



**THE  
ASSAM AGRICULTURAL  
PRODUCE MARKET  
ACT, 1972.**

(as amended upto 2000)

**ASSAM ACT XXIII OF 1974**

**(Received assent of the President on the  
3rd September 1974)**

**THE ASSAM AGRICULTURAL  
PRODUCE MARKET Act, 1972**

An

Act

**to provide for better regulation of buying  
and selling of agricultural produce and the  
establishment of market for agricultural  
produce in the State of Assam and for  
matters connected therewith.**

Preamble Whereas it expedient to provide for better regulation of buying and selling of agricultural produce in the State of Assam and establishment of regulated markets for agricultural produce;

And whereas the previous sanction of the President of India under the provision of Article 304(b) of the Constitution of India has been obtained for the introduction of the Bill in the Legislative Assembly;

It is hereby enacted in the Twenty-third year of Republic of India as follows :-

**CHAPTER I**

**Preliminary**

Short title  
extend and  
commen-  
cement

1. (1) This Act may be called the Assam Agricultural Produce Market Act, 1972.
- (2) It shall extend to such areas of the State of Assam as may be notified by the State Government from time to time in the Official Gazette.

- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. (1) In this Act, unless, there is anything repugnant in the subject or context.
  - (i) "Agricultural Produce" means and includes any produce whether, processed or non-processed of Agriculture, Horticulture, Animal Husbandry, Pisciculture, Sericulture and Forest as specified in the Schedule;
  - (ii) "Agriculturist" means a person who ordinarily by himself or who by his tenants or hired labour or otherwise is engaged in the production of agricultural produce but does not include a dealer or broker in agricultural produce although such a dealer or broker may also be engaged in the production or growth of agricultural produce;
  - (iii) "Gaon Panchayat" means a Panchayat established [ under the provisions of the Assam Panchyat Act, 1994 ]<sup>1</sup>
  - (iv) "Board" means the State Agricultural Marketing Board constituted under Section 3;
  - (v) "Broker" means an agent, whose ordinary course of business is to negotiate and make contracts for the purchase or sale of agricultural produce on behalf of his principal and who is remunerated by commission; but does not include the servant of such principal whether engaged in negotiating or making such contracts;
  - (vi) "Bye-laws" means bye-laws make under section 50;

Assam Act  
No. XVIII of  
1994<sup>1</sup>

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<sup>1</sup> Substituted vide Section 2 (i) and (ii) of the Amending Act of 2000.

- (vii) "Certificate Officer" means the Officer so defined in the Bengal Public Demands Recovery Act, 1913; Bengal Act 11 of 1913
- (viii) "Commission Agent" means a person who on behalf of another person and in consideration of commission makes or offers to make purchase or sale of agricultural produce or does or offers to the anything necessary for completing and carrying out such purchase or sale;
- (ix) "Co-operative Bank" means the Assam Co-operative Apex Bank Ltd., registered under the Assam Co-operative Societies Registration Act, 1949 or any other Co-operative Bank formed for the State of Assam as an Apex Bank and includes a District Central Co-operative Bank.; Act 1 of 1950
- (x) "Co-operative Marketing Society" means a Co-operative Society registered under the Assam Co-operative Societies Act, 1949 which has as its principal object the promotion of the sale of agricultural produce grown, reared or produced by its members of which is declared as such or equivalent thereto by the State Government.
- (xi) "Director" means the officer appointed by the State Government to discharge all or any of the functions of the director under this Act;
- (xii) "District Council" means a District Council constituted under paragraph 2 of the Sixth Schedule to the Constitution of India;
- (xiii)<sup>1</sup>

<sup>1</sup> Deleted vide Section 2 (iii) of the Amending Act of 2000.

- (xiv) "Licence" means a person or association firm or company granted a licence under this Act;
- (xv) "Local Authority" means a Corporation a Municipal Board or a Town Committee, a [ Zilla ]<sup>1</sup> Parishad or a Gaon Panchayat;
- (xvi) "Market" means a regulated market established under this Act for the market area and includes a market proper, a principal market yard and a sub market yard or yards, if any;
- (xvii) "Market area" means any area declared to be a market area under Section 5;
- (xviii) "Market Committee" means a Committee established under Section 7;
- (xix) "Market proper" means any area including all lands with the building and structures thereon within such distance of the principal or sub market yard as the State Government may, by a notification in the Official Gazette declare in to be a market proper;
- (xx) "Market year" means the financial year adopted and followed by the State Government;
- (xxi) "Measurer" means a person whose business is to measure consignments of agricultural produce for sale;
- (xxii) "[ Zilla Parishad" means a Zilla Parishad established under sub-section (1) of section 64 of the Assam Panchayat Act, 1994];<sup>1</sup> Assam Act No. XVIII of 1994.<sup>1</sup>
- (xxiii) "Notification" means a notification published in the Official Gazette;

<sup>1</sup> Substituted vide section 2 (iv) and (v) of the Amending Act of 2000.

- (xxiv) [“Specified agricultural produce” means any or all the items included in the Schedule to this Act.]<sup>1</sup>
- (xxv) “Prescribed” means prescribed by rules made under this Act;
- (xxvi) “Principal market yard” and Sub-market yard” means and enclosure, building or locality declared to be a Principal market yard and Sub-market yard respectively in Official Gazette by the State Government;
- (xxvii) “Progressive producer” means a producer who in the opinion of the Director of Agriculture, Assam carries on agricultural production on improved method;
- (xxviii) “Proprietor” means the owner of a market and includes any person who is in actual charge and or in direct control of the market whether such person is the owner of the market or is the lessee thereof or is acting on behalf of such owner or lessee;
- (xxix) “Registrar” means the Registrar of the Co-operative Societies, Assam;
- (xxx) “Retail sale” means a sale of any agricultural produce not exceeding such quantity as may by bye-laws or rules be fixed in respect of such agricultural produce;
- (xxxi) “Rules” means rules made under this Act;
- (xxxii) “State Government” means the State Government of Assam;
- (xxxiii) “Schedule means a schedule to this Act;
- (xxxiv) “Secretary” means the Chief Executive of the Market Committee and includes

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<sup>1</sup> Substituted vide section 2 (vi) of the Amending Act of 2000.

Officiating, Acting, Deputy and Assistant Secretary;

- (xxxv) “Surveyor” means a person whose business is to survey a consignment of agricultural produce for sale in regard to quality, grade, refraction, adulteration and such other purposes;
- (xxxvi) “Trade” means any kind of transaction of sale and purchase or any kind of remuneration of sale and purchase of any agricultural produce;
- (xxxvii) “Trader” means a person ordinarily engaged in the business of buying and selling of agricultural produce as a principal or a duly authorised agent of one or more principals and includes a person ordinarily engaged in the business of processing of agricultural produce;
- (xxxviii) “Warehouse Corporation” means the State Warehousing Corporation established in Assam under Section 18 of the Warehousing Corporation Act, 1972;
- (xxxix) “Weighman” means a person whose business is to weigh a consignment of agricultural produce for sale;
- <sup>1</sup>(XL) “Marketing Board Fund” means the Assam State Agricultural Marketing Board Fund established under section 3B of this Act.
- (2) If a question arises whether a person is or is not an agriculturist or trader for the purpose of this Act, it will be decide in the manner prescribed and the decision of the State Government thereon shall be final.

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<sup>1</sup> Inserted vide section 2 (vii) of the Amending Act of 2000.

**Explanation :** For the purpose of the Act, the word “person” includes any firm, joint family, association or body of individuals whether incorporated or not.

**CHAPTER II**

**Constitution of the State Agricultural Marketing Board, Market and Market Committee.**

Constitution of State Agricultural Marketing Board

3. (1) <sup>1</sup>[ The State Government may for exercising the powers conferred on and duties assigned to the Board by or under this Act, establish and constitute a State Agricultural Marketing Board consisting of a Chairman and <sup>2</sup>[17 (seventeen)] other members to be nominated by the State Government as follows:
- (a) One Chairman<sup>2</sup>.
  - (b) Officials of the Government of Assam.
    - (i) Director of Agriculture, Assam.
    - (ii) Director of Veterinary and Animal Husbandry, Assam.
    - (iii) Director of Panchayat, Assam.
    - (iv) Director of Municipal Administration, Assam.
    - (v) Registrar of Co-operative Societies, Assam.
    - (vi) Secretary, Agriculture Department, Assam.
    - <sup>3</sup>(vii) Representative of the Marketing Adviser, Government of India, posted at Guwahati.

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<sup>1</sup> Substituted vide section 2 of the Amending Act of 1983.  
<sup>2</sup> Substituted vide section 6(1) (i) and (ii) of the Amending Act of 2000.  
<sup>3</sup> Inserted vide section 6 (1) (iii) of the Amending Act of 2000.

(c) Non-Officials :

- (i) One agriculturist member of the Market Committees – to be nominated by the Chairman of the Board.<sup>1</sup>
- (ii) One representative from Agricultural Farming Corporations formed under the Assam Agricultural Farming Corporation Act, 1973.
- (iii) Two progressive producers – to be nominated by the Chairman of the Board.<sup>1</sup>
- (iv) One licensee – to be nominated by the Chairman of the Board.<sup>1</sup>
- (v) One from amongst the members of the Co-operative Marketing Societies [represented in the Market Committee] – to be nominated by the Chairman of the Board.<sup>1</sup>
- <sup>2</sup>(vi) One trader of Agricultural Produce of a Market Committee to be nominated by the Chairman of the Board.
- <sup>2</sup>(vii) 3 (three) Nos. of Chairman from the Market Committee to be nominated by the Chairman of the Board.

(2) <sup>3</sup>[ The State Government shall nominate a Senior Officer of the State Government having sufficient experience in the affairs of the State, to be the Chief Executive

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<sup>1</sup> Inserted vide section 6 (1) (iv) (a) of the Amending Act of 2000.  
<sup>2</sup> Inserted vide section 6 (1) (iv) (b) of the Amending Act of 2000.  
<sup>3</sup> Substituted vide section 6 (2) of the Amending Act of 2000.

Officer of the Board who shall be selected by a Committee to be constituted by the State Government for this purpose. The Chief Executive Officer shall be the Ex-Officio Member-Secretary of the Board who shall enjoy the status of a Joint Secretary to the Government of Assam and shall hold office for such term and under such terms and conditions as may be fixed by the State Government from time to time.]

- (3) The Board shall be a body corporate by the name of the State Agricultural Marketing Board having perpetual succession and a common seal, with power subject to the provisions of this Act, to acquire and hold property and shall by the said name sue and be sued [and shall be competent to acquire and hold lease, or otherwise transfer any property and to enter into any contract and to do all other things necessary, for the purpose for which it is established.]<sup>1</sup>

- <sup>2</sup>(3A) The Board may with the previous sanction of the State Government raise money required for carrying out the purposes for which it is established on the security of any property vested in it:

Provided that the conditions subject to which such money or loan shall be raised or obtained and time within which such money or loan shall be repayable shall be subject to the previous sanction of the State Government.

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<sup>1</sup> Inserted vide section 6 (3) of the Amending Act of 2000.

<sup>2</sup> Inserted vide section 6 (4) of the Amending Act of 2000.

- (4) [The term of office of the Board shall be three years from the date of its first meeting or till its reconstitution, whichever is earlier:

Provided that any Non-Official member nominated under clause (c) of sub-section (1) of this section shall cease to be a member of the Board from the date he ceases to be a member of a Market Committee, representative of Agricultural Farming Corporation, a Licensee, or a member of the Co-operative Society represented in the Market Committee.]<sup>1</sup>

- (5) No person shall be eligible to become a Chairman or member of the Board who —
- (a) does not ordinarily reside within the State of Assam;
  - (b) is below twenty-one years of age;
  - (c) has been removed under Section 30 of this Act;
  - (d) is of unsound mind; or
  - (e) has been declared as insolvent or sentenced by a criminal court whether within of outside the State of Assam for an offence involving moral turpitude;

Provided that the disqualification under clause 5 (c) on the ground of a sentence by a criminal court shall not apply after the expiry of four years from the date on which the sentence of such person expired;

Provided further that no person shall be nominated as Chairman of the Board consecutively for more than two terms.

- (6) A Non-Official member of the Board may resign

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<sup>1</sup> Substituted vide section 2 of the Amending Act of 1983

from membership by tendering his resignation to the State Government through the Chairman of the Board and the Chairman of the Board may resign by tendering his resignation to the State Government and such resignation shall be effective from the date of the acceptance by the State Government.

- (7) The State Government may remove the Chairman or any member of the Board who has become subject to any of the disqualifications specified in sub-section (5):

Provided that before removing the Chairman or a member the reasons for the proposed action shall be conveyed to him and his reply invited within a specified period and duly considered.

- <sup>1</sup>(7A) In the event of the removal of the Chairman by the State Government under sub-section (7) of section 3 and also in the event of resignation by the Chairman under sub-section (6) of section 3, the State Government shall nominate one amongst the members of the Board to preside over the meetings of the Board till a regular Chairman is nominated by the State Government.

- (8) If the vacancy caused by cessation of office of any member under provision to sub clause (4) or by resignation or removal of the Chairman or member under sub-sections (6) and (7) respectively of this section the State Government may nominate another in the manner provided in clause 3(1) (a) or 3(1) (c) as the case may be and such person shall remain in office for the remaining period of the term of his predecessor.

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<sup>1</sup> Inserted vide section 6(5) of the Amending Act of 2000.

- (9) The State Government shall exercise superintendence and control over the Board and its employees and may call for such information as it may deem necessary and in the event of its being satisfied that the Board is not functioning properly or is abusing its powers or is guilty of corruption or mismanagement, it may supersede the Board and till such time as a new Board is constituted, shall make such arrangement for the exercise of the functions of the Board as it may think fit.

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

- (10) The Board shall exercise superintendence and control over the Market Committees in the manner prescribed.
- (11) The State Government or the Chairman or the [Chief Executive Officer]<sup>1</sup> of the Board or any other employee of the Board authorised in this behalf by the Board, may call for any information for return relating to [specified agricultural produce]<sup>2</sup> from a Market Committee or any other functionaries under or in relation to such Market Committees and shall have the power to inspect the records of a Market Committee or such functionaries as the case may be.

- <sup>3</sup>(12) (a) Subject to the provisions of this Act, and the rules and the bye-laws made thereunder the Board may employ such persons for the performance of the functions of the Board under this Act, and may give them such

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<sup>1</sup> Substituted vide section 7 of the Amending Act of 2000.

<sup>2</sup> Substituted vide section 5 of the Amending Act of 2000.

<sup>3</sup> Substituted vide section 6(6) of the Amending Act of 2000.

remuneration as it may think fit and may suspend, remove, dismiss or otherwise punish any person so employed :

Provided that no new post in any category shall be created by the Board without obtaining prior approval of the State Government and the numbers of existing posts category-wise already created by the Board since its inception and before coming into force of the Assam Agricultural Produce Market (Amendment) Act, 2000, shall be submitted by the Board for obtaining ex-post-facto concurrence of the State Government in this regard within one month from the date of coming into force of the Assam Agricultural Produce Market (Amendment) Act, 2000 and no person shall be employed by the Board in any capacity and in any manner whether on fixed pay or on adhoc basis or otherwise if the creation of such post has not been concurred by the State Government as provided under this section :

Provided further that the Board may, with the approval of the State Government and without any prejudice to the rule making power of the State Government under section 49 of the Act, make bye-Laws under sub-section (14) of section 3 regulating the employment and conditions of service in respect of any or all categories of officers and employees of the Market Committees and such bye-laws shall, as nearly as may be, consistent with the corresponding rules in respect of the Officers and employees of the corresponding grade of the State Government. Any amendment to such bye-Laws once framed shall require approbation of atleast three-fourth of the total number of members of the Board in the

meeting before approval of the Government.

(b) The Board may constitute pool of Officers and other staff common to all Market Committees and the Board as it may deem fit.

- (13) Subject to rules made under this Act, an estimate of the annual income and expenditure of the Board for the ensuing year shall be prepared and passed by the Board and submitted every year for sanction of the State Government not later than the prescribed date. The State Government shall sanction and return the budget within two months from the date of the receipt thereof. If it is not received within two months it shall be presumed to have been sanctioned.
- (14) Subject to rules made under this Act, the Board may, with the approval of the State Government frame bye-laws for —
- (a) regulating the transaction of business at its meeting;
  - (b) the assignment of duties and powers of the Board to its Chairman, [Chief Executive Officer]<sup>1</sup> or persons employed by it; and
  - <sup>2</sup>(c) regulating the employment and conditions of service in respect of any or all of the categories of Officers and employees of the Board and the Market Committees;
  - <sup>3</sup>(d) such other matters as may be prescribed.
- (15) Four members shall constitute a quorum at a meeting of the Board:

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<sup>1</sup> Substituted vide section 7 of the Amending Act of 2000.

<sup>2</sup> Inserted vide section 6(7) of the Amending Act of 2000.

<sup>3</sup> Renumbered vide section 6(7) of the Amending Act of 2000.

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at such adjourned meeting.

- (16) All questions before a meeting of the Board shall be determined by a majority of votes of the members present in the voting and in case of equality of votes, the Chairman may exercise a casting vote.
- (17) The State Government may delegate, by notification in the Official Gazette any of the powers conferred on it by or under the Act, to any of its Officers or to the Board or to the Chairman or its [Chief Executive Officer]<sup>1</sup>.
- (18) The headquarters of the Board shall be located at a place to be determined by the State Government.
- (19) No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

Powers and Functions of the Board<sup>2</sup>

- <sup>2</sup>3A. (1) The Board shall subject to the provisions of this Act and without prejudice to the provisions of section 3 (10), perform the following functions and do such things as may be necessary or expedient for carrying out these functions, namely :-
- (i) Coordination of the working of the Market Committees and other affairs thereof including programmes undertaken by such Market Committees for the development of markets and market areas;
  - (ii) Undertake the State level planning of the

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<sup>1</sup> Substituted vide section 7 of the Amending Act of 2000.

<sup>2</sup> Inserted vide section 8 of the Amending Act of 2000.

development of Agricultural produce and Markets;

- (iii) Administer the Marketing Board Fund;
  - (iv) Giving direction to Market Committees in general or to any Market Committee in particular with a view to ensure improvement thereof;
  - (v) Any other functions specifically entrusted to the Board under this Act;
  - (vi) Any other functions that may be entrusted to the Board by the State Government under this Act.
- (2) Without prejudice to the generality of the foregoing provisions of the functions of the Board shall be :-
- (i) to approve proposals for selection of new site by the Market Committees for establishment of Principal market yard or sub-market yard;
  - (ii) to approve proposal for constructing infrastructural facilities in the Market area;
  - (iii) to supervise and guide the Market Committees in the preparation of plans and estimates of construction programme undertaken by the Market Committee;
  - (iv) to execute all works chargeable to the Board's fund ;
  - (v) to maintain accounts in such forms as may be formulated and get the same audited;
  - (vi) to set up separate Marketing Extension Cell in the Board for transfer of marketing technology and extension services and

also to make necessary arrangement by the Board for propaganda and publicity on matters related to regulated marketing of an Agricultural Produce;

- (vii) to prepare and adopt annual budget for the ensuing year;
- (viii) to do such other lawful things as may be considered necessary for carrying out the provisions of this Act.

Assam State Agricultural Marketing Board Fund<sup>1</sup> 3B.<sup>1</sup> All moneys received by or on behalf of the Board shall be credited to a fund called “The Assam State Agricultural Marketing Board Fund”. The existing Fund of the Board before coming into force of the Assam Agricultural Produce Market (Amendment) Act, 2000, shall be credited to the Assam State Agricultural Marketing Board Fund established under this section, within one month from the date of coming into force of the Assam Agricultural Produce Market (Amendment) Act, 2000.

Payments incurred by the Board<sup>1</sup> 3C.<sup>1</sup> All payment incurred by the Board shall be defrayed out of the Marketing Board Fund. The Chief Executive Officer of the Board shall be the drawing and disbursing officer subject to this Act and the bye-laws framed to that effect.

Contribution towards the Board<sup>1</sup> 3D.<sup>1</sup> Every Market Committee shall pay to the Board 50% of its annual gross income derived from licence fee and cess as contribution to meet the expenses of establishment of the Board and execution of works as may be directed by the Government from time to time for carrying out the purposes of this Act and for execution of other functions assigned to the Board under this Act including the maintenance of pool of officers common to Board and Market Committee;

<sup>1</sup> Inserted vide section 8 of the Amending Act of 2000.

Provided that 50% of the amount out of the amount collected by way of contribution from the Market Committees by the Board every year shall be transferred from the Marketing Board Fund to a separate account to be known as Agricultural Development Fund. The Chief Executive Officer shall incur expenditure after approval from the Board from and out of that fund on such schemes or items as may be prepared for the development of Agricultural Produce and Market subject to the approval of such schemes or items by a Committee consisting of the following :–

- (a) Chairman of the Board - Chairman
- (b) Secretary to the Govt. of Assam, Agriculture Department - Member
- (c) Director of Agriculture, Assam - Member
- (d) Chief Engineer, Agriculture, Assam - Member
- (e) Chief Executive Officer of the Board - Member Secretary

Provided further that the Board may appropriate any amount from and out of the Agricultural Development Fund for meeting any other expenses authorised under this section so as to meet any exigency without effecting the on going Schemes and items already approved by the Committee.

Utilization of Marketing Board Fund<sup>1</sup> 3E.<sup>1</sup>(1) The Marketing Board Fund shall be utilised by the Board for discharge of functions entrusted to the Board under this Act.

<sup>1</sup> Inserted vide section 8 of the Amending Act of 2000.

- (2) Without Prejudice to the generality of this provision to Marketing Board Fund may be utilised for the following purposes, namely :–
- (i) payment of administrative expenditure of the Board;
  - (ii) payment of travelling and other allowance to the Chairman and Members of the Board;
  - (iii) payment of legal expenses incurred by the Board;
  - (iv) granting aid to financially weak Market Committees in the form of loan or grant for development purposes;
  - (v) training of the officers and staff of the Market Committees and the Board;
  - (vi) for any purpose as may be deemed necessary by the Board for carrying out the purposes of this Act;
  - (vii) for any purpose as may be directed by the State Government for carrying out the purposes of this Act.

Audit of Accounts of the Board<sup>1</sup>

- 3F.<sup>1</sup>(1) The Accounts of the Board shall be audited every year by the Director of Audit (Local Fund), Assam or in whatever name he may be called or any officer authorised by him. The Board shall be deemed to be a Local Authority for this purpose.
- (2) The Board shall make arrangement for internal Audit of its Accounts every year by such officers or persons as it may deem fit.
  - (3) The Forms of Accounts to be maintained by the Board for the purpose of Audit shall be such

<sup>1</sup> Inserted vide section 8 of the Amending Act of 2000.

as may be determined by the Board in consultation with the Director of Audit (Local Fund), Assam.

- (4) The report of Audit with comments of the Board thereon shall be submitted to State Government every year.

Delegation of power<sup>1</sup>

- 3G.<sup>1</sup>(1) Subject to the provisions of this Act, the Board may by general or special order delegate to the Chief Executive Officer or to any other officer of the Board such of the powers and duties under the Act as it may deem fit.
- (2) The Chairman or the Chief Executive Officer of the Board may delegate any of his powers under this Act to any officer of the Board.

Power and Functions of the Chairman<sup>1</sup>

- 3H.<sup>1</sup>(1) The Chairman of the Board shall be responsible for the administration of the Assam Agricultural Produce Market Act, 1972 as amended from time to time and shall subject to any other provisions as may be prescribed and the bye-laws framed, exercise general control over the employees of the Board and Market Committees.
- (2) The other powers and functions of the Chairman shall be such as may be prescribed.

Functions and powers of the Chief Executive Officer<sup>1</sup>

- 3I.<sup>1</sup>(1) The Chief Executive Officer of the Board shall exercise supervision and control over the officers and staff employed by the Board and Market Committees in matters of administration, execution of works, maintenance of accounts and records of the Board and disposal of all questions relating to the service matters of the employees subject to the approval of the Chairman of the Board.

<sup>1</sup> Inserted vide section 8 of the Amending Act of 2000.

- Notification of intention of exercising control over purchase and sale of agricultural produce in specified area.
4. (1) The State Government may, by notification in the Official Gazette, declare its intention of regulating the purchase and sale at [specified]<sup>1</sup> agricultural produce in such areas as may be specified in the notification. A copy of the notification under this section shall also be published in the area concerned in the manner prescribed:
- Provided that no area within the limits of a District Council shall be included in the area specified in such notification except after consultation with the District Council concerned.
- (2) The notification under sub-section (1) shall state that any objection or suggestion received by the State Government within a period of not less than one month to be specified in the notification under sub-section (1) shall be considered by the State Government.
5. (1) After the expiry of the period specified in the notification issued under section 4 and after considering such objections and suggestions as may be received before such expiry and after holding such enquiry as may be necessary the State Government may, by notification in the Official Gazette, declare the area specified in the notification under section 4 or any portion thereof to be a market area for the purpose of this Act in respect of all <sup>2</sup> agricultural produce specified in the said notification. A copy of the notification under this
- Declaration of market area.

<sup>1</sup> The word such has been substituted vide section 9 of the Amending Act of 2000.

<sup>2</sup> The words or any of the kinds of deleted vide section 10(i) of the Amending Act of 2000.

- section shall also be published in the area concerned in the manner prescribed.
- (2) On and after the date of the publication of the notification under sub-section (1) or at such later date as may be specified therein, no Local Authority or other person, not withstanding anything contained in any law for the time being in force, shall, within the market area or within a distance thereof to be notified in the Official Gazette in this behalf, set up, establish or continue or allow to be set up, established or continued, any place for the purchase or sale of any agricultural produce so notified, except in accordance with the provisions of this Act, and the rules and bye-laws, framed thereunder for purchase or sale of any agricultural produce so notified.
- (3) Nothing in sub-section (2) shall apply to the purchase or sale of such agricultural produce if the producer of such produce is himself its seller and the purchaser is a person, who purchases such produce for his own private consumption or if such agricultural produce is sold by retail sale to a person who purchases such produce for his own private consumption.
- (4)<sup>1</sup> [The State Government may, at any time by notification in the Official Gazette exclude from the market area any area comprised therein or add a new area to it.]
- (5) Subject to the provisions of Section 4, the State Government may at any time by notification in the Official Gazette withdraw any notification issued under sub-section (1).

<sup>1</sup> Substituted vide section 10(ii) of the Amending Act of 2000.

- Declaration of market yards.
- 6 (1) For each market area there shall be one principal market-yard and one or more sub-market yards as may be necessary.
- (2) [The Board with the approval of the State Government may]<sup>1</sup> declare —
- (i) any enclosure, building or locality in any market area to be the principal market-yard and other enclosures, buildings or localities in such market areas to be one or more sub-market yard or yards for the area; and
  - (ii) any area including all lands with the buildings and structures thereon within such distance of the principal or sub-market yard or yards, as the case may be, as it thinks fit to be market proper :
- <sup>2</sup>[Provided that the location of the principal market yard, sub-market yard or yards or any other lands, buildings or structures ancilliary thereto shall be at a close distance from the location where the trade and merchandise in all or any specified agricultural produce normally takes place.]
- <sup>3</sup>(3) The land requirement for establishing a structure and its specification shall be such as may be prescribed.

Explanation— For this sub-section the word structure shall include any office building of the

<sup>1</sup> Substituted vide section 11(i) of the Amending Act of 2000.

<sup>2</sup> Inserted vide section 11(ii) of the Amending Act of 2000.

<sup>3</sup> Inserted vide section 11(iii) of the Amending Act of 2000.

- Market Committee, staff quarter, rest house, godown, principal market yard, sub-market yard or yards, check-gate and its ancilliary structures.
- Establishment of Market Committee
- (7) (1) The State Government shall establish a Market Committee for every area declared to be a market area under sub-section (1) of Section 5. It shall be the duty of the Market Committee to enforce the provisions of the Act and the rules and bye-laws framed thereunder in such market area.
- (2) The State Government may establish a separate Market Committee within the same market area or a part thereof provided it is satisfied that trading in a particular type of agricultural produce can be regulated only if and when an independent Market Committee already functioning is unable to undertake regulated trading in that commodity because of its peculiar nature:
- Provided that not more than one Market Committee shall be established within the same market area or a part thereof for the same type of agricultural produce.
- Constitution of Market Committee
8. (1) Every Market Committee <sup>1</sup> shall consist of the following members namely –
- (i) seven agriculturist who are voters of Gaon Panchayat to be elected by the members of the Gaon Panchayat in the market area in the manner prescribed;
  - (ii) three to be elected by the traders,

<sup>1</sup> Amended vide section 3 of the Amending Act of 1983.

other wise than Co-operative Marketing Societies and Gaon Panchayat holding valid licence under this Act from amongst themselves in the manner prescribed;

- (iii) one to be elected by the members of the Managing Committee or Board of Directors, as the case may be, of the Co-operative Marketing Societies in the market area holding a licence under this Act from amongst themselves in the manner prescribed;
- (iv) one to be nominated by such Co-operative Bank as may be decided upon by the State Government;
- (v) one to be nominated by the State Government;
- (vi) one to be elected by the members of the Municipal Board, Town Committee or Gaon Panchayat within whose jurisdiction the principal market-yard is situated from amongst the members of the Municipal Board, Town Committee or Gaon Panchayat, as the case may be. When the principal market-yard is situated within the jurisdiction of two or more local authorities of the type mentioned above, one member to be elected jointly by the members of the local authorities concerned from amongst themselves in the manner prescribed.
- (vii) one to be nominated by the

Warehousing Corporation, if a warehouse has been established by such Corporation within the market area and where no such warehouse has been established then two persons shall be elected by the Co-operative Marketing Societies under clause (iii).

- (2) Notwithstanding anything contained in sub-section (1).

On the failure of any organisation, person or authority to elect any member under sub-section (1) within a period of three months from the date of the occurrence of the vacancy, the Director shall give notice in writing to the organisation, person or authority concerned to elect the member within a month from the date of such notice and on the failure of the organisation, person or authority to elect a member within the said period, the Director shall nominate a person on behalf of such organisation, person or authority as a member of the Market Committee.

- (3) When a Market committee is constituted for the first time all the members of the Market Committee including the Chairman and Vice-Chairman thereof shall be nominated by the State Government and such members shall hold office for a period of three years;

Provided that the State Government may extend the term of the Market Committee for a period not exceeding two years;

Provided further that the extension period

Period of  
Office of  
Market  
Committee

- on any occasion shall not exceed one year at a time.
9. (1) Every member of Market Committee other than the first one constituted by the State Government shall hold office for a period of three years commencing from the date of first meeting of the reconstituted Market Committee at which a quorum is present. The Market Committee shall, thereafter, be reconstituted every three years before the expiry of the third year and not earlier than three months prior to such expiry.
  - (2) The term of three years referred to in Sub-Section (1) shall include any period which may lapse between the expiry of the said three years and the date of the first meeting of the reconstituted Market Committee, at which a quorum is present.
  - (3) The State Government may, by notification for sufficient cause to be stated therein direct, from time to time that the term of office of the members of a Market Committee be extended by such period not exceeding one year as may be specified in the notification.
  - (4) A member elected or nominated under sub-section (1) of section 8 shall cease to hold office, if he ceases to be member of the category of persons from which he was elected or nominated.
  - (5) A member shall also cease to hold office if he in writing resigns his membership and the same is accepted by the Market Committee or if he is removed by the State Government under the provisions of this Act.

Chairman  
and Vice-  
Chairman  
of Market  
Committee

- (6) Whenever any vacancy occurs in membership for any of the reasons aforesaid, the said vacancy shall be filled in by election or nomination as the case may be and every such member elected or nominated, shall hold office for the unexpired period of the term of the member in whose place he is elected or nominated.
- (7) Notwithstanding any vacancy in a Market Committee it shall be competent to exercise its powers and perform its duties and none of its actions shall be questioned merely on the ground of the existence of any vacancy in or any defect in the constitution of the Committee.
10. (1) Subject to the provision of sub-section (3) of Section 8 every Market Committee shall elect, in the manner prescribed, one of its members to be its Chairman and another member to be its Vice-Chairman.
- (2) The Chairman and the Vice-Chairman shall exercise such powers and carry out such duties on behalf of the Committee under this Act and the rules made thereunder from time to time, as may be prescribed.
- (3) Whenever for any reason, the office of both the Chairman and the Vice-Chairman of any Market Committee fall vacant, the State Government shall appoint any one from amongst the members of such Market Committee as the Chairman to hold office as such temporarily, till a Chairman is elected.
- (4) The Chairman, or in his absence, the

Vice-Chairman shall preside at every meeting of the Market Committee and in the absence of both the Chairman and the Vice-Chairman at any meeting, the members present shall elect one from amongst themselves to preside over the meeting.

- (5) When a meeting is held for the removal of the Chairman or the Vice-Chairman or the both.
- (6) (a) the Vice-Chairman or in his absence, a member duly elected at the meeting shall preside, if the resolution relates to the removal of the Chairman.
- (b) the Chairman or in his absence, a member duly elected at the meeting shall preside if the resolution relates to the removal of the Vice-Chairman.
- (c) a member duly elected at the meeting shall preside if the resolution relates to the simultaneous removal of both the Chairman and the Vice-Chairman.

- 11. (1) The Chairman or the Vice-Chairman of any Market Committee may be removed from office by a resolution adopted by at least two-third of the total number of members of the Market Committee present and voting at the meeting convened for the purpose, in the manner prescribed.
- (2) The State Government may, after giving an opportunity to explain, remove the Chairman or Vice-Chairman of a Market Committee from office if he persistently

Removal of Chairman and Vice-Chairman

Calling of meetings and quorum.

omits or refuses to carry out or disobeys the provisions of the Act or the rules made thereunder or any directive issued by the competent authority under this Act or rules made thereunder from time to time, or if he becomes incapable of so acting or is declared insolvent or is convicted by a criminal court for any offences involving moral turpitude or declared disqualified under any of the provisions of this Act and the rules made thereunder.

- 12. (1) No business shall be transacted at any meeting of the Market Committee unless.
  - (a) such meeting is called by the Secretary under the direction of the Chairman or the Vice-Chairman, as the case may be, or as may be required on a requisition by the members as prescribed, and
  - (b) a quorum is present.
- (2) The quorum referred to in sub-section (1) shall be one-third of the total number of members of the Market Committee. If at any meeting the prescribed quorum is not present the meeting shall stand adjourned to some future day to be appointed by the Chairman, the Vice-Chairman or any member who may preside at the meeting, as the case may be. The members present at such adjourned meeting shall form a quorum whatever their number may be.

**CHAPTER III**

**Incorporation of Market Committee, its objects, powers and duties**

Incorporation of Market Committee

13. (1) Every Market Committee shall be a body corporate by such name as the State Government may specify by notification in the Official Gazette. It shall have perpetual succession and a common seal, may sue or be sued in its corporate name and shall be competent to acquire and hold lease, shall or otherwise transfer any property and to contract and to do all other things necessary for the purpose for which it is established.

<sup>1</sup>(2) Where a Market Committee is established in any area, no person shall use any place for buying and selling of [specified agricultural produce]<sup>2</sup> and function as a trader, commission agent, broker, weighman, measurer, surveyor, warehouseman or in such other capacity as may be determined by the Director run a processing or pressing factory within the Market Area unless a licence is issued to such person by the Market Committee on payment of such fees and subject to such conditions as may be prescribed.

Functions of the Market Committee

14. The functions of a Market Committee shall be as follows:—  
(i) to maintain and manage the market yard and to control, regulate and run the market in the interest of the agriculturists and traders holding licence from the Market Committee.

<sup>1</sup> Amended vide section 4 of the Amending Act of 1983.

<sup>2</sup> Substituted vide section 5 of the Amending Act of 2000.

- (ii) to regulate and control transactions in the market and to deal with licence holder who default to open, close and suspend trade in any [specified agricultural produce]<sup>1</sup>, to settle disputes, levy and recover market charges fees on an agricultural produce, licence and other fees, to impose fines and penalties;
- (iii) to act as a mediator, arbitrator or surveyor in all matters of differences, disputes, claims, etc., between licensees or between them an agriculturists making use of the market as sellers of agricultural produce;
- (iv) to control and regulate the admission to the market, to determine the conditions for the use of the market and to prosecute and confiscate the goods belonging to persons trading without a valid licence;
- (v) to bring prosecute or defend or aid in bringing prosecuting or defending any suit, action, proceeding application or arbitration on behalf of the Market Committee or otherwise as directed by the State Government;
- (vi) to purchase, hire or acquire any land for construction of any house thereon or other movable or immovable property and other equipment for the purpose of its business, to raise fund from the Government or otherwise with the approval of the Director for the said purpose and to enter into arrangements with the Government, local authority or otherwise and to comply with such arrangements; and
- (vii) to do such other things as may be required for the purpose of achieving the objects and

requirements of the Act and the rules and bye-laws framed thereunder.

- Power of the Market Committee 15. A Market Committee shall have to power to regulate entry of persons into the principal or sub-market yards, to supervise the behaviour of the persons so entered for transacting business and to take disciplinary action against the licensees who fails to fulfil the conditions of the licence or any direction of the Market Committee, issued within the purview of this Act or rules or bye-laws.
- Duties of the Market Committee 16. It shall be the duty of every Market Committee to enforce the provision of this Act, the conditions of licence granted under the rules and bye-laws framed under the Act in the market area and to provide such facilities as the State Government may, from time to time, direct in connection with the purchase and or sale of notified agricultural produce concerned.
- Appointment of Sub-Committee and Joint Committee 17. A Market Committee may appoint a Sub-Committee or a Joint Committee or an Ad-hoc Committee from amongst its members or any other person from within the market area for the administration of the sub-market yard, for the conduct of any work or for reporting or recommending or deciding any matter or matters and may delegate to such Committee such of its powers or duties as it may think fit. There shall be at least three such members in such Committee.
- Appointment of Secretary 18. Every Market Committee shall have a Secretary appointed by the Board subject to such terms and conditions as may be prescribed.
- Appointment and salaries of Staff of Market Committee 19. (1) A Market Committee may also employ such other Officers and Staff as may be necessary for the management of the market and may pay such Officers and Staff

such salaries as it may think fit :

<sup>1</sup>[Provided that no new post of any category shall be created by the Market Committees without obtaining prior approval of the State Government through the Board and no new appointment shall be made in any capacity in the Market Committee whether on fixed pay or ad-hoc basis or otherwise unless the post is approved by the State Government. The Market Committee shall submit the respective lists of posts category-wise created since its establishment and before the date of coming into force of the Assam Agricultural Produce Market (Amendment) Act, 2000 to the Board within one month from the date of commencement of the Assam Agricultural Produce Market (Amendment) Act, 2000, for ex-post-facto approval of the Government and the Board in turn submit the same before the State Government within two months from the date of such coming into force for ex-post-facto approval of the State Government.]

(2) A Market Committee may also, provide for payment of such leave allowances, pensions and gratuities as it may deem proper and may contribute to any provident fund which may be established for the benefit of such Officers and Staff.

(3) The powers conferred by this section on the Market Committee shall be exercisable by it subject to any rules which may be made in this behalf by the Board.

- Execution of contracts. 20. Every contract entered into by a Market Committee shall be in writing and shall be signed

<sup>1</sup> Inserted vide section 12 of the Amending Act of 2000.

by its Chairman, Secretary and two other members of the Committee.

Power to levy cess

21. <sup>1</sup> Every Market Committee shall levy and collect a cess on the agricultural produce bought or sold in the market area at a rate not exceeding [two rupees]<sup>2</sup> for every one hundred rupees of the aggregate amount for which a [specified agricultural produce]<sup>3</sup> is bought or sold whether for cash or for deferred payment or other valuable considerations.

Provided that no cess will be levied on goods manufactured from the agricultural produce on which cess is proposed to be levied and which are ultimately exported out of the country.

**Explanation — 1.** <sup>4</sup>[For the purpose of this section all Specified Agricultural Produce shall unless the contrary is proved be deemed to be bought or sold in notified market area if –

- (i) Such produce is taken out or proposed to taken out of the said area; or
- (ii) the agreement of sale or purchase thereof in respect of such produce is entered into the said area; or
- (iii) in pursuance of sale or purchase or the agreement of sale or purchase such produce is delivered in the said area to the

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<sup>1</sup> (1) deleted vide section 5 of the Amending Act of 1983.  
<sup>2</sup> Substituted vide section 13 of the Amending Act of 2000.  
<sup>3</sup> Substituted vide section 5 of the Amending Act of 2000.  
<sup>4</sup> Substituted vide section 13 of the Amending Act of 2000.

purchaser or to some other person on behalf of the purchaser.]

**Explanation —2.** The cess referred to in Section 21 shall be paid by the purchaser of the [specified agricultural produce]<sup>1</sup> concerned.

Prevention of evasion of cess.<sup>2</sup>

21A.<sup>2</sup> For prevention of the evasion of cess on Specified Agricultural Produce the Market Committee shall establish checkgates at different points within the Market Area whenever felt necessary with the prior approval of the Board.

Assam Act XXI of 1956.

Certain difference regarding construction of rules etc. about weights and measures to be decided by Market Committee.

22. (1) Notwithstanding anything contained in the Assam Weights and Measures (Enforcement) Act, 1956, if any difference arises between the Inspector or any other Officer, empowered to enforce the aforesaid Act and any person interested, as to the meaning or construction of any rule framed under the aforesaid Act, as to the method of evolving, adjusting or stamping any weight or measure or weighing or measuring instrument in any market area, such difference may, at the request of the person interested or by the Inspector or the Officer of his own accord, be referred to the Market Committee of the area and the decision of the Market Committee shall subject to the provisions of the sub-section (2) be final and deemed to have been given under the Assam Weights and Measures (Enforcement) Act, 1956.

(2) An appeal shall lie against the decision of the Market Committee within thirty days

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<sup>1</sup> Substituted vide section 5 of the Amending Act of 2000.  
<sup>2</sup> Inserted vide section 14 of the Amending Act of 2000.

(excluding the time required for taking copies) from the date of the decision under sub-section (1) to the State Government or such Officer, as the State Government may appoint in this behalf. The decision of the State Government or such Officer as the case may be on such appeal shall be final.

Market Committee Fund. 23. All money received by a Market Committee shall be paid into a fund to be called "The Market Committee Fund" and all expenditures incurred by the Market Committee under or for the purpose of this Act, shall be defrayed out of the said fund. [Subject to the provisions of section 3E any surplus remaining with the Market Committee after such expenditure shall be invested in the manner as provided under section 25.]<sup>1</sup>

Audit of Accounts of the Market Committee.<sup>2</sup> <sup>2</sup>23A. (1) The accounts of the Market Committee shall be audited by the Director of Audit (Local Fund), Assam or in whatever name he may be called or the officer authorised by him. The Market Committee shall be deemed to be Local Authority for this purpose. (2) The Board shall undertake the matter of internal audit of the accounts of the Market Committees. (3) The forms of accounts to be maintained by the Market Committee for the purpose of audit shall be such as may be determined by the Board in consultation with the Director of Audit (Local Fund), Assam. (4) The report of Audit on the accounts of the Market Committees shall be submitted to

<sup>1</sup> Substituted vide section 15 of the Amending Act of 2000.

<sup>2</sup> Inserted vide section 16 of the Amending Act of 2000.

the Board with the comments of the Committee thereon for its onwards submission to the Government.

Pool of Officers 24. (1) The Board shall create a pool of Officers as soon as may be convenient for appointment of such Staff at the markets as may be notified from time to time in the Official Gazette.<sup>1</sup> (2) The Board shall make appointment to the post notified under sub-section (1) from the pool of Officers created by the Board and it shall be obligatory on every Market Committee to employ such persons. The emoluments and terms and conditions of service of such Officers shall be fixed by the Board.

Provided that until a pool of Officers is created by the Board, the Director may permit employment of other persons to the posts notified under sub-section (1) purely on temporary basis.

Purpose for which Market Committee fund shall be expended. 25. Subject to the provisions of Section 23 the Market Committee fund shall be expended for the following purposes, namely — (i) contributing to general revenues of the Board, [Zilla Parishads]<sup>2</sup>, Gaon Panchayats, Town Committees and Municipal Boards as the State Government may direct; (ii) payment of interest on the loans that may be raised for the purposes of the market and the provisions of sinking fund in respect of such loans;

<sup>1</sup> Deleted vide section 17 of the Amending Act of 2000.

<sup>2</sup> Substituted vide section 4 of the Amending Act of 2000.

- (iii) the acquisition of a site or sites for the market;
- (iv) the maintenance and improvement of the market;
- (v) the construction and repair of buildings necessary for the purposes of such market and for the healthy convenience and safety of the persons using it;
- (vi) the provision and maintenance of standard weights and measures;
- (vii) pay, pensions, leave, allowance, gratuities, compensations for injuries resulting from accidents, compassionate allowances and contribution towards leave allowances, pensions of provident fund of the Officers and Staff employed by it;
- (viii) the expenses of and incidental to elections of the Market Committee;
- (ix) collection and dissemination of information regarding matters relating to crop statistics and marketing in respect of the agricultural produce notified under Section 5;
- (x)<sup>1</sup>
- (xi) propaganda in favour of agricultural improvement; and
- (xii) other functions under the Act and the Rules.
- <sup>2</sup>(xiii) Any matter which the Board may entrust.

Mis-application of fund. 26. If a Market Committee incurs an expenditure for any purpose, other than those specified under the last preceding section or in excess of

<sup>1</sup> Deleted vide sub-section (i) of section 18 of the Amending Act of 2000.

<sup>2</sup> Inserted vide sub-section (ii) of section 18 of the Amending Act of 2000.

the expenditure approved by the Director, then it shall be deemed to be a mis-application of the fund.

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| Power to Borrow.                                 | 27. | (1) A Market Committee may, with the previous sanction of the State Government, raise money required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act. |
|  |     | (2) The Market Committee may, for the purpose of meeting the initial expenditure on lands, building and equipment required for establishing the market, obtain loan from the State Government or any financial institution.                                |
|  |     | (3) The conditions subject to which such money or loan shall be raised or obtained and time within which such money or loan shall be repayable shall be subject to the previous sanction of the State Government.  |
| Acquisition of land for the purpose of this Act. | 28. | The State Government may on the request of the Market Committee [and or the Board] <sup>1</sup> acquire land required for the purposes of this Act, under the provisions of the Land Acquisition Act, 1894.  |

**CHAPTER IV**

**Trade Allowances**

29. No person shall make or recover any trade allowance other than an allowance prescribed by rules or bye-laws made under this Act, in any market areas in any transaction in respect of

<sup>1</sup> Inserted vide section 6 of the Amending Act of 1983

To trade allowance permissible except as prescribed.

the [specified agricultural produce]<sup>1</sup> concerned and no Civil Court shall, in any suit or proceeding arising out of any such transaction, have regard to or recognise any trade allowance not so prescribed.

**Explanation —** Every deduction, other than a deduction on account of deviation from sample when the purchase is made by sample or on account of deviation from standard, when the purchase is made by reference to a know standard or on account of difference between the actual weights of the container and the standard weight or on account of the admixture of foreign matter shall be regarded as a trade allowance for the purposes of this section.

Liabilities of members of Market Committee to removal from office.

30. (1) The State Government may, on the recommendations of the Market Committee supported by at least two-third of the total members or on the recommendations of the Director remove any member of the Market Committee, elected or nominated under this Act, if such a member, has in the opinion of the State Government, been guilty of misconduct in the discharge of his duties, or has become incapable of performing his duties as a member;

Provided that no recommendations shall be made by the Market Committee or the Director unless the member has been given a reasonable opportunity of showing cause why such recommendation should not be made;

<sup>1</sup> Substituted vide section 5 of the Amending Act of 2000.

Provided further that no order for removal of any member shall be passed by the State Government unless the member has been given a reasonable opportunity of showing cause why such order should not be passed.

(2) The decision of the State Government under sub-section (1) shall be final.

Members to be held responsible for mis-application of Funds.

31. Every member of the Market Committee shall be personally liable for the mis-application of fund to which he shall have been a party, or which shall have happened through, or been facilitated by gross neglect of his duty as a member, and he may be sued for recovery of the money so mis-applied;

Provided that no member shall be personally liable in respect of any contract or agreement duly made, or for any expense incurred for, or on behalf of the Market Committee, but the funds at the disposal of the Market Committee shall be liable for and be charged with all costs in respect of any such contract and agreement and all such expenses.

Duty to furnish information to Director and other Authorised Officer.

32. When the affairs of the Board or of a Market Committee are investigated or the proceedings of such Board or Committee are examined by the Director or any other Officer to whom the powers of the State Government have been delegated under section 48, all Officers, Staff and members of such Committee shall furnish such information in their possession in regard to the affairs or proceedings of the Board or Committee as the Director or such Officer may require.

Power to inspect

33. The Director or any Officer authorised by the State Government, by general or special order,

shall have power to inspect or caused to be inspected, the accounts of the Board or any Market Committee or to institute an enquiry into the affairs of the Board or any Market Committee and to require it to do a thing or to desist from doing anything which the Director or such Officer considers necessary in the interest of the Board or any Market Committee as the case may be and furnish a writing reply to him within a reasonable time stating its reasons for non-compliance.

Power of Director in emergency

- 34. (1) In case of emergency, the Director may suspend or cancel all or any licence issued under the provision of this Act and take such other steps as may be deemed necessary in the interest of a market.
- (2) Where a Market Committee is not competent to perform the duties imposed by or under this Act, under orders or decision of a court, the Director shall make such arrangement for performing the duties and functions of such a Market Committee.

Recovery of loss

- 35. (1) Any loss that may occur to a Market Committee due to its failure to carry out any instruction of the Director shall be recoverable from the members of the Market Committee after due enquiry and reasonable opportunity being given to them of showing cause any such loss should not be recovered from them.
- (2) Any amount recoverable from the members of a Market Committee under this section shall be realised as an arrear of land revenue.
- 36. An Officer investigating the affairs of the Board or of a Market Committee or examining the proceedings of such Board

Power to enforce attendance

or Committee under Section 32 shall have powers of summon and enforce the attendance of Officers or members of the Board or Market Committee and to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided by the Code of Civil Procedure, 1908.

Act No. 5 of 1908

Supersession of Market Committee.

- 37. If in the opinion of the State Government a Market Committee is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Act, or otherwise by law, or exceeds or abuses its powers, the State Government may, after giving the Market Committee an opportunity for submitting an explanation in regard to the matter, by notification, stating the reasons for so doing, declare, such Committee to be incompetent or in default or to have exceeded or abused its powers, as the case may be and supersede the Committee for a period not exceeding one year at a time or dissolve the Committee and reconstitute it as soon as possible;

Provided that when a Committee is superseded or dissolved the State Government may appoint any person as chairman to carry on day-to-day routine matters on behalf of the Committee until the same is reconstituted and a new Chairman is elected.

Consequences of supersession.

- 38. (1) When an order of supersession shall have been passed under the last preceding section, the following consequences shall ensure —
  - (a) all the members as well as the Chairman and the Vice-Chairman of the Market Committee shall from the

date such publication, vacate their offices;

- (b) all the powers and duties which under the Act may be exercised and performed by the Committee, whether at a meeting or otherwise, shall, during the period of supersession, be exercised and performed by the Chairman appointed by the State Government or by such person as the State Government may direct;
  - (c) all assets vested in such Committee shall during the period of supersession, vest in the State Government subject to all its liabilities.
- (2) On the expiration of the period of supersession specified in the order, State Government may :
- (a) extend the period of supersession for such further term as may be considered necessary, but not exceeding a period of one year at a time; or
  - (b) reconstitute the Market Committee and in that case the persons who vacated their office under clause (a) of sub-section (1) shall not be deemed disqualified for election or nomination, as the case may be;

Provided that the State Government may at any time before the expiration of the period of supersession take action under clause (b) of this sub-section.

- (3) If the State Government make an order for reconstitution of the Market Committee under sub-section (2) it shall transfer the assets and liabilities of the Market Committee as on the date of such transfer to the new Market Committee constituted as such or to the person or persons if any appointed for carrying out functions of the Market Committee as the case may be;

Provided that if the Market Committee is not reconstituted or if no person is appointed for carrying out the function of the Market Committee the State Government may transfer all the assets of the Market Committee which remain after the satisfaction of all its liabilities to the local authority within whose jurisdiction the Market Committee is situated or if there are more than one such authority, such portion of the assets as the State Government may determine. The local authority to which the assets are so transferred shall utilise the same in the area within its jurisdiction for such objects as the State Government may consider to be for the benefit of the agriculturists in that area in consonance with the provisions of this Act.

- Penalties<sup>1</sup> 39<sup>1</sup> (1) Whoever contravenes the provision of sub-section (2) of section 5 shall, on conviction be punishable with fine which may extend to five hundred rupees and in case of continuing contravention, with further fine which may extend to one hundred rupees per day during which the contravention is continued after the conviction.

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<sup>1</sup> Substituted vide section 7 of the Amending Act of 1983.

(2) Whoever in contravention of the provision of sub-section (2) of section 13 of the Act. uses any place in the Market Area for buying and selling of [specified agricultural produce]<sup>1</sup> or operates as a trader, commission agent, broker, weighman, measurer, surveyor, warehouseman, processor or in any other capacity in relation to marketing of such produce without valid licence, shall, on conviction be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both, and in the case of continuing contravention with a further fine which may extend to one hundred rupees per day during which the contravention is continued after the first conviction.

(3) Penalty for evasion of payment of cess or other accounts:-

Any person who fraudulently evades the payment of any cess or other amount due from him under this Act. or the rules or the bye-laws framed thereunder, shall on conviction be punishable with fine which may extend to five hundred rupees, and in case of continuing evasion with a further fine which may extend to one hundred rupees per day during which the evasion is continued after conviction thereof.

(4) Liability of accused to pay cess, fees or other amount:-

Any person who is prosecuted for an offence under sub-section (1), shall be liable on proof to the satisfaction of the Magistrate

that he willfully omitted to pay the cess or other amount due from him under this Act. or the rules or the bye-laws, to pay to the Market Committee the amount which may be due from him on account of such cess or other amount.

(5) The power of Magistrate to recover summarily cess or other amount:-

Wherever any person is convicted of an offence under this Act, or the rules or the bye-laws, framed thereunder, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the Market Committee the amount of cess or other amount due from him under this Act, or rules or the bye-laws, and may in his discretion, also recover summarily and pay over to the Market Committee such amount as he may fix as the costs of the prosecution.

(6) Whoever obstructs any person duly authorised for seizing or confiscation of notified goods for buying and selling in Market Area shall be punished with imprisonment for a term not exceeding 6 months simple imprisonment or with fine not exceeding rupees five hundred or with both.

(7) Whoever contravenes any of the provisions of this Act, rules and bye-laws framed thereunder, if no penalty is provided, on prosecution shall be punished with imprisonment for a term not exceeding 3 months simple imprisonment or with fine

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<sup>1</sup> Substituted vide section 5 of the amending Act of 2000.

which may extend to rupees [two thousand]<sup>1</sup> or with both.

40. Every encroacher of market yard, sub-market yard or yards shall be evicted therefrom in such manner and procedure as provided in law in force for eviction of encroacher of Government reserved land.
- Penalty for contravention of Section 29.
41. (1) Whoever in contravention of the provisions of section 29 makes or recovers any trade allowance prescribed by rules or bye-laws made under this Act, shall on conviction be punishable with fine which may extend to rupees two hundred.
- (2) All fines and damages recovered from an offender shall be paid to the Market Committee concerned.
- Penalty for contravention of provision of Section 32.
42. (1) If any Officer or member of the Board or Market Committee when required to furnish information in regard to the affairs or proceeding of the Board or a Market Committee under Section 32.
- (a) Wilfully neglects or refuses, to furnish any information, or
- (b) Wilfully furnishes false information, he shall, on conviction, be punishable with fine which may extend to rupees two hundred.
- (2) If any officer, member, or a staff of the Board or Market Committee wilfully neglects or refuses to do any act or wilfully or without any reasonable excuse, disobeys a lawful written order issued under the provisions of this Act or fails to furnish information, or

<sup>1</sup> Substituted vide section 19 of the Amending Act of 2000.

return lawfully required from him, he shall, on conviction, be punishable with fine which may extend to rupees five hundred.

Chairman, Vice-Chairman, Members and the Staff of Market Committees to be public servants.

43. The Chairman, Vice-Chairman, Members, [Chief Executive Officer]<sup>1</sup>, Secretary and other Officers and staff of the Board or a Market Committee shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

Act XIV of 1860

Bar of suit in absence of Notice.

44. (1) No suit shall be instituted against the Board or Market Committee or any member, Officer or Staff thereof, or any person acting under the direction of such Board or Market Committee, for anything done or purported to be done in good faith by such member, Officer, Staff or person under this Act, until the expiration of two months next after notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which the claims, has been in the case of the Board or Market Committee, delivered or left at its office, and in the case of any such member, Officer, Staff or person as aforesaid, delivered to him or left at his office or usual place of abode and the plaintiff shall contain a statement that such notice has been so delivered or left.
- (2) Every such suit shall be barred unless it is instituted within six months from the date of the actual alleged cause of action.

Act XI of 1860

Trial of offences

45. (1) No offence under this Act, or any rules or bye-laws framed thereunder shall be tried by a Court other than that of a Judicial Magistrate of the First Class or a Judicial Magistrate of the Second Class specially

empowered in this behalf by the State Government.

- (2) Presentation under this Act, rules or by-laws framed thereunder may be instituted by any person duly authorised in writing by the State Government or the Market Committee in this behalf.

Admissibility of copy of entry as evidence.

- 46. (1) A copy of any entry in any book, register or list regularly kept in course of business in the possession of Market Committee shall if duly certified, in such manner as may be prescribed, be admissible in evidence of the existence of such entry and shall be admitted as evidence of the matter and the transaction therein recorded in every case, where and to the same extent to which the original entry would, if produced have been admissible to prove such matter.
- (2) In the case of such Market Committee as the State Government, by general or special order may direct, no Officer of a Market Committee shall, in any legal proceedings to which the Market Committee is not a party, compelled to produce any of its books, the contents of which can be proved under sub-section (1) or to appear as a witness to prove the matters, transactions and accounts therein recorded unless otherwise ordered by the Court in that behalf.

Recovery of sums due to as from Market Committee.

- 47. (1) Every sum due from a Market Committee to the State Government or the Board or any local authority shall be recoverable as an arrear of land revenue.
- (2) Every sum due, to a Market Committee from any person shall be reduced to the

form of a demand certificate, as prescribed, over the signature of the Director or of such Gazetted Officer as may have powers delegated to them by the Director in this behalf and shall be recovered as an arrear of land revenue on such certificate being forwarded to the Certificate Officer concerned.

Power of the State Government to delegate its power.

- 48. The State Government may delegate by notification in the Official Gazette any of the powers conferred on it by or under this Act, to any of its Officers or to the Board or to its Chairman or [Chief Executive Officer]<sup>1</sup>

Power to make rules

- 49. (1) The State Government may either generally or specially for the Board or any market area or market areas make rules, after previous publication for the purpose of carrying out the provisions of this Act.
- (2) In particular and without prejudice to the generally of the foregoing provision, such rules may provide for or regulate -
  - (i) the qualifications of voters, the preparation and revision of the lists of voters, the division of market area into constituencies, the election, appointment and nomination of members of the Market Committee, the manner of holding election, the drawing up of the election programme, the fixing of polling stations and the appointment of Returning, Presiding and Polling Officers, the declaration of the results of election matters regarding appeals in respect of disputes in connection with elections;

<sup>1</sup> Substituted vide section 7 of the amending Act of 2000.

- (ii) the election of the Chairman and the Vice-Chairman of the Market Committee;
- (iii) the filling up of casual vacancies in the office of Chairman and the Vice-Chairman or member of the Market Committee;
- (iv) the powers to be exercised and the duties to be performed by a Market Committee and its Chairman, Vice-Chairman and Secretary;
- (v) the management of the market, minimum and maximum cess which may be levied and collected by the Market Committee, the method, manner and mode of collection of such cess in respect of agricultural produce regulated under the Act and sold and resold in the market area;
- (vi) the issue of licence to traders, persons and firms engaged in processing of agricultural produce, commission agent, brokers, weighman, measurers, surveyors, warehouseman and the cancellation and suspension of such licence and the category of such other persons operating in a market area as may be determined by the Director and the form in which and the condition subject to which such licences shall be issued, cancelled, or renewed therefore;
- (vii) the method and manner of holding meetings, the procedure to be followed at such meetings and the powers to be exercised at such meetings;

- (viii) the form in which returns shall be submitted by the Board or a Market Committee to the Director and such other Officers as may be authorised by the Director;
- (ix) the persons by whom and the form in which copies of documents, entries in the books of a Market Committee, may be certified and the charges to be levied for the supply of such copies;
- (x) the kind and description of the weights and measures and the weighing and measuring instruments which alone shall be used in the transactions in agricultural produce in market areas;
- (xi) the periodical inspection of all weights and measures and weighing and measuring instruments in use in market areas;
- (xii) the procedure to be followed in presenting and disposing of an appeal to the State Government or the Officer appointed by it in that behalf under subsection (2) of Section 22;
- (xiii) the manner in which the inquiry and inspection of the Board or a Market Committee shall be held;
- (xiv) the matter in respect of which the Board or a Market Committee shall or may make bye-laws and the procedure to be followed in making or abrogating bye-laws and the conditions to be fulfilled prior to making such abrogations and alterations;

- (xv)<sup>1</sup>
- (xvi)<sup>1</sup>
- (xvii) the trade allowance which may be made or received by any person in any transaction in agricultural produce in a market area;
- (xviii) the prohibition of brokers for acting in any transaction on behalf of both the buyer and seller of agricultural produce or as a buyer or seller;
- (xix) the provision of accommodation for storing any agricultural produce brought into the market;
- (xx)<sup>1</sup>
- (xxi) the form in which the accounts of the Board or a Market Committee, and the grant or sanction to plans and estimates shall be kept, the audit inspection and publication of such accounts if any to be made for such audit and the inspection of audit memoranda of the accounts and supply of copies of such memoranda;
- (xxii) the preparation and submission for sanction of the annual budget and the report and returns to be furnished by the Board or a Market Committee;
- (xxiii)<sup>1</sup>
- (xxiv) the regulation of advances, if any, given to agriculturists by brokers, commission agents, or traders;

- (xxv) the prevention of adulteration of agricultural produce;
  - (xxvi) the grading and standardisation of agricultural produce;
  - (xvii) the keeping of list of prices of agricultural produce in respect of which the market is established;
  - (xxviii) the manner in which auctions of agricultural produce shall be conducted and bids made and accepted in any market;
  - (xxix) the recovery and disposal of cost leviable by or under this Act;
  - (xxx) other matters relating to the functioning of the Board or the Market Committee.
- (3) Any rule made under this Act may provide that for any contravention thereof or any of the conditions of licence issued or renewed the offender shall, on conviction be punishable with fine which may extend to rupees two hundred.
- (4) Every rule made under this Section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form be of no effect, as the case

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<sup>1</sup> Deleted vide section 21 of the Amending Act of 2000.

may be; so however, that any such modification or amendment shall be without prejudice to the validity of anything done under that rule.

- Bye-laws 50. (1) Subject to any rules made by the State Government under Section 49, the Market Committee may, in respect of the agricultural produce and the market area under its management make bye-laws and from time to time alter or rescind the same, but not so as to render them inconsistent with this Act and rules made for the regulation of business and the conditions of trading therein with the previous sanction of the Director or any other Officer specially empowered in this behalf by the State Government.
- (2) Any bye-law under this section may provide that any contravention thereof shall on conviction, be punishable with fine which may extend to rupees one hundred.
- (3) When the Director or any other Officer empowered in this behalf by the State Government Sanctions any amendment of the bye-laws of the Market Committee, he shall issue to the Market Committee a copy of the amendment certified by him which shall be conclusive evidence that it is duly sanctioned.
- Power of the Director to impose bye-laws. 51. (1) Notwithstanding anything contained in this Act or the rules or bye-laws framed there under, if the Director considers that an amendment, alteration, rescission or adoption of a new bye-law is necessary or desirable in the interest of Market Committee, he may by an order in writing to be served on a Market Committee by

registered post, require it to make such amendment, alteration, rescission or adoption of a bye-law within such time as may be specified in such order.

- (2) If the Market Committee fails to make any such amendment, alteration, rescission or adoption of the bye-law within the time specified by the Director in his order under sub-section (1), the Director may after giving the Market Committee an opportunity, of showing cause why such amendment, alteration, rescission or adoption should not be made, register such amendment, alteration, rescission or adoption of bye-law and issue a certified copy thereof to such Market Committee.
- (3) The Market Committee may, within one month from the date of issue of an order made under sub-section (2) appeal from such order to the State Government.
- (4) Where no appeal is presented within one month from the date of the issue of an order under sub-section (2) registering an amendment such amendment shall not come into force till the order is confirmed by the State Government.
- (5) A certified copy of the amendment of the bye-law registered by the Director under sub-section (2) shall, subject to the result of an appeal, if any under sub-section (3) be conclusive evidence that it has been duly registered and such amendment, alteration, rescission or adoption of bye-law shall be deemed to have made by the Market Committee.

- Power of State Government to call for proceeding of Market Committees and to pass orders thereon.
52. (1) The State Government may at any time call for and examine the proceedings of the Board or any Market Committee for the purpose of satisfying itself, as to the legality or propriety of any decision or order passed by the Board or Market Committee under the rules. If in any case, it appears to the State Government that any decision or order or proceedings so called for should be modified, annulled or revised, the State Government may pass such order thereon as it may think fit.
- (2) The State Government may by general or special order delegate to the Director all or any of the powers conferred upon it by this section.
- Power of State Government to amend the schedules.
53. The State Government may, by notification the Official Gazette add to, amend or cancel any of the items of agricultural produce specified in the schedule.
- Savings
54. Nothing contained in the [Assam Panchayat Act]<sup>1</sup>, 1994 or in any other law for the time being in force relating to the establishment maintenance or regulation of market shall apply to any market area or affect in any way the powers of Market Committee or the rights of a holder of a licence granted under sub-section (2) of Section 13.

Assam Act  
No. XVIII of  
1994<sup>1</sup>



**SCHEDULE**  
**[ See Section 2 (1) (I) ]**

- I. (1) Jute (baled and unbaled).  
(2) Cotton (ginned and unginned).  
(3) Mesta  
(4) Sunhemp
- II. Cereals :—  
(1) Paddy  
(2) Rice  
(3) Muri  
(4) Chira  
(5) Khai  
(6) Wheat and wheat products  
(7) Maize  
(8) Other millets  
(9) Paddy husk  
(10) Rice brand and polished  
(11) Wheat brand and polish
- III. Pulses :—  
(1) Matikalai or Matimah  
(2) Mug  
(3) Arahara  
(4) Peas  
(5) Gram  
(6) Musur
- IV. Oil seed :—  
(1) Sesamum or til  
(2) Mustard  
(3) Linseed

<sup>1</sup> Substituted vide section 3 of the amending Act of 2000.

- (4) Castor seed
- (5) Cotton seed
- (6) Coconut
- (7) Tisi

**V. Narcotics :—**

- (1) Tobacco

**VI. Fruits :—**

- (1) Mandarim
- (2) Lime
- (3) Lemon
- (4) Mussambi
- (5) Valencia
- (6) Grape fruits
- (7) Other citrus
- (8) Banana
- (9) Papaya
- (10) Guava
- (11) Jack fruits
- (12) Mango
- (13) Plum
- (14) Peaches
- (15) Pears
- (16) Apples
- (17) Pine apples
- (18) Bel
- (19) Blackberry
- (20) Rose apple
- (21) Sapeta
- (22) Melon
- (23) Tamarind

**VII. Vegetables :—**

- (1) Patato
- (2) Sweet potato
- (3) Onion
- (4) Tomato
- (5) Leafy and fresh vegetables
- (6) Yam

**VIII. Animal Husbandry products :—**

- (1) Eggs
- (2) Poultry
- (3) Cattle
- (4) Sheep
- (5) Horse
- (6) Goat
- (7) Buffaloes
- (8) Milk
- (9) Butter and Cream
- (10) Ghee
- (11) Wool
- (12) Hide and skin

**IX. Condiments and spices :—**

- (1) Turmeric (Whole and powdered)
- (2) Ginger
- (3) Garlic
- (4) Coriander
- (5) Chillies (Dry and Green)
- (6) Cardamoms and Black peper
- (7) Betelnuts
- (8) Betel leaves
- (9) Cashewnuts
- (10) Methi

- (11) Jira
- (12) Dhania

**X. All types of Fish :—**

(excluding canned fish)

**XI. Forest Product :—**

- (1) Lac
- (2) Gum
- (3) Timber

**XII. Sericultural Products :—**

**Cocoons and Yarns :—**

- (1) Eri
- (2) Muga
- (3) Pat

The following items added vide Government Notification  
No. AGA.525/97/26 Dtd. 22.12.1999.

- (1) Sugarcane.
- (2) Gur.
- (3) Bamboo.
- (4) Cane.





THE  
ASSAM AGRICULTURAL  
PRODUCE MARKETS  
(GENERAL) RULES, 1975

(as amended in 2003)

## THE ASSAM AGRICULTURAL PRODUCE MARKETS (GENERAL) RULES, 1975

### 1. Short title, extent and commencement:-

- (1) These Rules may be called the Assam Agricultural Produce Markets (General) Rules, 1975.
- (2) These Rules shall come into force at once.

### 2. Definitions:-

- (1) 'Act' means the Assam Agricultural Produce Market Act, 1972.
- (2) 'Buyers' includes a person buying any Agricultural Produce himself or on behalf of any other person or organisation or firm as his/its agent or as commission agent for resale.
- (3) 'Deputy Commissioner' means the Deputy Commissioner of the district having jurisdiction even the notified market areas or if such area is situated in more than one district such Deputy Commissioner of one of these district, as may be specified by the Government in this behalf.
- (4) 'Form' means a form appended to these Rules.
- (5) 'Incidental charges' means the charge, payable by the seller in lieu of the service rendered in connection with handling of Agricultural Produce prior to the finalisation of the bid at the auction, such as unloading, cleaning and dressing charges and also include remunerations for weighing of Agricultural Produce, after finalisation of the bid at the auction.
- (6) 'Faria' means a petty dealer and also includes an agent who in consideration of commission offers his service to purchase or sell Agricultural Produce.
- (7) 'Maintenance' in relation to office premises shall include the payment of local rates and taxes and charged for electricity and water as also charges for telephone including trunk calls made in connection with the affairs of the Board or of the Market Committee and in relating to residential quarters shall include the payment of local

rates and taxes and charges for water as also charges for telephone including trunk calls made in connection with affairs of the Board or of the Market Committee, provided the residential quarters are the property of the Board or of the Market Committee and in case of private residences it shall include only the charges for telephone including trunk calls made in connection with the affairs of the Board or of the Market Committee.

- (8) 'Market Charges' means all charges payable by the buyer in lieu of services rendered in connection with the handling of Agricultural Produce after the finalisation of the bid at auction, such as the Commission of Faria, Brokerage, auction charges, remuneration for helper, filling and sewing but does not include remuneration for weighing.
- (9) 'Helper' means a person who assists in loading, unloading, weighing, measuring, cleaning and dressing of Agricultural Produce.
- (10) 'Seller' includes a person selling Agricultural Produce himself, or on behalf of any other person as his agent or servant or commission agent.

### 3. Constitution of the Board:-

- (1) For the purpose of enabling the Government to nominate Non-Official members:-
  - (i)<sup>1</sup>
  - (ii)<sup>1</sup>
  - (iii) Under Section 3(1)(c)(ii) the Director of Agriculture, Government of Assam shall submit a penal of four names from amongst the Chairman of the Agricultural Farming Corporations to the Government of Assam for nomination of one member to the Board from the Agricultural Farming Corporations.
  - (iv)<sup>1</sup>
  - (v)<sup>1</sup>

<sup>1</sup> Deleted vide Clause 2 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

- (vi)<sup>1</sup>
- (2) 1
- (3) 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.
- (5) For removing the Chairman or a Non-Official member of the Board who has become subject to any of the disqualifications specified in Sub-Section (5) of Section 3 of the Act, as per Sub-Section (7) of Section 3 of the Act the specified time to submit replies to the invitation thereof by the State Government shall be three weeks from the date of issue of the letter inviting replies by the State Government.
- (6) In the event of super session of Board under Section (9) of the Act the powers, function and duties of the Chairman and on the Board shall be exercised by the Director.

#### 4. Control and superintendence of the Market Committee:-

For the purpose of enabling the Board to exercise superintendence and control over the Market Committees as per Sub-Section (10) of Section 3 of the Act:-

- (1) All the employees of the Market Committees shall be under control and superintendence of the Board.
- (2) The Market Committee shall be guided by the Board. The Board may also frame Bye-laws
- (a) for better marketing of Agricultural Produce on Co-operative lines;
- (b) for uniform grading and standardisation of Agricultural Produce;
- (c) for the general improvement of the markets or their respective notified market areas;
- (d) for the classification of the Committees on the basis of

<sup>1</sup> Deleted vide Clause 2 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

- their income for the purpose of fixing the grades of their Secretaries and other employees; and
- (e) for any other purpose which in the opinion of the Board, is calculated to promote the interest of the Committees or to lead to improvement of marketing Agricultural Produces and Agriculture in general.
- (3) The Board shall sanction the budget of the Committee and the Committees shall submit their annual budget to the Board not later than the last week of February preceding the year to which the budget relates. If the budget is not received back by the Committee concerned within two months of the date of despatch, it shall be presumed to have been sanctioned.
- (4) The Board shall examine the annual assessment of work and progress of the Committees sent by the Chairman of the Committees in the form of Annual Reports including the audited accounts of the Committees for the preceding financial year not later than the last week of May of the succeeding year. In case the Board disagrees with the Chairman of the Committee concerned, the Chief Executive Officer<sup>1</sup> of the Board shall convey the opinion of the Board to the Chairman of the Committee concerned and in that case the Chairman of the Committee shall send appropriate replies to the objections within the time specified by the Chief Executive Officer<sup>1</sup> of the Board.
- (5) If the Board in its opinion finds that the financial position of Committee does not warrant the payment of travelling and daily allowances and also the remuneration etc. if any, to the members of the Committee, in the rates approved by the Committees, the Board may fix such scales of daily and travelling allowances or remunerations as the Board may think proper.
- (6) References from Committees to any Government Department other than district authorities and local bodies shall be made through the Chief Executive Officer<sup>1</sup> of the Board. For the purpose of this Sub-Rule the term Government includes the State and also the Government of India as the case may be.
- (7) The Chairman or the Chief Executive Officer<sup>1</sup> of the Board or any other employees of the Board not lower than the rank of that of an

<sup>1</sup> Substituted vide Section 7 of the Assam Agricultural Produce Market (Amendment) Act, 2000.

Inspector authorised in this behalf by the Chief Executive Officer<sup>1</sup> of the Board may at any time inspect, examine and check the weighing instruments, weights, measures kept by the Committee. After inspection the inspecting authority may give such directions as it may deem proper and the Committee shall be bound to comply with such directions. The inspecting authorities as prescribed herein may at any time and without previous notice, inspect, examine and test any weighing instrument, weight or measures used, kept or posed within notified market area by a licensee and every such licensee in possession of any such weighing instrument, weight or measure shall when required, be bound to produce before the person entitled so to inspect, examine and test it.

- (8) The Chairman or the Chief Executive Officer<sup>1</sup> of the Board or any other employees of the Board authorised by the Board may at any time inspect and examine the records and the accounts of the Committee and issue directions to the Committee as deem proper and the Committee shall be bound to comply with such directions.
- (9) The Board shall issue instructions and directions to the Committees wherever necessary towards the fulfilment of the objects and purposes of the Act and the Committee shall be bound to follow such instructions and directions.

#### **5. 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. The budget shall be prepared by the Chief Executive Officer of the Board met for the purpose.
- (2) The budget finalised by the Board shall be submitted to the State Government for sanction not later than the last week of February preceding the year to which the budget relates. The State Government shall sanction the budget and return the budget within two months from the date of receipt thereof. If it is not received within two months it shall be presumed to have been sanctioned.
- (3) In case the budget approved by the Board and submitted the State Government with comments to revise it within two months the date of receipt of Budget from the Board, the Board shall convene its meeting immediately thereafter and finalise the revised budget as

per comments of the State Government. The budget so revised and approved by the Board shall thereafter be immediately submitted to the State Government for sanction. The State Government shall sanction the revised budget within 15 (fifteen) days of receipt thereof and if the sanction of the revised budget is not received within 15 days of receipt by the State Government it shall be presumed to have been sanctioned.

- (4) Until the date stipulated under Sub-Rules (2) and (3) under this Rule the Board shall incur the minimum interim expenditure within the budget submitted for sanction with prior approval of the State Government.
- (5) No expenditure shall be incurred by the Board unless there is a provision in the budget to meet the same.
- (6) The Board may re-appropriate any amount from one sub-head to another under a Head of Account without prior approval of the State Government. The Board shall obtain prior approval of the State Government for re-appropriation of amounts exceeding 10% of the total budget provision within different Head of Accounts.
- (7) The Market Committee shall follow the provisions of Sub-Rule (3) under Rule 4 and Sub-Rule (1), (2), (3), (4), (5) and (6) under Rule 5 for the purpose of preparation, approval and submission for sanction of budget and also for expenditure incurred under the sanctioned budget except that in the case of the Market Committees the sanctioning authority shall be the Board.

#### **6. Functions and Powers of Chairman and the Chief Executive Officer<sup>1</sup> of the Board:-**

- (1) The Chairman of the Board shall preside over the meeting of the Board. In case of absence of the Chairman the meeting of the Board shall elect its Chairman for the particular sitting of the meeting from amongst the members of the Board present. In the event of the removal of the Chairman by the State Government as per Sub-Section (7) under Section 3 of the Act and also in the event of resignation by the Chairman as per Sub-Section (6) under Section 3 of the Act, the State Government shall nominate one amongst the members of the Board to preside over the meetings of the Board till such time regular Chairman is nominated by the State

<sup>1</sup> Substituted vide Section 7 of the Assam Agricultural Produce Market (Amendment) Act, 2000.

<sup>1</sup> Substituted vide Section 7 of the Assam Agricultural Produce Market (Amendment) Act, 2000.

- Government.
- (2) The Chairman of the Board shall be responsible for the administration of the Assam Agricultural Produce Market Act, 1972 and shall subject to any other provision contained in these Rules, exercise general control over the employees of the Board and these of Committees.
  - (3) Notwithstanding anything contained in the Act and in these Rules the Chairman shall be competent authority for according sanction of any expenditure not more than Rs. 25,000 <sup>2</sup> in each item provided that such items of expenditure are in sanctioned budget and for any expenditure beyond Rs. 25,000 <sup>2</sup> on individual item the Chairman shall obtain the approval of the Board.
  - (4) The Chairman shall exercise overall supervision on the Market Committees he shall review the working and progress of the Market Committees and place such review before the Board for consideration and decision to be taken there under.
  - (5) The Chairman shall review the working and progress of the Board and direct the Chief Executive Officer<sup>1</sup> to include such review in the annual report of the Board to be placed before the annual budget meeting of the Board.
  - (6) The Chief Executive Officer<sup>1</sup> of the Board shall prepare the Agenda notes for the meeting of the Board and submit to the Chairman for his approval.
  - (7) The Chief Executive Officer<sup>1</sup> of the Board shall attend the meeting of the Board and keep notes and prepare the proceedings of the meeting.
  - (8) The Chief Executive Officer<sup>1</sup> of the Board shall 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 convened for the purpose of finalising annual budget of the Board.
  - (9) The Chief Executive Officer<sup>1</sup> of the Board shall have the overall control over the office of the Board and act as Head of Office of the Board.
  - (10) The Chief Executive Officer<sup>1</sup> of the Board shall have the power of transfer and posting of the employees of the Board and the Market Committees. Provided that in case of deputed staff of the state

<sup>1</sup> Substituted vide Section 7 of the Assam Agricultural Produce Market (Amendment) Act, 2000.

<sup>2</sup> Substituted vide Clause 3 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

- Government, the Chief Executive Officer<sup>1</sup> shall obtain prior approval of the State Government.
- (11) The Chief Executive Officer<sup>1</sup> of the Board shall be the competent authority to accord sanction on expenditures not more than Rs. 10,000 <sup>2</sup> on individual item provided that such items of expenditure are in the sanctioned budget.
  - (12) Subject to any other provision contained in these Rules the Chief Executive Officer<sup>1</sup> shall delegate powers to the employees of the Board to inspect, examine, check and test the weighing instrument, weights and measures kept and possessed by the Market Committees and also by a licensee within a notified areas.
  - (13) The Chief Executive Officer<sup>1</sup> of the Board shall be appointed by the State Government on such terms and conditions as may determined by the Government and the pay and allowances of the Chief Executive Officer<sup>1</sup> of the Board shall be as charge on the fund of the Board. His tours shall be approved by the Chairman and T.A. Bills will be passed by the Chairman of the Board.
  - (14) The Chief Executive Officer<sup>1</sup> shall approve the tours of the employees of the Board and shall pass their Travelling Allowance bills. The Chief Executive Officer<sup>1</sup> shall approve the tours and pass the Travelling Allowance bills of those employees of the Market Committees deputed by the State Government.
  - (15) The Chief Executive Officer<sup>1</sup> of the Board shall convene meetings of the Board with approval of the Chairman.

#### **7. Matters on which Board may frame Bye-laws:-**

In addition to the matters specified in Sub-Section (14) of Section 3 of the Act and in addition to the matters specified in Sub-Rule (2) of Rule 4, the Board may frame Bye-laws regulating:

- (a) The maintenance and regulation of the rest-house, staff quarters and other buildings of the Board;
- (b) The procedure for giving aid to financially weak Committees;
- (c) The allowances payable to the members of the Board, Market Committees or Advisory Committees;
- (d) Propaganda, demonstration, publicity and education for

<sup>1</sup> Substituted vide Section 7 of the Assam Agricultural Produce Market (Amendment) Act, 2000.

<sup>2</sup> Substituted vide Clause 3 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

- improvement of Marketing and agriculture, and
- (e) The person or persons by whom, and the manner in which a contract may be entered into on behalf of the Board and Market Committees.

**8. Publication of notification under Section 4 (1) and 5(1):-**

- (1) Copies of notification issued under Section 4 of the Act shall be published by the Chief Executive Officer<sup>1</sup> of the Board under the orders of the Chairman of the Board, in one or more of the modes specified below:
- (a) by publication in the regional language or in such other language and in such newspapers as in the opinion of the Chairman of the Board will give due publicity among the persons likely to be affected thereby;
- (b) by fixing a copy of the notification in the regional language or in such other language as may be considered necessary by the Chairman of the Board, in the office of every Town Committee, Municipal Board, Market Committee, Mahkuma Parishad, Gaon Panchayat, Block Development Officer, Agriculture Officer, Sub-Divisional Officers (civil), Sub-Deputy Collector, if any, within whose jurisdiction the notified market area of or any part thereof is situated, and at some conspicuous place in the existing market, if any;
- (c) by affixing a copy of the notification in the regional language or such other languages as may be considered necessary by the Chairman of the Board, in the principal common meeting places, if any of every village within the notified market areas;
- (d) by beat of drum in the village within the notified market areas;
- (e) by announcement in the radio in regional language or in such other language as may be considered necessary by the Chairman of the Board.

- (2) The time of publication under Clause (a) to (c) and (e) and time of frequency of drum beating under Clause (d) shall be determined by the Chairman of the Board.
- (3) The expenses of publication under Sub-Rule (1) of copies of the notification issued under Section 4 of the Act shall be met by the Board.

**9. Constitution of Market Committees for the first time: Section 8(3) of the Act:-**

- (1) A panel of ten names from amongst the agriculturist voters of the Gaon Panchayat/Panchayats of the market area shall be submitted by the Director of Agriculture, Government of Assam to the State Government for nomination of seven agriculturist members of the Market Committee.
- (2) A panel of five names from amongst the traders of the market area holding valid licence under this Act shall be submitted by the Director of Agriculture, Government of Assam to the State Government for nomination of three members to the Market Committee.
- (3) A panel of two names from amongst the members of the Managing Committee or Board of Directors, as the case may be, of the Co-operative Marketing Societies of the market area shall be submitted by the Registrar to the State Government for nomination of one member to the Market Committee.
- (4) A panel of two names representing Co-operative Banks in the State Government for nomination of one member to the Market Committee.
- (5) One officer of the Agricultural Department having jurisdiction in the market area shall nominated by the State Government.
- (6) A panel of three names from amongst the members of Municipal Boards, Town Committees or Gaon Panchayats as the case may be, within the jurisdiction of the market area shall be submitted by the Director of Agriculture, Government of Assam to the State Government for nomination of one member to the Market Committee.
- (7) Name of one officer of the Assam State Warehousing Corporation shall be submitted by Managing Director, Assam State Warehousing Corporation to the State Government for nomination of one member

<sup>1</sup> Substituted vide Section 7 of the Assam Agricultural Produce Market (Amendment) Act, 2000.

to the Market Committee and provided that if no Warehouse has been established by the Assam State Warehousing Corporation within the Market Area one more member shall be nominated by the State Government under Sub-Rule (3) of this Rule in place of a member from the Assam State Warehousing Corporation.

- (8) The State Government shall nominate one amongst the members so nominated under Sub-Rules (1), (2), (3), (4), (5), (6) and (7) of this Rule to be the Chairman of the Market Committee and another to be the Vice-Chairman of the Market Committee.

**9A.1 Constitution of Market Committee other than the one constituted for the first time.-**

(under Sections 8 (1), 9 (1), 9(6) and 49 (2) (i) of the Act ).

- (1) For the purpose of conducting election for re-constitution of a market Committee there shall be an Election Authority consisting of the following, namely :-
- (i) The Deputy Commissioner of the District in whose jurisdiction the major portion of a notified market area is situated- as Chairman.
  - (ii) The District Level Head of Cooperation Department within whose jurisdiction the major portion of the notified market area is situated- as Member.
  - (iii) The District Agricultural Officer within whose jurisdiction the major portion of the notified market area is situated- as Member-Secretary.
- (2) The Election Authority shall have all the powers for preparing, supervising and conducting the election to the Market Committees. The power of over all superintendence is also vested with the Election Authority.
- (3) The Assam State Agricultural Marketing Board shall issue notification constituting the Election Authority for the purpose of election of a particular Market Committee and shall publish the same in 2 (two) vernacular news papers circulated in that area. The notification

constituting the Election Authority shall be issued by the Chief Executive Officer of the Board within 3 (three) months before the date of expiry of the tenure of a Market Committee reckoning the date on which the first meeting of the outgoing Committee was held.

- (4) Within 15 (fifteen) days from the date of publication of the notification constituting the Election Authority, the Election Authority shall form the constituencies as follows and publish the same in 2 (two) vernacular news papers circulated in the area :-
- (i) For the purpose of electing 7 (seven) Agriculturists under section 8(1)(i) of the Act, 7 numbers of Agriculturists' constituencies, dividing the entire notified market area into seven portions equally, so far as practicable, shall be constituted. Each of the constituencies shall be single member constituency for electing representatives of Agriculturists.
  - (ii) For the purpose of electing 3 (three) Traders under section 8(1)(ii) of the Act, 3 numbers. of Traders' constituencies, dividing the entire notified market area into three portions equally, so far as practicable, shall be constituted. Each of the constituencies shall be a single member constituency for electing representatives of Traders.
  - (iii) For the purpose of electing a member (or 2 members, if the provisions contained in section 8(1)(vii) of the Act are to be invoked in case of necessity) from amongst the members of Managing Committees or Boards of Directors of Cooperative Marketing Societies under section 8(1)(iii) of the Act, there shall be one constituency (or 2 constituencies, dividing the entire notified market area equally into 2 parts as far as practicable in case of necessity as narrated above. If so required, each of the constituencies shall be a single member constituency) for the entire notified market area for electing one representative from amongst them. The Chief Executive Officer of the Board shall inform the Election Authority within 7 (seven) days from the date of its constitution whether there is any necessity for forming 2 (two) numbers of constituencies

<sup>1</sup> Inserted vide Clause 4 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

under this clause. If no such information is received from the Chief Executive Officer of the Board within 7 (seven) days from the date of constitution of the Election Authority, it shall be presumed by the Election Authority that there is no such necessity. The Chief Executive Officer of the Board before informing the Election Authority must obtain prior information in this respect beforehand from the Managing Director of the State Warehousing Corporation.

- (iv) For the purpose of electing a member of the concerned Municipal Board or Town Committee or Gaon panchayat within whose jurisdiction the principal market yard is situated from amongst its members under section 8(1)(vi) of the Act, the concerned Municipal Board or Town Committee or Gaon Panchayat, as the case may be, shall form one constituency for electing one representative from amongst such members.
- (5) The Election Authority will deploy the necessary staff at their disposal for this purpose.
- (6) Any communication with the Election Authority shall be made at the official address of the Member-Secretary. Any communication on behalf of the Election Authority shall be made by the Member-Secretary.
- (7) After formation of constituencies and on its publication, the Election Authority shall undertake the task of preparation of constituency-wise voters' lists under four categories in the following manner :-
  - (i) For 7 numbers of Agriculturists' constituencies, 7 numbers of separate voters' list constituency-wise shall be prepared. Each of the list will contain the names of members of the concerned Gaon Panchayats falling within the constituency as formed and published.
  - (ii) For 3 numbers of Traders' constituencies, 3 numbers of separate voters' lists shall be prepared separately for each constituency as formed and published. Each of the list shall contain the names of traders holding valid licence of the concerned Market Committee for whose election the list has been taken up for preparation. The trader should be in possession of a valid licence, the validity of which should not

have expired already on any date before the election of the Market Committee to make him eligible to be a voter in a traders' constituency. Such a list of traders shall be submitted by the Secretary of the concerned Market Committee with full address of each (so that the list can be divided constituency-wise by the Election Authority) to the Election Authority under his signature on being requested by the Election Authority for submission of the same within a specified period.

- (iii) For the purpose of electing one member from amongst the members of the Managing Committee or Board of Directors of the Cooperative Marketing Societies there shall be one voter list consisting of the names of all members of such Managing Committee or Board of Directors of all the Cooperative Marketing Societies in existence in the notified market area and in case of formation of 2 numbers of constituencies for electing such members from amongst them, the voters' list containing the names of members of such Managing Committee or Board of Directors of the Cooperative Marketing Societies shall be prepared constituency-wise separate from each other. The list of the members of the Managing Committee or the Board of Directors of all the Cooperative Marketing Societies in existence in the notified Market Area shall be submitted by the concerned official of the Cooperation Department under his signature to the Election Authority on being requested for submission of the same within a specified period.
- (iv) For the purpose of electing a member of the concerned Municipal Board or Town Committee or Gaon panchayat within whose jurisdiction the principal market yard is situated from amongst them, the voter list for this constituency shall consist of the names of all members of the concerned Municipal Board or Town Committee or Gaon Panchayat as the case may be.
- (8) (i) a) The candidate for an Agriculturists' constituency should be an agriculturist engaged in farming activities within

the market area, for the membership of which he intends to contest. A certificate to that effect shall have to be obtained from the concerned Agricultural Extension Officer which should be countersigned by the concerned Sub-Divisional Agricultural Officer.

- b) The candidate should be a voter of the concerned Gaon Panchayat where he is engaged in farming activities.
- (ii) The candidate for a Traders' constituency should hold the valid licence as such from the concerned Market Committee for the membership of which he intends to contest.
- (iii) The candidate for constituency meant for members of Managing Committee or Board of Directors of Cooperative Marketing Societies should himself be a member of such Managing Committee or Board of Directors.
- (iv) A candidate for the constituency consisting of the entire area of a Municipal Board or Town Committee or Gaon Panchayat shall be a member of the concerned Municipal Board or the Town Committee or the Gaon Panchayat.
- (9) Without prejudice to the preceding sub-rule a candidate for any constituency should also conform to the following :-
- (i) He should be an Indian Citizen above the age of 21 (twenty one) years on the day of submitting the application for election.
- (ii) He should ordinarily reside within the notified Market Area for whose membership he intends to contest.
- (iii) He should not be of unsound mind.
- (iv) He has not been declared as insolvent or sentenced by a criminal court whether within or outside the State of Assam for an offence involving moral turpitude during a period of preceding four years from the last day of submitting the application for election.
- (v) Has not been removed earlier under section 30 of the Act.

- (10) (i) A voter for any Agriculturists' constituency shall be a member of any Gaon Panchayat falling within the area of that Agriculturists' constituency.
- (ii) The voter of the Traders' Constituency shall possess the same qualification as that of a candidate for the election to the Market Committee from the traders' constituency.
- (iii) The voter for a constituency for election from amongst the members of the Managing Committee or the Board of Directors of the Cooperative Marketing Societies shall possess the same qualification as that of a candidate for election to the Market Committee from that constituency.
- (iv) The voter for the election from the constituency meant for election of one member from the concerned Municipal Board or Town Committee or Gaon Panchayat, shall possess the same qualification as that of a candidate for election to the Market Committee from that constituency.
- (11) Within 15 (fifteen) days from the date of publication of the formation of constituencies under sub-rule (4) the Chairman of the Election Authority shall issue a notification to be published in 2 numbers of vernacular newspapers circulated in that area inviting applications from the intending candidates for election to the Market Committee, constituency-wise specifying the following:-
- (i) Date or dates of the proposed election.
- (ii) The period within which applications along with documents are to be submitted.
- (iii) Place or places where and hours of a day between which the applications are to be submitted.
- (iv) Place or places, date or dates with hours between which the applications shall be scrutinized.
- (v) Time for withdrawal of applications.
- (vi) Format in which the applications are to be submitted and the

documents to be enclosed with the application.

Explanation: The Format in which the applications are to be submitted shall invariably contain the following :-

- (i) The name, age, present and permanent address and father's name of the candidate for election.
- (ii) Category and the constituency shall be clearly expressed.
- (iii) In case of an Agriculturist, the description of land in his occupation and cultivation, the description of Agricultural Produce cultivated by him and all the details like serial no., polling station and the Gaon Panchayat constituency in which his name figures as a voter shall be mentioned. In case of a Trader, the full detail of his licence and the description of Agricultural Produce with trading of which he is associated shall be mentioned. In case of a member of the Managing Committee or Board of Directors of a Cooperative Marketing Society, the full description in brief of the activities of his Society along with detail of registration and address and in case of a member of the Gaon Panchayat, Town Committee or Municipal Board, the name and a brief description regarding the places comprised in his constituency shall be given.
- (iv) The copy of document in respect of age for all, the copy of document in respect of voter of a Gaon Panchayat and certificate as an Agriculturist in case of an Agriculturist candidate, the copy of valid licence in case of a Trader candidate, the copy of registration certificate of the concerned Cooperative Marketing Society in case of a member candidate of the Managing Committee or Board of Directors of such society, the copy of certificate relating to membership of a Gaon Panchayat, Town Committee or Municipal Board in case of a member candidate of such body shall invariably be enclosed with the application.
- (v) Any other matter which may be decided by the Election Authority or copy(s) of any other document that may be required by the Election Authority.

- (12) The time, date(s), place and the official responsible for receiving applications for election to the Market Committee from different categories of candidates constituency-wise shall be worked out and finalised by the Election Authority. However, the last date for receiving application for election shall not exceed 15 (fifteen) days from the date of issuance of the notification under the preceding sub-rule. Provided that the time gap between the first day fixed for receiving the application and the last date fixed for the purpose shall not exceed 10 (ten) days.
- (13) The Election Authority shall fix a date for scrutiny of the applications received from the intending candidates for election to the Market Committee and shall scrutinise the applications in conformity with this rule so far as eligibility of a candidate and single membership of a constituency are concerned. The scrutiny shall be done in presence of the candidate only. If the candidate is found to be absent on the day of the scrutiny, his application shall be treated as rejected. The Election Authority will invariably mention the date, time, place of the scrutiny and the requirement of the presence of the candidate himself at the time of the scrutiny, in the notification mentioned in sub-rule 11; Provided that the time-gap between the last day fixed for the purpose of receiving application and the day fixed for the scrutiny of the same shall not exceed 3 (three) days.
- (14) After the scrutiny, the Election Authority shall prepare the list of candidates category-wise and constituency-wise. If there is not more than 1 (one) candidate for any constituency, the Election Authority shall declare that candidate as elected against that constituency from the concerned category. If there is more than 1(one) candidate for any constituency, the Election Authority will fix up a date and time for holding election for the same. The Election may be held category-wise and different dates and time may be fixed for different categories but within the same category elections are to be held on the same date and within the same time for different constituencies.
- (15) For the purpose of election, the Election Authority shall fix up the date(s) and time for the election category-wise and constituency-wise, finalise the design, size, the detail contents and colour of the Voting Paper to be used category-wise and constituency-wise and prepare the same.

Explanation: Voting Paper shall mean a piece of paper through which a

voter will cast his vote or express his consent in favour of a candidate.

- (16) Secrecy in respect of voting is to be maintained and for that purpose a separate corner in a room in the Voting Station and a box for putting the Voting Papers are to be kept prepared by the Election Authority.

Explanation: Voting Station shall mean the place where the election will take place.

- (17) The manner in which secrecy in respect of voting to be maintained and the manner in which a voter will express his consent for a candidate shall be decided by the Election Authority.
- (18) The Election Authority shall prepare and finalise category-wise and constituency-wise Voting Station; Provided that there shall be only one Voting Station for entire constituency for any category.
- (19) The Election Authority shall deploy the necessary personnel for conduct of the poll in a Voting Station and shall provide Voting Paper, Boxes for keeping Voting Papers, Voters' list, list of candidates and any other material that may be required for conducting election in that constituency.
- (20) The date, time and the Voting Station fixed for the purpose of election under sub-rule 14, along with the list of candidates category-wise and constituency-wise, are to be published by the Chairman of the Election Authority in the form of a notification in 2 (two) vernacular newspapers circulated in the area; Provided that the date(s) are to be fixed in such a manner that the period between the date of scrutiny and the last date fixed for the purpose of election does not exceed 30 (thirty) days.
- (21) The Election Authority shall arrange for declaration of result of the election within 2 (two) days after the day of poll for that constituency and deploy necessary personnel for the same.
- (22) The results of the election category-wise and constituency-wise are to be communicated to the Government of Assam in Agriculture Department by the Election Authority forthwith. A copy of the same shall be simultaneously displayed in conspicuous places in the offices of the Deputy Commissioner, District Agriculture Officer and the District Level Head of the Cooperation Department of the concerned District. All copies containing the results of election are to be signed by the Chairman and other members of the Election Authority.

- (23) Any aggrieved candidate may make an appeal before the Government of Assam in the Agriculture Department for review of the result of election within 7 (seven) days from the day of declaration. The Government's decision thereon shall be final.
- (24) All expenses that may be incurred to implement the provisions contained in these rules are to be normally borne by the respective Regulated Market Committees with the approval of the Board. However, the Election Authority shall have to submit their requisition before hand to the Government of Assam in Agriculture Department and whose decision thereon shall be final including the amount fixed for the purpose.

**10. Powers and duties of Chairman, Vice-Chairman and Secretary of the Market Committees:- (Section 49(2)(IV) of the Act)**

- (1) The Chairman of the Market Committee shall preside over the meetings of the Market Committee and in absence of the Chairman of the Market Committee the Vice-Chairman will preside over the meetings.
- (2) The Chairman of the Market Committee shall be responsible for the administration of the Assam Agricultural Produce Market Act, 1972 in the respective market areas.
- (3) The Chairman of the Market Committee shall exercise general control over the employees of the Committee.
- (4) The Secretary of the Market Committee shall convene meetings of the Committee with approval of the Chairman.
- (5) The Secretary shall conduct all correspondence and be responsible for the keeping of accounts and safe custody of cash and other assets of the Committee in accordance with the provisions of the Act, Rules and Bye-laws framed there under.
- (6) The Chairman shall forthwith report to the Chief Executive Officer of the Board in case any member of the Committee dies or become subject to any of the disqualifications mentioned in Sub-Section (1) of Section 30 of the Act.
- (7) 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 by him and at any time and without assigning any reasons withdraw the delegation so made, by a like order.
- (8) The Chairman shall be the competent authority to grant Casual

- Leave to the Secretary of the Committee, but other kind of leave to him shall be granted by the Chairman of the Board or by the Chief Executive Officer of the Board, as the case may be.
- (9) If the Chairman is likely to be absent from the notified market area, or on account of illness or other circumstances, is unable to perform his duties, he shall inform the Vice-Chairman in writing accordingly. The Vice-Chairman shall thereupon act for the Chairman, and while so doing he shall have all the powers and privileges of and be responsible for all the duties of the Chairman. In the event of death of a Chairman the powers, privileges and responsibilities of Chairman shall be discharged by Vice-Chairman who shall act as Chairman until a new Chairman is elected.
- (10) The Secretary of the Market Committee shall be the Executive Officer of the Committee. All office establishment of the Committee shall be under his control and all orders to any member of the staff of the Committee shall pass through him.
- (11) The Secretary of the Market Committee shall obtain advice from the Chairman of the Committee for convening the meeting of the Committee and prepare agenda notes for the meeting. He shall attend all meetings of the Committee or a Sub-Committee or Joint Committee or an Adhoc Committee and keep proceedings of meetings. He shall, however, not attend any meeting wherein anything pertaining to him or any of his relatives is to be considered.

**Explanation:-** Relative or the purpose of this Sub-Rule shall mean-

- (a) Farther, mother, son, daughter, brother and sister 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.
- (12) The Secretary shall advise the Committee and its Chairman in the light of the provision of the Act, Rules and Bye-laws framed under the Act and the directions of the Board or the Chairman of the Board or the Chief Executive Officer of the Board or of the Director of the State Government issued from time to time and also on the previous decisions of the Committee. His opinion shall be recorded in the proceedings of the Committee.

- (13) 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 the decisions of the Committee and of the Chairman of the Committee consistent with the Act, the Rules and the Bye-laws and instruction of the Board and of the Chairman of the Board and to effect improvement in the Market Areas.
- (14) The Secretary of the Committee shall see that Communications addressed to the Committee by the Chairman or Chief Executive Officer of the Board or by the Director or by the State Government are dealt with promptly and efficiently and all correspondence between the Chairman or the Chief Executive Officer of the Board and the Committee are laid before the Chairman of the Committee for information or action as the circumstances may require.
- (15) Subject to Sub-Rule (13) of this Rule the Secretary of the Market Committee shall have immediate responsibility for carrying on the day to day working of the office of the Committee maintenance of punctual attendance, rendering of returns, monthly review of the progress made in the enforcement of the Act and safe custody of the cash, the common seal, the minute book and other records and assets of the Committee.
- (16) The Secretary of the Committee shall make an annual assessment of the work of the employees of the Committee, which shall be submitted to the Chairman of the Committee. The Chairman of the Committee shall take this assessment into consideration while making final assessment of the work of the employees.
- (17) The Secretary of the Committee shall prepare the annual budget of the Committee and submit it to the Chairman of the Committee for his approval for placing at the meeting of the Committee convened for the purpose.
- (18) The Secretary of the Committee shall be the competent authority to accord sanction for an expenditure not more than Rs.1,500/-<sup>1</sup> on each individual item provided such expenditure are sanctioned in the budget. The Chairman of the Committee shall be the competent authority to accord sanction for an expenditure not more than Rs.3,000/-<sup>1</sup> on each individual item provided such expenditure are in the sanctioned budget. For all expenditure above Rs.3,000/-<sup>1</sup> the Chairman shall have to take approval of the Committee.

<sup>1</sup> Substituted vide Clause 5 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

- (19) The Secretary of the Committee shall approve the tours of the employees of the Committee and he shall pass the Travelling Allowance bills of the employees of the Committee.
- (20) The Secretary of the Committee shall be the Drawing and Disbursing Officer of the Committee.

**11. Removal of Chairman or Vice-Chairman of the Committee:- Section 11(1) and 11(2)**

- (1) For the purpose of removal of the Chairman of the Committee at least two-thirds of the total number of members of the Committee shall give requisition of a meeting of the Committee to the Secretary of the Committee. Such requisition shall contain the reasons for which the members desire removal of the Chairman.
- (2) The Secretary of the Committee on receipt of the requisition of the meetings for removal, of the Chairman shall convene the requisitioned meeting within 20 days from the date of receipt of the requisition.
- (3) The requisitioned meeting shall be presided over by the Vice-Chairman of the Committee or in the absence of the Vice-Chairman by any other member so elected by the members present for the purpose. The Chairman shall not be invited to attend such meeting. The quorum of such a meeting shall be two-thirds of the total numbers of members of the Committee.
- (4) The resolution for removal of the Chairman shall be moved by one of the members requisitioning the meeting and shall be supported by another or more members.
- (5) The resolution shall thereafter be discussed by the members and put to vote by the Chairman elected for the meeting.
- (6) The voting shall be by secret ballot stating for or against the resolution and the voting shall be conducted by the Secretary of the Committee.
- (7) Just after the closing of the voting the Secretary shall count the votes for or against and place the result before the Chairman of the meeting. The resolution shall be adopted by at least two-third majority of the total number of members of the Committee present and voting at the meeting convened for the purpose.
- (8) The Secretary of the Committee shall through Board Communicate the decision of the meeting convened for removal of the Chairman

- to the State Government for necessary action as per Section 11(2) of the Act.
- (9) For Removal of the Vice-Chairman of the Committee the procedure as stated in Sub-Rule (1) to (8) shall be applicable substituting the word 'Vice-Chairman' in place of 'Chairman' in these Sub-Rules.

**12. Licences to Trader, Commission Agent, Broker, Weigh-man, Measurer, Surveyor, Warehouseman, persons and firms engaged in processing of Agricultural Produce Section 13(2) and 49(2)(vi):-**

- (1) A trader or commission agent desirous of obtaining licence under Section 13(2) of the Act shall apply in Form A (to be submitted in duplicate) to the Chairman of the Board through the Committee of the market area in which he wishes to carry on his business and shall deposit with the Committee the requisite licence fee.
- (2) A Broker or Weigh-man or Measurer or Surveyor or Warehouseman desirous of obtaining licence under Section 13(2) of the Act shall apply in Form D (to be submitted in duplicate) to the Chairman of the Board through the Committee of the market area in which he wishes to carry on his business and shall deposit with the Committee the requisite licence fee.
- (3) The licence fee for licence issued under this Rule shall be ten rupees per annum or part thereof.
- (4) If any person, who is not a licensee, carries on his business as a trader or commission agent or Broker, or Weigh-man or Measurer or Surveyor or Warehouseman in a notified market area on the date of issue of notification under Sub-Section.
- (5) Of Section 6 of the Act and fail to apply for a licence on or before the date specified therein for obtaining licence, the licensing authority may, before a licence is issued, impose upon the applicant a penalty according to the following scale:-
  - (i) if the application is made by him within thirty days of the date specified in the notification- one rupee per day.
  - (ii) if the application is made after the expiry of thirty days of the date specified in the notification- one rupee per day for the first thirty days and rupees two per day for each day thereafter.

- (6) Unless otherwise provided in the licence, each licence issued under the Act shall expire on the 31<sup>st</sup> day of March following the date of issue.
- (7) A separate licence shall not be required by a licensee 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 notified market area.
- (8) 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, forward the same to the Chairman of the Board within three days of its receipt in the office of the Committee.
- (9) <sup>1</sup> On receipt of the application, the Chairman of the Board shall ask for a scrutiny of the same by the officials of the Board and after being satisfied as to the correctness or otherwise of the application, shall approve or disapprove the same. He shall send it back to the concerned Market Committee with a direction for issuance of the licence or withholding the same by that Market Committee. On getting approval from the Chairman of the Board, the Chairman of the concerned Market Committee shall grant a licence to an applicant in Form B to a trader or commission agent, and in Form E to a broker or a weigh man or a measurer or a surveyor or a warehouse man. The licence shall be subject to the conditions mentioned there in.
- (10) A record of licence issued under this Rule shall be maintained by the Board as well as by the Committee in Form-C.
- (11) The Committee may, on being satisfied that there has been a breach of any of the conditions specified in a licence by order in writing, cancel or suspend such licence and may also direct that such licence shall not be renewed for such 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 as may be specified in that order.

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

<sup>1</sup> Substituted vide Clause 6 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

- (12) Where the licensee holding a licence under this Rule is a firm any change occurring in a membership of such firm other than through inheritance shall mean the constitution of a new firm shall necessitated a fresh licence.  
  
Provided that in the case of a Hindu Joint Family firm any addition on account of birth of any male member shall not be treated as bringing about any change in the membership of the firm.
- (13) The licensee may apply to the licensing authority for making and addition or deleting in particulars of the business for which a licence has been issued to him, by paying a fee of one rupee. The licensing authority may by an order allow such an addition or deletion whereupon the licence shall be amended accordingly.

<sup>1</sup> Explanation.- For the purposes of this sub-rule or any other rule framed under the Act the Licensing Authority shall be the Chairman of a Regulated Market Committee.

### 13. Renewal of licence :- (Section 49(2) (vi)).

- (1) A licence granted under Section 13 of the Act and Rule 12 shall be valid for a period for which it is issued and shall subject to any order passed under Section 13 of the Act or Rule 12 be renewable by the authority granting it, on payment of the annual fee prescribed for the issue of such licence. Renewal application shall be made in Form-F for a Trader or a Commission Agent and in Form-G for a Broker or a Weigh-man or a Measurer or a Surveyor or a Warehouseman.
- (2) If any area is excluded from any notified market area and included in another, the licence issued under Section 13(2) of the Act 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 at least 30 days before the date on which the licence is due to expire;

Provided that 30 days period of grace shall be allowed for getting annual licence renewed.

<sup>1</sup> Inserted vide Clause 6 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

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

- (4) Every renewal of licence granted under this Rule shall be deemed to take effect from the date following that on which the licence expired.
- (5) Except as provided in Sub-Rule (3), 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 Section 13 of 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 fee of rupees two.
- (7) The fee payable for the renewal of licence under Section 13 shall be paid to the Committee concerned.

**14. Prohibition against grant of certain licences:- (Section 49(2)(vi)).**

- (1) Except as hereinafter provided, one person shall at the same time hold more than one licence under Section 13 of the Act to act as a functionary in more than one capacity.
- (2) Nothing in Sub-Rule (1) shall be deemed to prohibit a person licensed as Weigh-man, Surveyor or Measurer to act in all the three aforesaid capacities.

**15. Employment of Broker:- (Section 49(2)(xviii)).**

- (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 Broker both for the buyer and the seller of an Agricultural Produce in the same transaction.

**16. Sale of Agricultural Produce:- (Section 49(2)(xviii)).**

- (1) All Agricultural Produce brought into the market for sale shall be sold by Open Auction in the Principal or Sub-Market Yard.
- (2) Nothing in Sub-Rule (1) shall apply to a retail sale as may be specified in Bye-laws of the Committee.
- (3) A Committee 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 bids 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 circumstances the chairman of the Board may allow a Committee to make or permit any alternative arrangement.

- (6) The highest bid offered by a buyer at an auction and at which the seller of the produce give 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 Agricultural Produce for which he has made a bid and he shall have no right to retreat from it.
- (8) As soon as the auction for a lot is over the auctioneer shall fill in the relevant particulars in a book to be maintained in from H and shall secure the signature of both the buyer and the seller or their respective representative, whoever may be present at the spot.
- (9) The buyer shall be responsible to get the Agricultural Produce weighed immediately after the auction or on the same day the produce is purchased by him and the seller shall be liable for any damage to or loss of or deterioration in the produce after the auction and before or after the weighing as the case may be.
- (10) 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.

- (11) The Faria shall make payment to the seller immediately after the weighment is over.
- (12) Every Faria shall, on delivery of Agricultural Produce to a buyer, execute a memorandum in Form I and deliver the same to the buyer on the same day or the following day, mentioning sale proceeds plus market charges admissible under Rules and Bye-laws. The counterfoil shall be retained by the Faria.
- (13) In the absence of any written agreement to the contrary the sale price of Agricultural Produce purchased under those Rules shall be paid by the buyer to the Faria on delivery of form I.
- (14) Delivery of Agricultural Produce after sale shall not be made or taken unless and until the Faria or, if the buyer does not employ a Faria, the buyer has given to the seller a sale voucher in form J, the counterfoil whereof shall be retained by the Faria or the buyer, as the case may be.

**17. Weighment : ( Section 49 (2) (x) :-**

- (1) The Board shall fix standards of net weight of a Agricultural Produce to be filled in a packing unit bag, a half tin, or a basket, a half tin, or a bale, or a basket, a half basket within each notified market area subject to the specifications prescribed by law in force or under orders issued by the competent authority.
- (2) No person shall fill or cause to be filled any Agricultural Produce except in accordance with standards fixed under Sub Rule (1).
- (3) All transaction in a market in terms of packing units shall be deemed to have been entered into in accordance with standards fixed under Sub-Rule (1).
- (4) Immediately on the completion of weighment of a lot of Agricultural Produce within a notified market area, either of the parties to the contract may cause a test weighment of a ten percent of the units of packing in a lot or two units whichever is more. The test weighment shall be carried out at the site of weighment and 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 to the contract refuses or otherwise evades presence, the

other party may report in writing to the Secretary of the Committee or any employee of the Committee not lower in rank to that of an Inspector who, after satisfying himself as to the correctness of the report, shall cause the test weighment to be made in his presence or in the presence of any other Official of the Committee not below the rank of the Inspector authorised by his in this behalf. The result of such test weighment shall be final, conclusive and binding on both the parties.

- (6) 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 each weighment, the Chairman, the Secretary of the Committee or any employee of the Board not below the rank of an Inspector shall, with a view to satisfying himself that such weighment has been correctly made or is filled in accordance with any previous notice to check the weighment by means of weigh and instruments kept by the Committee or any other agency in the presence of the purchaser and the seller and if either or both of them evade presence, test weighment may be carried out in presence of any two persons 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 reweighing shall be made at the cost of the buyer, if it is not filled in accordance with the standards fixed under Sub-Rule (1) and at the cost of the weighment concerned if the weighment is otherwise defective. Such orders shall be final and the buyer or the weighment, as the case may be, shall immediately comply with the order. This Sub-Rule operate without prejudice to any other punishment that may be awarded under the Act, these Rules or Bye-laws made there under.

**18. Use of weighing instruments, weights and measures, their inspection and seizure : - ( Section 49(2) (x) & (xi)**

- (1) Only such weighing instruments as satisfy the requirements of, and such weights and measures as are prescribed by the Assam Weights and Measures (Enforcements) Act 1956, and the Rules made there under shall be used for weighing or measuring Agricultural Produce in notified market area.
- (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, and in places where measures are used to sets of measures, verified and stamped in accordance with the provisions of the Assam Weights and Measures (Enforcement) Act, 1956, and the Rules framed there under. 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 a Committee shall allow any person to check free of charge any weigh or measures in his possession against the weights and measures maintained under this Rule.
- (4) Weighing instruments, weights and measures kept by a Committee under this Rule may at any time be inspected, examined and checked by the Chairman or Chief Executive Officer of the Board or by any other employee not below the rank of an Inspector authorised in this behalf by the Chairman of the Board. After inspection the inspecting authority may give such directions as it may deem proper. The Committee shall bind to comply with such direction.
- (5) The Chairman or the Chief Executive Officer of the Board or of the Committee, and any other employee authorised in this behalf by the Chairman of the Board shall be entitled at any time and without previous notice to inspect, examine and test any weighing instrument, without or measures used, kept or possessed within notified market area by a licence under Section 13 (2) of the Act, and every such licence in possession of any such weighing instrument, weight or measure shall, when required, be bound to produce the same before the person entitled so to inspect, examine and test it.

**19. Weigh-bridges, measuring yards and certificates of weightment or measurement : - (Section 49(2) (x) & (xi))**

- (1) The Committee may correct in the market a weigh-bridge for the weighing of Agricultural Produce on payment of such fees as may be prescribed by its Bye-laws.
- (2) The Committee shall be responsible for maintaining such weigh bridge or measuring yard in proper condition, and for issuing free of cost certificates of weightment and measurement as the case may

be in such forms as may be prescribed.

- (3) A certificate issued under Sub-Rule (2) above shall be accepted as final by all persons transacting business in the notified market area, unless it is provided to the satisfaction of the Chairman of the Committee or its authorised representative that the weightment or measurement was done on a defective weigh-bridge or measuring yard or by means of an incorrect scale or weights or measures.

**20. Place at which Agricultural Produce shall be weighed or measured:- (Section 49 (2) (x))**

- (1) In any notified market area for which tobacco or chillies or fish by products and cattle have been notified as Agricultural Produce under Section 4 of the Act, the Committee may prescribe the places at which the aforesaid commodities may be weighed, measured or sold.
- (2) Subject to the provisions of Sub-Rule (1) weighments and measurements, of Agricultural Produce for sale, shall be made through licensed weighment or Measurer in the principal or a sub-market yard.

**21. Levy and collection of cess on the sale and purchase in the Agricultural Produces :- (Section 21 and 49(2) (v))—**

- (1) The cess levied on the sale and purchase of Agricultural Produce in a notified market area under Section 21 of the Act shall be applicable only once in the same notified market area.
- (2) The responsibility of paying the cess prescribed under Section 21 of the Act shall be of the buyer and such cess shall be levy able as soon as an Agricultural Produce is brought or sold by a licensee.
- (3) The cess shall be paid to the Committee or to a Paid Officer duly authorised by the Market Committee to receive such payment within 4 days of the day of transaction.

**Explanation:-** In computing the period of 4 days specified in Sub-Rule (3) of Rule 21 the day of transaction shall be included.

- (4) A receipt in Form-K shall be granted forthwith to the person making payment in respect of any cess paid under this Rules.

- (5) Every officer or servant employed by a Committee for the collection of cess shall be supplied by the Committee with a badge of office in such forms as may be prescribed by it. The badge shall be worn by the officer or servant concerned while discharging his duties.
- (6) Every such officer or servant shall before entering on his duties furnish such security as may be prescribed by the Bye-laws of the Committee concerned.
- (7) <sup>1</sup>
- (8) <sup>2</sup> In case of a transaction which involves the performance of one or more of the acts mentioned in clauses (i) to (iii) of the Explanation 1 of Section 21 of the Act, within the boundary of two or more notified market area, the Cess shall be payable to the Committee within whose jurisdiction the Specified Agricultural Produce is delivered.

**22. Exemption from payment of cess:- (Section 21).**

- (1) The trader who claims exemption from payment of cess on goods manufactured from the Agricultural Produce on which cess is proposed to be levied and which are ultimately exported out of the country shall make declaration and give certificate to the Market Committee in Form-K-1.
- (2) The trader concerned in the sale or purchases of any quantity of Agricultural Produce from which he manufactures goods, which are ultimately exported out of the country shall maintain in Form-L true and correct accounts of the sale or purchase, as the case may be, of the said Agricultural Produce and of any goods manufactured from it.

**23. Accounts transaction and cess to be maintained:-**

- (1) Every licensed dealer shall submit to the Committee a return in Form-M showing his purchases and sales of each transaction of Agricultural Produce within 4 days from the date of transaction.

Provided that in case the Faria sends one copy of Form-J to the Market Committee, the Faria will be exempted from sending

Form M to the Market Committee and the buyer shall indicate in Form-M only the total quantity and the gross value in respect of each commodity purchased from each seller.

- (2) The Committee shall maintain a Register in Form-N showing the total purchases and sales made by traders and the cess recoverable and recovered from them.
- (3) The Committee shall levy cess payable under Section 21 on the basis of the return furnished under Sub-Rule (1).
- (4) If any trader fails to submit a return as prescribed in Sub-Rule (1) or the Committee has reason to believe that any such return is incorrect it shall after giving a notice in Form-O to the trader concerned to assess the amount of the trader's business during the period in question.
- (5) If a trader habitually makes default in the submission of returns or if in the opinion of the Committee, the trader habitually submits false returns, the Committee may order for the inspection of the trader's accounts.
- (6) After an order under Sub-Rule (5) is made, the Committee shall inform the dealer of the date and place fixed for the inspection.

Provided that if the trader so desires and pays such fees as the Committee may fix in this behalf the inspection shall be made at the trader's 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 transaction, appearing in the traders' accounts books, and the Committee may levy cess, or, as the case may be, an additional cess on the basis of such return or amended return, but if the account books are reported to be unreliable, or as not provided sufficient material 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 trader's business on such information as may be available and levy cess on the basis of such assessment.

<sup>1</sup> Deleted vide Clause 7 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

<sup>2</sup> Substituted vide Clause 7 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

- (9) In addition to the cess or additional cess levied under Sub-Rule (8) the Committee may recover from the defaulter penalty equal to the cess or additional cess 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 refusal to renew a licence, and the provisions 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 trader by the Act or by these Rules, or by any Bye-law or order of a Committee.
- (11) As assessment order made under Sub-Rules (8) and (9) shall be communicated to him by means of a demand notice in Form-P and copy thereof shall be granted to the trader on his making a written application and paying a sum of rupees two as copying fee to the Committee. Every Committee shall maintain a Register of copying fees.
- (12) The copy shall be prepared in the office of the Committee and certified to be correct by the Secretary or in his absence by another person appointed in this behalf by the Chairman. Such certificate shall give the dates on which the application was received and copy prepared and delivered to the applicant, and shall be conclusive evidence of the correctness of these dates.
- (13) (i) An appeal against an assessment order made under Sub-Rules (8) and (9) shall lie to the Chairman of the Board. No such appeal shall be entertained unless the applicant has deposited the amount of cess assessed as due from him in full with the Committee concerned.
- (ii) The Chairman of the Board after hearing the appellant and also the Committee making the assessment, or, if he deems necessary after such enquiry as he may think proper, may accept, modify or reject the assessment order appealed against.
- (iii) The Chairman of the Board may waive the whole or a part of the penalty imposed under Sub-Rule (9), in a case where such penalty would, in his judgement mean under hardship to the appellant.
- (iv) The order passed by the Chairman shall be final and conclusive.

**24. Books to be kept by licensed Brokers and Warehouseman (Section 49(2):-**

Every Broker and every Warehouseman licensed under these Rules shall-

- (a) Keep such books in such form as the Committee granting the licence may, from time to time prescribed by its Bye-laws;
- (b) render such return at such times and in such forms as the Committee may prescribe; and
- (c) render such assistance as may be required by the Committee, in the collection of cess due under the Act or under the Rules or Bye-laws made there under, 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 there under.

**25. Refund of certain amount (Section 49(2):-**

- (1) When –
- (a) any sum has been deposited for the grant of 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 notified 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 except under this Rules; or
- (e) any money has been paid by mistake, the Chairman of the Board or the Committee as the case may be, shall on written application being made within 6 months of such deposit and after such enquiry as he or it may consider necessary, order the refund of the appropriate amount, which shall be repaid to person concerned after preparing a refund bill, out of the Marketing Development Fund or the Market Committee Fund, according as it was credited

in the first instance to the Marketing Development Fund or the Market Committee Fund.

- (2) The powers conferred on the Chairman of the Board by Sub-Rule (1) may also be exercised by such officer subordinate to him as he may appoint in this behalf.
- (3) The application for refund shall contain such particulars as are necessary to enable the amount for which is claimed to be traced.

**26. Preventing of adulteration of Agricultural Produce (Section 49(2)(xxv)):-**

- (1) No person shall adulterate Agricultural Produce, or place or offer adulterated Agricultural Produce for sale in a not notified market area.
- (2) It shall be the duty of a Committee to prevent adulteration of Agricultural Produce in the notified market area. The Chairman or Secretary of the Committee may take, allot 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 sieved remains of the Agricultural Produce with Agricultural Produce and mixing of earth, dirt and stones or any other extraneous matter with any Agricultural Produce.

**27. Preservation of the prescribed forms and production thereof and inspection of the account books (Section 49(2)):-**

- (1) The counterfoils I, J, and M shall be preserved by the trader concerned for a period of 2 (two) years from the date of issue of the foil to which the counterfoil relate. The Register in Form-L shall be preserved by the trader concerned for a period of two years of the date on which the last entry was made on that Register.

**28. Publication of Marketing Information (Section 25(ix) and 49(1)):-**

- (1) A Committee may, and when required by the Chairman of the Board shall for the benefit of the persons using the market exhibit in a suitable place outside its offices, 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 and the ports serving the State, and the stocks held by mills and the like.
- (2) The daily rates of all important agricultural commodities authenticated by a person authorised by the Committee in this behalf shall exhibited in the regional language in conspicuous places.
- (3) Such bulletins shall be signed by the Chairman or other personas as 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.

**29. Storage accommodation (Section 49(2)(xix)):-**

- (1) A Committee may arrange, when necessary, accommodation for the temporary storage for stocking of Agricultural Produce.
- (2) The Committee shall charge such fees for such storage and stocking as may be prescribed by its Bye-laws.

**30. Penalties (Section 49(3)):-**

- (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 extend to 200 (two hundred) rupees.  
Provided further that no person shall be prosecuted under these Rules without affording him an opportunity to show cause.

**31. Procedure for appeals (Section 49(2)(xii)):-**

- (1) Every appeal preferred under Sub-Section (2) of Section 8 and any other section of the Act and Rules made there under shall bear a court fee stamp of one rupee and shall be presented to the appellate authority in the form of a 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 filling an appeal under Section 22(2) shall be 30 (thirty) days from the date of order appealed from.
- (3) In computing the period in limitation for filling 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 parties concerned, if they so desire, and after making such further enquiry as the appellate on payment of 50 (fifty) paise per page or a part thereof subject to a minimum of one rupee.
- (5) A copy of the decision on the appeal shall be supplied to the Board or the Committee concerned free of charges and on demand to the appellant on payment of fifty paise per page or a part thereof subject to a minimum of one rupee.

**32. Preservation of records:-**

The respective records of the Board and the Market Committee shall be preserved for the period noted against each in the schedule here to annexed –

**SCHEDULE**

<u>Description</u>	<u>Period</u>
Budget	- 5 years
General Cash Book	- Permanently
Establishment Bill	- 35 years
General Bills	- 3 years
Balance Sheet	- 10 years
Ledger	- 10 years
Register of Deposits	- Permanently
Application Form	- Permanently

Returns of Daily Purchase and Sales	- 1 year after Audit
Receipts	- 3 years
Register of Sale and Purchase of Agricultural Produce	- 10 years
Register of Licence	- 10 years
Provident Fund Register	- 10 years or till all accounts or which it relates are closed
Service Books of the Employees	- 5 years after retirement or death (whichever is earlier)
Register of Proceedings of the Board Or Committee or Sub-Committee	- Permanently
Register of Correspondence	- Permanently
Cheque Book	- 10 years
Pass Book	- 10 years
Travelling Allowance Bill	- 3 years
Lease Deeds Allowance Bill	- 10 years from the date they cease to have effect.
Security Bonds	- - do -
Treasury Challan	- 3 years
Interest Account Register	- 3 years
Attendance Register	- 1 year
Moveable Property Register	- 10 years
Library Register	- 10 years
Demand and Collection Register	- 10 years
Register of Stamps	- 3 years
Stock Register	- 10 years
Register of Court Cases	- 10 years
Investment Register	- Permanently

Files about the Appointment, Removal, and Dismissal of employees - 35 years

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 or the Committee

**33. Language of transaction of business (Section 49(2)(xxx)):-**

The business at the meeting of the Committee and of the Board shall be transacted in the regional language.

**34. Service Rules, Recruitment Rules, Provident Fund Rules, <sup>1</sup> and such other Rules of employment of the staff of the Board and the Market Committee (Section 49(2)(xvi)):-**

Service Rules, Recruitment Rules, Provident Fund Rules and other Rules of employment as follows for the employees of the Department of Agriculture of the State Government shall be followed by the Board and by the Market Committee for their respective employees until such time that separate Sub-Rules are framed under this Rule by the State Government.

**35. Financial Rules:-**

Until such time that separate Financial Rules are framed by the State Government for the employees of the Board and the Market Committee the Rules as applied for the State Government office shall be applicable for the offices of the Board and the Market Committees.

**36. Travelling Allowance Rules:-**

Until, such time that separate Travelling Allowance Rules are framed by

<sup>1</sup> Deleted vide Clause 8 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

the State Government for the Board and the Market Committees and also for the Chairman and Chief Executive Officer <sup>1</sup> of the Board, members of the Board, Chairman and Vice-Chairman of the Committees, members of the Committee and other officials and non-officials of the Board and the Committee, the Travelling Allowance Rules of the State Government for the employees of equivalent categories of officers and non-officials shall be followed, or the Board may, by a resolution prescribe the rates of such allowances.

**37. Other allowances of the Chairman of the Board, Chairman, Vice-Chairman of the Market Committees and other members of the Board and Committees:-**

- (1) The Chairman of the Board shall be paid a daily allowance of 50 (fifty) rupees on the days of the meetings of the Board.
- (2) The Chairman of the Board shall be paid a monthly allowance of Rs. 5,000/- (Rupees five thousand) <sup>2</sup> in addition to the daily allowance mentioned at Sub-Rule (1) above.
- (3) The Chairman of the Board shall be provided with a motor car to be used by him as an allotted car as per Rules of the State Government for this purpose and he shall be paid a monthly allowance of 75 (seventy five) rupees for attending office and for his movements in and around a distance of 8 KM of the official Head Quarter.
- (4) Members of the Board other than the officials shall be paid a daily allowance of 50 (fifty) rupees on the days of the meetings of the Board.

<sup>1</sup> Substituted vide Section 7 of the Assam Agricultural Produce Market (Amendment) Act, 2000.

<sup>2</sup> Substituted vide Clause 9 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

**FORM 'A'**

[See Rule 12(1)]

**Application for licence under Section 13**

To

The Chairman,  
State Agricultural Marketing Board.

Through

The Secretary, Market Committee . . . . .

Sir,

The particulars of my business are given below:-

1. Name of the applicant with full address .....
2. Place of business for which licence is applied for (give the name or number of the building and the name or number of the street or other description sufficient to identify the premises ... ..  
.....
3. If the applicant is a firm give the names of all persons constituting the firm with parentages, residence and address ... ..  
.....

Sl. No.	Name	Father's & Husband's name	Full address
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4. If the applicant is a firm, is it a Hindu Joint Family Firm, or otherwise constituted and has it been registered or not .....
5. Name of the Managing Proprietor or Manager of the Firm .....
6. Name and style under which the applicant will work .....
7. Has the applicant or, where the applicant is a Firm, has any member thereof, singly or in collaboration with anybody else been granted .....

A dealer's licence in any notified market area in the State and has such licence been suspended or cancelled, if so, when for what period and for what reason? .....

8. Particulars of the business for which the licence is required .....
- (1) Trader
- (2) Commission Agent
- (3) Storage
- (4) Processing
- (5) Faria

Certified that the facts set out in the application are true to the best of my knowledge. I undertake to abide by the provisions of the Assam Agricultural Produce Market Act, 1972 and Rules and Bye-laws made there under.

I shall be responsible for all acts of my employees.

It is requested that a licence under Section 13 of the Assam Agricultural Produce Markets Act, 1972 may kindly be granted to me.

Signature of Applicant

**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  
Market Committee

Accountant  
Market Committee

**FORM 'B'**

[See Rule 12(B)]

**Licence under Section 13**

This licence is granted to M/s. ....

Subject to conditions prescribed hereunder:-

Notified Market Area:-

1. Serial No. of Licence :-
2. Name of the Managing Proprietor, Manager of the firm with parentage:-
3. Date from which the licence takes effect:-
4. Date on which the licence expires:-
5. Particulars of the business for which the licence is valid:-

- (1) Trader
- (2) Commission Agent
- (3) Storage
- (4) Processing
- (5) Faria

6. Place of business:-

Place:-

Date:-

Chairman,  
1 - - - - -Regulated Market Committee<sup>1</sup>

**CONDITIONS OF LICENCE**

1. The licence shall comply with the provision of the Assam Agricultural Produce Market Act, 1972 and Rules and Bye-laws framed there under and instructions 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 Market Committee any evasion or breach which comes to his knowledge.
3. He shall surrender his licence, on demand, to the Chairman of the Board or any other Office authorised by them 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 dealings.
5. He shall display his licence at a conspicuous place on his business premises.
6. He shall keep his business premises clean and in suitable condition for storage of Agricultural Produce.
7. He shall not boycott or encourage boycott of any other licences.
8. He shall not indulge in activities and practise 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 unlicensed, Broker, Weigh-

<sup>1</sup> Substituted vide Clause 10 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

man, Measurer, Surveyor.

10. 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 price of his produce.
11. He shall, on the expiry or on termination of the licence, surrender the same to the Committee.
12. 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 12 (10)]

**Register of licences issued under Section- 13**

1. Notified Market Area .....	Sl. No.	Name	Father's name	Address
2. Name of the firm/licence .....				
3. Address of the premises .....				
4. Name of the Managing Proprietor, Manager with parentage .....				
5. Licence No. ....				
6. Nature of licence .....				

  

(1)	(2)	(3)	(4)	(5)	(6)	(7)
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

**FORM 'D'**

[See Rule 12(2)]

**Application for licence under Section 13**

To  
 The Chairman,  
 Market Committee,  
 .....

Sir,

The particulars of my business are given below:-

1. Name of the applicant with parentage, residence and address in full .....
2. If the applicant is a firm, is it a Hindu Joint Family Firm, or otherwise constituted, and has it been registered or not? .....
3. 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/Husband's Name	Full Address
--------	------	-------------------------	--------------

4. Name of the Managing Proprietor or Manager who will actually conduct the business .....
5. Name and style under which the applicant will conduct his business ... ..
6. Does the applicant wish to be licensed as a Broker/ Weigh-man/ Measurer/ Surveyor/ Warehouseman?

7. Has the licence, if any, been granted previously to the applicant, or if the applicant is a firm, to any member thereof, singly or in collaboration with anybody else, for working as a Broker, Weigh-man, Measurer, Surveyor, or Warehouseman 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 undertake to abide by provisions of the Assam Agricultural Produce Market Act, 1972 and Rules and Bye-laws made there under.

I shall be responsible for all acts of my employees.

It is therefore, requested that the licence under Section 13 of the Assam Agricultural Produce Market Act, 1972 may kindly be granted to me.

Signature of the applicant

Note: (1) A licence to work as a Weigh-man, 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	No. of Receipt	Date of Receipt	Page of Cash Book where entry made
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Verified

Secretary  
Market Committee

Accountant  
Market Committee

**FORM 'E'**

[See Rule 12 (8)]

**Licence under Section 13**

This licence is granted to M/s .....  
(Name of the person or firm with full address) for doing his business as a Broker/ Weigh-man/ Measurer/ Warehouseman or Surveyor in the notified market area  
.....

- (1) Serial No. of licence .....
- (2) Name of the Managing Proprietor .....
- (3) Date from which the licence takes effect .....
- (4) Date on which the licence expires .....

Place .....

Date .....

Signature of Authority  
with seal

**CONDITIONS OF LICENCE**

1. The licensee shall comply with the provisions of the Assam Agricultural Produce Market Act, 1972 and Rules and Bye-laws framed there under 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 with report in writing to the Committee any evasion or breach or 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 his 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 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 Warehouseman, shall not accept any service under the trader.
8. If the licensee is a Weigh-man, Measurer or Surveyor, he shall abide by such arrangements which may be made by the Market Committee with a view to ensuring the availability of their service as and when required. The licensee shall bear the badge provided to him by the Market Committee, during the hour of his business.
9. If the licensee is a Warehouseman, he shall keep his warehouse neat, clean and tidy to the satisfaction of the Committee.

**FORM 'F'**

**Application for the renewal of licence under Section 49(2)(vi)**

To : The Chairman,  
 1  
 Market Committee .....

Sir,

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

1. Name of the notified market area for which the licence has been issued. ....
2. Name of the applicant (with full particulars of the place of business). ....
3. Name of the Managing Proprietor or the Manager of the firm, if any. ....
4. Number of Licence. ....

5. Date on which the licence expires. ....
6. Period for which renewal is required. ....
7. Fee paid. ....
8. Penalty paid, if any. ....
9. Has the applicant or where the applicant is a firm, has any member thereof singly or in collaboration with anybody else been. ....
  - (a) granted a dealer's licence in any notified market area in the State and cancelled. If so when, where, for what period and for what reasons; or .....
  - (b) Convicted on an offence affecting the said persons, integrity as a man of business, if so, the date of conviction; or .....
  - (c) declared as an un-discharged insolvent. ....

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

(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. ....			Date .....		

Accountant  
 Market Committee

Contents of the application certified.

<sup>1</sup> Deleted vide Clause 11 of the Assam Agricultural Produce Market (General) (Amendment) Rules, 2003 issued by Govt. vide Notification No.AGA.363/97/218, dated 1-8-2003 and published in the Assam Gazette Extra Ordinary on 1-8-2003.

Forwarded to the Chairman, State Agricultural Marketing Board.

Date .....

Orders of the licensing authority

Signature with Designation

**FORM 'G'**

[See Rule 13 (1)]

**Application for the renewal of licence under Section 49(2)(vi)**

To : The Chairman, Market Committee,  
.....

Sir,

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

1. Name of the notified market area for which the licence has been issued. ....
2. Name of the applicant (with full particulars of the place of business). ....
3. Name of the Managing Proprietor or the Manager of the firm, if any. ....
4. Number of Licence. ....
5. Date on which the licence expires. ....
6. Period for which renewal is requested. ....
7. Fee paid. Rs. ....
8. Penalty paid, if any. Rs. ....
9. Has the applicant or where in the case of a Warehouse-

man 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, Weigh-man, Measurer, Surveyor or Warehouseman 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 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
(1)	(2)	(3)	(4)	(5)	(6)

Verified

Secretary  
Market Committee

Accountant  
Market Committee

**FORM 'H'**

[See Rule 16(8)]

**Auction Register**

Date	Name of Faria	Name & address of Seller	Description of Produce	Approximate quantity	Rate, which the produce has been sold	Name of Buyer	Signature of Faria & Buyer
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

**FORM 'I'**

[See Rule 16(12) and 16(13)]

**Bill of Faria**

Book No. ....  
 Serial No. ....  
 Name of Market .....  
 Name of Faria .....  
 Name of Buyer ..... Date .....

Name of Commodity	Weight	Rate Rs.	Total Amount Rs.	Market Charges Rs.	Grand Total Rs.
				Commission .....	
				Brokerage .....	
				Weighment .....	
				Filling and Sewing .....	

Other Charges .....

Total

Acknowledgement by the Buyer

Signature of Faria

**FORM 'J'**

[See Rule 16(14)]

**Sale Voucher for the Seller**

Counterfoil provided

Book No..... 29-9-63  
 Name of market ..... Serial No.....  
 Name of Faria ..... Date of Auction .....  
 Name of Seller ..... Address of Seller .....

Name of Commodity	Name of the Buyer	Weight	Rate	Total	Incidental charges	Net amount paid
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Signature of Seller or his Agent

Signature of Purchaser

Note:- Where the Agriculture Produce being fruits and vegetables is delivered, it shall not be necessary to fill in Column 2 relating to name of Buyer.



**FORM 'M'**

[See Rule 23(1)]

Counterfoil

**Return of Daily Purchase and Sales**

Date ..... Market Committee .....

Name of Trader ..... Last date when market fee paid with

Licence No. .... Receipt No. ....

Date of transaction	Name of Commodity	Purchased			Whether Cess is levy able, if not, why?	Amount of Cess levy able	Sold			Whether Cess is levy able, if not, why?	Amount of Cess levy able	Remarks
		Weight	Rate	Value			Weight	Rate	Value			

Total .....

Total .....

Signature of Trader

Note :- In case of Trader dealing exclusion in Vegetables and Fruits it shall not be necessary to fill Column (7) relating to name of Buyer to whom sold.

**FORM 'N'**

[See Rule 23(2)]

**Register of Sale and Purchase of Agricultural Produce**

Market Committee ..... Year ..... Month .....

Date	Description of the Agricultural Produce	Name with the number of licence of Trader		Quantity of Agricultural Produce sold	Rate	Value of Agricultural Produce	Whether Cess is levy able, if not why?	Fee chargeable	Fee recovered	No. and Date of the Receipt issued	Balance of fee to be recovered	Date of recovery of balance	Remarks
		As Seller	As Buyer										
1													
2													

Monthly Total .....

**FORM 'O'**

[See Rule 23(4)]

**Assessment Notice**

To: M/s .....

Whereas

- (a) You, a Trader Licence No..... and licensed under Section 10 of the Assam Agricultural Produce Market Act, 1972 of the ..... notified market area, have not furnished return/correct return in Form 'M' for the period from ..... to .....
- (b) You, a Trader Licence No..... and licensed under Section 10 of the Assam Agricultural Produce Market Act, 1972 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 you wilfully failed to furnished such returns in respect of the above mentioned period. And it appears to be necessary to make assessment under Rule 24 of the Assam Agricultural Produce Markets (General) Rules, 1975 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 23(8) of the said Rules should not be imposed upon you. In the event of your failure to comply with this notice, the Committee shall proceed to assess under Rule 23(8) of the said Rules to the best of its judgement.

Chairman

Market Committee

Date .....

**FORM 'P'**

**Demand Notice**

Market Committee

Date .....

No.

To: M/s .....  
.....

You are hereby informed that your business during the period from ..... has been assessed for the levy of market fee and penalty etc., as under-

- (a) Assessed value of business .....
- (b) Market fee chargeable .....
- (c) Deduct market fee already paid, if any .....
- (d) Net payable (b - c) .....
- (e) Penalty .....
- (f) Total (d + e) .....

You are hereby directed to pay the sum of Rs. .... to the Market Committee ..... at its office at (place) ..... on or before (date) ..... Failing which the said sum will be recoverable from you as an arrear of land revenue.

Chairman  
Market Committee

**R. DUTTA**  
**Secretary to the Govt. of Assam**  
**Agriculture Department**