

The 5th February 1981

No. LL.151/80/17-The following Act of Meghalaya Legislative Assembly which received the assent of the President is hereby published for general information.

MEGHALAYA ACT 1 OF 1981

THE MEGHALAYA AGRICULTURAL PRODUCE MARKET ACT,

1980

(As passed by the Assembly)

[Received the assent of the President on the 31st January, 1981]

(Published in the Gazette of Meghalaya, Extraordinary, dated the 6th February, 1981)

An

Act

To provide for better regulation of buying and selling of certain agricultural produce and the establishment of markets there for in the State of Meghalaya and for matters connected therewith

Be it enacted by the Legislature of the State of Meghalaya in the Thirty-first year of the Republic of India as follows:-

Short title,
extent and
commence-
ment.

1 (1) This Act may be called the Meghalaya Agricultural Produce Market Act, 1980

(2) It extends to the whole of the State of Meghalaya.

(3) It Shall come into force in such area and on such dates as he State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

Definitions

2 (1) In this Act, unless the context otherwise requires,

(i) "Agricultural Produce" 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 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) "Board" means the Meghalaya State Agricultural Marketing Board constituted under Section 3;
- (iv) "Broker" means an agent whose ordinary course of business is to negotiate and makes 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 engage in negotiating or making such contracts;
- (v) "Bye-laws" means bye laws made under Section 53;
- (vi) "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 do anything necessary for completing and carrying out such purchase or sale;
- (vii) "Co-operative Bank" means the Meghalaya Co-operative Apex Bank Ltd, registered under the Meghalaya Co-operative Societies Act (Assam Act 1 of 1980 as adapted by Meghalaya) or any other Co-operative Bank formed in the State of Meghalaya;
- (viii) "Co-operative Marketing Society" means a Co-operative Society registered under the Meghalaya Co-operative Societies Act (Assam Act 1 of 1950 as adapted by Meghalaya) which has as its principal object the promotion of the sale of agricultural produce grown, reared or produced by its members or a Co-operative Society registered as such and declared to be equivalent to a Co-operative Marketing Society, by the State Government;
- (ix) "Directors" means the Director of Agriculture, Meghalaya and includes any other person or authority authorised by the Government, by notification, to perform the functions of the Director under this Act for such an area as may be specified in the notifications;
- (x) "District Council" means a district Council constituted under paragraph 2 of the Sixth Schedule to the constitution of India;
- (xi) "Licensee" means a person to whom a licence is granted under this Act;
- (xii) "Local authority" means a Municipal Corporation Board or a Town Committee constituted under any law in force;
- (xiii) "Market" means a market established and regulated 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;
- (xiv) "Market area" means any area declared to be a market area under Section 11;
- (xv) "Market Committee" means a committee established under Section 13;
- (xvi) "Market proper" means any area including all lands with the buildings and structures thereon within such distance of the principal or sub markets yard declared to be a market proper under clause (b) of Section 12(2);

- (xvii) "Measurer" means a person whose business is to measure consignments of agricultural produce for sale;
- (xviii) "Notified Agricultural Produce" means the agricultural produce specified as such under Section 11;
- (xix) "Prescribed" means prescribed by rules made under this Act;
- (xx) "Principal Market Yard" and "sub market yard" means an enclosure, building or locality in a market area declared to be a principal market yard and sub market yard, respectively, under clause (a) of Section 12(2);
- (xxi) "Progressive producer" means a producer who in the opinion of the Director carries on agricultural production on improved method;
- (xxii) "Registrar" means the Registrar of Co-operative Societies, Meghalaya;
- (xxiii) "Retail Sale" means a sale of any agricultural produce not exceeding such quantity as may be fixed by bye laws or rules in respect such agricultural produce;
- (xxiv) "Rules" means rules made under this Act;
- (xxv) "State Government" means the State Government of Meghalaya;
- (xxvi) "Schedule" means a schedule to this Act;
- (xxvii) "Secretary" means the Chief Executive of the market committee and includes officiating, acting, deputy and assistant Secretary;
- (xxviii) "Surveyor" means a person whose business is to survey a consignment of agricultural produce for sale in regard to quality, grade, adulteration and such other purposes;
- (xxix) "Trade" means any kind of transaction sale and purchase of any agricultural produce;
- (xxx) "Trader" means a person who is ordinarily engaged in the business of buying and selling of agricultural produce whether by himself or by a duly authorised agent and includes a person who is ordinarily engaged in the business of his processing of agricultural produce;
- (xxxi) "Warehousing Corporation" means the Meghalaya State Warehousing Corporation established in Meghalaya under section 18 the Warehousing corporation Act, 1962;
- (xxxii) "Weightman" means a person whose function is to weigh a consignment of agricultural produce for sale.

(2) The question as to whether a person is not agriculturist or trader for the purpose of this Act shall be decided in the manner prescribed and such decision shall be final.

Explanation- For the purpose of this Act the word 'person' includes any firm, joint family, association or body of individuals whether incorporated or not.

Constitution of state agricultural Marketing Board 3. (1) The State Government may for the purpose of this Act establish and constitute a Board to be known as Meghalaya State Agricultural Marketing Board, with Headquarters at Shillong consisting of not more than fifteen members and which include the following, namely-

- (a) Six official members, that is-
 - (i) The Secretary to the Government of Meghalaya in the Agriculture Department;
 - (ii) The Director of Agriculture Meghalaya;
 - (iii) The Director of Animal Husbandry and Veterinary, Meghalaya;
 - (iv) The Registrar of Co-operatives Societies, Meghalaya; and
 - (v) Two others.
- (b) Nine non official members, that is –
 - (i) The Managing Director of the Meghalaya State Warehousing Corporation;
 - (ii) The Secretaries of the Executive Committees of the three District Councils in the State;
 - (iii) One Agriculturist representing the Market Committees;
 - (iv) One progressive farmer;
 - (v) One Licensee;
 - (vi) One representative of the Co-operative Marketing Societies; and
 - (vii) One representative of the financial Institutions

(2) The members in items (v) of clause (a) and in items (ii), (iv), (v), (vi) and (vii) of clause (b) Subsection (1) shall be nominated by the Government.

(3) The Secretary to the Government in the Agriculture Department shall be the *Ex officio* Chairman of the Board and the Government shall appoint an officer of the Agriculture Department not below the rank of a Deputy Director to be its Secretary.

(4) The term of office of the non official members of the Board shall be three years.

Provided that any non official member in items (iii), (v) and (vii) of clause (b) of sub sections (1) shall cease to be a member of the board from date he ceases to be an Agriculturist member representing the Market Committee, a licensee, a representative of the Marketing Societies or a representative of the Financial Institutions, as the case may be.

(5) A non-official member of the Board may resign his membership by tendering his resignation to the Chairman of the Board and such resignation shall take effect from the date of acceptance.

(6) In case of vacancy in the Board caused by resignation or otherwise of any non official member the Government may nominate another person in his place in the manner provided under this Act and such person shall remain in office for the remaining term of his predecessor.

(7) Five persons shall constitute a quorum at the meeting of the Board:

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

(8) All questions before a meeting of the Board shall be determined by majority of votes of the members present and voting and in case of equality of votes the Chairman may exercise a casting vote.

(9) No act or proceeding of the Board shall be invalid, by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

Incorporation of the Board 4 (1) The Board shall be a body corporate by the name of the Meghalaya 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.

(2) 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 the state Government may reconstitute it.

Disqualifi- No person shall be eligible to be a nonofficial member of the Board who-

cation for membership in the board. (a) is below twenty one years of age;
(b) has been removed under Section 34 of this Act;
(c) is of unsound mind or
(d) has been declared as insolvent or sentenced by criminal court for an offence involving moral turpitude.
Provided that the disqualification under clause (d) shall not apply after the expiry of four years from the date on which the period of the sentence expired.

Power of the Board 6 (1) The Board shall exercise all powers conferred on and perform the functions and assigned to it by or under this Act.
(2) It shall exercise superintendence and control over the Market Committees in the manner prescribed and may call for any information, or returns relating to notified agricultural produce from any market committee and shall have the power to inspect the records of any Market Committee or such functionaries under or in relation to such Market Committees as the case may be.
(3) Notwithstanding anything contained in subsections (1) and (2) the State Government shall also have powers of superintendence and control over the Market Committees or other functionaries under or in relation to such Market Committees.

Appointment of Officers and staff 7 Subject to other provisions of this Act and rules and bye laws framed there under the Board may have its own officers and staff for carrying out the functions under this Act.

Power to borrow and maintenance of funds and accounts 8 (1) The Board shall have its own fund into which all moneys received by it shall be paid and from which all expenditures incurred shall be defrayed.
(2) The Board may, with the previous sanction of the Government, raise money required for carrying out the purposes for which it is established on the security of any property vested in it.
(3) The accounts of the Board shall be maintained in such form as the Government may prescribe.

Annual financial Statement 9 Subject to rules made for this purpose the Board shall submit to the Government a statement of the estimated income and expenditure for each financial year and the State Government shall give it's approval with or without modification within two months of the receipt thereof failing which it shall be deemed to have been approved.

Notification of intention of exercising control over purchase and sale of agricultural produce in specified areas 10 (1) The State government may, after consultation with the District Council concerned, by notification, declare its intention of regulating the purchase, sale, or storage of such agricultural produce in such areas as may be specified and such notification shall be published in the manner prescribed:
Provided that no such consultation shall be necessary where an area is within the Cantonment and Municipality of Shillong.
(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.

Declaration of market area, etc 11 (1) After the expiry of the period specified in the notification issued under section 10 and after considering such objections and suggestions as may be received the State government may, by notification, declare the area so notified or any portion thereof to be a market area for the purpose of this Act in respect of all or any of the agricultural produce specified in the said notification. The notification shall be published in the manner

prescribed.

(2) After the date of the publication of the notification under sub section (1) or at such later date as may be specified therein, no person, local or other authority notwithstanding 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, established or continued, any place for the purchase, sale or storage of any agricultural produce so notified, except in accordance with the provisions of this Act, rules or bye laws framed there under.

(3) Nothing in sub section (2) shall apply to the purchase, sale or storage of such agricultural produce if the producer of such produce is himself its seller and the purchaser is a person who purchases such consumption or if such agricultural produce is sold by retail sale to a person who purchases such produce for his consumption.

(4) The State Government may, at any time by notification in the official Gazette, exclude from the market area or any agricultural produce specified for the market area.

Declaration of market yard. 12 (1) For each market area there shall be one principal market yard and one or more sub market yards as maybe necessary.

(2) The State Government may, by notification in the official Gazette, declare-

(a) 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

(b) 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 and as it thinks fit, to be market proper.

Establishment of market committee 13 (1) The State Government may establish a market committee for every area declared to be a market area under sub section (1) of Section 11. It shall be the duty of the market committee to enforce the provisions of this Act and the rules and bye laws framed there under in such market area.

(2) The State Government may establish a separate market committee within the same market area or a part thereof if it is satisfied that trading in a particular type of agricultural produce can be regulated only 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 14 Every market committee shall consider of the following members, namely

(i) Five agriculturists to be nominated by the Board from amongst the progressive farmers of the market area in the manner prescribed;

(ii) Three to be nominated by the traders otherwise than the Co-operative Marketing Societies, holding valid licence under this Act from amongst themselves in the Manner prescribed;

(iii) Two to be nominated by the registrar from amongst the members of the Managing Committee or Board of Directors, as the case may be, of the Co-operative Societies in the market area holding a licence under this Act;

(iv) one to be nominated by the State Government;

(v) one to be nominated by the members of the local authorities, if any, within whose jurisdiction the principal market yard is situated. When the principal market yard is situated within the jurisdiction of two or more local authorities each

authority shall nominate one member;
(vi) one to be nominated by the warehousing Corporation, if a warehouse has been established by such corporation within the market area.

Period of office of market committee member 15 (1) Every member of market committee shall hold office for a period of three years commencing from the date of the first meeting of the market committee
(2) 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.
(3) A member nominated under clauses (i), (ii), (iii) or (vi) of Section 14 shall cease to hold office, if he ceases to be a member of the category of persons from which he was nominated.
(4) A member shall also cease to hold office if he resigns his membership and the same is accepted by the market committee or if he is removed by the State Government.
(5) Whenever any vacancy occurs in membership for any of the reasons aforesaid, the said vacancy shall be filled in the same manner and such member shall hold office for the unexpired term of the member in whose place he is nominated
(6) Notwithstanding any vacancy the market committee shall be competent to exercise its power and perform its duties and none of its actions shall be questioned merely on the ground of existence of any vacancy or any defect in the constitution of the committee.

Election of a chairman etc 16 (1) Every market committee shall elect, in the manner prescribed, one of its member to be its chairman.
(2) The Chairman shall exercise such powers and perform such duties on behalf of the Committee under this Act and the rules made there under as may be prescribed.
(3) Whenever for any reason the office of the Chairman of any market committee falls vacant the board shall appoint any one from amongst the member of such market committee as the chairman to hold office as such, temporarily, till a Chairman is elected.
(4) The Chairman shall preside at every meeting of the market committee and in his absence the members present shall elect one from amongst themselves to preside over that meeting.
(5) When a meeting is held for the removal of the Chairman a member duly elected at the meeting shall preside over that meeting.

Removal of Chairman 17 (1) The 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 of a market committee from office if he persistently omits or refuses to carry out or disobeys the provisions of this Act or rules made there under or any directive issued by the competent authority under this Act or rules made there under or if he becomes incapable of so acting or is declared insolvent or is convicted by a criminal court for any offence involving moral turpitude or declared disqualified under any of the provisions of this Act or rules made there under.

Calling of meeting and quorum 18 (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 on a requisition by the members as prescribed, and

(b)there is quorum.

(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 there is no quorum, the meeting shall stand adjourned to some future day to be appointed by the chairman or any member who may preside at the meeting as the case maybe. The members present at such adjourned meeting shall form a quorum whatever their number may be.

Incorporation of market committee 19 (1) Every market committee shall be 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 and may sue and be sued in its corporate name and shall be competent to acquire, hold lease, sell or otherwise transfer any property and to contract and to do all other things necessary for the purpose for which it is established.

(2) Where a market committee is established in any area, no person shall function as a trader, commercial agent, broker, weightman, measurer, surveyor, warehouseman or in any other capacity as the Board may determine within any market area under this Act unless a licence is granted to such person by the market committee on payment of such fees and subject to such conditions as may be prescribed.

Functions at the market committee

20 The functions of a market 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.

(ii) to regulate and control transactions in the market, and to deal with any defaulting licence holder with respect to any notified agricultural produce;

(iii) to settle, mediate or arbitrate in all matters of claims, difference or disputes between the licensees, agriculturists or between licensees and agriculturists making use of market.

(iv) to control and regulate the admission to markets 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, proceedings 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 or other movable or immovable property for the purpose of its business, to raise fund from the Government, or otherwise with the approval of the Board and for the said purpose to enter into arrangement with the Government, local authority or otherwise.

(vii)to levy and recover market charges, fees on agricultural produce, licence, and other fees and to impose fines and penalties; and

(viii)to do such other things as may be required for the purpose of achieving the objects and purposes of this Act and the rules and bye laws framed there under.

Power of The market committee

21 A market committee shall have the power to regulate entry of persons into the principal or sub market yards, to supervise the behaviour of the person so entered for transacting business and to take disciplinary action against the licensee 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 framed there under.

Duties of the mark-

22 It shall be the duty of every market committee to enforce the provisions of this Act, the conditions of licence granted under the rules and bye laws framed under the Act in

et commi- the market area and to provide such facilities as the State Government may, from time to
ttee time, direct in connection with the purchase and/ or sale of notified agricultural produce
concerned.

Appoint- 23 A market committee may appoint a subcommittee or a joint committee, or an
ment of *ad-hoc* committee from amongst its member for the administration of the sub market yard
sub for reporting or recommending or deciding any matter or matters and may delegate to such
commi- committee such of its powers or duties as it may think fit. There shall be at least three
ttee and member in such committee.
joint
committee

Appointment 24 (1) Every market committee shall have a Secretary appointed by the Government
of Secret- subject to such terms and conditions as may be prescribed.
ary and (2) A market committee may also, with the approval of the Board, employ such
other off- other officers and staff as may be necessary for the management of the market on such
icer and terms and conditions as may be prescribed.
Staff

Execution 25 Every contract entered into by a market committee shall be in writing and shall
of be executed by the Chairman and the Secretary of the committee.
contracts

power to 26 A market committee shall levy and collect fees on the agricultural produce
levy fees bought or sold in the notified market area at a rate not exceeding one rupee for every
hundred rupees of the aggregate amount for which an agricultural produce is bought or sold
whether for cash or for deferred payment or other valuable considerations:
Provided that-
(a) No fee shall be leviable in respect of any transaction in which delivery of the agricultural
produce bought or sold is not actually made; and
(b) A fee shall be leviable only on the parties to a transaction in which delivery is actually
Made.

Market 27 All money received by a market committee shall be paid into a fund to be called
commi- "The Market Committee Fund" and all expenditures incurred by the market committee
ttee under or for purpose of this Act shall be defrayed out of the said fund. Any surplus remain-
funds ing with the market committee after such expenditure shall be invested in such manner as
may be prescribed in this behalf.

Contri- 28 Every market committee shall, out of its fund, contribute to the Board a sum not
bution exceeding 30% of the moneys received by it as may be determined by the Government on
to the account of the Board expenses and such other expenses incurred by the Board in the
board interest of the market committee including the cost of staff that may be appointed by the
board for giving effect to the provisions of this Act in the market area.

Purposes 29 The fund of the market committee shall be expended for the following purposes
for which namely:-
market (i) payment of interest on the loans that may be raised for the purpose of the
commi- market and the provisions of sinking fund in respect of such loans;

tee fund shall be expended (ii) the acquisition of a site or sites for the market; (iii) the maintenance and improvement of the market; (iv) the construction and repair of buildings necessary for the purposes of such market and for the health convenience and safety of the persons using it; (v) pay, pensions, allowance, gratuities, compensations, for injuries resulting from accidents while on duty and compassionate allowances of its employees and contributions towards leave salary and pensions of the officers and staff on deputation to the market committee; (vi) expenses connected with the collection and dissemination of information regarding matters relating to crop statistics and marketing in respect of the agricultural produce; (vii) contribution to the Board under Section 28; and (viii) other expenses connected with the carrying out the purposes of this Act and the rules and bye laws framed there under.

Mis-application of funds 30 If a market committee incurs an expenditure for any purposes other than those specified under the last preceding section or in excess of the expenditure approved by the Board then it shall be deemed to be a mis application of the fund.

Power to Borrow 31 (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) A market committee may, for the purpose of meeting the initial expenditure on lands, building and equipments 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 the time within the same shall be repayable shall be subject to the previous sanction of the State Government.

Acquisition of land for the purpose of this Act 32 (1) The State Government may, on the request of the Board or a Market Committee, acquire land required for the purposes of this Act under the provisions of the Land Acquisitions Act, 1894 (Act 1 of 1894) (2) The Board or Market Committee shall be deemed to be a local authority for the purposes of the Land Acquisition Act, 1894 (Act 1 of 1894).

No trade allowance permissible except as prescribed 33 No person shall make over or recover any trade allowance other than an allowance prescribed by rules or bye laws made under this Act in any market area in any transaction in respect of the notified agricultural produce concerned and no Civil Court shall, in any suit or proceedings 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 known 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 action.

Liabilities of members of 34 (1) The State Government may, on the recommendation of the market committee supported by at least two third of the total members or on the recommendation of the board, remove any members of the Market committee, if such a

market 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.

committee to
removal
from
office

Provided that no recommendation shall be made by the market committee or the Board unless the member has been given a reasonable opportunity of showing cause why such recommendation should not be made.

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
respons-
ible for mis-
application
of funds

35 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 moneys so mis-applied.

Duty to
furnish in-
formation
to the gov-
ernment or
other auth-
orised
officer.

36 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 Government or any officer as may be authorised by the State Government in this behalf, all officers and staff members of the Board and such committee shall furnish such information in their possession in regard to the affairs or proceedings of the Board or Committee as the government or such officer may require.

Power to
Inspect.

37 The Director, or any officer authorised by the State Government by general or special order shall have power to inspect 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 in case of non compliance to furnish a written reply to him within a reasonable time stating reasons there of.

Power of
the Board
In emerg-
ency.

38 (1) In case of an emergency, the Board may suspend or cancel all or any licence issued under the provisions 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 Board shall make such arrangement for performing the duties and functions of such a market committee.

Recovery
of loss.

39 (1) Any loss that may occur to a market committee due to its failure to carry out any instruction of the Board shall be recoverable from the members of the market committee after due enquiry and reasonable opportunity have been given to them to show cause as to why 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 on arrear of land revenue.

Depression
of market
commi-
tee

40 (1) If in the opinion of the State Government a market committee is incompe- tent to perform or persistently makes default in performing the duties imposed on it by or under this Act, or the rules and bye laws framed there under, or if it abuses its powers, the State government may, after giving the market committee an opportunity to submit an explanation and objections, if any, by notification, supersede such committee for a period

not exceeding one year at a time or dissolve the committee and reconstitute it as soon as possible.

(2) When a committee is superseded or dissolved under this section the State Government may appoint any person as an Administrator to exercise and perform all powers, duties and functions of the Market Committee until a new committee is reconstituted.

Consequences following supersession or dissolution

41 (1) When a committee is supersession or dissolution shall have been passed under the last preceding section the following consequences shall ensue:-

(a) all the members as well as the Chairman of the market committee shall, from date of such supersession or dissolution, be deemed to have vacated their offices.

(b) all assets vested in such committee shall during the period of supersession or dissolution vest in the State Government subjected to all its liabilities.

(2) On the expiration of the period of supersession specified in the order, the State Government may:-

(a) extend the period of supersession for such further term as it may consider necessary, but not exceeding a period of one year at a time; or

(b) reconstitute the market committee

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

(3) On the reconstitution of the market committee under sub section (2) the Government shall transfer all assets and liabilities of the market committee as on the date of such transfer to the new market committee.

Penalty for contravention of section 11

42 Whoever contravene the provisions of sub section (2) of section 11, shall on conviction, be punishable with fine which may extend to five hundred rupees and, in the 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.

Eviction of encroacher of market yard.

43 Every encroacher of market yard or sub market yard shall be evicted there from in such manner and procedure as provided in any law force for eviction of encroachers.

Penalty for contravention of section 33

44 (1) Whoever makes or recovers any trade allowance in contravention of the rules or bye laws made under this Act, shall on conviction, be punishable with a fine which may extend to rupees two hundred.

(2) All fines and damages recovered from an offender shall be paid to the fund of the market committee concerned.

Penalty for contravening provision of section 36

45 (1) If any officer or member of market committee when required to furnish information in regard to the affairs or proceedings of the Board or a market committee under Section 36-

(a) Wilfully neglects or refuses to furnish any information, or

(b) Wilfully furnished false information, he shall, on conviction, be punishable with fine which may extend to rupees two hundred.

(2) If any officer, member, or employee of the Board or a market committee wilfully neglects or refuses to do any act or, without any reasonable excuse, disobeys an order issued under the provisions of this Act or fails to furnish information or return required from him he shall, on conviction, be punishable with fine which may extend to rupees five hundred.

Chairman and staff of market committee to be public servant 46 The Chairman, members, Secretary and other officers and staff of the Board and a market committee shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

Bar of suit in absence of notice 47 (1) No suit shall be instituted against the Board or a 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 for the purpose of 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 he claims, has been in the case of the Board or a market committee, delivered or left at its office, and in the case of any such member, officer, staff or person as foresaid, delivered to him or left at his office or usual place of abode and the plaint 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 the alleged cause of action arises.

Trail of offences 48 (1) No offence under this Act or any rule or bye law framed there under shall be tried by a court other than that of a Magistrate of the First Class.

(2) No court shall take cognizance of any offence punishable under this Act except on the complaint of the Secretary of the Board or the Market Committee or any other Officer authorised by the State Government in this behalf.

Admissibility of copy of entry as evidence 49 A copy of any entry in any book, register or list regularly kept in course of business in the possession of a 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 to the same extent the original entry would, if produced, have been admissible to prove such matter.

Recovery of sums due to and from market committee 50 (1) Every sum due from a market committee to the State Government or the Board on any local authority shall be realised as arrears 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 may be prescribed and signed by the Director or such officer as may be authorised by him in this behalf.

Power of the state Government to delegate its power 51 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 Secretary.

Power to make rules. 52 (1) The State Government may either generally or specially for the Board or any market areas make rules after previous publication for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely-

(i) The election of the Chairman of the market committee;

(ii) The powers to be exercised and the duties to be performed by the market

- Committee and its Chairman and secretary.
- (iii) The management of the market, minimum and maximum fee which may be levied and collected by the market committee, the method, manner and mode of collection of such fee in respect of such agricultural produce sold and resold in the market area;
 - (iv) The issue of licences to traders, persons and firms engaged in processing of agricultural produce, to commission agents brokers, weighmen, measurers, surveyors, warehousemen 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 Board and the form in which and the conditions subject to which such licences shall be issued, cancelled or renewed.
 - (v) The method and manner of holding meetings, the procedure to be followed at such meetings and the powers to be exercised at such meetings.
 - (vi) The form in which returns shall be submitted by the Board or a market committee.
 - (vii) 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.
 - (viii) The kind and description of the weights and measures and weighing and measuring instruments which shall be used in the transactions in agricultural produce in any market area;
 - (ix) The periodical inspection of all weights and measures and weighing and measuring instruments in use in market area
 - (x) The manner in which the inquiry and inspection of the Board or a market committee shall be held.
 - (xi) The matters in respect of which the Board or a market committee may make bye laws and the procedure to be followed in making, amending or rescinding the bye laws.
 - (xii) The declaration of market proper and market yards
 - (xiii) The condition of service, recruitment, provident fund, pension, and such other terms and conditions as may be required for the employment of the staff of the Board and the market committee.
 - (xiv) The trade allowance which may be made or received by any person in any transaction in any agricultural produce in a market area.
 - (xv) The prohibition of brokers for acting in any transaction on behalf of both the buyer and seller or agricultural produce or as a buyer or seller.
 - (xvi) The provision of accommodation for storing any agricultural produce brought into the market.
 - (xvii) The preparation of plans and estimates for works purposed to be constructed partly or wholly at the expense of the market committee and the grant of sanction to such plans and estimates.
 - (xviii) The form in which the accounts of the Board or a market committee and the grant or sanction to plans and estimate shall be kept, the audit, inspection and publication of the accounts and audit report and the inspection thereof and supply of copies of such accounts and reports.
 - (xix) 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.
 - (xx) The investment and disposal of the surplus funds of a market committee.
 - (xxi) The regulation of advance, if any given to agriculturist by brokers, commission agents or traders.
 - (xxii) The prevention of adulteration of agricultural produce.

- (xxiii) The grading and standardization of agricultural produce.
 - (xxiv) The keeping of a list of prices of agricultural produce in respect of which the markets is established.
 - (xxv) The manner in which auctions of agricultural produce shall be conducted and bids made and accepted in any market.
 - (xxvi) The recovery and disposal of cost leviable by or under this Act.
 - (xxvii) Other matters relating to the functioning of the Board or the market committee.
 - (xxviii) Any other matters which has to be or may be prescribed.
- (3) Any rules made under this Act may provide that any contravention thereof or of any of the conditions of licences issued will render the offender punishable with fine which may extend to rupees two hundred.

Bye laws

53 (1) Subject to any rules made by the State Government under Section 52, the Board may from time to time, in respect of any notified produce and market area, make bye laws not inconsistent with this Act for the regulation of business and the conditions of trading in such market area.

(2) Any bye laws made under this section may provide that any contravention thereof shall, on conviction, be punishable with fine which may extend to rupees one hundred.

(3) The power of making bye laws under this section shall be subject to the condition of previous publication.

Power of State Government to call for proceedings of market committee and to pass orders thereon

54 The State Government may at any time call for and examine the proceedings of the Board or any market committee for the purpose to satisfying itself, as to the legality or propriety of any decision or order passed by the Board or market committee. 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 and such order shall be final.

Powers of State government amend the schedule

55 The State Government may, by notification in the official Gazette, add to amend or cancel any items of agricultural produce specified in the Schedule.

Savings

56 Nothing contained in any other law for the time being in force relating to the establishment, maintenance or regulation of a market shall apply to any market area or affect the powers of a market committee or the rights of a holder of a licence granted under this Act.

SCHEDULE [See Section 2 (1) (i)]

Group

- Group I- (1) Jute (baled and unbaled)
- (2) Cotton (ginned and unginned)
- (3) Mesta.
- Group II- (1) Paddy
- (2) Rice

- (3) Chira
- (4) Khai
- (5) Wheat and wheat products.
- (6) Maize
- (7) Other millets
- (8) Paddy husk
- (9) Rice brand and polish
- (10) Wheat brand and polish
- Group III- (1) Sesamum or til
- (2) Mustard
- Group IV- (1) Mandrin
- (2) Orange
- (3) Other citrus
- (4) Pineapple
- (5) Banana
- (6) Papaya
- (7) Pear
- (8) Plum
- (9) Peach
- Group V- (1) Potato
- (2) Sweet potato
- (3) Tomato
- (4) Leafy and fresh vegetables
- (5) Yam
- Group VI- (1) Turmeric (whole and powdered)
- (2) Ginger
- (3) Chillies (dry and green)
- (4) Black pepper
- (5) Bettle nut
- (6) Bettle leave
- (7) Tezpata
- Group VII- (1) Egg
- (2) Poultry
- (3) Cattle
- (4) Sheep
- (5) Goats
- (6) Buffaloes
- (7) Milk
- (8) Butter and cream
- (9) Ghee
- (10) Wool
- (11) Hide and Skin
- Group VIII (1) Timber
- (2) Bamboo
- (3) Grass broom
- (4) Resin wood (Dhup lakri)
- Group IX - All types of fishes (excluding canned fish)

D.R.RYMMAI,
Deputy Secretary to the Government of Meghalaya,
Law Department

The 20th October 1982

No. AGRI (G) 16/77/Pt.IV/II.-In exercise of the powers conferred under section 52 of the Meghalaya Agricultural produce Market Act, 1980, the Governor of Meghalaya is pleased to make the Following Rules, namely:-

THE MEGHALAYA AGRICULTURAL PRODUCE MARKET (GENERAL) RULES, 1982.

1. Short title extent and commencement.-

- (1) These Rules, may be called the Meghalaya Agricultural Produce Market (General) Rules, 1982.
- (2) They shall come into force at once.
- (3) They shall extend to the areas where the Act is in force.

2. **Definitions.**-In these Rules unless there is anything repugnant to the subject as context:-

- a) 'Act' means the Meghalaya Agricultural Produce Market Act, 1980.
- b) 'Buyer' includes a person buying any Agricultural Produce himself or on behalf of any other person or Organization or Firm as its agent or as Commission agent for re-sale.
- c) 'Form' means a form appended to these Rules.
- d) 'Helper' means a person who loads, unload, cleans, dresses and includes any other who assists in loading, unloading cleaning and dressing of any Agricultural produce.
- e) 'Market' charges means all charges payable by the buyer for the services rendered in connection with the handling of agricultural produce after the sale is settled and includes commission of an Agent brokerage auction charges filling and sewing of packages and bags and remuneration of the helper but does not include remuneration of the helper but does not includes remuneration for weighing.
- f) 'Market Fee' means fees payable to the Market Committee under Rule 21.
- g) 'Notified market Area' means the Market area declared under sub-section (1) and the area notified by the state Government under sub-section (2) of section 11 of the Act.
- h) 'Seller' includes a person selling his agricultural produces himself or on behalf of other person as his agent servant or commission Agent.
- i) Words used in the Rules but not defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Nomination of non-official members of the Board.**-Nomination of the members of board shall be made by the State Government in consultation with the Director of agriculture or, as the case may be the Registrar or Co-operative Societies:

Provided that membership as per sub-clause (iii) and (v) of clause (b) of section 3 (i) of the Act shall remain vacant so long the Market Committees have not been formed or license granted to any person as trader:

4. **Term of Office.**-The term of office of the non official Members shall be three years from the date their nomination is notified in the Official Gazette.

5. Budget and expenditure of the Board. - (1) The Board shall meet not later than first week of February every year to finalise the budget for the next year.

2) The budget as finalized by the Board under sub-rule (1) shall be submitted to the State Government for approval not later than the last week of February. The State Government shall approve and return the budget to the Board within two months from the date of receipt thereof, if it is not so returned within two months the budget shall be deemed to have been approved.

3) Pending approval under sub-rule (2) the Board may with prior sanction the State Government incur the minimum expenditure required to meet unavoidable circumstances.

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

5) The Board may re-appropriate any amount of expenditure from one sub-head to another under the same head of account, for re-appropriation of any amount of expenditure from one head of account to another and exceeding fifteen per cent of the total budget provision under that particular head, approval of the State Government shall be obtain.

6) The fund of the Board shall be deposited into the Meghalaya Co-operative Apex Bank Ltd., Shillong and shall be operated jointly by the Chairman and the Secretary of the Board.

7) The maximum impress money to be maintained by the secretary shall not exceed Rs.2, 000 at any one time.

8) The Board shall maintain proper accounts of all receipts and expenditure and for this purpose the double entry procedure of accounting shall be adopted.

6. Powers and functions of the Chairman of the Board.-(1) The Chairman of the Board shall preside over the meetings of the Boars and in his absence the members present shall elect one from amongst themselves to preside over the meeting.

(2) The Chairman of the Board shall be responsible for the administration of the Act and for that may, subject to the provision of the rules and bye-laws framed under the Act, issue orders and directions as he may consider necessary.

(3) The Chairman of the Board shall appoint the officers and other employees of the Board except for those posts mentioned in sub-rule (2) of Rule 8.

(4) The Chairman of shall exercise overall control over the employees of the Board and of the Market Committee and may allot duties and functions to them as he may deem it necessary.

(5) The Chairman shall be the competent authority to accord sanction to any expenditure above Rupees ten thousands but not exceeding Rupees twenty thousand on any individual item approval if the Board shall be obtained.

(6) The Chairman shall exercise overall supervision on the Board and Market Committees and shall review their working and progress from time to time. The review so mace shall be placed before the Board for consideration and decision as may be deemed necessary.

7. Powers and functions of the Secretary of the Board.-(1) Subject to the overall control of the Chairman, the secretary go the Board shall exercise general control over the office of the Board and its employees and act as Head of the Office.

(2) With prior approval of the Chairman, the Secretary of the Board shall have the power to transfer and post the employees of the Board and of the Market Committees provided that in case of deputed staff of the State Government prior approval of that Government shall be necessary.

(3) The Secretary shall approve the tours of the employees of the Board and shall pass their travelling allowance bills as also those employees of the Market Committees deputed by the State Government.

(4) The Secretary of the Board shall be the competent authority to accord sanction to any expenditure not exceeding Rupees ten thousand on individual item for which provision has been made in the budget.

(5) The Secretary shall with the approval of the Chairman of the Board convene meetings of the Board prepare agenda notes for the meetings.

(6) The Secretary shall attend the meeting of the Board and record and maintain the proceedings thereof.

(7) The Secretary 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.

8. Employees of the Board and Market Committees.-(1) The Board shall have control and superintendence over its employees.

(2) The State Government shall appoint an officer of the Agriculture Department not below the rank of a Deputy Director as Secretary of the Board and other officers not below the rank of Agricultural Inspector to equivalent rank having training in Market Secretariat or working experience of not less than three years as secretaries of Market Committees. Appointment of such officer shall be on Foreign Service terms and the leave salary and pension contribution paid to Government by the Board or as the case may be the Market Committee concerned.

(3) The pay and allowance of employees of the Board including those of the secretary and other employees of the State Government when deputed on full time basis shall be charged on the funds of the Board.

(4) The tours of the Secretary of the Board shall be approved and his bills for travelling allowance countersigned by the Chairman.

9. Conditions of Service. - (1) Until such rules are framed for the employees of the Board and the Market Committee the rules applicable to the corresponding grade of employees of the State Government with regard to pay and allowances, appointments, provident fund, leave, travel, conduct, discipline and other conditions of service shall as far as may be, apply **mutatis mutandis** to them.

(2) The members including the Chairman of the Market Committee, whenever they are non-officials shall-

(a) Be treated as Grade I employees of the State Government for the purpose of travelling allowances, and

(b) be entitled to a sitting fee of Rs. 30 (rupees thirty) only per day for attending the meeting of the Board or of the Market Committee, as the case may be but no Dearness Allowance should be paid if sitting fee is claimed. However for coming to attend the meeting enroute and on returning to his headquarter the non-official member will be entitled for Dearness Allowance as admissible.

10. Publication of notification under Sections 10 (1) and 11 (1) of the Act- (1) the of notification under Sections 10 (1) and 11 (1) of the Act together with the translation thereof made into a local language as may be considered necessary shall be-

(a) Publication in the local newspaper having wide circulation in the area.

(b) Affixed in the notice board of the Deputy Commissioner, Sub divisional Officer, Town Committee, District Council, office of the Agriculture Department and in some conspicuous part of the common village meeting or market place located within the proposed market area.

(2) The period of previous publication of the notification under Section 10 (1) of the Act, in the official Gazette shall be 30 days.

11. Nomination of the members of the Market Committee. - (1) the licensed traders shall elect 3 (three) members from amongst themselves as the members of the Market Committee. The election shall be supervised by the Secretary of the Market Committee for by an officer authorized for this purpose by the Board.

(2) The Register of Co-operative Societies, the Local Authority if any, and the Managing Director of the Warehousing Co-operation shall for the purpose of clauses (iii); (v) and (vi) respectively of Section 14 of the Act send the names of their nominated representative of the State Government through the Board.

(3) The board shall nominate five agriculturists and send their names and also forward those received under sub-rules (1) and (2) along with the recommendation to the State Government for appointment as members of a Market Committee.

12. Election of the Chairman of the Market Committee.- (1) The members of a Market Committee shall elect one from among themselves to be the chairman of the Market Committee in its first meeting to be convinced by the Secretary of the Market Committee under the direction of the Board.

Provided that the election shall be held within twenty days from the date of the committee is established.

(2) The voting shall be conducted by the Secretary himself without voting right.

(3) Any member getting the highest number of votes if there are more than one candidate for the post, shall be the Chairman of the market Committee.

(4) In case of a tie, it shall be decided by drawing a lot.

(5) The Secretary shall immediately report through the Board the result of the election of the Chairman to the Government for necessary action

13. Budget and expenditure of the Market Committee-(1) The provisions of Rule 5 shall apply with regard to the budget and expenditure of a Market Committee except that for the words "Board" and "State Government" occurring in the said rule the same shall be read as "Market Committee" and "Board" respectively.

(2) The fund of the Market Committee shall be deposited in the nearest branch of the MCAB Ltd. and operated jointly by the Chairman and Secretary of the Market Committee.

(3) The surplus funds remaining with the Market Committee under Section 27 of the Act shall remain a balance of the 'Market Committee Fund' till such time the Board directs the Committee to invest the amount or part thereof in such manner and for such purpose as it may specify.

14. Powers and function of the chairman of the Market Committee.-

(1) The Chairman of the Market Committee shall be responsible for administering the Act in the Market Areas within the jurisdiction of this Committee and presides over all meeting of the Committee provided that in his absence, the members shall elect one from amongst themselves to preside over the meeting.

(2) The Chairman of the Market Committee shall be the competent authority to approve the tours and pass the Travelling Allowance Bills of the Secretary of the Committee.

(3) The Chairman of the Market Committee shall be the competent authority to grant leave to the Secretary of the Committee.

(4) The Chairman shall be the competent authority to accord sanction to any expenditure above Rupees five hundred but not exceeding Rupees two thousand on any individual item for which provision has been made in the budget. For expenditure in excess thereof on any individual item approval of the Committee shall be obtained.

15. Powers and Functions of the secretary of a Market Committee.-(1) the Secretary shall assist the Chairman of the Market Committee in administering the Act and advise him and the Committee in all matters connected with rules bye-laws, orders and directions issued from time to time by the Board or the State Government.

(2) The Secretary shall be the Chief Executive Office of the Market Committee. The 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.

(3) The Secretary shall be the drawing and disbursing officer of the Committee, and shall maintain or cause to be maintained cash book and other records in proper form, provided that the cash in hand under the Secretary shall not exceed rupees five hundred at any one time.

(4) The secretary shall see that the day to day work of the officer of the Committee is carried out efficiently, that returns and reviews are rendered regularly, that the cash, common seal, minute book and other records and assets of the Committee are kept safely.

(5) The Secretary of the Market Committee shall be the competent authority to grant leave of the employees to the Committee.

(6) The Secretary shall make an annual assessment of the work of the employees of the Committee and submit to the Chairman of the Market Committee for making final assessment thereof.

(7) The Secretary shall prepare the annual budget of the Committee and submit it to the Chairman of the Committee for his approval for placing at meeting of the Committee.

(8) The Secretary shall be the competent authority to accord sanction to an expenditure not exceeding Rupees five hundred only on each individual item for which provision has been made in the budget.

(9) The Secretary shall approve the tours of the employees of the Committee and shall pass the travelling allowance bills of the employees of the Committee other than those deputed by the state Government.

(10) The Secretary shall with the approval of the Chairman of the Committee convene meeting of the Committee and prepare Agenda Notes for the meeting. He shall attend all meeting of

the Committee, a Sub- Committee, a Joint Committee, or an ad-hoc Committee, and record and maintain the proceeding thereof. He shall however, not attend any meeting wherein anything pertaining to him or any of his relatives is to be considered.

Explanation:-“Relatives” for the purpose of this sub-rule shall mean:-

- (a) Father, mother, son, daughter, brother, sister and wife or husband of the person concerned.
- (b) Brother, and sister or the father or mother or the person concerned; and
- (c) Father, mother, son daughter, brother, and sister or the wife or husband of the person concerned.

(11) Copy of any entry in any book, register or list regularly kept in course of business and in the possession of a Market Committee shall be certified by the Secretary subject to inspection by any member of the board.

16. Removal of chairman in Market Committee;- 1)The requisition for a meeting for a removal of the Chairman of the committee shall be signed by not less than one-third of the total membership of the Committee and submitted to the Secretary of the committee. The requisition shall contain the reason for which the Chairman is sought to be removed from office.

(2)The Secretary of the Committee on receipt of the requisition under sub-rule (1) shall convene the meeting within 20 days from the date of receipt of the requisition and the period of notice shall not be less than ten days from the date of issue.

(3)The requisition meeting shall be presided over any members elected by the members present at that meeting. The Chairman shall not attend such meeting.

(4)All the members signing the requisition under sub-rule (1) shall attend the meeting.

(5) The quorum from requisition meeting shall be two-third of the total membership of the Market Committee.

(6)The resolution for removal of the chairman shall be moved by one of the members requisitioning the meeting and shall be supported by one or more members.

(7) The resolution shall thereafter be discussed by the members and put to vote by the person presiding over the meeting.

(8) The voting shall be by secret ballot and shall be conducted by the Secretary of the Committee.

(9) Immediately after the close of the voting the Secretary shall count the votes for or against the resolution and place the result before the person presiding over the meeting. If adopted by not less than two-third of the total number of members presents and voting at the meeting, the resolution shall be deemed to have been carried through.

(10) The Secretary of the Committee shall communicate the decision of the meeting to the Board for necessary action provided that the Board after due consideration of the standing position may take appropriate action including dissolution of the Committee.

17. Application for grant of Licenses and fees thereof.- (1) For grant of Licenses under section 14 (2) of the Act, a person shall make an application in duplicate to the Chairman of the Market Committee of the notified market area where he/ she wishes to carry in his/her business and the same shall be received in his office.

(2) The Forms of application and grant of licenses shall be in the following manner, namely:-

Category of application –Form of application-Form of the licenses

(a) For each License at trader or commission agent-Form “A”-Form “B”

(b) For License as broker, Weigh man, measurer, surveyor or warehouseman-Form “D”-Form “E”.

(3) A Fee of Rupees two only shall be paid for each application under sub-rule (2) and Rupees ten only per year or part thereof for each license granted.

(4) If any person, who is not a licensee, carries on his/her business as a trader or commission agent or broker, or weigh man or measure man or surveyor or warehouseman in a notified market area on the date of issue of notification under sub-section (1) of section 11 of the Act and fails to apply for a License within fifteen days from the date of the notification the Chairman of the Market Committee may, before a License is issued, impose upon the applicant a penalty as follows, that is:-

(a) If the application is made within thirty days from the date of the notification Rupee one per day .

(b) If the application is made after thirty days from the date of the notification, Rupee one per day for first thirty days and Rupees two for each day thereafter.

(5) Unless otherwise provided in the license, each issued under the Act shall expire on the 31st day of March following the date of issue.

(6) A License issued under this rule shall be valid for the purpose of carrying the business at one or more place within the same notified market area.

(7) If any area id excluded from a notified market area and included is another, the license issued under the Rules shall be valid and deemed to have been issued and renewable by the market Committee of the new market area.

(8) A record of license issued under this rule shall maintained nu the Market Committee and the Board on Form C.

18. Cancellation of a License. - (1) The Market Committee may, on being satisfied that there has been a breach of any of the conditions specified in a license to that the license is a habitual defaulter on submission of returns, by order in writing, cancel or suspend any license and may also direct that such license shall not be renew. Suspension may be for a period not exceeding five months for the first breach, nine months for the second and 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.

(2) The action under-rule (1) shall not be degradation to other penalties provided for in the Act or by-law for such contravention.

(3) Where the license is a firm any change in partnership shall mean the constitution of the new firm and shall require grant of a fresh license.

(4) The Market Committee, if it is satisfied that it is necessary so to do, may by order allow a change in the condition of a licensed granted provided the license applies for it and pays a fee of rupee one only.

19. Renewal of a License. -(1) Renewal of a license under these rules shall be made to the Chairman of the Market Committee in form 'F' in case- of a tender or a commission agent and in form 'G' in case of a broker weigh man, a measure, a surveyor or a warehouseman and shall be accompanied by the licensed fee prescribe therefore.

(2) The application of the renewal of the license shall be made at least thirty days before the 31st of March.

(3) Every renewal granted under these laws shall be deemed to take effect from the date following that on which the license expired.

(4) Every application for renewal of a license made after the date of expiry thereof shall be treated as an application for the grant of a fresh license.

(5) If a license is lost or destroyed, a duplicate may be on payment of a fee of Rupees two only.

20. Prohibition against grant of certain license. - (1) Except as hereinafter provided, no person shall at the same time hold licenses under these Rules in more than one capacity.

(2) The provisions of sub-rule (1) shall not apply in the case of a person licensed as weigh man, surveyor or measurer.

21. Market Fee.- (1) The Market Fee leviable under Section 26 of the Act shall be paid by the buyer of the Agricultural produce to an officer authorized by the Market Committee and shall be paid as soon as and in any case within four days, the said produce is bought by him.

(2) The Market fee under these Rules shall be levied once only on any transaction of sale and purchase taking place within the same notified area.

(3) For the purpose of these rule, the transaction of sale and purchase of any Agricultural produce shall be deemed to have taken in area notified market area.-

(a) The agreement or sale and purchase thereof is entered in the said area;

(b) In pursuance of any agreement of sale and purchase the Agricultural produce is weight in the area; or

(c) In pursuance of any agreement of sale and purchase delivery of the agricultural produce to the purchaser or to other person on behalf of the purchaser notified in the area.

(4) Where two or more of the acts mentioned in the sub-rule (3) have been performed differently in two or more notified market areas, the market fee shall be payable to the committee within whose jurisdiction on the agricultural produce was weighted and where no such weightment took place, to the Committee within whose jurisdiction the agricultural produce was delivered.

22. Maintenance of Amounts. - Every trader licensed under these Act shall maintain accounts and submit to the Market Committee returns in form 'M' in respect of each transaction within 4 days transform.

(2) The market Committee shall maintain a register in form 'N' showing the daily sale and purchase transacted in the notified market area and the amount of fees due recovered from there.

(3) If any traders failed to submit the return as prescribe in sub-rule (1) or the chairman of the Market Committee has reasons to believe that the returns submitted are incorrect; he shall, after giving a notice to the concerned and after such enquiry as he may consider necessary proceed

to access the volume of sale and purchase transacted by the trader concerned during the period in question.

(4) If a trader habitually makes default in the submission of the returns or, if in the opinion of the Committee the trader habitually submits incorrect returns the Chairman of the Market Committee may order the production of the books of account for inspection at his office.

(5) The inspection of the accounts under sub-rule (4) shall be done also by the members of the Committee or such employee as the Chairman may authorize.

(6) After the inspection under the sub-rule (4) the returns submitted may if necessary, be corrected or fresh returns prepared by the secretary of the Committee on the basis of the records produced and, if no records are available or the same are insufficient on such information as the Committee may otherwise gather.

(7) Additional Market fee due if any, on the basis of the returns so prepared under sub-rule (6) shall be assessed and the licensee concerned shall pay it within such time the Chairman may direct.

(8) An assessment under sub-rule shall be communicated to trader in form 'P'.

23. Appeal against the order made under sub-rule 22. - (1) Appeal against the order made under sub-rule (8) shall lie to the Chairman of the Board, no such appeal shall be entertained unless the appellant has deposited twenty-per cent of the amount due as fee from him with the Committee concerned.

(2) The Chairman of the Board after hearing the appellant and also the Market Committee making assessment or, after such enquiry as he may think proper, may accept, modify or reject the assessment order appealed against and his order shall be final.

24. Refund of certain amounts. - (1) when-

(a) Any sum has been deposited for the grant of license but the license is or will not be granted or renewed.

(b) One or more license has been issued not consistent with the provisions of the Act or the Rules;

(c) Any market fee has been recovered in exercise of the amount actually due;

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

(e) Any amount has been paid by mistake, the Chairman of the Market Committee shall, on a written application being made within six months of such deposit or after such enquiry as he may consider necessary order the refund of the amount.

(2) The powers conferred on the chairman of the Market Committee under sub-rule (1) may also be exercised by such officer of the Committee as he may authorize in this behalf.

(3) The application for refund shall contain such particulars as are necessary to enable verification of refund claimed.

25. Audit of the Accounts.-The Accounts of the State Agricultural Marketing Board shall be audited yearly by a Chartered Accountant Firm and those of the Market Committee by an Agency to be determined by the Board.

26. Preventing of Adulteration of Agricultural Produce. - (1) No person shall adulterate or offered adulterated agricultural Produce for sale in a notified market area.

(2) The Market Committee shall take all necessary steps to prevent adulteration of Agricultural produce in the notified market area.

Explanation:- For the purpose of this rule adulteration shall include mixing of inferior stuff with any superior quality of the agricultural produce, mixing of different qualities of sieved remain, or mixing of earth, dirt or stones of any other extraneous matter with any agricultural produce.

27. Penalties,- Any person committed a breach of any of the provision of these rules or any of the conditions of his license shall be punishable with fine which may extend to Rupees two hundred apart from other section that may be taken under the Rules.

28. Preservation of Records, - The respective records of the Board and the Market Committee shall be preserved for the period as noted against each below:-

Description	Period
Budget paper	5 years.
General Cash Book	Permanently.
Establishment Bills..	35 years
Balance Sheets.	10 years.
Ledgers	10 years.
Register of Deposits	Permanently.
Application Forms	Permanently.
Returns of daily purchases and sale	1 Year after audit.
Receipts	3 years
Register of sale and purchase of Agricultural Produce.	10 years
Provident Fund Registers	10 years or till all account to Which it relates are closed
Service Book of the Employees	5 year after the retirement Or death (whichever is earlier)
Register of Proceedings of the Board or Committee or sub-Committee.	Permanently
Register of Correspondence.	Permanently.
Cheque books.	10 years.
Pass Book	10 years.
Travelling Allowances Bills	3 years.
Security Bonds	10 years from the date they cease to have effect
Treasury Challan	3 years.
Interest Accounts Registers	3 years.
Attendance Register	1 years.
Movable property Register	10 years.
Immovable Register Property	Permanently.
Library Register.	10 years.
Demand and Collection Register.	10 years.
Reregister of Stamp	3 years.
Stocks Register.	10 years.
Register of Court Cases.	10 years after disposal of the case

Investment Register.	Permanently.
Files above the appointment, removal and Dismissal of employees. ...	35 years
Other records 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

29. Other matters on which the Board may frame bye-Law: - Without prejudice to the general powers Of framing bye-laws under section 53 of the Acts, the Board may also make bye-laws on the following matters, namely:-

- (a) Grading of Agricultural produce as per AGMARK standard;
- (b) Improvement of the markets and the market areas;
- (c) Classification of the Committee on the basis of their income and other related factors.
- (d) The maintenance and regulation of staff quarters and other buildings belonging to the Board or to the Market Committee.
- (e) The manner in which contracts may be executed in behalf of the Board r the Market Committee.
- (f) The method of making propaganda or giving publicity and demonstration of the Scheme of the Act and;
- (g) Such other matter which will, in the opinion of the Board promote the transaction of agricultural produce in the market areas.

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

FORM 'A'

(See Rule 17)

Application for License.

To,

The Chairman,

Meghalaya State Agricultural Marketing Board.....

Through Market Committee.....

Sir,

The particulars of my business are given below:-

1. Name of the Applicant with Address.....
2. Place of Business for which License is.....
Applied for (give the name of number of the building and the name
Or number of the street or other description sufficient to identify the premises).
3. If the applicant is firm give the names.....
Of all persons constituting the firm with permanent residence and address.

Serial No.	Name	Father's/Husband's Name	Full address.
1	2	3	4

-
4. If the applicant is a Firm is it a Hindu.....
Jointly 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, not where the applicant is a Firm, has any member thereof,
singly or in collaboration with anybody else been granted a dealer's license on any
notified market area in the state and has such license been suspended or cancelled?
If so, when, for what period and for what reasons?
.....
 8. Particulars of the business for which the license is required.....
 - (1) Trader.
 - (2) Commission Agent.
 - (3) Storage.
 - (4) Processing.

Certified that the facts get out in the application are true to the best of my knowledge. I undertake to abide by provision of the Agricultural Produce Market Act, 1981 and the rules and bye-laws made hereunder.

It shall be responsible for all acts of my employees.

It is requested that a license under section 19 (2) of the Meghalaya Agricultural Produce Market Act, 1981 may kindly be granted to me.

Signature of the Applicant.

To be filled in the office of the Committee.

License fee receive	No. of receipt	Date of Receipt	Page of cash Book where entry made
1	2	3	4

Verified.

Secretary
Market Committee

Accountant
Market Committee

FORM 'B'

[See Rule 17]

Licence under Section 19 (2) of the Act

This license is granted to M/s..... subject to conditions prescribe hereunder :-

Notified Market Area.....

1. Serial No. of License.....

2. Name of the managing Proprietor, Manager of the Firm with Percentage.....

3. Date of which the License takes effect.....

4. Date on which the license expires.....

5. Particulars of the business for which the license is valid.....

(h) Trader.

(i) Commission Agent.

(j) Storage.

(k) Processing.

6. Place of Business.....

Place.....

Date.....

Chairman,

CONDITIONS OF LICENCE

1. License shall comply with the provision of the Meghalaya Agricultural Produce Market Act, 1981 and the 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 provision of the Act, the Rules and bye-laws and shall report in writing to the market Committee and evasion or breach which comes to his knowledge.
3. He shall surrender his license on demand, to the Chairman of the Board or another authorized by him in this behalf or the Chairman of the committee against a receipt to be given to the license in this connection.
4. He shall conduct his business honest and properly, accordingly to the principles of fair dealing.
5. He shall display his license at a conspicuous place in 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 license.
8. He shall not indulge in activities and practices which are detrimental to the interest of the trade and proper functioning of the market.
9. He shall not take in his service any incensed broker, weigh man, measurer, surveyor.
10. He shall not form a pool or combination with other buyers for eliminating competition and shall not made 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 termination of the license surrender the same to the Committee.
12. He shall, when desired by the committee or any Officer authorized by it furnishes correct information on the matters pertaining to his business relating to sale and purchase of Agricultural Produce under the Act.

FORM 'C'

[See Rule 17 (8)]

Register of License issued under Section 19 (2) of the Act.

1. Notified Market Area..... Sl. No. Name Father Name's Address.
2. Name of the Firm/ License.....
3. Address of the premises.....
4. Name of the Managing Poitier, manager with Percentage.....
5. License No.....
6. Name of License.....

Date of entry	Date from which the license takes effect	Date on which the license expires	License Fee receive	Receipt No. and Date	Signature of Issuing authority with designation	Remarks
1	2	3	4	5	6	7

FORM 'D'

[See Rule 17 (2) (b)]

Application for License under section 19 (2) of the Act

To

The Chairman
Market Committee,

Sir,

The particulars of my business are given below:-

1. Name of the applicant with percentage, residence and address, in full.....
2. If the applicant is 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 person constituting it with permanent residence and address, in full of each.....
4. Name of the Managing Proprietor or Manager who will actually conduct the business.....
5. Name of the style under which the applicant will conduct his business.....
6. Does applicant wish to be licensed as a Broker/ weigh man/measurer/ surveyor/ warehouseman?
.....
7. Has license, if any, granted previously to the applicant or if the applicant is a firm, to any members thereof single or it collaboration/ with anybody else, for working as broker, weigh

man, measurer, surveyor or warehouse 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 Agricultural Produce Market Act, 1981 and rules and bye-laws made there under.

I shall be responsible for all acts of my employees. If is, therefore, requested that the license under section 19 (2) of the Meghalaya Agricultural Produce Market Act, 1981 may kindly be granted to me

Signature of the Applicant.

Note- (1) a license to work as a weigh man, a measurer or a surveyor shall be granted to individuals only to firm.

(2). In case the application is made by firm, it may be signed by the Managing Partner only.

TO BE FILLED BY OFFICE

License Fee No. of receipt date of receipts Page of cash Book Remarks where entry made.

Verified

Secretary,
Market Committee.

Accountant,
Market Committee

FORM 'E'

[See rule 17 (2) (b)]

License under Section 19 (2) of the Act

This license 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. License.....
2. Name of the Managing Proprietor.....
3. Date from which the license takes effect.....

4. Date of which the license expires.....

Place.....

Signature of Authority and with seal

Date

CONDITION OF LICENCE

1. The license shall comply with the provisions of the Meghalaya Agricultural Produce Market Act, 1981 and rules and bye-laws framed there under and instruction issued from time to time.
2. He shall not permit evasion or infringement of any of the provisions of rules and by-laws mentioned under (1) above, and shall report in writing to the Committee any evasion or breach of which comes to his notice.
3. He shall surrender his license on demand to the Committee or any other officer authorized by the Committee in writing in this behalf.
4. He shall conduct his business honestly and property according to the principles of fair dealing.
5. He shall not boycott or encourage boycott of other license.
6. He shall not indulge in activities and Practices which are detrimental to the interest of the trace and proper functioning of market.
7. The license, except the warehouseman, shall not accept any service under the trader.
8. If the license is a weigh man, measurer or surveyor he shall abide by such arrangements which may be made in the Market Committee with a view to ensuring the availability of their service as and when required. The license shall bear the badge provided to him by the Market Committee, during the hour of his business.
9. If the license is a warehouseman, he shall keep hid warehouse neat, clean and tidy to the satisfaction of the Committee.

FORM 'F'

[See rule 8 (1)]

Application for the renewal of license under section 52 (2) (iv) of the Act.

To,

The Chairman,
State Agricultural Marketing Board.....
Through the Secretary, Market Committee.....

Sir,

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

1. Name of the notified market area for
Which the license has been issued.....
2. Name of the applicant (with full Particular of the Place of Business.....)
3. Name of the Managing Proprietor or the Manager of the firm, if any.....
4. Number of license.....
5. Date of which the license 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.....
 - (a) Granted a dealer's license in any notified market area in the state and cancelled? If so, when, where for what period and for what reason; or.....
 - (b) Convicted in any offence affecting the said person's integrity as a man of business? If so, the date of conviction: or.....
 - (c) Declared as an undercharged insolvent.....

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

Signature of the Applicant.

(To be filled by the office of the Committee)

Renewal license Fee received.	penalty received	No. of Receipt	Date of Receipt	Page of cash book Where entry made	Remarks
1	2	3	4	5	6

No.....

Date

Accountant,
Market Committee,

Contents of the applicant certified.

Forwarded to the Chairman, state Agriculture Marketing Board

Secretary

Market Committee.

Orders of the licensing

Authority.

Date

.....

Signature with designation.

FORM 'G'

Application for the renewal of license under section 52 (2xiv) of the Act.

To,

The Chairman,
Market Committee.....

Sir,

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

1. Name of the notified market area for
Which the license has been issued.....
2. Name of the applicant (with full Particular of the Place of Business.....
3. Name of the Managing Proprietor or the Manager of the firm, if any.....
4. Number of license.....

5. Date of which the license expires.....
6. Period for which renewal is required.....
7. Fee paid.....
8. Penalty paid, if any.....
9. Has the applicant, or where in the case warehouseman the applicant is a firm, has any member thereof, singly or in collaboration with anybody else, been granted a liveness for working as a broker, weigh man, measurer, surveyor or warehouseman in any notified market area in the State and has such license 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 the office of the Committee)

Renewal License Fee Receipt	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'

AUCTION REGISTER

Date	Name of Commission Agent	Name and Address of seller	Description of Produce	— Approximate Quantity	— Rate at which the Produce has been sold	Name of the buyer	Signature of Commissioner Agent and buyer
1	2	3	4	5	6	7	8

FORM I

Bill of Commission Agent

Book No.....
Serial No.....
Name of Market.....
Name of Commission Agent.....
Name of Buyer.....

Name of Commodity	Weigh	Rate Rs	Total Amount Rs	Market Charges Rs	Grant Total
Commission.....					

Brokerage.....
 Weighment.....
 Filling and Sewing.....
 Other Charges.....

Total

Acknowledgement by the buyer

Signature of Commission Agent.

FORM J

Sale Voucher for the Seller

Book No..... Counterfoil Provided
 Name of the Market..... Date.....
 Name of the commission Agent..... Serial No.....
 Name of Seller..... Date of Auction.....
 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 Commission Agent.

FORM K

Receipt

Book No.....
 Market Committee.....
 Date of Receipt.....
 Nature of Receipt.....
 Amount Receipt.....
 Date.....

Receipt No.....

Signature of Person

FORM K 1

Form of Declaration and Certificate

-
- (1) Kind of Agricultural Produce
 - (2) Cart and packages
 - (3) Weight
 - (4) Where bought
 - (5) Name of seller
 - (6) Through whom bought
 - (7) Name of buyer or his agent
 - (8) Name of market Committee to whom fee paid.
 - (9) Amount of fee paid.
-

I hereby declared that the above mentioned Agricultural Produce has been bought from outside the limit of..... notified market area and has been brought within the limits of market for the purpose ofand that the particulars given above are correct.

Date.....

Signature.....

Attestation of the committee from where Agricultural Produce has been imported.

CERTIFICATE

It is certified that the particulars given above are correct.

Secretary,
Market Committee.

FORM L

Register of Purchaser

-
- Date of purchase.
 - Name of Agricultural Produce
 - Notified market area where purchases were made
 - Weight of the Agricultural Produce
 - Date of Payment

Name of extracted commodity.
 Weight of the extracted commodity and date of extraction.
 Remarks.

FORM M

[See Rule 22 (1)]

Counterfoil

Market Committee.....

Return of daily purchases and sales Last date when market fee paid with.....

Date..... License No..... Receipt No.....

Name of Tender

Date of transaction	Name of commodity	Name of seller from whom purchase	Purchased			Whether market fee is livable, if not, why?	Amount of fee is livable if not, why?	Name of buyer to whom sold	Sold			Whether market fee livable, if not why?	Amount of market fee livable	Remarks
			Weight	Rate	Value				Weight	Rate	Value			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Total.....

Total.....

FORM N

[See Rule 22 (2)]

Register of sale and purchase of Agricultural produce.

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

Date	Description Agricultural produce	Name with the number of license of trader	Quantity of agricultural produce sold	Rate	Value of agricultural produce	Whether market fee is livable, if not,	Fee chargeable	Fee recovered	No. and date of receipt	Balance of fee to be recovered	Date of recovery of balance	Remarks
------	----------------------------------	---	---------------------------------------	------	-------------------------------	--	----------------	---------------	-------------------------	--------------------------------	-----------------------------	---------

							why?			issue d			
		As sell er	As buy er										
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Monthly Total.....

FORM 'O'

(See Rule 22 (3))

Assessment Notice

To

M/s.....

Whereas

- (a) You, a trader Licensee No.....and licensed under Section.....of the Meghalaya Agricultural Produce Market Act, 1981 of the.....notified market area, have not furnished return/correct return in Form M for the period from..... to
- (b) You a trader Licensee No.....and licensed under Section.....of the Meghalaya Agricultural Produce Market Act, 1981 of thenotified market area, have habitually made to.....and it appears to the Committee that you wilfully failed to furnish such returns in respect of the above mentioned period. And it appears to be necessary to make assessment under Rule 22 (3) of the Meghalaya Agricultural Produce Market (General) Rules, 1982 in respect of the above mentioned period.

You are hereby directed to attend in person or by and authorized 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 produce in support thereof and to show cause why in addition to the market fee levied on the basis of assessment a penalty prescribed under rules 25 of the said Rule 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 22 (3) of the said rules to the best of its judgement.

Date.....

Chairman,
Market Committee.

FORM 'P'
Demand Notice

Market Committee

No.....

Dated.....

To

M/s.....

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

- | | |
|---|-------|
| (a) Assessed value of business | |
| (b) Market fee chargeable | |
| (c) Deduct market fee already paid, if any. | |
| (d) Not 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

J.P. SINGH,
Secretary to the Govt. of Meghalaya,
Agriculture Department.

BYE LAWS OF THE MEGHALAYA STATE AGRICULTURAL MARKETING BOARD, SHILLONG.

1. **Short Title:** - These Bye-laws may be called "The Bye-laws of the Meghalaya State Agricultural Marketing Board, 1983". These Bye-laws are framed under the provisions of Section 53 (1) of the Act and Section 29 of the Rules.
2. **Commencement:** - The Bye-laws, shall come into force at once.
3. **Object:** - (1) Implementation of the provisions of the Act for better regulations of buying and selling of notified agricultural produces in the State.

(2) To provide infrastructural facilities in each Regulated Market after acquisition of land with amenities like Godown, Auction Platform, Traders Shop, Retailers Shop, Rest House for Farmers, Banks, Post Offices and Jute Bailing Press, etc.

(3) General improvement of Marketing efficiency and to enforce discipline amongst the trading community and other market functionaries by introducing the licensing system.

(4) To give aid to financially weak Market Committees in the form of grants and loans.

(5) Propaganda and publicity on matters relating to Regulated Marketing of Agricultural Produces.

(6) Grading and Standardisation of Agricultural Produces.

(7) Training of Officers and staff of the Market Committees on Regulated Markets of Agricultural commodities.

(8) For promotion of the interest of the Committees and for general improvement of the marketing of agricultural produces and the agriculture in general to safeguard the interest of the growers as well as the licensees.

(9) For adoption of policies to facilitate control over the Market Committees.

4. Definitions: - In these Bye-laws, unless there is anything repugnant in the subject and subject to the provisions of the Act and the Rules.

(1) "Act" means the Meghalaya Agricultural Produce Market Act, 1981 (Meghalaya Act I of 1981).

(2) "Rules" means the Meghalaya Agricultural Produce Market (General) Rules, 1982.

(3) "The Board" means the Meghalaya, State Agricultural Marketing Board established and constituted under Section 3 of the Act.

(4) "Chairman" means the Chairman of the Board.

(5) "Director" means the Officer appointed by the State Government to discharge all or any of the functions of the Director under the Act.

(6) "Bye-laws" made under Section 53 (1) of the Act and Section 29 of the Rules.

(7) Words and expressions defined in the Act and the Rules shall have the same meaning in these Bye-laws as have been assigned under the Act and the Rules.

5. Time and place of meeting of the Board:- (1) The meeting of the Board may be held as often as considered necessary for transaction of the business at time, date and place fixed by the Chairman.

(2) The meetings of the Board shall ordinarily be held in the Office of the Board at least once in 45 days.

(3) A meeting of the Board may also be held in any place within the operation area of any Market Committee.

6. Notice of meeting: - Notice of every meeting of the Board along with Agenda shall be issued by the Secretary of the Board with the approval of the Chairman at least 10 days before the date of the meeting.

7. Conduct of the meeting: - (1) No matter should be included in the Agenda of a meeting of the Board without the approval of the Chairman. If any member wants to discuss matters not included in the Agenda of a meeting he should obtain approval of the Chairman.

(2) The decisions of the meetings of the Board shall be recorded in the proceeding Book by the Secretary of the Board and copies of the proceedings shall be forwarded to the members within 10 days of the dates of the meetings.

(3) Subject to the provisions of the Act, Rules and the Bye-laws all matters shall be decided by the majority of the members present. In case of difference, the Chairman may put the matter to vote and in case of equality of voted the Chairman may exercise a casting vote.

8. Powers of the Board: - (1) Subject to the provisions of the Act, Rules and Bye-laws, the Board shall have full authority to carry on the Business of the Board.

(2) Notwithstanding anything contained in the Act, Rules and Bye-laws, the Board shall be the competent authority for according sanction of any expenditure on each item provided that such items of expenditures are in the sanctioned budget.

(3) The Board shall exercise supervision and control over the Market Committee.

(4) Notwithstanding anything contained in the Act, rules and bye-laws, the Board may appoint Sub-Committees or Committees Consisting of such members of the Board and any other expert, if necessary, for such business of the Board may decide. The recommendation of the Sub-Committee/Committees shall have to be placed in the meeting of the Board for approval.

(5) Subject to the provisions of the Act, Rules and bye-laws, the Board may appoint such persons for implementation of the day-to-day functions of the Board and allow them such emoluments as considered necessary and may suspend, remove, dismiss or otherwise punish any person so employed.

(6) Notwithstanding anything Contained in the Act, Rules and Bye-laws, the Board may open Bank Accounts with the State Bank of India or any nationalized Banks/Scheduled Banks/Meghalaya Co-operative Apex Bank Ltd.

(7) Notwithstanding anything Contained in the Act, Rules and Bye-laws, the Board may open Bank Accounts with the State Banks of India or any nationalized Banks/Scheduled Banks/Meghalaya Co-operative Apex Bank Ltd.

(8) Notwithstanding anything contained in the Act, Rules and bye-laws, the Board may also employ experienced retired persons not exceeding 62 years of age, provided they are physically and mentally fit.

(9) Subject to the provisions of the Act, Rules and Bye-laws, the Board may make Service Rules, G.P.F. Rules , Gratuity Rules and leave Rules, provided, approval of the State Government, if necessary is obtained.

(10) Notwithstanding anything contained in the Act, Rules and Bye=laws the Board may grant advances to the employees of the Board for construction of the houses, purchase of vehicles and conveyances and festival advances considered reasonable to be realized in monthly equal instalments as fixed by the Board provided sufficient securities are furnished by temporary employees.

11. Subject to the provisions of the Act, Rules and Bye-laws, the Board may decide the amount of Security to be realized from its employees by the Board and the manner by which the Security Deposit will be accepted.

12. The Board may classify the Market Committees as 'A', 'B and 'C' on the basis of their internal income confirmed by the Audit and performance of the Committees.

13. The Board may classify the Market Committees in a notified Regulated Market areas to advise the Market Committee for effective implementation of the provision of the provision of the Act.

9. Assignment of duties and powers of the Board to its Chairman, the Secretary or the persons employed by the Board- (1) Subject to the provisions of the Act, Rules and Bye-laws, the Board may authorize the Chairman or the Secretary of the Board to enter into agreement relating to purchase and lease of any land premises owned by the Board.

2. Notwithstanding anything contained in the Act, Rules and Bye-laws, the Board may authorize the Secretary of the Board to make running payments for construction works, purchase of Machineries, tools plants, acquisition of lands with approval of the Chairman:

Provided the expenditure are Sanctioned by the Board and there are provisions in the sanctioned budget.

3. The Board may authorize the Secretary of the Board to enter into Agreement with the contractors and suppliers.

4. Subject to the provisions of the Act, Rules and Bye-laws, the Board shall delegate the power to the Secretary of the Board to make agreement not exceeding Rs. 20,000 at a time as grant-in-aid to each of the Market Committees, provided there are provisions in the sanctioned budget of the Board.

5. Notwithstanding anything contained in the Act, Rules and Bye-laws the Board may authorize the Secretary of the Board to keep a sum not exceeding Rs. 20,000 (as provided in Section 5(7) of the Rules) in the imprested Account of the Secretary.

6. The Board may authorize the Secretary of the Board to operate the Bank Account on behalf of the Board.

7. The Board may authorize the Secretary of the Board to open term deposit account and keep funds in the term deposit accounts with State Bank of India or any other Nationalised Bank/Scheduled Bank/Meghalaya, Co-operative Apex Bank Ltd.

8. Notwithstanding anything contained in the Act, Rules and Bye-laws the Board may authorize the Secretary of the Board to institute, defend or compromise legal proceedings.

(9) Notwithstanding anything contained in the Act, Rules and Bye-laws the Board may authorise the Secretary of the Board to arrange for insurance against lose of Godowns and other buildings agricultural produces stored in the godowns of the Board and the Market Committees.

(10) The Board may authorize the Secretary of the Board to depute employees of the Board for supervision and inspection of the business of the Market Committees.

(11) The Board may authorize the Secretary of the Board for transfer and posting of any employees of the Board and the Market Committees in the interest of Public Service:

Provided prior approval of the State Government is obtained in case of deputed Officers.

(12) The Board authorises the Chairman of the Board to depute temporarily any employees of the Board or Market Committees in absence of the Secretary of the Market Committees.

10. The procedure for giving aid to financially Weak Market Committees:-(1) Financially weak Market Committees shall submit proposals for giving Financial assistance in the form of grants/Subsidy/loan to the Board not later than the 31st of January proceeding the year for which the grants are needed.

(2) Market Committees shall submit statements substantiating the requirement of grants/Subsidy/loan along with the proposals.

(3) Grants/Subsidy/Loan to the Market Committee shall be paid in instalments not exceeding Rs.20,000/ at a time.

(4) Fresh grants/Subsidy/Loan may be paid to the Market Committee after receipt of the Utilisation certificate of previous grants/Subsidy/Loan granted to Market Committee concerned.

(5) The amounts of proposed grants/Subsidy/Loan to be granted to the Market Committees shall be incorporated in the Budgets of the Board and the Market Committees.

(6) Grants/Subsidy/Loan may be granted to the Market Committees in cash or kind.

(7) The Board may alter the nature of aid as and when considered necessary.

11. Functions and duties of the Chairman:-(1) Subject to the provisions of the Act, Rules and Bye-laws, the Chairman shall exercise overall control, supervision and inspection of the Board and Market Committee.

(2) Chairman shall approve the tour of the Secretary of the Board and shall pass his T. A. Bills.

(3) Subject to the provisions of the Act, Rules and Bye-laws, the Chairman may delegate any power to the Secretary of the Board.

(4) Subject to the provisions of the Act, Rules and Bye-laws, the Chairman shall sign the licences issued to the Market Functionaries.

(5) Subject to the provisions of the Act, Rules and Bye-laws, the Chairman may entrust his duties to any of the members of the Board to act on his behalf.

12. Functions and duties of the Secretary of the Board:-(1) Subject to the provisions of the Act, Rules and Bye-laws, the Secretary of the Board shall act as Head of Office of the Board.

(2) The Secretary of the Board shall exercise control over the employees of the Board and the Market Committees.

(3) The Secretary of the Board shall supervise and direct the day-by-day business of the Board in accordance with the decisions of the Board.

(4) Subject to the provisions of the Act, Rules and Bye-laws, the Secretary of the Board shall appoints grade-IV employees of the Board.

(5) Subject to the provisions of the Act, Rules and Bye-laws, and subject to the observance of formalities the Secretary of the Board shall appoint the L. D. Asstt., Typist, Mohories, Drivers for the Board and the Market Committees till the Market Committees are well-established.

(6) Subject to the provisions of the Act, Rules and Bye-laws, the Secretary of the Board shall make disbursement and obtain vouchers and receive payments and issue receipts in accordance with the decisions of the Board.

(7) The Secretary of the Board shall keep all accounts and register, required under Rules.

(8) The Secretary of the Board shall place before the Board the audit report and replies thereof with prior approval of the Chairman.

(9) The Secretary of the Board shall guide, supervise and control the works of the salaried staff and officers of the Board and do all other works which may be entrusted to him by the Board.

(10) In absence of the Secretary, the Board may authorise any person to perform his routine duties.

(11) Money receipts passed on behalf of the Board shall be signed by the Secretary of the Board.

(12) Notwithstanding anything contained in the Act, Rules and Bye-laws the Secretary of the Board may delegated any of his powers and duties to one or more employees of the Board and the Market Committees with the approval of the Chairman.

(13) The Secretary of the Board shall record the proceedings of the meetings of the Board and the Sub-Committee in the minutes book and send copies of the minutes to the members of the Board/Sub-Committee.

(14) The Secretary of the Board shall sign the Cash Book of the Board in token of the balance being correct and verify the cash balance by actual counting at least once in a month.

(15) The Secretary of the Board shall prepare brief Agenda Notes and obtain approval of the Chairman before circulating amongst the members.

(16) The Secretary of the Board shall prepare replies on the correct information sought by any members of the Board.

13. The allowance payable to the non-official members including the Chairman of the Board, Market Committees, Advisory Committees and Sub-Committees:-

(1) Subject to the provisions of the Act and Rules, the Board may allow payment of T.A. and D.A. to the non-official members and Chairman of the Board for tours at the rates as admissible to the Grade I Officers of the State Government in force from time to time.

(2) Notwithstanding anything contained in the Act, Rules and Bye-laws the Board may allow a monthly allowances to the Non-Official Chairman and the Vice-Chairman of the Market Committees at Rs.300/- and Rs.150/-respectively.

(3) Subject to the provisions of the Act, Rules and Bye-laws the Board may allow payment of a sitting fee at Rs.30/- only per day for attending the meeting of the Board or the Market Committees to the non-official members of the Board or of the Market Committees.

(4) Subject to the provisions of the Act, Rules and Bye-laws, the Board may allow a daily allowance of Rs.50/- to the non-official members of the Board on the days of the meeting of the Sub-Committees.

(5) Notwithstanding anything contained in the Act, Rules and the Bye-laws, the Secretary of the Board shall pass the T.A. Bills of the non-official Chairman of the Market Committees.

(6) The Board may also decide a reasonable quantum of conveyance allowance to official members including the Chairman for facilitating them to attend the meeting of the Board / Sub-Committees, etc.

(7) The Board shall have power to receive the rate of various allowances mentioned in clause 13 from time to time.

14. Maintenance and Regulation of the Guest-house staff quarters, Residential quarters and other building of the Board:-

(1) The Board may construct infrastructure facilities in the Market Yards as per Master plans observing the necessary formalities.

(2) The Board may construct and maintain Residential quarters for the Chairman and the Secretary of the Board, Guest-house and the Staff quarters and acquire necessary premises for the purpose.

(3) The Board may prescribe terms and conditions for maintenance and regulation of the Guest house/ Rest house/ Staff quarters/ Residential quarters and other building of the Board and the Market Committees.

(4) The Board may employ persons to look after the Guest house Rest house of the Board and the Market Committees and pay such remunerations as it thinks fit.

(5) The Board shall provides accommodation in the Guest house, of the Board to its members and also to the employees where ever possible on payment of a seat rent at Rs. 4/- (Rupees Four) per day inclusive of all charges.

(6) The Board may provide staff quarters to its employees and charges rent as provided under the Rules of the Government of Meghalaya for the purpose.

15. Propaganda demonstration, publicity and education for improvement of Marketing of Agriculture Produce:-

(1) The Board may arrange education and training to the Market functionaries, the growers and the licenses in a systematic manner through Newspapers, A.V. aids, lectures and Group discussion as frequently ad possible.

(2) The Board may arrange exhibition and training on grading and auction of agricultural produces in the principal and the Sub-Market Yards conveniently.

(3) The Board may arrange A.V. programme through Cinema shows and allow on various aspects of the Regulated Market.

(4) The Board may contact the All India Radio to arrange education talks on Regulated Markets, Grading and Marketing Information as approved by the Market intelligence of the Department of Agriculture from time to time.

(5) The Board may announce the prevailing market prices of Agriculture commodities as approved by the Market Intelligence of the Department of Agriculture with the aid of loud speakers in the head Principal Markets and Sub- Markets periodically.

(6) The Board may take necessary assistance from the Department of Agriculture and the Department of Animal Husbandry and such other Government institution considered necessary for extension activities.

16. Disputes:-(1)In case of any dispute with regard to interpretation of the Bye-laws the matters shall be referred to the Government whose decision shall be final.

17. Amendment:-(1)The Board may amend the Bye-laws from time to time and no amendment shall be made except in a meeting specially convened for the purpose where two-third of the members of the Board are present.

(2) The notice of such meeting shall be served to members of the Board at least 14 days ahead of date of the meeting along with the copies of the proposed amendments.

(3) The amendment shall not take effect unless and until approved by the Government.