

The Garo Hills Cotton Jute and Ginger Trade Regulation, 1980

MEGHALAYA

India

The Garo Hills Cotton Jute and Ginger Trade Regulation, 1980

Rule

THE-GARO-HILLS-COTTON-JUTE-AND-GINGER-TRADE-REGULATION of 1980

- Published on 29 September 1980
- Commenced on 29 September 1980
- [This is the version of this document from 29 September 1980.]
- [Note: The original publication document is not available and this content could not be verified.]

The Garo Hills Cotton Jute and Ginger Trade Regulation, 1980Published vide Notification No. GDC-L/8/80/206, dated 29th September, 1980Last Updated 19th February, 2020Notification No. GDC-L/8/80/206. - In pursuance of sub-rule (2) of Rule 73 of the Assam and Meghalaya Autonomous Districts (Constitution of District Councils), Rules, 1951, as amended, the following bill called "The Garo Hills Cotton Jute and Ginger Trade Regulation, 1980" which is intended to be introduced in the next session of the Garo Hills District Council is published together with the Statement of Objects and Reasons with the prior approval of the Governor under sub-rule (3) (a) of the said rule. Whereas it is expedient to provide for the control of trade in short stable Garo Cotton, Jute and Ginger in the Autonomous Districts of East and West Garo Hills by persons other than tribals resident in the districts: And whereas under sub-paragraph (1) of Paragraph 10 of the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered to make regulations for the control of such trade; Now, therefore, in exercise of the powers as aforesaid and of all other powers enabling it in that behalf the District Council of Garo Hills Autonomous Districts comprising East and West Garo Hills is pleased to make the following Regulation.

Chapter I Preliminary

1. Short title, extent and commencement.

(1) This Regulation may be called "The Garo Hills Cotton Jute and Ginger Trade Regulation, 1980;" (2) It extends to the whole of the Districts of East and West Garo Hills; (3) It shall come into

force at once.

2. Definition.

- In this Regulation unless there is anything repugnant in the subject or context-(1)"Tribal" means the tribes specified in the Constitution (Scheduled Tribes) Order 1950 and shall include the Koches, Kacharis, Dalu and Rabhas resident in the districts.(2)"District" means Garo Hills Autonomous District constituting of East and West Garo Hills;(3)"Governor" means the Governor of Meghalaya;(4)"Chief Executive Member" means Chief Executive Member of the Garo Hills District Council;(5)"Constitution" means the Constitution of India;(6)"Sixth Schedule" means the Sixth Schedule to the Constitution of India;(7)"Association" means the Association formed under this Regulation;(8)"District Council" means the District Council of the Garo Hills Autonomous District constituted under the Assam Autonomous Districts (Constitution of District Councils) Rules, 1951;(9)"Cotton" means short stable Garo Cotton both unginned and ginned and shall also include seeds;(10)"Jute" means the jute grown in the district and shall include both Deshi and Mesta and other varieties grown in the Garo Hills district;(11)"Ginger" means all kinds ofingers grown in the district;(12)"Managing Committee" means the Managing Committee appointed under this Regulation;(13)"Licensed Dealer" means any non-tribal resident in the district duly authorised by licence under this Act to deal in Cotton, Jute and Ginger;(14)"Grower" means any person who actually grows cotton, jute and ginger or any other commodities which may subsequently be specified in the Regulation;(15)"Form" means form prescribed by this Regulation;(16)"Executive Committee" means the Executive Committee of the Garo Hills District Council;(17)"Hat Representative" means any person appointed by the Managing Committee with the prior approval of the Chief Executive Member to perform the duties and exercise the powers imposed or conferred upon him by this Regulation;(18)"Schedule" means a Schedule appended to this Regulation;(19)"Schedule Flats" means Hats declared as such by the Garo Hills District Council;(20)"Village Council" means a Village Council constituted under Section 4 of the Garo Hills Autonomous District (Administration of Justice) Rules, 1954;(21)"Agent" means any person appointed by the licensed dealer to attend different Scheduled Hats on his behalf for the purchase of cotton, jute and ginger or all of them or any of them;(22)"Trade" means trade in cotton jute or ginger or all or any of them or any other commodity which may be specified by the District Council under this Regulation;(23)"District Fund" means District Fund created for Garo Hills District Council under Paragraph 7 of the Sixth Schedule to the Constitution of India;(24)"Association Fund" means the fund created under this Regulation for the Garo Hills Growers' Association;(25)"Licensing Officer" means the Licensing Officer appointed by the Executive Committee of the Garo Hills District Council for the purpose of this Regulation;(26)"Chairman" means the Chairman of the Managing Committee appointed by the Executive Committee;(27)"Co-operative Society" means a Co-operative Society formed by non-tribals or in which more than 50 per cent of the members of the said society are non-tribals.

Chapter II

Control and Regulation of Trade

3. Control of trade in respect of non-tribals.

(1) No person other than tribals resident in the district shall deal in or trade in cotton, jute and ginger except under a licence issued in this behalf by the District Council subject to the provisions of this Regulation. (2) The District Council shall not ordinarily refuse the grant of licence to a non-tribal trader who has been carrying on business in cotton, jute or ginger within the district since before the commencement of this Regulation. But if the District Council has reason to believe that grant of a licence to trade under this Regulation to non-tribal applicant shall be detrimental to the interest of the tribals, or, if the District Council has reason to believe that the non-tribal applicant has been found guilty of fraudulent or dishonest trade practices it may refuse to grant licence to a non-tribal applicant provided that such refusal shall be recorded only after giving the applicant a reasonable opportunity to explain the situation against him, and

4. Class of Licence.

(1) There shall be two classes of licence, viz., General and Selective. General licence holder shall be entitled to deal in the trade in the whole district whereas selective licence holder shall be entitled to deal in the trade in the Scheduled Hats, not exceeding three in number to be specified in the licence; (2) Both General and Selective licence holder shall be entitled to deal in cotton, jute and ginger as the case may be or all of them simultaneously as specified in the licence.

5. Licence Fee.

(1) The licence fees shall be as specified in the First Schedule. (2) The District Council shall be competent to revise the rates of licence fees.

6. Form of Licence.

(1) The licence shall be issued by the Licensing Officer of the Garo Hills District Council in Form "A" to the applicant subject to his/her undertaking to abide by the conditions specified in the licence. (2) The Co-operative Society duly registered may also apply for a licence under this Act to deal in cotton, jute and ginger as the case may be.

7. Application for Licence.

- Application for licence shall be made in Form "B" to be obtained from the District Council Office on payment of application fee of Rs. 5 which shall be credited to the District Fund.

8. Registration for issue of different classes of licence.

- Any dealer desiring to deal in one or all items of the trade in more than 3 Scheduled Hats in the district shall be required to obtain a General Licence.

9. Validity of Licence.

- Every licence granted under this Act shall be valid for a period of 1(one) year commencing from the first of April of the year and ending on thirty-first March of the following year, but it may be renewed for a similar period of 1 (one) year on payment of fees specified in Section 5.

10. Issue of duplicate licence in the event of loss or destruction.

- If or a licence granted under this Act is lost or destroyed the Licensing Officer may after causing such enquiry as he may deem fit, issue duplicate licence on payment of a fee of Rs. 10 (Rupees ten).

11. Issue of Identity card.

- In case of licensee requires to attend different Scheduled Has and for that purpose required to appoint an agent or agents to the Licensing Officer who will issue identity cards on payment of Rs. 3 (Rupees three) as fee for each copy of the identity card for possession and display by such agents at the places of business transaction. The fees so realised by the Licensing Officer shall be credited to the District Fund. Number of agents shall not be more than one in case of each Selective Licence and three in case of each General Licence.

12. Submission of return of commodities of trade.

- The licensee or his agent shall maintain proper account of weekly purchases of all commodities of trade in Form 'C' in duplicate and the original copy duly certified by the Hat Representative concerned shall be submitted forthwith to the Chairman through the Hat Representative. The Hat Representative shall forward the same to the Chairman within 7 days.

13. Cancellation of licence and penalty for contravening any provision.

(1)No person being the holder of licence issued under this Act shall contravene any of the provisions of this Act or any of the condition mentioned in the licence.(2)If a person contravenes any of the said provisions or any of the said conditions, his licence may be cancelled or suspended for the time being by the Licensing Officer and in such cases the Licensee shall not be entitled to any compensation or refund of any fee paid in respect of such licence.

Chapter III

Constitution of the Association

14. Constitution of the Association.

(1)The District Council shall cause an Association to be formed with the Headquarter at Tura.(2)The name of the Association shall be "The Garo Hills Cotton, Jute and Ginger Growers' Association"

hereinafter called the "Growers' Association".

15. Registration of growers.

- The District Council shall direct all Laskers, Nokmas, Gaonburas, Mouzaders, Village Councils as the case may be to furnish to it the names of growers of cotton, jute or ginger in their respective elakas and upon receipt of the list of such growers the District Council shall transmit the list of growers to the Managing Committee which shall cause all names of the Association on payment of the registration fee. Record of such registration shall be maintained in Form "D".

16. Membership of the Association.

(1) Every grower, resident in the district may be a member of the Growers' Association on payment of Rs. 2 (Rupees two) as registration fee which will be non-recurring and non-refundable. (2) The Association by a resolution may prescribe the rate for contribution for growers growing more than one quintal of cotton, jute or ginger. (3) All such contributions realised shall be credited to the fund of the Association.

17. Managing Committee of the Association.

(1) The District Council shall constitute and appoint a Managing Committee of the Association consisting of not more than 7 (seven) members, including the Chairman. (2) Such Managing Committee shall include at least 3 Members of the District Council and 3 representatives of growers one each for cotton, jute and ginger. (3) The Chairman of the Association shall be appointed by the Executive Committee. The Chairman shall preside over the Managing Committee. (4) The Managing Committee shall elect a Vice-Chairman from among the members of the District Council appointed as member of the Managing Committee under sub-section (2) (of section 17 of the Regulation). (5) The Managing Committee shall be responsible to the Executive Committee.

18. Terms of the office of the Managing Committee.

(1) The members of the Managing Committee shall hold office at the pleasure of the Executive Committee. (2) Subject to sub-section (1) (of Section 18) the members of the Managing Committee shall hold office for 2 (two) consecutive years from the date of its constitution. (3) Any member of the Managing Committee may be re-appointed by the District Council for another term. (4) A member appointed to fill a casual vacancy shall hold office only for the remaining period of the term in which he was appointed.

19. Appointment of Organiser.

- The Executive Committee shall appoint a person from amongst the Members of the District Council who will be designated as "Organiser" for assisting the Association in promotion of growers. The Organiser so appointed shall hold office at the pleasure of the Executive Committee. He shall

submit such reports as may be asked for from time to time to the Chairman. His remuneration and allowances shall be determined by the Association.

20. Appointment of Staff.

- The Managing Committee shall appoint the staff as may be required and determine the terms and conditions of the service.

21. Appointment of Secretary.

- There shall be a Secretary to the Association who shall be appointed by the Managing Committee. He shall be responsible in running day to day administration of the Association and operating the Association fund.

22. Function of the Managing Committee.

(1)The function of the Managing Committee shall be-(i)to fix fair prices in respect of jute, cotton, ginger or other commodities as may be specified from season to season according to rates prevailing in the neighbouring State;(ii)to ensure that no economic injustice is done to the growers;(iii)to cause trade in cotton, jute and ginger to be supervised by the officers appointed for the purpose;(iv)to arrange for procurement of seeds for the needy growers.(2)The day to day administration of the Association shall be carried out under the control and supervision of the Chairman of the Managing Committee who shall be responsible for the entire affairs of the Association.

23. Meeting of the Managing Committee.

(1)Ordinarily the meeting of the Managing Committee shall be held once in 2 months.(2)In the event of an emergency the Chairman of Managing Committee may convene the meeting oftener.(3)The Chief Executive Member may direct the holding of a meeting of the Managing Committee at any time he deems it.

24. Appointment and duties of the Hat Representatives.

(1)Hat Representatives shall be appointed by the Chairman in such numbers as may be found necessary.(2)The duties of the Hat Representatives shall be-(i)to supervise cotton, jute and ginger business;(ii)to certify weekly returns of cotton, jute, ginger purchased by the licensed dealer;(iii)to prepare a consolidated report, on the weekly total volume of transaction in cotton, jute or ginger, separately for the respective scheduled Hats in Form 'C' and submit the same to the Chairman of the Managing Committee;(iv)to communicate as early as possible any other important information relating to all or any of the commodity of trade to the Chairman of the Managing Committee in general and to communicate in particular any attempt on the part of the dealers to dampen the price by forming dampen the price by forming an unholy syndicate;

25. Commission in respect of Hat Representatives.

(1)The Hat Representatives shall be entitled to receive from the Association a commission per quintal of cotton, jute or ginger, as the case may be, sold in their respective scheduled Hats at such rates as may be fixed by the Managing Committee from time to time.(2)In case 2 (two) or more Hat Representatives have been appointed for a particular scheduled Hat, such commission on the total sale of cotton, jute and ginger as the case may be in that particular scheduled Hat shall be equally shared by the different Hat Representatives.

26. Removal of Hat Representatives.

- In case of misbehaviour or negligence of duties shown by any Hat Representative he shall be liable to be dismissed forthwith by the Chairman stating the reasons of such dismissal. The aggrieved Hat Representative shall have a right to appeal to the Chief Executive Member for his reinstatement and the decision of the Chief Executive Member shall be final.

27. Bye-laws of the association.

- The Association shall be a body corporate and, as such, it shall be competent to make its own bye-laws subject to the previous approval of the Executive Committee and subject to the provisions contained in the Regulation.

Chapter IV

Fund of the Association

28. Fund.

(1)There shall be a fund called "The Growers' Association Fund" into which all moneys shall be deposited and withdrawn therefrom for the purpose of the Regulation.(2)The Association fund shall form of the following-(i)any fund collected or raised under this Regulation;(ii)grant or loan from the District Council or State Government;(iii)loans from the Banks;(iv)voluntary contribution from any other sources.

29. Location and custody of the Association Fund.

- All moneys pertaining the Association Fund shall be caused to be held in the Meghalaya Co-operative Apes Bank Ltd., Tura Branch or in such other Bank as may be decided upon by the Managing Committee and the account shall be operated by the Secretary of the Association.

30.

In the event of the dissolution of the Managing Committee the Executive Committee shall take over its power and functions.

31.

The Managing Committee shall cause the Association fund to be utilised for the purposes stated below-(1)to meet all contingency charges relating to the Association;(2)to meet all commission and other incidental charges in respect of the Hat Representatives;(3)to meet the cost of seeds to be stocked for distribution among the deserving growers on loan during the time of scarcity, repayment of which shall be made in kind with such nominal interest as may be fixed by the Managing Committee;(4)to meet the cost of any scheme or measure which may be taken by the Managing Committee with the approval of the District Council for the collective benefit of the growers;(5)remuneration of the Chairman, Organiser. Members of the Managing Committee and salary of staff.

32.

The Managing Committee may enter into any agreement through the Garo Hills District Council with any Bank/Financial Institutes/Government/ L.I.C. or any other agencies to borrow money to enable it to have sufficient resources to purchase stock of any commodity in any market to frustrate the malafide intention or unscrupulous licence dealers to dampen price and thereby to deprive growers of legitimate price;

33.

There shall be levied on jute, cotton and ginger in every hat a commission at a rate to be fixed by the Managing Committee. Such commission shall be realised from the licensed dealer on the total quantities of jute, cotton and ginger purchased by each dealer in a hat. Such commission shall be deposited in the Association Fund and payment to Hat Representatives shall be made therefrom.

34. Audit.

- The accounts of the Association shall be audited by the District Council.

35. Budget.

- The Managing Committee shall prepare annual receipt and expenditure for each year and submit to the Executive Committee for approval before the commencement of the financial year.

36.

The Hat lessee shall collect the tolls on cotton, jute and ginger brought for sale into the scheduled hat or hats under his lease as per rate fixed under Section 21 of the Garo Hills Autonomous District Market Tax Regulation of 1970 as amended.

37.

No court proceeding shall lie against any member of officers of the staff for any act done in his official capacity in good faith.

38.

Offences committed under this Regulation shall be tried by competent court.

39. Penalty for contravening the provision of the Regulation.

- If a person other than a member of the Scheduled tribe resident in the District carries a trade in cotton, jute or ginger without being in possession of a licence in contravention of any provision of this Regulation or Rules framed there under such person shall be liable to prosecution and on conviction shall be liable to a fine not exceeding Rs. 1,000 for any offence. The cotton, jute or ginger as the case may be found in possession of such person shall be seized and the commodities so seized shall be disposed of as ordered by the court: Provided that the offender may compound the case on payment of compensation not exceeding Rs. 500 as may be fixed by the Managing Committee. The amount so realised shall be credited to the District Fund.

40. Appeals.

- Any person aggrieved by an order relating to seizure of the cotton, jute or ginger purchased by him, cancellation of his licence or other matters relating to trade under this Regulation may within a period of 30 days from the date of such order prefer an appeal to the Chief Executive Member. Every order in appeal passed by the Chief Executive Member shall be final.

41. Repeals.

(1)The Garo Hills Cotton Trade Regulation, 1952 on coming into force of the Garo Hills Cotton, Jute and Ginger Regulation, 1980 shall hereby be repealed.(2)Notwithstanding such repeal every licence granted and any action taken under the provisions of the Garo Hills Cotton Trade Regulation, 1952 shall be deemed to have been granted or taken under this Regulation.First Schedule[See Section 5 (1)]Licence fee as follows-

Cotton	Ginger	Jute
Rs.	Rs.	Rs.

1. General	250	150	200
2. Selective Licence	50	30	40

Per hat Per hat Per hat.

Form 'A' Licence [See Section 6 (1)] Class of Licence General/Selective in Cotton/Jute/Ginger/(Strike out whichever is not applicable)

1. Registration No. (Sl. No. of the Licence) _____

2. Name of the Licensee in full _____

3. Father's/Husband's name _____

4. Address of the Licensee in full _____

5. Name of the Scheduled Hats _____ **(In case of selective licence)**

6. Date upto which the licence is valid _____

7. This licence is granted subject to the provision of the Garo Hills cotton, Jute and Ginger Trading Regulation, 1980 and it is valid for a period of two years from the date of its issue.

Date-----198 Signature of the Licensing Officer.(Seal) Conditions of Licence

1. The licence shall abide by the directions of the Managing Committee of the Association and the directions, if any, issued by the District Council;

2. The licensee shall not advances any money to, or finance, any tribal dealer or bonafide grower or any registered Co-operative Society dealing in any item of trade under the provision of this Regulation, with a view to purchase any item of trade at lower price or prices than the price or prices prevailing in the different scheduled Hats of the district;

3. The licensee or his agents, shall produce his licence or Identity Card, as the case may be, whenever called upon to do so by the Hat Representative or members of the Managing Committee or any other persons authorised either by this Regulation or by the Chief Executive Member, in this behalf.

4. The licensee shall pay to the Managing Committee of the Association, a commission of each item of Trade purchased by him either from the Tribal dealers or bonafide growers and the payment of commission accruing from the total weekly purchase of such item of Trade shall be made in every hat;

5. The licensee shall maintain correct account of weekly purchase of each item of Trade in Form 'C' in triplicate and the original copy duly certified by the Hat Representative shall be submitted forthwith to the Chief Executive Member of the Caro Hills District Council by the Hat Representative.

6. If the licensee violates any of the aforesaid conditions his licence shall be liable to be cancelled or suspended under provisions of this Regulation.

Form 'B' Application Form [See Section 7] To The Chief Executive Member, Caro Hills District Council, Tura. Sir, I have carefully read the provisions of the Garo Hills Cotton, Jute and Ginger Trade Regulation, 1980, and also the conditions of the licence given in Form 'A' appended to the Regulation referred to herein and I agree to abide by them. I may, therefore, be kindly granted General/Selective licence for dealing in Cotton/Jute/Ginger (strike out which is not applicable). Name of the Scheduled Hats in case of ordinary licence.

1. Applicant's name in full:

2. Father's or Husband's name;

3. Applicant's full address:

4. One copy of his/her photograph duly attested by any Gazetted Officer.

Date (Signature of the Applicant) Form 'C' [See Sections 12 and 24(2) (iii)] Returns of Weekly purchase of Cotton/Jute/Ginger by different purchasers Name of the representative..... Full address..... Name of the Scheduled Hat.....

SI. No.	Name of purchaser	Description	Grade	Quantity Qtl. Kg.	Rate	Amount Rs. P.	Remarks
1	2	3	4	5	6	7	8

I do hereby certify that to the best of my knowledge the above particulars are correct. Date Signature of the Hat Representative. Form 'D' (See Section 15)

Serial No.	Name of the Growers	Address	Laker Elaka	Date of Registration	Product grown	Remarks
------------	---------------------	---------	-------------	----------------------	---------------	---------

1

2

3

4

5

6

7