

**THE ARUNACHAL PRADESH (HORTICULTURAL PRODUCE,  
MARKETING  
AND PROCESSING) BOARD ACT, 2014**

(ACT NO. 9 OF 2014)

(Received the assent of the Governor on 30th May, 2014 and  
published in the Arunachal Pradesh E.O. Gazette No 100, Vol. XXI  
dated 5th June, 2014)

**An**

**Act**

to provide for improved regulation in marketing of horticultural produce, development of efficient marketing system by constituting State Marketing and Processing Board for promotion of horti-processing and horticultural exports, establishment and proper administration of markets for horticultural produce in the State of Arunachal Pradesh and to ensure level playing field for competitive markets to operate through setting up of minimum standards for facilities, procedures and system, thereby promoting the establishment of well administered and efficient infrastructure for marketing of horticultural produce in and from the State of Arunachal Pradesh and matters connected therewith and incidental thereto.

BE it enacted by the Government of Arunachal Pradesh in the Sixty-fifth Year of the Republic of India, as follows :

**CHAPTER-I**

**PRELIMINARY**

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|--------|--|--|
| 1. (1) | This Act may be called the Arunachal Pradesh Horticultural Produce Marketing and Processing Board Act, 2014.   | Short title,<br>Extent and<br>commence-<br>ment. |
| (2)    | It shall extend to whole of Arunachal Pradesh.   |  |
| (3)    | It shall come into force on such date as the State Government may by notification in the Official Gazette appoint.   |  |
| 2.     | In this Act unless the context otherwise requires –  | Definition.                                      |
| (i)    | “Horticultural Produce” means all produce and commodities whether processed or unprocessed, of Horticulture produce as are specified in the Schedule to this Act or declared by the Government of Arunachal Pradesh by notification under section 19 of this Act and also includes a mixture of two or more than two products. |  |

- (ii) "Horticulture grower/Producer" means a person who is bonafide Arunachalee and possesses land in Arunachal Pradesh who is engaged in production of horticultural produce by himself/herself or by hired labour or otherwise, but not include any market functionary.
- (iii) "Board" means Arunachal Pradesh Horticultural Produce Marketing and Processing Board established under section 3 of this Act.
- (iv) "Business" means purchase, sale, processing, value addition, storage, transportation and connected to activities of Horticultural produce.
- (v) "Buyer" means a firm, a company or a Cooperative Society or Government agency, Public Undertaking/Public Agency or on behalf of any other person or agent who buys or agrees to buy horticultural produce in the market areas.
- (vi) "Bye-Laws" means the bye-laws made by the Board for the Committee under section of 78 of this Act.
- (vii) "Chairman" means Chairman of the Board.
- (viii) "Commission agent" means a person who on behalf of his principal trader and in consideration of a commission or percentage on the amount involved in such transaction buys horticultural produces and makes payment, keeps it in his custody and delivers it to the principal trader in due course or who receives and takes in his custody horticultural produce for sale within the market areas or from outside the market area and sells the same in the market area and collect payment thereof from the buyer and remits the sale proceeds to his principal trader.
- (ix) "Committee" means horticultural produce market committee established under section 29 ;
- (x) "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 farm produce shall be purchased as specified in the agreement;

Explanation : "Contract Farming Producer" means an individual horticultural growers or an association of growers by whatever name called registered under any law for the time being enforce.

- (xi) "Cooperative Society" means a Cooperative Society of producers registered under the provisions of the Arunachal Pradesh Cooperative Society Act 1979 which deals in the purchase, sale, processing, or storage of Horticultural produce or is otherwise engaged in the business of disposal of horticultural produce.
- (xii) "Export" means dispatch of horticultural produce outside India.
- (xiii) "Exporter" means a person who exports horticultural produce.
- (xiv) "E-trading" means trading in which billing, booking, contracting, negotiating, information exchange, record keeping, and other connected activities are done electronically on computer/Internet.
- (xv) "Labour" means, a person engaged in loading, unloading, filling, stitching, emptying, carrying, cleaning, drying, grading, storing, stacking, bagging, stamping etc of any horticultural produce in the notified market area.
- (xvi) "Import" means bringing horticultural produce from outside India.
- (xvii) "Importers" means a person who imports horticultural produce from outside India.
- (xviii) "License" means license granted under section 25 of the Act.
- (xix) "Licensee" means a person or association, firm, company, public sector undertaking or society holding a license issued under this Act.
- (xx) "Market" means a market established under section 19 of this Act which includes market area, market yard/sub-yards and principal market.

- (xxi) "Market area" means area notified under section **19** of this Act.
- (xxii) "Market charges" includes on account of or in respect of commission, brokerage, weighing, measuring, loading, unloading, or carrying, cleaning, drying, sieving, stitching, stacking, hiring, gunny bags, stamping, bagging, storing, warehousing, grading, surveying, transporting and processing.
- (xxiii) "Market functionaries" means a trader, a commission agent, buyer, processor, a stockiest, and any other person as may be declared by the State Government.
- (xxiv) "Market Yards" in relation to a market area means a specified place and includes any enclosures, buildings or locality declared as such in any market by the State Government by notification.
- (xxv) "Member" means Member of the Board and including the Chairman of the Board.
- (xxvi) "Marketing" means all activities involved in the flow of Horticultural produce from the production points commencing from the stage of harvest till they reach the ultimate consumers, viz, grading, processing, storage, transport, channels of distribution and all other functions involved in the process.
- (xxvii) "Notification" means notification issued under this Act and published in the official gazette.
- (xxviii) "Notified horticultural produce" means any horticultural produce notified under section **19** of this Act.
- (xxix) "Person" means includes any individual, any company, or association whether corporate or not.
- (xxx) "Producer" means a person who in his normal course of avocation, grows, manufactures, rears or produces, as the case may be,

horticultural produce personally, through or otherwise but not does't includes a person who work as trader or a brokers or who is partner of the company or firm of traders or brokers otherwise engaged in the business of disposal or storage of horticultural produce other than grown, manufactured, reared or by himself through tenants or otherwise.

- (xxxix) "Prescribed" means prescribed by rule made under this Act.
- (xxxii) "Processing" means any one or more of a series of treatments relating to powdering, crushing, decorticating, dehusking, parboiling, polishing, Ginning, pressing, curing, cleaning, or any other manual, Mechanical, chemical or physical treatments to the raw horticultural produce or its products is subjected to.
- (xxxiii) "Processor" means a person who undertakes processing of any notified horticultural produce on his own accord or on payment of a charge.
- (xxxiv) "Private market yard" means such place other than the market yard/sub-market yard in the notified market area where infrastructure has been developed and managed by a person for making of notified horticultural produce holding a license for this purpose under this Act.
- (xxxv) "Registration" means registration done under this Act.
- (xxxvi) "Regulation" means regulations made by the Board under section-70 of this Act.
- (xxxvii) "Retail rate" means sale of horticultural produce not exceeding such amount as may be prescribed.
- (xxxviii) "State Government" means the Government of Arunachal Pradesh.
- (xxxix) "Seller" a person who sells or agrees to sell any horticultural produce.

- (xxxx) "Trader" means a person who in his course of business buys or sells any notified horticultural produce and includes a person engaged in processing of horticultural produce but doesn't includes growers.
- (xxxxi) "Transportation" means taking horticultural produce by push cart, bullock cart, truck other vehicle etc. in course of business for marketing from one place to another.
- (xxxxii) "Transporter" means a person who transport horticultural produce.
- (xxxxiii) "Value addition" means processing, grading, packaging or other activities due to which value is added to horticultural produce.
- (xxxxiv) "Managing Director" means any person appointed by the State Government for the purpose of this Act.
- (xxxxv) "Secretary" means the Secretary of the market committee and includes any other officers empowered to exercise such powers and functions of the secretary.

## **CHAPTER-II**

### **ESTABLISHMENT, CONSTITUTION, POWERS AND FUNCTIONS OF THE BOARD**

- Establishment of the Board. 3. (1) The State Government may, by notification, for coordinating the activities of market and for development, promotions, and regulation of horticultural produce marketing, establish the Arunachal Pradesh Horticultural Produce marketing and Processing Board.
- (2) The Board shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire and hold property both movable and immovable and to lease, sale or

otherwise transfer any such property aimed to contract and to do all other things necessary for the purpose which it is established.

4. The Board shall consist of one non-official Chairman, seven other Ex- Officio members and two non-official members to be nominated/ appointed by the State Government in the following manner, namely :-

Constitution  
of the Board.

**(A) Ex-Officio Members :-**

- (i) The Commissioner/Secretary (Horticulture) to the Government of Arunachal Pradesh - Vice-Chairman.
- (ii) The Commissioner/Secretary (Agriculture) to the Government of Arunachal Pradesh.
- (iii) The Secretary (Finance) or his representative to the Government of Arunachal Pradesh.
- (iv) The Registrar Cooperative Society or his Representative, Arunachal Pradesh.
- (v) The Director of Horticulture, Arunachal Pradesh.
- (vi) The Director of Agriculture, Arunachal Pradesh.
- (vii) The Managing Director, of the Horticultural Marketing Board who shall be the Member Secretary.
- (viii) One representative of NABARD, Itanagar.

**(B) Non-official members :-**

- (i) The President of Arunachal Chamber of Commerce and Industry.
- (ii) One of the horticultural progressive farmer.

5. (1) The term and tenure of the Board shall be for 5 (five) years.
- (a) "The term of the office of Chairman of the Board shall be for five years and the Chairman of the Board shall be appointed or nominated by the Government from such non-official members of prominent public leaders or elected

Term of office  
of the Chair-  
man and the  
non-official  
members of  
the Board.

representative and shall not be removed from the post before the expiry of tenure as specified under the Act, unless, his removal is extremely warranted under law on ground of his/her involvement in the corrupt practice. If State Government feel appropriate, the Chairman of the Board may be re-appointed for another term as deem fit.

(b) The Chairman of the Board shall exercise such powers and functions as may be delegated to him by the Board or as may be prescribed."

- (2) The tenure of the Non-Official members of the Board shall hold office during the pleasure of the State Government and shall come to an end as soon as he ceases to hold the office by virtue of which he was nominated.
- (3) Whenever there is a temporary vacancy in the office of the Chairman, the Vice-Chairman shall act as the Chairman during the period.

Disqualification  
of Member of  
the Board.

6. No person shall be eligible to become a member of the Board who :-
- (a) Does not ordinarily reside within Arunachal Pradesh ;
  - (b) Is below 25 years of age ;
  - (c) Has been removed under section 8 or Section 33 of this Act ;
  - (d) Is of unsound mind ; or
  - (e) Has been declared insolvent or sentenced by a criminal court, whether within or outside Arunachal Pradesh for an offence involving immoral turpitude.

Provided that the disqualification under clause (e) on the ground of a sentence by a criminal court shall not apply after the expiry of tenure from the date on which the sentence of such person has expired.

Resignation of  
Members of  
Board.

7. The Chairman of the Board may resign by tendering his resignation to the State Government and a member other than the Chairman of the Board may resign from

membership by tendering his resignation to the State Government through the Chairman of the Board, and the seat of such Chairman or the member, as the case may be, shall become vacant on the date of acceptance of his resignation.

8. The State Government may remove any non-official member of the Board who has become subject to any of the disqualification specified in section 6 or who is, in its opinion, is unfit to act, as a member or remiss in the discharge of his duties. Removal of Members of Board.

Provided that before removing a member, the reasons for the proposed action to be taken shall be conveyed to him/her and his/her reply invited within a specified period and duly considered :

Provided further that any vacancy of the non-official member shall be filled in as early as practicable.

9. (1) The Board shall have a Managing Director who shall be appointed by the State Government and consist of the following other officers **(i) One General Manager (ii) Two Assistant General Manager (Personnel, Accounting & Packaging) (Redesignated from the existing Deputy Manager) (iii) Seventeen Marketing Manager and Seventeen Assistant Marketing Managers (iv) One Accountant cum Cashier and such other office bearer as may be appointed by the State Government.** Appointment of Officers and Servants of the Board.
- (2) The Managing Director appointed under sub-section (1) shall also function as the Member Secretary of the Board and shall be appointed from amongst the officers of Department of Horticulture or Department of Marketing or from the serving General Manager of the Board.
- (3) The General Manager shall function as Chief Executive Officer of the Board and shall be nominated/appointed from the Deputy Managers of the Board on seniority basis by the State Government.
- (4) For the efficient discharge of duties and functions of the Board and the Committees, the State Government, may appoint such other officers and employees including Civil Engineer on deputation as may be necessary.

- (5) The Superintendence and control over all the officers and employees of the Board and Committees shall vest in the Managing Director of the Board.
- Allowances to Chairman and Non-Official members of the Board. 10. The Chairman and Non-Official members of the Board shall be paid from the Marketing Development Fund for such sitting fees and allowances as may be prescribed.
- Powers and functions of Board. 11. (1) The Board shall, subject to the provisions of this Act perform the following functions and shall have power to do such thing as may be necessary or expedient for carrying out the following functions.
- (I) Exercise superintendence and control over all the Committees established and constituted under this Act.
  - (II) Coordinate the working of the Committees and other affairs thereof including programmes undertaken by such Committees for the development of markets and market areas ;
  - (III) Undertake the State Level Planning of the Development of Horticulture produce markets ;
  - (IV) Administration of the Marketing Development Fund ;
  - (V) To give directions to the Committees in general or any Committees in particular with a view to ensure improvement thereof ;
  - (VI) Any other functions specifically entrusted to it by this Act ; and
  - (VII) Such other functions as may be entrusted to the Board by the State Government.
- (2) Without prejudice to the generality of the foregoing provisions, such functions of the Board shall also include-

- (I) To approve proposals for selection of new sites by the Committees for establishment of principal or sub-market yard;
- (II) To approve proposal for constructing infrastructure facilities in the market area such as grading, pack houses, storages, processing, other post harvest management facilities etc ;
- (III) To supervise and guide the Committees in the preparation of plans and estimates of construction programme undertaken by the Committee ;
- (IV) To execute all works chargeable to the Board' fund;
- (V) To maintain accounts and get the same audited in such form and in such manner as may be prescribed.
- (VI) To publish annually at the close of the financial year its progress report, balance sheet and statement of assets and liabilities and send copies thereof to each member of the Board and the State Government.
- (VII) To undertake marketing extension activities in the Board for the transfer of marketing technology and extension services. It may also make necessary arrangement for propaganda and publicity on matters related to regulate marketing of an Horticulture produce and development of marketing ;
- (VIII) To provide facilities for the training of officers and staff of Committees and the Board after assessing the demand for trained personnel in Horticulture at all levels ;
- (IX) To prepare and adopt budget for the ensuing financial year ;
- (X) To arrange or organize seminars/workshop/ exhibitions, etc; on subjects related to Horticulture marketing ;

- (XI) To do such other things as may be of general interest to Committees or considered necessary for the efficient functioning of the Board ;
- (XII) To organize and promote grading and standardization of notified Horticulture produce and e-trading ; and
- (XIII) To set up Horticulture Produce Marketing Standards Bureau to perform such functions and duties as may be prescribed for the purpose of promotion of grading, standardization and quality certification of Horticulture produce in the State;

Powers and functions of the Managing Director of the Board.

12. The Managing Director of the Board shall :-

- (I) Exercise supervision and control over officers and staff of the Board in matters of executive administration, concerning accounts and records and disposal of all questions relating to the service of the employees in accordance with the procedure as may be prescribed ;
- (II) Incur expenditure from the Marketing Development /corpus fund on the sanctioned items of work ;
- (III) Have the same powers as are conferred under the financial rules of the State Government on the Head of the Department and declared as head of the Department and exercise such other powers and discharge such other duties as may be prescribed;
- (IV) To sanction all type of leave, draw salaries, T.A. Bills etc of all categories of employees under the Board ;
- (V) To be the appointing authority of group C and D employees including contingency staff.
- (VI) Have the power to transfer employees Committee of the Board and vice-v administrative grounds ;
- (VII) In case of emergency, direct + or stoppage of any work and c which requires the sanction

- (VIII) Prepare annual budget of the Board;
- (IX) Arrange for internal audit of the Board and maintain records of the proceedings of the meeting of the Board in accordance with the procedure as may be prescribed ;
- (X) Take such steps as deemed necessary for execution of the decision of the Board ;
- (XI) Inspect the construction work undertaken by the Committees either from their own funds or loans and or grants provided by the Board or any other agencies and take corrective measures ;
- (XII) Report such acts either of the Committees or of the Board which are contrary to the provisions laid down under this Act or rules and bye-laws made thereunder to the State Government ; and
- (XIII) Take such steps as deemed necessary for effective discharge of the functions of the Board.

13. (1) The Board shall meet for the transaction of its business at least once in every three months at such place and at such time as the Chairman may determine. Meetings of the Board.
- (2) All proceeding of the Board shall be authenticated by the Chairman and the Managing Director of the Board.
- (3) The Board shall conduct the business in such manner as may be prescribed by regulation.
14. One third of the total members shall constitute a quorum for meeting of the Board. All questions that may come up before a meeting of the Board shall be determined by a majority of votes of the members present and voting; and in case of equality of votes, the Chairman shall have a casting vote or the Chairman may overrule any decision of the Board as may be deemed necessary. Quorum.

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting called for transacting the same business.

- Act of the Board not be invalidated.
- Appointment of Sub-Committee.
- Delegation of Powers.
15. No act or proceeding of the board shall be invalid by reason only on of the existence of any vacancy among its members or any defect in the constitution thereof.
16. The Board may appoint Sub-Committees consisting of three or more members which shall include Chairman or Vice Chairman for the performance of any of its duties or functions or for giving advice on any matter incidental thereof and may delegate to such Sub-Committee any of its duties or functions as it may deem necessary.
17. The State Government shall exercise superintendence and control over the Board and its officers and may call for such information as it may deem necessary and, in the event of its being satisfied that the Board is not functioning properly, or is abusing its powers or is guilty of corruption or mis-management, it may suspend the Board and, till such time as a new Board is constituted, make such arrangement for the exercise of the functions of the Board, as it may think fit :
- Provided that the Board shall be constituted within six months from the date of its suspension.
18. (1)The State Government may conferred any power to the Board under this Act except power to make rules.
- (2) Subject to the provisions of this Act, the Board may by general or special order delegate to the Managing Director of the Board or Sub-Committee appointed by it or to any officer of the Board any of powers and duties conferred on it by or under this Act as it may deem fit.

### CHAPTER – III

#### REGULATION OF TRADING AND CONTRACT FARMING

- Notification of intention of developing and regulating Marketing of Notified Horticultural Produce.
19. (1) The State Government on its own or on the representation made by the growers or on the recommendation of the Board may, by notification, declare its intention of exercising control over the purchase, storage, processing and sale of Horticultural produce, in such area as may specified in the notification, by inviting o' or suggestions from the general pub'' period of thirty days from the date c of notification which shall be cons

(2) After the expiry of the period specified in the notification issued under Sub-section (1), and after considering objections and suggestions, if any, received before the expiry of the specified period, and after making such inquiry, as may be necessary, the State Government may by notification, declare the area specified in the notification, or any portion thereof to be a market area for the purpose of this Act and that marketing of all or any of the kinds of Horticultural produce specified in the notification shall be developed and regulated in such market area in accordance with the provisions of this Act.

20. (1) The State Government may, by notification ;
- (a) Alter the limits of a market area by including, within it any other area in the vicinity thereof or by excluding therefrom any area comprised therein ; or
- (b) Amalgamate two or more market areas and constitute one committee thereof ; or
- (c) Split up a market area and constitute two or more committees thereof ; or
- (d) De-Establish a market.

Notification of intention to alter Limits of or to split up market area to De-establish a market .

(2) Every notification issued under sub-section (1) shall define the limits of the area to be included in or excluded from a market area, or of the market area to be amalgamated into one, or of the area of each of the markets to be de-established, as the case may, be and shall also specify the period which shall not be less than six weeks from the date of publication of the notification within which objections or suggestions, if any, may be received by the State Government.

Any person likely to be affected by the notification objections issued under Sub-section (1) may, submit his objections or suggestions in writing to State Government.

- (4) Objections and suggestions received under sub-section (3) within the stipulated period shall be considered and decided by the State Government and thereafter the State Government may, by notification:-
- (a) Include the area or any part thereof in the market area or exclude it therefrom ;
  - (b) Constitute a new Committee for the market area amalgamated ; or
  - (c) Split up an existing market area and constitute two or more Committees for such areas, as the case may be ; or
  - (d) De-Establish a market.
- (5) Where a notification under sub-section (4) has been issued excluding such area in other market area, the State Government shall, after consulting the Board and the Committee concerned frame a scheme to determine what portion of the assets and other properties vested in one Committee shall vest in the Committees and in what manner the liabilities of the Committees shall be apportioned between the two Committees and such scheme shall come into force on the date of publication of the scheme in the Official Gazette.

Market yards,  
Sub-Market  
Yards, farmer's  
Consumer and  
private Market  
Yards.

21. (1) In every market area, there may be-
- (I) Market yard managed by the Committee ;
  - (II) One or more than one sub-market yards managed by the Committee ; and
  - (III) Private market yards, private markets farmers and consumer markets managed by a person other than a Committee.
- (2) The Board may with the prior approval of Government, by notification, declare any place including any structure, enclosure, place, or locality in the market area yard or sub-market yards for the area.

22. Any person who desires to establish private yard for the purchase of Horticulture produce direct from Horticulture, or for providing infrastructure facilities, in any market area for :-
- Establishment of private yards, and direct purchase of Horticulture Produce from Horticultural producers.
- The process of the notified Horticultural produce.
  - The Trade of notified Horticultural produce of particular specification ;
  - The export of notified Horticulture produce ; and
  - The grading, packing and transaction in other way by value addition of notified Horticultural produce, shall make an application for obtaining license in accordance with the provisions of section 25 of this Act.
23. (1) Consumer's or farmer's market may be established by developing infrastructure as may be prescribed, by any person in any market area, and producer may, himself sell his Horticulture produce direct to the consumer in such market area, in the manner as may be prescribed.
- Establishment of consumer's or farmers markets and creation of post harvest management Facilities by the Farmers/ Horticulturist or Horticultural producer.
- Market service charge shall be collected on sale of Horticulture produce by the seller and shall be remitted to the proprietor of the consumer market.
  - Save as otherwise provided in this Act, no market fee shall be leviable on the transactions undertaken in the consumer's or farmer's market.
  - Notwithstanding anything contained in this Act, any farmers and Horticulturist may, for his bonafide use, create post harvest management infrastructure facilities at the farm level such as grading standardization pack houses, storages (including cold storages), primary processing for Horticultural produce and other post harvest management facilities for which the Central or State Government may provide different scheme and the scheme under Horticulture Technology Mission being executed by the Department of Horticulture through Directorate of Marketing under the Inspection of Government of India.

- Contract Farming. 24. No person shall undertake contract farming unless registered under Section 37 of this Act, and shall have to enter into an agreement with contract farming producer on such form and in such manner as may be prescribed.
- Grant and renewal of license of Private yard. 25. (1) Any person who under section 22 desires to purchase notified Horticulture produce direct from the Horticulturer or the producer or wishes to establish a private market yard or under sub-section (1) of section 23 desires to establish consumer or farmer market in one or more than one market area, shall apply to the Managing Director of the Board for grant or renewal of license, as the case may be, for such period, in such form, on such conditions and on payment of such fees as may be prescribed.
- (2) Application received under sub section (1) for grant or renewal of license may be accepted or rejected for the reason to be accorded in writing, provided that license shall not be granted or renewed if :-
- (i) The Committee dues are outstanding against the applicants.
  - (ii) The applicants are minor or bonafide ;
  - (iii) The applicant has been declared defaulter under the Act and the rules and bye-laws made thereunder ;
  - (iv) The applicant having been declared guilty in any criminal case and convicted with imprisonment;
  - (v) The State Government is satisfied that granting or renewal of license to the applicant is not going to promote the interest of the producers ;
  - (vi) There is any other reasons which the Managing Director of Board may consider to be against the interest of producers or consumers.
- Power to cancel or suspend license 26. Subject to the provisions of this Act, any license issued or renewed under section 25, may be suspended or cancelled by the Managing Director of the Board affording the holder of such license the opportunity of being heard, on the following grounds :-
- (a) If the license has been obtained by mis-representation or fraud ; or

- (b) If the holder of the license or any of his/her servant or any person acting on his/her behalf, commits a breach of any of the terms or conditions of license ; or
  - (c) If the holder of the license in combination with other license commits any act or abstains from carrying on his/her normal business in the market area with the intention of willfully obstructing, suspending or stopping the marketing of notified horticultural produce in the market yard/sub-market yard and in consequences whereof the marketing of the notified horticultural produce has been obstructed, suspended ;
  - (d) If the holder of the license has become an insolvent ; or
  - (e) If the holder of the license incurs any disqualification as may be prescribed ; or
  - (f) If the holder of the license has committed of any offence under this Act, for the first time and committed the same offence within three years for subsequent convictions.
27. (1) No person shall, except in accordance with the provisions of this Act and the rules and bye-laws made thereunder :-
- (i) Use any place in the market area for the marketing of notified horticultural produce and
  - (ii) Operate in the market area as a market functionaries.
- (2) Nothing in sub-section (1) shall apply to the following sale or purchase of such horticultural produce :-
- (i) Where the sale is made by the producer himself to any person for his/her domestic consumption in the quantity up to prescribed limit ;
  - (ii) Purchase or sale of which is made by a petty trader as may be prescribed;
- Regulation of marketing of Notified horticultural produce.

Sale of notified horticultural Produce in the market.

28. (1) All notified horticultural produce shall ordinarily be sold in the market yards, sub-market yard or in the private yards of the license holder, subject to the provision of sub-section (2) ;

Provided that notified horticultural produce may be sold at other places to a license holder especially permitted in his behalf under section 22 and 23 of this Act :

Provided further that it may not be necessary to bring Horticulture produce covered under contract farming to the market yard, sub-market yard or private yard and such Horticulture produce may be directly sold to contract farming sponsor from farmers fields.

- (2) The price of the notified Horticulture produce, brought for sale into the market yard, shall be settled by open auction or by any other transparent system as may be prescribed and no deduction shall be made from the agreed price on any account whatsoever from the seller :

Provided that the price of notified Horticulture produce in the private yards shall be settled in the manner as may be prescribed.

- (3) Weighment or measurement or counting of all the notified Horticulture produce so purchased shall be done by such person and in such manner as may be provided in the bye-laws.

#### CHAPTER – IV

### ESTABLISHMENT, CONSTITUTION, POWERS AND FUNCTIONS OF THE COMMITTEE IN DISTRICTS

Establishment of the Committee in district.

29. (1) The State Government shall notify, establish a Horticulture produce market Committee for every notified market area and shall specify its headquarter.
- (2) Every Committee established under (1) shall be a body corporate, have succession and a common seal and be sued in its corporate name under the provisions of section 7

acquire and hold property both movable and immovable and to lease, sell or otherwise transfer any such property which may have become vested in, or been acquired by it, and to contract and to do all other things necessary for the purposes for which it is established :

Provided that no Committee shall permanently transfer any immovable property except in pursuance of a resolution passed at a meeting convened specify for the purpose by a majority of not less than three-fourth of the members of the Committee and with the prior approval of the Board.

30. (1) The District Committee shall consist of the following members of whom 8 (eight) shall be ex-officio members and two non-official members. Constitution of the Committee in Districts.
- (2) Ex-officio members :-
- (I) Deputy Commissioner/ADC – Chairman ;
  - (II) DHO/District Marketing Officer-Vice-Chairman
  - (III) DAO
  - (IV) DVO
  - (V) ARCS
  - (VI) DFDO.
  - (VII) SDHOs shall function as Marketing Manager-cum-Secretary/HDO Headquarter.
  - (VIII) Assistant Marketing Managers or HMOs
- (3) The two non-official member shall be appointed by the State Government out of a panel of names duly recommended by the Deputy Commissioner concerned to be filled in the manner provided hereunder :-
- One non-official member from the producers of the notified market area; and
  - One non-official member from the traders registered under section 37 from the notified area.

Term of office of the member of the Committee. 31. (1) Subject to the provisions of section 33 every non-official member of the Committee shall hold office at the pleasure of the State Government.

(2) The term of an ex-officio member of the Committee shall come to an end as soon as he cease to hold the office by virtue of which he was nominated.

Disqualification of member of the Committee. 32. No person shall be eligible to become a member of the Committee if he incurs any of the disqualification specified under section 6 of this Act.

Removal of members of the Committee. 33. The State Government may, at any time during the period of his office remove by notification, any member, if such member has, in its opinion, been guilty of misconduct or neglect of duty or has lost the qualification on the strength of which he was nominated :

Provided that before the Board notifies the removal of a member under this section, the reasons for his proposed removal shall be communicated to the member concerned and he shall be given an opportunity of tendering an explanation in writing :

Provided further that any vacancy of the non-official members arising as a result of death, resignation, retirement, transfer or removal shall be filled in as early as practicable.

Meeting of the Committee. 34. (1) Committee shall meet for the transaction of its business at least once in three months provided that the Committee may in special circumstances meet at any time and at any place in the market area.

(2) The Chairman shall preside over meetings of the Committee and if he/she is absent, the Vice-Chairman shall preside over the meeting of the committee and if both are absent one members present in the meeting as chosen by the members present Chairman.

(3) Subject to the provisions of this Act the Committee shall conduct its business as r

35. No act of Committee or of any Sub-Committee thereof or of any person acting as a member, Chairman, Vice Chairman, presiding Authority or Secretary of the Committee shall be deemed to be invalid by reason only of some defect in the constitution or appointment of such Committee, Sub-Committee, Members, Chairman, Vice-Chairman, presiding authority or Secretary of the Committee or on the ground that they or any of them were disqualified for such office, or that formal notice of the intention to hold meeting of the Committee or of the Sub-Committee was not given duly or by reason of such act having been done during the period of any vacancy in the office of the Chairman, Vice Chairman, or Secretary of the Committee or member of such Committee or Sub-Committee or for any other infirmity not affecting the merits of the case.
- Act of Committee not to be invalidated.
36. (1) Subject to the provisions of this Act, the Committee may :-
- Powers and functions of the Committee.
- (a) enforce the provisions of this Act, and the rules and bye-laws made thereunder in the notified markets.
  - (b) establish a market in the market area and provide such facilities for persons visiting in connection with the purchase, sale, storage, weighment and processing of horticultural produce concerned as the Board may, from time to time direct.
  - (c) do such other act as may be required in the relation to the superintendence, direction and control of market or for regulating marketing of horticultural produce in any place in the market area and for the purposes connected with the matters aforesaid, and for that purpose may exercise such powers provided under this Act ; and
  - (d) do all such other acts which may bring complete transparency in the pricing system and transaction taking place in the market area.
- (2) Without prejudice to the generality of the foregoing provisions, the Committee may :-
- (i) Maintain and manage the market yards and sub-yard market yards within the market area.

- (ii) Provide necessary facilities for the marketing and facilities for the transportation of horticultural produce within the market yards and sub-market yards and outside the yards and within the sub-market yards and outside sub- market yards in the market area.
- (iii) Regulate, conduct or supervise the auction of notified Horticultural produce in accordance with the provision and procedure laid down under the rules made under this Act or bye-laws of the Committee.
- (iv) Regulate the making, carrying out and enforcement or cancellation of agreements of sales weighment, delivery, payment and all other matters relating to the market of notified Horticultural produce in the manner prescribed.
- (v) Provide for the settlement of all disputes between the seller and the buyer arising out on any kind of transaction Horticultural produce and all matters ancillary thereof.
- (vi) Take all possible steps to prevent adulteration of notified Horticulture produce.
- (vii) Make registration for weighmen and labour for weighing and transporting of goods in respect of transactions held in the market yard or sub-yards
- (viii) Set up and promote public-private partnership in management of the markets.
- (ix) Promote public –private partnership for carrying out extension activities in its area viz, collection, maintenance and dissemination of information in respect of production, sale, storage, processing, prices and movement of notified Horticulture produce.
- (x) Levy, take, recover and receive rates, charges, fees and other sums of money to which the Committee is entitled.
- (xi) Regulate the entry of persons and vehicles, traffic into the market yard and sub-market yard visiting the market.

- (xii) Compound offences committed under this Act (except section 27) or rules and bye-laws made thereunder.
- (xiii) Acquire land and dispose off any movable or immovable property for the purpose of efficiently carrying out its duties.
- (xiv) Institute or defend any suit, prosecution, action, proceeding, application or arbitration and compromise such suit, action, proceeding, application or arbitration.
- (xv) Keep a set of standard weights and measures in each principal market yard and sub-market yard against which weighment and measurement may be checked.
- (xvi) Inspect and verify scales, weight and measures in use in a market area and also the books of accounts and other documents maintained by the market functionaries in such form and in such manner as may be prescribed.
- (xvii) Arrange to obtain fitness (health) certificates from which are bought or sold in the market yard or market area.
- (xviii) Carry out publicity about the benefits of regulation, the system of transaction, facilities provided in the market yard etc; through various means such as poster, pamphlets, hoardings, cinema slides, film shows, group meetings, electronic media etc; or through any other means considered more effective or necessary.
- (xix) Ensure payment in respect of transaction which take place in the market yard to be made on same day to the seller, and in default to seize the Horticultural produce in question alongwith other property of the person concerned and to arrange for re-sale thereof and in the event of loss, to recover with charges for recovery of the losses, if any, from the original buyer and effect payment of the price of the Horticulture produce to the seller.

- (xx) Recover the charges in respect of weighmen and distribute the same to the weighmen and labour if not paid by the purchaser or seller, as the case may be.
  - (xxi) Collect and maintain information in respect of production, sale, storage, processing prices and movement of notified Horticulture produce and disseminate such information as may be directed by the Board.
  - (xxii) With a view to maintain stability in the market, take suitable measures to ensure that traders do not buy Horticultural produce beyond their capacity and avoid risk to the sellers in disposing off the produce, and grant licenses only after obtaining necessary security in cash as bank guarantee according to the capacity of the buyers ; and
  - (xxiii) Promote and undertake Horticulture processing including activity for value addition in Horticultural produce.
- (3) With the prior sanction of the Board, the Committee may undertake the following functions :-
- (I) Construction of roads, godowns, ropeways and other infrastructure in the market area to facilitate marketing of Horticultural produce and for the purpose give funds by the Board.
  - (II) To provide on rent storage facilities for stocking of Horticulture produce to Horticultural producers.
  - (III) To promote and encourage e-trading, system, create infrastructure and undertake other activities and steps needed thereof.
  - (IV) To maintain and circulate from time to time the data of arrivals and rates of Horticulture produces standard-wise brought into the market area for sale as may be prescribed.

Registration of market functionaries.

37. (1) Every person who, in respect of notified Horticulture produce, desires to operate in the market area as trader, commission agent, weighmen, labour, surveyor, ware housemen, contract farming buyer, owner or occupier of

processing factory or any other market functionaries, shall apply to the Secretary of registration in such manner and within such period as may be prescribed. The Secretary of the Committee shall be the authority to grant registration certificate with the prior approval of the Committee.

Provided that any person may buy Horticultural produce in the market yard/sib-market yard on day to day basis even without getting registered.

Provided further that any person who desires to trade or transact or deal in any notified Horticultural produce in more than one market area, shall get registered, for respective function from the Secretary of the Board.

- (2) No broker, trader, weighmen, surveyor, godown keeper or other functionaries shall, unless duly registered, carry on his occupation in a notified market area in respect of the notified Horticultural produce under this Act.
  - (3) Every application for such registration shall be accompanied with such fee as may be prescribed.
  - (4) The Committee may register or renew the registration or refuse registration or renewal of the registration or cancel the registration on any of the following grounds :-
    - (I) If the applicant is a minor.
    - (II) If the applicant has been declared defaulter; or
    - (III) If the applicant has been found guilty under this Act, the rules and bye-laws made thereunder.
38. (1) Every Committee shall have a Secretary who shall be appointed by the State Government in accordance with the recruitment and promotion rules as may be prescribed. Appointment of Secretary of the Committee.
- (2) The Secretary of the Committee shall be the ex-officio Secretary of the Committee and shall be custodian of all the records and properties of the Committee.

Appointment of Sub-Committee and delegation of powers.

39. The Committee may appoint a Sub-Committee for the conduct of any work or to report on any matter and may delegate to such sub-committee such of its powers or duties as it think fit.

Powers and duties of the Secretary of Committee.

40. The Secretary of the Committee shall exercise and perform following powers and duties in addition to such other powers and duties as may be specified in this Act, or the rules or bye-laws made thereunder, namely:-

- (I) To convene the meetings of the Committee and the Sub-Committees, if any, and maintain minutes of the meetings thereof.
- (II) To attend the meetings of the Committee and Sub-Committee and take part in the discussion.
- (III) To take steps to give effect to the resolution of the Committee and of the Sub-Committee and report all actions taken in pursuance of such resolution to the Committee in the next meeting.
- (IV) To prepare the annual budget proposal of the Committee.
- (V) To furnish to the Committee such returns, statement, estimates, statistics and reports as the Committee may from time to time, require including following information :-
  - (a) The fines and penalties imposed on and any disciplinary action taken against the members or the staff and the market functionaries and others.
  - (b) Overtrading by traders.
  - (c) Regarding contravention of the Act, the rules, the bye-laws or the standing orders, if any, by any person.
  - (d) Regarding the suspension or cancellation of licence by the Managing Director of the Board.
  - (e) Regarding the administration of the Committee and the regulation of the marketing.

- (VI) Produce before the Committee books, registers and other documents as may be necessary for the transaction of the business of the Committee or the Sub-Committee, and also whenever called upon by the Committee to do so.
- (VII) Exercise supervision and control over the acts of all officers and servants of the Committee.
- (VIII) Collect fees and other money leviable by or due to the Committee.
- (IX) Be responsible for all money credited to or received on behalf of the Committee.
- (X) Make disbursement of all money lawfully payable by the Committee.
- (XI) Operate, Maintain and transact the Committee fund.
- (XII) Report to the Managing Director of the Board, as soon as possible, in respect of fraud, embezzlement, theft or shortage of Committee fund or property ; and
- (XIII) Prefer complaints in respect of prosecutions to be launched on behalf of the Committee and conduct proceedings, Civil or criminal on behalf of the Committee.

#### **CHAPTER – V**

#### **FINANCE, ACCOUNTS AND AUDIT OF THE BOARD AND THE COMMITTEE**

41. Every Committee shall levy, charge and collect market fee in the manner as may be prescribed on basis at the rate not exceeding two rupees for every one hundred rupees as may be fixed by the State Government. Levy of market Fee.
- (I) On the sale or purchase of notified Horticultural produce, whether brought from within the State or from outside the State into the market area; and
  - (II) On the notified Horticulture produce whether brought from within the State or from outside the State into the market area for processing.

- Single Point levy.
42. (1) Market fee specified in section 41 shall not be levied for the second time in any market area within the State provided that market fee has already been paid on the Horticultural produce in any market area of the State and the information to this context has to be furnished by the concerned person that the payment of market fee has already been paid in other market of the State on demand.
- (2) On the Horticulture produce brought in the market area for commercial transaction or for processing, the market fee shall be deposited by the buyer or processor, as the case may be, in the office of the Committee, within fourteen days but before sale or resale or processing or export outside the market area of such Horticultural produce.
- (3) In case any notified Horticulture produce is found to have been processed, sold, or resold or dispatched outside the market area without payment of market fee payable on such produce, the market fees shall be levied and recovered five time the market value of the processed produce or value of the Horticulture produce, as the case may be.
- Marketing Development Fund/corpus fund.
43. (1) All money received by or on behalf of the Board shall be credited into a fund to be called the Marketing Development Fund. The account shall be operated in the Joint Signatures of the Chairman of the Board, Managing Director-cum-Member Secretary and Finance & Account Officer of the Board in State level. The fund shall be deposited in any nationalized bank.
- (2) All payments made by the Board shall be defrayed out of the said fund.
- (3) The Board may for carrying out the provisions of this Act, borrow money from the State Government or may borrow with the previous approval of the State Government :-
- (I) From any other agency ; or
- (II) Issue debentures on the authority of any property vested in it or on the security of a part of its future income accruing to it under this Act, or the rules made thereunder.

- (4) The Marketing Development/Corpus Fund shall be utilized by the Board either on its own or through public-private partnership for the discharge of functions entrusted to the Board under this Act. Without prejudice to generality of this provision, the Marketing Development Fund may be utilized for the following purposes:-
- (I) Payment of administrative expenditure of the Board.
  - (II) Travelling and other allowance to the employees of the Board, Chairman and its members.
  - (III) Payment of wages/salaries of contingencies staff.
  - (IV) Meeting any legal expenses incurred by the Board.
  - (V) Giving aid to financially weak Committees in the shape of loans and grants on the terms and conditions as may be prescribed. Propaganda and publicity on matters relating to marketing of Horticulture produce.
  - (VI) Training of the staff of the Committees and Board and also to Horticulturists.
  - (VII) Meeting expenditure in marketing extension activities and e-trading.
  - (VIII) Organizing and arranging workshops, seminars, exhibitions, etc ; on development of marketing.
  - (IX) Maintenance of the office of the Board and construction and repair of its office buildings, rest house, and staff quarters.
  - (X) General improvement of the regulation of marketing in the State.
  - (XI) Loans and advances to the employees.
  - (XII) Expenses incurred in auditing the accounts of the board.
  - (XIII) Providing technical and administrative assistance to the Committee, including execution of works.

- (XIV) Market survey and research, grading and standardization, quality certification of horticulture produce and other allied subjects.
- (XV) Grading and standardization of Horticultural produce.
- (XVI) Collection and dissemination of market rates and news.
- (XVII) Better marketing of Horticultural produce ; and
- (XVIII) With the previous sanction of the State Government, any other purpose which is calculated to promote the general interest of the Board, Committees or national or public interest.

Annual budget of the Board.

44. (1) An estimate of the annual income and expenditure of the Board for the ensuing year shall be prepared by the Board and submitted for sanction to the State Government not later than first week of February each year. On the sanction of the budget by the State Government, the Board shall have power to operate upon it.
- (2) The State Government shall sanction and return the budget as soon as practicable, enabling the Board to operate the fund within two months.

Accounts, Audit and Annual Report of the Board.

45. (1) The Board shall prepare once in every year, in such form and at such time as may be prescribed, an annual report, giving a true and full account of its activities during the previous year, and shall forward a copy thereof to the State Government.
- (2) The accounts of the Board shall be audited annually by the Examiner of the Local Audit Department or by such other person as the State Government may direct.
- (3) As soon as the accounts of the Board are audited the Board shall send a copy of the audit, report to the State Government.

Committee Fund.

46. (1) Save as provided in sub-section (2) all moneys received by a Committee shall be paid into a fund to be called the "Committee Fund" and all expenditure incurred by the Committee under or for the purposes of this Act shall be defrayed out of the said fund. Any surplus remaining with the

Committee after such expenditure has been met, shall be invested in such manner as may be prescribed.

- (2) Any money received by the Committee by way of arbitration fee or as security for costs in arbitration proceedings relating to disputes or any money received by the Committee by way of security deposit, contribution to provident fund or for payment in respect of any notified Horticulture produce, or other charges payable by the Committee or such other money received by the Committee as may be provided in the rules or bye-laws, shall not form part of Committee Fund, and shall be kept in such manner as may be prescribed.
- (3) Every Committee, out of its fund, shall pay to the Board, fifty per-cent of the total market fee collected under section 41 during the year, to meet the expenses of establishment of the Board and expenses incurred in execution of the functions assigned to the Board under this Act.
- (4) All money and receipts specified in this section and forming part of the fund of the Committee shall be deposited in any Nationalized Bank or any other Bank having National Computerized Network. The account shall be operated in the Joint signatures of Chairman, Vice Chairman and member secretary in District level. The Secretary of the Committee shall be the Head of office and shall exercise such financial powers as have been conferred under the Financial Rules of the State Government on the Head of office.

47. (1) Every Committee shall prepare and pass the budget of its income and expenditure for the ensuing year in such manner and in such form and within such period as may be prescribed and shall submit it to the Managing Director of the Board and the Managing Director shall place the same before the Board for approval. The board shall approve the budget with or without modification within two months from the date of receipt thereof. If the budget is not returned by the Managing Director within two months, it shall be deemed to have been approved.

Preparation and sanction of budget of Committee.

- (2) A Committee at any time during the year for which any budget has been sanctioned, cause a revised or supplementary budget to be passed and sanction in the same manner as if it were an original budget.
- (3) No expenditure shall be incurred by a Committee on any item if there is no provision in the sanctioned budget thereof unless it can be met by re-appropriation from saving under any other head. The sanction for re-appropriation may be obtained from the Board. Provided that in case of re-appropriation from minor heads under one major head, sanction for re-appropriation shall not be required.

Purpose for which the Committee fund may be expended.

48. Subject to the provisions of section 46, the Committee in order to discharge functions and duties entrusted to it under this Act, may use the Committee Fund. Without prejudice to generality of this provision the Committee fund may be used for the following purposes, namely:-
  - (I) The acquisition of a site or sites for the market.
  - (II) The establishment, maintenance and improvement of the market yard.
  - (III) The convenience and repairs of buildings necessary for the purpose of the market yard and for convenience or safety of the persons using the market yard.
  - (VI) The maintenance of standard weights and measures.
  - (V) The meeting of establishment charges including payments and contributions towards provident fund, pension and gratuity of the officers and servants etc. of the Committee.
  - (VI) Loans and advances to the employees of the committee.
  - (VII) The payment of interest on the loans that may be raised for the purpose of the market and provisions of sinking fund in respect of such loans.
  - (VIII) The collection and dissemination of information relating to the Horticultural produce.

- (IX) The expenses incurred in auditing the accounts of the Committee and expenses incurred in the maintenance of the offices.
- (X) Payment of honorarium and travelling allowance to the Chairman and other non-employees of the committee and employees of the committee as may be prescribed.
- (XI) Contribution to Marketing Development Fund.
- (XII) Contribution to any scheme for development of Horticultural marketing including transport.
- (XIII) For providing facilities like grading, standardization, and quality certification services and communication to Horticulturist in the market area.
- (XIV) Incurring expenses on research and development, extension and training to farmers in marketing of Horticultural produce.
- (XV) Prevention, inconjunction with other Agencies, State, Central, and others of distress sale of Horticultural produce.
- (XVI) Fostering cooperative marketing and assisting cooperative marketing societies in the procurement and profitable disposal of produce particularly the produce belonging to small and marginal farmers.
- (XVII) Create and promote on its own or through public – private partnership infrastructure and post harvest handling of Horticulture produce, cold storages, proceeding facilities, pack houses and all such infrastructure to develop modern market system.
- (XVIII) Meeting any legal expenses incurred by the committee.
- (XIX) On the training and skill enhancement of staff of the committee ; and
- (XX) With the previous sanction of the board, any other purpose which is calculated to promote the general interests of the committee or the notified market area or any other purpose calculated to promote the national interest.

- Power to borrow.
49. (1) The committee may, with the previous sanction of the board, raise the money required for carrying on the purposes for which it is established on the security of any property vested in and belonging to the committee and of any fees leviable by the committee under this Act.
- (2) The Committee may, for the purpose of meeting the initial expenditure on lands, building, and equipments required for establishment of the market, obtain loan from the State Government or the Board or other committee or financial institution on such conditions, as may be prescribed.

## CHAPTER – VI

### CONTROL

- Inspection of Markets and enquiry into the affairs of the Committee.
50. (1) The Managing Director of the Board may :-
- (a) Inspect or cause to be inspected the accounts and offices of the committee.
  - (b) Hold inquiry into the affairs of a committee.
  - (c) Call from a committee's return, statement, accounts or reports which he may think fit to require such committee to furnish.
  - (d) Require the committee to take into consideration:-
    - (I) Any objection on the ground of illegality, inexpediency, impropriety which appears to him to exist to the doing of anything 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 a certain thing by such committee.
- (2) When the affairs of a market are investigated under this section or the proceedings of any committee are examined by the Managing Director of the Board under section 52, the Chairman,

Secretary and all other officers and servants and members of such committee shall furnish such information in their possession in regard to the affairs or proceedings of the committee as the Managing Director of the Board or other officer authorized, as the case may be, may require.

- (3) An officer investigating the affairs of a committee under sub-section (1) or the State Government examining the proceedings of any committee under section 51 shall have the power to summon and enforce the attendance of officers or members of the committee and to compel them to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the case of a Civil Court by the Code of Civil Procedure, 1908. Where the Managing Director of the board has reason to believe that the books and records of a committee are likely to be tampered with or destroyed or the funds or property of a committee are likely to be misappropriated or misapplied, the Managing Director of the Board may issue orders directing a person duly authorized by him in writing to seize and take possession of such books and records, funds and property of the committee and the officer or officers of the committee responsible for the custody of such books, records, funds, and property shall give delivery thereof to the person so authorized.

51. (1) The Managing Director of the Board or the State Government as the case may be, may on its own motion or, on an application made to it, call for and examine the proceedings of any committee or of the Board, as the case any may be, for the purpose of satisfying itself as to the legality or propriety of any decision taken or order passed and as to the regularity of the proceedings of the committee or the Board, as the case may be. If any case, it appears to the Managing Director of the Board or the State Government that any such decision or order or proceedings so called for should be modified, annulled, reversed, or remitted for reconsideration it may pass such order thereon as it may deem fit.
- Power to Call for proceedings of committee or Board.

Provided that every application to the Managing Director of the Board or the State Government, as the case may be, shall be preferred within sixty days from the date of such decision or order to the Communication of applicant.

Provided further that no such order shall be passed under sub-section (1) without giving a reasonable opportunity of being heard to the parties affected thereby.

- (2) The Managing Director of the Board or the State Government, as the case may be, may suspend the execution of the decision taken or order passed by the Committee or the Board, as the case may be, pending the exercise of its powers under sub-section (1).

Power to Prohibit execution or further execution of resolution passed or order made by the committee.

52. The Managing Director of the Board may, on its own motion, or on report or complaint received, by order prohibit the execution or further execution of a resolution passed or order made by the committee or its Chairman or any of its officers or servants, if he is of the opinion that such resolution or order is prejudicial to the public interest, or is likely to affect efficient running of the business in any market area, principal market yards or sub-market yards or is against the provisions of this Act or the rules or bye-laws made thereunder.

Liability of Chairman, Members and employees for loss, wastes or misappropriation etc.

53. (1) If in the course of enquiry of inspection under section 50 or in the course of audit under this Act, it is found that any person who is or was entrusted with the management of the Board or the committee, as the member or any other officer or employee of the Board or the committee or an officer of the State Government has made or directed by assenting or concurring or participating in any affirmative vote or proceeding related thereto, any payment or application of any money or other property belonging to, or under the control of such committee to any purpose contrary to the

provisions of this Act, rules or bye-laws made thereunder or has caused any deficiency or loss by gross negligence or misconduct or has misappropriated or fraudulently retained any money or other property belonging to the Board or the committee, the Secretary of the Board may, on his own motion or on an application, enquire himself or direct any officer subordinate to him duly authorized by him by an order in writing in this behalf to enquire into the conduct of such person.

- (2) If on enquiry made under sub-section (1), the Managing Director of the Board is satisfied that there are good grounds for an order under this sub-section, he may make an order requiring such person, or in the case of a deceased person, his legal representative who inherits his estate, to repay or restore the money or property and any part thereof, with interest at such rate, or to pay contribution and costs or compensation to such extent as the Managing Director of the Board may consider just and equitable.

Provided that no order under this sub-section shall be made unless the person concerned has been given a reasonable opportunity of being heard in the matter.

Provided further that the liability of a legal representative of the deceased shall be to the extent of the property of the deceased which is inherited by such legal representative.

- (3) Any person aggrieved by an order made under sub-section (2) may, within thirty days from the date of communication of the order to him, appeal to the State Government and the order of the State Government shall be final and conclusive :

Provided that in computing the period of limitation the time required for obtaining a copy of the order of appealed against shall be excluded.

- (4) Any order made under sub-section (2) or sub-section (3) shall, be enforced in a manner as if it were a decree of civil court having local jurisdiction and any sum directed to be paid by such order may be recovered as arrears of land revenue.
- (5) If the Secretary of the Board is satisfied on affidavit, enquiry or otherwise that any person with intention to delay or obstruct the enforcement of any order that may be passed against him under this section is about to dispose of the whole or any part of his property, or is about to remove the whole or any part of his property from the State, he may, unless adequate security is furnished, direct, the conditional attachments of the said property or such part thereof as he thinks necessary and such attachment shall have the same effect as an order a competent civil court.

Members,  
Officers and  
Officials of  
the Board  
and  
Committee to  
be public  
servants.

54. All members, officers and servants of the Board and the committee shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code 1860.

Prohibition of  
trade  
Allowances.

55. No trade allowance or deduction, other than as prescribed by or under this Act or rules or bye-laws made thereunder, shall be made or received by any person in any market area in any transaction in respect of the notified Horticulture produce.

Power to order  
production of  
accounts,  
entry,  
inspection and  
seizure.

56. (1) The Secretary of the Committee or any officer of the State Government or the Board, empowered by the State Government in this behalf may, for the purposes of this Act, require any person carrying on business in any kind of notified Horticultural produce to produce before him the accounts and other documents and to furnish any information relating to stocks of such Horticultural produce or purchase, sale, processing, value addition and delivery of such Horticulture produce by such person and also to furnish any other information relating to payment of market fee by such person.

- (2) All accounts and registers maintained by any person in the ordinary course of business of any notified Horticultural produce and documents relating to stocks or such Horticultural produce or purchase, sale, processing, value addition of such Horticultural produce in his possession and offices, establishment, godowns, vessels or vehicles of such persons shall be kept open for inspection at all reasonable time by such officers of the State Government, the Board or the committee as may be authorized by the State Government in this behalf.
- (3) If any officer has reasons to suspect that any person is attempting to evade the payment of any market fee due from him under this Act or that any person has purchased, sold, processed of value added any notified horticultural produce in contravention of any of the provisions of this Act or rules or the bye-laws in force in the market areas, he/she may communicate in writing to such person, seize such accounts, registers, and documents of such person, as may be necessary and shall grant a receipt for the same and shall retain the same only so long as it may be necessary for examination therefore or for a prosecution.
- (4) For the purposes of sub-section (2) or (3) such officer may enter or search any place of business, office, establishment, godown, vessel or vehicle where such officer has reason to believe that such person keeps or for the time being has kept accounts, registers of documents of his/her business, or stock of notified horticultural produce relating to this business.
- (5) The provisions of section 100 (4) to (8) of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to a search under sub- section (4).
- (6) Where any books of accounts or other documents are seized from any place and there are such entries therein making reference to quantity, quotations, rates, receipts or payment of money or sale or purchase of goods, such books of accounts or other documents shall be admitted in

evidence without witness having to appear to prove the same, and such entries shall be prima-facie evidence of matters, transactions and accounts purported to have been recorded therein.

Submission of annual accounts by license and registered functionaries and assessment.

57. (1) Every trader, processor, proprietor of a private yard, proprietor of consumer farmer market or Commission agent, carrying on business of notified Horticultural produce shall, before the 30th June, every year submit to the Secretary of the Committee a statement of transaction undertaken by or through him during the previous financial years ending on the 31st March, in such form and in such manner as may be the prescribed.
- (2) The Secretary of the Committee shall accept or reject the statement submitted to him under sub-section (1) after necessary examination and verification on the basis of information duly available with the Committee and shall assess the balance amount payable by the functionary and levy the assessed amount.
- (3) Any person aggrieved by the proceeding of the Secretary of the Committee may, within thirty days from the date of Communication of notice to him, appeal to the Committee.
- (4) Any officer authorized by the Board may, on his own motion or on application made to the Board start process of re-verification of the statement verified by the Secretary of the Committee within two months from the date of verification and for this purpose such officer shall exercise the powers under section 59; and the re-verification made by such officer shall be final.

Assessment of Market fee.

58. (1) If any person required to produce accounts or furnish information under sub-section (1) of section 57, fails to produce such accounts or information or knowingly furnishes incomplete or incorrect accounts of the business of the notified Horticultural produce, the Secretary of the Committee, on his own motion, shall assess such person for fee levied under section 41 on the basis of information available with the committee.

59. (1) At any time when so required, any officer of the Board empowered by the board or any officer of the Committee empowered by the Committee in this behalf, as the case may be, may direct the driver or any other person in charge of the vehicle, vessel or other conveyance and inspect all records relating to notified Horticultural produce carried, and give his name, address and name and address of owner of the vehicle, vessel or other conveyance and name and address of the owner of the notified Horticultural produce carried in such vehicle, vessel or other conveyance. Power to stop Vehicles.
- (2) Persons empowered under sub-section (1) may seize any notified Horticultural produce brought into or taken out or proposed to be taken out of the market area in any vehicle, vessel or other conveyance, if he has reason to believe that any fee or other amount due under this Act or the value payable to the seller in respect of such Horticultural produce has not been paid.
- (3) If any person empowered under sub-section (1) has reason to suspect that any person is attempting to evade the payment of any market fee due from him under section 41 or that any person has purchase or stored any notified Horticultural produce in contravention of any of the provisions of this Act or the rules or the bye-laws made thereunder in the market area, he may enter and search any place of business, warehouse, office, establishment or godown where the person empowered under sub-section (1) has reason to believe that such person keeps or has for the time being kept stock of notified Horticultural produce and may seize the notified Horticultural produce and such seized notified Horticultural produce may be confiscated in favour of the market committee in accordance with the provisions of the code of Criminal Procedure, 1973.
- (4) The provisions of section 100, 457, 458 and 459 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) shall apply to entry, search and seizure under sub-section (1), (2) and (3) as they apply in

relation to the entry, search and seizure of property by the police officer. Such seizure shall forthwith be reported by the person aforesaid to a Magistrate having jurisdiction to try the offence under this Act.

Power to remove encroachments in market yard.

60. (1) Any officer or servant of the Committee or the Board empowered by the State Government, by notification, in this behalf shall have the power to remove any encroachment over the property owned by the Board/or the Committee including the market yard, and the expenses of such removal shall be paid by the encroacher, if he fails to pay such expenses, the same shall be recovered in the same manner as arrears of land revenue.
- (2) All Police Officers shall be bound to assist the officers empowered under sub-section (1), when required, in the performance of their duties under this Act, and for that purpose, shall have the same powers which they have in the discharge of their ordinary police duties.
- (3) If any officer or servant of the Board or the committee empowered under sub-section (1) fails to remove the encroachment within the market yard, he shall be punished with simple imprisonment for fifteen days or with fine which may extend to one thousand rupees or with both.

Power to grant exemption from market fees.

61. (1) The State Government may, by notification and subject to such conditions and restrictions, as may be specified therein, exempt in whole or in part any Horticultural produce brought for sale or bought or sold in the payment of market fee for such period as may be specified therein.
- (2) Any notification issued under sub-section (1) may be rescinded before the expiry of the period specified therein and on rescission, such notification shall cease to be in force.

Power to write off irrecoverable fee etc.

62. Whenever it is found that any amount due to the Board or a committee is irrecoverable or should be remitted, or whenever any loss of the Board's or a committee's money or stores or other properties occur through fraud or negligence of any person for any other cause and

such property or money is found to be irrecoverable, the facts shall be reported to the Board or the committee, as the case may be, and the board, with the approval of the State Government, and the committee, with the approval of the board, may order the amount or value of the property to be written off as loss irrecoverable or remitted, as the case may be

Provided that in case of a committee, if in any case the amount due or the value of such property is in excess of five thousand rupees, such order shall not take effect without the approval of the State Government.

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|-----|--|---|
| 63. | Any sum due to the Board or the Committee from any person on account of any charges, costs, expenses, fees, rent and any other account under the provisions of this Act or any rules or bye-laws made thereunder shall be recoverable as arrear of land revenue                              | Recovery of Sums due to the Board or the committee.                           |
| 64. | Any dispute between the private market or consumer market and committee, shall be referred to the Secretary of the Board or any other officer authorized by the State Government in this behalf and shall be resolved after giving both the parties a reasonable opportunity of being heard. | Redressal of dispute between Private Market or Consumer Market and Committee. |

Provided that the decision of the authority under this Election shall be final.

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|-----|--|---------|
| 65. | (1) Any person aggrieved by an order passed under section <b>25</b> , <b>26</b> , or <b>37</b> may prefer an appeal, in such form and in such manner as may be prescribed, to :- | Appeal. |
|     | (a) The Committee, where such order is passed by the Secretary of the Committee within thirty days from the date of order;   |         |
|     | (b) The Board, where such order is passed by the committee of the Board within thirty days from the date of order; and   |         |
|     | (c) The State Government, where such order is passed by the Managing Director of the Board or by the Board, within thirty days from the date of such order.                      |         |

- (2) The Appellate Authority, if it considers necessary so to do grant stay of the order appealed against for such period as it may deem fit.
- (3) The order passed by the State Government under this section shall be final.
- Bar to civil suit and Protection to person acting in good faith. 66. No suit, prosecution or legal proceedings shall lie in respect of anything done in good faith or intended to be done under this Act or rule or bye-laws made thereunder, against the officer of the State Government or against the Board or any committee or against any person acting under the directions of such Board, Committee or any officer or servant of State Government Board or Committee.
- Bar to suit in absence of notice. 67. Notwithstanding anything contained in this Act, no suit shall be instituted against the Board or any Committee, until the expiration of two months next after notice in writing stating the cause of action, name and place of abode of the intending plaintiff, and the relief which he claims has been delivered or left at its office. Every such suit shall be dismissed unless it is instituted within six months from the date of the accrual of alleged cause of action.
- Power of the State Government to amend the Schedule. 68. (1) The State Government may, by notification, add to or delete therefrom any of the Horticultural produce specified under column-2 in the SCHEDULE and thereupon the said SCHEDULE shall stand amended accordingly.
- (2) Every notification issued under sub-section (1) shall, as soon as may be, after it is issued, be laid on the table of the Legislative Assembly.

## CHAPTER -VII

### PENALTY

- Penalty for contravention of Act, Rules and Bye-laws. 69. Any person who contravenes any of the provisions of this Act, of any rule or bye-laws or order issued thereunder or fails to perform the duties assigned under this Act shall, on conviction, be punished with simply imprisonment which may extend to three months or with months or with fine which may extend to one thousand rupees or with both.

Provided that in the case of a continuing contravention, he shall be liable to be punished with a further fine which may extend to fifty rupees for every day during which the contravention is continued after the first conviction.

70. Whenever any person is convicted of any offence punishable under this Act, the Magistrate shall in addition to any fine which may be imposed, recover summarily and pay over to the Board or the Committee, as the case may be, the amount of fee or any other amount due from him under this Act or rules or bye-laws made thereunder and may, recover and pay over to the Board or committee, as the case may be, costs of the prosecution. Recovery of Market dues.
71. No court inferior to that of a Magistrate of the first class shall take cognizance of any offence punishable under this Act or rule or Bye-laws made thereunder except on a complaint made by the Managing Director of the Board or by the Secretary of the Committee or, by any other person duly authorized by the Board or the Committee in this behalf. Cognizance of offences.
72. (1) The committee may accept, from any person who has committed or is reasonably suspected of having committed an offence under this Act (other than contravention of section 27 of this Act), or the rules or bye-laws, by compounding of such offence : Power to Compound offences.
- (a) Where the offence consists of the failure to pay or the evasion of any fee, or other amount recoverable under this Act or the rules or the bye-laws made thereunder in addition to the fee or other amounts so recoverable, a sum of money not less than the amount of the fee or other amount and not more than five times the amount of fee or other amount ; and
- (b) In other cases a sum of money not exceeding five thousand rupees.
- (2) On the compounding of any offences under subsection (1), no proceeding shall be taken or continued against the person concerned in respect of such an offence, and if any proceedings in respect of that offence have already been instituted against him in any court, the compounding shall have effect of his acquittal.

**CHAPTER – VIII**  
**MISCELLANEOUS**

Mode of  
making  
Contract.

73. (1) Subject to the provisions of this Act, no contract or agreement on behalf of the Committee for the purchase, sale, lease, mortgage or other transfer of, or acquisition of interest in immovable property shall be executed except with the previous sanction of the Committee.
- (2) Save as provided in sub-section (1) :-
- (a) Secretary of the Committee may execute contract or agreement on behalf of the Committee where the amount or value of such contract or agreement does not exceed rupees five thousand regarding matters in respect of which he is generally or specifically authorized to do so by a resolution of the Committee.
- (b) The Chairman and the Secretary of the Committee may jointly execute a contract or an agreement on behalf of the committee when the amount or value of such contract or agreement does not exceed rupees twenty thousand.
- (c) In any case other than those referred to in clauses (a) and (b), a contract or agreement on behalf of the Committee may be executed by the Chairman, Secretary and two other Members of the committee of whom one shall be ex-officio member who have been generally or specially authorized by a resolution of the Committee to do so.
- (3) Every contract entered into by the committee shall be in writing and shall be signed on behalf of the committee by the person or persons authorized to do so under sub-section (2).
- (4) No contract other than a contract executed under the provisions of sub-section (1), (2) or (3) shall be binding on the committee.
- (5) Where a contract or agreement is entered into on behalf of a Committee, the Secretary of the committee shall report the fact to the committee in its next meeting held after the date of entering into such contract or agreement.

74. (1) When any land is required for the purposes of this Act, the State Government may, on the request of the Board or a committee, as the case may be, requiring it, proceed to acquire land under the provisions of the Land Acquisition Act or any other law for the time being enforce and on payment by the Board or Committee, as the case may be, of the compensation awarded under that Act and of all other charges incurred by the State Government on account of the acquisition, the land shall vest in the Board or the Committee, as the case may be.
- (2) The board or a Committee shall be deemed to be a local authority for the purposes of the Land Acquisition Act.

Acquisition of Land for the Board and Committee.

75. (1) When the State Government is of the opinion that the Board has failed in the performance of its functions or discharge of its duties or has exceeded or abused the powers conferred on it by or under this Act, it may, by notification published in the Official Gazette, supersede the Board.

Supersession of the board and the Committee.

Provided that no order of supersession shall be passed unless the State Government has afforded reasonable opportunity to the Board by showcase and seeking a written explanation in respect of the allegations against it.

- (2) Where the State Government is of the opinion that a committee has failed in the performance of its functions or discharge of its duties or has exceeded or abused the powers conferred on it by or under this Act, it may, by notification in the official Gazette, supersede the Committee.

Provided that no order of supersession shall be passed unless the State Government has afforded reasonable opportunity to the Committee by showcase and seeking a written explanation in respect of the allegations against it.

- (3) Upon publication of the notification superseding a Committee under sub-section (2), all the members including the Chairman shall, cease to hold the office, and the State Government shall take steps to constitute a new Committee under section 30 and till such time a new Committee is constituted, the Board shall make such arrangement for carrying out the functions of the Committee as it may deem fit for the period not exceeding six months and may, for that purpose, direct that all

the functions, powers and duties of the Committee and its Chairman, under this Act, shall be performed, exercised and discharged by such person or authority as the Board may appoint in this behalf and such person or authority shall be deemed be the Committee or the Chairman, as the case may be.

Reference to arbitrator in case of dispute

76. (1) If any dispute arises out of any agreement or contract entered into, under the provisions of this Act, rules or bye-laws made thereunder, between the sponsor and contract farming producer or between the Board and the trader or between the committee and the trader, the same shall be resolved through conciliation and arbitration.

(2) The Arbitration and conciliation Act, 1996 (26 of 1996) shall apply to the conciliation and arbitration proceedings referred under sub-section (1).

(3) For the purpose the Arbitrator shall be appointed by the Board and the proceeding shall be within the Jurisdiction of Itanagar and its decision shall be final and binding to the parties.

Power to make Rules.

77. (1) The State Government may after previous publication, make rules, consistent with this Act, for carrying out all or any of the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide Act :-

(a) The quantity of Horticultural produces for retail sale under section-2.

(b) The sitting fee and allowances to be paid from the fund of the Board to the Chairman and non-official members of the Board under section 10.

(c) The procedure and form for maintaining the accounts of the Board and audit thereof under sub-section (2) (v) of section 11.

(d) The duties and functions to be discharged by the Horticultural Produce Marketing Standards Bureau for the promotion of grading, standardization and quality certification of Horticultural produce under sub-section (2) (XII) of section 11.

- (e) The procedure to be followed in exercise of supervision and control over officers and staff of the Board by the Secretary in the matter of administration, accounts and records and disposal of all questions relating to the service of the employees.
- (f) The powers and duties to be exercised and discharged by the Secretary of the Board under section 12 (III).
- (g) The procedure to be followed in maintaining records of the proceedings of the meetings of the Board under section 12 (IX).
- (h) The development of infrastructure to establish consumers or farmers markets and the procedure for the sale of Horticultural produce by the producer direct to the consumer in the market area under section 23 (1).
- (i) The form of agreement for contract farming and the manner in which a person shall enter into agreement with contract farming producer under section 24.
- (j) The application for grant and renewal of licence for establishment of private yard, consumer and farmer market, the period for which the licence is to be issued, the form of licence and the conditions and the fee to be charged for grant of such licence under section 25 (1).
- (k) The disqualifications for suspension/ cancellation of licence under section 26 (e).
- (l) The maximum quantity which can be sold by the producer direct to any person for domestic consumption and the maximum quantity of the Horticultural produce purchase or sale of which can be undertaken by petty trader under sub-section (2) of section 27.
- (m) The transparent system to be followed for settlement of price of the notified Horticultural produce for sale into the market yard under sub-section (2) of section 28.
- (n) The manner and procedure to be followed by the Committee for the conduct of its business under sub-section (3) of section 34.

- (o) The procedure to be followed by the Committee to regulate the making, carrying out and enforcement or cancellation of agreements of sales weightmen, delivery, payment and other matters relating to the market of notified Horticultural produce under clause (IV) of sub-section (2) of section **36**.
- (p) The form and the manner and procedure to be followed for the maintaining of books of accounts and other documents by the market functionaries under clause (XVI) of sub-section (2) section.
- (q) The procedure and the manner to be followed for maintain and circulating the date of arrivals and rates of Horticultural produce standard wise brought into the market area for sale under clause (IV) of sub-section (3) of section **36**.
- (r) The form of application for registration or renewal of registration, the form of registration/certificate or renewal of registration certificate, the period within which application for registration or renewal of registration is to be made and the fee for such registration or renewal of registration under section 40 (1) (3).
- (s) The manner and the procedure to be followed by the Committee for levy and collection of market fee under section **41**.
- (t) The terms and conditions subjects to which financial weak committees may be aided by granting loans and grants out of the marketing development fund under clause (V) of sub-section (4) of section **43**.
- (u) The form, time and procedure to be followed in preparation of annual report by the board under sub-section (1) of section 48.
- (v) The manner in which the surplus remaining with the committee shall be invested under sub-section (1) of section **46**
- (w) The manner in which any money received by the committee by way of arbitration fee, security for cost in arbitration proceeding, security deposit, contribution to provident fund, payment in respect of any notified Horticultural produce, other charges payable

by the Committee or such other money received by the Committee under the rules or bye-laws, shall be kept under sub-section (2) of section **46**

- (x) The form, procedure and manner and the period within which the Committee shall prepare and pass the budget and its income and expenditure for the ensuing year under sub-section (1) of section **47**.
  - (y) The manner and procedure for payment of honorarium and traveling allowance to the Chairman and other non-official members of the Committee and to the employees of the Committee under clause (X) of section **48**.
  - (z) The conditions subject to which the committee for the purpose for meeting the initial expenditure on lands, buildings and equipments required of the establishment of market, may obtain loan from the State Government or the board or other Committees or financial institutions under sub-section (2) of section **49**.
  - (za) The form and the manner in which a statement of transaction shall be submitted to the Secretary of the Committee for the previous financial year ending on 31st March under sub-section (1) of section **57**.
  - (zb) The form and the manner in which an appeal may be filed under sub-section (1) of section **65**; and
  - (zc) Any other matter which is to be or may be prescribed.
- (3) All rules made under this Act, shall be laid, on soon as may be, after they are made, before the Legislative Assembly, while it is in session, for a total period of fifteen days which may be comprised in one session or in two successive sessions and, if before the expiry of the session in which they are so laid or of the session immediately following, Assembly agrees in making any modifications in the rules or Assembly decides that the rule should not be made, such rules shall have effect only in such modified form or be of no effect, as the case may be. However, that any such modification or annulment shall be without prejudice to the validity of anything done earlier under that rule.

- Power to make Regulations.
78. (1) Subject to any rules made by the State Government under section 77, the Board may, in respect of the notified market area, make bye-laws relating to :-
- (i) The regulation of business of the Market Committee.
  - (ii) The conditions of trading in market,
  - (iii) The delegation of powers, duties and functions to a sub-committee, if any.
  - (iv) Enabling and regulating e-trading.
  - (v) Any other matters for which bye-laws are to be made under this Act or it may be necessary to frame bye-laws for effectively implementing the provisions of this Act and the rules made thereunder in the market area.
- (2) No bye-laws shall take effect until it has been published or and notified in the Arunachal Pradesh Gazette.
- Power to make Rules.
79. Subject to the rules made under this Act, the Board may with the previous approval of the State Government frame regulations for :-
- (a) Summoning and holding of meetings of the Board, the time and date when such meetings are to be held, the conduct of business at such meetings.
- Repeal and savings.
80. In the Arunachal Pradesh Agricultural Produce and Marketing (Regulation) Act, 1989 (No. 6 of 1990), in section 2 (1), the word. (horticultural" appearing after the word "agriculture" and before the word "apiculture" is hereby deleted and repealed. Notwithstanding such deletion and repeal , anything done or any action taken including any appointment, or delegations made, notification, notice, order, instruction or direction issued, rules, regulation, bye-laws, form, scheme framed, certificate obtained, permit or license granted, registration affected, fee levied under that Act shall, in so after as it in force immediately before the coming into force of this Act and is not inconsistent with the provisions of this Act shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in enforce accordingly, untill and unless superseded by anything done or any action taken under this Act.
- (b) Powers and duties of the officers and other employees of the Board.

- (c) Salaries and allowances and other conditions of service of officers and other employees of the Board and the market Committee.
- (d) Management of accounts and the preparation of balance sheet by the Board.
- (e) Execution of contracts on behalf of the Board.
- (f) Maintenance of accounts and the preparation of balance sheet by the Board.
- (g) Procedure for carrying out the functions of the Board under this Act.
- (h) Other matter for which provision is to be or may be made in regulation.

### THE SCHEDULE

(See section 2 (a) and section 68)

Item	English Name	Hindi Name
1	2	3
1. Fruits	1. Mango	Am
	2. Banana	Kela
	3. Litchi	Litchi
	4. Sweet Orange	Malta
	5. Lemon	Neembo
	6. Grapes	Angoor
	7. pomegranate	Anar
	8. Apple	Saib
	9. Orange	Santra
	10. Peach	Aru
	11. Kiwi	Kiwi
	12. Plum	Alucha
	13. Pears	Naspati
	14. Gauva	Amrud
	15. Apricot	Khurmani
	16. Persimon	Japani Phal
	17. Watermelon	Tarbuz
	18. Walnut	Akhrot
	19. Almond	Badam

1	2	3
	20. Musk-Melon	Kharbuza
	21. Papaya	Papita.
	22. Jackfruit	Kathal
	23. Ber	Ber
	24. Aonla	Amla
	25. Cherry	-
	26. Egg fruit	-
	27. Avcoda	-
	28. Fig	-
	29. Date palm	-
	30. Jamun	-
	31. karonda	-
	32. Bael	-
	33. Loqout	-
	34. Passion Fruit	-
	35. Pine Apple	Anarash
	36. Phalsa	-
	37. Sapota	-
	38. Strawberry	-
	39. Stone fruits	-
	40. Minor tropical fruits	-
	41. Peacan nut	-
2. <b>Vegetables</b>	42. Bottle gourd	Ghia
	43. Brinjal	Baingan
	44. Ladi's Finger	Bhindi
	45. Tomato	Tamator
	46. Cauliflower'	Phulgobhi
	47. Cabbage	Bandhgobhi
	48. Sponge gourd	Ghia tori
	49. Carrot	Gajar
	50. French Bean	Pharas bean
	51. Raddish	Muli
	52. Leave of Indian	Sag
	53. Capsicum	Mirch badi

1	2	3
	54. Bitter gourd	Karela
	55. Cucumber	Khira
	56. Chilli	mirch
	57. Lettuce	falak
	58. Spinach	Dhaina
	59. Knol-Khol	
<b>3. Floriculture</b>	60. Annul floers	-
	61. Anthurium	
	62. Carnation	
	63. Rose	
	64. Gladiolus	
	65. Jasmine	
	66. Orchids	
	67. Chrsanthimum	
	68. All ornamental and Avenue plantations.	
	69. Binneal and perennial flowers.	
<b>4. Medicinal and Aromatic plants.</b>	70. All medicinal and Aromatic plants.	
<b>5. Spices</b>	71. Ginger	
	72. Tamarind	
	73. Cardamoom(small & Large).	
	74. Turmeric	
	75. Black Peeper	
	76. And all other Spices crops.	
<b>6. Mushrooms</b>	77. Button Mushrooms	
	78. Oyster Mushrooms	
	79. Paddy Straw Mushrooms,	

C. P. Mansai  
Secretary to the  
Government of Arunachal Pradesh,  
Itanagar.