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NOTIFICATION

No. C. 31016/1/93-DCA, the 9th July, 2003. In pursuance of paragraph 11 of the sixth schedule to the Constitution of India, the following Regulations of the Lai Autonomous District Council which received the approval of the Governor of Mizoram is hereby published for General information.

1. THE LAI AUTONOMOUS DISTRICT COUNCIL (Trading) Regulation, 2002 (Vide Governor of Mizoram's approval dt. 4. 7. 2003).

P. Chakraborty,
Secretary to the Govt. of Mizoram,
District Council Affairs Deptt.

THE LAI AUTONOMOUS DISTRICT (TRADING) REGULATION, 2002

A REGULATION

to provide regulation of trading within the Lai Autonomous District Council. The Lai Autonomous District Council, in exercise of the powers conferred on it by sub-paragraph (1) of paragraph 10 of the Sixth Schedule to the Constitution of India, the Lai Autonomous District Council is pleased to make the following regulation in Fifty-third year of the Republic of India as follows :-

1. SHORT TITLE, EXTENT AND COMMENCEMENT.

(1) This Regulation may be called the Lai Autonomous District Council (Trading) Regulation, 2002.

(2) It shall extend to the whole of Lai Autonomous District.

(3) It shall come into force on the date of publication in the Mizoram Gazette.

2. DEFINITIONS.

In this Regulation unless the context otherwise requires:

(1) "agent" means a person who on behalf of another person and in consideration of commission makes or offers to do anything necessary for completing and carrying out such trade;

(2) "Appellate Authority" means such a committee consisting of three official members constituted by the Executive Committee as may be notified in the Mizoram Gazette;

(3) "District" means the Lai Autonomous District;

(4) "District Council" means the Lai Autonomous District Council;

(5) "Executive Committee" means the Executive Committee of the Lai Autonomous District Council;

(6) "Licence" means a licence issued by the Lai Autonomous District Council for the purpose of trading within the District;

(7) "Licence holder" means a person or persons holding a licence under this Regulation.

(8) "licensing Authority" means Officer or any Officers authorized in this behalf by the Executive Committee.

(9) "prescribed" means prescribed by rules made under this Regulation.

(10) "temporary licence" means a licence granted temporarily for a specified period of time not exceeding one year at a time.

(11) "trade" means any trade, business, industry, transportation, professions or the like nature, occupation relating to production, manufacturing, supply and distribution of goods.

3. CONTROL OF TRADING :-

On and from such date of publication in the Mizoram Gazette, no person resident in the district shall carry on any trade within the district except in accordance with the terms and conditions of a licence issued under this Regulation and the rules made thereunder.

4. APPLICATION FOR LICENSE :—

(1) Any person desiring to carry on himself any trade within the district may make an application for the grant of a licence to the Licensing Authority.

(2) Every application under sub-section (1) shall be made in the prescribed form alongwith the prescribed fee and shall contain such particulars as may be prescribed.

5. VERIFICATION, GRANT OF LICENCE AND REFUSAL OF ISSUE OF LICENCE

(1) On receipt of an application for the grant of a license under section 4, the Licensing Authority shall hold inquiry having regards to necessary qualifications as may be prescribed in the rules made thereunder.

(2) The Licensing Authority may, after holding necessary inquiry under sub-section (1), issue a licence or temporary licence on payment of such fees as may be prescribed in the rules made thereunder.

(3) The Licensing Authority may refuse to grant licence if in his opinion, the applicant does not fulfill such qualifications as may be prescribed in the rules or on any other sufficient and reasonable grounds.

Provided that no application for grant of licence shall be refused to a person or persons who has/have been carrying out trade within the District under a permanent licence issued by the erstwhile Pawi-Lakher Regional Council or Pawi Autonomous District Council till immediately before the commencement of this Regulation unless otherwise disqualified under this Regulation.

6. RENEWAL OF LICENCE :

(1) Where a licence has been granted under section 5 for any definite period and the same has not been cancelled earlier under section 15, then, such licence may, on an application made by the licence holder be renewed by the Licensing Authority for such period on payment of such fees as may be prescribed.

(2) If the licence holder fails to furnish the application along with the fees before the expiry of the licence the Licensing Authority may entertain the application for renewal upto one month on payment of the late fees as may be prescribed by rules made under this Regulation.

7. ADDITION, DELETION AND ALTERATION :

The Licensing Authority may make additions, deletions or alterations in the entries made in the licence relating to places of business, names of partners, name of employees, items of trade articles as it deems fit.

8. DECISION OF THE EXECUTIVE COMMITTEE TO BE FINAL :

The decision of the Executive Committee in granting, rejecting or cancellation or suspension of licence to any persons for dealing in any item of trade shall be final.

9. LICENCE NOT TRANSFERABLE :

Licence

Provided that where a licence holder dies, the licence shall stand cancelled.

Provided further that if an application is made by his her legal heir to continue the business, the Licensing Authority may consider granting a fresh licence to the applicant.

10. DISPOSAL OF TRADE ARTICLES WHEN LICENCE HAS BEEN CANCELLED:

In the event of cancellation of licence, the Licensing Authority may, on an application made to it in this behalf and for any good and sufficient reason or reasons grant time for disposal of the stocks of trade article available with the licence holder for a period not exceeding three months.

11. MAINTENANCE OF ACCOUNTS:

(1) Every licence holder shall maintain such account books and other records as may be prescribed.

(2) Every book of account or other record maintained under sub-section (1) shall, at all reasonable times, be open to inspection by the Licensing Authority or Officers authorised in this behalf by the Executive Committee.

12. APPEAL AGAINST DECISION OF THE LICENSING AUTHORITY:

(1) Any licence holder aggrieved by Licensing Authority may, within thirty days from the date of which the decision is communicated to him, prefer an appeal to the Appellate Authority on payment of such fees as may be prescribed.

Provided that no such appeal shall be entertained if not preferred within a specific period. The decision of the Appellate Authority shall be final.

(2) In receipt of an appeal under sub-section (1) the Appellate Authority shall, after giving the appellant an opportunity of being heard, pass such orders as it deems.

13. REVISION:

(1) The Executive Committee may, on its motion or on the application of any aggrieved, call for an examination of record of any proceeding in which a Licensing Authority or an Appellate Authority has passed any decision or order under this Regulation for the purpose of satisfying itself as to the legality or propriety of any such decision may pass such orders therein as it thinks fit.

Provided that no order prejudicial to any person shall be passed under this sub section unless such person has been given a reasonable opportunity of being heard in the matter.

(2) No decision or order shall be revised under sub-section (1) by the Executive Committee on its own motion and no application for the revision of any such decision or order shall be entertained after the expiry of ninety days from the date of such decision or order.

14. POWER TO EXEMPT:

(1) The Executive Committee may, by general or special order, and subject to such condition or restriction as may be specified in such order, Exempt any person or class of persons, association of persons or any co-operative society from the operation of all or any provisions of the Regulation and may at any time suspend or rescind such exemption.

(2) Nothing in this Regulation shall apply to any trading by on behalf of :-

(a) the Central Government.

(b) the State Government.

(c) the Office, Department, Institution or any other Organisation of the District Council or such agencies as be so declared by the District Council.

15. SUSPENSION & CANCELLATION OF LICENCE :

(1) If any licence holder or his agent or servant or of any other person acting on his behalf contravenes any terms and conditions of the licence his licence may be cancelled or suspended by an order in writing of the Licensing Authority and an entry will be made in his licence relating to such suspension or cancellation.

() A licence holder or his agent or servant or of any other person acting on his behalf shall be given a notice in writing, giving an opportunity to show cause on such suspension or cancellation being contemplated against him/her, within a period of thirty days.

16. PENALTY :

Whoever wilfully refuses or fails to comply with any direction or terms and conditions of a licence under section 3 shall on conviction by a Magistrate, be punishable with imprisonment for a term not exceeding one year or with fine which may extent to two thousand five hundred rupees or with both.

Provided that if any person or persons, after having been previously convicted of an offence punishable under any section of this Regulation shall be liable to twice the punishment which might be imposed on a first conviction under this Regulation.

Provided that the Court may, for reasons to be recorded in the judgment impose a fine exceeding Rs.2000/-

17. OFFENCE TO BE NON-COGNIZABLE :

An offence under this Regulation shall be non-cognizable.

18. PROTECTION OF OFFICER OR OFFICERS ACTING IN GOOD FAITH :

No suit, prosecution or other legal proceedings shall be instituted against an Officer of the District Council for anything done or intended to be done in good faith under the provisions of this Regulation or rules made thereunder.

19. DELEGATION OF POWER :

Subject to restriction as may be specified, the Executive Committee may by notification in the Mizoram Gazette, delegate any of the powers under this Regulation to any of its Officer and such Officers shall thereupon exercise such power or powers.

20. POWER TO MAKE RULES :

- (1) Subject to the prior approval of the Governor of Mizoram, the Executive Committee may make rules for the purpose of carrying out the provisions of this Regulation.
- (2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for :-
 - (a) the forms and conditions of the licence.
 - (b) the fees that should be paid for the licence.
 - (c) the matter in which an application for licence shall be submitted.
 - (d) the form in which the Licensing Authority shall keep account.
 - (e) any other matters connected with ancillary to the matter aforesaid.

21. REPEAL AND SAVING :

- (1) On and from the commencement of this Regulation, the Pawi Autonomous District (Trading by non-tribal) Regulation, 1974 shall stand repealed.

- (2) Notwithstanding such repeal any action taken under the provisions of the said Regulation shall be deemed to be taken under this Regulation.

STATEMENT OF OBJECTS AND REASONS

As provided under sub-paragraph (1) of paragraph 10 of the Sixth Schedule to the constitution of India and as modification made vide section 2 of Act No. 67 of 1988, the Lai Autonomous District Council felt it necessary to make fresh Regulation for control of trading within the District to repeal the Pawi Autonomous District (Trading by non-tribal) Regulation 1974.

Hence the Regulation.

Lalduhsaka,
Executive Member, i/c Revenue,
Lai Autonomous District Council,
Lawngtlai.

Certified that the above bill was passed by the Lai Autonomous District Council in its Monsoon Session held on 28.8.2002.

And in authentication whereof I put my signature this Fourth Day of September Two thousand two Anno Domini.

Manghmunga Chinzah,
Chairman,
Lai Autonomous District Council,
Lawngtlai.