

# The Bihar Agricultural Produce Markets Act, 1960

BIHAR

India

## The Bihar Agricultural Produce Markets Act, 1960

### Act 16 of 1960

- Published on 1 January 1960
- Commenced on 1 January 1960
- [This is the version of this document from 1 January 1960.]
- [Note: The original publication document is not available and this content could not be verified.]

The Bihar Agricultural Produce Markets Act, 1960 (Bihar Act No. 16 of 1960) Last Updated 26th December, 2019 An Act to provide for the better regulation of buying and selling of agricultural produce and the establishment of markets for agricultural produce in the state of Bihar and for matters connected therewith. be in enacted by the Legislature of the State of Bihar in the Eleventh Year of the Republic of India as follows:-

## Chapter I Preliminary

### 1. Short title, extend and commencement.

(1) This Act may be called the Bihar Agricultural Produce Markets Act, 1960. (2) It extends to the whole of the Union territory of Manipur. (3) It shall come into force at once.

### 2. Definitions.

(1) in this Act, unless there is anything repugnant in the subject or context, - (a) "agricultural produce" includes all produce, whether processed or non-processed of agriculture, horticulture, animal husbandry and forest specified in the Schedule; (b) "agriculturist" means a person who ordinarily by himself or by his tenants or hired labour or otherwise, is engaged in the production or growth of agricultural produce, but does not include a trader or broker in agricultural produce notwithstanding that such trader or broker is also engaged in the production or growth of agricultural produce; (c) "broker" means an agent whose ordinary course of business is to negotiate and make contracts on payment of commission for the purchase or sale of agricultural produce on behalf of his principal, but does not include the servant of such principal whether engaged in negotiating or making such contracts; (d) "by-laws" means by-laws made under section 53; (e) "commission agent" means a person who on behalf of another person and in consideration of

"adat" or commission makes or offers to make a purchase or sale of agricultural produce or does or offers to do anything necessary for completing and carrying out such purchase or sale:(ee)"Chief Commission" means the Chief Commissioner of Manipur:(f)"Director" means the Deputy Commissioner, Manipur and includes any other officer appointed by the Chief Commissioner to discharge all or any or the functions of the Director under this Act:(g)"Licensee" means a person or established under this Act for the market area and includes a market proper, a principal market yard and sub-market yard or yards, if any:(i)"market area" means any area declared to be a market area under section 4:(j)"market committee" means a committee established under section 6:(k)"market proper" means any area within the market the market area including all lands, with the buildings thereon, within such distance of the principal or sub-market yard, as the Chief Commissioner may, by notification, declare to be a market proper under section 5:(l)"measurer" means a person whose business it is to measure a consignment of agricultural produce for sale:(m)"municipality" means any local area declared by or under the Assam Municipal Act, 1956 (Assam Act 15 of 1957), as extended to the Union territory of Manipur to be a municipality and includes a Town Committee constituted under section 335 of the said Act:(n)"prescribed" means prescribed by rules:(o)"principal market yard" means any enclosure, building or locality within the market proper declared to be a principal market yard under section 5:(p)"retail sale" means a sale of any agricultural produce not exceeding such quantity as may, by bye-law or rule, be fixed in respect of such agricultural produce:(q)"rules" means rules made under section 52:(r)"schedule" means a schedule to this Act:(s)"Secretary" means the person appointed as such under sub-section (1) of section 20 and includes an officiating or acting Secretary:(t)"sub-market yard" means any enclosure, building or locality within the market proper declared to be a sub-market yard under section 5:(u)"surveyor" means a person whose business it is to survey a consignment of agricultural produce for sale in regard to quality, refraction, adulteration and such other purposes:(v)"trade" means any kind of transaction of sale and purchase or any kind of remuneration on sale and purchase of any agricultural produce:(w)"trader" means a person ordinarily engaged in the business of buying and selling agricultural produce as a principal or as a duly authorised agent of one or more principals and includes a person ordinarily engaged in the business or processing of agricultural produce;Explanation. - The word "person" includes any firm, joint family, association or body of individuals whether incorporated or not; and(x)"weighman" means a person whose business it is to weigh a consignment of agricultural produce for sale.(2)If a question arises whether any person is or is not an agriculturist or a trader for the purposes of this Act, the decision of the Director on such question shall be final, provided that the Director shall give the said person a reasonable opportunity of being heard before giving his decision.

## Chapter II

### Constitution of Markets and Market Committees

#### 3. Notification of intention of exercising control over purchase and sale of agricultural in specified area.

(1)Notwithstanding anything to the contrary contained in any other Act for the time being in force, the Chief Commissioner may, by notification, declare his intention of regulating the purchase and

sale of such agricultural produce and in such area, as may be specified in the notification.(2)A notification under sub-section (1) shall state that any objection or suggestion which may be received by the Chief Commissioner within a period of not less than two months to be specified in the notification, shall be considered by the Chief Commissioner.

#### **4. Declaration of market area.**

(1)After the expiry of the period specified in the notification issued under section 3 and, after considering such objections and suggestions as may be received before such expiry and after holding such enquiry as he may consider necessary, the Chief Commissioner may by notification, declare the area specified in the notification under section 3 or any portion thereof to be a market area for the purposes of this Act. in respect of all or any of the kinds of agricultural produce specified in the notification under section 3.(2)On and after the date of publication of the notification under sub-section (1), or such later date as may be specified therein, no municipality or other local authority, or other person, 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 Manipur Gazette in this behalf, set up, establish, or continue, or allow to be set up, established or continued, any place for the purchase or sale of any agricultural produce so notified, except in accordance with the provisions of this Act, the rules and bye-law.Explanation. - A municipality or other local authority or any other person shall not be deemed to set up, establish or allow to be set up, established or continued a place as a place for the purchase or sale of agricultural produce within the meaning of this section, if the seller is himself the producer of the agricultural produce offered for sale at such place or any person employed by such producer to transport the same and the buyer is a person who purchase such produce for this own use, or if the agricultural produce is sold by retail sale to a person who purchases such produce for his own use.(3)Subject to the provisions of section 3, the Chief Commissioner may at any time, by notification, exclude from a market area an area or any agricultural produce specified therein or include in any market area any area or agricultural produce included in a notification issued under sub-section (1).(4)Nothing in this Act shall apply to a trader whose daily or annual turnover does not exceed such amount as may be prescribed.

#### **5. Declaration of market yards.**

(1)For each market area there shall be one principal market yard and there may also be one or more sub-market yard or yards as may be necessary.(2)The Chief Commissioner may, by notification, declare-(i)any enclosure, building or locality in any market area to be the principal market yard and other enclosures, buildings or localities in such area to be one or more sub-market yard or yards for the said market area; and(ii)any are, including all lands, with the buildings thereon, within such distance of the market yard or yards as he thinks fit, to be market proper.

#### **6. Establishment of the Market Committee.**

- For every market area the Chief Commissioner shall, by notification, establish a Market Committee.

## **7. Strength of the Market Committee.**

- A Market Committee shall consist of 15 members.

## **8. Constitution of the First Market Committee.**

(1) All the members of the first Market Committee shall be appointed by the Chief Commissioner from among persons representing the same interest and in the same proportion as specified in section 9. (2) The Chief Commissioner shall appoint one from among the members appointed under sub-section (1) to be the Chairman and another member to be the Vice-Chairman of the first Market Committee. (3) The term of office of the members, including the Chairman and the Vice-Chairman, of the first Market Committee shall, save as otherwise provided in the Act, be one year from the date of the publication of their names in the Manipur Gazette under section 13, and shall include any further period which may elapse between the expiration of the said one year and the date of the first meeting of the second Market Committee at which a quorum is present.

## **9. Constitution of the second and subsequent Market Committee.**

(1) Of the members of the second and every subsequent Market Committee—(i) seven shall be persons elected by the agriculturists of the area for which it is established from amongst themselves in the manner prescribed; (ii) three shall be persons elected by the traders, other than co-operative societies, holding valid licenses under this Act, from amongst themselves, in the manner prescribed; (iii) two shall be persons elected by the co-operative societies holding a license under this Act from amongst their members in the manner prescribed; (iv) one shall be a person appointed by the Co-operative bank of the market area provided that if there are more Co-operative banks than one in the said area the appointment shall be made by the said Co-operative banks in such order of rotation as may be specified in this behalf by the Chief Commissioner; (v) one shall be a person appointed by the Chief Commissioner; (vi) one shall be a person elected by the members of the municipality or the members of a Gram Panchayat of the Gram Sabha, established under section 3 of the United Provinces Panchayat Raj Act, 1947 (U.P. Act 26 of 1947), as extended to the Union territory of Manipur (Village Authorities in Hill Areas) Act, 1956 (80 of 1956) within whose jurisdiction the principal market yard is situated, from among the members of the municipality or the members of the Gram Panchayat or the members of the Village Authority concerned, as the case may be. (2) A member elected under clauses (i), (ii), (iii) and (vi) of sub-section (1) shall cease to hold office as such member if he ceases to be a member of the electorate by which or one of the persons by whom, he was elected, and in the case of a member elected under clause (vi) of the said sub-section, if he is granted a license under this Act for that Market area. (3) No act done by or on behalf of a Market Committee shall be questioned on the ground merely of the existence of any vacancy or defect in the constitution of the Market Committee. (4) The second and every subsequent Market Committee shall elect one member to be its Chairman and another member to be its Vice-Chairman. (5) The term of office of members, including the Chairman and the Vice-Chairman, of the second and every subsequent Market Committee, shall, save as otherwise provided in this Act, be three years from the date of the publication of their names as members under section 13, and shall include any further period which may elapse between the expiration of the said three years and

the date of the first meeting of the next succeeding Market Committee at which a quorum is present.

## **10. Disqualification of members.**

- No person shall be eligible for election or appointment as a member of the Market Committee-(a)who is less than 18 years of age;(b)who is of unsound mind;(c)who is an employee of the Market Committee;(d)who has applied for being adjudged an insolvent or is an undischarged insolvent;(e)who has been convicted for an offence,-(i)under the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946) of the Essential Commodities Act, 1955 (X of 1955), or(ii)involving moral turpitude which, in the opinion of the Chief Commissioner, makes him unfit to be elected or appointed as a member, of the Market Committee, or(f)who has directly or indirectly any share or interest in any contract with, by or on behalf of the Market Committee.

## **11. Filling of casual vacancies.**

- If any member is unable, by reason of his death, resignation, removal or otherwise, to complete his term of office, the vacancy so caused shall be filled by the election or appointment, as the case may be, of another person, and the person so elected or appointed shall fill such vacancy for the unexpired portion of the term for which the member in whose place such person is elected or appointed would otherwise have continued in office.

## **12. Procedure on failure of electorate to elect members.**

- If at any election any of the electorates, mentioned in clauses (i) to (vi) of sub-section (1) of section 9 fails, within a period of three months from the date of occurrence of the vacancy, to elect or appoint as the case may be, a member or members referred to in the said clauses, or on the occurrence of a casual vacancy. to fill the said vacancy as provided in section 11. the Chief Commissioner shall give notice in writing to the electorate concerned to elect or appoint a member or members, as the case may be, or to fill the vacancy within a month from the date of service of such notice, and on the failure of the said electorate again to elect or appoint member or members, as the case may be, or to fill the vacancy within the said period, the Chief Commissioner shall appoint on behalf of the electorate concerned a person or persons as member or members, as the case may be.

## **13. Publication of names of members, etc., in the Manipur Gazette.**

- The names of the Chairman, Vice-Chairman and of every member appointed or elected under section 8, 9, 11 or 12 shall be published by the Chief Commissioner in the Manipur Gazette.

## **14. Removal of members, Chairman or Vice-Chairman from the Market Committee.**

(1) The Chief Commissioner may, if he thinks fit, on the recommendation of the Market Committee supported by at least two thirds or the total number of its members, remove any member, including the Chairman and Vice-Chairman, of the Market Committee, elected or appointed under this Act, if such member Chairman or Vice-Chairman has, in the opinion of the Chief Commissioner, been guilty of neglect or misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing duties as a member, Chairman or Vice-Chairman, as the case may be: Provided that no resolution recommending the removal of any such person shall be passed by the Market Committee unless the person to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made. (2) The decision of the Chief Commissioner under sub-section (1) shall be final.

## **15. Sale of agricultural produce.**

- All agricultural produce specified in the notification under sub-section (1) of section 4 brought into or produced or processed in the market proper, except such quantity for retail sale or consumption as may in this behalf be prescribed, shall pass through the principal market yard or sub-market yard or yards, as the case may be, and shall not be sold at any other place within the market proper and the sale and purchase of such agricultural produce in such yards shall notwithstanding anything contained in any law, be made by means of open auction except in class or description of cases which may be exempted by the Chief Commissioner. Explanation. - For the purposes of this section the seller shall be entitled, at his option to accept or reject any bid made at the open auction.

## **16. Prohibition of trade allowance except as prescribed.**

- No person shall make or recover any trade allowance, other than an allowance prescribed by the rules or bye-laws, in any market area in any transaction in respect of the agricultural produce concerned, and no court, shall, in any suit or proceeding arising out of any such transaction, have regard to or recognise any trade allowance not so prescribed. Explanation. - Every deduction other than a deduction on account of deviation from sample when the purchase is made by sample or on account of deviation from standard when the purchase is made by reference to a known standard or on account of difference between the actual and the standard weight of the container or on account of the admixture of foreign matter, shall be regarded as trade allowance for the purpose of this section.

## **Chapter III**

### **Incorporation of Market Committee; Its Objects, Powers and Duties**

## **17. Incorporation of Market Committee.**

- Every Market Committee shall be a body corporate by such name as the Chief Commissioner may specify by notification in the Manipur Gazette, and shall have perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to lease, sell or

otherwise transfer an such property, subject to the prescribed conditions and restrictions, and may be the said name sue and be sued, and subject to rules, bye-laws and the provisions of this Act, it shall be competent to do all other things necessary for the purposes for which it is established.

## **18. Objects and duties of the Market Committee.**

- Subject to the other provisions of this Act, the following shall be the objects and duties of the Market Committee:-(i)When so required by the Chief Commissioner, to establish a market for the market area providing for such facilities as the Chief Commissioner may, from time to time, direct in connection with the purchase and sale of the agricultural produce concerned;(ii)where a market is established under sub-clause (i), to issue licenses in accordance with the rules to traders, commission agents, brokers, weighmen, measures, surveyors, warehousemen and other persons including persons or firms engaged in the processing or pressing of agricultural produce concerned operating in the market:(iii)to maintain and manage the principal market yard and sub-market yards and to control, regulate and run the market in the interests of the agriculturists and licensees in accordance with the provisions of this Act, and the rules and the bye-laws made thereunder:(iv)to act in the prescribed manner as mediator, arbitrator or surveyor in all matters of difference, disputes, claims, etc., between licensees inter-se or between them and persons making use of the market as sellers of agricultural produce.(v)to control and regulate the admission of persons to the principal market yard or sub-market yard, to determine the conditions for the use of the market and to prosecute persons trading without a valid license in the market;(vi)to bring, prosecute or defend, or aid in bringing, prosecuting or defending any suit, action, proceeding, application or arbitration in regard to any matter on behalf of the committee, or otherwise when directed by the Chief Commissioner or the Director;(vii)to enforce the provisions of this Act, the rules and bye-laws; and(viii)to perform such other duties and exercise such other powers as are imposed or conferred upon it by or under this Act, the rules or the bye-laws.

## **19. Appointment of sub-committee or joint committee.**

(1)The Market Committee may appoint from among its members and with the previous approval of the Chief Commissioner from outsiders, a sub-committee or a joint committee and may delegate to such committee such of its powers or duties as it may thing fit.(2)The Market Committee may revise any decision of a sub-committee or joint committee.

## **20. Appointment and salaries of officers and servants of the Market Committee.**

(1)Every Market Committee shall have a person as a secretary appointed by the Chief Commissioner on such terms and conditions as may be prescribed.(2)The Chief Commissioner may appoint Engineers and provide such other technical services as it may consider necessary for the efficient working of the market.(3)The Market Committee shall contribute such sum not exceeding forty per cent of its gross income as may be determined by the Chief Commissioner towards the cost of maintenance of the services mentioned in sub-section (1) and (2) and of audit.(4)Subject to the

provisions of sub-section (1), (2) and (3) and the rules and bye-laws, the Market Committee may employ also such number of other officers and servants and pay such officers and servants such salaries, as the Chief Commissioner may sanction.(5)Subject to the approval or the Chief Commissioner, the Market Committee may, in the case of any of its officers and servants, provide for the payment to them of such leave allowances, pensions or gratuities as it deems proper and may provide for the creation and management of a Provident Fund for compelling contribution thereto on the part of its officers and servants and for supplementing such contribution out of the Market Committee Fund.

## **21. Power and duties of the officers and servants of the Committee.**

- The Chairman, Vice-Chairman, the Secretary, Engineer and other officers and servants of the Market Committee shall exercise such powers and perform such duties as are conferred or imposed on them by or under this Act or by the Market Committee or the rules or bye-laws.

## **22. Responsibilities of the Chairman of the Market Committee.**

(1)The Chairman shall conduct all correspondence in the name of the committee, and shall be responsible for the maintenance of all records and accounts, for the punctual and correct submission of all prescribed reports and accounts and for the custody of all moneys not deposited into the Government treasury of the State Bank of India.(2)He shall keep a minute book in which shall be entered the proceedings of every meeting of the Committee signed by himself.

## **23. President of meetings of the Market Committee.**

- The Chairman or in his absence the Vice-Chairman shall preside at every meeting of the Market Committee and in the absence of both the members present shall elect one from among themselves to preside at the meeting.

## **24. Decision to be by majority of votes.**

(1)Save as otherwise provided by this Act, every matter coming before the Market Committee shall be decided by a majority of votes of the members present and voting in the meeting.(2)In case of equality of votes the President of the meeting shall have a (sic) or casting vote.

## **25. Quorum at meeting.**

- Seven members shall form the quorum for a meeting of the Market Committee.

## **26. Appeal against order passed by Chairman.**

- An officer or servant of the Market Committee appointed under sub-section (4) of section 20 considering himself aggrieved by any order of discharge, removal or dismissal passed by the



Chairman may appeal to the Market Committee which may, thereupon, affirm, modify or set aside any such order or pass such other order as it thinks fit.

## **27. Power to levy fees.**

(1)The Market Committee shall levy and collect market fees on the agricultural produce bought in the market area, at such rate not exceeding fifty naye paise per Rs. 100 worth of agricultural produce, as may be prescribed.(2)The fee realised from the buyer under sub-section (1) shall be recoverable by the buyer from the seller as a market charge.

## **28. Power to borrow.**

(1)A Market Committee may, with the previous sanction of the Chief Commissioner, raise money required for carrying out the purposes of this Act on the security of any property vested in and belonging to such Committee and of any fees leviable by it under this Act.(2)A Market Committee may, for the purpose of meeting the initial expenditure on land, buildings and equipment required for establishing a market, obtain a loan from the Government.(3)The conditions subject to which such money or loans shall be raised or obtained and the time within which the same shall be repayable shall be subject to the previous sanction of the Chief Commissioner.

## **29. Market Committee Fund.**

- All money received by a Market Committee shall be paid into a fund to be called the Market Committee Fund and all expenditure incurred by the Market Committee under or for the purposes of this Act shall be defrayed out of the said fund and any surplus remaining with the Market Committee after such expenditure has been met, shall be invested in such manner as may be prescribed in this behalf.

## **30. Application of Market Committee Fund.**

- Subject to the provision of section 29, the Market Committee Fund may be applied to the following purposes only, namely:-(i)the acquisition of a site or sites for the market;(ii)the maintenance and improvement of the market;(iii)the provision and maintenance of standard weights;(iv)the construction and repair of buildings necessary for the purpose of such market and for the health, convenience and safety of the persons using it;(v)the pay, pensions, leave allowances, gratuities, compensations for injuries resulting from accidents, compassionate allowances and contributions towards leave allowances, pensions or provident fund of the officers and servants employed by it;(vi)the payment of interest on the loans that may be raised for the purposes of the market and the provision of a sinking fund in respect of such loans;(vii)the expense of and incidental to elections;(viii)the construction, repair and maintenance of the means of communication which are useful for the purposes of development of a market or for the convenience and safety of the persons using it;(ix)the planting and rearing of trees, and making arrangements for providing water to the persons and cattle coming to a market and like purposes;(x)with the previous sanction of the

Director or any other officer specially empowered in this behalf by the Chief Commissioner, any other purpose whereon the expenditure of the market fund is in the public interest;(xi)such travelling and other allowances of the members of the Market Committee as may be prescribed; and(xii)any other purposes which the Chief Commissioner may notify by a special order.

### **31. Execution of contracts.**

(1)Every contract required to be entered into by the Market Committee shall be in writing and signed on behalf of the Market Committee by its Chairman and two other members of the Committee.(2)No contract other than a contract executed as provided in sub-section (1) shall be binding on the Market Committee.

## **Chapter VI**

## **Supersession or Dissolution of Market Committee**

### **32. Supersession of Market Committee.**

- If in the opinion of the Chief Commissioner a Market Committee is not competent to perform, or persistently makes default in performing, the duties imposed on it by or under this Act or exceeds or abuses its powers, the Chief Commissioner may, by notification, supersede such Market Committee:Provided that before issuing a notification under this section, the Chief Commissioner shall give a reasonable opportunity to the Market Committee for showing cause why it should not be superseded and shall consider the explanations and objection, if any, of the Market Committee.

### **33. Consequences of supersession.**

(1)Upon the publication of a notification under section 32 superseding a Market Committee, the following consequences shall ensure:-(i)all the members including the Chairman and the Vice-Chairman of the Market Committee shall, as from the date of such publication, be deemed to have vacated their offices;(ii)the Chief Commissioner shall by order-(a)constitute a new Market Committee under section 9 within one year of the date of the publication of the notification under section 32, or(b)subject to the provision of sub-clause (a) make such arrangements for a period not exceeding one year for carrying out the functions of the Market Committee as he thinks fit and may for that purpose, direct that all the powers and duties which under the provisions of this Act are to be exercised and performed by the Market Committee or its Chairman, shall be exercised and performed by such person or persons as the Chief Commissioner may appoint in this behalf:Provided that the person who held the office of secretary of the supersede Market Committee shall not be eligible for such appointment;(iii)all the assets vesting in the Market Committee shall, subject to all its liabilities, vest in the Chief Commissioner except that in case a new Market Committee is constituted, they shall vest in the State Government only till the date of the first meeting of the new Market Committee at which a quorum is present and thereafter re-vest in the new Market Committee.(2)If the Chief Commissioner does not make such an order under clause (ii) of sub-section (1) he shall transfer all the assets of the Market Committee, which remain after the

satisfaction of all its liabilities, to the municipality or other local authority, as the case may be, within whose jurisdiction the Market Committee is situated, or if there are more than one such municipalities or other local authorities to each of such municipalities or the other local authorities, such portion of the assets as the Chief Commissioner may determine.(3)A municipality or other local authority to which the assets of a Market Committee have been transferred under sub-section (2) shall utilise such assets for such object in the area within its jurisdiction as the Chief Commissioner considers to be for the benefit of the agriculturists in that area.

## **Chapter V**

### **Miscellaneous**

#### **34. Duty of members officers and servants of the Committee to furnish information.**

- All members, including the Chairman and Vice-Chairman, and all officers and servants of a Market Committee shall furnish information in their possession to regard to the affairs or proceedings of the Committee to the officer appointed by the Chief Commissioner in this behalf, as and when required by him.

#### **35. Power of inspection.**

(1)The Director, or any officer authorised in this behalf by the Chief Commissioner, by general or special order, shall have power to inspect or cause to be inspected the accounts of the Market Committee or to institute an enquiry into the affairs of the Market Committee and to require the Market Committee or its chairman to do a thing or to desist from doing a thing which he considers necessary in the interest of the market or the Market Committee and to make a written reply to him within a reasonable time stating its or his reasons for not desisting from doing it or for not doing such a thing.(2)The Director or any other officer authorised under sub-section (1) shall for the purposes of the said sub-section have the powers to summon, and enforce the attendance of witnesses and to compel the production of documents by the same means and, so far as may be, in the same manner as provided in the case of a Civil Court under the Code of Civil Procedure, 1908 (V of 1908).

#### **36. Power of Director to suspend or cancel license in case of emergency.**

- In case of an emergency, the Director may for reasons to be recorded in writing suspend or cancel the license of any market functionary and take such other steps as he may deem fit in the interest of the market:Provided that before passing an order under this section the Director shall give a reasonable opportunity to the functionary concerned to be heard.

### **37. Power of the Chief Commissioner to make arrangements for the performance of the duties and functions of the Committee and the Chairman in certain case.**

- Where the Market Committee is unable or not competent due to any order or decision of a court or any other cause to perform the duties imposed by or under this Act, the Chief Commissioner shall make such arrangements as he deems fit for the performance of the duties and functions of such Market Committee and of the Chairman of the Committee.

### **38. Power to pass orders.**

(1)The Chief Commissioner may, at any time, call for and examine the proceedings of any Market Committee for the purposes of satisfying himself as to the legality or propriety of any decision or order passes by the Market Committee and he may after giving an opportunity to the Market Committee to be heard pass such order thereon as he thinks fit.(2)The Chief Commissioner may, pending the examination and disposal of the matter under sub-section (1), direct that the executing of the decision or orders of the Market Committee be stayed.

### **39. Power to amend the Schedule.**

- The Chief Commissioner may, by notification, add to, amend or cancel any of the items of agricultural produce specified in the Schedule.

### **40. Acquisition of land for the Market Committee.**

(1)If any land is required for the purpose of this Act, the Chief Commissioner may proceed to acquire it under the provisions of the Land Acquisition Act, 1894 (1 to 1894), or any other law for the time being in force.(2)The land shall vest in the Market Committee on payment by the Market Committee of the compensation awarded under the Land Acquisition Act, 1894 (1 to 1894), or any other law for the time being in force and of all other charges incurred by the Government on account of the acquisition.

### **41. Provisions of the Act not to apply in certain cases.**

- The provisions of this Act shall not apply to any sale made in compliance with an order issued under clause (f) of sub-section (2) of section 3 of the Essential Commodities Act, 1955 (X of 1955) or to any purchase or sale by the Central Government or the Manipur Administration.

### **42. Power to exempt specified persons, articles or trades from provisions of the Act.**

- The Chief Commissioner may, by notification and subject to such conditions and restrictions as

he may consider fit to impose, exempt any class of persons, any commodity, trade or class of trades from all or any of the provisions of this Act.

#### **43. Recovery of sums due to Government from Market Committee.**

- Every sum recoverable by the Market Committee or due from a Market Committee to the Government under this Act, shall be recoverable as arrears of land revenue.

#### **44. Different regarding construction of rules, etc., about weights.**

(1) Notwithstanding anything contained in the Rajasthan Weights and Measures (Enforcement) Act, 1958 (Rajasthan Act 32 of 1958), as extended to the Union territory of Manipur, when a difference arises between an Inspector or an Assistant Inspector, appointed under section 15 of the said Act and any person interested as to the meaning or construction of any rules or regulation, as to the method of verifying, adjusting or stamping any weight or weighing instrument in any market area, such difference may, at the request of the person interested or by the Inspector or the Assistant Inspector of his own accord, be referred to the Superintendent, Weights and Measures, Manipur, appointed under section 15 of the said Act and the decision of the said Superintendent shall, subject to the provisions of sub-section (2), be final. (2) An appeal shall lie within the prescribed time from the decision under sub-section (1) to the Director or such other officer as the Chief Commissioner may appoint in this behalf and the decision of the Director or such officer, as the case may be, shall be final.

#### **45. Employees to be public servants.**

- The Chairman, the Vice-Chairman, the members of the Market Committee on duty and every employee of the Market Committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

#### **46. Bar of suits in absence of notice.**

(1) No suit shall be instituted against any Market Committee, its Chairman, Vice-Chairman or any other member, officer or servant thereof or any person acting under the direction of an such Market Committee, Chairman, Vice-Chairman or other member, officer or servant for anything done, or purporting to be done, in good faith as such member, Chairman, Vice-Chairman, officer or servant under this Act, until the expiration of two months next after notice in writing stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been, in the case of a Market Committee, delivered or left at its office and in the case of the Chairman, Vice-Chairman or other member, officer, servant or person as aforesaid, 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 dismissed, unless it is instituted within six months from the date of the accrual of the cause of action. (3) Nothing in this section shall be deemed to apply to any suit instituted under section 54 of the Specific Relief Act, 1877 (I of 1877).

#### **47. Protection to persons acting in good faith.**

- No suit, prosecution or other legal proceedings shall be instituted against any person for anything done or intended to be done in good faith under this Act or the rules or bye-laws.

#### **48. Penalty.**

- any person who contravenes any provision of this Act or of any rule or bye-law or order issued thereunder shall be punishable with simple imprisonment which may extend to three months or with fine which may extend to five hundred rupees, or with both: Provided that in the case of a continuing contravention of the provisions of section 4, he shall be liable to be punished with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after the first conviction.

#### **49. Trial and cognizance of offences.**

(1) No court inferior to the court of a Magistrate of the Second Class shall take cognizance of, or try, any offence under this Act or under the rules or bye-laws made thereunder. (2) No court shall take cognizance of any alleged contravention of the provisions of this Act, the rules or bye-laws or of any order made thereunder except with the previous sanction of the authority prescribed in this behalf.

#### **50. Audit of the accounts of the Market Committee.**

- The account so far as Market Committee shall be subject to audit by an auditor, appointed by the Chief Commissioner, and the cost of such audit, including the fee of the auditor, shall be paid out of the Market Committee Fund.

#### **51. Powers of Chief Commissioner to delegate its power.**

- The Chief Commissioner may delegate any of its powers or functions under this Act to any class I officer.

### **Chapter VI**

### **Rules and Bye-laws**

#### **52. Power to make rules.**

(1) The Chief Commissioner may make rules not inconsistent with this Act, for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, the Chief Commissioner may make rules with respect to all or any of the following matters:-(i) the election and appointment of members of a Market Committee, the number of members to be elected or appointed by each of the bodies or groups of individuals referred to in section 9 and the manner

of their appointment and election;(ii)the preparation and revision of the list of voters from time to time;(iii)the filling of casual vacancies in the office of Chairman, Vice-Chairman or other members of the Market Committee;(iv)the election of the Chairman and the Vice-Chairman of a Market Committee, their powers and duties;(v)the meetings of the Market Committee and the procedure to be observed at such meetings;(vi)the powers to be exercised and the duties to be performed by a Market Committee;(vii)the management of a market and the maximum fees which may be levied by the Market Committee; and subject to the provisions of this Act, the recovery and disposal of such fees;(viii)the issue of licenses to traders, commission agents, brokers, weighmen, measurers, surveyors, warehousemen and other persons including persons or firms engaged in the processing or pressing of agricultural produce, operating in the market, the terms on which and the conditions subject to which such licenses shall be issued or renewed and the fees to be charged therefor;(ix)the provision of facilities for the settlement of any dispute between a buyer and seller of agricultural produce or their agents, including disputes regarding the quality or weight of the articles, the allowances for wrappings, containers, dirt or impurities or deductions from any cause;(x)the prohibition of brokers from acting on behalf of both the buyer and the seller of agricultural produce in any transaction;(xi)the provision of accommodation for storing any agricultural produce brought into the market;(xii)the preparation of plans and the estimates for works proposed to be constructed partly or wholly at the expense of the Market Committees, and the grant of sanction to such plans and estimates;(xiii)the registers and books to be maintained by a Market Committee;(xiv)the form in which the accounts of a Market Committee shall be kept, the manner in which they shall be audited and the time or times at which they shall be published;(xv)the preparation and submission for sanction of the annual budget and the report and returns to be furnished by a Market Committee;(xvi)in investment and disposal of the surplus funds of a Market Committee;(xvii)the regulation of advances, if any, given to agriculturists by brokers, commission agents or traders;(xviii)the kind and description of the weights and measures and the weighing and measuring instruments which shall be used in transactions of any agricultural produce in a market area;(xix)the periodical inspection of all weights and measures and weighing and measuring instruments in use in a market area;(xx)the trade allowance which may be made or received by any person in any transaction in an agricultural produce in a market area;(xxi)the prevention of adulteration of agricultural produce;(xxii)the grading and standardisation of agricultural produce;(xxiii)the keeping of a list of prices of agricultural produce in respect of which the market is established;(xxiv)the time within which an appeal shall lie to the Chief Commissioner or the officer appointed by him in that behalf under sub-section (2) of section 44;(xxv)the manner in which auction of agricultural produce shall be conducted and bids made and accepted in any market;(xxvi)the quantity of agricultural produce for retail sale or consumption under section 15;(xxvii)the conditions subject to which the Market Committee may lease, sell or otherwise transfer any property under this Act;(xxviii)the procedure and conduct of meetings of the Market Committee;(xxix)the discipline, control, punishment, dismissal, discharge, removal of officers and servants of the Committee; and(xxx)any other matter which is required to be or may be prescribed.(3)The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication.

### **53. Power to make bye-laws.**

(1)The Market Committee may, with the previous sanction of Director or any other officer specially empowered in this behalf by the State Government, in respect of the market area under its management, make bye-laws not inconsistent with this Act and the rules, for carrying into effect the purposes of this Act.(2)Such bye-laws shall be made after previous publication.

## **Schedule**

[See Section 2 (1) (a)]

### **I. Cereals**

- (1) Paddy.
- (2) Rice
- (3) Wheat.
- (4) Maize.
- (5) Barley.
- (6) Ragi or Marua.
- (7) Jowar.
- (8) Bajra.
- (9) Shama.
- (10) Kauni.
- (11) Cheena.
- (12) Kodo.
- (13) Gondli.

### **II. Pulses**

- (1) Gram.
- (2) Arhar.
- (3) Masur.
- (4) Urd or Kalai.
- (5) Khesari.
- (6) Mung.
- (7) Dry Peas (Matar or Kerao)
- (8) Kulthi.
- (9) Cowpea seed (dry).
- (10) Naga Dal.

### **III. Oilseeds**

- (1) Mustard, Rape and Toria.



- (2) Linseed.
- (3) Castor seed.
- (4) Groundnut.
- (5) Sesamum seed.
- (6) Niger seed.
- (7) Mahua seed.
- (8) Kusum seed.

#### IV Oils

All vegetable oils.

#### V. Fruits

- (1) Mango.
- (2) Banana.
- (3) Lichi.
- (4) Orange.
- (5) Lemon.
- (6) Grapes.
- (7) Pomegranate.
- (8) Melons.
- (9) Jackfruits.
- (10) Blackbeery.
- (11) Guava.
- (12) Naspatti.
- (13) Apple.
- (14) Pineapple.

#### VI. Vegetables

- (1) Potato.
- (2) Onion.
- (3) Palwal.
- (4) Brinjals.
- (5) Gourd.
- (6) Bhindi.
- (7) Pumpkin.
- (8) Tomato.
- (9) Cauliflower.
- (10) Cabbage.
- (11) Green Peas.
- (12) Beans.

- (13) Sag.
- (14) Carrot.
- (15) Radish.
- (16) Sweet Potato.
- (17) Lai Patta.

#### VII. Fibres

- (1) Cotton (ginned and unginned).
- (2) Jute.
- (3) Sunnhemp.

#### VIII. Animal Husbandry Products

- (1) Poultry.
- (2) Egg
- (3) Cattle.
- (4) Sheep.
- (5) Goat.
- (6) Wool.
- (7) Butter.
- (8) Ghee.
- (9) Milk.
- (10) Hides and Skins.
- (11) Bones.
- (12) Fleece.
- (13) Goat meat and Mutton.
- (14) Fish.
- (15) Pig.
- (16) Dog.

#### IX. Condiments, Spice and others.

- (1) Turmeric.
- (2) Chillies.
- (3) Garlic.
- (4) Coriander.
- (5) Ginger.
- (6) Cardamom and Pepper.
- (7) Betel leaves.
- (8) Betelnuts.
- (9) Cashwenuts.
- (10) Methi.

X. Grass, Fodder and Thatching Grass.

XI. Narcotics

Tobacco.

XII. Miscellaneous

(1) Sugarcane.

(2) Gur.

(3) Sugar.

(4) Lac.

(5) Oil-cakes.