 11.

5) The Chairman may by an order in writing delegate any of his powers to the Vice-Chairman or Secretary, generally, or, for such period as may be determined assigning any reasons withdraw the delegation so made by allied order.

6) The Chairman shall be the authority competent to grant casual leave of the Secretary of the Committee, but other kind of leave shall be granted by the Secretary of the Board or such other officer of the Board as may be authorised in this behalf;

Provided that application for other kinds of leave shall be routed through the Chairman of the Committee:

Provided further that the Secretary of the Committee shall intimate about his being on leave to the Chairman of the Committee before proceeding on leave as early as possible.

7) The Chairman shall ordinarily attend office of the Committee at least twice in a week and if he is likely to be absent from the notified market area for more than a week or on account of illness or other circumstances is unable to perform his duties, he shall inform the Vice-Chairman in writing accordingly and send a copy of the same to the Secretary of the Board, and the Vice Chairman shall thereupon act for the Chairman and while so doing he shall have all the powers and privileges and, be responsible for all duties of the Chairman. In the event of death of the Chairman or in the event of resignation of the Chairman having been accepted or a no confidence motion against him having been confirmed, the powers, privileges and responsibilities of the Chairman shall be exercised, enjoyed and discharged by the Vice-Chairman who shall officiate as Chairman until a new Chairman is elected or nominated;

Provided that if the Chairman is absent from the notified market area for over a month or is unable to attend the office of the committee on account of illness or for other circumstances or for any other reason is unable to perform his duty and where the Chairman does not inform the Vice-Chairman about his absence in writing, the Secretary of the Board, shall direct the Vice-Chairman to officiate as Chairman till the Chairman resume his duties.

#### 10. RESIGNATION OF MEMBER OF A COMMITTEE

1) Any member of a Committee may resign his office by tendering resignation in writing to its Chairman and if the member tendering resignation is himself the Chairman, he shall submit it to the Secretary of the Board ;

Provided that if no Chairman of a Committee has been elected the member may submit his resignation to the Secretary of the Board.

2) Every resignation received under sub-rule (1) shall forthwith be forwarded by the Chairman of the Committee alongwith his comments to the Secretary of the Board, who shall, with the least possible delay, forward the same with necessary comments to the State Government.

3) The acceptance of every resignation shall be notified by the State Government in the official gazette and the member shall cease to function as such from the date of such notification.

#### 11. DISQUALIFICATION FOR MEMBER OF MARKETING COMMITTEE

The following persons shall not be nominated or elected, as the case may be to the Marketing Committee,

- 1) if he is a person below 25 years of age.
- 2) if he is convicted of an offence involving moral turpitude during the last five years.
- 3) if he has been declared insolvent
- 4) if he is of unsound mind
- 5) if he does not reside permanently in the market area and
- 6) if he is a government servant

#### 12. POWERS AND DUTIES OF SECRETARY OF A COMMITTEE

1) The Secretary shall be the executive officer of the Committee. All Office establishments of the Committee shall be under his control, and all orders to any member of the staff of the Committee shall pass through him.

2) The Secretary shall work under the control of Chairman of the Committee.

3) The Secretary shall be entitled to attend all meetings of the Committee or a Sub-Committee or a joint Committee or an adhoc Committee, except a meeting wherein anything pertaining to him or any of his relatives is to be considered ;

Provided that the prohibition indicated in sub-rule (3) above shall also applied to members of the Board and of the Committee—

Explanation :- Relative for the purpose of this sub-rule shall mean :-

- (a) Father, Mother, Son, Daughter, Brother, Sister and spouse of the person concerned; and
- (b) Brother and Sister of the father of the person concerned; and
- (c) Father, Mother, Son, daughter, brother and sister of the wife or husband of the person concerned.

4) The Secretary shall convene meetings of the committee with the approval of the Chairman.

5) The Secretary shall advise the Committee and its Chairman in the light of the provisions of the Act, Rules and Bye-laws framed under this Act and directions of the Board or of the Secretary of the Board issued from time to time and previous decisions of the Committee. His opinion shall be recorded in the proceedings of the Committee.

6) It shall be the duty of the Secretary to carry into effect the provisions of the Act, Rules and Bye-laws framed under the Act and instructions of the Board, and decisions of the Committee consistent in the Act, the Rules and the Bye-laws and instructions of the Board and of the Secretary of the Board and to effect

7) The Secretary shall see that communications addressed to the Committee by the Chairman or the Secretary of the Board are dealt with promptly and efficiently and all correspondence between the Chairman or Secretary of the Board and the Committee is laid before the Chairman of the Committee for information or action as circumstances may require.

8) Subject to sub-rule (6) the Secretary shall have responsibility for carrying on the day to day working of the office of the Committee, maintenance of currents, punctual rendering of returns, monthly review of the progress and safe custody of cash, the common seal, the minutes book and other records and assets of the Marketing Committee.

9) The Secretary shall prepare the annual Budget of the Committee and submit it to the Chairman of the Committee for his approval for placing at meeting of the committee.

10) The Secretary shall be the drawing and disbursing officer of the committee and shall maintain or cause to be maintained cash book and other record in proper form, provided that the cash in hand under the Secretary shall not exceed the limit laid down in the bye-laws.

### 13. SUBMISSION OF ACCOUNTS OF MARKETING COMMITTEE.

1) The Marketing Committee shall within six months of the closing of the financial year, submit the audited statement of account for that year with the audit report, the replies of the Marketing Committee to the audit observations if any, and the annual administration report authenticated in the manner stated to the Board.

2) The Marketing Committee comply with all instructions and directions issued by the Board from time to time in connection with the accounts or the audit report or other matters.

### 14. MAINTENANCE OF ACCOUNTS OF THE MARKETING COMMITTEE.

1) The account of the Marketing Committee shall be kept on the double entry system of accounting and maintained in such manner as the Board may direct.

2) The Secretary shall prepare at the end of month of receipt and payment account incorporating a classified summary of cash and Bank transactions during the month and shown the balance of cash in hand and bank or of bank overdrafts, as the case may be, and placed the account before the Marketing Committee for its ratification or orders.

3) The Secretary shall prepare within one month from the end of financial year a consolidated receipts and payments account for the year, on income and expenditure account for the year and a Balance Sheet as on the closing date of the year and place them before the Marketing Committee for notification or orders.

#### 15. MANAGEMENT OF MARKETING COMMITTEE FUND

The fund of the Marketing Committee shall be deposited in the nearest bank approved by the Board and operated jointly by the Chairman and Secretary of the Marketing Committee.

#### 16. MATTERS ON WHICH MARKETING COMMITTEE MAY FRAME BYE-LAWS

In addition to the matters specified under sub-section (1) of Section 95, the Marketing Committee may frame bye-laws :

1) For better marketing of agricultural produce and marketing of agricultural produce on co-operative lines.

2) For grading and standardisation of agricultural produce.

3) For the general improvement of the markets or their respective market areas.

4) For the classification of the Marketing Committees on the basis of their income for the purpose of fixing the grades of their Secretaries and other employees.

5) For any other purpose which, in the opinion of the Committee, is calculated to promote the interest of the Committee or to lead to improvement of Marketing of agricultural produce in general.

6) For the maintenance and regulation of the Rest House, Staff Quarters and other Buildings of the Committee.

7) For the procedure for giving aid to financially weak sub-committees.

#### 17. QUORUM OF THE MEETING

1) Quorum for a meeting, not otherwise provided, shall be two-fifth of the existing strength of the Committee.



2) Quorum of a meeting at which the annual budget of the Committee is to be considered shall not be less than two-third of the existing strength of the Committee.

3) If Quorum at a meeting of the Committee is not complete within half an hour of the scheduled time of the meeting, or if it falls short while the meeting is continuing it shall deem to have been adjourned.

4) If a meeting called in accordance with these rules can not be held for want of quorum, no quorum shall be necessary in the next meeting called for transaction of the business.

5) If any member fails to attend three consecutive meetings without reasons that are beyond his controls, the Chairman shall forthwith report the matter to the Board.

#### 18. LANGUAGE FOR TRANSACTION OF BUSINESS:

The business of the meeting of the Committee shall be transacted in Mizo language.

#### 19. BUDGET OF THE BOARD AND COMMITTEE :

1) The Board shall meet not later than first week of February every year to finalise the Budget for the next financial year.

2) The Budget finalised by the Board shall be submitted to the State Government not later than the last week of February preceding the year to which the Budget relates.

3) No expenditure shall be incurred by the Board unless there is a provision in the Budget to meet the same.

4) The Board may re-appropriate any amount under the head of account to another without prior approval of the State Government.

5) The provisions of sub-rules (1), (2) and (3) shall, as far as may be, applied to the preparation, finalisation and submission for sanction of the Budget of the Committee:

Provided that the Budget in the case of Committee shall be submitted to the Secretary of the Board. If it is not receive back within two months of the date of despatched by the Committee, it shall be presumed to have been sanctioned.

#### 20. AUDIT:

1) The accounts of the Marketing Committee in respect of financial year shall be audited within three months from the close of the year by such auditor as may be approved by the Board and the fees payable to the auditor shall be paid out of the Marketing Committee Fund.

2) The Marketing Committee shall causes to be produced all such accounts, registers, documents, vouchers, receipts and other relevant papers as may be called for by the auditor for the purposes of audit and shall furnish all explanations as may be called for by the auditor for the settlement of any discrepancy in the accounts or for understanding any point relating to the accounts.

3) The audited statement of account of the Marketing Committee together with the audit report and the before the Marketing Committee at a special annual meeting for consideration and reply to the observations, if any, of the audit.

4) The audited statement of accounts together with the audit report, the replies of the Marketing Committee to the audit observations and the annual administrative reports shall be authenticated by the Chairman of the Marketing Committee and its Secretary and preserve as a permanent record.

## 21. CONDITIONS OF SERVICES OF THE BOARD AND COMMITTEES:

Until such rules are framed for the employees of the Board and Marketing Committee, the rules applicable to the corresponding grade of employees of the State Government with regard to pay and allowances, appointment, provident fund, leave, travel, conduct, discipline and other conditions of service shall as far as may be, apply Mutatis Mutandis to them.

## 22. ALLOWANCES OF MEMBERS OF THE COMMITTEE AND THE BOARD:

1) For journeys undertaken by the members of the Board for attending meetings, they shall be paid a sitting allowance of Rs. 150/- per day in addition to travelling allowance admissible to government employee of Group 'A'. For any other work of the Board for which they are specially deputed by it, they shall be paid travelling and daily allowances according to the scale fixed by the Government for Government employees Group 'A'.

2) For journey undertaken by the members of the Committee including the Chairman and Vice-Chairman (Other than official member) for attending meetings of the Committee or Sub-Committee or joint Committee they shall be paid a sitting allowance of Rs. 100/- per day and for journey undertaken by them for any other work of the committee for which they are specially deputed by it, they shall be paid travelling and daily allowances according to the scale fixed by the Government for Government servant of Group 'B'.

3) In case of the official members of the Board and of the Committee and members of State Legislative, they shall be paid travelling and daily allowances according to the rates fixed for such members under the rules governing such allowances.

4) If in the opinion of the Board the financial position of a Committee does not warrant payment of the travelling and daily allowances according to the

scale prescribed above it may fix such scale of travelling and daily allowances in the case of that Committee as it may think proper.

**23. OTHER ALLOWANCES OF THE CHAIRMAN OF THE BOARD:**

- 1) There shall be paid to the Chairman of the Board a monthly allowance not exceeding Rs. 1000/- only as the State Government may fix.
- 2) The Chairman of the Board shall be provided with residential telephone, the maintenance charges thereof shall be borne by the Board subject to the condition that telephone charges payable by the Board shall not exceed the maximum amount fixed by the Govt. for Sr. Officer of the State Government. Any amount in excess shall be the responsibility of the incumbent.
- 3) The Chairman of the Board shall be provided with a motor vehicle to be maintained by the Board. The expenses on the propulsion of the car incurred in connection with the affairs of the Board only shall be borne by the Board.

**24. OTHER ALLOWANCES OF THE CHAIRMAN AND VICE-CHAIRMAN OF MARKETING COMMITTEE:**

There shall be paid to Chairman and Vice-Chairman of a Committee monthly allowances as under :-

- 1) The Chairman of a Committee having income of Rs. 5.00 lakhs per annum or above may be paid not exceeding Rs. 800/- only per month as the State Government may fix.
- 2) The Vice-Chairman of a Committee having income of Rs. 5.00 lakhs per annum or above may be paid not exceeding Rs. 500/- only per month as the State Government may fix.
- 3) The Chairman of the Committee having income less than Rs. 5.00 lakhs per annum may be paid not exceeding Rs. 600/- only per month as the State Govt. may fix.
- 4) The Vice-Chairman of a Committee having income less than Rs. 5.00 lakhs per annum may be paid not exceeding Rs. 400 only per months as the State Govt. may fix.

**25. PUBLICATION OF NOTIFICATION UNDER SECTIONS 3, 4 AND 5:**

1) Copies of notification issued under sections 3, 4 and 5 of the Act shall be published by the State Govt. in one or more of the modes specified below:—

- a) by publication in the Mizo language or such other language and in such news papers as in the opinion of the State Government will give due publicity among the persons likely to be affected thereby;
- b) by fixing a copy of the notification in Mizo language or in such other language as may be considered necessary in the offices of Marketing Committee, Block Development Officer, Sub-Divisional Officer (Civil)

and Trade & Commerce Department, within whose jurisdiction the Market area of or any part thereof is situated, and at some conspicuous place in the existing market if any, or

c) by announcement on the radio or television.

2) The expenses of publication of notification under Sub-rule (1) shall be met by the Board.

## 26. CONDUCT OF PROCEEDING AND PRESIDENCY OF A MEETING:

1) Any member wishing to bring any proposition before the Committee shall give a written intimation to the Chairman of his intention of doing so, with the draft of a proposition so as to reach the Chairman at least ten days before the date of meeting and every such proposition shall be included in the agenda of the meeting.

2) Any matter which is not included in the agenda shall not be brought forward for discussion at any meeting except with the permission of the Chairman of the meeting or by the vote of the majority of the members present.

3) Every proposition, other than the one brought officially by the Chairman, and every amendment shall be proposed by one member and seconded and by another, and until so proposed and seconded and reduced to writing under the direction of the Chairman of the meeting, no proposition or amendment shall be discussed.

4) Amendments to any proposition before the Committee be moved after the original proposition has been duly moved, seconded and recorded.

5) Every proposition or an amendment so moved shall be recorded in the minutes with the names of the proposers and seconders.

6) When a proposition or an amendment has been proposed, seconded and recorded, the members present shall be entitled to discuss the same.

7) The Chairman of the meeting may allot time to different members desirous of speaking on any proposition or any amendment.

8) When an amendment has been brought to any proposition, the amendment be put to vote first and if it is carried, it shall become a substantive proposition and shall be put to vote as such. If it is not carried, the original proposition shall be put to vote. When there are more amendment than one, they shall be put to vote in the order reverse to that in which they are proposed.

9) Every meeting of the Committee shall be presided over by its Chairman or in his absence by its Vice-Chairman, but if both are absent to act as Chairman for the occasion and such Chairman shall have, for that meeting, all the powers of the Chairman and be designed as such:

Provided that if the Chairman or the Vice-Chairman returns during the meeting, he shall resume his powers as Chairman from the temporary Chairman.

10) The Chairman shall be responsible for preserving order in the meeting and shall decide all points of order that may be raised therein. There shall be no discussion at the points of order unless the Chairman considers it necessary to seek the opinion or advice of any member, present and the Chairman's decision shall be final.

11) Any member may call attention of the Chairman to a point of order even when a member is speaking. On point of order being raised, the member addressing the meeting shall resume his seat until the question has been decided by the Chairman.

12) If any one or more members present at a meeting refused to obey the ruling of the Chairman of the meeting on any matter, he may adjourn the meeting at once. And when he has declared the meeting adjourned, the subsequent proceeding of the meeting, if any, shall be void and shall not appear in the minutes. In all such cases, the Chairman shall record in his own hand writing in the Minute Book, the reasons for such adjournment unless he is prevented by sufficient cause from doing so.

13) after calling the attention of the meeting to the conduct of a member who persists in speaking or in arguing upon the matter, which in the opinion of the Chairman is irrelevant, or is repeating his own arguments or the arguments used by the other members or is exceeding the term allotted to him, the Chairman may direct the member concerned to continue his speech.

14) The Chairman of the meeting may direct any member, whose conduct, in his opinion is disorderly to withdraw immediately from the meeting and any members so ordered to withdraw shall do so forthwith and shall, unless recalled by the Chairman, absent himself during that meeting. The Chairman may cause to be summarily removed from the meeting any member who disobeys any order made under these rules.

15) When a proposition or an amendment has been declared by the Chairman as duly carried no further proposal for amending it shall be entertained at that meeting.

16) The Chairman may, for sufficient reason, adjourn a meeting from time to time but no business other than that left over from the previous meeting shall be transacted at the adjourned meeting unless a separate notice and a separate agenda has been issued in accordance with the rules.

17) The Chairman may for reasons to be recorded in the Minute Book postpone or cancel any meetings called under these rules.

CHAPTER - 4  
REGULATION OF TRADING

27. MARKET FEE.

1) Under Section 21 a Committee shall levy, -

- a) fee on Agricultural Produce bought or sold by a licensee or a dealer; and
- b) also fee on Agricultural Produce when sold by a producer to any person; in the Market area at the rate fixed by the Board from time to time :

Provided that Board may for reasons to be recorded in writing after the levy of fee under clause (b) above.

2) No such fee shall be levied more than once in the state.

3) For the purpose of these rules the Agricultural Produce shall be deemed to have been bought or sold in a notified Market area -

a) if the agreement of sale or purchase thereof is entered into the said area; or

b) if in pursuance of any agreement of sale or purchase of Agricultural produce is weighed in the said area; or

c) if in pursuance of an agreement of sale or purchase the Agricultural Produce is delivered in the said area to the purchaser or to some other Persons on behalf of the Purchasers; or

d) if the Agricultural Produce sold or bought otherwise than in pursuance of an agreement of sale purchaser is delivered in the said area to the purchaser or purchased or to some other person on behalf of the purchaser.

4) Where two or more of the act mentioned in sub-rule (3) have been performed differently  
ble to Committee within whose jurisdiction the Agricultural Produce was weighed and where no such weighment took place, to the Committee within whose jurisdiction the Agricultural Produce was delivered.

5) The responsibility of paying the fees payable by licensee or a dealer prescribed under sub-rule (1) shall be of the buyer and if he is not a licensee than the seller who may realise the same from the buyer. Such fees shall be leviable as soon as an Agricultural Produce bought or sold.

6) The fee payable by the producer, if any, shall be raised from the licensee through whom the producer sells the Agricultural Produce and if the sale is made by the producer direct to a licensee, the fee shall be realised from the licensee and if the sale is made by him to a non-licensee the fee shall realised from the producer by the Marketing Committee.

7) The fee including additional fees shall be paid to the Committee or a paid officer duly authorised to receive such payment within 7 (seven) days of the transactions.

8) Every officer or servant employed by a Committee for the collection of fees shall be supplied by the Committee a badge of office in such form as may be prescribed by it. The badge shall be worn by the officer or servant concerned while discharging his duties.

9) Every such officer or servant shall, before entering on his duties, furnish such security as may be prescribed by the Committee concerned.

## **28. EXAMTION FROM PAYMENT OF FEE**

1) No market fee shall be levied on Agricultural produce on-

- a) important from a foreign countries: or
- b) brought into the State of Mizoram from outside the State for purpose of processing and which is not sold as such; or
- c) manufactured or extracted from the Agricultural Produce in respect of which such fee has already been paid in the state; and
- d) certified seeds.

2) For the purpose of clause (c) of sub-rule (1) the dealer concerned in the sale or purchase of any quantity Agricultural Produce from which he may manufacture or extracts any other Agricultural Produce shall maintain in Form 'L' true and correct, account or sale or purchase as the case may be, of the said Agricultural Produce and of any Agricultural Produce manufacture or extracted from it.

3) The Secretary of the Board may issue guidelines and directions to ensure that the exemptions given above are duely availed are not misused.

## **29. LICENCE TO DEALERS AND MARKET FUNCTIONARIES.**

1) A person desires of obtaining a licence under Section 38 of the Act shall apply to the Secretary of the Committee:-

- a) in Form 'A' for working as a dealer;
- b) in Form 'D' for working as a market functionary and shall deposit requisite licence fee.

2) In case of Mutia, no such application in Form 'D' shall be necessary. The dealer concerned or Mutia himself shall intimate to the Secretary of Committee in writing full particulars such as name, parcentage, residence and full address of mutia.

3) Licence fee for dealers, Commission Agents, Brokers and Godown — keepers shall be two hundred fifty rupees and for weighman, Measurer or Surveyor, it shall be fifty rupees for three years or any part thereof :

Provided that licence fee may be increased by the Committee with the approval of the State Government upto a maximum of rupees one thousand for dealer, Commission Agent, Broker and Godown — keeper and rupees two hundred for Weighman, Measurer or Surveyor.

4) If any person, who is not a licensee carries on business as a dealers or broker in a Market area on the date of issue of Notification under sections 3, 4 and 5 and fails to apply for a licence on or before the date specified therein for obtaining licence, the Committee may, before a licence is issued, impose upon the applicant, a penalty according to the following scale, —

a) if the application is made by him within 30 days after the date specified in the Notification rupees ten per day;

b) if the application is made after the expiry of 30 days of the date specified in the Notification, but within a period of 60 days of such expiry rupees one hundred per day for each day thereafter.

5) Unless otherwise provided in the licence each licence issue under the Act shall expire on the 31st day of March following two successive years ending on the 31st day of March.

6) A separate licence shall be required by a person for setting up, establishing or continuing or allowing to be continued more than one place for the purchase, sale, storage and processing of agricultural produce in the same Market area :

Provided that no separate licence shall be required in respect of any godown used for storage of agricultural produce by a person holding a dealers licence under the Act.

7) The Secretary of the Committee or such other official as may be appointed by the Committee to receive such application, shall on receipt of the application, ensure that the necessary licence fee has been paid and shall, after verifying the correctness of the facts stated therein put up the same to the Committee.

8) The Committee may grant a licence to the applicant in Form 'B' as a dealer and in Form 'E' as Godown-Keeper, Broker, Weighman, Surveyor, Measurer or other Market functionary. The licence shall be subject to the conditions mentioned therein.

9) A record of licences of dealers and Market functionaries issued under this rule shall maintained by the Committee in Form 'C' separately for each category.



10) Pending grant of licence by the Committee, the Chairman of the Committee may allow the applicant to carry on the business of a dealer or Market functionary for a maximum period of 60 days,

### 30. PERSON EXEMPT FROM TAKING LICENCES UNDER SECTION 38:

1) The following persons shall be exempted from taking licences for the purpose of agricultural produces :-

- a) confectioners or bakeries not purchasing from producers;
- b) person using oil-ghani provided that the number of Oil-ghani installed by them in the market area is not more than two;
- c) hawkers and petty retail shop-keepers, who do not engage in any dealing in agricultural produce other than such hawking or retail purchaser; and
- d) official of the State Government and the Central Government when making purchases on behalf of the Government;

Provided that in the case of persons mentioned in sub-clauses (a) and (b), the purchases made for meeting the Vocational needs of the persons concerned.

2) The following shall also be exempted from taking a licence for the sale of agricultural produce :-

- a) Scheduled Banks when proceeding against any agricultural produce belonging to a producer or a licensee to whom money has been advanced against the security of such agricultural produce;
- b) persons licenced under the Agricultural Produce (Development and warehousing) Corporation Act who carry exclusively warehousing business, when selling out agricultural produce belonging to any person to whom money has been advanced against security of such agriculture produce.

3) The following shall be exempt from taking a licence for processing of agricultural produce, namely :—

- a) Rice hullers, Nauchaw herna, grinding mills and saw mills who do not make any sales or purchases of agricultural produce but have installed their rise huller, Nauchaw herna, grinding mills and saw mills only for grinding of agricultural produce or for sawing of timber;
- b) Persons engaged in hand-pounding of paddy only.

4) The Officials of the State and Central Government exempted from taking licence shall be bound to comply with the provisions of the Act, Rules and bye-laws made thereunder, when making purchases or rules otherwise than through the agency of a licence.

5) If a question arises whether a person is entitled to exemption under sub-rule (1) (c), the Committee shall assess the turnover of the person concerned after giving him an opportunity of being heard. The decision of the Committee shall be appealable before the Secretary of the Board or any other officer authorised by the Board.

6) For the purpose of clause (c) of sub-rule, a person whose turnover of sale and purchase of agricultural produce does not exceed rupees one lakh during a year shall be treated as a petty retail shop-keeper:

Provided that a dealer importing agricultural produce from outside the State of Mizoram shall not be treated as hawker or a petty shop-keeper.

### 31. PROHIBITION AGAINST GRANT OF CERTAIN LICENCE:

1) Except as hereinafter provided no person shall at the same time hold a dealer's licence under Section 38 as well as a licence under section 19 or hold more than one licence under section 19 to act as a functionary in more than one capacity:

Provided that nothing in this shall apply to persons dealing in vegetable and fruits.

2) Nothing in sub-rule (1) above shall be deemed to prohibit person licenced as weighment, surveyor or measurer to act in all the three aforesaid capacities.

### 32. CHANGE IN STYLE AND MEMBERSHIP OF FIRM:

1) Where the licensee is a firm, any change occurring in the membership of such firm otherwise than through inheritance, shall mean the constitution of new firm and shall necessitate a fresh licence.

2) Where a change, not necessitating a fresh licence under Section 19 takes place in the membership of a firm, or the firm changes its name without any change in membership thereof an intimation thereof shall within 60 days from the date of such change, be given to the Secretary of Committee. The Secretary of the Committee shall, after making such inquiry as he may deem necessary put up application to the Chairman with his comments. The Chairman of the Committee on being satisfied about the correctness of the intimation shall order necessary corrections to be made in the licence. Intimation of such order shall also be given to the licensee concerned, and necessary corrections shall be made in the Register in Form 'C' maintained in the office of the Committee.

3) If in a case covered by sub-rule (2), the firm fails to give necessary intimation to the Secretary of the Committee within the specified time, as the case may be, shall be deemed to result in the constitution of a new firm necessitating the grant of a fresh licence.

4) The licensee may apply to the Licensing Authority for marking an additional or deletion in the particulars of the business for which a licence has been issued to him, by paying a fee of fifty rupees. The Licensing Authority may by an order allow such an additional or deletion where upon the licence shall be amended accordingly.

### 33. SUSPENSION OR CANCELLATION OF LICENCE:

1) On being satisfied that there has been a breach of the conditions specified in a licence :—

a) Chairman of the Committee may suspend the licence for a period not exceeding fifteen days; and

b) the Secretary of the Board or a Committee may cancel or suspend such licence and may also direct that such licence shall not be renewed for a period not exceeding five months for the first breach and not exceeding nine months for the second breach and not exceeding one year for every subsequent breach :

Provided that no such order shall be made without giving such person an opportunity to show cause why such an order should not be made.

2) Any person aggrieved by an order made under sub-rule (1) may within one month of the making thereof, appeal to the Secretary of the Board if the order is passed by the Chairman of the Committee or the Committee and to the State Government if the order is made by the Secretary of the Board.

3) The action taken under sub-rule (1) shall not be in derogation of other penalties provided for in the Act or Rule or bye-laws for such contraction.

### 34. RENEWAL OF LICENCE AND ISSUE OF DUPLICATE THEREOF :

1) A licence granted under section 19 of the Act shall be valid for the period for which it is issued and shall subject to any order passed under the same section be renewable by the authority granting it, on payment of the fee prescribed for the issue of such licence. Renewal of application shall be made in Form 'G' for market functionary and in Form 'F' for others.

2) If any area is excluded from any market area and included in another the licences issued for the area so excluded shall be deemed to have been issued by the Committee of the notified market area in which the area is included and shall be renewable by the Committee of that area.

3) An application for the renewal of licence shall be made atleast 30 days before the date on which the licence is due to expire :

Provided that 30 days period of grace will be allowed for getting a licence renewed :

Provided further that the authority competent to renew a licence may on the applicants paying a penalty equal to the amount of licence fee, grant an application for renewal made within 30 days after the date of expiry of the period of grace. The authority competent to renew a licence may remit the penalty in whole in part if it is satisfied that delay was for the reasons beyond the control of the applicant :

Provided further that no licence shall be renewed for a part of the year.

4) Every renewal of a licence granted under this rules shall be deemed to take effect from the date following that on which the licence expired.

5) Except as provided in sub-rule (3) above every application for renewal of a licence made after the date of expiry thereof shall be treated as an application for grant of a fresh licence.

6) If a licence granted under the Act or renewed under sub-rule (1) above is lost, a duplicate may be issued by the authority which issued the original, on payment by the licensee of a fee of rupees one hundred only.

35. BOOKS TO BE KEPT AND MANNER OF RETURNS TO BE FURNISH BY THE LICENCEES TO MARKETING COMMITTEE:

Every licensee under these Act and rules shall—

a) keep such books in such forms as the Committee granting licence may, from time to time, prescribed by its bye-laws;

b) render such returns at such times and in such forms as the Committee may prescribed, and

c) render such assistance as may be required by the Committee, in the collection of fees due under the Act or rules or bye-laws made thereunder, in preventing evasions of payment thereof, and generally in the prevention of breaches of the Act or of these rules or of any bye-laws made thereunder.

36. ACCOUNT OF TRANSACTION AND OF FEES TO BE MAINTAINED:

1) Every licenced dealer shall submit to the Committee a return in form 'M' showing his purchases and sales of each transaction of agricultural produce within seven days of the date of the transaction.

2) The Committee shall maintain a Register in Form 'N' showing the total purchases and sales made by the dealers and fees recoverable and recovered from them.

3) The Committee shall levy the fee payable under Section 21 on the basis of the return furnished under sub-rule (1)

4) If any dealer fails to submit a return as prescribed in sub-rule (1) or the Committee has reasons to believe that any such return is incorrect, it shall after giving a notice in Form 'O' to the dealer concerned and after such enquiry as it may consider necessary, proceed to assess the amount of the dealer's business during the period in question.

5) If a dealer habitually makes default in the submission of returns or if in the opinion of the Committee the dealer habitually submits false returns, the Committee may order for the inspection of the dealer's accounts.

6) After an order under sub-rule (4) is made, the Committee shall inform the dealer of the date and place fixed for the inspection :

Provided that if the dealer so desires and pays such fee as the Committee may fix in this behalf, the inspection shall be made at the dealers premises.

7) The Committee may authorise one or more of its members to carry out the inspection ordered by it under sub-rule (5). Such member or members shall be assisted by such employees of the Committee as may be deputed by it for that purpose.

8) Such member or members may after inspection prepare a return or may amend the return already furnished, on the basis of transactions, appearing in the dealers accounts books, and the Committee may levy a fee under Section 21 on the basis of such return or amended returns, but if the account books are reported to be unreliable, or as not providing sufficient materials for proper preparation or amendment of the return or if no such books are maintained or produced, the Committee may assess the amount of the dealers business on such information as may be available or on the basis of best judgement, and levy fee on the basis of such assessment.

9) In addition to the fee levied under sub-rule (8) above, the Committee may recover from the defaulter penalty equal to the fee so levied.

10) Habitual default in the submission of returns and habitual submission of false returns shall be sufficient ground for suspension or cancellation of or refused to renew a licence, and the provision of this rule shall apply in addition to and not in derogation of any other law, penal or otherwise, applicable to non-compliance, or defective compliance with any duty imposed upon a dealer by the Act or by these rules or by any bye-law or order of a Committee.

11) An assessment order made under sub-rules (8) and (9) above shall be communicated to him by means of a demand notice in Form 'P' and a copy thereof shall be granted to the dealer on this making a written application, and payment a sum of rupees fifty as copying fee to the Committee.

12) The copy shall be prepared in the office of the Committee and Certified to be corrected by the Secretary of the Committee or in his absence by another person appointed in this behalf by the Chairman. Such certificate shall

give the dates on which application was received and the copy prepared and delivered to the applicant, and shall be conclusive evidence of the correctness of these dates.

13) a) An appeal against the assessment order made under sub-rules (8) and (9) shall lie to the Secretary of the Board and shall be preferred within sixty days from the date of Communication of the assessment order appealed against in the form of memorandum duly stamped with Court fee of rupees twenty and signed by the appellant or his duly authorised agent and shall be presented to the Secretary of the Board.

b) If the appellant fails to prefer an appeal within a period specified in clause (a) above the Appellate authority may for reasons to be recorded in writing condons the delay for filing the appeal upto six months if the delay was for reason beyond the control of the appellant :

Provided that no appeal shall be entertained unless the appellant has deposited with the Committee concerned an amount equal to twenty five per cent of the amount of the fee assessed as due from him.

**EXPLANATION :-** In computing the period of limitation for filing an appeal, the period spent in obtaining a certificate copy of the assessment order shall be excluded.

c) The Secretary of the Board after hearing the appellant and also the Committee making the assessment, or, if he deems necessary, after such enquiry as he think proper, may accept modify or reject the assessment order appealed against.

d) The Secretary of the Board may wave the whole or a part of the penalty imposed under sub-rule (a) in a case where such penalty, would, in his judgement means under hardship to the appellant.

e) The order passed by the Secretary of the Board shall be final and conclusive.

### 37. REFUND OF CERTAIN AMOUNTS

#### 1) When-

a) any sum has been deposited for the grant of a licence which has in fact not been issued; or

b) a person has wrongly applied and paid for and been granted two or more licences of the same nature for the same market area; or

c) any market fee has been recovered in excess of the amount actually due; or

d) any market fee has been recovered on a transaction which is exempted under these rules; or

e) any money has been paid by mistake; the Chairman of the Committee shall, on a written application being made within one year of such deposit and after such enquiry as he may consider necessary, order the refund of the appropriate amount which shall be repaid to the person concerned, after preparing a refund bill, out of the Marketing Committee Fund.

2) The application for refund shall contain such particulars as are necessary to enable the amount for which refund is claimed to be traced.

### 38. EMPLOYING OF BROKER

1) No person shall be bound to employ a broker in any transaction or be required to pay for a broker employed by any other party to the transaction, or to pay for broker when none has been employed.

2) Where any person enters into any transaction for the purchase or sale of any agricultural produce through a Commission agent, and the Commission agent without a written authority from his principal, employs a broker in connection with such transaction, the broker's Commission shall be payable by, and may be paid out of the remuneration due to such commission agent.

3) The same person shall not act as a broker both for the buyer and the seller of an agricultural produce in the same transaction.

### 39. SALE OF AGRICULTURAL PRODUCE

1) All agricultural produce bought into the market for sale shall be sold by open auction in the principal or sub-market yards:

Provided that the Committee may by three-fourth majority of total members of the Committee permit any other alternative with prior approval of the Board.

2) Nothing in Sub-rule (1) shall apply to a retail sale as may be specified in the bye-laws of the Committee.

3) A Committee may, and on being directed by the Secretary of the Board or an Officer authorised by him shall fix timing for the starting and closing of the auction in respect of any agricultural produce.

4) The price of agricultural produce shall not be settled by secret signs or secret bid and no deduction shall be made from the agreed price of the consignment.

5) The auction shall not be conducted by any person other than the person engaged by the Committee:

Provided that under special circumstance, the Secretary of the Board or an Officer authorised by him may allow a Committee to make or to permit any alternative arrangement.

6) The highest bid offered by a buyer at an auction and at which the seller of the produce gives his consent to sell his produce shall be the sale price of the produce.

7) The buyer shall be considered to have thoroughly inspected the produce for which he has made a bid and he shall have no right to retract it.

8) As soon as the auction for a lot is over the auctioneer shall fill the particulars in a book to be maintained in Form 'H' and shall secure the signature both of the buyer and the seller or their representatives whoever may be present at the spot.

9) A register in Form 'I' shall be maintained by the Committee and the agricultural produce which remained unsold during the course of auction be entered and it shall be obligatory for every dealer or Commission Agent, as the case may be, to report about the unsold produce to the Committee as soon as his produce is sold.

10) The buyer shall be responsible to get the produce weighed immediately after the auction or on the same day the produce is purchased by him and the seller or the buyer shall be liable for any damage to, or loss of, or deterioration in, the produce after the auction according to the local usage or custom.

11) A person engaged by a producer to sell agricultural produce on his behalf shall not act as a buyer either for himself or on behalf of another person in respect of such produce without the prior consent of the producer:

Provided that a Cooperative Society shall be exempted from the operation of this rule.

12) The Commission Agent shall, on delivery of agricultural produce to a buyer, execute a memorandum in Form 'J' and deliver the same to the buyer on the same day or the following day, mentioning sale proceeds plus market charges admissible under rule and bye-laws. The Counterfoil shall be retained by the Commission Agent:

Provided that nothing in this sub-rule shall apply where the produce, being vegetable or fruits not exceeding one quintal in weight is delivered.

13) In the absence of any written agreement to the contrary the sale price of the produce purchased under these rules shall be paid by the buyer to the Commission Agent on delivery of Form 'J'.

14) Delivery of agricultural produce after sale shall not be made or taken unless and until the Commission Agent or, if the seller does not employ a Commission Agent the buyer has given to the seller a sale voucher in Form 'K' the counter-foil whereof shall be retained by the Commission Agent or the buyer, as the case may be.



#### 40. WEIGH-BRIDGES, MEASURING YARDS AND CERTIFICATES OF WEIGHMENT AND MEASUREMENT:

1) The Committee may erect in the Market a weight bridge, Platform Scale or Beam Scale for Weighing of agricultural produce on payment of such fees as may be prescribed by its bye-laws.

2) In places where it is customary for any produce to be measured instead of being weighed, the Committee may specify a place within a market for that purpose and make arrangements for the measuring of such produce on payment of such fees as may be prescribed by its bye-laws.

3) The Committee shall be responsible for maintaining such Weigh-bridge, Platform Scale, or Beam Scale or Measuring Yard in proper conditions, and for issuing free of cost Certificates of weighment and measurement, as the case may be, in such form as may be prescribed by its bye-laws.

4) A Certificate issued under sub-rule (3) above shall be accepted as final by all persons transacting business in the notified market area, unless it is proved to the satisfaction of the Chairman of the Committee or his authorised representative that the weighment or measurement was done on a defective weighing and measuring instruments or by means of an incorrect scale or weights or measures.

#### 41. PLACES AT WHICH AGRICULTURAL PRODUCE SHALL BE WEIGHED OR MEASURED:

1) In any notified market area, the Committee may prescribe the place at which the agricultural produce may be weighed, measured or sold.

2) Weighments and the measurements of agricultural produce intended for sale, shall be made through licenced weighment of measurers.

#### 42. STORAGE ACCOMODATION:

1) A Committee may arrange when necessary, accomodation for the temporary storage or stocking of agricultural produce.

2) The Committee shall charge such fees for such storage and stocking as may be prescribed by the Committee.

#### 43. TRADE ALLOWANCE:

1) The following trade allowances shall only be made and received within the market area in connection with ready or spot transactions :-

a) Tare :-The enact weight of the gunny bag or the packing material used.

b) ADJUSTMENT OF WEIGHT :- Full adjustment of increase or decrease in the weight of the produce found in the test weightment under rule 46.

c) An allowance determined in arbitration.

2) Each item of allowance charged under sub-rule

a) shall be separately mentioned in Forms 'j' and 'K' prescribed under the rules

3) All samples shall be paid for at sale price.

**44. PUBLICATION OF MARKETING INFORMATION**

1) A Committee may, and when required by the Secretary of the Board shall, for the benefit of the persons using the market, exhibit in a suitable place outside its office, and at such other place or places as may be determined by it, bulletins of information on such matters as the prices of agricultural produce ruling at the principal marketing centres in the state or the country or elsewhere and the stocks held by mill and the like.

2) The daily rates of all important agricultural Commodities authenticated by a person authorised by the Committee in this behalf shall be exhibited in the local language in conspicuous places.

3) Such bulletins shall be signed by the Chairman of a Committee or other persons who may be appointed by him in writing and a copy of each such bulletin shall be kept for record in the office of the Committee.

**45. PRESERVATION OF THE PRESCRIBED FORMS AND PRODUCTION THEREOF AND INSPECTION OF THE ACCOUNT BOOKS:**

1) The counterfoils of form I, J and M shall be preserved by the dealer concerned for a period of two years from the date of issue of the foil to which the counterfoils relate. The register in form L shall be preserved by the dealer concerned for a period of two years of the date on which the last entry was made in that register.

2) Every licensee and dealer exempted from taking a licence working within the market area, shall on demand by Secretary or Chairman of the Committee or any Officer of the Board authorised by the Board in this behalf, produce all or any of the forms preserved under sub-rule (1) above or the account books maintained in respect of the sale, purchase, storage, transportation or processing of agricultural produce by him for inspection and examination at such time at such place as he may be required by any of the inspecting officers, hand over any or all of the said forms, or book against or receipt.

**46. PRESERVATION OF RECORDS:**

The respective records of the Board and the Marketing Committees shall be preserved for the period noted against each in the schedule here to annexed :-

**SCHEDULE**

Description	Period
1. Budget	5 years
2. General cash Book	Permanently
3. Establishment Bill	35 years
4. General Bill	3 years
5. Balance sheet	10 years

6. Ledger	-	10 years
7. Register of deposits	-	Permanently
8. Application Form 'A'	-	Permanently
9. Application Form 'D'	-	3 years
10. Returns of daily purchases and sales	-	one year after audit
11. Receipt	-	3 years
12. Register of sale and purchase of Agriculture produce	-	10 years
13. Register of Licenses	-	10 years or
14. Provident Fund Register	-	10 years or till all accounts to which it relates are closed.
15. Service books of the employees	-	10 years after retirement or death (which ever is earlies)
16. Register of proceedings of the Board of sub-Committee	-	Permanently
17. Register of correspondence	-	Permanently
18. Cheque Books	-	10 years
19. Pass Books	-	10 years
20. Travelling allowances Bills	-	3 years
21. Lease Deeds Allowances Bills	-	10 years from the date they cease to have effect
22. Security Bonds	-	Ditto
23. Treasury Challans	-	3 years
24. Imprest Account Register	-	3 years
25. Attendance Register	-	1 year
26. Moveable property Register	-	10 years
27. Library Register	-	10 years
28. Demand and collection Register	-	10 years
29. Register of stamps	-	3 years
30. Stock Registers	-	10 years
31. Register of court cases	-	10 years
32. Investment Register	-	Permanently
33. Files about the appointment removal and dismissal of employees	-	35 years
34. Other record which the Board or Committee may decide to preserve for more than three years.	-	Such period (not less than 10 years) As may be prescribed by the Board of Committee.

## CHEPTEK — V

### CONTROL

#### 47. WEIGHMENT:

1) The Board shall fix standards of net weight of agricultural produce to be filled in a packing unit such as bag, a half bag, tin, a half tin, or a basket, or a bale or half basket within each market area.

2) No person shall fill or cause to be filled any agricultural produce except in accordance with standards fixed under sub—rule (1)

All transactions in a market in terms of packing units shall be deemed to have been entered into in accordance with standards fixed under sub—rule (I)

4) Immediately on the completion of Weighment of a lot of agricultural produce within a market area, either party to the contract may cause a test weighment of ten percent of the units of packing in a lot or two packing units whichever is more. The test weighment shall be carried out at the site of weighment if no test weighment is held at the site, the produce shall be deemed to have been correctly weighed.

5) Test weighment under sub—rule (4) shall be carried out in the presence of both the parties to the contract. In case any of the parties refuses or otherwise evades presence, the other party may report in writing to the Secretary of the Committee or any employee of the Board not lower in rank to that of the Secretary of the Committee who, after satisfying himself as to the correctness of the report, shall cause the test weighment to be made in his presence of any other official of the Committee authorised by him in this behalf, and the result, of such test weighment shall be final, conclusive and binding on both the parties.

Before any agricultural produce weighed in pursuance of a contract of sale or purchase within a notified market area is removed from the place of its weighment, the Chairman or the Secretary of the Committee or any employee of the Board not lower in rank to that of the Secretary of the Committee or Marketing Inspector of the Marketing Section of the Department of Trade & Commerce shall, with a view to satisfying himself that such weighment has been correctly made or is filled in accordance with standards fixed under sub-rule (I), be entitled at any time and without any previous notice, to check the weighment by means of Weights and instruments kept by the Committee or any other agency in the presence of the purchaser and seller and if either or both of them evaded, test weighment may be carried out in the presence of any two person present there.

7) If the Weighment checked under sub-rule (6) is found to be defective, the persons checking the weighment may order the lot to be weighed. The re-weighment shall be made at the cost of the buyer, if it is not filled in accordance with the standards fixed under sub-rule (I), and at the cost of the weighment concerned, if the weighment is otherwise defective, such orders shall be final and the buyer or the weighmen, as the case may be shall immediately comply with the order, This sub-rule shall operate without prejudice to any other punishment that may be awarded under the Act, these rules or bye-laws made thereunder.

#### 46. USE OF WEIGHING INSTRUMENTS, WEIGHTS AND MEASURES, THEIR INSPECTION AND SEIZURE:

1) Only such weighing instruments as satisfy the requirement of and such weights and measures as are prescribed by the Mizoram Standards Weights and Measures (Enforcement) Act, 1985 and the Rules 1988, shall be used for weighing or measuring agricultural produce in a market area :

Provided that in transactions of sale and purchase of agricultural produce in the principal market yard and sub-market yard of the market area the beam scale or platform scale shall only be used.

2) Every Committee shall keep in the market yard at least one weighing instrument of the capacity of one quintal and two sets of weights, in places where measures are used two sets of measures, verified and stamped in accordance with the provisions of the Mizoram Standard of Weights and Measures (Enforcement) Act, 1985 and the rules framed thereunder. The committee shall cause such weights and measures to be tested and verified once in the course of each Calendar Year through the agency appointed and in accordance with the requirements of the said Act and Rules.

3) The Chairman of the Committee shall allow any person to check free of charge any weight and measure in his position against the weights and measures maintained under this rule.

4) Weighing instrument, Weights and Measures kept by a Committee under this rule may at any time be inspected, examined and checked by the Chairman or the Secretary of the Board or by any other employee not lower in rank than that of an Inspector authorised in this behalf by the Secretary of the Board. After inspection the Inspecting Authority may give such directions at it may deem proper. The Committee shall be bound to comply with such directions.

5) The Chairman or the Secretary of the Board or the Committee, and any other person authorised in this behalf by the Secretary of the Board shall be entitled at any time without previous notice to inspect, examine and test any weighing instrument, weight or measure used, kept or possessed within a notified market area by a licensee under sub-section (iii) of section 19 of the Act, and every such licensee in possession of any such weighing instrument weight or measure shall, when required to 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-rule (5) shall, while so acting, have all the powers of an Inspector, weights and measures, appointed under the Mizoram Standard of Weights and Measures (Enforcement) Act, 1985.

#### 49. SEIZURE OF THE AGRICULTURAL PRODUCE:

1) The Agricultural produce belonging to a person trading without a valid licence shall be liable to be confiscated.

2) (a) The Secretary of the Committee shall seize the agricultural produce referred to in sub-rule (1) and thenceforth he shall prepare a seizure memo of the agricultural produce so seized giving such of the following particulars as may be available on the spot :-

- i) name of the agricultural produce,
- ii) weight or available description of the vehicle,

- iii) name of the driver of the vehicle,
- iv) guilty or consignment number,
- v) name of the consignee or consignor,
- vi) place from where the agricultural produce is seized; and
- vii) such other particulars as may be considered necessary.

(b) The seizure memo, shall be signed by the Secretary of the Committee and the driver of the vehicle or the person from whose possession the agricultural produce is seized and if the driver or the person from whose possession the agricultural produce is seized does not sign the seizure memo, it shall be signed by two witnesses alongwith the signatures of the Secretary of the Committee.

3) The Secretary of the Committee shall inform the Chairman of the Committee about the seizure referred to in sub rule 2 (a) for convening a meeting of the Committee or of the Sub-Committee, as the case may be for taking a decision regarding its confiscation and the meeting of Committee or the Sub-Committee, as the case may be, shall be convened within forty-eight hours of the seizure of the agricultural produce.

Provided that the order to confiscate the agriculture produce shall not be made without giving the person concerned an opportunity to show-cause as to why such an order should not be made.

4) The confiscated Agricultural produce shall be disposed of in an open auction or in such other manner as may be decided by the Committee and the sale proceeds thereof shall be deposited in the Marketing Committee Fund.

## 50. PREVENTION OF ADULTERATION OF AGRICULTURAL PRODUCE:

1) No person should adulterate agricultural produce, or place or offer adulterated agricultural produce for sale in a Market area.

It shall be the duty of a Committee to prevent adulteration of agricultural produce in the Market area. The Chairman or Secretary of the Committee may take all or any steps within his power to stop, prevent or discourage such adulteration.

### EXPLANATION

For the purpose of this rule, adulteration of agricultural produce shall include mixing of inferior stuff with superior produce, mixing of different varieties or different qualities, mixing of sieved remains of the agricultural produce and mixing soil, dirt and stones or any other extraneous matter with any agricultural produce.

## 51. PENALTIES:

1) Any person committing a breach of any of the provisions of these rules or any of the conditions of his licence shall be punishable with fine which may extent to two thousand rupees:

Provided that no person shall be prosecuted under these rules without affording him an opportunity to show-cause.

## 52. PROCEDURE FOR APPEALS:

- 1) Every appeal preferred under the Act and the Rules shall bear a Court Fee Stamp of rupees fifty and shall be presented to the Appellate Authority in the form of memorandum by the appellant or his duly authorised agent. The memorandum shall set forth concisely the grounds of objection to the order appealed from and shall also be accompanied by a copy of such order.
- 2) The limitation for filing an appeal under the Act shall be one month from the date of order appealed from.
- 3) In computing the period of limitation for filing an appeal under the Act the period spent in obtaining a copy of the order shall be excluded.
- 4) The appeal shall be decided after notice to and hearing the party's concerned, if so desire, and after making such further enquiry as the Appellate Authority may consider necessary.
- 5) A copy of the decision in the appeal shall be supplied to the Board or the Committee concerned free of charge, and on demand to the appellant on the payment of five rupees per page or a part thereof subject to a minimum of rupees twenty.

## CHAPTER — VI

### MISCELLANEOUS

## 53. CONSEQUENCIES OF DISSOLVED MARKETING COMMITTEE:

If in the opinion of the State Government a Marketing Committee is not competent to perform or persistently makes defaults in the performance of the duties or abuses its powers, the State Government may, after giving a Marketing Committee a reasonable opportunity of being heard, dissolved the Committee and all assets and rights vested in such Committee shall vest in the State Government subject to all its liabilities.

## 54. INTERPRETATION OF THE RULES:

If any doubt arises regarding interpretation of any of the provision of these rules, the matter shall be referred to the Government and its decision shall be final.

## 55. REPEAL AND SAVING:

Any laws or order corresponding to these rules in force immediately before these rules shall stand repealed and any licence or exemption therein, if any, shall stand cancelled :

Provided that such repeal shall not effect :—

- a) The previous operation of the law so repealed or anything duly done or suffered thereunder; or
- b) Any right, privilege, obligation or liability acquired or incurred under the law so repealed; or
- c) Any penalty, forfeiture or punishment incurred in respect of any offence committed against the rules so repealed; or
- d) Any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment or or aforesaid;
- e) Institution of such investigation, legal proceeding and imposition of any such penalty, forfeiture or punishment as if this law had not been passed:

Provided further that anything done or any action under the law so repealed shall be deemed to have been done or taken under this rule, and shall continue to be in force accordingly, unless and until superceded by anything done or any action taken under this rule.

### FORM 'A'

( See Rule 29 (1)(a)

Application for licence under Section 28(1)

To,

The Licensing Authority

\_\_\_\_\_Marketing Committee

Sir,

The particulars of my business are given below :—

- 1. Name of applicant\_\_\_\_\_
- 2. Father's/Husband's Name\_\_\_\_\_
- 3. Address : a) Permanent\_\_\_\_\_
- b) Temporary\_\_\_\_\_



4. Place of business for which licence is applied for (give the name of number of the building and the name or number of the Street or other description sufficient to identify the premises) \_\_\_\_\_

5. If the applicant is a firm, give the names or all persons constituting the firm with percentage, residence and address. \_\_\_\_\_

Sl. No.	Name	Father's or Husband's Name	Full Address
6.	Name of the Managing Proprietor or Manager of the Firm _____		
7.	Name and style under which the applicant will work. _____		
8.	Has the applicant or, where the applicant is a firm, has any member thereof, single or in collaboration with anybody else, been granted a dealer's licence in any notified market area in the State and has suspended or cancelled ? If so, when for what period and for what reasons. _____		
9.	Particulars of the business for which the licence is required. _____		










Certified that the facts set-out in the application are true to the best of my knowledge, I undertake to abide by provisions of the Mizoram State Agricultural Produce Marketing (Regulation) Act, 1996, rules and bye-laws made thereunder.

I shall be responsible for all acts of my employees.

It is requested that a licence under section 38(1) of the Mizoram State Agricultural Produce Marketing (Regulation) Act, 1996 may kindly be granted to me.

Signature of application.

To be filled in by the Office of the Committee :—

Licence fee received	No. of receipt	Date of receipt	Page of Cash-book where entry made

### VERIFIED

Secretary  
Marketing Committee.

Accountant,  
Marketing Committee.

### FORM B

( See rule 29 (8) )

#### Dealer Licence under Section 19 (2) (ii)

This licence is granted to Ms/Mr/Mrs.....  
subject to conditions prescribed hereunder :—

- Notified market area .....
1. Serial No. of licence .....
  2. Name of the Managing Proprietor or Manager of the firm with percentage. ....
  3. Date from which the licence takes effect. ....
  4. Date on which the licence expires. ....
  5. Particulars of business for which the licence is valid. ....
  6. Place of business. ....

Place .....

Date .....

Secretary  
Marketing Committee

## CONDITION OF LICENCE

1. The licence shall comply with the provisions of the Mizoram State Agricultural produce Marketing (Regulation) Act, 1996 and rules and bye-laws framed thereunder and instruction issued from time to time.

2. He shall not permit evasion or infringement of any of the provisions of the Act, the rules and bye-laws and shall report in writing to the Marketing Committee any evasion or breach which comes to his knowledge.

3. He shall surrender his licence on demand, to the Secretary of the Committee or any other officer authorised by him in this behalf or the Chairman of the Committee against a receipt to be given to the licensee in this connection.

4. He shall conduct his business honestly and properly according to the principles of fair dealing.

He shall carry on his business in the principal market yard or sub-market yard or at his place of business, specified in the licence.

5. He shall display his licence at a conspicuous place on his business premises.

6. He shall keep his business premises clean and in a suitable condition for storage of agricultural produce.

7. He shall not boycott or encourage boycott of any other licence.

8. He shall not indulge in activities and practises which are detrimental to the interest of the trade and proper functioning of the market.

9. He shall not take or continue in his service any licenced broker, weighman, measurer, surveyor or mutia.

10. He shall be responsible for the safe custody and protection of the Agricultural produce brought to his shop for sale or storage.

11. He shall not form a pool or combination with other buyers for eliminating competition and shall not make or abet an attempt to do so in order to deprive the seller of a fair of his produce.

12. He shall, on the expiry or sooner termination of the licence, surrender the same to the Committee.

13. He shall, when desired by the Committee or any officer authorised by it furnish correct information on the matters pertaining to his business relating to sale and purchase of agricultural produce under the Act.

**FORM C**  
(See Rule 29 (9) )

Register of licence issue section 19(2)(iii)

1. Notified market area .....
  2. Name of the firm/proprietor.....
  3. Address of the premises..... :
  4. Name of Managing Proprietor  
or Manager with percentage .....
  5. Licence No. ....
  6. Nature of Licence.....
- Name of the partner .....

Sl.No.	Name	Father's Name	Address
--------	------	---------------	---------

Date of entry	Date from which the licence takes effect	Date on which the licence expires	Licence fee received	Receipt No.and Date	Signature of issuing authority with designation	Remarks
1	2	3	4	5	6	7

( See Rule 29 (1) (b) )

## Application for licence under Section 38 (i)

**The Chairman,  
Marketing Committee,**

**Sir,**

The particulars of my business are given below :—

1. **Name of the applicant** .....
2. **Father's/Husband's Name** .....
3. **Address :—a) Permanent** .....
- b) Temporary** .....

3. If the applicant is a firm, is it a Hindu Joint Family firm, or otherwise constituted, and has it been registered or not ? .....

5. If the applicant is a firm, give the names of all Persons constituting it with parentage, residence and address, in full of each.

Sl.No.	Name	Father's Name Husband's Name	Full Address
--------	------	---------------------------------	--------------

6. Name of the managing proprietor or manager who will actually conduct the business. ....

7. Name and style under which the applicant will conduct his business. ....

8. Does the applicant wish to be licenced as a broker/weighman/measurer/surveyor/godown keeper/mutia ? .....

9. Has the licence, If any, granted previously to the applicant, or if the applicant is a firm, to any member thereof, singly or in collaboration with any body else for working as a broker, weighman, measurer surveyor, godown keeper or mutia in any notified market area been cancelled ? If so, where, when for what period and for what reason ? .....

Certified that the facts set out in the application are true to the best of my knowledge. I understand to abide my provisions of the Mizoram State Agricultural Produce Marketing (Regulation) Act, 1996 and rules and bye-laws made thereunder.

I shall be responsible for all acts of my employees.

It is, therefore, requested that the licence under section 19 (2) (iii) of the Mizoram State Agricultural Produce Marketing (Regulation) Act, 1996 may kindly be granted to me.

Signature of the applicant

Notes :- (1) A licence to work as a weighman, a measurer or a surveyor shall only be granted to individuals and not to firm.

(2) In case the application is made by a firm, it may be signed by the managing partner only.

## To be filled by office

Licence fee received	No. of receipt	Date of receipt	Page of Cash Book where entry made

Verified  
Secretary,  
Marketing Committee.

Accountant,  
Marketing Committee.

## FORM-E

[See Rule 29 (a)]

Licence under Section 19 (2) (iii)

This Licence is granted to M/S .....  
(name of the person or firm with full address) for doing his business  
as broker/weighmen, measurer/godown-keeper/Mutia of surveyor in the  
notified market area .....

1. Serial No. of licence .....
2. Name of Managing Proprietor .....
3. Date from which the licence take effect .....
4. Date on which the licence expires .....
5. Place of business .....

Place .....

Date .....

Signature of authority,  
with seal.

## CONDITION OF LICENCE

1. The licence shall comply with the provisions of the Mizoram State Agricultural Produce Marketing (Regulation) Act, 1996 and rules and bye-laws framed thereunder and instructions issued from time to time.
2. He shall not permit evasion or infringement of any of the provisions of rules and bye-laws mentioned under (1) above, and will report in writing to the Committee any evasion or breach which comes to his notice.

- 3. He shall surrender his licence on demand to the Committee or any other officer authorised by the Committee in writing in this behalf.
- 4. He shall conduct his business honestly and properly according to the principles of fair dealings.
- 5. He shall not boycott or encourage boycott of any other licences.
- 6. He shall not indulge in activities and practices which are detrimental to the interest of the trade and proper functioning of the market.
- 7. The licensee, except the godown-keeper, shall not accept any service under the dealer.
- 8. If the licensee, is a weighman, measurer or surveyor, he shall abide by such arrangements which may be made by the Marketing Committee with a view to ensuring the availability of their services as and when required. The licensee shall bear the badge provided to him by the Marketing Committee, during the hours of his business.
- 9. If the licensee is a godown-keeper, he shall keep his godown neat, clean and tidy to the satisfaction of the Committee.

FORM-F

( See Rule 34 (1) )

Application for the renewal of licence for dealers under section 38 (1)

To,

The Licencing Authority

..... Marketing Committee

.....

Sir,

I request for the renewal of my licence. The necessary particulars are given here below :—

- 1. Name of the applicant  
(with full particulars  
of the place of business) .....
- 2. Number of Licence .....



3. Name of the notified market area for which the licence of the firm, if any .....  
.....
  4. Name of the Managing Proprietor or the Manager of the firm, if any .....  
.....
  5. Date on which the licence expires .....  
.....
  6. Period for which renewal is requested .....  
.....
  7. Fee paid .....  
.....
  8. Penalty paid, if any .....  
.....
  9. Has the applicant or where the applicant is a firm, has any member thereof single or in collaboration with anybody else, been .....  
.....
- (a) Granted a dealer's licence in any notified market area in the State and has such licence been suspended, or cancelled. If so, when, where, for what period and for what reason ; or .....  
.....
- (b) Convicted on an offence affecting the said person's integrity as a man of business. If so, the date of conviction ; or .....  
.....
- (c) Declared as an undischarged insolvent .....  
.....
- Certified that the facts set out in the application are true to my knowledge .....  
.....

Dated— — — — —

Signature of the applicant

( To be filled in by the Office of the Committee )

Renewal licence fee received	Penalty received if any	No. of receipt	Date of receipt	Page of cash book where entry made	Remarks

No. \_\_\_\_\_

Dated \_\_\_\_\_

Accountant  
Marketing Committee.

Contents of the application verified.

## FORM-G

( See Rule 34 (1) )

Application for the renewal of licence for market functionaries under section  
38 (1)

To,

The Licencing Authority

\_\_\_\_\_Marketing Committee

Sir,

I request for the renewal of my licence. The necessary particulars are given  
here below :—

1. Name of the applicant  
(with full particulars  
of the place of business). \_\_\_\_\_
2. Number of licence. \_\_\_\_\_
3. Name of the notified mar-  
ket area for which the  
licence has been issued. \_\_\_\_\_

4. Name of the Managing Proprietor or the Manager of the firm, if any. \_\_\_\_\_
5. Date on which the licence expires. \_\_\_\_\_
6. Period for which renewal is requested. \_\_\_\_\_
7. Fee paid. \_\_\_\_\_
8. Penalty paid, if any \_\_\_\_\_
9. Has the applicant, or where in the case of go-down keeper the applicant is a firm, has any member thereof, singly or in collaboration with anybody else, been granted a licence for working as a broker, weighmen, surveyor or Go-down Keeper, or Mutia in any notified market area in the State and has such licence been suspended, or cancelled. If so, when, where, for what period and for what reasons. \_\_\_\_\_

Certified that all the facts set out in the application are true to my knowledge.

Signature of the applicant.

Date\_\_\_\_\_

To be filled in by office of the Committee

Renewal licence fee received	Penalty received if any	No. of receipt	Page of cash book where entry made	Remarks

Verified.

Secretary,  
Marketing Committee,

Accountant,  
Marketing Committee,

FORM—H

(See Rule 39 (8) )

Auction Register

Date	Name of Commis- sion Agent	Name and Address of seller	Desc- rip- tion of pro- duce	Appro- ximate- qty.	Rate at which the pro- duce was sold	Name of buyer	Signature of Commis- sion Agent and buyer
1	2	3	4	5	6	7	8

Signature of auctioneer.  
(with seal )

( See Rule 39 (9) )

[illegible]

**Signature**

## FORM—J

(See Rule 39(12) and (14))

Bill of Commission Agent

Counterfoil

Book No. ....

Serial No. ....

Name of Market .....

Name of Commission Agent.....

Name of Buyer ..... Dated .....

Name of Commodity	Weight	Rate	Total Amount	Market Charges	Grant Total
1	2	3	4	5	6
		Rs.	Rs.	Rs.	Rs.
				Commission .....	
				Brokerage .....	
				Mutia .....	
				Filling & Sewing Charges .....	
				Other Charges .....	
				Total .....	

Acknowledgement by the buyer.

Signature of Commission Agent.

( See Rule 39(15) )

## Counterfoil

Name of seller \_\_\_\_\_

[illegible]

**Signature of Commission Agent.**

**Note :-** Where the Agriculture produce, being vegetable or fruit is delivered, it shall not be necessary to fill the column 2 relating to name of buyer.

## FORM—L

(See Rule 28 (2) )

## Register of Processors

Date of pur- chase.	Name of ag- ricul- tural pro- duce.	Notified market area where purchases were made.	Weight of the Agricul- tural produce.	Date of pay- ment of fee.	Name of extracted commo- dity.	Weight of the extract- ed commo- dity and date of ex- traction.	RE- MARKS

Signature of dealer



## FORM—M

( See Rule 36 (1) )

Return of daily purchase and sales

Marketing Committee .....  
Counter foil

Date .....

Name of Dealer ..... Licence No. ....

Last date when market fee paid with receipt No. ....

Date of transaction	Name of commodity	Name of seller from whom purchased	Weight	Rate	Value	Whether fee is leviable or not, why?	Whether fee is leviable (a) from buyer (b) from producer (c) Total	Name of buyer to whom sold	Weight	Rate	Value	Whether fee leviable if not, why?	Amount of fee leviable (a) from buyer (b) from producer (c) Total	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Total .....

Total .....

Signature of dealer .....

Note :— In case of dealers dealing exclusively in vegetable or fruit, it shall not be necessary column 9 relating to "Name of buyer to whom sold".

# FORM N

(See Rule 36(2) )

## Register of sale and purchase of Agricultural Produce

Marketing Committee ..... Year ..... Month .....

[illegible]

**Monthly Total**

**Signature**

**FORM O**  
**(SEE RULE 36 (4) )**  
**Assessment Notice**

**To,**  
 M/S .. ... ..

**Whereas**

- (a) You, a dealer licence No ... .. and licensed under section 19 (2) (iii) of the Mizoram State Agricultural Produce Marketing Regulation Act, 1996 of the ... .. notified market area, have not furnished return/correct return in Form M for the period from .. ... to .. ...
- (b) You, a dealer Licence No .. ... .. licensed under section 38 of the Mizoram State Agricultural Produce Marketing Regulation Act 1996 of the ... .. notified market area have habitually made default in the submission of returns for the period from .. ... to ... .. and it appears to the Committee that wilfully failed to furnish such returns in respect of the above mentioned period.

And it appears to be necessary to make assessment under rule 36 of the Mizoram State Agricultural Produce Marketing Regulation (General) Rules, 1996 in respect of the above mentioned period.

You are hereby directed to attend in person or by an authorised agent at (place) .. ... on (date) ... .. at time ... .. and produce, or cause there to be produced at the said time and place the accounts and documents specified below for the purpose of such assessment, together with the objections which you may wish to prefer and any evidence you may wish to adduce in support thereof and to show cause why in addition to the market fee levied on the basis of assessment a penalty prescribed under rule 36 of the said rules should not be imposed upon you.