

## **MEGHALAYA AGRICULTURAL PRODUCE MARKETS (GENERAL) RULES, 1982**

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## **MEGHALAYA AGRICULTURAL PRODUCE MARKETS (GENERAL) RULES, 1982**

MEGHALAYA AGRICULTURAL PRODUCE MARKET(S) (GENERAL)  
RULES, 1982

### **1. Short title, extent and commencement :-**

(1) These Rules may be called the Meghalaya Agricultural Produce Markets (General) Rules, 1982

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(2) These Rules shall come into force at once

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(3) They shall extend to the areas where the Act is in force

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## **2. Definitions :-**

In these unless there is anything repugnant to the subject or context

(a) "Act" means the Meghalaya Agricultural Produce Market Act, 1980

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(b) "Buyer" includes a person buying any agricultural produce himself or on behalf of any other person or organisation or firm as its agent or as commission agent for re-sale.

(c) "Form" means a Form appended to these Rules.

(d) 'Helper' means a person who loads, unloads, cleans, dresses and includes any other who assists in loading, unloading, cleaning and dressing of any agricultural produce.

(e) 'Market charges' means all charges payable by the buyer for the services rendered in connection with the handling of agricultural produce after the sale is settled and includes commission of an agent, brokerage, auction charges, filling and sewing of packages and bags and remuneration of the helper but does not include remuneration for weighing.

(f) 'Market fee' means fees payable to the market committee under R. 21.

(g) 'Notified market area' means the market area declared under sub-S. (1) and the area notified by the State Government under sub-S. (2) of S. 11 of the Act.

(h) "Seller" includes a person selling his agricultural produces himself or on behalf of any other person as his agent, servant or commission agent.

(i) Words used in the Rules but not defined in the Act shall have the meaning respectively assigned to them in the Act.

**3. Nomination of non-official members of the Board :-**

Nomination of the members of the Board shall be made by the State Government in consultation with the Director of Agriculture or, as the case may be, the Registrar of Co-operative Societies :

Provided that membership as per sub-C1. (iii) and (v) of C1. (b) of S. 3 (a) of the Act shall remain vacant so long as the market committees have not been formed or licences granted to any person as trader

.

**4. Term of office :-**

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

**5. Budget and expenditure of the Board :-**

(1) The Board shall meet not later than first week of February every year to finalise the budget for the next financial year.

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

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

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

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

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

by the Chairman and the Secretary of the Board.

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

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

#### **6. Powers and functions of the Chairman of the Board :-**

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

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

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

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

(5) The Chairman shall be the competent authority to accord sanction to any expenditure above Rupees ten thousand but not exceeding Rupees twenty thousand on any individual item for which provision has been made in the budget. For any expenditure in excess of Rupees twenty thousand on individual item approval of the Board shall be obtained.

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

#### **7. Powers and functions of the Secretary of the Board :-**

(1) Subject to the overall control of the Chairman, the Secretary of the Board shall exercise general control over the office of the Board and its employees and act as Head of the Office

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

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

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

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

.

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

.

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

## **8. Employees of the Board and market committees :-**

(1) The Board shall have control and superintendence over its employees

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

(3) The pay and allowances of the employees of the Board

including those of the Secretary and other employees of the State Government when deputed on full time basis shall be charged on the funds of the Board

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

**9. Conditions of service :-**

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

.

**10. Publication of notifications under Ss. 10 (1) and 11 (1) of the Act :-**

(2) The period of previous publication of the notifications under S. 10 (1) of the Act in the Official Gazette shall be 30 days.

**11. Nomination of members of the market committees :-**

(1) The licensed traders shall elect 3 (three) members from amongst themselves as the members of the market committee. The election shall be supervised by the Secretary of the market committee or by an officer authorised for this purpose by the Board

.

(2) The Registrar of Co-operative Societies, the Local Authority, if any, and the Managing Director of the Warehousing Corporation shall, for the purpose of Cls. (iii), (v) and (vi) respectively of S. 14 of the Act, send the names of their nominated representatives to the State Government through the Board

.

(3) The Board shall nominate five agriculturists and send their names and also forward those received under sub-Rr. (1) and (2) alongwith the recommendation to the State Government for appointment as members of a market committee

**12. Election of the Chairman of the market committee :-**

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

voting right

.

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

.

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

.

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

### **13. Budget and expenditure of the market committee :-**

(1) The provisions of R. 5 shall apply with regard to the budget and expenditure of a market committee except that for the words "Board" and "State Government" occurring in the said rule the same shall be read as "market committee" and "Board" respectively.

(2) The fund of the market committee shall be deposited in the nearest Branch of the MCAB Ltd., and operated jointly by the Chairman and Secretary of the market committee

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

### **14. Powers and functions of the Chairman of the market committee :-**

(1) The Chairman of the market committee shall be responsible for administering the Act in the market areas within the jurisdiction of this committee and preside over all meetings of the committee ; provided that in his absence, the members shall elect one from amongst themselves to preside over the meeting.

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

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

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

**15. Powers and functions of the Secretary of a market committee :-**

(1) The Secretary shall assist the Chairman of the market committee in administering the Act and advise him and the Committee in all matters connected with rules, bye-laws, orders and directions issued from time to time by the Board or the State Government

(2) The Secretary shall be the Chief Executive Officer of the market committee. The office establishment of the committee shall be under his control and all orders to any member of the staff of the Committee shall pass through him

.

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

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

(5) The Secretary of the market committee shall be the competent authority to grant leave of the employees of the committee

(6) The Secretary shall make an annual assessment of the work of the employees of the committee and submit to the Chairman of the market committee for making final assessment thereon

(7) The Secretary shall prepare the annual budget of the



committee and submit it to the Chairman of the committee for his approval for placing at the meeting of the committee

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

(9) The Secretary shall approve the tour of the employees of the committee and shall pass the travelling allowance bills of the employees of the committee other than those deputed by the State Government

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

#### **16. Removal of Chairman of a market committee :-**

(1) The requisition for a meeting for removal of the Chairman of the committee shall be signed by not less than one-third of the total members of the committee and submitted to the Secretary of the committee. The requisition shall contain the reasons for which the Chairman is sought to be removed from office

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

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

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

(5) The quorum for a requisitioned meeting shall be two-third of the total membership of the market committee

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

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

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

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

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

**17. Application for grant of licences and fees thereof :-**

(1) For grant of licences under S. 19(2) of the Act, a person shall make an application in duplicate to the Chairman of the market committee of the notified market area where he/she wishes to carry on his/her business and the same shall be received in his office

.

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

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

.

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

.

(7) If any area is excluded from a notified market area and included in another the licence issued under the Rules shall be valid and deemed to have been issued and renewable by the market committee of the new market area

(8) A record of licences issued under this rule shall be maintained by the market committee and the Board in Form C.

### **18. Cancellation of a licence :-**

(2) The action under sub-R. (1) shall not be in derogation to other penalties provided for in the Act or bye-law for such contravention

.

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

(4) The market committee, if it is satisfied that it is necessary so to do, may by order allow a change in the conditions of a licence granted provided the licensee applies for it and pays a fee of Rupee one only

### **19. Renewal of a licence :-**

(1) Renewal of a licence granted under these rules shall be made to the Chairman of the market committee in Form 'F' in case of a vendor or a commission agent and in Form 'G' in case of az broker, weighman a measurer a surveyor or warehouseman and shall be accompanied by the licence fee prescribed therefor

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

(3) Every renewal granted under this rule shall be deemed to take effect from the date following that on which the licence expired

.

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

.

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

### **20. Prohibition against grant of certain licences :-**

(1) Except as here-inafter provided, no person shall at the same time hold licences under these Rules in more than one capacity

.

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

## **21. Market fee :-**

(1) The Market fee leviable under S. 26 of the Act shall be paid by the buyer of the agricultural produce to an officer authorised by the market committee and shall be paid as soon as, and in any case within four days, the said produce is brought by him

.

(2) The market fee under this rule shall be levied once only on any transaction of sale and purchase taking place within the same notified market area

.

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

## **22. Maintenance of accounts :-**

(1) Every trader licensed under the Act shall maintain accounts and submit to the market committee returns in Form 'M' in respect of each transaction within 4 days therefrom

.

(2) The market committee shall maintain a register in Form 'N' showing the total daily sale and purchase transacted in the notified market area and the amount of fees due and recovered therefrom

.

(3) If any trader fails to submit the returns as prescribed in sub-R. (1) or the Chairman of the market committee has reason to believe that the returns submitted are incorrect he shall, after giving a notice to the trader concerned and after such enquiry as he may consider necessary proceed to assess the volume of sale and purchase transacted by the trader concerned during the period in question

.

(4) If a trader habitually makes default in the submission of the returns or if, in the opinion of the Committee the trader habitually

submits incorrect returns, the Chairman of the market committee may order the production of the books of accounts for inspection at his office

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

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

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

(8) An assessment under sub-R. (7) shall be communicated to trader in Form 'P'

### **23. Appeal against order under R. 22 :-**

(1) An appeal against the order made under sub-R. (8) shall lie to the Chairman of the Board. No such appeal shall be entertained unless the appellant has deposited twenty-five per cent of the amount due as fee from him with the Committee concerned.

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

### **24. Refund of certain amounts :-**

(2) The powers conferred on the Chairman of the market committee under sub-R. (1) may also be exercised by such Officer of the committee as he may authorise in this behalf

.

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

### **25. Audit of the Accounts :-**

The Accounts of the State Agricultural Marketing Board shall be audited yearly by a Chartered Accountant Firm and those of the

market committee by an Agency to be determined by the Board

**26. Preventing of adulteration of agricultural produce :-**

(1) No person shall adulterate or offer adulterated agricultural produce for sale, in a notified market area

.

(2) The market committee shall take all necessary steps to prevent adulteration of agricultural produce in the notified market area. Explanation. For the purpose of this rule adulteration shall include mixing of inferior stuff with superior quality of agricultural produce, mixing of different qualities, or of sieved remains or of mixing of earth, dirt and stones or any other extraneous matter with any agricultural produce

**27. Penalties :-**

Any person committing a breach of any of the provisions of these Rules or any of the conditions of his licence shall be punishable with fine which may extend to Rupees two hundred apart from other action that may be taken under the Rules

**28. Preservation of records :-**

The respective records of the Board and the market committee shall be preserved for the period noted against each below :

**29. Other matters on which the Board may frame bye-laws :-**

Without prejudice to the general powers of framing bye-laws under S. 53 of the Act, the Board may also make bye-laws on the following matters namely :

- (a) Grading of agricultural produce as per AGMARK standard ;
- (b) Improvement of the markets and the market areas ;
- (c) Classification of the Committee on the basis of their income and other related factors ;
- (d) The maintenance and regulation of staff quarters and other buildings belonging to the Board or to the market committees ;
- (e) The manner in which contracts may be executed on behalf of the Board or the market committee ;
- (f) The method of making propaganda or of giving publicity and demonstrations of the Scheme of the Act; and

(g) Such other matter which will, in the opinion of the Board promote the transaction of agricultural produce in the market areas

**30. Interpretation of the Rules :-**

If any doubt arises regarding interpretation of any of the provisions of these rules, the matter shall be referred to the Government and its decision shall be final