
Assam Agricultural Produce Market (Amendment Act, 1983**13 of 1983**

CONTENTS

1. Short title, extent and Commencement
2. Amendment of Section 3
3. Amendment of Section 8
4. Amendment of Section 13
5. Amendment of Section 21
6. Amendment of Section 28
7. Amendment of Section 39

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PREAMBLE

An

Act

to amend the Assam Agricultural Produce Market Act, 1972

Whereas it is expedient to amend the Assam Agricultural Produce Market Act, 1972 (Assam Act No. XXIII of 1974) hereinafter called the principal Act in the manner hereinafter appearing:

It is hereby enacted in the Thirty Fourth year of the Republic of India,

1. Short title, extent and Commencement :-

- (1) This Act may be called the Assam Agricultural Produce Market (Amendment Act, 1983.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

2. Amendment of Section 3 :-

In the principal Act, in Section 3, for sub-Sections (1) and (4), the following shall be substituted respectively, namely:--

- (1) The State Government may, for exercising the powers conferred on and duties assigned to the Board by or under this Act, establish and constitute a State Agricultural Marketing Board consisting of a

Chairman and 12 other members to be nominated by the State Government as follows:--

- (a) One non-official Chairman.
- (b) Officials of the Government of Assam.
 - (i) Director of Agriculture, Assam.
 - (ii) Director of Veterinary and Animal Husbandry, Assam.
 - (iii) Director of Panchayat, Assam.
 - (iv) Director of Municipal Administration, Assam.
 - (v) Registrar of Cooperative Societies, Assam.
 - (vi) Secretary, Agriculture Department, Assam.
- (c) Non-officials:
 - (i) One Agriculturist member of the Market Committees.
 - (ii) One representative from Agricultural Farming Corporation formed under the Assam Agricultural Farming Corporation Act, 1973.
 - (iii) Two progressive producers.
 - (iv) One licences.
 - (v) One from amongst the members of the Co-operative Marketing Societies represented in the Market Committee.
- (4) The term of office of the Board shall be three years from the date of its first meeting or till its reconstitution whichever is earlier: Provided that any non-official member nominated under clause (c) of sub-section (1) of this Section shall cease to be a member of the Board from the date he ceases to be a member of a Market Committee representative of Agricultural Farming Corporation a Licence, or a member of the Co-operative Society represented in the Market Committee."

3. Amendment of Section 8 :-

In the principal Act, in section 8, for subsection (1), the following shall be substituted, namely "(1) Every Market Committee shall consist of the following members namely:--"

4. Amendment of Section 13 :-

In the principal Act, in Section 13, for subsection (2), the following shall be substituted namely "(2) Where a Market Committee is established in any area, no person shall use any place for buying and selling of notified agricultural produce and function as a trader commission agent, broker, weigh man, measurer, surveyor warehouseman or in such other capacity as may be determined by the Director or run a processing or pressing factory within the

Market Area unless a licence is issued to such person by the Market Committee no payment of such fees and subject to such conditions as may be prescribed."

5. Amendment of Section 21 :-

In the principal Act, in Section 21, the figure with first bracket (I) shall be deleted.

6. Amendment of Section 28 :-

In the principal Act, the Section 28, between the words "Market Committee" and", "acquire land" the words "and or the Board" shall be inserted.

7. Amendment of Section 39 :-

In the principal Act, for Section 39 with its marginal heading the following shall be substituted namely:--

39. "Penalties"

(1) Whoever contravenes the provision of subsection (2) of Section 5 shall on conviction be punishable with fine which may extend to five hundred rupees in case of continuing contravention with further fine which may extend to one hundred rupees per day during which the contravention is continued after the conviction.

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

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

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

rupees per day during which the evasion is continued after conviction thereof.

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

Any person who is prosecuted for an offence under sub-section (1) shall be liable, on proof to the satisfaction of the Magistrate that he willfully omitted to pay the cess or other amount due from him under this Act or the rules or the bye-laws, to pay to the Market Committee the amount which may be due from him on account of such cess or other amount.

(5) Power of Magistrate to recover summary cess or other amount:-

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

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

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