



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 294 দিশপুৰ, সোমবাৰ, 13 জুলাই, 2020, 22 আহাৰ, 1942 (শক)
No. 294 Dispur, Monday, 13th July, 2020, 22nd Asadha, 1942 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 13th July, 2020

No. LGL.196/2017/1.-The following Ordinance which was promulgated by the Governor of Assam on 10/07/2020 is hereby published for general information.

ASSAM ORDINANCE NO. V OF 2020
THE ASSAM AGRICULTURAL PRODUCE AND LIVESTOCK
MARKETING (PROMOTION AND FACILITATION) ORDINANCE, 2020

AN ORDINANCE

to provide for the development and regulation of marketing of agricultural produce and livestock, development of an efficient marketing system, promotion of agri-processing and agricultural export and the establishment and administration of markets for agricultural produce and livestock and for this purpose to put in place an effective infrastructure for marketing of agricultural produce and livestock and to lay down procedures and systems thereto in the State of Assam.

Whereas the Legislative Assembly of the State of Assam is not in session and the Governor of Assam is satisfied that circumstances exist which render it necessary for him to take immediate action for promulgation of an Ordinance;

Now, therefore, in exercise of the powers conferred under clause (1) of Article 213 of the Constitution of India, the Governor of Assam is pleased to promulgate, in the Seventy-first Year of the Republic of India, the following Ordinance, namely:-

CHAPTER – I

Preliminary

1. **Short title, extent and commencement.** – (1) This Ordinance may be called the Assam Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Ordinance, 2020.
 - (2) It shall extend to such areas of the State of Assam as may be notified by the State Government in the Official Gazette from time to time.
 - (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. **Definitions.** – In this Ordinance, unless the context otherwise requires, –
 - (1) “agricultural produce” means all produce and commodities, whether processed or not, of agriculture, horticulture, apiculture, pisciculture, sericulture and livestock as specified in the Schedule and such produce declared by the Government by notification from time to time and also includes a mixture of two or more than two such commodities.

- (2) “agriculturist” means a person who is either an occupant of a land, or a tenant of an occupant and is engaged in the production of agricultural produce by himself or by hired labour or otherwise, but does not include any market functionary;

Explanation 1: For the purposes of this Ordinance, association of farmers, by whatever name called, registered under any law for the time being in force and engaged in aggregation of farmer produce shall be deemed to be an agriculturist.

Explanation 2: If a question arises whether a person is or is not an agriculturist for the purposes of this Ordinance, it shall be decided in the manner as prescribed.

- (3) “Board” means the Assam State Agricultural Marketing Board established under section 47 of this Ordinance;
- (4) “buyer” means a person, who himself or on behalf of any other person buys or agrees to buy any agricultural produce in the market area;
- (5) “bye-laws” means bye-laws made under this Ordinance;
- (6) “Certificate Officer” means the officer so defined in the Bengal Public Demands Recovery Act, 1913; Bengal
Act No. 3
of 1913
- (7) “commission agent” means a person who in the ordinary course of business makes or offers to make a purchase or sale of an agricultural produce on behalf of the buyer or seller of such agricultural produce for a commission;
- (8) “co-operative marketing society” means a co-operative society registered under the Assam Co-operative Societies Act, 1949 and which has its principal object as the promotion of the sale of agricultural produce grown, reared or produced by its members or which is declared as such or equivalent thereto by the State Government; Assam
Act No. 1
of 1950
- (9) “direct marketing” in relation to agricultural produce, means direct wholesale purchase of agricultural produce from agriculturists by processors, exporters, bulk buyers and others outside the principal market yard or sub-market yard of a regulated market, special market, private market, local market or an electronic marketplace;
- (10) “Director of Agricultural Marketing” means the person appointed by the State Government by notification, as the Director of Agricultural Marketing and includes any officer or officers empowered by the State Government by notification, to exercise or perform such of the powers or functions of the Director of Agricultural

Marketing under the provisions of this Ordinance or the rules or the bye-laws made thereunder as may be specified in such notification;

- (11) "District Council" means a District Council constituted under paragraph 2 of the Sixth schedule to the Constitution of India;
- (12) "Delineated market area" means any area declared to be a delineated market area under section 5 of this Ordinance for the purpose of election of the Members of Market Committee and undertaking marketing related development therein;
- (13) "Executive Officer" means the Executive Officer to the market committee appointed under section 45 of this Ordinance;
- (14) "faria" means a petty dealer and includes an agent who in consideration of commission offers his service to purchase or sell agricultural produce
- (15) "Farmer-Producer Company (FPC)" means a company of farmer-producer members as delineated in Part IXA of the Indian Companies Act, 1956, including any amendments thereto, re-enactment thereof and incorporated with the Registrar of Companies; Assam Act No. 18 of 2013
- (16) "Gaon Panchayat" means a panchayat established under the provisions of the Assam Panchayat Act, 1994; Assam Act No. XVIII of 1994
- (17) "license" means a license granted under this Ordinance;
- (18) "licensee" means a person granted a license under this Ordinance;
- (19) "Local Authority" means a Municipal Corporation, a Municipal Board, a Town Committee, a Zilla Parishad, an Anchalik Panchayat or a Gaon Panchayat;
- (20) "local market" means a market operated directly or otherwise, by a Local Authority.
- (21) "market" means a regulated market established under this Ordinance, a special market, a private market, a farmer – consumer market, a local market, a direct market, an electronic marketplace and the like;
- (22) "market committee" means the committee established under section 15 of this Ordinance;
- (23) "marketing" means all activities involved in the flow of agricultural produce from the production point, commencing from the stage of harvest till the produce reaches the ultimate consumer and includes buying, selling, importing, exporting, grading, processing, storing, packaging, branding, transporting, market

information, channels of distribution and all other functions involved in the process;

- (24) “market functionary” means a trader, a commission agent, buyer, faria, hamal, weighman, warehouseman, processor, stockist, transporter and such other person as may be declared under this Ordinance or rules or bye-laws, to be a market functionary;
- (25) “marketyard” means a specified place declared or deemed to be declared to be a market yard under this Ordinance and includes a principal market yard and sub-market yard;
- (26) “National Agriculture Market (NAM)” means an integrated market, without prejudice to any law for the time being in force, where buying and selling of notified agricultural produce including livestock and activities incidental thereto are carried out in India possessing marketing utility across time and space”;
- (27) “notification” means a notification published in the Official Gazette;
- (28) “person” includes any person, association of persons, firm, partnership, joint family, company, association or body of individuals whether incorporated or not;
- (29) “prescribed” means prescribed by rules made under this Ordinance;
- (30) “processing” means any one or more of a series of treatments relating to powdering, crushing, cleaning, decorticating, de-husking, parboiling, polishing, ginning, pressing, curing or any other manual, mechanical, chemical or physical treatment to which the raw agricultural produce or its product is subjected to;
- (31) “processor” means a person who undertakes processing of any agricultural produce on his own accord or on payment of a charge;
- (32) “regulated market” means a regulated market notified under section 12 of this Ordinance;
- (33) “regulations” means the regulations made by the Board under section 59 of this Ordinance;
- (34) “rules” means rules made under this Ordinance;
- (35) “Schedule” means the schedule to this Ordinance;
- (36) “special market” means a market notified as such under section 68 of this Ordinance;
- (37) “State” means the state of Assam;

- (38) "State Government" means Government of Assam;
- (39) "trader" means a person ordinarily engaged in the business of buying and selling of 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 of processing, except for the purposes for domestic consumption;

Explanation: If a question arises whether a person is or is not a trader for the purposes of this Ordinance, it shall be decided in the manner as prescribed.

- (40) "transportation" means taking of the agricultural produce by pushcart, bullock cart, truck, any other type of vehicle, vessel or railway wagon in the course of business before the sale or after the sale has taken place in the market area or outside, for marketing, trading or processing from one place to another;
- (41) "transporter" means a person who transports agricultural produce;
- (42) "warehouse" means any building, structure or other protected enclosure which is or may be used for the purpose of storing agricultural produce being goods on behalf of the depositors but does not include cloak rooms attached to hotels, railways stations, the premises of other public carriers and like;
- (43) "weighman" means a person whose business is to weigh a consignment of agricultural produce for sale;
- (44) "weightment" includes weighing, counting or measuring;
- (45) "ZillaParishad" means a ZillaParishad established under sub-section (1) of section 64 of the Assam Panchayat Act, 1994.

Assam
Act No.
XVIII of
1994

CHAPTER -II

Declaration of Market Area

3. **Notification of the intention of developing and regulating marketing of agricultural produce in specified area.** – (1) The State Government may, by notification, declare its intention of developing and regulating the marketing of such agricultural produce, in the State subject to fulfilment of such criteria, as may be specified in the notification. The notification under this section shall also be published in such area in the manner as may be prescribed:

Provided that no area within the limits of a District Council shall be included in such area except after consultation with the District Council concerned:

Provided further that if no objection or suggestion is received from the District Council within thirty days after it being addressed, the State Government may publish the notification as it deems fit.

- (2) The notification under sub-section (1) shall state that any objections or suggestions which may be received by the State Government within such period as may be specified in the notification, not being less than thirty days, shall be considered by the State Government.
4. **Declaration of market area and the regulation of marketing of specified agricultural produce therein.** – After the expiry of the period specified in the notification issued under section 3 of the Ordinance and after considering such objections and suggestions as may be received before such expiry and after making such inquiry as may be necessary, the State Government may, by another notification, declare the whole State as one unified market area specified in the notification issued under section 3 and that marketing of all or any of the kinds of agricultural produce specified in the notification issued under section 3 shall be regulated under this Ordinance. The notification issued under this section shall also be published in such area in the manner as may be prescribed.
5. **Notification of Delineated market area.** –The Government may, in the manner as may be prescribed, through a notification declare such area or areas of the State as one or more delineated market areas, for the purpose of election of members of the market committee for such delineated market area.

Explanation: The Market Committee shall not regulate marketing of notified agricultural produce and livestock in its delineated market area. The Market Committee shall enforce regulation on marketing of notified agricultural produce and livestock within the principal market yard and sub-market yard(s).

6. **Alteration of delineated market area and of items of regulated agricultural produce.** – Subject to the procedure specified in sections 3 and 4 of the Ordinance, the State Government may, at any time by notification, –
- (1) exclude from any delineated market area, any area or include therein an additional area; or
 - (2) divide a delineated market area into two or more delineated market areas; or
 - (3) de-notify a delineated market area; or
 - (4) declare that the regulation of marketing of any agricultural produce in any delineated market area shall cease; or

- (5) Declare that marketing of any agricultural produce (hitherto not regulated) shall be regulated in such delineated market area.

7. **Effects of alteration of delineated market area.** –(1) Where a notification is issued under section 5 of the Ordinance, excluding any area from a delineated market area and such excluded area is not declared to be a separate delineated market area or a notification is issued under section 5 of the Ordinance, including any area within a delineated market area, the market committee constituted for such delineated market area before the date of such exclusion or inclusion shall, notwithstanding anything contained in this Ordinance, continue to be the market committee for the said delineated market area until the reconstitution of such market committee under this Ordinance.

- (2) Where any such area is included in two or more other delineated market areas, the State Government shall, after consulting the market committees concerned, by order, direct that such property, rights, charges and liabilities of such market committee shall vest in the market committees of such other delineated market areas in such manner and in such proportions, as may be specified in such order.

8. **Division of a delineated market area into two or more separate delineated market areas.** – (1) Where a notification is issued under section 5 of the Ordinance, dividing a delineated market area into two or more separate delineated market areas, the following consequences shall ensue: –

- (a) The market committee constituted for the delineated market area under this Ordinance shall be deemed to have been dissolved, and the State Government shall constitute separate market committees under section 16 of the Ordinance for each of the separate delineated market areas subject to such conditions as may be prescribed;
- (b) The term of office of the newly constituted market committees shall be the same as is applicable to the first market committee under sub-section (3) of section 16 of the Ordinance;
- (c) Any appointment, notification, notice, fee, order, scheme, license, permission, bye-law or form, made, issued or imposed by the market committee which has been dissolved, in respect of any part of the delineated market area subject to the authority of the new market committees shall be deemed to have been made, issued or imposed by such market committee concerned unless and until it is superseded by any notification, notice, fee, order, scheme, license, permission, bye-law or form, made, issued or imposed by it.

- (2) The State Government shall, after consulting the market committees concerned, by order, direct that such property, rights, charges and liabilities of the dissolved market committee shall vest in the new market committees in such manner and in such proportions, as may be specified in such order.
9. **De-notification of a delineated market area and its consequences.** –(1) Where a notification is issued under section 5 of the Ordinance de-notifying a delineated market area, the market committee constituted therefore shall cease to exist, and the property and rights vested in any such market committee shall subject to all charges and liabilities affecting the same, vest in such neighbouring market committees as the State Government may, by order, specify.
- (2) Where any such area is included in two or more other delineated market areas, the State Government shall, after consulting the market committees concerned, by order, direct that such property, rights, charges and liabilities of the de-notified market committee shall vest in the market committees of such other delineated market areas in such manner and in such proportions, as may be specified in such order.
10. **Amalgamation of market committees.** – Where the State Government is satisfied that two or more market committees therein should be amalgamated, then the State Government may, after consulting the market committees concerned provide for the amalgamation of such market committees into a single market committee for the delineated market area, with such constitution, property rights, interest and authorities and such liabilities, duties and obligations as may be specified in the notification.

CHAPTER -III**Classification of markets**

- 11. Classification of markets in a delineated market area.** – In every delineated market area, there may be, –
- (1) Principal Market Yards managed by Market Committee,
 - (2) Sub market Yards managed by Market Committee,
 - (3) Private market yards managed by a person holding a valid license,
 - (4) Private submarket yards managed by person holding a valid license,
 - (5) Farmer-consumer markets managed by Market Committee,
 - (6) Private Farmer-consumer markets,
 - (7) Electronic trading platforms,
 - (8) One or more special markets,
 - (9) One or more local markets.

CHAPTER -IV**Regulated markets**

12. Establishment of regulated markets. – (1) As soon as may be after the issue of the notification under section 4 of the Ordinance, the Director of Agricultural Marketing shall, after satisfying himself that the market committee has made arrangements for regulating the marketing of notified agricultural produce in the delineated market area, by a notification, declare a date not less than thirty days from the date of issue of the notification as the date on which the regulated market for that delineated market area shall be established.

(2) For all purposes of this Ordinance, the regulated market shall be deemed to have been established for the delineated market area with effect from the date so notified.

13. Principal market yard and sub market yards. – (1) The Government may declare any place in the delineated market area to be a principal market yard and other places as sub-market yards, for the marketing of agricultural produce.

Explanation. – In this section, the expression "place" shall include any structure, enclosure, building, warehouse, go down, open place, locality or street, whether vested in the market committee or not.

(2) The principal market yard and sub-market yards shall be at a close distance from the location where the trade and merchandise in all or any agricultural produce normally takes place.

(3) The land requirement and other facilities to be available for declaring a place as a principal market yard or a sub-market yard shall be such as may be prescribed.

14. Market yard of national importance. – (1) The State Government may, if in its opinion it is expedient to do so, notify any principal market yard or sub-market yard as a market yard of national importance in such manner as may be prescribed.

(2) The market committee for a market yard of national importance, working of a market yard of national importance and other matters incidental thereto shall be as prescribed.

CHAPTER - V**Constitution of market committees**

15. Establishment of market committee. – (1) For every delineated market area, there shall be a market committee.

- (2) Every market committee established under this Ordinance shall be a body corporate by such name as the State Government may by notification specify. It shall have perpetual succession and a common seal, may sue and be sued in its corporate name and shall, subject to such restrictions as are imposed by or under this Ordinance, be competent to contract and to acquire, hold, lease, sell or otherwise transfer any property and to do all other things necessary for the purpose for which it is established.
- (3) Notwithstanding anything contained in any law for the time being in force, every market committee shall for all purposes be deemed to be a local authority.

16. Constitution of the first market committee. – (1) Notwithstanding anything contained in section 17 of the Ordinance, the first market committee constituted for a delineated market area declared under section 4 of the Ordinance shall be nominated by notification by the State Government.

- (2) The State Government shall by notification nominate the Chairperson and the Vice Chairperson from among the members nominated under sub-section (1) above.
- (3) Save as otherwise provided in this Ordinance, but subject to the pleasure of the State Government, the members of the first market committee shall hold office for a period of three years from the date of notification under sub-section (1) above:

Provided that the State Government may by notification extend the term of office of the members by such period or periods not exceeding two years in the aggregate:

Provided further that the extension period on any occasion shall not exceed one year.

- (4) If the second market committee is constituted before the expiry of the period aforesaid, the first market committee shall cease to hold office.

17. Constitution of second and subsequent market committees. – Save as provided in section 15 of the Ordinance, every market committee shall consist of the following members,
namely: –

- (1) Seven members shall be persons who are agriculturists and are voters of Gaon Panchayats in the delineated market area, to be elected by the members of Gaon Panchayats in the delineated market area in the manner prescribed;

- (2) Three members shall be elected by traders in the delineated market area holding a valid license under this Ordinance, from amongst themselves in the manner prescribed;

Explanation: For the purposes of this section, the expression trader shall not include a co-operative marketing society holding a license as a trader.

- (3) One member shall be elected by the members of the managing committee or the board of directors as the case may be, of co-operative marketing societies in the delineated market area holding a license under this Ordinance, from amongst themselves in the manner prescribed;
- (4) One member to be nominated by such co-operative bank as may be decided by the State Government;
- (5) Such other official members representing the different departments as may be nominated by the State Government from time to time;
- (6) One member to be elected by the members of the Municipal Board, Town Committee or Gaon Panchayat within whose jurisdiction the principal market yard is situated, from amongst themselves in the manner prescribed.

Explanation: When the principal market yard is situated within the jurisdiction of two or more Municipal Boards, Town Committees or Gaon Panchayats, the member shall be elected jointly by the members of such Municipal Boards, Town Committees or Gaon Panchayats.

- (7) One member to be nominated by the Assam State Warehousing Corporation, if a warehouse has been established by such Corporation within the delineated market area and where no such warehouse has been established, then two persons shall be elected by co-operative marketing societies under sub-section (3) above.

18. Term of office of the market committee. – (1) A market committee shall, save as otherwise provided in this Ordinance, continue for five years commencing from the date of its constitution under section 22 of the Ordinance and no longer expiration of the said period of five years shall operate on a dissolution of the market committee, before the expiry of which elections shall be held to the market committee:

Provided that no market committee shall be reconstituted earlier than three months prior to the expiry of the term of its office.

- (2) A member elected under section 17 of the Ordinance shall cease to hold office, if he ceases to be a member of the category of persons from which he was elected.

(3) A member shall also cease to hold office if he in writing resigns his membership or if he is removed under the provisions of this Ordinance.

19. Elections to the market committee. – Subject to the provisions of this Ordinance, the members of a market committee shall be elected in the manner prescribed by rules. Such rules may provide for the preparation and maintenance of the lists of voters, the qualifications and disqualifications for being a candidate, the qualifications and disqualifications of voters, the payment of deposits by candidates and their forfeiture and all other matters relating to such elections.

20. Vacancies in the market committee. – (1) Where a vacancy occurs through resignation, removal or non-acceptance of office by a person nominated to be a member or through such person becoming disqualified to be a member or through the death or expiry of his term of office, the vacancy shall be filled up by election or nomination as the case may be, within three months of the occurrence of such vacancy:

Provided that if the vacancy of a member occurs within six months preceding the date on which the term of office of the member expires, the vacancy shall not be filled up.

(2) A member so appointed to fill a vacancy shall hold office till the date up to which his predecessor would have held office had such vacancy not occurred.

21. Election of Chairperson and Vice Chairperson. – (1) Subject to the provisions of this Ordinance and the rules made there under, every market committee shall elect two members who are agriculturists to be respectively the Chairperson and Vice Chairperson thereof and so often as the office of the Chairperson or the Vice Chairperson becomes vacant by death, resignation, removal or otherwise, the market committee shall elect another member to be the Chairperson or the Vice Chairperson as the case may be.

(2) Within ten days from the date of completion of elections to the market committee or on its reconstitution, a meeting thereof shall be called by the prescribed officer who shall either himself preside over the meeting or authorise any other officer to do so. The prescribed officer or the person authorised by him, when presiding over the meeting shall have the same powers as the Chairperson when presiding over a meeting of the market committee, but shall not have the right to vote.

(3) At such meeting a member who is an agriculturist shall first be elected as the Chairperson and thereafter another member who is an agriculturist shall be elected as the Vice Chairperson in the manner as may be prescribed.

- (4) Any dispute relating to the validity of the election of the Chairperson or Vice Chairperson shall be decided by the Deputy Commissioner of the district in which the delineated market area is located, if he has presided over the meeting for election of the Chairperson or Vice Chairperson and in any other case the presiding officer shall refer the dispute to the Deputy Commissioner of the district for a decision.
- (5) Any person aggrieved by any decision or order of the Deputy Commissioner under this section may, within fifteen days from the date of such order or decision, appeal in the prescribed manner to the State Government. The State Government shall, within fifteen days of the receipt of the appeal, pass an order which shall be final, and no suit or other proceedings shall lie in any Civil Court in respect of such decision.

22. Constitution of the market committee. –After the election of the Chairperson and the Vice Chairperson, constitution of the market committee, including nominated members, shall be notified in such manner as may be prescribed.

23. Term of office of Chairperson or Vice Chairperson. – (1) Save as otherwise provided in this Ordinance, the Chairperson and the Vice Chairperson shall continue in office for the term of the market committee.

- (2) The Chairperson or the Vice Chairperson shall vacate office if he ceases to be a member of the market committee.

24. Removal of Chairperson, Vice Chairperson or member of a market committee.– The Director of Agricultural Marketing may, by order remove the Chairperson, Vice Chairperson or a member of a market committee, if the Chairperson, Vice Chairperson or member have become subject to any of the disqualifications under this Ordinance or rules made thereunder or for misconduct in the discharge of their duties or for neglect of or incapacity to perform their duties or for being persistently remiss in the discharge of their duties:

Provided that no such order shall be made unless the Chairperson, Vice Chairperson or the member has been given a reasonable opportunity of being heard.

25. Resignation of Chairperson, Vice Chairperson and member of a market committee. – A person holding office of Chairperson or Vice Chairperson or member of a market committee may resign his office any time in writing addressed to the Director of Agricultural Marketing through the Executive Officer and the office shall become vacant on the expiry of fifteen days from the date of such resignation, unless, within the said period of fifteen days, he withdraws the resignation in writing addressed to the Director of Agricultural Marketing.

26. **Vacancy in office of the Chairperson and Vice Chairperson.** – During the vacancy in the office of the Chairperson and when there is no Vice Chairperson to take his place, then, notwithstanding anything contained in this Ordinance, one of the elected members of the market committee appointed in this behalf by the Board shall exercise the powers and perform the functions of the Chairperson until a Chairperson or Vice Chairperson is duly elected.
27. **Prohibition from holding simultaneous office.** – Any person who is elected as a Chairperson of a Local Authority or a co-operative marketing society is elected as the Chairperson or Vice Chairperson of a market committee or vice versa may, by notice in writing addressed and delivered to the Director of Agricultural Marketing within thirty days from the date, or the later of the dates, on which he is elected, intimate in which of the office he wishes to serve, and thereupon, his office in the body in which he does not wish to serve, shall become vacant and in default of such intimation within the aforesaid period, he shall cease to be a member of the market committee, on the expiration of that period.
28. **Motion of no confidence.** – (1) A motion of no-confidence may be moved by an elected member against the Chairperson or the Vice Chairperson by giving such notice as may be prescribed and such notice shall be supported by not less than one-half of the total number of members of the market committee.
- (2) A meeting of the market committee shall be convened by the Executive Officer within thirty days of the date of receipt of the notice under sub-section (1) above.
- (3) The meeting held under sub-section (2) above shall be presided over by an officer as may be appointed by the Deputy Commissioner of the district in which the Delineated market area is located.
- (4) Nominated members of the market committee may attend the meeting held as per sub section (2)above, but shall not have the right to vote.
- (5) The Chairperson or the Vice Chairperson as the case may be, shall have the right to speak in such meeting and otherwise to take part in the proceedings of the meeting, but shall not have the right to vote.
- (6) If the motion against the Chairperson or the Vice Chairperson or both is carried by a majority of not less than two-thirds of the elected members of the market committee present and voting, the Chairperson or the Vice Chairperson shall forthwith vacate the office of the Chairperson or Vice Chairperson, as the case may be.
- (7) If the motion of no confidence is not carried as aforesaid or if the meeting could not be held for want of quorum, no notice of any subsequent motion expressing no confidence in the same Chairperson or Vice-Chairperson shall be moved until after the expiry of one year from the date of such meeting.

CHAPTER - VI**Conduct of business of the market committee**

29. **Powers and duties of the Chairperson and Vice Chairperson.** – The powers and duties of the Chairperson and the Vice Chairperson shall be as prescribed in this behalf.
30. **Conduct of business of the market committee.** – Subject to the provision of this Ordinance and the rules made thereunder, the market committee shall conduct its meetings and other business in the manner as may be prescribed.
31. **Ordinances of the market committee not to be invalid.** – No Ordinance of a market committee, or any sub-committee thereof, or of any person acting as a member, Chairperson, Vice Chairperson, presiding authority, or the Executive Officer shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such market committee, sub-committee, member, Chairperson, Vice Chairperson, presiding authority, or the Executive Officer on the ground that they, or any of them, were disqualified for such office, or that a formal notice of the intention to hold a meeting of the market committee or the sub-committee was not given duly or by reason of such act having been done during the period of any vacancy in the office of the Chairperson, Vice Chairperson, or the Executive Officer or member of the market committee or sub-committee or for any other infirmity not affecting the merits of the case.

CHAPTER - VII**Powers and functions of market committees**

- 32. Powers and functions of a market committee.** – (1) Subject to the provisions of this Ordinance, it shall be the duty of a market committee, –
- (a) to implement the provisions of this Ordinance, the rules and the bye-laws made thereunder in the market yard declared under sub-section (1) of section 13 of the Ordinance;
 - (b) to enforce the conditions of license granted under the Ordinance, the rules and the bye-laws made thereunder in the market yard declared under sub-section (1) of section 13 of the Ordinance;
 - (c) to provide facilities as may be required for the development, promotion and regulation of agricultural marketing, including such facilities as the Director of Agricultural Marketing or the State Government may, from time to time direct;
 - (d) to do such other Acts as may be required in relation to the superintendence, direction and control of its market yards or for regulating marketing of agricultural produce in market yard declared under sub-section (1) of section 13 of the Ordinance, and for purposes connected with the matters aforesaid, may exercise such powers and discharge such functions as may be provided by or under this Ordinance.
- (2) Without prejudice to the generality of the foregoing provision a market committee shall, –
- (a) take such measures as may be necessary to bring about transparency in the determination of price in the sale of agricultural produce and other transactions taking place in the market yards;
 - (b) take measures for the prevention of purchases and sales below the minimum support prices as fixed by the State Government from time to time;
 - (c) take all possible steps to prevent adulteration of agricultural produce;
 - (d) conduct or regulate and supervise auction of agricultural produce in accordance with this Ordinance and rules and bye-laws made thereunder;
 - (e) regulate the making, carrying out and enforcement or cancellation of agreements of sales, weighment, delivery, payment and all other matters relating to the marketing of agricultural produce;

-
- (f) provide for the settlement of disputes between the seller and the buyer arising out of transactions connected with the marketing of agricultural produce and all matters incidental thereto;
 - (g) keep a set of standard weights and measures in the market yard against which weighment may be checked;
 - (h) inspect and verify weighing scales, weights and measures in use in the market yard and the books of accounts and other documents maintained by market functionaries in such manner as may be prescribed;
 - (i) arrange to obtain fitness (health) certificate from a veterinary doctor in respect of animals, cattle, birds etc., and from a fishery officer in respect of fishes, which are bought or sold in the market yard;
 - (j) ensure payment in respect of transactions that take place in the market yard to be made to the seller within such period as may be prescribed, and in default seize the agricultural produce in question and to arrange for re-sale thereof and in the event of loss, recover the same from the original buyer together with charges incurred for re-sale, if any, and effect payment of the sale value of the agricultural produce to the seller;
 - (k) to recover charges in respect of weighment and hammals and pay to weighment and hammals if not paid by the buyer or seller as the case may be;
 - (l) take suitable measures to ensure that traders do not buy agricultural produce in excess of their ability to discharge their obligations arising out of such purchase;
 - (m) maintain and manage the market yard;
 - (n) provide, to the extent feasible, storage and warehousing facilities for stocking of agricultural produce by the producer and traders;
 - (o) promote processing of agricultural produce, for better realisation of price by the seller;
 - (p) provide necessary facilities for quality testing of agricultural produce brought for sale to the market yard;
 - (q) provide necessary facilities for marketing of agricultural produce in the market yard;
 - (r) undertake, with the prior sanction of the Board, construction of godowns, roads and create such other infrastructure as may be required in the market yard and delineated market area to facilitate movement of agricultural

- produce to the market yard for the benefit of market functionaries operating in the delineated market area;
- (s) regulate entry of persons and vehicles into the market yard;
 - (t) to supervise the behaviour of persons entering the market yard for transacting business and to take action against persons who fail to comply with any direction issued by the market committee;
 - (u) control and regulate admission to the market yard and determine the conditions for the use of the market yard and to prosecute and confiscate goods belonging to persons trading without a valid license;
 - (v) prosecute persons for violating the provisions of this Ordinance, the rules and the bye-laws made thereunder and compound such offences and to take disciplinary action against licensees who fail to fulfil the conditions of the license or any direction of the market committee, issued within the purview of this Ordinance or rules or bye-laws;
 - (w) impose penalties on persons who contravene the provisions of this Ordinance, the rules and the bye-laws made thereunder or the orders or directions issued under this Ordinance, the rules or the bye-laws;
 - (x) levy, take, recover and receive rates, charges, market fee and other sums of money to which the market committee is entitled to;
 - (y) raise funds from the State Government, a Local Authority or any other institution with the approval of the Board, and for the said purpose enter into arrangements with the State Government, the Local Authority or such other institution and to comply with such arrangements;
 - (z) purchase, hire or acquire land for discharging its duties under this Ordinance and dispose of any movable or immovable property for the purpose of efficiently carrying out its duties with the approval of the Board;
 - (aa) institute or defend any suit, prosecution, action, proceeding, application or arbitration and compromise such suit, action, proceeding, application or arbitration;
 - (bb) collect and maintain information in respect of production, sale, storage, processing, prices and movement of agricultural produce and disseminate such information as may be directed by the Director of Agricultural Marketing;
 - (cc) carry out publicity about the benefits of regulation, the system of transactions and the facilities provided in the market yard through such

means as posters, pamphlets, hoardings, cinema slides, film shows, group meetings, electronic media etc., or through any other means considered more effective or necessary;

(dd) employ necessary number of officers and servants for the efficient implementation of the provisions of this Ordinance, the rules and bye-laws as prescribed;

(3) The market committee may, with the approval of the Board and without any liability to the State Government promote and set up public private partnership entities for the better management of market yards or for carrying out extension activities in the delineated market area, namely, collection, maintenance and dissemination of information in respect of production, sale, storage, processing, prices and movement of agricultural produce or in such other activities as may be deemed necessary.

(4) In addition to the above the market committee shall also be responsible for,

(a) the maintenance of proper checks on all receipts and payment by its officers; and

(b) proper execution of all works chargeable to the Market Fund and other works entrusted by the Board;

(5) to promote and encourage Information Technology in its operations, the market committee may establish appropriate systems, create necessary infrastructure and undertake all such activities as may be required.

(6) The market committee may do such other things as may be required for the purpose of achieving the objects and requirements of this Ordinance and the rules and bye-laws made thereunder.

33. Power to remove encroachments in market yard. – (1) Any officer or servant of the market committee or the Board empowered by the State Government in this behalf shall have the power to remove any encroachment in the market yard and the expenses of such removal shall be recovered from the person who has caused the said encroachment as arrears of land revenue.

(2) Existence of encroachment in the market yard shall deem to be a misconduct of the market committee, if it does not resolve to remove it and that of the Chairperson, Vice Chairperson and the Executive Officer, if they fail to remove such encroachment after the resolution of the market committee.

34. Power to borrow. – A market committee may, with the prior approval of the Board, borrow money from a bank or a financial institution or issue debentures secured on any property vested in it for carrying out the purposes for which it has been

established and may incur any expenditure towards borrowing money or issue of debentures.

35. **Levy and collection of entry fee.** – The market committee may levy and collect entry fee on vehicles, which may enter the market yard at such rate as may be specified in the bye-laws.
36. **Appointment of sub-committee and joint committee.** – A market committee may appoint one or more sub-committees or joint committees or ad-hoc committees from amongst its members or any other person from the delineated market area for the administration of the market yard, for the conduct of any work or for reporting or recommending or deciding any matter or matters and may delegate to such committee or committees such of its powers or duties as it may think fit.
37. **Execution of contracts.** – (1) Every contract entered into by a market committee shall be in writing and shall be executed on its behalf by its Chairperson and the Executive Officer.
 - (2) No contract other than a contract executed as provided in sub-section (1) above shall be valid or binding on the market committee.

CHAPTER - VIII**Market Fund**

- 38. Market Fund, its custody and investment.** – (1) Save as provided in sub-section (2), all moneys received by a market committee by way of market fee, license fees or other fees or charges, all moneys realized by way of penalty, interest received, all loans raised by the committee, and all grants, loans or contributions made by the State Government or the Board shall form part of a fund to be called the Market Fund.
- (2) Save as otherwise provided in this Ordinance, any money received by the market committee by way of arbitration fee or as security for costs in arbitration proceedings relating to disputes or any money received by the committee by way of security deposit, contribution to provident fund or for payment in respect of any agricultural produce, or charges payable to market functionaries and such other money received by the market committees may be provided in the rules or bye-laws shall not form part of the Market Fund, and shall be kept in such manner as may be prescribed.
- (3) Save as otherwise provided in this Ordinance, the amount to the credit of the Market Fund and all other moneys received by the market committees shall be deposited in a scheduled co-operative bank, a nationalized bank, post office savings bank or in such other banks or financial institutions as the Board may approve.
- 39. Purposes for which the Market Fund shall be expended.** – Subject to the provisions of this Ordinance, the rules and the bye-laws made thereunder, the Market Fund shall be expended for meeting the following purposes, namely: -
- (1) contributing to the State Agricultural Marketing Board as may be prescribed;
- (2) to meet the administrative expenditure of the market committee, including payment of salaries and wages, contribution towards provident fund, pensions, leave salary and gratuities, compensations for injuries resulting from accidents, compassionate allowances for the officers and staff employed by it and legal expenses;
- (3) to meet the expenses of and incidental to elections of the market committee;
- (4) for the establishment, maintenance and improvement of the market yard;
- (5) for the construction and repair of buildings and other infrastructure necessary for the convenience and safety of persons using the market yard;

- (6) to provide facilities for quality certification, standardization and grading of agricultural produce and for communication with agriculturists and producers in the Delineated market area;
- (7) to provide and maintain standard weights and measures;
- (8) for the collection and dissemination of information regarding matters relating to crop statistics and marketing of agricultural produce;
- (9) for contributing to any scheme for the development of agricultural marketing including transport facilities;
- (10) for incurring expenses on research, extension and training in marketing of agricultural produce;
- (11) for prevention, in conjunction with other agencies, State, Central and others, of distress sale of agricultural produce;
- (12) for promoting co-operative marketing and assisting co-operative marketing societies and growers' societies in the procurement and organization of profitable disposal of agricultural produce, particularly produce belonging to small and marginal farmers;
- (13) to create and promote on its own or through a public private partnership arrangement, infrastructure for post-harvest handling of agricultural produce, cold storages, pre-cooling facilities, pack houses and all such infrastructure to develop a modern marketing system in the State;
- (14) for the acquisition of sites or land for the regulated market;
- (15) for the payment of interest on the loans that may be raised for the purposes of the regulated market and for providing a sinking fund in respect of such loans;
- (16) for expenses incurred in auditing the accounts of the market committee;
- (17) for payment of honorarium, travelling allowance and other allowances as may be approved by the Board to the Chairperson, Vice Chairperson and other members of the market committee and sitting fees payable to members for attending meetings of the market committee;
- (18) contributing to the general revenues of the Board, Local Authorities and such other agencies as the State Government may direct from time to time;

- (19) any other purpose connected with marketing of agricultural produce under this Ordinance whereon expending the Market Fund is in public interest, subject to the prior sanction of the Board; and
- (20) for such other purposes as the Board may direct from time to time.

40. Misapplication of the Market Fund. – (1) Any expenditure incurred by the market committee for a purpose other than those specified under the last preceding section or any expenditure incurred in excess of the budget approved by the Board shall deemed to be misapplication of the Market Fund.

- (2) In case of misapplication of the Market Fund, the Board may take such action as may be expedient.

CHAPTER - IX**Finance and Accounts**

- 41. Accounts of the market committee.** –The manner in which any payment shall be made by the market committee, its accounts shall be kept and audited or re-audited (including powers to be exercised by the auditor in that behalf), its annual, revised or supplementary budget estimates of income and expenditure shall be made (including provision for modifying, annulling or rescinding such budgets) and its annual administration report shall be prepared, shall be prescribed by rules made in that behalf.
- 42. Preparation and sanction of budget.** – (1) Every market committee shall prepare and pass a budget of its income and expenditure for the ensuing year in the prescribed form and shall submit it to the Board for approval. The Board shall approve the budget with or without modifications, within two months from the date of receipt thereof, failing which the budget shall be deemed to have been approved by the Board.
- (2) No expenditure shall be incurred by the market committee on any item if there is no provision in the sanctioned budget thereof:
- Provided that the market committee may, with the prior approval of the Board, re-appropriate the saving available under one head to other heads for incurring expenditure under such other heads.
- (3) A market committee may, at any time during the year for which a budget has been approved by the Board, cause a revised or supplementary budget to be passed and submit to the Board for approval, in the same manner as if it were an original budget.
- 43. Board to issue directions.** – The Board may issue directions to market committees in general or any market committee in particular regarding accounting of and expenditure from the Market Fund and other matters incidental thereto.
- 44. Audit of accounts of market committee.** – (1) Subject to this Ordinance and the rules made thereunder, the accounts of the market committee shall be audited yearly.
- (2) The report of audit of the accounts of the market committee shall be submitted to the Board with the comments of the committee, within six months of the completion of the financial year.
- (3) The Board shall consider the audit report and the comments of the market committee and along with its observations forward to the State Government, within eight months of the completion of the financial year.

CHAPTER -X**Staff of market committee**

45. **Executive Officer to the market committee.** – (1) Every market committee shall have an Executive Officer who shall be the Chief Executive of the market committee.
- (2) Subject to the powers of the Chairperson and other provisions of this Ordinance and rules and bye-laws made thereunder, the Executive Officer shall be the custodian of all records and properties of the market committee, and shall exercise and perform the following powers and duties, in addition to such other duties as may be specified in this Ordinance, rules and bye-laws, namely: -
- (a) Convene in consultation with the Chairperson, meetings of the market committee and of the sub-committees, if any, and maintain minutes of the proceedings thereof;
 - (b) attend meetings of the market committee and of every sub-committee and take part in the discussions but shall not move any resolution or vote at any such meeting;
 - (c) take action to give effect to the resolutions of the committee and of the sub-committees, and report about all actions taken in pursuance of such resolutions to the committee and the sub-committee as soon as possible;
 - (d) prepare a budget of income and expenditure of the market committee, place it before the market committee and submit the approved budget for the approval of the Board within such time and in such manner as may be prescribed;
 - (e) furnish to the market committee such returns, statements, estimates, statistics and reports of all sub-committees including the following reports –
 - (i) regarding the fines and penalties levied on and any disciplinary action taken against members of the staff and market functionaries and others;
 - (ii) regarding transactions by traders in excess of their ability to fulfill their obligations, if any;
 - (iii) regarding contravention of the Ordinance and the rules and bye-laws made thereunder and standing orders by any person;
 - (iv) regarding the suspension or cancellation of licenses;
 - (v) regarding the administration of the market committee and the regulation of marketing of agricultural produce;

- (f) produce before the committee such documents including books and registers as may be necessary for the transaction of the business of the committee or the sub-committee, whenever called upon by the market committee to do so;
 - (g) exercise supervision and control over all officers and servants of the market committee;
 - (h) collect fees and other moneys leviable by or due to the market committee;
 - (i) be responsible for all moneys credited to or received on behalf of the market committee;
 - (j) make disbursements of all moneys lawfully payable by the market committee;
 - (k) report to the Chief Executive Officer of the Board and the Director of Agricultural Marketing as soon as possible in respect of fraud, embezzlement, theft or loss of Market Fund or property;
 - (l) prefer complaints in respect of prosecutions to be launched on behalf of the market committee and conduct proceedings, civil or criminal, on behalf of the market committee.
 - (3) The Executive Officer shall be appointed by the Board from amongst persons in a merit panel maintained by it.
 - (4) Appointment of the Executive Officer made by the Board shall be binding on the market committee.
46. **Appointment of other officers and staff.** – (1) Every market committee, **with prior approval of the Board** may appoint such other officers and staff as may be necessary and proper for the efficient discharge of its duties.
- (2) The Board **with prior approval of the State Government** may issue directions regarding creation of posts, appointment, pay, leave, leave allowances, pensions, gratuities, contribution to provident fund and other conditions of service of officers and staff appointed under sub-section (1) and for providing for the delegation of powers, duties and functions to them.

CHAPTER – XI

Assam State Agricultural Marketing Board

47. **Assam State Agricultural Marketing Board.** – (1) With effect from such date as the State Government may, by notification appoint in this behalf, there shall be established for the State a Board called the Assam State Agricultural Marketing Board.

- (2) The Board shall be a body corporate having perpetual succession and a common seal, may sue and be sued in its corporate name and shall, subject to such restrictions as are imposed by or under this Ordinance, be competent to contract and to acquire, hold, lease, sell or otherwise transfer any property and to do all other things necessary for the purpose for which it is established.

48. Composition of the Board. – (1) The Board shall consist of the following members, namely: –

- (a) A Chairperson to be elected by members of market committees of the State, in such manner as may be prescribed:

Provided that no person who is not an agriculturist shall be eligible to be elected as the Chairperson of the Board;

- (b) A Vice Chairperson to be elected by members of market committees of the State, in such manner as may be prescribed;
- (c) Six members to be nominated by the Government from amongst chairpersons of market committees in such manner as may be prescribed;
- (d) One member each to be nominated by the Government from amongst private market licensees, direct market licensees and electronic marketplace licensees in such manner as may be prescribed;
- (e) One member to be nominated by the Government from amongst registered farmer producer companies, if any, in such manner as may be prescribed;
- (f) One member to be nominated by the Government from amongst licensees granted a license under section 1111 of the Ordinance in such manner as may be prescribed;
- (g) One member to be nominated by the Government from amongst market participants from other states in such manner as may be prescribed;
- (h) Officials of the Government of Assam, *ex-officio*;
- (i) Secretary to the Government, Department of Agriculture and Horticulture;
- (ii) Secretary to the Government, Department of Industries and Commerce;
- (iii) Secretary to the Government, Department of Cooperation;
- (iv) Secretary to the Government, Department of Animal Husbandry and Veterinary;

- (v) Secretary to the Government, Department of Fisheries;
 - (vi) Secretary to the Government, Department of Urban Development;
 - (vii) Secretary to the Government, Department of Rural Development;
 - (viii) Secretary to the Government, Department of Environment and Forests;
 - (ix) Director of Agricultural Marketing;
 - (x) Registrar of Co-operative Societies, Assam;
 - (xi) The Chief Executive Officer of the Board appointed under Section 56 of this Ordinance;
- (i) A nominee of the Agricultural Marketing Advisor to the Government of India or his nominee not below the rank of an Under Secretary to Government of India, *ex-officio*;
- (j) A representative of the National Bank for Agriculture and Rural Development not below the rank of Deputy General Manager.
- 49. Term of office of nominated members of the Board.** – The nominated members of the Board shall, save as otherwise provided in this Ordinance, hold office for a period of five years.
- 50. Ordinances of the Board not to be invalid.** – No Ordinance of the Board or any sub-committee thereof, or of any person acting as a member, Chairperson, Vice Chairperson or the Chief Executive Officer shall be deemed to be invalid by reason only of some defect in the constitution or appointment of the Board, sub-committee, member, Chairperson, Vice Chairperson or the Chief Executive Officer on the ground that they, or any of them, were disqualified for such office, or that a formal notice of the intention to hold a meeting of the Board or sub-committee was not given duly or by reason of such Ordinance having been done during the period of any vacancy in the office of the Chairperson, Vice Chairperson or members of the Board or the Chief Executive Officer or any other infirmity not affecting the merits of the case.
- 51. Resignation of Chairperson or members of the Board.** – (1) The Chairperson of the Board may resign his membership in writing, delivered or caused to be delivered to the State Government and such resignation shall be effective from the date of acceptance by the State Government, unless, before such acceptance he withdraws such resignation in writing under his hand addressed to the State Government.
- (2) A member of the Board other than an *ex-officio* member may resign his membership in writing, addressed to the State Government and delivered or caused to be delivered to the Chairperson of the Board, who shall acknowledge the receipt of the same and forward to the State Government and such

resignation shall be effective from the date of acceptance by the State Government, unless, before such acceptance he withdraws such resignation in writing under his hand addressed to the State Government.

52. **Removal of Chairperson or members of the Board.** – The State Government may by order remove the Chairperson or members of the Board, if the Chairperson or such member have become subject to any of the disqualifications under this Ordinance or for misconduct in the discharge of their duties or for neglect of or incapacity to perform their duties or for being persistently remiss in the discharge of their duties:

Provided that no such order shall be made unless the Chairperson or member has been given a reasonable opportunity of being heard.

53. **Supersession of the Board.** – If in the opinion of the State Government, the Board is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Ordinance, or otherwise by law, or exceeds or abuses its powers or is involved in the misapplication of the Board's fund, or is guilty of mismanagement, the State Government may, by notification supersede the Board.

54. **Vacancies in the Board.** – (1) Where a vacancy occurs through resignation, removal or non-acceptance of office by a person nominated to be a member or through such person becoming disqualified to be a member or through the death or expiry of his term of office as the case may be, the vacancy shall be filled up within three months of the occurrence of such vacancy:

Provided that if the vacancy of a member occurs within six months preceding the date on which the term of office of the member expires, the vacancy shall not be filled up.

- (2) A member so appointed to fill a vacancy shall hold office till the date up to which his predecessor would have held office had such vacancy not occurred.

55. **Conduct of business of the Board.** – Subject to the provisions of the Ordinance and the rules made thereunder, the Board shall conduct its meetings and other business in the manner as may be prescribed.

56. **Chief Executive Officer of the Board.** – (1) The State Government shall, in the manner as may be prescribed, appoint the Chief Executive Officer of the Board.

- (2) The Chief Executive Officer shall be the ex-officio secretary of the Board and shall hold office for such period and under such terms and conditions as may be prescribed.

57. **Functions of the Board.** – (1) The Board shall, subject to the provisions of this Ordinance, rules and regulations made thereunder, discharge the following functions and shall have power to do all such acts as may be necessary or expedient for carrying out its functions, namely: -
- (a) to advise on matters referred to it by the State Government;
 - (b) to exercise superintendence and control over market committees in such manner as may be prescribed;
 - (c) to direct market committees in general or any market committee in particular, with a view to ensure improvement in their functions thereof;
 - (d) to formulate a procurement policy for the Board and market committees;
 - (e) to co-ordinate the working of market committees and their affairs thereof, including programmes undertaken by them for the development of regulated markets and delineated market areas;
 - (f) to prepare plans for the development of agricultural marketing, regulated markets and matters incidental thereto in the State;
 - (g) to facilitate, promote and develop regulated market infrastructure in the State, including encouraging public private partnerships;
 - (h) to establish standards for market infrastructure in the State;
 - (i) to approve proposals for selection of new sites by market committees for establishment of market yards;
 - (j) to supervise and guide market committees in the preparation of plans and estimates of construction programmes undertaken by them;
 - (k) to approve proposals submitted by market committees for constructing infrastructural facilities in the delineated market area;
 - (l) to establish standards for agricultural produce, promote grading and standardisation and quality certification of agricultural produce in the State by setting up of an Agricultural Produce Marketing Standards Bureau;
 - (m) to maintain a panel of suitable candidates, including professionals not in the service of the State Government or a Local Authority, for being appointed as Executive Officers;
 - (n) to train employees, members and other functionaries of the Board and market committees, agriculturists and producers and market functionaries

on agricultural marketing, including organising seminars, workshops, study visits and exhibitions;

- (o) to undertake extension services in the marketing of agricultural produce and allied sectors including in the transfer of marketing technology, information on production, sale, storage, processing, price dissemination, etc.;
 - (p) to administer the Assam State Agricultural Marketing Board Fund and the Agricultural Marketing Development Fund and execute all works chargeable thereto;
 - (q) to provide assistance, loans and subventions to market committees under such terms and conditions as it may deem fit;
 - (r) any other function that may be entrusted to the Board by the State Government under this Ordinance;
 - (s) any other function considered necessary for carrying out the provisions of this Ordinance.
- (2) The Chairperson or the Chief Executive Officer of the Board or any other employee of the Board authorized in this behalf by the Board may, call for any information or return from a market committee in relation to such market committee and shall have the power to inspect the records of a market committee.

58. Power to borrow. – The Board may, from time to time, with the previous sanction of the State Government, borrow money from a bank or a financial institution or issue debentures secured on any property vested in it for carrying out the purpose for which it has been established and may incur any expenditure towards borrowing money or issue of debentures.

59. Powers to make regulations. – (1) The Board may, subject to the provisions of this Ordinance and the rules made thereunder and with the previous approval of the State Government, make regulations for carrying into effect the purposes of this Ordinance.

- (2) In particular, and without prejudice to the generality of the foregoing power, the Board may make regulations to provide for all or any of the following matters, namely: –
 - (a) powers and duties of the Board, the Chairperson, and the Chief Executive Officer;

- (b) summoning and holding of meetings of the Board, the time and date when such meetings are to be held, the conduct of business at such meetings and the number of such persons necessary to form a quorum thereat;
- (c) the powers and duties of officers and other employees of the Board;
- (d) recruitment, appointment and other conditions of service of officers and employees of the Board;
- (e) management of the property of the Board;
- (f) execution of contracts and acquiring and disposal of moveable and immovable properties on behalf of the Board;
- (g) assurances of property on behalf of the Board;
- (h) manner of preparation of budget and incurring expenditure;
- (i) maintenance of accounts, monitoring and preparation of annual accounts and balance sheet along with the annual report of the Board;
- (j) auditing the accounts of the Board; and
- (k) any other matter, for which provision has to be or may be provided by the regulations.

Note: The Board shall not create any posts of any category for carrying out the duties of the Board or Market Committees in any manner without prior approval of State Government.

60. **Grants or loan to the Board.** – The State Government may provide financial assistance in the form of grants or loans to the Board for the development of marketing infrastructure, promotion of agricultural marketing or any other purpose as it may deem it necessary.
61. **Contribution to State Agricultural Marketing Board.** – Every market committee in the State shall pay to the Board, before the fifteenth of every month, in such manner as may be prescribed, 50 per cent of its gross receipts received during the previous calendar month by way of license fee and market fees, as contribution for carrying out the functions assigned to the Board under this Ordinance.
62. **Assam State Agricultural Marketing Board Fund.** –All moneys received by the Board by way of contribution, fees or other charges, all moneys received by way of loans and all grants, loans or contributions made by the State Government to the Board shall form part of a fund to be called the Assam State Agricultural Marketing Board Fund, which shall be used and expended in such manner as may be prescribed.

63. **Agricultural Marketing Development Fund.** – (1) Half the amount received by the Board under section 61 of the Ordinance as contribution from market committees during a year shall be transferred to a separate fund to be known as the Agricultural Marketing Development Fund.
- (2) The Agricultural Marketing Development Fund shall be expended by the Board in such manner as may be prescribed.
64. **Purposes for which the Assam State Agricultural Marketing Board Fund shall be expended.** – (1) The Assam State Agricultural Marketing Board Fund shall be utilised by the Board for the discharge of functions entrusted to it under this Ordinance.
- (2) In particular, and without prejudice to the generality of this provision, the Assam State Agricultural Marketing Board Fund may be utilised for the following purposes, namely: –
- (a) payment of administrative expenditure of the Board, including payment of salaries and wages, contribution towards provident fund, pensions, leave salary and gratuities, compensations for injuries resulting from accidents, compassionate allowances for the officers and staff employed by it, legal expenses, honorarium, sitting fee, travelling and other allowances to the Chairperson and members and audit fees;
 - (b) improvement to the regulation of agricultural marketing in the State like providing technical assistance to market committees, internal and special audit of market committees and surveillance of trading;
 - (c) granting aid to financially weak or needy market committees in the form of loans or grants;
 - (d) training of the members of the Board and market committees, officers and employees of the Board and market committees, market functionaries and agriculturists and producers;
 - (e) imparting education in the marketing of agricultural produce;
 - (f) propaganda and publicity on matters relating to marketing of agricultural produce;
 - (g) organising and arranging study visits, workshops, seminars, exhibitions etc., on agricultural marketing;
 - (h) market survey and research pertaining to agricultural marketing, grading and standardisation, quality certification of agricultural produce and other allied matters;

- (i) development of quality testing and communication infrastructure relevant to agricultural marketing and allied sectors;
- (j) acquiring or constructing or hiring by lease or otherwise of buildings or land for performing the duties of the Board;
- (k) general improvement of the facilities for the transport of notified agricultural produce to the market yard and the marketing thereof;
- (l) development of media, cyber, information technology and long-distance infrastructure relevant to marketing of agricultural produce and allied commodities;
- (m) any purpose as may be deemed necessary by the Board for carrying out the purposes of this Ordinance; and
- (n) any purpose as may be directed by the State Government for carrying out the purposes of this Ordinance.

65. Accounts of the Board. –The manner in which any payment from the Assam State Agricultural Marketing Board Fund shall be made, its accounts shall be kept and audited or re-audited (including powers to be exercised by the auditor in that behalf), its annual, revised or supplementary budget estimates of income and expenditure shall be made (including provision for modifying, annulling or rescinding such budgets) and its annual administration report shall be prepared, shall be prescribed by rules made in that behalf.

66. Preparation and sanction of budget. – (1) The Board shall prepare and pass a budget of its income and expenditure for the ensuing year in the prescribed form and shall submit it to the State Government for approval. The State Government shall approve the budget with or without modifications, within two months from the date of receipt thereof, failing which the budget shall deemed to have been approved.

- (2) No expenditure shall be incurred by the Board on any item if there is no provision in the sanctioned budget thereof:

Provided that the Board may, with the prior approval of the State Government, re-appropriate the saving available under one head to other heads for incurring expenditure under such other heads.

- (3) The Board may, at any time during the year for which a budget has been approved by the State Government, cause a revised or supplementary budget to be passed and submit to the State Government for approval, in the same manner as if it were an original budget.

67. **Audit of accounts of the Board.** – (1) Subject to this Ordinance and the rules made thereunder, the accounts of the Board shall be audited yearly.
- (2) The report of audit of the accounts of the Board shall be submitted to the State Government along with the comments of the Board, within six months of the completion of the financial year.

CHAPTER – XII

Special Markets

68. **Special markets.** – The Director of Agricultural Marketing may, after considering such matters as may be prescribed, by notification declare any market as a “special market”, to be operated in addition to an existing regulated market for improved regulation of marketing of agricultural produce.
69. **Market committee for special markets.** – (1) The State Government may, if in its opinion it is expedient to do so, take necessary steps for the establishment of a separate market committee for the special market, in the manner provided in this Ordinance, notwithstanding that the special market falls within the jurisdiction of any market committee or committees already functioning and regulating marketing of any other commodity or commodities.
- (2) When a special market is established under this chapter, the State Government may by notification declare that the provisions of this Ordinance shall, with such modifications, as may be specified in the notification, apply in respect of such special market.
- (3) Subject to any modification notified under sub-section (2) above, the provisions of this Ordinance shall *mutatis mutandis* apply to the market committees established in pursuance of the provisions of this chapter.

CHAPTER - XIII**Private Markets**

- 70. Grant of license to establish a private market.** – (1) No person shall establish and operate a private market for marketing of agricultural produce without obtaining a license under this Ordinance.
- (2) Any person may apply to the Director of Agricultural Marketing for grant of a license to establish a private market in the State, in such form, in such manner and with such fees, as may be prescribed.
- (3) Every application made under this section shall be disposed of by the Director of Agricultural Marketing within a period of sixty days from the date of receipt of such application.
- (4) Subject to such conditions as may be prescribed, the Director of Agricultural Marketing may either grant a license in the prescribed manner to the applicant for establishing a private market or refuse to grant a license under this section:
- Provided that if the Director of Agricultural Marketing refuses to grant a license under this section, he shall record the reasons for such refusal in writing and communicate his order to the applicant.
- (5) Every license granted under this section shall remain valid from the date of its issue for such period as may be specified in the license and may be renewed from time to time, for such period, on payment of such fee, in such manner and on fulfilment of such conditions as may be prescribed.
- (6) If the Director of Agricultural Marketing refuses to renew a license granted under this section, he shall record the reasons for such refusal in writing and communicate his order to the applicant.
- 71. Power to suspend a license.** – (1) The Director of Agricultural Marketing may suspend the license if in his opinion, it is not in public interest that the private market continues to carry on its functions.
- (2) Any order issued under this section shall specify the Delineated market area or areas that the licensee shall not operate, the duration of suspension and such other detail as may be prescribed.
- (3) No order of suspension shall remain in force for a period exceeding fifteen days from the date of the order, save in cases where the Director of Agricultural Marketing commences proceedings under section 72 of this Ordinance.

72. **Cancellation of license.** – (1) The Director of Agricultural Marketing may cancel the license if, –

- (a) the licensee has obtained the license fraudulently or by misrepresentation of facts;
- (b) the licensee or any person acting on his behalf, has violated any of the provisions of the Ordinance, the rules made thereunder or the bye-laws or terms and conditions of the license;
- (c) the licensee in concert with other licensees or other persons, wilfully commits any act or abstains from carrying its normal functions and responsibilities in its market yard with an intention of obstructing, suspending or stopping the marketing of agricultural produce in the market yard or delineated market area and in consequence whereof marketing of any such agricultural produce has been obstructed, suspended or stopped;
- (d) the licensee has been adjudicated as an insolvent or is an un-discharged insolvent;
- (e) the licensee incurs any disqualification, as may be prescribed; or
- (f) if the holder of license is convicted of any offence under the Ordinance and a period of one year from the date of such conviction has not lapsed if the conviction is for the first time and a period of three years has not lapsed for every subsequent conviction:

Provided that no order cancelling the license shall be made unless the licensee has been given a reasonable opportunity of being heard.

- (2) Any proceeding under this section shall be completed within a period of thirty days from the date of commencement thereof.

73. **Bye-laws of a private market.** – (1) Every private market licensed under this chapter shall frame bye-laws for the conduct of its business, including fixation of its service charges, registration of market functionaries, quality testing of agricultural produce, process by which the produce can be sold, weighment, payment of sale value to sellers and dispute resolution.

- (2) A copy of the bye-laws framed and any subsequent amendments thereof shall be submitted to the Director of Agricultural Marketing and uploaded on the web-site of the private market at least fifteen days before the bye-laws or the amendment becomes effective.

74. **Principal market yards and sub-market yards.** – (1) Every private market licensed under this chapter shall, under intimation to the Director of Agricultural

Marketing, declare any place in the delineated market area to be used as the principal market yard and other places as sub-market yards for the marketing of agricultural produce.

Explanation. – In this section, the expression "place" shall include any structure, enclosure, building, warehouse, godown, open place, locality or street, whether owned by the licensee or not.

(2) The land requirement and other facilities to be available for declaring a place as a principal market yard or a sub-market yard shall be such as may be prescribed.

75. Duties and responsibilities of a private market licensee. – (1) Subject to the provisions of this Ordinance and rules, it shall be the duty of a private market licensee, to:

(a) provide in its market yard necessary infrastructure facilities for buyers to buy agricultural produce from producers under the conditions of license granted to it and as per its bye-laws;

(b) provide necessary facilities for storage of notified agricultural produce and funding of such produce, wherever necessary;

(2) A private market licensee may levy and collect registration fees and service charges for the services rendered and utilities provided to sellers, buyers and all other functionaries registered with or using the private market and shall periodically remit such amounts as may be prescribed to the Board or the market committee of the delineated market area where it is situated.

76. Dispute resolution. – (1) Disputes arising in a private market shall be resolved by the licensee as per its bye-laws within fifteen days of the arising of the dispute.

(2) Any person whose dispute is not resolved as per sub section (1) may appeal to the Director of Agricultural Marketing within thirty days of arising of the dispute and the Director of Agricultural Marketing may pass such orders as may be deemed necessary.

(3) Any person aggrieved by the resolution of the dispute under sub-section (1) may appeal to the Director of Agricultural Marketing within fifteen days of the decision, and any order passed by the Director of Agricultural Marketing in the matter shall be final and shall not be called in question in any Court of Law.

77. Manager of the private market. – Every private market licensed under this chapter shall appoint a Manager of the private market, who shall be responsible to carry out

the duties and responsibilities of the private market as provided in this Ordinance and the rules framed thereunder and its bye-laws.

78. **Submission of information.** – (1) Every private market licensed under this chapter shall submit such periodic information within such time as may be directed by the Director of Agricultural Marketing.

(2) The Director of Agricultural Marketing may call for such information as deemed necessary and the private market shall submit such information as expeditiously as possible.

79. **Annual report of private market.** – A private market shall, along with its audited accounts for the financial year submit an annual report containing such details as may be prescribed, to the Director of Agricultural Marketing within seven months from the close of the financial year.

CHAPTER – XIV**Farmer – consumer markets**

80. **Farmer – consumer markets.** – (1) Farmer – consumer markets may be established in a delineated market area by the market committee or by any person to encourage the producer of agricultural produce to sell directly to the consumer:

Provided that no consumer shall purchase more than such quantity of agricultural produce at a time in the farmer – consumer market as may be specified by the Director of Agricultural Marketing.

- (2) Save as otherwise provided in this Ordinance no market fee shall be levied on the transactions undertaken in the farmer – consumer market.
81. **Farmer – consumer markets established by a market committee.** – A regulated market committee may, after resolving to do so and informing the Director of Agricultural Marketing and the Board, establish a farmer – consumer market in its delineated market area.
82. **Private farmer– consumer markets.** – (1) Any person may apply to the Director of Agricultural Marketing for grant of a license to establish a farmer – consumer market at any specified location in the State, in such form, in such manner and with such fees, as may be prescribed.

(2) Every application made under this section shall be disposed of by the Director of Agricultural Marketing within a period of sixty days from the date of receipt of such application.

(3) Subject to such conditions as may be prescribed, the Director of Agricultural Marketing may either grant a license in the prescribed manner to the applicant for establishing a private farmer-consumer market or refuse to grant a license under this section:

Provided that if the Director of Agricultural Marketing refuses to grant a license under this section, he shall record the reasons for such refusal in writing and communicate his order to the applicant.

- (4) Every license granted under this section shall remain valid from the date of its issue for such period as may be specified in the license and may be renewed from time to time, for such period, on payment of such fee, in such manner and on fulfilment of such conditions as may be prescribed.
- (5) If the Director of Agricultural Marketing refuses to renew a license granted under this section, he shall record the reasons for such refusal in writing and communicate his order to the applicant.
- (6) The provisions of section 71 to section 79 of the Ordinance shall, *mutatis mutandis* apply to private farmer – consumer markets.

CHAPTER - XV**Direct marketing of agricultural produce**

83. Grant of license for direct marketing. –(1) Any person with infrastructure and other facilities as may be prescribed and with linkages to retail chain may apply to Director for grant of license for direct purchase of agriculture produce from farmers outside the market yard, sub market yard, private market yard in wholesale as may be specified.

(2) Every application made under this section shall be disposed of by the Director of Agricultural Marketing within a period of sixty days from the date of receipt of such application.

(3) Subject to such conditions as may be prescribed, the Director of Agricultural Marketing may either grant a license in the prescribed manner to the applicant for establishing direct marketing or refuse to grant a license under this section:

Provided that if the Director of Agricultural Marketing refuses to grant a license under this section, he shall record the reasons for such refusal in writing and communicate his order to the applicant.

(4) Every license granted under this section shall remain valid from the date of its issue for such period as may be specified in the license and may be renewed from time to time, for such period, on payment of such fee, in such manner and on fulfilment of such conditions as may be prescribed.

(5) If the Director of Agricultural Marketing refuses to renew a license granted under this section, he shall record the reasons for such refusal in writing and communicate his order to the applicant.

84. Power to suspend a license. – (1) The Director of Agricultural Marketing may suspend the license if in his opinion, it is not in public interest that the direct market licensee continues to carry on its functions.

(2) Any order issued under this section shall specify the Delineated market area or areas that the licensee shall not operate, the duration of suspension and such other detail as may be prescribed.

(3) No order of suspension shall remain in force for a period exceeding fifteen days from the date of the order, save in cases where the Director of Agricultural Marketing commences proceedings under section 84 of this Ordinance.

85. Cancellation of license. – (1) The Director of Agricultural Marketing may cancel the license if, –

- (a) the licensee has obtained the license fraudulently or by misrepresentation of facts;
- (b) the licensee or any person acting on his behalf, has violated any of the provisions of the Ordinance, the rules made thereunder or the bye-laws or terms and conditions of the license;
- (c) the licensee in concert with other licensees or other persons, wilfully commits any act or abstains from carrying its normal functions and responsibilities in its market yard, with an intention of obstructing, suspending or stopping the marketing of agricultural produce in the market yard or delineated market area and in consequence whereof marketing of any such agricultural produce has been obstructed, suspended or stopped;
- (d) the licensee has been adjudicated as an insolvent or is an un-discharged insolvent;
- (e) the licensee incurs any disqualification, as may be prescribed; or
- (f) if the holder of license is convicted of any offence under the Ordinance and a period of one year from the date of such conviction has not lapsed if the conviction is for the first time and a period of three years has not lapsed for every subsequent conviction:

Provided that no order cancelling the license shall be made unless the licensee has been given a reasonable opportunity of being heard.

- (2) Any proceeding under this section shall be completed within a period of thirty days from the date of commencement thereof.

86. Bye-laws of a direct market. – (1) Every direct market licensee under this chapter shall frame bye-laws for the conduct of its business, including fixation of its service charges, registration of market functionaries, quality testing of agricultural produce, process by which the produce can be sold, weighment, payment of sale value to sellers and dispute resolution.

- (2) A copy of the bye-laws framed and any subsequent amendments thereof shall be submitted to the Director of Agricultural Marketing and uploaded on the web-site of the direct market licensee at least fifteen days before the bye-laws or the amendment becomes effective.

87. Place of business of a direct market licensee. – Every direct market licensee under this chapter shall, under intimation to the Director of Agricultural Marketing,

declare any place in the delineated market area to be used as its place of business for the marketing of agricultural produce.

Explanation. – In this section, the expression "place" shall include any structure, enclosure, building, warehouse, godown, open place, locality or street, whether owned by the licensee or not.

88. Duties and responsibilities of a direct market licensee. – (1) Subject to the provisions of this Ordinance and rules, it shall be the duty of a direct market licensee, to –

(a) provide in its business place necessary infrastructure facilities for buyers to buy agricultural produce from producers under the conditions of license granted to it and as per its bye-laws;

(b) provide necessary facilities for storage of notified agricultural produce and funding of such produce, wherever necessary;

(2) A direct market licensee shall periodically remit applicable market fee as may be prescribed to the market committee of the delineated market area where direct purchase is made.

89. Dispute resolution. – (1) Disputes arising in a direct market shall be resolved by the licensee as per its bye-laws within fifteen days of the arising of the dispute.

(2) Any person whose dispute is not resolved as per sub section (1) above may appeal to the Director of Agricultural Marketing within thirty days of arising of the dispute and the Director of Agricultural Marketing may pass such orders as may be deemed necessary.

(3) Any person aggrieved by the resolution of the dispute under sub-section (1) above may appeal to the Director of Agricultural Marketing within fifteen days of the decision, and any order passed by the Director of Agricultural Marketing in the matter shall be final and shall not be called in question in any Court of Law.

90. Manager of the direct market. – Every direct market licensed under this chapter shall appoint a Manager of the direct market, who shall be responsible to carry out the duties and responsibilities of the direct market as provided in this Ordinance and the rules framed thereunder and its bye-laws.

91. Submission of information. – (1) Every direct market licensed under this chapter shall submit such periodic information within such time as may be directed by the Director of Agricultural Marketing.

(2) The Director of Agricultural Marketing may call for such information as deemed necessary and the direct market licensee shall submit such information as expeditiously as possible.

92. Annual report of direct market licensee. – A direct market licensee shall, along with its audited accounts for the financial year submit an annual report containing such details as may be prescribed, to the Director of Agricultural Marketing within seven months from the close of the financial year.

CHAPTER – XVI**Electronic marketplace**

93. Electronic marketplace. –An electronic marketplace provides for buying and selling of agricultural produce, where the buyer and seller transact through an electronic platform, with physical delivery of the agricultural produce concluding the transaction.

Explanation (1): Exchanges recognised by the Securities and Exchange Board of India, providing for trading in commodity derivative contracts shall not be considered as electronic marketplaces for the purpose of this Ordinance.

Explanation (2): Markets functioning under the supervision of a market committee or a private market licensee, using an electronic platform for transactions with the buyers and sellers being present in the market yard shall not be treated as an electronic marketplace.

94. Establishment of an electronic marketplace. – (1) No person shall establish and operate an electronic marketplace for marketing of agricultural produce without obtaining a license under this Ordinance.

Explanation: A market committee or a private market licensee may, without a license, operate its market yards using an electronic platform established and operated by the State Government or agencies as may be notified by it.

(2) Any person may apply to the Director of Agricultural Marketing for grant of a license to establish an electronic marketplace in the State, in such form, in such manner and with such fees, as may be prescribed.

(3) Every application made under this section shall be disposed of by the Director of Agricultural Marketing within a period of sixty days from the date of receipt of such application.

(4) Subject to such conditions as may be prescribed, the Director of Agricultural Marketing may either grant a license in the prescribed manner to the applicant for establishing an electronic marketplace or refuse to grant a license under this section:

Provided that if the Director of Agricultural Marketing refuses to grant a license under this section, he shall record the reasons for such refusal in writing and communicate his order to the applicant.

(5) Every license granted under this section shall remain valid from the date of its issue for such period as may be specified in the license and may be

renewed from time to time, for such period, on payment of such fee, in such manner and on fulfilment of such conditions as may be prescribed.

- (6) If the Director of Agricultural Marketing refuses to renew a license granted under this section, he shall record the reasons for such refusal in writing and communicate his order to the applicant.

95. Facilities to be provided by an electronic marketplace. – An electronic marketplace licensed under this chapter shall provide, –

- (1) an electronic platform, comprising a trading platform, material accounting module, trade completion module, fund processing module, data management module and reporting module;
- (2) facilities for testing the quality of agricultural produce and its certification;
- (3) facilities for storing the agricultural produce, as may be expedient;
- (4) financing of the agricultural produce, in case it is stored for sale at a later date;
- (5) online trading and clearing system with national reach;
- (6) appropriate dispute resolution mechanisms; and
- (7) such other facilities as the Director of Agricultural Marketing may direct from time to time.

96. Provisions to apply. – The provisions of section 71 to section 79 of this Ordinance shall, *mutatis mutandis* apply to an electronic marketplace licensed under this chapter.

CHAPTER - XVII**Regulation of trading**

97. **Regulation of marketing of agricultural produce.** – On and after the date of the publication of the notification under section 12 of the Ordinance or at such later date as may be specified therein, –

- (1) sale of agricultural produce shall not take place except in, –
 - (a) a market yard established by a regulated market or a special market or a private market; or
 - (b) a farmer consumer market; or
 - (c) under a direct marketing arrangement; or
 - (d) an electronic marketplace;
- (2) no person shall, except in accordance with the provisions of this Ordinance, the rules and the bye-laws made thereunder and in conformity with the terms and conditions of a license granted in this behalf shall, –
 - (a) use any place in the delineated market area for the marketing of agricultural produce; or
 - (b) operate in the delineated market area or in any market therein as a market functionary in relation to the marketing of agricultural produce;
- (3) nothing in this section shall apply, –
 - (a) if such agricultural produce is sold in retail to a person who purchases such produce for his own private consumption not exceeding such quantity and, in such manner, as may be prescribed; or
 - (b) if such agricultural produce is brought for sale by head load:

Provided that the State Government may, by notification withdraw this exemption specifying the reasons therein in respect of such delineated market area as may be specified in the notification.

- (c) to the sale of agricultural produce in local markets in the prescribed manner; or
- (d) if such agricultural produce is purchased by an authorised fair price shop dealer from the Food Corporation of India or any other agency or institution

authorised by the State Government for distribution of essential commodities through the public distribution system; or

- (e) to the transfer of such agricultural produce to a cooperative society for the purpose of securing an advance there from but not on sale; or
 - (f) in case of sale of such agricultural produce brought by licensed or registered traders from outside the delineated market area or in the delineated market area, but from within the State in the course of a commercial transaction or by way of transportation.
- 98. Local markets.** – (1) Local markets as on the date of commencement of this Ordinance shall continue to vest with the Local Authority concerned, until notified otherwise by the State Government.
- (2) The Director of Agricultural Marketing may, with the prior approval of the State Government, issue such directions as may be deemed necessary for regulating sale and purchase of agricultural produce in such local markets.
 - (3) Every Local Authority shall comply with the directions issued under sub-section (2) above.
- 99. Sale price of agricultural produce.** – (1) The sale price of agricultural produce brought for sale to a principal market yards or sub-market yards regulated by the market committee or private market yards or special market yards shall be determined either by a tender system or by a public auction including e-auction or in such other transparent manner as may be provided in the bye-laws made under this Ordinance.
- (2) The sale price of agricultural produce brought for sale to a farmer consumer market shall be determined by mutual agreement between the farmer and the consumer.
 - (3) The sale price of agricultural produce brought for sale to a private market or a direct marketing centre or an electronic marketplace shall be determined in accordance with its bye-laws.
- 100. Weighment of agricultural produce sold.** – Weighment of the agricultural produce sold shall be done by such persons, using such systems and in such manner as may be provided in the bye-laws and the directions issued by the Director of Agricultural Marketing from time to time.
- 101. No deductions in weight or payment other than those specified.** – (1) No market functionary and no other person shall make, give, allow, receive or recover any deductions in weight or payment or any other allowance in respect of any transaction relating to the agricultural produce other than those provided in this

Ordinance, the rules or the bye-laws made thereunder and no Civil Court shall, in any suit or proceeding arising out of any such transaction, entertain or allow any claim for any deduction or allowance not so provided for.

- (2) For the purpose of sub-section (1) above, the following deductions shall be deemed to be permissible deductions, namely, –
- (a) deduction of the weight of the container where the price fixed according to the bye-laws relates only to the goods contained in the container and either a separate price is fixed for the container or the container is to be retained by the seller or the container is made of such material and is of negligible value that it is permitted to be delivered to the buyer without payment of any price in accordance with the bye-laws; or
 - (b) deduction in weight on account of driage of raw produce as shall be fixed by the bye-laws, where according to such bye-laws, the produce is required to be weighed and the weight recorded as soon as it is entrusted to the commission agent for sale and there is no likelihood of the produce being sold on the same day on which it is so entrusted; or
 - (c) deduction in weight or price, on account of deviation from sample or known standard, made in accordance with the decision of the authority entrusted with settlement of disputes under this Ordinance, where the purchase is made by sample or by reference to a known standard; or
 - (d) deduction in weight or price, on account of the detection of adulteration not readily detectable on customary examination made in accordance with the decision of the authority entrusted with settlement of disputes under this Ordinance.
- (3) The Director of Agricultural Marketing shall ensure that deductions under clause (a) of sub-section (2) above are uniform in all the delineated market areas in the State in respect of similar types of containers and that deductions under clause (b) of sub-section (2) above do not materially vary in markets located in areas with similar climatic conditions.

102. Payment of sale value to the seller. – (1) The sale value of the agricultural produce sold shall be paid to the seller within such period and in such manner as may be prescribed.

- (2) In case the buyer does not pay the sale value as per sub-section (1) above, he shall be liable to make additional payment at the rate of one percent per day of the sale value of the agricultural produce sold, payable to the seller within five days of the due date.

- (3) In case the buyer does not pay the sale value along with the additional payment as per sub-section (2) above, notwithstanding any other action that may be taken under this Ordinance, the license of the buyer shall be deemed to have been cancelled on the sixth day and he shall not be licensed or granted any license or permitted to operate under this Ordinance for a period of one year from the date of such deemed cancellation.

103. Responsibilities of the commission agent. – A commission agent shall, –

- (1) arrange for the storage of the goods of the seller;
- (2) keep the goods of the seller in safe custody and adequately insured against theft or fire, flood, rain or any other natural calamities; and
- (3) discharge all and such functions as provided in this Ordinance and rules and bye-laws made thereunder.

104. Commission payable. – (1) A commission agent shall recover his commission only from the buyer at such rates as may be specified in the bye-laws, not exceeding two percent of the sale value of the agricultural produce sold.

- (2) The commission payable to the commission agent shall include all expenses as may be incurred by him on the storage of the produce and other services rendered by him for the sale of the agricultural produce and no other charge or fee or amount shall be payable to him.

105. Prohibition of certain collections. – No market functionary shall solicit or receive remuneration for his services by way of commission, fees, charges or in any other form except as prescribed under this Ordinance or by the rules or the bye-laws made thereunder.

106. Power to levy market fee. – (1) The market committee shall, in respect of agricultural produce brought from within the State or outside the State into the principal market yard or sub-market yard for sale or processing, levy and collect market fee at such rate as may be prescribed, not exceeding two rupees for every one hundred rupees of sale value of such produce, whether for cash or for deferred payment or other valuable consideration:

Provided that the market fee for perishable commodities and livestock shall not exceed one rupee for every one hundred rupees of sale value of such perishable commodity or livestock:

Provided further that, if on any agricultural produce market fee has already been levied and collected in any market yards within the State and such agricultural

produce is sold or processed in any other market yards within the State or exported outside the State it shall be exempted from the levy of market fee.

- (2) Nothing contained in this section shall apply to sale of agricultural produce in private markets, farmer consumer markets, a sale arising as a result of a direct marketing arrangement or an electronic marketplace:

Provided that the State Government may, through a notification require that every private market or an electronic marketplace make a contribution to the Agricultural Marketing Development Fund, at a rate not exceeding fifty paise for every one hundred rupees.

- (3) The State Government may, by notification and subject to such conditions as may be specified therein, exempt in whole or in part the market fee payable under this Ordinance for such period as may be specified therein.
- (4) Any notification issued under sub-section (3) may be rescinded before the expiry of the period for which it was to have remained in force, and on such recession such notification shall cease to be in force.

107. Other trades. - (1) A market committee or a private market licensee or a direct market licensee or an electronic marketplace may, if in its opinion it is expedient to do so, allow trades in commodities, including livestock that are not notified by in the Schedule to the Ordinance.

- (2) The market committee or a private market licensee or a direct market licensee or an electronic marketplace as the case may be, collect user charges in respect of trades permitted under sub-section (1) above at such rate as may be prescribed, not exceeding two rupees for every one hundred rupees of the value of such produce, whether for cash or for deferred payment or other valuable consideration:

Provided that in case of perishable commodities and livestock, the user charges shall not exceed one rupee for every one hundred rupees of the value of such produce.

- (3) Save as otherwise provided in this Ordinance, the market committee shall not levy and collect market fee on sale transactions of fruits and vegetables taking place outside the principal market yard and sub-market yard.

108. Board not to levy market fee. - Board shall not levy market fee in the market yards or all delineated market areas of the state.

109. Market fee by whom payable. - (1) Market fee payable as per this Ordinance shall ordinarily be realised from the buyer.

- (2) The Government may, if it deems it expedient to do so, through a notification, require a market functionary other than the buyer to pay the market fee payable under this Ordinance.
- (3) The market fee payable shall be paid within such time and in such manner as may be prescribed.

110. Market committee to decide differences. – Notwithstanding anything contained in the Legal Metrology Act, 2009 if any difference arises between the inspector or any other officer, empowered to enforce under the aforesaid Act, and any person interested, as to the meaning or construction of any rule framed under the aforesaid Act, as to the method of evolving, adjusting or stamping any weight or measure or weighing or measuring instrument in any delineated market area, such difference may, at the request of the person interested or by the inspector or the officer of his own accord, be referred to the market committee of the area and the decision of the market committee shall, be final and deemed to have been given under the Legal Metrology Act, 2009.

Central
Act No.
1 of
2010

Central
Act No.
1 of
2010

111. Licensing of traders. – (1) Subject to the provisions of this Ordinance and the rules made in this behalf, the Director of Agricultural Marketing may, on an application made by any person in such form as may be prescribed and, after making such inquiries as it deems fit, grant or renew a license for operating therein as a trader in relation to the marketing of agricultural produce or may, after recording its reasons in writing there for, refuse to grant or renew any such license.

- (2) Licenses may be granted under sub-section (1) above, in such form for such period on such terms and conditions and restrictions (including provision for prohibiting commission agents from acting in any transaction both as a buyer or a seller or on behalf of both the buyer and seller, and also provision for prohibiting commission agents from acting in any transaction) and on payment of fees not being in excess of such maxima, as may be prescribed.
- (3) The qualifications and disqualifications of licensees, the circumstances in which licenses may be refused, suspended or cancelled may be as prescribed.
- (4) A license issued under sub-section (1) above shall be valid in all regulated markets, special markets, private markets, local markets and electronic market places in the State.
- (5) An application received under sub-section (1) above shall be disposed of by the market committee within thirty days of the receipt of the application.

- 112. Registration of other market functionaries in markets.** – (1) Subject to the provisions of this Ordinance and the rules made in this behalf and the bye-laws, a market committee or a private market licensee under this Ordinance may, on an application made by any person in such form as may be prescribed and, after making such inquiries as it deems fit, register such person for operating therein as a commission agent, faria, broker, processor, weighman, measurer, assayer, warehouseman or any other market functionary in relation to the marketing of agricultural produce or may, after recording its reasons in writing therefore, refuse to grant or renew any such registration.
- (2) Registration may be granted under sub-section (1), in such form for such period on such terms and conditions and restrictions (including provision for prohibiting commission agents from acting in any transaction both as a buyer or a seller or on behalf of both the buyer and seller, and also provision for prohibiting commission agents from acting in any transaction) and on payment of fees as may be determined by the market committee or a private market licensee, subject to such maxima as may be prescribed.
- (3) The qualifications and disqualifications subject to which market functionaries may be registered, the circumstances in which registration may be refused, suspended or cancelled may be as prescribed.
- (4) An application received under sub-section (1) above shall be disposed of by the market committee or a private market licensee within thirty days of the receipt of the application.
- (5) If the market committee or a private market licensee fails to dispose of the application within the period mentioned in sub-section (4) above, the registration shall be deemed to have been granted.
- (6) Every registration granted or renewed under sub section (1) above shall be sent to the Director of Agricultural Marketing in such manner as may be prescribed and the Director shall maintain details of all registrations granted or renewed in the State.
- 113. Suspension of a license or registration.** – (1) The market committee or a private market licensee may suspend the license or registration if in its opinion, it is not in public interest that the licensee or market functionary continues to carry on its functions.
- (2) Any order issued under this section shall specify the delineated market area or areas that the licensee or market functionary shall not operate, the duration of suspension and such other detail as may be prescribed.

- (3) No order of suspension shall remain in force for a period exceeding fifteen days from the date of the order, save in cases where the Director of Agricultural Marketing or the market committee or a private market licensee as the case may be, commences proceedings under section 114 of this Ordinance.

114. Cancellation of license or registration. – (1) The Director of Agricultural Marketing or the market committee or a private market licensee as the case may be, cancel the license or registration granted to a market functionary if, –

- (a) the licensee or market functionary has obtained the license or registration fraudulently or by misrepresentation of facts;
- (b) the licensee or market functionary or any person acting on his behalf, has violated any of the provisions of the Ordinance, the rules made thereunder or the bye-laws or terms and conditions of the license;
- (c) the licensee or market functionary in concert with other licensees or other persons, wilfully commits any act or abstains from carrying its normal functions and responsibilities in the market yard or delineated market area, with an intention of obstructing, suspending or stopping the marketing of agricultural produce in the market yard or delineated market area and in consequence whereof marketing of any such agricultural produce has been obstructed, suspended or stopped;
- (d) the licensee or market functionary has been adjudicated as an insolvent or is an un-discharged insolvent;
- (e) the licensee or market functionary incurs any disqualification, as may be prescribed; or
- (f) if the holder of license or market functionary is convicted of any offence under the Ordinance and a period of one year of the conviction has not lapsed, if the conviction is for the first time and a period of three years has not lapsed for every subsequent conviction:

Provided that no order cancelling the license shall be made unless the licensee has been given a reasonable opportunity of being heard.

- (2) Any proceeding under this section shall be completed within a period of thirty days from the date of commencement thereof.

115. Existing licenses to continue. – Licenses granted to market functionaries as on the date of commencement of this Ordinance shall deemed to be granted under this Ordinance, until notified otherwise by the State Government.

- 116. Market functionaries outside the State.** – Subject to such conditions as may be prescribed, any license granted to a market functionary by a licensing authority outside the State shall be valid in all regulated markets, special markets, private markets, local markets and electronic marketplaces in the State.
- 117. Disputes between market committee and other markets.** – (1) Any dispute between the market committee and a private market, a local market, a farmer – consumer market, a direct market licensee or an electronic marketplace shall be referred to the Director of Agricultural Marketing.
- (2) The Director of Agricultural Marketing shall, after giving the parties a reasonable opportunity of being heard, pass an order resolving the dispute.
- 118. Disputes regarding transactions in regulated markets.** – (1) For the purpose of settling disputes between producers, buyers and sellers, or their agents, including any disputes regarding the quality or weight of, or payment for any agricultural produce, or any matter in relation to the regulation of marketing of agricultural produce in a regulated market, the market committee shall appoint a panel of arbitrators periodically, consisting of agriculturists, traders and commission agents, and constitute a Disputes Committee from among its members in such manner as may be prescribed.
- (2) The procedure for settlement of disputes, the authority or authorities for settling the disputes and appeals from the decisions of such authorities, payment of fees by parties for settlement of disputes by an arbitrator or arbitrators and all other matters connected with such settlement including the extent to which the provisions of the Arbitration and Reconciliation Act, 1996, shall be applicable shall be as prescribed.
- (3) Notwithstanding anything contained in any law, no suit or other legal proceeding shall be entertained by any court in respect of disputes referred to in sub-section (1) above, without the previous sanction of the market committee.
- 119. Report by market functionaries.** – Every market functionary operating in the delineated market area shall maintain accounts in such manner and submit to the market committee or to the officer specified by the committee in this behalf, such periodical reports and returns at such times and in such form as may be prescribed.
- 120. Best of judgement assessment of market fee.** – If a market functionary fails to submit reports and returns under section 119 above or fails to comply with any notice by the market committee, or knowingly furnishes incomplete or incorrect accounts or information or has not maintained proper accounts of his business, the market committee may, without prejudice to any other action against such

functionary, after such inquiry as it deems necessary assess the market fee payable by such market functionary during the period in question to the best of its judgement and direct him to pay such fee together with such penalty not exceeding three times the market fee so assessed.

121. Production of account books, etc., by market functionaries. – (1) If any market functionary fails to send any report or return in accordance with the provisions of section 119 above, or if the committee considers it necessary to examine the account books relating to the business of any market functionary to satisfy itself about the correctness of any report or return submitted by him or for any other sufficient reason, the market committee may direct such functionary to produce before it or before any officer specified by it in this behalf, the account books and other relevant documents, for inspection, and to explain the contents thereof.

(2) If any market functionary fails, without sufficient cause to comply with the direction of the market committee under sub-section (1) above, the market committee may, without prejudice to any other action against such functionary, after such inquiry as may be prescribed, direct him to pay such amount as may be prescribed by the bye-laws as penalty to the committee.

122. Power to order production of account books, etc., by any person. – (1) The Director of Agricultural Marketing may, for the purposes of this Ordinance, require any person carrying on business in any agricultural produce to produce before him accounts and other documents and to furnish any information relating to stocks of such agricultural produce, or purchases, sales, processing, transport and delivery of such agricultural produce by such person and also to furnish any other information relating to payment of market fee by such person.

(2) If such person fails to submit accounts and other documents and to furnish the information called for, the Director of Agricultural Marketing may, without prejudice to any other action against such person, after such inquiry as may be necessary assess the market fee payable by such person during the period in question to the best of his judgement and direct him to pay such fee together with such penalty not exceeding three times the market fee so assessed.

123. Power to stop vehicles. – (1) The Director of Agricultural Marketing may, for the purposes of this Ordinance, order the driver or any other person in charge of a vehicle, vessel or other conveyance to stop the vehicle, vessel or other conveyance as the case may be, and keep it stationary, as long as may reasonably be necessary, duly considering the perishability of produce, to examine the contents in the vehicle, vessel or other conveyance and inspect all records relating to the agricultural produce carried, and give his name and address and the name and address of the owner of the vehicle, vessel or other conveyance and the name and address of the

owner of the agricultural produce carried in such vehicle, vessel or other conveyance.

- (2) After such examination, the Director of Agricultural Marketing may, require the person in charge of a vehicle, vessel or other conveyance or the owner of the vehicle, vessel or other conveyance or the owner of the agricultural produce carried in such vehicle, vessel or other conveyance to produce such details as under section 120 of the Ordinance.

124. Appeals. – (1) Any person aggrieved by an order of the Executive Officer or the market committee or the Director of Agricultural Marketing as the case may be, prefer an appeal in such manner, as may be prescribed to, –

- (a) the market committee, where such order has been passed by the Executive Officer within seven days of receipt of the order;
- (b) the Director of Agricultural Marketing, where such order has been passed by the market committee within thirty days of receipt of the order;
- (c) the State Government, where such order has been passed by the Director of Agricultural Marketing, within thirty days of receipt of the order:

Provided that in reckoning the period within which the appeal has to be preferred, the number of days taken to obtain certified copies of the order appealed against shall be excluded.

- (2) The Appellate Authority, if it considers necessary to do so, grant a stay of the order appealed against for such period as it may deem fit. However, the appeal shall be disposed within ninety days of its being filed.
- (3) Any order passed by the Appellate Authority, shall be final and shall not be called in question in any Court of Law.

CHAPTER – XVIII**Penalties**

- 125. Penalty for violation of section 97.** – Whoever contravenes the provisions of section 97 of the Ordinance shall be punishable with simple imprisonment which may extend to six months or with fine which may extend to five thousand rupees or with both and in case of continuing contravention, with further fine which may extend to five hundred rupees per day during which the contravention is continued after the conviction.
- 126. Penalty for operating a market without a license.** –Whoever operates a private market, a private farmer – consumer market or an electronic marketplace without a license issued by the Director of Agricultural Marketing shall on conviction, be punished with imprisonment for a term which may extend to six months or with a fine which may extend to five thousand rupees or with both.
- 127. Penalty for operating as market functionary without a license.** – Whoever operates as a market functionary in relation to marketing of agricultural produce without a valid license shall, on conviction be punishable with fine which may extend to five thousand rupees and in the case of continuing contravention with a further fine which may extend to five hundred rupees per day during which the contravention is continued after the conviction.
- 128. Penalty for evasion of market fee and other amounts.** – Whoever evades payment of market fee or any other amount due from him under this Ordinance or the rules, or the regulations or bye-laws, shall, on conviction be punishable with fine which shall be a sum equal to three times the amount of fee or other amounts due or ten thousand rupees whichever is more, and in the case of a continuing evasion with a further fine which may extend to five hundred rupees for every day during which the evasion is continued after the conviction.
- 129. Liability of accused to pay market fee or other amounts.** – Any person prosecuted for an offence under section 126 of the Ordinance shall not be absolved from his obligation to pay to the market committee the market fee or other amount due from him under this Ordinance or the rules or the regulations or the bye-laws.
- 130. Power of the magistrate to recover market fee or other amount.** – Whenever any person is convicted of an offence under this Ordinance or the rules or the bye-laws made thereunder, the Magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the market committee, or the Board, as the case may be, the amount of market fee or other amounts due from him under this Ordinance or the rules or bye-laws and may, in his discretion, also recover

summarily and pay over to the market committee or to the Board such amount, if any, as he may fix as the costs of the prosecution.

- 131. General provisions for punishment of offences.** – Whoever contravenes any provisions of this Ordinance or any rule, or regulation or bye-law made thereunder shall on conviction, if no other penalty is provided for the offence, be punishable with fine which may extend to five thousand rupees and in the case of continuing contravention with a further fine which may extend to five hundred rupees per day during which the contravention is continued after the conviction.
- 132. Obstruction to implement the Ordinance.** – Whoever obstructs any person authorised to implement any provisions of this Ordinance or any rule, or regulation or bye-law made thereunder shall, on conviction be punishable with simple imprisonment for a term which may extend to six months or with fine not exceeding rupees ten thousand or with both.
- 133. Compounding of offences.** – (1) The market committee may recover from any person who has contravened or is reasonably suspected to have contravened the provisions of this Ordinance or any rule, or regulation or bye-law made thereunder, by way of compounding of such offence –
- (a) in case of failure to pay any fee or other amount recoverable under this Ordinance, in addition to the fee or other amount so recoverable, a sum of money equal to two and a haltime the fee or other amount recoverable or with rupees 5000, whichever is higher; and
 - (b) in other cases, a sum of money not exceeding rupees 4000.
- (2) On compounding of any offence under sub-section (1) above, no proceeding shall be taken or continued against the person concerned in respect of such an offence, and any proceedings in respect of such offence that have already been instituted against him in any court, shall be deemed to have been withdrawn.
- 134. Contravention by officials.** – (1) Any official or member of a market committee or the Board, when required to furnish information in regard to the affairs or proceeding of the market committee or the Board to the Director of Agriculture Marketing wilfully neglects or refuses to furnish such information or wilfully furnishes false information, shall on conviction, be punishable with fine which may extend to rupees ten thousand.
- (2) Any fine recovered under sub-section (1) above shall be credited to the Market Fund or to the Assam State Agricultural Marketing Development Fund, as the case may be.

135. Cognizance of offences. – (1) No court shall take cognizance of an offence under this chapter, except upon a complaint by the Director of Agricultural Marketing or any other officer authorised by him.

(2) No offence under this Ordinance, or any rule or regulation or bye-law made thereunder shall be tried by a court other than that of a Judicial Magistrate of the First Class or a Judicial Magistrate of the Second Class specially empowered in this behalf by the State Government.

(3) Presentation under this Ordinance, or rule, or regulation or bye-law made thereunder may be instituted by any person duly authorised in writing by the State Government, the Director of Agricultural Marketing, the Board or the market committee in this behalf.

CHAPTER - XIX**Powers of the State Government**

136. Supersession of a market committee. –(1) If in the opinion of the State Government, a market committee is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Ordinance, or otherwise by law, or exceeds or abuses its powers or is involved in the misapplication of the market committee fund, or is guilty of mismanagement, the State Government may, by notification in the Official Gazette, supersede the market committee:

Provided that no order of supersession shall be passed unless the market committee has been given a reasonable opportunity to show cause against such supersession.

(2) Any proceeding started under sub-section (1) above shall be completed within sixty days of the commencement thereof.

(3) The superseded market committee shall be reconstituted within one year from the date of publication of the notification under sub-section (1) above.

137. Consequences of supersession of a market committee. – (1) Upon publication of the notification superseding a market committee under section 136 of the Ordinance, all members of the market committee, including the Chairperson and the Vice Chairperson of the market committee shall, as from the date of publication of the notification, be deemed to have vacated their offices.

(2) During the period of supersession of the market committee, all powers and duties conferred and imposed on the market committee under this Ordinance, shall be exercised and performed by such officer as the State Government may appoint in that behalf as Administrator.

(3) The State Government may extend the period of supersession for such further term as may be considered necessary, but not exceeding a period of one year in the aggregate.

138. Powers to give directions. – (1) The State Government may give directions to the Director of Agricultural Marketing, the Board or to all market committees in general or to any market committee in particular.

(2) The Director of Agricultural Marketing, Board or the market committees shall comply with the directions so issued by the State Government under sub-section (1) above.

139. Power to call for records and cancel proceedings. – (1) The State Government may at any time call for and examine the proceedings of the Board or any market committee for the purpose of satisfying itself, as to the legality or propriety of any decision taken or orders passed by the Board or the market committee.

(2) If in the opinion of the State Government, any decision or order or proceedings so called for should be modified, annulled or revised, the State Government may pass such orders thereon as it may think fit:

Provided that no such order shall be passed unless the Board or the market committee has been given a reasonable opportunity to show cause against such proposed modification, annulment or revision:

Provided further that the Board or the market committee shall not Ordinance upon such decision or order or proceedings that is proposed to be modified, annulled or revised from the time that it has been asked to show cause till an order is passed by the State Government under this section.

140. Delegation of powers. – The State Government may delegate by notification in the Official Gazette any of the powers conferred on it by or under this Ordinance, to any of its officers or to the Board or to its Chairperson or the Chief Executive Officer of the Board.

141. Acquisition of land for the purposes of this Ordinance. –When any land is required for the purposes of this Ordinance and the Board or a market committee is unable to acquire it by agreement, the State Government may, at the request of the Board or the market committee, as the case may be, proceed to acquire such land under the provisions of the Land Acquisition, Rehabilitation and Resettlement Act, 2013 and on the payment of the compensation awarded under that Act by the Board or the market committee and of any other charges incurred by the State Government in connection with the acquisition, the land shall vest in the Board or the market committee, as the case may be.

Central
Act No.
30 of
2013

142. Power to amend schedule. –(1) The State Government may, by notification, declare its intention of adding to or amending or deleting any of the items of agricultural produce specified in the Schedule, as may be specified in the notification.

The notification under this section shall also be published in the manner as may be prescribed.

(2) The notification under sub-section (1) above shall state that any objections or suggestions received by the State Government within such period as may be specified in the notification, not being less than forty-five days, shall be considered by the State Government.

- (3) After the expiry of the period specified in the notification issued under sub-section (1) above, and after considering such objections and suggestions as may be received before such expiry and after making such inquiry as may be necessary, the State Government may, by another notification, add to or amend or delete any of the items of agricultural produce specified in the Schedule. The notification issued under this section shall also be published in such manner as may be prescribed.

143. Regulation of interstate trading. - (1) Save as otherwise provided in this Ordinance, there shall be a nation-wide single license for inter-state trade to be granted/ renewed by the Director or by the Officer authorized by him in such manner and in form, as may be prescribed, to operate on e-platform, as trader in any of the principal market yards, submarket yards, private markets yards or at any 'place' identified for the purpose, in the country.

- (2) The Government shall, for interstate trade license, use unique code for issue of such license, as may be prescribed.
- (3) The inter-state trade license holder shall be liable to pay the market fee and other marketing charges at the rate applicable in the State, in the manner as may be prescribed.
- (4) The inter-state trade license holder shall deposit a minimum of five percent of the value of the lot/livestock to be transacted online with the bid, as assessed or estimated, as may be prescribed.

144. Power to make rules. - (1) The State Government may, by notification and after previous publication, make rules for carrying into effect the purposes of this Ordinance.

- (2) In particular, and without prejudice to the generality of the foregoing provision, such rules may provide for, -
 - (a) the manner of publication of notification under sections 3, 4 and 140 of the Ordinance;
 - (b) the land and other infrastructure requirements for declaring principalmarket yards and sub-market yards by market committees, private markets, farmer - consumer markets and electronic marketplaces;
 - (c) the authority which shall conduct elections, the division of the delineated market area into constituencies, the preparation, maintenance and revision of the list of voters, qualifications and disqualifications for being chosen as or for being a member, the right to vote, qualifications and disqualifications of voters, the election or nomination of members to the market committee, the payment of deposits and their forfeiture, the manner of holding

- elections, the drawing up of the election schedule, the fixing of polling stations, the appointment of returning officers, presiding officers and polling officers, election offences, the determination of election disputes and all matters ancillary to elections;
- (d) the election of Chairperson and Vice Chairperson of the market committee and constitution of the market committee;
 - (e) the filling up of vacancies in the market committee;
 - (f) the powers and duties of the Chairperson and the Vice Chairperson of the market committee;
 - (g) limits of honorarium to Chairperson and Vice Chairperson, travelling allowances to members and sitting fees payable to members for attending meetings of the market committee;
 - (h) removal of the Chairperson or the Vice Chairperson or a member of a market committee;
 - (i) conduct of meetings and other business of the market committee;
 - (j) classification of market committees on the basis of annual income, turnover etc., for all or any of the purposes of this Ordinance;
 - (k) the management of the market yard and all matters related to marketing of agricultural produce, the procedure for recovery of market fee and other amounts due to the market committee and manner for assessment of market fees in default of furnishing return;
 - (l) the kind and description of weights and measures and the weighing and measuring instruments which shall be used in the transactions in the agricultural produce in a market yard;
 - (m) the periodical inspection of all weights and measures and the weighing and measuring instruments in use in a market yard;
 - (n) procedure 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 produce, payment in respect of the sale value of goods sold and the allowances for wrapping, containers, dirt or impurities or deductions for any cause by mediation, arbitration or otherwise;
 - (o) the provision of accommodation for storing any agricultural produce brought into the market;

-
- (p) quality testing, grading and standardization of agricultural produce;
 - (q) the keeping of records of arrivals and prices of agricultural produce;
 - (r) the manner in which auctions of agricultural produce shall be conducted and bids made and accepted in a market;
 - (s) the manner in which agricultural produce shall be transported from the delineated market area;
 - (t) classification of market functionaries for grant of licenses, regulation of licenses under this Ordinance, the persons required to take out a license, the forms in which and terms and conditions subject to which such licenses shall be issued or renewed;
 - (u) the form in which account of purchases and processing of agricultural produce are to be maintained;
 - (v) the time during which and the manner in which a trader or commission agent shall furnish such returns to a market committee as may be required by it;
 - (w) the regulation of advance, if any given to the producer by commission agents or traders or other persons;
 - (x) the recovery and disposal of fees leviable by or under this Ordinance;
 - (y) imposing of penalties by the market committee;
 - (z) compounding of offences and fixing compensation thereof under this Ordinance or rules or bye-laws made thereunder;
 - (aa) mode of service of notice under this Ordinance;
 - (bb) recruitment, qualification, appointment, promotion, scale of pay, leave, leave allowance, acting allowance, loans, pension, gratuity, annuity, punishment, appeals and other service conditions of Executive Officer and other staff of market committees;
 - (cc) the provisions for the persons by which and the forms in which copies of documents and entries in the books of the market committee may be certified and the charge to be levied for the supply of such copies;
 - (dd) the preparation of plans and estimates for works proposed to be undertaken partly or wholly at the expense of the market committee, and the grant or sanction to such plans and estimates;

- (ee) the preparation and submission for sanction of the annual, revised or supplementary budget and approval by the Board and the report and returns to be furnished by a market committee;
- (ff) administration of the Market Fund and the manner of investment of surplus in the fund;
- (gg) levy of market fee and other amounts due to the market committee or the Board;
- (hh) contribution to be made to the Board;
- (ii) the manner in which any payment from the Market Fund shall be made, its accounts shall be kept and matters incidental thereto;
- (jj) the manner in which the accounts of the market committee or the Board shall be maintained, audited or re-audited and publication of such audit and the inspection of audit memoranda of the accounts and supply of such memoranda and preparation of annual report;
- (kk) the manner in which appointments to the Board shall be made, qualifications of persons who may be appointed as members of the Board and related matters;
- (ll) conduct of meetings and other business of the Board;
- (mm) recruitment, qualification, appointment, promotion, scale of pay, leave, leave allowance, acting allowance, loans, pension, gratuity, annuity, punishment, appeals and other service conditions of the Chief Executive Officer and other staff of the Board;
- (nn) manner of constitution of State Agricultural Marketing services and all matters incidental thereto;
- (oo) exercise of supervision and control of the Board over market committees;
- (pp) the preparation and submission for sanction of the annual, revised or supplementary budget of the Board and approval by the State Government;
- (qq) granting of a license to market functionaries, private markets, private farmer – consumer markets and electronic marketplaces and all matters related thereto;
- (rr) procedure for framing of bye-laws, their amendments or cancellation and for their previous and final publication;

- (ss) all matters required to be prescribed by rules under this Ordinance;
- (tt) any other matter for which there is no provision in this Ordinance and for which provision is, in the opinion of the State Government, necessary for giving effect to the purposes of this Ordinance.
- (3) Every rule made under this section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or amendment shall be without prejudice to the validity of anything already done under that rule.

145. Power to make bye-laws. – (1) Subject to the provisions of this Ordinance and the rules made there under, a market committee may, after previous publication in the prescribed manner, in the respect of a marketing area under its management, make bye-laws for the regulation of the marketing of agricultural produce in the delineated market area. Every bye-laws made under this section shall be published in the prescribed manner.

- (2) In particular, and without prejudice to the generality of the foregoing provision, such bye-laws may provide for, -
 - (a) the regulation of business of the market committee and its sub-committees;
 - (b) the assignment of powers, functions and duties to the Executive Officer, officers and servants of the market committee;
 - (c) travelling allowances and daily allowances that may be paid to the members of the market committee;
 - (d) the procedure for granting, renewing, refusing, suspending or cancelling of licenses under this Ordinance and the circumstances in which any suspension or cancellation of a license maybe annulled by the market committee;
 - (e) the license fees payable in respect of licenses issued to different classes of market functionaries;
 - (f) the form of application for license, the qualifications and disqualifications for securing the renewal of the different kinds of licenses the procedure for

- the inquiry about and verifying the correctness of the statements made in the applications for licenses;
- (g) the fixing of the percentage of the security amount to be deposited or the amount of bank guarantee to be furnished by commission agents and by different categories of traders;
 - (h) the conditions for operating in any capacity as a market functionary within the delineated market area;
 - (i) the control and regulation of the dealings between sellers and buyers;
 - (j) the enforcement of the weighment of notified agricultural produce in due time;
 - (k) the enforcement of issue of immediate receipt to the producer in respect of the produce entrusted by the producer to the commission agent for sale;
 - (l) the prevention of adulteration of agricultural produce;
 - (m) the taking of delivery of goods soon after the agreement of sale is effected;
 - (n) the payment of sale value of the agricultural produce sold by the buyer to the seller at the time of taking delivery of goods in all cases of direct purchases made from the producer without the assistance of a commission agent;
 - (o) the assistance to be rendered to a producer by way of preparing invoices and bills when he sells his goods directly to a buyer without the assistance of a commission agent;
 - (p) the fixing of the maximum period of credit permissible to the buyer from the commission agent from the date of the agreement of sale;
 - (q) the enforcement of prompt payment by the commission agent to his principal soon after delivery of the goods is given to the buyer;
 - (r) the enforcement of payment of sale value of goods by the buyer to the commission agent as and when it falls due in accordance with the terms of credit where the commission agent has allowed credit before the expiry of the maximum term of credit permissible under the bye-laws;
 - (s) the procedure to be adopted where any licensed trader or commission agent suspends payment or becomes insolvent or is otherwise unable or refuses or neglects to discharge his liabilities and obligations in relation to transactions

in the delineated market area and the rights, duties and liabilities of such trader or commission agent and those with whom he had such transactions and the manner in which and terms upon which they are to be closed or passed on;

- (t) books and documents to be kept and maintained by market functionaries;
 - (u) the enforcement of submission of returns, reports and statements from market functionaries to the market committee;
 - (v) the books, registers and documents to be kept and maintained, and the compilation of statements to be prepared from the returns received from the market functionaries;
 - (w) the enforcement of the production of the account books and any other books, files or documents of the market functionaries for inspection;
 - (x) the circumstances in which a warning may be given or a penalty may be imposed by the market committee on market functionaries or other persons for breach of bye-laws and the procedure to be followed for the purpose;
 - (y) the regulation of the admission of the market functionaries in to the market yard and control over the behaviour of such functionaries;
 - (z) the opening and closing of marketing of agricultural produce in the market yard;
 - (aa) any other matter in respect of which bye-laws are required to be or may be made under this Ordinance.
- (2) No bye-laws made under sub-section (1) shall take effect until it has been confirmed by the Board.
- (3) The Board shall, after it has approved any amendment to the bye-laws of the market committee, issue to the market committee a copy of the amendment certified by it which shall be conclusive evidence that it has been duly approved.

146. Power to remove difficulties. If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order, do anything, not inconsistent with the Ordinance for the purpose of removing such difficulty.

CHAPTER – XX**Director of Agricultural Marketing**

- 147. Director of Agricultural Marketing.** – The State Government shall appoint an officer as the Director of Agricultural Marketing, for the promotion, development and regulation of agricultural markets established in the State under this Ordinance.
- 148. Powers and functions of the Director of Agricultural Marketing.** – (1) Subject to the provisions of this Ordinance and the rules made thereunder, the Director of Agricultural Marketing shall perform the functions as specifically provided under this Ordinance and the rules made thereunder. The State Government may delegate any or all the powers vested in it under this Ordinance and rules framed thereunder to the Director of Agricultural Marketing.
- (2) In particular, and without prejudice to the generality of the foregoing provision, the functions of the Director of Agricultural Marketing shall include -
- (a) supervision and regulation of market yards established by market committees, local markets, private markets, farmer – consumer markets, direct marketing centres and electronic marketplaces for the effective implementation of this Ordinance and the rules and bye-laws made thereunder;
 - (b) taking steps for quality testing of agricultural produce, grading and standardisation of agricultural produce;
 - (c) supervise the working of market committees in the State, private markets, farmer – consumer markets, collection centres and electronic marketplaces, inspect or cause to be inspected their offices and accounts;
 - (d) launch prosecution against market committees, market functionaries and other persons for the violation of this Ordinance and the rules and bye-laws made thereunder; and
 - (e) such other action necessary to regulate agricultural marketing in the State and to enforce provisions of this Ordinance as directed by the State Government from time to time.
- 149. Furnishing of information.** – (1) The Board, market committees in the State and local markets shall furnish such information as may be called for by the Director of Agricultural Marketing.

- (2) The Director of Agricultural Marketing shall prescribe periodic returns that shall be submitted by market committees and others and such persons shall comply with the directions so issued.

150. Power to inspect. – The Director of Agricultural Marketing or any officer authorised by him shall have the power to inspect or caused to be inspected, the accounts of market committees, local markets, private markets, farmer – consumer markets, direct market licensees, electronic marketplaces and others or to institute an enquiry into the affairs of such institutions and to require them to do anything or to desist from doing anything which the Director of Agricultural Marketing or such officer considers necessary in public interest and furnish a reply in writing to him within a reasonable time stating its reasons for non-compliance, if any.

151. Power to enforce attendance. – The Director of Agricultural Marketing or an officer authorised by him to investigate the affairs of the Board, market committees, local markets, private markets, farmer – consumer markets, direct market licensees, electronic marketplaces and others under section 149 of the Ordinance shall have powers to summon and enforce the attendance of their officers or members, to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided by the Code of Civil Procedure, 1908.

Central
Act No.
5 of
1908

152. Powers in an emergency. – (1) In case of an emergency, the Director of Agricultural Marketing may suspend or cancel all or any license issued under the provisions of this Ordinance and take such other steps as may be deemed necessary in public interest:

Provided that no such order shall be made without giving reasons therefor:

Provided further that any such order made shall not remain in effect for a period exceeding one month, unless confirmed by the State Government.

- (2) Within a day of making an order under sub-section (1) above, the Director of Agricultural Marketing shall submit a copy of the order along with the reasons for making such an order to the State Government.
- (3) Any person affected by the order of the Director of Agricultural Marketing may make a representation to the State Government within seven days of receiving the order.
- (4) The State Government shall consider the report of the Director of Agricultural Marketing and the representation received under sub-section (3) above and may either confirm or modify the order of the

Director of Agricultural Marketing for such period as it may deem it necessary.

153. Powers to issue directions. – (1) The Director of Agricultural Marketing may, if in his opinion any market committee, local market, private market, farmer – consumer market, direct market licensees or an electronic marketplace is not competent to perform, or persistently makes default in the performance of the duties imposed on it by or under this Ordinance, or otherwise by law, or exceeds or abuses its powers –

- (a) in case of a market committee advise the Board to make such arrangements for performing the duties and functions of such market committee;
 - (b) in case of a local market, advise the Local Authority on the measures to be taken;
 - (c) in other cases, advise the board of directors or the management on the measures to be taken.
- (2) The Board, the Local Authority or the board of directors or the management, as the case may be, shall forthwith comply with the directions so issued.

154. Recovery of amounts due. – (1) Every sum due to a market committee, the Board, any Local Authority or the State Government under this Ordinance, shall be recoverable as an arrear of land revenue.

- (2) Any sum due from any person shall be reduced to the form of a demand certificate in such form as may be prescribed and after affixing of the signature of the Chief Executive Officer of the Board, shall be recovered as an arrear of land revenue on such certificate being forwarded to the Certificate Officer concerned.

155. Recovery of loss. – (1) Any loss suffered by a market committee due to its failure to comply with the directions of the Director of Agricultural Marketing or the Board shall be recoverable from the members of the market committee:

Provided that no order of recovery shall be made unless the members of the market committee have been given a reasonable opportunity of being heard.

- (2) Any amount recoverable from the members of a market committee under this section shall be realised as an arrear of land revenue.

156. Power to amend bye-laws. – (1) Notwithstanding anything contained in this Ordinance or the rules and bye-laws made thereunder, if the Director of Agricultural Marketing considers that an amendment, alteration, rescission or adoption of a new bye-law is necessary or desirable in public interest, he may accordingly direct the

same in writing to the market committee, private market, farmer – consumer market or an electronic marketplace as the case may be, requiring it to make such amendment, alteration, rescission or adoption of a bye-law within such time as may be specified in such order.

- (2) If the market committee, private market, farmer – consumer market or an electronic market place fails to make any such amendment, alteration, rescission or adoption of the bye-law within the time as specified by the Director of Agricultural Marketing in his order under sub-section (1) above, the Director of Agricultural Marketing may after giving such market committee, private market, farmer – consumer market or an electronic market place an opportunity of being heard as to why such amendment, alteration, rescission or adoption should not be made, register such amendment, alteration, rescission or adoption of bye-law and issue a certified copy thereof to such market committee, private market, farmer – consumer market or an electronic marketplace.
- (3) The market committee, private market, farmer – consumer market or an electronic marketplace may, within one month from the date of issue of an order made under sub-section (2) above appeal against such order to the State Government.
- (4) Where an appeal is presented within one month from the date of the issue of an order under sub-section (2) above registering an amendment, such amendment shall not come into force till the order is confirmed by the State Government.
- (5) A certified copy of the amendment of the bye-law registered by the Director of Agricultural Marketing under sub-section (2) above shall, subject to the result of an appeal, if any under sub-section (3) above be conclusive evidence that it has been duly registered and such amendment, alteration, rescission or adoption of the bye-law shall be deemed to have been made by the market committee, private market, farmer – consumer market or an electronic marketplace.

CHAPTER – XXI

Miscellaneous

157. **Chairperson, Vice Chairperson, members, officers and staff of the Board and market committees to be public servants.** – The Chairperson, Vice Chairperson, members, Chief Executive Officer of the Board, Executive Officer and other officers and staff of the Board or a market committee shall deemed to be public servants

Central
Act No.
45 of
1860

Central
Act No.2
of 1947

within the meaning of section 21 of the Indian Penal Code, 1860 and the Prevention of Corruption Act, 1947, for the time being in force.

158. Bar of suit or other legal proceeding. – No suit, prosecution or legal proceedings in respect of anything done in good faith or intended to be done under this Ordinance or rule or bye-laws made thereunder, shall lie against the Director of Agricultural Marketing or an officer of the State Government or against the Board or any market committee or against any officer or servant of the Board or any market committee or against any person acting under and in accordance with the directions of the Director of Agricultural Marketing, such officer, or such committee.

159. Bar of suit in absence of notice. – (1) Notwithstanding anything contained in any section of any Act, no suit shall be instituted against the Director of Agricultural Marketing or an officer of the State Government or against the Board or any market committee or against any officer or servant of the Board or any market committee or against any person acting under and in accordance with the directions of the Director of Agricultural Marketing, such officer, or Board or such committee for anything done or purported to be done in good faith, until the expiration of two months next after a 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 delivered or left at its office and in the case of such 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:

Provided that nothing in this section shall be applicable to any suit or other legal proceeding by the State Government, the Director of Agricultural Marketing, the Board or the market committee against any member, officer, servant or other person.

(2) Every such suit shall be dismissed unless it is instituted within six months from the date of the alleged cause of action.

160. Every Local Authority to assist. – (1) It shall be the duty of every Local Authority to give all necessary information in its possession or under the control of its officers to the market committee or the officers authorised in that behalf, relating to the movement of agricultural produce into and out of the area of the Local Authority.

(2) No charges shall be payable to the Local Authority for providing such information to the market committee.

161. Admissibility of copy of entry as evidence. – (1) A copy of any entry in any book, register or list regularly kept in course of business in the possession of the market committee shall, if duly certified, in such manner as may be prescribed, be admissible in evidence of the existence of such entry and shall be admitted as

evidence of the matter and the transaction therein recorded in every case, where and to the same extent to which the original entry would, if produced have been admissible to prove such matter.

- (2) In the case of such market committee as the State Government may, by a general or special order direct, no officer of a market committee shall, in any legal proceedings to which the market committee is not a party, be compelled to produce any of its books, the contents of which can be proved under sub-section (1) or to appear as a witness to prove the matters, transactions and accounts therein recorded, unless otherwise ordered by the Court in that behalf.

CHAPTER – XXII
Repeal and savings

- 162. Repeal.** – (1) The Assam State Agricultural Produce Market Act, 1972 is hereby repealed. Assam
Act No.
XXIII of
1974
- (2) Notwithstanding such repeal, –
- (a) the repeal shall not affect the previous operation of any enactment so repealed, and anything done or action taken (including any appointment, delegation or declaration made, notification, order, rule, direction or notice issued, bye-law framed or delineated market areas, markets, market yards declared, established or notified, licenses granted, fees levied and collected, instruments executed, any fund established or constituted) by or under the provisions of any such enactment shall, in so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been done or taken under the corresponding provisions of this Ordinance and shall continue in force unless and until superseded by anything done or any action taken under this Ordinance.
- (b) unless the State Government directs otherwise, all market committees constituted, the Chairperson, Vice Chairperson and members thereof shall continue until the expiry of their term under the repealed Act or till a market committee is constituted in accordance with the provisions of this Ordinance, whichever is earlier.
- (c) unless the State Government directs otherwise, the Board constituted, the Chairperson and members appointed shall continue until the expiry of their term under the repealed Act or till the Board is constituted in accordance with the provisions of this Ordinance, whichever is earlier.
- (3) The Government may, by notification, make such provisions as appears to it to be necessary or expedient –
- (a) for making omission from, addition to and adaptations and modification to the rules, notifications and orders issued under the repealed enactment; and
- (b) for specifying the authority, officer or person who shall be competent to exercise such functions exercisable under any of the repealed enactment or any rules, notifications and orders issued thereunder as may be mentioned in the said notification.
- (4) On issue of a direction under sub-section (2), the provisions of this section shall apply as from the date specified in the direction as if the market committee stood dissolved on that date.
- 163. Savings.** – Nothing contained in the Assam Panchayat Act, 1994 or in any other law for the time being in force relating to the establishment maintenance or regulation of market shall apply to any delineated market area or affect in any way the powers of a market committee or the rights of a holder of a license granted under this Ordinance. Assam
Act No.
XVIII of
1974

SCHEDULE
[See Section 2 (1)]

- a. **Cereals: --**
 - i. Paddy
 - ii. Rice
 - iii. Wheat and wheat flour (Atta and Maida)
 - iv. Maize
- b. **Pulses: --**
 - i. Black gram
 - ii. Green gram
 - iii. Arahara (Tur)
 - iv. Peas
 - v. Gram
 - vi. Lentil
- c. **Oil and Oil seed: --**
 - i. Sesame (Til)
 - ii. Mustard and Rapeseed
 - iii. Coconut
 - iv. Vanaspati product
 - v. Edible oil
- d. **Fibre and other Cash Crops: -**
 - i. Jute and Mesta (baled and unbaled).
 - ii. Cotton (ginned and un-ginned).
- e. **Sugar Products: -**
 - i. Gur (Molasses)
- f. **Condiments and Spices: --**
 - i. Areca nut (Dry and Green)
 - ii. Betel leaf
 - iii. Cashew nuts
- g. **Animal Husbandry products: --**
 - i. Eggs
 - ii. Cock and Hen
 - iii. Cattle
 - iv. Goat
 - v. Milk and Milk products (Ghee, Butter)
- h. **Fish** (excluding canned fish)

PROF. JAGDISH MUKHI,

Governor of Assam.

S. M. BUZAR BARUAH,

Commissioner & Secretary to the Govt. of Assam,
Legislative Department, Dispur.