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**EXTRAORDINARY**

প্ৰাপ্ত কৰ্তৃপক্ষৰ দ্বাৰা প্ৰকাশিত

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**GOVERNMENT OF ASSAM**

**ORDERS BY THE GOVERNOR**

**LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH**

**NOTIFICATION**

The 21st November 1983

No.LGL.53/81/58.—The following Act of the Assam Legislative Assembly which received the assent of the President is hereby published for general information.

## ASSAM ACT No. XIII OF 1983

(Received the assent of the President on 6th November, 1983)

THE ASSAM AGRICULTURAL PRODUCE MARKET  
(AMENDMENT) ACT, 1983

An

Act

to amend the Assam Agricultural Produce Market  
Act, 1972

Preamble

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,

Short title,  
extent and  
Commence-  
ment

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

Amendment  
of Section 3

2. 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 licensee.
  - (v) One from amongst the members of the Co-operative Marketing Societies represented in the Market Committee.

(4) The term of the 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 Licencee, or a member of the Co-operative Society represented in the Market Committee.”

Amendment  
of Section 8

3. In the principal Act, in section 8, for sub-section (1), the following shall be substituted, namely:-  
“(1) Every Market Committee shall consist of the following members, namely :—”

Amendment  
of Section 13

4. In the principal Act, in section 13, for sub-section (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, weighman, 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 on payment of such fees and subject to such conditions as may be prescribed.”

Amendment  
of Section 21

5. In the principal Act, in section 21, the figure with first bracket “(1)” shall be deleted.

Amendment  
of Section 28

6. In the principal Act, the section 28, between the words “Market Committee” and “acquire land”, the words “and or the Board” shall be inserted.

Amendment  
of Section  
39.

7. In the principal Act, for section 39 with its marginal heading the following shall be substituted, namely :—

“Penalties”

39. (1) Whoever contravenes the provision of sub-section (2) of section 5 shall, on conviction be punishable with fine which may extend to five hundred rupees and 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) Whoever 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, weighman, 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 first 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 summarily cess or other amount :—

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 seizing 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.

D. C. SHARMA,  
Secretary to the Govt. of Assam,  
Judicial & Legislative Deptt.