



The Tripura Agricultural Produce Markets Act, 1980

Act 15 of 1983

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**THE TRIPURA AGRICULTURAL PRODUCE MARKETS
ACT, 1980
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**THE TRIPURA AGRICULTURAL PRODUCE MARKETS
ACT, 1980
An
Act**

to provide for the better regulation of buying and selling of agricultural produce and the establishment of markets for agricultural produce in the State of Tripura and for matters connected therewith.

Be it enacted by the Legislative Assembly of Tripura in the Thirty-First Year of the Republic of India as follows.

**CHAPTER 1
PRELIMINARY**

**Short title,
extent and
commence-
ment.**

1. (1) This Act be called the Tripura Agricultural Produce Markets Act, 1980.
- (2) It extends to the whole of the State of Tripura.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—
 - (a) "agricultural produce" means such produce (whether processed or not) of agriculture, horticulture, forest, animal husbandry and pisciculture, as are specified in the Schedule ;
 - (b) "agriculturist" means a person who ordinarily by his own labour or by the labour of any member of his family or who by the labour of his tenant or by servant or hired labour or otherwise is engaged in the production or growth of agricultural produce which has not been processed, but does not include a trader commission agent, processor or broker, in or in relation to, agricultural produce even though such trader, commission agent, processor or broker is also engaged in the production or growth of agricultural produce ;

Explanation :- For the purpose of this clause a person merely processing agricultural produce shall not be deemed to be engaged in the production or growth of agricultural produce and an agriculturist shall not cease to be so only because he processes or causes to be processed his own agricultural produce.

- (c) "bye-laws" means bye-laws made under section 56 ;
- (d) "commission agent" means a person, who, by himself or through his servant, buys and sells agricultural produce for any other person, keeps it in his custody and controls it during the process of its sale and purchase, and collects payment therefor from the buyer and pays it to the seller, and receives by way of remuneration, a commission or percentage upon the amount involved in each transaction ;
- (e) "Director" means the Director of Agriculture of the Government of Tripura and includes any other Officer appointed by the State Government to discharge all or any of the function of the Director under this Act ;
- (f) "local authority" means in relation to an area within the local limits of,—
 - (i) a Municipality , that Municipality ;
 - (ii) a notified area authority, that authority ;
 - (iii) a Gaon Sabha, that Sabha ;
- (g) "market" means any market established under section 5 of this Act ;
- (h) "market area" means an area declared to be a market area under section 4 ;
- (i) "market committee" means a committee constituted for a market under section 6 and includes a sub-committee constituted under section 24 ;
- (j) "notification" means a notification published in the official gazette ;
- (k) "Official Gazette" means the Tripura Gazette ;
- (l) "prescribed" means prescribed by rules made under this Act ;

- (m) "processor" means a person who processes any agricultural produce on payment of charge ;
- (n) "retail sale" in relation to any agricultural produce means the sale of that produce, not exceeding such quantity as the market committee may by bye-laws, determine to be a retail sale ;
- (o) "Schedule" means the Schedule to this Act ;
- (p) "Secretary" means the Secretary of a market committee and includes an Assistant Secretary ;
- (q) "Surveyor" means a person who, on arrival of a consignment of agricultural produce for sale in any market area or market, surveys it for ascertaining the quality refraction, alternation and other like factors ;
- (r) "trader" means a person who buys and sells agricultural produce as a principal or as a duly authorised agent for one or more persons or group of persons.

(2) If any question arises as to whether a person is or is not an agriculturist for the purposes of this Act, the matter shall be referred to the Director who shall decide the same.

Notification of intention of regulating marketing of Agricultural produce in specified area.

3. (1) The State Government may, by notification in the Official Gazette and in local news-papers, preferably in regional language, declare its intention of regulating the purchase and sale of such agricultural produce and in such area as may be specified in the notification in accordance with the provisions of this Act.

(2) The notification shall state that any objections or suggestions which may be received by the State Government within a period, not being less than sixty days, to be specified in the notification, shall be considered by the State Government.

4. (1) On the expiry of the period specified in the notification issued under Section 3 and after considering the objections and suggestions as may be received before such expiry, the State Government may by notification, declare the area specified in that notification or portion thereof, to be a market area for the purposes of this Act in respect of all or any agricultural produce specified in that notification.

Declaration of regulation of marketing of specified agricultural produce in market area.

(2) The State Government may in the manner specified in section 3, at any time—

- (a) exclude from a market area, any area comprised therein ; or
- (b) include in the market area, any new area as may be specified in such notification.

(3) On a declaration being made under sub-section (1), no local authority shall, notwithstanding anything contained in any other law for the time being in force establish or authorise or allow to be established, or continue or authorise the continuation of any place in the market area for the marketing or agricultural produce specified in the declaration or levy any fees on such agricultural produce sold in the market area.

CHAPTER II

ESTABLISHMENT OF MARKETS AND CONSTITUTION OF MARKET COMMITTEE

5. (1) For every market area, there shall be established a principal market, and there may also be established one or more subsidiary markets, for the marketing of agricultural produce.

Establishment of markets.

(2) The Director shall, as soon as possible after the declaration is made under sub-section (1) of section 4, by notification establish any place (including any structure enclosure, open place or locality) in any market area to be the principal market for the marketing of the agricultural produce specified in such notification and may, in the same manner establish in any other like places in the area subsidiary markets for the marketing of such agricultural produce.

Constiution of market Committees. 6. (1) There shall be constituted by the State Government, for every market area, a Market Committee ; and different Market Committees may be constituted for regulating the marketing of different kinds of agriculture produce marketed in the same market area or in any part thereof.

(2) The provisions of the Tripura Markets Act, 1979 shall not apply to a market in relation to the specified agricultural produce only.

(3) Every Market Committee shall exercise such powers and discharge such functions as may be vested in it by or under this Act.

Composition of market Committees. 7. (1) Subject to the provision of sub-Section (2), every Market Committee shall consist of the following 12 members namely :—

- (a) Six members to be elected by the agriculturists residing in the market area and holding agricultural land as ryot or under ryot in the State of Tripura ;
- (b) One member each to represent :
 - (i) the traders holding licences to operate as such in the market area ; and
 - (ii) the Co-operative Societies operating in that market area ; elected by the traders, or as the case may be, the societies, in the manner as may be prescribed :

Provided that where there is no Co-operative Society in the market area both the members shall be elected by the traders only.

- (c) Two members to be elected by the members of the local authority within the local limits of whose jurisdiction the principal market in relation to that Market Committee is situated.
- (d) One member each to represent the departments of the State Government dealing with Agriculture and Animal Husbandry, to be appointed by the State Government.

(2) When a Market Committee is constituted for the first time, all the members thereof, including the President, shall be nominated by the State Government.

(3) Subject to the provision of sub-section (2) every Market Committee shall elect one of its elected members to be its President.

8. Every Market Committee shall be a body corporate by such name as the State Government may, by notification specify, and shall have perpetual succession and a common seal and may, in its corporate name, sue and be sued and shall, subject to such restrictions as are imposed by or under this Act, be competent to contract and to acquire, hold and dispose of property, both movable and immovable, and to do all other things necessary for the purposes for which it is constituted.

**Incorporation
of market
Committees.**

9. (1) Except as otherwise provided in this Act and subject to the provision of sub-section (2) of section 7, the members of a Market Committee shall be elected by the individual, authorities or bodies referred to in sub-section (1) of section 7.

**Election and
term of offices
of members.**

(2) The manner of election, preparation and maintenance of the list of voters, qualifications of members, disqualifications for being chosen as, and for being, a member, the right of vote, the payment of deposit and its forfeiture, determination of election disputes, publication of the names of members elected, and all matters ancillary thereto shall be such as may be prescribed.

(3) If, for any reason, any body of persons, local authority or Co-operative Society or managing Committee thereof, fails to elect members of any Market Committee, the Director shall give notice in writing requiring such body of persons, local authority or Co-operative Society or managing Committee thereof, to elect members within one month from the date of service of such notice ; and on the failure of such body, authority, society or Committee to elect members within the specified period, the Director shall nominate the required number of persons who are qualified to be elected under this Act to represent such body or persons, local authority or Co-operative Society or managing Committee thereof.

(4) Except as otherwise provided under this Act, a member of a Market Committee (not being a committee constituted for the first time) shall hold office for a period of three years and a member of a Market Committee constituted for the first time shall hold office for a period of one year :

Provided that the State Government may, by notification, extend the term of office of members of any Market Committee for a period not exceeding one year.

Provided further that, a person, who is a member by virtue of being a member of a Co-operative Society or a local authority shall cease to hold office on his ceasing to be such member, and in the case of a person who is a licensee shall cease to hold office on his ceasing to be the holder of the licence.

(5) The names of the members of a Market Committee who have been elected or nominated, shall be published in the Official Gazette.

(6) Upon the publication of the names of all the members of a Market Committee after election or nomination, as the case may be, or upon the publication of the names of at least nine members of such committee in the Official Gazette, the Market Committee shall be deemed to be duly constituted.

Creation of election fund.

10. The Superintendence, Direction and control of the preparation of the list of voters for, and conduct of, all election to Market Committee shall be vested in the Director and , for the purpose of preparing the list of voters and conduct of elections, every Market Committee shall constitute an election-fund consisting of an amount as may be determined by the Director and shall deposit with the Director such amount and before such date as may be directed by him for meeting the expenses for preparing or revising the list of voters of conducting the election.

Commencement of term of office of members.

11. (1) The term of office of the members of a Market Committee shall be deemed to commence on the date of the first meeting of the Market Committee at which business is transacted.

(2) The first meeting of the Market Committee, to be called by the President, shall be held on such date as may be fixed by the Director or any officer authorised by him in that behalf, being a date not later than thirty days from the date on which the committee is deemed, under sub-section (6) of Section 9 to be duly constituted.

(3) Where the first meeting can not, for any reason, be held within the said period of thirty days, the Director shall report the fact to the State Government stating the reasons for the failure to hold the meeting, and shall act according to the direction of the State Government issued in that behalf.

(4) The term of office of the out-going members shall be deemed to extend to and expire with, the date immediately preceding the date of such first meeting.

12. (1) A member of a Market Committee may resign his office in writing addressed to the President and the President may resign his office of Member in writing addressed to the Director and the resignation shall take effect from the date on which it is accepted by the President, or as the case may be, the Director.

**Resignation
of members
and nomination
in certain
circumstances.**

(2) If at any time it appears to the State Government that any Market Committee, by reason of the resignation of all or a majority of the members thereof, is unable to discharge the functions conferred or imposed upon it by or under this Act, it may, by notification, nominate persons to fill the vacancies of the members who have resigned ; and the persons so nominated shall hold office for the remainder of the term of the members in whose place they are nominated or until the vacancies are duly filled by election or nomination as the case may be.

13. The State Government may, on the recommendation of the Market Committee supported by not less than eight members of that Committee present and voting at a meeting, remove any member if he has been guilty of or of any disgraceful conduct, or has become incapable of performing his duties as a member or is adjudged an insolvent:

**Removal
of members
of Market
Committee.**

Provided that no such member shall be removed from his office unless he has been given a reasonable opportunity of being heard by the State Government.

14. Subject to the provisions of Sub-Section (3) of Section 9 and Sub-Section (2) of Section 12, in the event of vacancies occurring on account of death, resignation or removable of a member, whether elected or nominated, before the expiry of his term of office, or otherwise, the President of the Market Committee shall forthwith communicate the occurrence of such vacancy to the Director and the vacancy shall be filled as soon as convenient, may be, by election, or, as the case may be, nomination, of a person, who shall hold office for the remainder of the term of office of the member in whose place he is elected or nominated :

**Casual
Vacancies.**

Provided that, if the vacancy occurs at any time within three months immediately preceding the date on which the term of office of the member is due to expire, the vacancy shall not, unless the State Government otherwise directs, be filled.

Terms of office of the President. 15. The President shall unless removed earlier, hold office for such period as may be prescribed and shall, notwithstanding the expiry of his term of office, continue to hold office until his successor enters upon his Office.

Procedure of election of President. 16. (1) The President shall be elected in the first meeting of the Market Committee.

(2) Such meeting shall be presided over by the Director or any person authorised by him in this behalf.

(3) The Director or such person shall, when presiding over the meeting, have the same powers as the President has while presiding over a meeting of the Market Committee, but shall not have the right to vote.

(4) If, in the election of the President, there is an equality of votes, the result of the election shall be decided by lots to be drawn in the presence of the person presiding over the meeting and in such manner as he may determine.

(5) In the event of a dispute arising as to the validity of the election of the President, the Director, if he is the presiding officer, shall decide the dispute himself, and, in any other case, the person presiding shall refer the dispute to the Director for decision and the decision of the Director, subject to an appeal to the State Government, shall be final, and no suit or other proceeding shall lie in any court in respect of any such decision.

Resignation of President. 17. The President of the Market Committee may resign his office in writing addressed to the Director ; and the resignation shall take effect from the date on which it is accepted by the Director.

Consequents of absence of the President without leave. 18. Subject to the rules made by the State Government in this behalf, a President of the Market Committee who absents himself from three consecutive meeting of the Market Committee without leave of the Director shall cease, on and from the date on which the third such meeting is held, to be the President.

Vacancies in office of President. 19. (1) In the event of a vacancy in the office of the President by reason of death, resignation or otherwise, the vacancy shall be filled as soon as possible,—

(a) by nomination, in the case of a Market Committee constituted for the first time ; and

- (b) in any other case, in the manner provided in sub-section (3) of section 7.

(2) Every President nominated or elected as the case may be, under this section, to fill a causal vacancy, shall hold office for such period as the President in whose place he is nominated or, as the case may be, elected, would have held such office if the vacancy had not occurred.

20. (1) On the nomination or election of the President, the out-going President shall forthwith handover charge of his office to the successor-in-office.

Refusal to handover charge to new President.

(2) If the out-going President fails or refuses to hand over charges of his office as required under Sub-Section (1), the Director or any person authorised by the Director in this behalf may, by order in writing, direct such president to forthwith handover charge of his office to the successor-in-office together with all records, fund and property of the Market Committee, if any, in his possession as such President.

(3) If the out-going President to whom a direction has been issued under sub-section (2) does not comply with such direction, the Director or any other person authorised by him in this behalf may apply to the Executive Magistrate, within the local limits of whose jurisdiction the Market Committee is functioning, for seizing and taking possession of the records, funds and property of the Market Committee in the possession of such President and handing over possession thereof to the successor-in-office.

(4) On receipt of an application under sub-Section (3) the Executive Magistrate may authorise any police officer, not below the rank of a Sub-Inspector to enter and search any place where the records, fund and property are kept or are likely to be kept and to seize them and to hand-over possession thereof to the person specified in such application.

(5) The provisions of the Code of Criminal Procedure 1973 shall apply to every search and seizure made under this Act.

21. The quorum for a meeting of the Market Committee and the procedure to be followed thereat shall be regulated in accordance with the bye-laws made for the purpose by the Market Committee.

Meeting etc. of Market Committee.

Members to act during vacancy; acts of Market Committee, etc. not to be invalidated by informaticities.

22. A Market Committee shall have power to act notwithstanding any vacancy in the membership, or any defect in the constitution, thereof ; and the proceedings of a Market Committee shall be valid notwithstanding that some person, who was not entitled to be a member, had sat voted or otherwise taken part in the proceedings of any such Committee.

CHAPTER III MARKET COMMITTEES — POWERS AND DUTIES

Powers and duties of Market Committes.

23. (1) Subject to the provision of this Act, it shall be the duty of a Market Committee—

- (i) to implement the provisions of this Act and of the rules and bye-laws made thereunder for the market area ;
- (ii) to provide such facilities for marketing or agricultural produce therein as the State Government may, from time to time direct ;
- (iii) to do such other acts as may be required in relation to the Superintendence, direction and control of markets, or for regulating marketing of agricultural produce in any place, in the market area and for purposes connected with the matters aforesaid,

and for that purpose, may exercise such power and perform such duties and discharge such functions as may be provided by or under this Act.

(2) Without prejudice to the generality of the foregoing provisions, a Market Committee may —

- (a) grant, renew, refuse, suspend or cancel licences ;
- (b) provide for setting disputes arising out of any kind of transactions connected with the marketing of agricultural produces and all matters ancillary thereto ;
- (c) prosecute persons for violating the provisions of this Act and all the rules and bye-laws made thereunder ;
- (d) maintain and manage the market, including the regulations of conditions for use of the market ;

- (e) regulate the marketing of agricultural produce in the market area or the market, and the weighment or delivery of or, payment for, such agricultural produce ;
- (f) arrange for collection—
 - (i) of such agricultural produce in the market area in which all trades therein are to be carried on exclusively by the Government by or under any law for the time being in force for that purpose, or
 - (ii) of such other agricultural produce in the market area, as the State Government may, from time to time, notify in the Official Gazette (hereinafter referred to as the notified produce) ;
- (g) acquire, hold and dispose of any movable or immovable property (including any equipment necessary for the purpose of efficiently carrying out its duties) ;
- (h) collect or maintain, disseminate and supply information in respect of production, sale, storage, processing, prices and movement of agricultural produce (including information relating to crops-statistics and marketing intelligence as may be required by the Director or the State Government ;
- (i) take all possible steps to prevent adulteration and to promote grading and standardisation of such agricultural produces as may be prescribed ;
- (j) enforce the provisions of this Act and of the rules and bye-laws made, and conditions of the licences granted, under this Act ;
- (k) perform such other duties as may be prescribed.

24. A market Committee may constitute one or more Sub-Committees consisting of one or more of its members and, subject to such restrictions and conditions as may be prescribed, delegated to such Sub-Committees such of its powers or duties as it may think fit.

Constitution of Sub-Committee, delegation of powers.

Power of the market Committee to open Collection centre for marketing of specified produce; provision for Receipt & payment by purchaser.

25. (1) A market Committee duly authorised by the State Government for the purpose may, by an order published for the information of the Public in such manner as it deems fit, open collection centres for collecting thereat the produce specified in such order (herein-after referred to as the specified produce).

(2) Where any person wishes to sell any specified produce in a market area, he shall tender all such produce only at the collection centre established for the purpose under sub-Section (1) :

(3) The Market Committee shall, on the sales of such produce, get it weighed, measured or, as the case may be counted, forthwith and arrange for issuing a receipt therefor to the person who has tendered the produce at the collection centre for sale or, as the case may be, to the commission agent or agency and shall also arrange to give a copy of the receipt to the purchaser ;

Provided that the Market Committee may authorise any corporate body registered under the Tripura Co-operative societies Act, 1974 and operating in the collection centre in specified produce for the purpose of discharging the functions of the Market Committee under this sub-section on such terms and conditions, not being inconsistent with the provisions of this Act or the rules or the bye-laws made thereunder, as may be agreed upon.

(4) Such receipt shall contain the following particulars, that is to say,—

- (i) the name of the collection centre ;
- (ii) the name of the tenderer ;
- (iii) the name of the purchaser ;
- (iv) the name of the agent, if any;
- (v) the name of the specified produce, the weight, measure or number thereof and the fees paid for the weighing, measuring or counting such produce ;
- (vi) grade of specified produce, if any, and the rate ;
- (vii) the amount to be paid to the Market committee by the purchaser ;

- (viii) the amount to be paid by the tenderer to the commission agent by way of his commission, if any, and such other market charges, as are duly authorised by the Market Committee ;
- (ix) the amount to be actually paid to the tenderer after deducting the amount, if any, falling under clause (vii) or clause (viii) ;
- (x) the total amount to be paid by the purchaser in respect of the specified produce purchased by him.

(5) The dues payable to a Market Committee under clause (vii) of Sub-Section (4) shall consist of fees to be levied and collected from a purchaser by or under this Act.

(6) The purchaser shall, on receiving a copy of the receipt, pay forthwith the total amount to be paid by him as recorded in the receipt, to—

- (a) the Market Committee, an amount equal to the total of the amount referred to in clause (vii) and clause (viii) of Sub-Section (4).
- (b) the tenderer an amount equal to the amount referred to in clause (ix) of Sub-Section (4).

(7) The Market Committee, on receipt of money shall arrange to pay from the amount received by it, to the commission agent, if any, the amount recorded against such agent in the receipt and credit the balance due to it to the market fund.

26. It shall be competent for a Market Committee to levy and collect such fees (hereinafter referred to as the market fees), not being in the excess of, or less than, an amount determined by the State Government by notification, from every purchaser of agricultural produce sold in a market area in such manner and at such rate as may be prescribed:

**Power of
Market
Committee
to levy fees.**

Provided that when any agricultural produce brought into any market area for the purpose of processing only, or for export, is not processed or exported there from within thirty days, from the date of its arrival therein, it shall, until the contrary is proved, be presumed to have been brought into the

market area for buying and selling, and shall be subject to the levy of fees under this section, as if it had been brought and sold therein :

Provided further that no such fees shall be levied and collected in the same market area in relation to any agricultural produce in respect of which fees under this Section have already been levied and collected therein.

Power to borrow & land.

27. (1) A Market Committee may, with the previous sanction of the State Government, raise money required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act.

(2) A Market Committee may, for the purposes of meeting the expenditure on lands, building and equipment, required for establishing the market, obtain loan from the State Government on such term and condition as that Government may determine.

(3) A Market Committee may with the previous approval of the State Government, obtain loans from other Market Committees or any financial Institution or give loans to other Market Committee on such conditions, and subject to such rules, as may be made.

Execution of contracts.

28. (1) Every contract entered into by a Market Committee shall be in writing and shall be executed on behalf of the Committee by the President and the Secretary of the Committee.

(2) No contract, other than a contract executed as provided in sub- section (1), shall be binding on the Market Committee.

CHAPTER IV OFFICERS AND SERVANTS OF MARKET COMMITTEE :

Power of Market Committee to employ staff.

29. (1) Every Market Committee shall, have as it is Secretary a person appointed by the State Government from amongst the nominated members of the Committee.

(2) A Market Committee may, with the previous approval of the State Government, employ such number of other officers and servants as may be necessary for the management of the market and the salary and conditions of

service of such officers and servants shall be such as may be determined by the Committee by bye-laws made in the behalf.

(3) The Government may, on the request of a Market Committee and on such conditions as may be prescribed, depute a servant of the Government to the service of the Market Committee for the purpose of assisting that committee to manage its affairs.

CHAPTER V MARKETING OF AGRICULTURAL PRODUCES

30. (1) Subject to the provisions of this section and of the rules providing for regulating the marketing of agricultural produce in any place in the Market Area, no person shall on and after the date on which an area is declared under sub-section (1), of Section 4, to be a Market Area, without, or otherwise than in conformity with the terms and conditions of a licence granted by—

**Regulation
of Marketing
of agricultural
produce.**

- (a) the Director, when a Market Committee has not been constituted or has not started functioning ; or
- (b) in any other case, by the Market Committee—
 - (i) use any place in the Market Area for the marketing of the agricultural produce specified in the said declaration ; or
 - (ii) operate in the Market Area or in any market therein as a trader, commission agent, processor, weighman, measurer, surveyor, ware-houseman, or in any other capacity in relation to the marketing of such agricultural produce.

(2) Nothing in sub-section (1), shall apply to the retail sale by an agriculturist of his own produce, or to sell by a person, not being a trader or agriculturist, where such person himself sells to another who buys for his personal consumption or the consumption of any member of his family.

31. (1) Subject to the rules made in this behalf, a Market Committee may, after making such inquiries as it deems fit, grant or renew a licence for the use of any place in the Market Area for the marketing of agricultural produce or

**Grant of
licences.**

for operating therein as trader, commission-agent, surveyor processor, weighman, measurer, ware-houseman or in any other capacity in relation to marketing of agricultural produce or may after recording its reason in writing therefor, refuse to grant or renew any such licence ;

Provided that the Director may, where a Market Committee has not been constituted or has not started functioning, subject to any rules that may be made in this behalf, grant a licence for the marketing of agricultural produce or for operating in any Market area as a trader, commission-agent, processor, weighman, measurer, surveyor, warehouseman or in any other capacity.

(2) A licence granted under sub-section (1),—

- (a) shall be in such form, valid for such period, and subject to such terms, conditions, restrictions and limitations as may be prescribed and such restrictions may include a provision prohibiting commission agents from acting in any transaction (except between a trader and trader) in respect of such agricultural produce as may be prescribed ; and
- (b) may also specify,—
 - (i) the manner in which and the place at which auction of agricultural produce shall be conducted and bids at such auction shall be accepted;
 - (ii) places at which weighment and delivery of agricultural produce shall be made in any market or market area and on payment of such fees as may be prescribed.

Power to cancel and suspension of licence. 32. (1) Subject to the provision of sub-section (3), a Market Committee may, for reasons to be recorded in writing, suspend or cancel a licence granted or renewed under this chapter,—

- (a) if the licence had been obtained through wilful misrepresentation, or fraud ;
- (b) if the holder of the licence or any servant or any one acting on his behalf with his express or implied permission commits a breach of any of the terms or conditions of the licence ; or

- (c) if the holder of the licence in combination with other holders of licences commits any act or abstains from carrying out his normal business in the market with intention of wilfully obstructing, suspending, or stopping the marketing of agricultural produce in the market area ; or
- (d) if the holder of the licence has been adjudged an insolvent and has not obtained his discharge ; or
- (e) if the holder of the licence is convicted of any offence under this Act.

(2) Notwithstanding anything contained in sub-section (1) but subject to the provisions of sub-section (3), the Director may, when the market committee has not been constituted or has not started functioning, for reasons to be recorded in writing, by order, suspend or cancel any licence granted or renewed under this chapter.

(3) No licence shall be suspended or cancelled under this section unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

33. (1) Any person aggrieved by an order of the Director or the Market Committee refusing to grant or renew a licence or cancelling or suspending any licence, may appeal to the State Government within thirty days from the date on which such order is communicated to him and in such manner as may be prescribed.

Appeal.

(2) The State Government shall, on such appeal, make such order as it may deem just and proper :

Provided that, before dismissing an appeal, the State Government shall give the appellant a reasonable opportunity of being heard, and record in-writing the reasons for, such dismissal.

34. (1) For the purpose of settling dispute between buyers and sellers of agricultural produce or their agents including any dispute regarding quality or weight or payment, or any other matter in relation to the regulation of marketing of agricultural produce in the market area, the Market Committee constituted for that Market area may appoint arbitrators or constitute from amongst its members a Sub-Committee.

Provision for settlement of disputes.

(2) The method of appointment of arbitrators, the constitution and function of the sub-committees and the fees, if any, that may be paid by parties for the settlement of disputes shall be such as may be prescribed.

Any party, aggrieved by the decision of the arbitrator or the sub-committee, may prefer an appeal from such decision to the State Government in such manner and within such time as may be prescribed.

CHAPTER VI MARKET FUND

Market fund its custody and investment.

35. (1) All fees and other moneys received by a Market Committee under this Act (except the amount of such fees credited to the election fund under section (10), all sums realised by way of penalty (otherwise than by way of fine in any criminal case), all loans raised by the Committee, and all grants, loans, or contributions made by the State Government to the Committee shall form part of a fund to be called the Market Fund.

(2) The amount to the credit of a Market Fund shall be kept or invested in such manner as may be prescribed.

Purposes for which Market fund may be expended.

36. The amount standing to the credit of the Market Fund may be expended for all or any of the following purposes, namely :—

- (a) the acquisition of site or sites for the market ;
- (b) maintenance, development and improvement of market ;
- (c) construction of, and repairs to, buildings necessary for the purpose of such market and for the health, convenience and safety of persons using it ;
- (d) the provision and maintenance of standard weight and measures ;
- (e) pay, pension and leave, allowances, gratuities, compensations for injuries or death resulting from accidents, compassionate allowances and contributions towards leave, pensions or provident fund of the officers and servants, employed by the Market Committee ;
- (f) the payment of interest on loan, if any, raised by the Market Committee and the provision of sinking fund in respect of such loan ;

- (g) the collection and dissemination of information regarding matters relating to crops statistics and marketing in respect of agricultural produce specified in the notification under sub-section (1) of section 4 ;
- (h) propaganda in favour of agricultural improvement and orderly marketing ;
- (i) payment of travelling and other allowances to the members of the Market Committee and of its sub-committees, if any, constituted under section 34 ;
- (j) expenses of any tribunal constituted under sub-section (4) of section 52;
- (k) any other function of the Market Committee specified in this Act or in the rules made therein ;
- (l) for any other purpose, with the previous approval of the State Government.

37. The manner in which any payment from the Market Fund shall be made, its account shall be kept and audited or reaudited (including powers to be exercised by the auditor in this 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 administrative report shall be prepared, shall be such as may be prescribed.

Manner of auditing accounts, preparing budget, annual report etc.

CHAPTER VII TRADE ALLOWANCES PROHIBITED

38. No person shall make, or cause to be made on his behalf or on behalf of any other person, or recover, or cause to be recovered on his behalf or on behalf of any other person, and trade allowances in any market or market area in relation to any transaction made or proposed to be made the market area in respect of any agricultural produce.

Making or recovery of trade allowances prohibited

Explanation :—For the purposes of this section "trade allowance" means anything realised in cash or kind by the purchaser from the seller in any transaction relating to agricultural produce either by deduction from the price agreed upon or otherwise.

CHAPTER VIII
CONTROL BY THE STATE GOVERNMENT

Instruction, 39. The Director, or any officer authorised by him by general or by special enquiry, submission of statement, etc. order in this behalf, may——

- (a) inspect or cause to be inspected the accounts and offices of a Market Committee ;
- (b) hold inquiry into the affairs of a Market Committee ;
- (c) call for any return, statement, accounts or report which it or he may think fit to require such committee to furnish ;
- (d) require a Market Committee to take into account——
 - (i) any objection which appears to it or him to exist to the doing of any thing which is about to be done or is being done by or on behalf of such committee, or
 - (ii) any information he is able to furnish and which appears to him to necessitate the doing of certain thing, which is not being done by such committee,

and make a written reply to him within a reasonable time stating its reason for doing or not doing such thing ;

- (e) with prior approval of the State Government direct, pending consideration of their reply made under clause (d), that anything which is about to be done or is being done, should not be done and any thing which should be done but is not being done, should be done within such time as he may direct.

Duty of officers, servant and members of Market Committee to furnish information to the Director, authorised officers and State Government. 40. (1) When the accounts and offices of Market Committee are inspected, or the affairs of such Committee are inquired into, under section 39, or the proceeding of such committee are examined under section 42, all officers, servants, and members of such committee shall furnish such information in their possession in regard to the accounts and offices or affairs or proceedings of such committee as the Director, or the officers authorised by the Director, as the case may be, may require.

(2) The Director or any officer inspecting the accounts and offices or inquiring into the affairs of Market Committee under section 39, or the State Government examining the proceedings of such committee under section 42, shall, for the purposes of such inspection, inquiry of examination, have the

same powers as are vested in a civil court under the code of civil procedure 1908, while trying a suit in respect of the following matters, namely :—

- (a) the summoning and enforcing the attendance of any officer, servant or member of the Market Committee and examining him on oath ;
- (b) the discovery and production by any officer, servant or member of the Market Committee of any document or other material object producible as evidence ; and
- (c) the reception of evidence on affidavits.

(3) Any officer exercising the powers conferred by sub-section (2) shall be deemed to be a Civil Court for the purposes of Section 195 and Chapter XXVI of the code of Criminal Procedure, 1973.

41. Where the Director has reason to believe that the books and records of a Market Committee are likely to be tampered with or destroyed or the funds or property of a Market Committee are likely to be mis-appropriated or mis-applied, the Director may, with the approval of the State Government, issue an order directing a person duly authorised by him in writing to seize and take possession of such books and records, funds and property of a Market Committee and the officer or officers of the Market Committee responsible for the custody of such books, records, funds and property shall give delivery thereof to the person so authorised.

Powers of the Director to seize books and records, funds and Market properties of Committee.

42. The State Government may at any time, call for and examine the records of any proceedings of a Market Committee for the purposes of satisfying itself as to the legality or propriety of any decision or order passed by the Market Committee under this Act, and if, in any case, it appears to the State Government that any decision or order or proceedings so called for should be modified, annulled or reversed, the State Government may pass such order thereon as it thinks fit.

Powers of the State Government to call for records of any proceeding of a Market Committee.

43. (1) If, in the opinion of the State Government, a Market Committee, or any member thereof, is not competent to perform, or persistently makes default in performing the duties imposed on it or him by or under this Act, or abuses its or his power or wilfully disregards any instructions issued by the State Government or any officer duly authorised by it in this behalf and

Supersession of Market Committee etc.

arising out of audit of account of the Market Committee or inspection of the office and works thereof thereby frustrating the purposes of this Act, the State Government may, for reasons to be recorded by it in writing and after giving the Committee or member, as the case may be, an opportunity of tendering an explanation, by notification, supersede such Market Committee, or remove such member, as the case may be ; and where a member is removed the vacancy so caused shall be filled in the same manner, and subject to the same condition in regard to term of office, as provided in section 14.

(2) Upon the publication of a notification under sub-section (1) superseding a Market Committee the following consequences shall ensure, that is to say —

- (a) all members of the Market Committee shall, from the date of such publication, be deemed to have vacated their office.
- (b) all the assets of the Committee shall vest in the State Government ;
- (c) the State Government may, by order, either constitute a new Market-Committee in accordance with the provisions contained in Chapter II or make such other arrangement for carrying out the functions of the Market Committee as it thinks fit.

CHAPTER IX PENALTIES

Penalty for not complying with directions. 44. If the President to whom a direction has been issued under sub-section (2) of section 20, does not, except for reasons beyond his control, comply with such direction, he shall be punished with fine which may extend to five hundred rupees.

Penalty for contravention of Sec. 33 45. Whoever, in contravention of the provision of sub-section (1) of section 30, uses any place in the market area for the marketing of the agricultural produce specified in the declaration made under sub-section (1) of section 4, or operates in the market area or in any market therein as a trader, commission agent, processor, weighman, measurer, surveyor, warehouseman, or in any other capacity in relation to the marketing of agricultural produce specified in such declaration, shall be punished with imprisonment for a term which

may extend to one month, or with fine which may extend to five hundred rupees, or with both ; and in the case of continuing contravention with further fine which may extend to fifty rupees for every date, after the first, during which the contravention continues.

46. Whoever, in contravention of the provision of section 38, makes or causes to be made or recovers or causes to be recovered any trade allowances, shall be punished with imprisonment for a term which may extend to one month, or with -fine which may extend to five hundred rupees, or with both. **Penalty for making or recovering trade allowances.**

47. Whoever, obstructs any officer in carrying out the inspection of accounts, or in holding the inquiry into the affairs of a Market Committee or fails to obey any order with reference to any matter specified in clause (a), clause (c), clause (d) or clause (e) of section 39 shall be punished with fine which may extend to two hundred rupees for every date during which the offence continues. **Penalty for obstruct of officer and failure to obey order under Sec. 39.**

48. Whoever contravenes any provisions of this Act or of any rules or bye-laws made thereunder shall, if no other penalty is provided for such contravention elsewhere in this Act or in the rules or bye-laws, be punished with fine which may extend to two thousand rupees.

CHAPTER X Miscellaneous

49. The President, the members, the Secretary and other officers and servants of a Market Committee shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. **President etc. of the Market Committee to be public servants.**

50. No order passed or decision made under this Act shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which any competent authority is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act. **Bar of Jurisdiction.**

51. (1) No offence under this Act, or any rule or bye-law made thereunder, shall be tried by a court inferior to the court of a Judicial Magistrate of the first Class. **Trial of offences.**

(2) No prosecution under this Act shall be instituted except by the Director or any officer authorised by him in that behalf or by the Secretary or by any other person duly authorised by the Market Committee in that behalf.

(3) No court shall take cognizance of any offence under this Act or any rule, order or bye-law made thereunder, unless complaint thereof is made within six months from the date on which the alleged commission of the offence came to the knowledge of the Director, officer, Secretary or person referred to in sub-section (2).

(4) All fines received by a court from an offender shall be credited to the Government revenues and an amount equal to such fine shall be paid by the Government to the Market Committee.

Recovery of sums due to Government Market Committee and others. 52. (1) Every sum due from a Market Committee to the Government shall be recoverable as an arrear of land revenue.

(2) Subject to the provisions of sub-section (3) of section 55, any sum due to a Market Committee on account of any charge, costs, expenses, fees, rent or on any other account under the provisions of this Act or any rule or bye-law made thereunder or any sum due to an agriculturist for any agricultural produce, specified under sub-section (1) of section 25, sold by him in the market area and which is not paid to him as provided by or under this Act, shall be recoverable from the person from whom such sum is due in the same manner as if it were an arrear of land revenue.

(3) If any question arises whether a sum is due to a Market Committee or any agriculturist within the meaning of sub-section (2) it shall be referred to a Tribunal constituted for the purpose which shall, after making such inquiry as it may deem fit, and after giving to the person from whom it is alleged to be due, an opportunity of being heard, decide the question and the decision of the Tribunal shall be final.

(4) The State Government may constitute one or more Tribunals consisting of one person, possessing such qualifications as may be prescribed, who is not connected with the Market Committee or the agriculturist as the case may be, or with the person from whom the sum is alleged to be due.

Power of State Government to delegate Powers. 53. The State Government may, by notification, and subject to such conditions, if any, as it may think fit to impose, delegate all or any of the powers conferred upon it by or under any of the provisions of this Act to the Director or any other officer or person specified in the notification.

54. The State Government may, by general or special order, published in the Official Gazette, exempt any Market Committee or any class of persons from any of the provisions of this Act or any rule or bye-law made thereunder or may direct, in like manner, that the provisions of this Act shall apply to the Market Committee or any class of persons with such notifications, not affecting the substance thereof, as may be specified in that order.

Power to exempt the Market Committee etc. from provisions of the Act.

55. (1) The State Government may, by notification, make rules for carrying out of the provisions of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the manner in which the members of a Market Committee may be elected, under section 9 including all matters incidental to such election ;
- (b) term of office and other conditions of service of the President of the Market Committee under sections 15 and 18 ;
- (c) the duties of Market Committee under sub-section (2) of section 23 and the promotion of the grading and standardisation of such agricultural produce as may be specified in the rules, under clause (i) of that sub-section ;
- (d) the manner of levy and collection of Market fees by Market Committee, under section 26 ;
- (e) the conditions subject to which loans may be obtained or given by a Market Committee under sub-section (3) of section 27 ;
- (f) the manner in which and the time within which an appeal may be filed under sub-section (2) of section 59 ;
- (g) the form of licence and the terms and conditions subject to which a licence may be granted or renewed, including fees to be paid in respect of such licence, under section 31 ;
- (h) the fees payable in connection with the weighment and delivery of agricultural produce under section 31 ;

- (i) the manner in which an appeal may be filed under sub-section (1) of section 33 ;
- (j) the composition of sub-committees, method of payment of arbitrators and the fees, if any, that may be paid by parties for the settlement of disputes, the procedure to be followed by the sub-committees or arbitrators for the settlement of disputes and the manner in which and the time within which an appeal may be preferred from the decision of the sub-committee or arbitrator under section 34 ;
- (k) the manner in which the amount to the credit of a Market Fund shall be kept or invested under sub-section (2) of section 35 ;
- (l) travelling and other allowances payable to the members of the Market Committees ;
- (m) the manner in which payment from the Market Fund shall be made, its account shall be kept or audited or re-audited, budget estimates of income and expenditure shall be made and annual administration report shall be prepared under section 37 ;
- (n) the qualifications of a member of a Tribunal constituted under sub-section (4) of section 52 ;
- (o) any other matter which is required to be, or may be, prescribed.

(3) Any rule made under this section may provide that if any purchase fails to make the payment forthwith as required by sub-section (6) of section 25, he shall be liable to pay interest from the date of sale to the date of payment at such rate as may be provided in such rule and if payment is not made within thirty days from the date on which the agricultural produce is sold, the principal and interest shall be recoverable by the Market Committee from the purchaser in the manner provided in section 52.

(4) Any rule under the provisions of this Act, may provide that the contravention thereof shall on conviction, be punished with fine which may extend to five hundred rupees.

(5) The power to make rules conferred by this section, shall be subject to the condition of the rules being made after previous publication.

(6) Every rule made under this Act shall be laid as soon as may be after it is made before the Legislative Assembly of Tripura while it is in session for total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the house agrees in making any modification in the rule or the House agrees 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 modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

56. (1) Subject to any rules made under this Act, and with the previous sanction of the State Government, a Market Committee may, in respect of the market area for which it is constituted or any market established therein, make bye-laws for determining the quantity of agricultural produce which may be provided for retail sale, for the regulation of the business (including meeting, quorum and procedure) of the Market Committee, and the conditions of trading in the market area, including the rates and manner of collection or refund of market fees or any other fees levied under this Act. **Bye-Laws.**

(2) Where a Market Committee fails to make bye-laws under this section within six months from the date on which this Act comes into force or the date of its constitution, whichever is later, the State Government may make such bye-laws as it may think fit and the bye-laws so made shall remain in operation in relation to that Market Committee.

(3) Any bye-law made under the provisions of this Act may provide that any contravention thereof shall, on conviction, be punished with fine which may extend to one hundred rupees.

57. The State Government may by notification, include in the Schedule any item of agricultural produce or, amend, or exclude, any of the items of agricultural produce specified in the Schedule. **Power of the State Government to amend Schedule.**

58. Whenever it is found that any amount due to the State Government or a Market Committee is irrecoverable or should be remitted, or whenever any loss of the State Government's or a Market Committee's money or stores or **Power of Write off recoverable fees etc.**

other property occurs through the fraud or negligence of any person or for any other cause and such money or property is found to be irrecoverable, the fact shall be reported to the Director or Market Committee as the case may be, and the Director with the approval of State Government and the Market Committee, with the approval of the Director, may order the amount or value of the property to be written off as lost, irrecoverable or remitted, as the case may be :

Provided that the Director shall not accord such approval without obtaining prior consent of the State Government.

Power of the Committee and President to impose penalties, 59. (1) A Market Committee shall have the power, by order, to impose the penalties of censure and fine on any market functionary or agriculturist or purchaser for the contravention of any bye-law, after giving the person concerned a reasonable opportunity of being heard :

Provided that the Market Committee shall not be competent to impose fine exceeding twenty-five rupees.

(2) An appeal against an order under sub-section (1) shall lie to the Director, within such time and in such manner as may be prescribed.

Repeal and saving. 60. (1) On the commencement of this Act, the Bombay Agricultural Produce Markets Act, 1939, shall cease to be in force in the State of Tripura :

Provided that such ceaser shall not affect the previous operation of the enactment aforesaid and anything done or any action taken (including any appointment, delegation or declaration made, notification, order, rule, direction, or notice issued, bye-laws framed, Market Committee established, licences 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 Act, be deemed to have been done or done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

(2) Any area or place declared to be a market area or any place or market declared to be a market under the enactment so ceasing to be in force shall, on the commencement of this Act, be deemed to be the market area or market declared under this Act ; the Market Committee constituted for the said market area and functioning immediately prior to such commencement

shall be deemed, notwithstanding anything contained in this Act, to be the Market Committee constituted under this Act, for such Market area, and, where it is so declared or notified, also for the agricultural produce specified in the declaration or notification; and all the members of such Market Committee shall be deemed to be members nominated by the State Government under sub-section (2) of section 7 .

(3) Any reference to the enactment ceasing to be in force as aforesaid or to any provisions or to any officer, authority or person entrusted with any functions thereunder, in any law for the time being in force or any instrument or document, shall be construed, where necessary, as a reference to the corresponding provisions of this Act or to the corresponding officer, authority or person functioning under this Act, and the corresponding officer, authority or person, as the case may be, shall have and exercise the functions under such law, instrument or document.

61. If any difficulty arises, in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order not inconsistent with the provisions of this Act, do anything which appears to it to be necessary or expedient for the purpose of removing the difficulty : **Power to remove difficulties.**

Provided that no such order shall be made after the expiry of three years from the commencement of this Act.

SCHEDULE
[Sec section 2(1) (a) and section 57].

I. FIBRES :

1. Cotton (Ginned and unginne)
2. San hemp
3. Jute
4. Mesta

II. GENERALS :

1. Wheat and Wheat products
2. Paddy and its products
3. Chira
4. Muri
5. Khai
6. Maize
- 7 Ragi
8. Jowar

III. PULSES :

1. Arhar
2. Blackgram or Kalai
3. Mug
4. Lentil (Musur)
5. Choola
6. Dry peas
- 7 Kulthi
8. Splits (Dal) of pulses
9. Khesari
10. Ghevda
11. Cow peas (Dry)
12. Assam Vailly

IV. OIL SEEDS :

1. Grindnut (Shelled and unshelled)
2. Linseeds
3. Sesamum
4. Coconut (including Green)

5. Cotton Seeds
6. Castor Seeds
7. Mustard and Rape
8. All vegetable oils & ailcakes

V. TOBACCO :

VI. Gur, Sugar and sugarcane.

VII. FRUITS :

1. Mango
2. Musambi
3. Lemon
4. Banana
5. Chikko
6. Melons
7. Water Melon
8. Papaw
9. Guava
10. Custard Apple
11. Pineapple
12. Nespate
13. Jackfruit
14. Litchi
15. Orange
16. Black Berry.

VIII. VEGETABLE :

1. Potato
2. Onion
3. Palwal
4. Brinjals
5. Gourds (Law, Chalkumar & Mistt Kumar)
6. Bhindi
7. Pumpkin

8. Tomato
9. Cauliflower
10. Cabbage
11. Peas
12. Beans
13. Shag (All leafy vegetable)
14. Carrot
15. Raddish
16. Sweet Potato
17. Karala
18. Patal
19. Mukhi (Chara)
20. Kachu
21. Green Chilly
22. Tapioca
23. Papaw (Green)

IX. ANIMAL HUSBANDRY PRODUCTS :

1. Eggs
2. Poultry
3. Cattle
4. Sheep
5. Goat
6. Wool
7. Butter
8. Ghee
9. Milk
10. Pork
11. Bones
12. All kinds of meat
13. Hides and Skins

X. CONDIMENTS, SPICES & OTHERS :

1. Turmeric
2. Ginger
3. Coriander
4. Cardamon including black peeper
5. Garlic

6. Chillies
7. Betelnuts
8. Betel leaves
9. Cashewnut
10. Rai mustard
11. Methi
12. Tamarine

XI. GRASS & SODDER

XII. CATTLE FEEDS :

(All kinds of cattle feeds)

XIII. APICULTURE :

1. Honey

XIV. PISCICULTURE :

1. Fish including fish seed
2. Fish including dry fish

XV. FOREST PRODUCE :

1. Hilda
2. Gum
3. Bidi leaves
4. Lac
5. Chhan
6. Citronala and its oils
7. Bel
8. Kul
9. Bamboo including Dhari, Tukri, Laddor, Chatai & Wooden portion of the plough.

1st. Amend

Tripura Act No. 3 of 1984

**THE TRIPURA AGRICULTURAL PRODUCE
MARKETS (AMENDMENT) ACT, 1983.**

PUBLISHED IN THE
EXTRAORDINARY ISSUE OF TRIPURA GAZETTE

Agartala, Thursday, August 30, 1984 A. D.
Bhadra 8, 1906 S. E.

GOVERNMENT OF TRIPURA
LAW DEPARTMENT

No. F. 2(14)-LAW/LEG/83 Dated, Agartala; the 24th July, 1984.

The following Act of the Tripura Legislative Assembly received assent of the President on 12th April, 1984 and is hereby published for general information.

THE TRIPURA AGRICULTURAL PRODUCE MARKETS
(AMENDMENT) ACT, 1983.

Tripura Act No. 3 of 1984.

AN

ACT

to amend the Tripura Agricultural Produce Markets Act, 1980.

Be it enacted by the Legislature of Tripura in the Thirtyfourth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Tripura Agricultural Produce Markets (Amendment) Act, 1983.

Amendment of section 2

2. In sub-section (1) of section 2 of the Tripura Agricultural Produce Markets Act, 1980 (hereinafter called the Principal Act),—

(i) after clause (b), the following clause shall be inserted, namely:—

“(bb) ‘Board’ means the Tripura Agricultural Produce Market Board, established under section 38”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(cc) ‘Chairman’ means the Chairman of the Board appointed under sub-section (5) of section 38A.”;

(iii) after clause (e), the following clause shall be inserted, namely :-

"(ee) 'General Manager' means the General Manager of the Board appointed under sub-section (5) of section 38A."

3. In Chapter II of the Principal Act, after section 15, the following section shall be inserted, namely :-

Powers and duties of the President of a Market Committee.

"15A. The President of a Market Committee shall, in addition to presiding over the meetings of the committee, exercise and discharge such powers and duties of the committee as may be delegated to him by the committee and such other powers and duties as may be prescribed."

4. In Chapter IV of the Principal Act, after section 29, the following section shall be inserted, namely :-

Powers and duties of the Secretary of a Market Committee.

"29A. The Secretary shall exercise and discharge such powers and duties as may be delegated to him by the President, and such other powers and duties as may be Prescribed."

Insertion of Chapter VII A.

5. In the Principal Act, after Chapter VII, the following Chapter and the provisions thereunder shall be inserted, namely :-

"CHAPTER VII A THE BOARD

Establishment and constitution of the Board.

38A. (1) For the purpose of coordinating and supervising the works of the Market Committees and for other purposes of this Act, the State Government may, by notification in the Official Gazette, establish a Board, to be called the Tripura Agricultural Produce Market Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The Board shall consist of members, both officials and non-officials, not less than six or more than ten in number, of whom not more than fifty percent shall be non-official.

(4) The members of the Board shall be appointed by the State Government.

(5) The State Government shall appoint one member of the Board to be the Chairman and another official member of the Board to be the General Manager.

Disqualification.

38B. No person, who—

(a) is an employee of the Board, or

(b) has been declared by a competent court to be of un-sound mind, or

(c) is an undischarged insolvent, or

(d) has been convicted by a court of law for an offence involving moral turpitude,

shall be eligible to be appointed as a member of the Board.

Term of Office
of the members
of the Board.

38C. (1) The term of office of the members of the Board shall be three years from the date of appointment and other conditions of service of the members shall be such as may be prescribed :

Provided that the State Government may, by notification in the Official Gazette, extend the term for a period not exceeding one year.

(2) In the event of any vacancy occurring on account of death, resignation, removal or otherwise of a member, such vacancy shall be filled, as soon as may be convenient, by appointment of a person who shall hold office for the remainder of the term of office of the member in whose place he is appointed.

Resignation by
the Chairman
or member of
the Board.

38D. A member of the Board may resign his office in writing addressed to the Chairman and the Chairman may resign his office in writing addressed to the State Government and the resignation shall take effect from the date on which it is accepted by the Chairman, or, as the case may be, the State Government.

Powers and
duties of the
Chairman.

38E. The Chairman shall, in addition to presiding over the meetings of the Board, exercise and discharge such powers and duties of the Board as may be delegated to him by the Board and such other powers and duties as may be prescribed.

Powers and
duties of the
General Mana-
ger.

38F. (1) Subject to the general superintendence and control of the Board and the Chairman of the Board, the General Manager shall be the Chief Executive Authority of the Board.

(2) The General Manager shall exercise and discharge such of the powers and duties of the Chairman as may be delegated to him by the Chairman, and such other powers and duties as may be prescribed.

Meeting of the
Board.

38G. The Board shall meet at such interval and transact business in such manner as may be prescribed.

Acts not to be
invalid due to
vacancy or
defect.

38H. No act or proceeding of the Board shall be invalid merely by reason of—

- (a) any vacancy in, or any defect in the constitution of, the Board ; or
- (b) any defect in the appointment of a person acting as a member of the Board ; or
- (c) any irregularity in the procedure of the Board not affecting the merits of the case.

Removal etc.
of members

38I. (1) The State Government may remove from the Board any member who, in its opinion,—

- (a) refuses to act,
- (b) has become incapable to act,
- (c) has so abused his office as a member so as to render his continuance on the Board detrimental to the interest of the public, or
- (d) is otherwise unsuitable to continue as a member.

(2) The State Government may suspend any member pending an inquiry against him.

(3) No order of removal shall be made unless the member concerned has been given an opportunity of being heard and when such order is passed, the seat of the member removed shall be declared vacant.

(4) A member who has been removed shall not be eligible for reappointment as a member or in any other capacity under the Board.

Reconstitution
of the Board.

38J. If the Board fails to carry out its functions or directions issued by the State Government under this Act, the State Government shall have power to reconstitute the Board.

Duties of the
Board.

38K. It shall be the duties of the Board—

- (a) to supervise, control and coordinate the activities of the market committees;
- (b) to provide expert technical assistance or guidance to the market committees, arrange for the training of officers and employees of the Board and the committees;
- (c) to educate the people about the advantages of the markets;
- (d) to collect and disseminate such statistics and marketing informations in relation to or in connection with the markets or market committees as may be considered necessary by the Board for the benefit of general public; and
- (e) to perform such other duties as may be prescribed.

Delegation
of powers
and duties
the Board.

38L. The Board may, from time to time, by order, delegate, under such restriction, if any, as it may think fit to impose, any of its powers and duties, conferred by or under this Act, to the Chairman or the General Manager of the Board.

Officers and
employees of
the Board.

38M. The Board may, with the approval of the State Government, appoint such other officers and employees as it may consider necessary for the efficient discharge of its functions.

Finance,
Accounts and
Audit.

38N. (1) The State Government may advance money or grant loan to the Board on such terms and conditions as may be determined by the State Government.

(2) The Board may, with the previous approval of the State Government, raise loan from the open market or any financial institution.

Board Fund.

38O. (1) There shall be constituted a fund to be called the Tripura Agricultural Produce Marketing Board Fund and there shall be credited thereto the sums paid to the Board by the Central Government or the State Government and all other sums raised or received by the Board.

(2) The fund shall be applied—

- (a) for meeting the salary, allowances and other remuneration of the members, officers and other employees of the Board and other administrative expenses of the Board;
- (b) for advancing money or granting loan to the market committees on such terms and conditions as the Board may determine;
- (c) for meeting other expenses of the Board in the discharge of its functions under this Act or the rules made thereunder; and
- (d) for repayment of loans raised or received by the Board or interest thereon.

Budget of the Board.

38P. The Board shall prepare, in such form and at such time each year as may be prescribed, its budget for the next financial year, showing the estimated expenditure and forward the same to the State Government for sanction.

Annual report of the Board

38Q. The Board shall prepare in such form and at such time each year as may be prescribed, its annual report giving full accounts of its activities during the previous year and forward copies thereof to the State Government.

Accounts and Audit.

38R. The accounts of the Board shall be maintained and audited in such manner as may be prescribed."

6. In Chapter VIII of the Principal Act,—

- (i) for section 39, the following sections shall be inserted, namely:—

Control by the State Government over the Board.

"39. The State Government may, from time to time issue to the Board such directions and instructions as it may deem necessary for the efficient administration of the Act and the Board shall carry out such directions and instructions.

Control by the State Government and the Board over the Market Committees.

39A. Subject to the control of the State Government, the Board or any officer, authorised by it by general or special order in this behalf, may—

- (a) inspect or cause to be inspected the accounts and offices of any market committee;
- (b) institute inquiry into the affairs of any market committee;

- (c) call for any return, statement, accounts or report which it or he may consider necessary for the committee to furnish ;
- (d) issue to the market committees such orders, directions or instructions or do such other acts as it may deem necessary for the efficient administration of this Act."
- (ii) in sub-section (2) of section 40, for the word "Director", the word "Board" shall be substituted.

7. In Chapter IX of the Principal Act,—

- (i) in section 47, for the words "clause (d) or clause (c) of section 39", the words "of section 39A" shall be substituted ;
- (ii) after section 48, the following section shall be inserted, namely :-

Compounding of offences.

"48A. The offences punishable under section 44 may be compounded by the Director, those punishable under sections 45 and 46 may be compounded by the Market Committee concerned and the offences punishable under sections 47 and 48 may be compounded by the Board."

8. In Chapter X of the Principal Act,—

- (i) for section 49, the following section shall be substituted, namely :-

Members, officers and employees of the Board and Market Committees to be public servants.

"49. All members, officers and employees of the Board or the Market Committees shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be the public servants within the meaning of section 21 of the Indian Penal Code."

- (ii) in section 53, for the word "Director", the word "Board" shall be substituted ;
- (iii) in sub-section (2) of section 55, after clause (o), the following clauses shall be inserted, namely :-
 - "(p) powers and duties of the Chairman under section 38E ;
 - (q) powers and duties of the General Manager under sub-section (2) of section 38F ;
 - (r) manner of transacting business of the Board under section 38G ;
 - (s) the form in which and the time at which the budget and annual report of the Board shall be prepared under sections 38P and 38Q respectively ;
 - (t) the manner in which the accounts of the Board shall be maintained and audited, as required under section 38R ;
 - (u) the powers and duties of the President of a market committee under section 15A ;
 - (v) the powers and duties of the Secretary under section 29A."

By order of the Governor,
A. B. Paul
Deputy Secretary, Law."

THE TRIPURA ACT NO. 8 OF 2007.

**THE TRIPURA AGRICULTURAL PRODUCE
MARKETS (SECOND AMENDMENT)
ACT, 2007**

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Handwritten mark in blue ink

Published in the
EXTRAORDINARY ISSUE OF TRIPURA GAZETTE

Agartala, Wednesday, May 16, 2007 A. D. Vaisakha 26, 1929 S. E.

GOVERNMENT OF TRIPURA
LAW DEPARTMENT

No.F.8(1)-Law/Leg/2007.

Dated, Agartala, the 11th May, 2007.

The following Act of the Tripura Legislative Assembly received the assent of the Governor on the 9th May, 2007 and is hereby published for general information.

P. B. Nath
Additional Secretary, Law.
Government of Tripura.

The Tripura Agricultural Produce Markets (Second Amendment) Act, 2007

AN
ACT

Further to amend the Tripura Agricultural Produce Markets Act, 1980

Be it enacted by the Tripura Legislative Assembly in the fifty eighth year of Republic of India as follows:-

Short title & commencement

1. (1) This Act may be called **the Tripura Agricultural Produce Markets (Second Amendment) Act, 2007**.
- (2) It shall come into force at once.

Amendment of section - 2

2. In the **Tripura Agricultural Produce Markets Act, 1980** (hereinafter called "The Principal Act") in **Section 2**
 - (i) after clause (bb) of **Sub-Section (1)** the following clauses shall be inserted, namely ;-
 - (bbb) "SC & ST" means the persons defined under clauses **24 & 25** of article **366** of the Constitution of India.
 - (bbbb) "OBC" means the Other Backward Classes of citizens as specified by the State Govt. from time to time.
 - (ii) after sub-clause (iii) of clause (f) the following sub-clause shall be inserted, namely ;-
 - (iv) "ADC" Village Committee, that committee.
 - (iii) after clause (g), the following clause shall be inserted, namely ;-
 - (gg) "Special Market" means a market notified as such established under **section 22(B)** of this Act.
 - (iv) after clause (h) the following clause shall be inserted, namely ;-
 - (hh) "Private Market Yard" means such place other than the Market Yard / Sub-Market Yard in the market area where infrastructure has been developed and managed by a person for marketing of notified agricultural produce holding a licence for this purpose under **section 30 (A)**.
 - (v) after clause (r) the following clauses shall be inserted, namely ;-

(s) "**Contract Farming**" means farming by a person called "Contract Farming Producer" under a written agreement with another person called "Contract Farming Sponsor" to the effect that his firm produce shall be purchased as specified in the agreement.

Explanation :- "**Contract Farming Producer**" means individual agriculturist or association of agriculturists whatever name called registered under any Law for the time being in-force.

In North-Eastern States where the ownership of control over the agricultural land lies with Village Panchayat or similar body legally recognized, such body will be treated as "**Contract Farming Producer**".

(t) "**Contract Farming Agreement**" means the agreement made for contract farming between contract farming sponsor & contract farming producer.

Amendment of Section 3.

3.

In the **Principal Act, in Section 3**

(i) For **Sub-Section (1)** the following shall be substituted, namely :-

" (1) upon a representation made by any person, local authority or by any growers of any agricultural produce within the area for which a market is proposed to be established or other wise the State Govt. may by notification declare its intention of developing and regulating the marketing of such agricultural produce and in such area as may be specified in the notification".

(ii) In **Sub-section (2)** the words " sixty days" shall be substituted by the words " thirty days".

Amendment of Section 4

4.

(i) In the **Principal Act, after clause (b) of sub-section (2) of section 4, the following clauses shall be inserted, namely:-**

(c) to amalgamate two or more market areas and constitute one market committee thereof.

(d) to split up a market area and to constitute two or more market committee thereof.

(e) to de-establish a market.

Amendment of Section 5

5.

(ii) **Sub-section (3) of Section 4** shall be deleted.
In the **Principal Act, in Section 5**

(i) For Sub-section(1) the following shall be substituted, namely :-

"(1) in every market area, there may be (i) Market Yard managed by Market Committee, (ii) one or more than one Sub-Market Yard managed by Market Committee, (iii) one or more than one Private Market Yard / Private Markets managed by persons other than Market Committee, (iv) one or more than one farmer / consumer markets managed by persons other than Market Committee."

(ii) after **Sub-section (2)** the following sub-section shall be inserted, namely :-

"(3) no place or area as declared principal market or sub-markets to be used for purchase or sale of any agricultural produce specified in the notification issued there under or levy any fees on such agricultural produce sold in the market area by any other person or local authority".

Amendment of Section 7 6

In the Principal Act, after clause (a) of **Sub-section (1) of Section 7**, the following clause shall be inserted, namely :-

"(aa) provided that, out of six members of Agriculturists, at least one shall belong to each of the following section of the Society :-

1. SC/ST -- 1 member
2. OBC -- 1 member
3. Women -- 1 member

Further provided that, if no women Agriculturist is available as defined under this Act, to be elected as representative of Agriculturist within the market area, than the member shall be elected from the rest section of the society.

Amendment of Section 8 7.

In the Principal Act, with **Section 8** the following proviso shall be inserted, namely :-

"Provided that no immovable property shall be acquired or transferred by way of sale, lease or otherwise without the prior permission of the **Director**".

Amendment of section 9 8.

In the **Principal Act**, in **Sub-Section (4) of Section 9** the words "three years" shall be substituted by the words "five years".

Amendment of Section 17

9. In the **Principal Act** for **Section 17**, the following shall be substituted namely;-

" The President of the Market Committee may resign his office at any time in writing addressed to the **Director** and office shall become vacant on the expiry of fifteen clear 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**.

Insertion of new section 19 A.

10. In the **Principal Act**, after **Section 19** the following section shall be inserted, namely :-

(i) "19 A(1) A motion of no confidence may be moved against the President at a meeting of the Market Committee which shall be held in the prescribed manner within 30 days of the date of received of the notice of motion of the no confidence."

(ii) (2) If the motion against the President convent under subsection (1) is carried by a majority of not less than two third of the members of the Committee, ceased to be President as the case may be.

(iii) (3) The President shall not preside over the meeting, but such meeting shall be presided over by an officer of the State Govt. as the Director may appoint for the purpose. However, the President shall have the right to speak and other to take part in the proceedings of the meeting.

(iv) (4) If the motion of no confidence is not accorded as aforesaid or if the meeting could not be held for want of quorum, no notice of any subsequent motion expressing vote of confidence in the same President shall be made until after the expiry of six months from the date of such scheduled meeting.

Insertion of Chapter II A

11. In the **Principal Act**, after chapter II, and before chapter III the following chapter and provisions there under shall be inserted, namely :-

Chapter II A

Classification of Market and Special Market

Classification of Market

(i) 22 A The State Govt. / Director / Managing Director may classify the market constituted under **Section 4** into various categories on the basis of the criteria as may be prescribed.

**Special Market
and Special
Commodity
Market**

**Constitution of
Market
Committee for
Special Market**

- (ii) 22.B (1) State Government may by Notification declare any market area as '**Special Market**' or '**Special Commodity Market**' after consideration of such aspects as turn-over, serving large area and special infrastructure requirements of particular commodity, to be operated in addition to the existing market.
- (2) Save as provided under **Sub-Section (2) of Section 4** the State Government may by notification, establish separate Market Committee for effective implementation of provisions of this Act for such markets which are notified as special market under **Sub-section (2)**.
- (3) All provisions for and in relation to the Market Committee made in the Act shall *mutatis mutandis* apply to the Market Committee established for the special market under **Sub-section (2)**.
- (iii) 22. C (1) Save as provided under Sub-Section 2 of section 4 every Market Committee for special market shall consist of following number of members namely :-
1. Agriculturists (to be nominated by the State Govt. from amongst the agriculturists residing in the State)- Five.
 2. Traders (to be nominated by the State Government from amongst the traders holding trading licence in any Market Committees in the State). Out of the traders so nominated, at least two shall hold the licence from the Market Committee of Special Market - Four.
 3. Municipal Commissioner or his nominee of the area where the Special market is located - One.
 4. The Collector or his nominee of the District in which Special Market is located - One .
 5. Chief Town Planner or the authority exercising such powers - One .
 6. Representative of the Registrar of Cooperative Societies - One
 7. Director of Marketing of the State or his nominee (ex-officio member) - One.
 8. General Manager (or his nominee) of the State Agricultural Marketing Board (ex-officio Member) -One.

9. Representative of other States where from arrivals are received by the special market (to be nominated by the respective State Government on receipt of request for such nomination by the State Government where Special Market is located – Three. (preferably growers)

10. Executive Member (to be appointed by the State Government. Executive member shall Act as the Market Secretary of the Market Committee) – One.

11. Agricultural Marketing Adviser to the Government of India or his nominee – One.

(2) The Market Committee shall meet at least once in six months.

**President and
Vice President
for Special
Market**

(iv) 22. D The Market Committee, for Special Market shall have President and Vice President who may be nominated by the State Government for such period as may be specified. The members shall hold office during the pleasure of the State Government.

**Executive
Committee for
Special Market**

(v) 22.E. (1) There shall be Executive Committee of the Market Committee of the Special Market consisting of

(i). One representative of the traders holding the trading license in the Market Committee of Special Market.

(ii). One representative of growers.

(iii). Representative of the Registrar of Cooperative Societies.

(iv). Director of Marketing or his nominee.

(v). General Manager (or his nominee) of the State Agricultural Marketing Board.

(vi). Executive Member of the Market Committee who shall Act as the Member-Secretary of the Executive Committee.

(vi) (2) In case of emergency, the Executive committee may decide issues requiring approval of the Market Committee.

However, such decisions shall have to be approved by the Market Committee within 45 days from the date, such decisions have been taken. Failure in doing so or in the event of disapproval of such decisions by the Market Committee, such decisions shall stand null and void.

**Chief Executive
of the Market
Committee of
Special Market,
functions &
Powers.**

(vii) (3) The Executive Committee shall meet as often as necessary, but at least once in two months.

(vii) 22.F. Executive member of the Market Committee shall Act as the Market Secretary of the Market Committee of the Special Market. The Market Secretary shall-

(i). Exercise supervision and control over the officers and staff of the Market Committee in matter of executive administration, concerning accounts and records and disposal of all questions relating to the services of the officers and staff of the Market Committee as per the prescribed procedure.

(ii). Appoint officers and staff of the Market Committee as per direction and procedure prescribed by the Market Committee.

(iii). Incur expenditure from the Market Committee fund for the sanctioned items of work.

(iv). In cases of emergency, direct the execution or stoppage of any work and doing of any Act which requires the sanction of the Market Committee.

(v). launch prosecution for violation of provision of this Act and rules and by-laws made thereof.

(vi). Issue licences to the functionaries operating in the market.

(vii). Prepare Annual budget of the Market Committee.

(viii). Arrange for summoning the meetings of the Market Committee and maintenance of records of the proceedings of such meetings.

(ix). Inspect from time to time the construction work undertaken by the Market Committee and send report of such inspection to the Chairman of the Market Committee.

(x). report such acts of the Market Committee or members of the Market Committee including the Chairman and Vice-Chairman which are contrary to the provisions of this Act and Rules and by-laws framed thereof to the Director of Marketing.

(xi). Take such steps as deemed necessary for effective discharge of the functions and decisions of the Market Committee.

Amendment of sub-section (1) of section 29

12.

In the **Principal Act**, for **Sub-section (1) of Section 29** the following shall be substituted namely;-

"(1) The Market Committee may appoint Market Secretary from among the professionals drawn from open market with the approval of director as per recruitment rules of the State Govt. The salary and condition of service of Market Secretary so appointed by the Market Committee shall be such as may be prescribed.

If the Market Committee fails to appoint Market Secretary as stated above, the State Govt. may appoint a person from amongst the nominated members of the Committee as Market Secretary and that appointment shall be binding on the Market Committee."

Insertion of Chapter IV A Procedure and form of contract farming agreement

13.

In the **Principal Act**, after chapter IV, and before chapter V the following chapter and provisions there under shall be inserted, namely ;-

**"Chapter IV A
Contract Farming"**

29 B **Contract Farming** shall be governed in the manner laid down herein after :

(1). **Contract Farming** sponsor shall register himself with the Market Committee or with a prescribed officer in such manner as may be prescribed.

(2). The **Contract Farming** sponsor shall get the contract farming agreement recorded with the officer prescribed in this behalf. The contract farming agreement shall be in such form containing such particular, terms and conditions as may be prescribed.

Notwithstanding anything contained in Contract Farming agreement, no title, rights, ownership or possession shall be transferred or alienated or vested in the contract farming sponsor or his successor or his agent as a consequence arising out of the contract farming agreement.

(3). Disputes arising out of Contract Farming agreement may be referred to an authority prescribed in this behalf for settlement. The prescribed authority shall resolve the dispute in a summary manner within 30 days after giving the parties a reasonable opportunity of being heard, in the manner prescribed.

(4). The party agreed by the decision of the prescribed authority under **Sub-section (3)** may prefer an appeal to an Appellate Authority within thirty days from the date of decision. The Appellate Authority shall dispose of the appeal within thirty days after giving the parties a reasonable opportunity of being heard and the decision of the Appellate Authority shall be final.

(5). The decision by the authority under **Sub-section (3)** and decision in appeal under **Sub-section (4)** shall have force of the decree of the civil court and shall be enforceable as such and decretal amount shall be recovered as arrears of land revenue.

(6). Disputes relating to and arising out of Contract Farming agreement shall not be called in question in any court of law then otherwise here in above.

(7). The agricultural produce covered under the Contract Farming agreement may be sold to the contract farming sponsor outside the market yard and in such a case, no market fees in the levy able".

29.C. Addendum on Contract Farming Agreement and its Model Specifications shall be as per **SCHEDULE - B.**"

Insertion of
new section 30
A and 30 B
Establishment
of private yards
& direct
purchase of the
agricultural
produce from
agriculturists
(Direct
purchasing
from
producers)

14.

In the Principal Act, in chapter-V, after **Section 30**, the following **new Section 30 A** and **30 B** shall be inserted, namely :-

(i) " 30 A The Director may grant licence to purchase agricultural produce by establishing private yards or direct from agriculturists in one or more market area for

(i) process of the notified agricultural produce :

(ii) trade of notified agricultural produce of particular specification ;

(iii) export of notified agricultural produce;

(iv) grading, packing and transaction in other way by value addition of notified agricultural produce:

**Establishment
of consumer /
farmer markets
(direct sale by
the producer)**

- (ii) 30 B. (i). Consumer / Farmer market may be established by developing infrastructure as prescribed, by any person in any market area. At such place, producer of agricultural produce himself may, as prescribed, sell his produce directly to the consumer.

Provided that the consumer may not purchase more than such quantity of a commodity at a time in the consumer market as may be prescribed.

(ii). Market service charge shall be collected on sale of agriculture produce by the seller and will be remitted to the proprietor of the consumer market.

(iii). Save as otherwise provided in this Act no market fee shall be levy able on the transactions undertaken in the consumer / Farmers market.

(iv). Licence for establishment of consumer / farmer market shall be granted by the State Govt. / Director."

**Amendment of
section 31**

15.

In the Principal Act, for **Sub-section (1)** and the proviso thereof of **Section 31** the following shall be substituted, namely :-

" (1) Any person who under **Section 30 A** desires to purchase notified agricultural produce direct from agriculturists or wishes to establish a private yard or under section 30 B desires to establish a consumer / farmer market in one or more than one market area and the person desires to use any place in the market area for the marketing of agricultural produce as desired by notification under section 4 or desires to operate in the market area by the trader, commission agent, surveyor, processor, weighman, measurer etc. in relation to the marketing of agricultural produce shall apply for the licence as prescribed under section 30 for grant, renewal of licence in the manner prescribed by the State Govt.

Provided that the Director may, where a Market Committee has not been constituted or has not started functioning, subject to any rules that may be made in this behalf, grant a licence for the marketing of agricultural produce or for operating in any market area as a trader, commission agent, processor, weighman, measurer, surveyor, ware houseman or any other capacity."

- Amendment of Sub-section (1) of Section 32** 16. In the Principal Act, the word " Director/" shall be inserted in **Sub-section (1) of Section 32** before the word " a Market Committee ."
- Amendment of sub-section (1) of section 34** 17. In the Principal Act, for **Sub-section (1) of Section 34** the following shall be substituted, namely ;-
- "(1) Dispute between the private or the consumer market and the Market Committee shall be referred to Director or any other Officer of State Govt. in this regard as may be prescribed.
- Dispute between buyers and sellers of agricultural produce or their agent including any dispute regarding quality, weights or payment or any matter in relation to the regulation of marketing of agricultural produce in the market area shall be referred to respective Market Committee.
- The Director / Market Committee may appoint an arbitrator as the case may be for the settlement of the dispute."
- Addition of new Schedule to the Act** 18. The existing Schedule to the Act shall be read as Schedule - A and the new schedule appended to the Act shall be read as Schedule - B.

TRIPURA  **GAZETTE**



Published by Authority

EXTRAORDINARY ISSUE

Agartala, Wednesday, May 6, 2020 A. D. Vaisakha 16, 1942 S. E.

PART--III-- Acts of Tripura Legislature

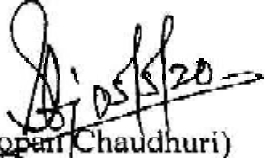
**GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA**

No.F.8 (11) Law/Leg-I/2020/2999-3000

Dated, Agartala, the 5th May, 2020.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor of Tripura on the 5th of May, 2020 and is hereby published for General information.


(Sopan Chaudhuri)
Deputy Secretary, Law
Government of Tripura

THE TRIPURA ACT NO 09 of 2020

THE TRIPURA AGRICULTURAL PRODUCE MARKETS (THIRD AMENDMENT) ACT, 2020

AN

ACT

to amend the Tripura Agricultural Produce Markets Act, 1980 (The Tripura Act No.15 of 1983).

BE it enacted by the Tripura Legislative Assembly in the seventy first year of Republic of India as follows:

1 Short title and Commencement:

- (1) This may be called "The Tripura Agricultural Produce Markets (Third Amendment) Act, 2020";
- (2) It shall come into force on and from the date of its publication in the Tripura Gazette.

2 Amendment of Section 2:

- (1) After clause (e) of sub- Section (1) of Section (2) of The Tripura Agricultural Produce Markets Act, 1980 (**herein after called as The Principal Act**), the following new clauses (ea) and (eb) shall be inserted:

"(ea) '**Electronic trading**' means trading of notified agricultural produce in which registration, auctioning, billing, booking, contracting, negotiating, information exchanging, record keeping and other connected activities are done electronically on computer network or internet;

(eb) '**Electronic trading platform**' means electronic platform set up either by State Government or its agencies or a person licenced under Section 34 for conducting trading in notified agricultural produce through electronic media or by any means of communication in which registration, buying and selling, billing, booking, contracting and negotiating are carried out online through computer network or internet or any other such electronic device;"

- (2) The definition of Local Authority under clause(f) of Sub- Section (1) of Section 2 of The **Principal Act**, shall be substituted with the followings :

"(f) '**Local Area Authority**' means and includes Gram Panchayat, Municipal Council, Municipal Corporation, Nagar Panchayat, ADC Village Council, and any other Local Self Governments;"

- (3) After clause (i) of Sub- Section (1) of Section (2) of the **Principal Act**, the following new clauses (ia), (ib) and (ic) shall be inserted:

“(ia) **‘Market Sub-Yard’** means and includes warehouse, silos, cold storage or other such structure or place declared to be market sub-yard or deem to be market sub-yard under Section 34B (1);

(ib) **‘Market Yard’** in relation to delineated market area means and includes principal market yard, sub-market yard and market sub-yard in such delineated market area notified by the Government/ Administration, and managed & operated by the Agricultural Produce Market Committee.

(ic) **‘National Agriculture Market (NAM)’** means and includes 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;”

- (4) After clause (p) of Sub- Section (1) of Section (2) of the **Principal Act**, the following new clause (pa) shall be inserted:

“(pa) **‘Sub- Market Yard’** in relation to a market area means and includes a specified place other than Market Yard and includes any enclosure, building or locality, declared as such in any market area by the State Government or the Director/ General Manager, Tripura Agricultural Produce Market Board by notification.”

3 **Amendment of Section 26:**

In the **Principal Act**, Section 26 shall be substituted with the followings:

“26(1) It shall be competent for a Market Committee to levy and collect such fees (hereinafter referred to as the market fees), not being in the excess of, or less than, an amount determined by the State Government by notification, from every purchaser of agricultural produce, other than fruits and vegetables, sold in a market area in such manner and at such rate, as may be prescribed;

Provided that when any agricultural produce brought into any market area for the purpose of processing only, or for export, is not processed or exported there from within fourteen days, from the date of its arrival therein, it shall, until the contrary is proved, be presumed to have been brought into the market area for buying and selling, and shall be subject to the levy of fees under this Section, as if it had been brought and sold therein;

Provided further that no such fees shall be levied and collected in any market area of the state, in relation to any agricultural produce in respect of which fees under this Section have already been levied and collected therein.

(2) The market fees shall be paid by the buyer directly to the Market Committee, on the price determined on the sale of the agricultural produce and it shall not be deducted from the price payable to the seller.

(3) The Secretary or employees of the Market Committee, shall maintain account relating to sale and purchase or processing or value addition in required forms and submit to the Agricultural Produce Market Committee and submit the periodical returns, as may be prescribed under the bye- laws.

(4) Agricultural Produce Market Committee may collect user charges on fruits and vegetables from the purchaser, in a market, at the rate not more than 1% ad valorem basis on each transaction;

Provided that, such user charges shall be paid by the buyer directly to the Market Committee and it shall not be deducted from the price payable to the seller."

4 **Amendment of Section 30:**

In the **Principal Act**, clause (a) and (b) of Sub- Section (1) of Section 30 shall be substituted with the following:

"the General Manager of Tripura Agricultural Produce Market Board"

5 **Amendment of Section 31:**

In the **Principal Act**, Section 31 shall be substituted with the following:-

Grant or renewal of License:

"31(1) Single license will be valid throughout the State of Tripura; no trader (Seller, Buyer, Commission Agent) will require separate license for operating in separate market area of the State of Tripura, which is to be issued by the General Manager of Tripura Agricultural Produce Market Board;

Provided the traders shall have to apply for licenses afresh, as soon as the validity of existing license expires, to the issuing authority.

(2) The General Manager (GM), Tripura Agricultural Produce Market Board shall remit the license fee after deducting 10% of total license fee collected, as contribution to Tripura Agricultural Produce Market Board from Agricultural Produce Market Committee, to all Agricultural Produce Market Committee in equal proportion."

6 **Insertion of a Chapter – VA (Electronic and Online Trading):**

In the **Principal Act**, after Chapter –V and before Chapter – VI, the following new Chapter shall be inserted:

**"Chapter – VA
(Electronic and Online Trading)**

34A Establishment of Electronic Trading Platform, Licensing and User Charge Collection :

(1)(I) No person shall establish or run any electronic trading platform for trading in notified agricultural produce without obtaining a license under this Section.

(ii) Save as provided in Section 34A(1)(i), the Government, or its Administration or agencies may, however, establish and run e-trading platform for trading in notified agricultural produce, in the manner as may be prescribed.

(2)(i) Any person desirous to establish an e-trading platform under Section 34A(1)(i) shall apply to the Director of Agriculture or Officer authorized by him in such form and in such manner along with such fee and security and fulfilling such conditions, as may be prescribed;

Provided, that the application received under this Section shall be subject to the condition(s) laid down for private market yard under Section 30A & 30B.

(ii) The application received under Sub-Section 34A(2)(i) for grant or renewal of license may be accepted or rejected for reasons recorded in writing by the licensing authority.

(iii) The e-trading platform managed and operated by a person or Administration or its Agencies, as the case may be, shall provide all infrastructures and services to the e-trading platform as prescribed.

(iv) The licensee or its Management Committee may collect user charges on sale transaction of notified agricultural produce on the e-trading platform as per Government approved rate;

Provided no user charge shall be collected from Agriculturist and Sellers who are primary producers;

Provided further that Government in the Agriculture Department or its Agencies in public interest may from time to time, by notification, put ceiling on the rate of collection of user charges;

Provided the e-trading platform licensee shall contribute, of such user charge collection, to the Tripura Agricultural Produce Market Board fund as prescribed by the Government.

34B Integration of Warehouses, Silos, Cold storages or other such structure or space declared as Market Sub-Yard to e-Platform:

(1) A licensed private market yard, market sub- yard or sub- market yard (warehouses, silos, cold storages or other such structure or space declared as market sub-yard), desirous to link to e-platform of Government of India, may apply, through concerned Government Agency to the Department of Agriculture, Cooperation and Farmers Welfare, Government of India, in the form and manner, as may be prescribed.

(2) **Integration of private markets:** A license holder under Section 30A of private market yard, desirous of integrating with e-trading portal, may apply through State Government or its Administration or Agencies to the Central Government, in the manner as may be prescribed.

(3) **Interoperability of e-trading platforms:** In order to evolve an unified National Agricultural Market and integrate various e-platforms, the application in the e-platforms should be interoperable as per specification and standards laid down by the Director of Agriculture or the Authority designated there for.

(4) Payment to the sellers and maintenance of account:

(i) The Licensee or the Agricultural Produce Market Committee as the case may be, shall develop effective mechanism to ensure payments to the sellers within a prescribed time, but not beyond the next working day of the sale transaction.

(ii) The Licensee or the Agricultural Produce Market Committee, as the case may be, shall maintain accounts of all the transactions taken place on electronic platform and submit such periodical reports and returns to the General Manager, Tripura Agricultural Produce Market Board or the Authorized Officer, at such time and in such forms, as may be specified by the competent authority, from time to time.

34C Suspension or Cancellation of license of electronic trading platform : The Director of Agriculture, or the Officer authorized by him, for the reasons to be recorded, specifying the breach of any provision of Act or Rules or Bye-law or Instructions or Order, suspend or cancel the license, granted under Section 34A(2) by passing a speaking order;

Provided that no order for suspension or cancellation of license shall be passed without giving a reasonable opportunity of being heard.

34D Dispute settlement: Any dispute arising between or among licensees of e-trading platform, or between licensees and Agricultural Produce Market Committees or State Agencies, shall be resolved by the Director of Agriculture or the Officer authorized by him or her in summary manner within thirty days, after giving the parties reasonable opportunity of being heard.

(1) Dispute settlement with regard to intra- state trade transaction: In case of any dispute with regard to any transaction or trade on e-platform, the redressal thereof shall be done at the level of Management Committee of the licensee or the Agricultural Produce Market Committee, as the case may be, through an administrative process, or through the process of conciliation and arbitration, or otherwise within seven working days; while in case of perishables it shall be within three working days. The Management Committee of the licensee or the Agricultural Produce Market Committee, as the case may be, shall dispose of the matter by issuing speaking order.

(2) Dispute settlement with regard to inter- state trade transaction: In case of any dispute arising out of inter-state trade transaction on e-platform or any other such platform, the Government can subscribe to become part of such Authority, which may be constituted by the Union Government or State Government under the existing law or any law to be framed there for.

34E Appeal :

(1) Any person aggrieved by the order of the Director or the Officer authorized by him, passed under Section 34C and 34D, as the case may be, may prefer an appeal to the Government or the Officer authorized by it, in the form and manner as prescribed, within thirty days from the date of receipt of such order. The Appellate Authority shall dispose of the appeal within thirty days, after giving the parties a reasonable opportunity of being heard.

(2) Any person aggrieved by the order of the Market Committee or Management Committee of private market yard, farmer-consumer market yard, market sub-yard, electronic trading platform may prefer an appeal to the Director of Agriculture or the Officer authorized by him, in the form and manner mutatis mutandis to sub- Section (i), within thirty days from the date of receipt of such order. The Appellate Authority shall dispose of the appeal within thirty days, after giving the parties a reasonable opportunity of being heard.

(3) Save as provided in Section 34D (1), the appeal with respect to inter-state trade on e-platform or any other such platform under Section 34D (2), will be in accordance with the provisions to be provided under any law constituting the Authority.

(4) The Appellate Authority, if it considers it necessary so to do, grant a stay on the order appealed against for such period as it may deem fit.

(5) The order passed in the appeal by the State Government or the Officer authorized by it shall be final and binding on all parties, and such order issued by the Appellate Authority shall have the force of the decree of a Civil Court and shall be enforceable as such.

34F Bar of Jurisdiction on Civil Courts:

(1) No Civil Court shall have jurisdiction to settle, decide or deal with any question or to determine any matter which is by or under this Act required to be settled, decided or dealt with.

(2) No Court shall take cognizance of an offence under this Chapter, except upon a complaint by the Director of Agriculture or General Manager, Tripura Agricultural Produce Market Board or by any other Officer authorized by him or her in this behalf.

7 Insertion of a new Section 36A:

In the **Principal Act**, in Chapter –VI after Section 36, following new Section 36A shall be inserted namely, :

“36A At least 10% of Market Fund collected from all sources shall be used to create a corpus fund by the Agricultural Produce Market Committee for executing purchase of any notified agricultural produce, whenever market price of any produce fall below a cut off price as recommended by a Committee engaged by the Government.”

8 Insertion of new Section 38A, 38B & 38C in chapter –VII:

In the **Principal Act**, in Chapter –VII after Section 38, the following new Sections shall be inserted namely, :

Duty of Local Authority to give information and assistance:

“38A It shall be duty of every Local Authority to give all the necessary information in the possession of, or under control of its Officers, to the Agricultural Produce Market Committee or Agriculture Department or its Officers in that behalf, relating to the movement of notified agricultural produce into and out of the area of the Local Authority, free of any charges.

38B Managing Authority of any market, other than Agricultural Produce Market Committee, shall collaborate with the concerned Agricultural Produce Market Committee or their authorized officials in enforcing the Tripura Agricultural Produce Markets Act within respective market yard only under respective notified market area in which the corresponding Local Area Authority controlled market is situated.

38C Market fee collected from the markets controlled by the Local Area Authority, should be deposited to the respective Agricultural Produce Market Committee in every month;

Provided at the end of the year which is 30th June, the concerned Agricultural Produce Market Committee shall pay back 60% of the market fee to every market from which market fee has been received for utilizing the same for development, maintenance of the concerned market."

9

Amendment of Section 45:

In the **Principal Act**, in Chapter -IX, after Section 45, the following new Section 45A shall be inserted:

"45A **Penalty for contravention of the provision of electronic and online trading:** Whoever contravenes any provisions of Chapter VA shall, on conviction, be punished with imprisonment for a term which may extend to six months or with a fine which may extend to ten thousand rupees or both."

STATEMENT OF OBJECT AND REASONS

The Government of India started a scheme of National Agriculture Market (NAM) during 2015-16 which functions on e-platform (electronic trading). To implement the scheme for creating necessary infrastructure, Rupees Thirty Lakhs will be provided to each selected market and all the Regulated Markets in the country and will be brought under NAM in phased manner by the Government of India. But to implement the scheme following reforms, have been made mandatory:-

1. A single license to be valid across the State.
2. Single point Levy of Fee including waiving/ evasion of market fee on vegetable & fruits.
3. Provision of electronic/ online trading.

Beside these, provision is also required to be made in this amendment for strengthening the process of collection of market intelligence from Local Authorities.

The Bill seeks to achieve the above objects.

TECHNICAL REPORT

The subject matter of the Bill is relatable to entry 14 & 28 of the State list (List-II) of the seventh schedule to the constitution of India. Therefore, the State Legislature is competent to enact a Law on the subject. No provision of the bill is repugnant to any provision of the constitution or any existing Central Law on the subject. This is not also a money Bill within the meaning of Article 199 of the constitution. Prior recommendation of the Governor for moving of introducing the Bill in the Assembly is not therefore necessary. Since the bill does not involve any additional expenditure from the consolidated fund of the State prior recommendation of the Governor is not also necessary for consideration of the Bill in the Assembly under Article-207(3) of the constitution.

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PART--III-- Acts of Tripura Legislature.

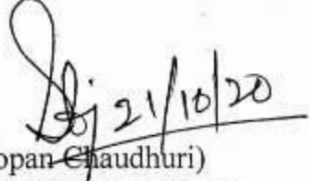
GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA

No.F.8 (14) Law/Leg-I/2020(L)

Dated, Agartala, the 21st October, 2020.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor of Tripura on the 20th of October, 2020 and is hereby published for General information.


(Sopan Chaudhuri)
Deputy Secretary, Law
Government of Tripura

THE TRIPURA ACT NO. 13 of 2020
THE TRIPURA AGRICULTURAL PRODUCE MARKETS
(FOURTH AMENDMENT) ACT, 2020

AN
ACT

to amend the Tripura Agricultural Produce Markets Act -1980 (The Tripura Act No-15 of 1983).

BE it enacted by the Tripura Legislative Assembly in the seventy first year of Republic of India as follows:

1. Short title, extent and commencement:

(1) This may be called the "Tripura Agricultural Produce Markets (Fourth Amendment) Act, 2020";

(2) It shall come into force on and from the date of its publication in the Tripura Gazette.

2. Insertion of New Clause 28A:

After Section 28 of the Tripura Agricultural Produce Markets Act, 1980, a new section 28A shall be inserted as follows:

"Limiting
enforcement
power of Market
Committee within
Market-yard

"28A. (1) The Market Committee shall not regulate marketing of notified agricultural produce and livestock in its delineated market area. The Market Committee will enforce regulation on marketing of notified agricultural produce and livestock within the principal market yard, sub-market yard(s) and market sub-yard(s) of its market area only.

(2) The State Government may, by notification, appoint any Officer to exercise or perform such of the powers and functions of the Director of Agricultural Marketing under the provisions of the Ordinance and rules made thereunder; Provided that Director of Agricultural Marketing shall not concurrently hold the office of Managing Director of the Board. "

3. Repeal and saving:

(1)The Tripura Agricultural Produce Markets (Fourth Amendment) Ordinance, 2020 (Tripura Ordinance No.2 of 2020), which was promulgated on 29th May, 2020, is hereby repealed;

(2)Notwithstanding such repeal, any Notification or order issued or any action taken under the ordinance, So repealed, shall be deemed to have been issued or taken under the corresponding provision of this Act.

S/d-
(SOPAN CHAUDHURI)
Deputy Secretary, Law
Government of Tripura.

TRIPURA GAZETTE

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NO.F.8(19)-Law/Leg-I/2022/15840

Dated, Agartala the 18th November, 2022.

NOTIFICATION

The following Act of the Tripura Legislative Assembly received the assent of the Governor of Tripura on the 17th November, 2022 and is hereby published for General information.



(Biswajit Palit)

L.R. & Secretary, Law
Government of Tripura

THE TRIPURA ACT No. 14 OF 2022

THE TRIPURA AGRICULTURAL PRODUCE MARKETS (FIFTH AMENDMENT) ACT, 2022

**AN
ACT,**

to amend the Tripura Agricultural Produce Markets Act, 1980 (The Tripura Act No 15 of 1983),(herein after called as The Principal Act).

BE it enacted by the Tripura Legislative Assembly in the seventy-fifth year of Republic of India as follows:

1 Short title and Commencement:

- (1) This may be called "The Tripura Agricultural Produce Markets (Fifth Amendment)ACT,2022";
- (2) It shall come into force on and from the date of its publication in the Tripura Gazette.

2 Amendment to Section 45A

- (1) Section 45A of the Principal Act, shall be substituted with the following :
"45A. whoever contravenes any provision of Chapter VA shall, on conviction, be punishable with fine, which shall not be less than Rupees Ten thousand, but may extend to Rupees One lakh fifty thousand."

**Sd/-
(BISWAJIT PALIT)
L.R. & Secretary, Law
Government of Tripura**