



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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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) "weighment" 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, weightment, 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