

# SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Gangtok Monday 19th April, 1993

No. 44

GOVERNMENT OF SIKKIM  
LAW DEPARTMENT  
GANGTOK

NOTIFICATION

No.1/LD/1993

Dated : Gtk. the 2nd March, 1993.

The following Act of the Sikkim Legislative Assembly Secretariat having received the assent of the Governor on 30th day of March, 1993 is hereby published for general information:-

## THE SIKKIM AGRICULTURAL PRODUCE MARKET ACT, 1993

(Act. NO. 1 OF 1993)

### AN ACT.

to provide for better regulation of marketing of agricultural produce and the establishment and proper administration of markets for agriculture produce and for matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of Sikkim in the Forty-fourth Year of the Republic of India as follows :-

### CHAPTER - I

#### PRELIMINARY

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Sikkim Agriculture Produce Market Act, 1993.
- (2) It extends to the whole of the State of Sikkim.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas.

Definitions

2. In this Act, unless the context otherwise requires,-
  - (a) "agriculturist" means a person who ordinarily by himself or by his tenant or hired labour or otherwise is engaged in the production of agricultural produce but does not include a dealer or broker in agricultural produce;
  - (b) "agricultural produce" includes all produce, whether processed or non-processed of agriculture, horticulture, animal husbandry, pisciculture, sericulture and forest as specified in the Schedule;
  - (c) "Board" means the Sikkim State Agricultural Marketing Board constituted under section 3;
  - (d) "broker" means an agent whose ordinary course of business is to negotiate and make contracts for the purchase or sale of agricultural produce on behalf of his principal and who is remunerated by commission, but does not include a principal whether engaged in negotiating or

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- (e) "Commission agent" means a person who on behalf of another person and in consideration of commission makes or offers to make purchase or sale of agricultural produce or does or offers to do anything necessary for completing and carrying out such purchase or sale;
- (f) "Co-operative Societies" means all Co-operative Societies registered under the Sikkim Co-operative Societies Act, 1978, which has as its principal object the promotion of the sale of agricultural produce grown, reared or produced by its members;
- (g) "Director" means the Director of Agriculture and Horticulture, Government of Sikkim and includes any other officer authorised by the Government by notification to perform the functions of the Director under this Act for such an area as may be specified in the notification;
- (h) "Licence" means a licence granted under this Act;
- (i) "market" means a market established and registered under this Act for the market area and includes a market proper, a principal market yard and a sub-market yard or yards, if any;
- (j) "market area" means any area declared to be a market area under section 10;
- (k) "market committee" means a committee established under section 12;
- (l) "market proper" means any area including all lands with the buildings and structures thereon within such distance of the principal or sub-market yard declared to be a market proper under clause (b) of sub-section (2) of section 11;
- (m) "notified agricultural produce" means the agricultural produce specified as such under section 10 ;
- (n) "prescribed" means prescribed by rules made under this Act ;
- (o) "principal market yard and sub-market yard" means an enclosure, building or locality in a market area declared to be a principal market yard and sub-market yard respectively under clause (a) of sub-section (2) of section 11 ;
- (p) "Registrar" means the Registrar of the Co-operative Societies of Sikkim ;
- (q) "retail sale" means a sale of any agricultural produce not exceeding such quantity as may be fixed in respect of an agricultural produce ;
- (r) "State Government" means the State Government of Sikkim ;
- (s) "Secretary" means the Chief Executive of the market committee and includes officiating, acting, Deputy and Assistant Secretary ;
- (t) "Schedule" means the Schedule to this Act ;
- (u) "Supervisor" means a person whose business is to supervise the consignment of agricultural produce for sale in regard to quality, grade, adulteration and such other purposes ;
- (v) "trade" means any kind of transaction or sale and purchase of any agricultural produce ;
- (w) "trader" means a person who is ordinarily engaged in the business of buying and selling agricultural produce whether by himself or by duly authorised agent and includes a person who is ordinarily engaged in the business or processing of agriculture produce ;
- (x) "weighman" means a person whose business is to weigh the consignment of agricultural produce.



## CHAPTER - II

STATE AGRICULTURAL MARKETING BOARD—CONSTITUTION,  
FUNCTIONS AND POWERSConstitu-  
tion of the  
Board.

- (1) The State Government may, for the purpose of this Act, by notification in the Official Gazette, establish and constitute a Board to be known as the Sikkim State Agricultural Marketing Board.
- (2) The Board shall have thirteen members consisting of the following persons, namely :-
  - (a) six official members as under :-
    - (i) Secretary to the Government of Sikkim in Agriculture Department who shall be the ex-officio president of the Board ;
    - (ii) Secretary to the Government in Urban Development and Housing Department ;
    - (iii) Director, Agriculture Department, who shall be the Vice-President of the Board ;
    - (iv) Director, Horticulture Department, who shall be the Managing Director and also Chief Executive of the Board.
    - (v) Director, Animal Husbandry Department,
    - (vi) Registrar, Co-operative Department ;
  - (b) Seven non-official members as under :-
    - (i) Two presidents of Market Committee ;
    - (ii) one representative from Spices Board ;
    - (iii) Managing Director, Sikkim Co-operative Supply and Marketing Federation, (SIMFED) ;
    - (iv) One member from financial institution,
    - (v) One member from progressive farm,
    - (vi) One member from traders representative.
- (3) The State Government shall appoint an officer of the Agriculture or Horticultural Department having diploma in Agricultural Marketing to be the Executive Officer to assist the Managing Director for efficient performance of the duties and functions of the Board.
- (4) Presence of five members shall constitute quorum for the meeting of the Board.
- (5) All questions 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 president may exercise a casting vote.
- (6) No proceeding of the Board shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.

In-corpora-  
tion of the  
Board.

4. (1) The Board shall be a body corporate having perpetual succession and a common seal with power subject to the provisions of this Act, to acquire and hold property and shall, by the said name, sue and be sued.
- (2) The State Government shall exercise superintendence and control over the Board and its employees 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, the State Government may reconstitute it.

Disqualifi-  
cation for  
membership  
in the Board.

5. No person shall be eligible to be a non-official member of the Board who-
  - (a) is below eighteen years of age ;
  - (b) has been removed under section 30 of this Act ;
  - (c) is of unsound mind ; or
  - (d) has been declared insolvent or sentenced by a criminal court for an offence involving moral turpitude ;

Provided that the disqualification under clause (d) shall cease to apply after the expiry of four years from the date on which the period of the

- (2) The Board shall exercise superintendence and control over the market committees and may call for any information or returns relating to notified agricultural produce from any market committee and shall have the power to inspect the records of any market committee or such functionaries under or in relation to such market committees, as the case may be.
- (3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government shall also have powers of superintendence and control over the market committees or other functionaries under or in relation to such market committee.
- Appointment of Officers and Staffs of the Board.** 7. Subject to the provisions of this Act and the rules and bye-laws made thereunder, the Board may have its own officers and staff to carry out its functions, and their service conditions shall be such as the State Government may, from time to time, specify.
- Power to borrow and maintenance of funds and accounts of the Board.** 8. (1) The Board shall have its own fund into which all money received by it shall be paid and from which all expenditure incurred shall be defrayed.
- (2) The Board may, with the previous sanction of the State Government, raise money required for carrying out the purposes for which it is established on the security of any property vested in it.
- (3) The accounts of the Board shall be maintained in such form as the State Government may prescribe.
- Annual financial Statement.** 9. Subject to the rules made for this purpose, the Board shall submit to the State Government a statement of the estimated income and expenditure for each financial year and the State Government shall give its approval with or without modification within two months of the receipt thereof.

### CHAPTER - III

#### DECLARATION AND ESTABLISHMENT OF MARKET AREA AND CONSTITUTION OF MARKET COMMITTEE

- Declaration of market area.** 10. (1) The State Government may, by notification in the Official Gazette, declare the area so notified or any portion thereof to be a market area for the purposes of this Act in respect of all or any of the agricultural produce specified in the Schedule.
- (2) After the date of the publication of the notification under sub-section (1) or at such date as may be specified therein, no person, local or other authority shall, notwithstanding anything contained in any law for the time being in force, set up, establish or continue or allow to be set up, establish or continue or use any place in the market area for the purpose, sale or storage of any agricultural produce so notified, except in accordance with the provisions of this Act or of the rules or bye laws made thereunder.
- (3) Nothing in sub-section (2) shall apply to the purchase, sale or storage of such agricultural produce if the producer of such produce is himself its seller and the purchaser is a person who purchases such produce for his own consumption, or if such agricultural produce is sold by retail sale to a person who purchases such produce for his own consumption.
- (4) The State Government may at any time, by notification in the Official Gazette, exclude from the market area any area or any agricultural produce specified for that market area.
- Declaration of market yard.** 11. (1) For each market area, there shall be the principal market yard and sub-market yards, if necessary.
- (2) The State Government may, by notification in the Official Gazette, declare-
- (a) any enclosure, building or locality in any market area to be the principal market yard and other enclosures, buildings or localities in such market areas to be one or more sub-market yard or yards for the area ; and
- (b) any area including all lands with the building and structures thereon within such distance of the principal or sub-market yard or yards, as the case may be, as it thinks fit, to be the market proper.
- Establishment of market committee.** 12. (1) The State Government may, by notification in the Official Gazette, establish a market committee for every area declared to be a market area under sub-section (1) of section 10. The committee shall enforce the provisions of this Act and the rules and bye - laws framed thereunder.



- (2) In case of peculiar nature of trading of any agricultural produce, a separate market committee within the same market area may be established if the independent market committee already functioning is unable to undertake its trading :

Provided that not more than one market committee shall be established within the same market area for the same type of agricultural produce.

**Constitution of market committee.**

13.

Every market committee shall consist of the following members to be nominated by the State Government, namely :-

- (i) Deputy Director of Horticulture of the area who shall be the ex-officio president of the committee,
  - (ii) Deputy Director of Agriculture of the area,
  - (iii) Deputy Director of Animal Husbandry of the area,
  - (iv) one member of the Co-operative Societies holding licence in the market area,
  - (v) one member from the traders holding licence in the market area,
  - (vi) two farmers' representatives of the area,
  - (vii) one member from the Urban Development and Housing Department.
- (2) The non-official members shall hold office for a period of five years commencing from the date of the first meeting of the market committee.
- (3) The official members shall cease to hold office, if he ceases to be a member of the category of persons from which he was nominated.
- (4) A member shall also cease to hold office if he resigns his membership and the same is accepted by the market committee or if he is removed by the State Government.
- (5) Whenever any vacancy occurs in membership for any of the reason aforesaid the said vacancy shall be filled in the same manner and such member shall hold office for the unexpired term of the member in whose place he is nominated.
- (6) Notwithstanding any vacancy, the market committee shall be competent to exercise its powers and perform its duties and none of its act shall be questioned merely on the ground of the existence of any vacancy or any defect in its constitution.

#### CHAPTER - IV POWERS, FUNCTIONS AND DUTIES OF MARKET COMMITTEE

**Powers and functions of the president.**

14.

- (1) The president shall exercise such powers and perform such duties on behalf of the committee under this Act and the rules made thereunder as may be prescribed.
- (2) The president shall preside at every meeting of the market committee and in his absence the members present shall elect one from amongst themselves to preside over that meeting.

**Calling of meetings and quorum.**

15.

- (1) No business shall be transacted at any meeting of the market committee unless-
  - (a) the Secretary, under the direction of president calls for meeting on a requisition made by the members as prescribed ; and
  - (b) there is quorum.
- (2) The quorum referred to in clause (b) of sub-section (1) shall be one-third of the total number of the members of the market committee. If at any meeting there is no quorum, the meeting shall stand adjourned to some future day to be appointed by the president or any member who may preside at the meeting, as the case may be. The members present at such adjourned meeting shall form a quorum whatever their number may be.

**Functions of Market committee.**

16.

- (1) The functions of a market committee shall be, -
  - (i) to maintain and manage the market yard and to control, regulate and run the market in the interest of agriculturist and traders holding licence from the market yard committee ;
  - (ii) to regulate and control transactions in the market and to deal with any defaulting licence holder with respect to any notified agricultural produce ;
  - (iii) to control and regulate the admission in the markets, to determine the conditions for use of the market and to prosecute and confiscate



- (iv) to settle all disputes between the seller and the buyer arising out of any kind of transaction connected with the marketing of notified agricultural produce in the manner prescribed ;
- (v) to bring, prosecute or defend or aid in bringing, prosecuting or defending any suit, action, proceeding, application or arbitration on behalf of the market committee ;
- (vi) to purchase, hire or acquire any land or other movable or immovable property for the purpose of its business, to raise fund from the State Government, or to enter into arrangement with local or other authority with the approval of the Board for the said purpose ;
- (vii) to levy and recover market charges, fee on agricultural, horticultural, animal husbandry and forest produce and to impose fines and penalties with the approval of the State Government ;
- (viii) to do such other things as may be required for the purpose of achieving the objects and purposes of this Act and the rules and bye-laws made thereunder.

**Powers of the market committee.**

17. A market committee shall have the power to regulate entry of persons into the principal or sub-market yard, to supervise the behaviour of the person so entered for business and to take disciplinary action against the Licensee who fails to fulfill the conditions of the licence or any direction of the market committee issued under the provisions of this Act or the rules or bye-laws made thereunder.

**Duties of the market committee**

18. It shall be the duty of every market committee to enforce the provisions of this Act, the conditions of licence granted under the rules and bye-laws made under the Act in the market area and to provide such facilities as the State Government may, from time to time, direct in connection with the purchase and or sale of notified agricultural produce.

**Appointment of sub-committee and joint committee.**

19. A market committee may appoint a sub-committee or a joint committee or an adhoc committee from amongst its members for the administration of the sub-market yard, for reporting or recommending or deciding any matter or matters relating thereto and may delegate to such committee such of its duties as it may think fit. There shall be atleast three members in such committee.

**Appointment of secretary and other officer and staff.**

- (1) Every market committee shall have a Secretary appointed by the State Government subject to such terms and conditions as may be prescribed.
- (2) A market committee may also, with the approval of the Board, employ such other officers and staff as may be necessary for the management of the market on such terms and conditions as may be prescribed.

**Execution of contracts.**

21. Every contract entered into by a market committee shall be in writing and shall be executed by the president and secretary of the committee.

**Power to levy fees.**

22. A market committee shall levy and collect fees on the agricultural produce bought or sold in the notified market area at a rate approved by the Board and concurred by the State Government for which an agricultural produce is bought or sold whether for cash or for deferred payment or other valuable consideration :

Provided that -

- (a) no fee shall be leviable in respect of any transaction in which delivery of the agricultural produce bought or sold is not actually made ; and
- (b) a fee shall be leviable only on the parties to a transaction in which delivery is actually made.

**Market committee funds.**

23. All money received by a market committee shall be paid into a fund to be called "The Market Committee Fund" and all expenditure incurred by the market committee under or for the purpose of this Act shall be defrayed out of the said fund. Any surplus remaining with the market committee after such expenditure shall be invested in such manner as may be prescribed.

**Contribution to**

24. Every market committee shall, out of its fund, contribute to the Board a sum not exceeding twenty five per cent of the money received by it as may be det



**Purposes for which market committee fund shall be expended.**

25.

The fund of the market committee shall be expended for the following purposes, namely :-

- (i) maintenance and improvement of the market ;
- (ii) construction and repair of buildings necessary for the purposes of such market and for the health convenience and safety of the persons using it ;
- (iii) pay, pensions, allowances, gratuities, compensations for injuries resulting from accidents during duty and compassionate allowances of its employees and payment of honorarium to president, vice-president and members of the market committee and travelling allowance payable to them for attending the meeting ;
- (iv) expenses connected with the collection and dissemination of information regarding matters relating to crop statistics and marketing in respect of the agricultural produce ;
- (v) contribution to the Board under section 26 ;
- (vi) acquisition of a site for the market ;
- (vii) payment of interest on the loans that may be raised for the purpose of the market and the provisions of sinking fund in respect of such fund ;
- (viii) other expenses connected with the carrying out the purposes of this Act and the rules and bye-laws made thereunder.

**Mis-application of fund.**

26.

If a market committee incurs an expenditure for any purpose other than those specified under section 25 or in excess of the expenditure approved by the Board then it shall be deemed to be a mis-application of the fund.

**Power to borrow.**

27.

- (1) A market committee may, with the previous sanction of the State Government, raise money required for carrying out the purposes for which it is established on the security of any property vested in it and of any fees leviable by it under this Act.
- (2) A market committee may, for the purpose of meeting the initial expenditure on lands, buildings, equipments and manpower for establishing the market, obtain assistance or grants from the State Government and loan from the State Government or any financial institution.
- (3) The conditions subject to which such money or loan shall be raised or obtained and at the time which the same be repayable shall be subject to the previous sanction of the State Government.

**Acquisition of land for the purpose of this Act.**

28.

- (1) The State Government may on the request of the Board or a market committee, acquire land required for the purposes of this Act.
- (2) The Board or market committee shall be deemed to be a local authority for the purposes of the Sikkim Land (Requisition and Acquisition) Act, 1977.

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1978.

## CHAPTER - V

### Trade allowance

**No trade allowance permissible except as prescribed.**

29.

No person shall make or recover any trade allowance other than an allowance prescribed by rules or bye-laws made under this Act in any market area in any transaction in respect of the notified agricultural produce and no Civil Court shall, in any suit or proceeding arising out of any such transaction, have regard to or recognise any trade allowance not so prescribed.

**Explanation :** Every deduction, other than a deduction on account of deviation from sample when the purchase is made by sample, or on account of deviation from standard, when the purchase is made by reference to known standard, or on account of difference between the actual weights of the container and the standard weight or on account of the admixture of foreign matter shall be regarded as a trade allowance for the purpose of this section.

## CHAPTER - VI

### Miscellaneous

**Members of the market**

30.

- (1) The State Government may, on the recommendation of the market committee supported by at least two-third of the total members or on the recommendation of the Board, remove any member of the market committee, if such member has been guilty of mis-



Provided that no order for removal of any member shall be passed by the State Government unless the member has been given a reasonable opportunity of showing cause why such order should not be passed:

Provided further that no recommendation shall be made by the market committee or the Board unless the member has been given a reasonable opportunity of showing cause why such recommendation should not be made.

- (2) The decision of the State Government under sub-section (1) shall be final. Every member of the market committee shall be personally liable for the mis-application of fund to which he shall have been a party, or which shall have happened through, or been facilitated by, gross neglect of his duty as a member, and he may be sued for recovery of the money so mis-applied.
- Members to be held responsible for mis-application of fund.** 31.
- Power to inspect.** 32. Any officer authorised by the State Government by order shall have power to inspect the accounts of the Board or any market committee or to institute an enquiry into the affairs of the Board or any market committee and to require it to do a thing or to desist from doing any thing such officer consider necessary in the interest of the Board or any market committee, as the case may be, and in case of non-compliance, to ask to furnish a written reply to him within a reasonable time stating reasons therefor.
- Duty to furnish information to the State Government or other authorised officer.** 33. When the affairs of the Board or of a market committee are investigated or the proceeding of such Board or committee are examined by the State Government or any officer as may be authorised by the State Government in this behalf, all officers and staff, members of the Board and of such committee shall furnish such information in their possession in regard to the affairs or proceedings of the Board or committee as the State Government or such officer may require.
- Power of the Board in emergency.** 34. (1) In case of an emergency the Board may suspend or cancel all or any licence issued under the provisions of this Act and take such other steps as may be deemed necessary in the interest of a market.  
(2) Where a market committee is not competent to perform the duties imposed on it by or under this Act or under orders or decision of a court, the Board shall make such arrangement for performing such duties and functions of such market committee as it may deem fit.
- Recovery of loss.** 35. Any loss that may occur to a market committee due to its failure to carry out any instruction of the Board, shall be recoverable from the member of the market committee after due enquiry and after giving reasonable opportunity of showing cause to them as to why such loss should not be recovered from them.  
(2) Any amount recoverable from the member of a market committee under this section shall be realised as an arrear of public demand under the provisions of the Sikkim Public Demands Recovery Act, 1988. 10f 19
- Supersession of market committee.** 36. (1) If in the opinion of the State Government a market committee is incompetent to perform or persistently makes default in performing the duties imposed on it by or under this Act, or the rules and bye-laws framed thereunder, or if it abuses its powers, the State Government may, after giving the market committee an opportunity to submit an explanation, if any, by notification, supersede such committee for a period not exceeding one year at a time or dissolve the committee and reconstitute it as soon as possible.  
(2) When a committee is superseded or dissolved under sub-section (1), the State Government may appoint any person as an administrator to exercise and perform all powers, duties and functions of the market committee until a new committee is constituted.
- Consequences following supersession or dissolution.** 37. (1) When an order of supersession or dissolution is passed under section 36, the following consequences shall ensue, namely :-  
(a) all the members as well as the president of the market committee shall, from the date of such supersession or dissolution, be deemed



- (b) all assets vested on such committee shall, during the period of supersession or dissolution, vest in the State Government subject to all its liabilities.
- (2) On the expiration of the period of supersession specified in the order, State Government may -
- (a) extend the period of supersession for such further term as it may consider necessary but not exceeding a period of one year at a time ; or
- (b) reconstitute the market committee :
- Provided that the State Government may, at any time before the expiration of the period of supersession, take action under clause (b) of this sub-section.
- (3) On the reconstitution of the market committee under sub-section (2), the Government shall transfer all assets and liabilities of the market committee as on the date of such transfer to the new market committee.

**Penalty for  
contravention of  
section 10.**

Whoever contravenes the provisions of sub-section (2) of section 10 shall, on conviction, be punishable with fine which may extend to five hundred rupees and, in the case of continuing contravention, with further fine which may extend to one hundred rupees per day during which the contravention is continued after the conviction.

**Eviction of  
encroacher  
of market  
yards.**

Every encroacher of market yard or sub-market yard shall be evicted therefrom in such manner and procedure as provided in the law for the time being in force for eviction of public premises.

**Penalty for  
contravention of  
section 31.**

- (1) Whoever makes or recovers any trade allowance in contravention of the rules or bye-laws made under this Act shall, on conviction, be punishable with fine which may extend to five hundred rupees.
- (2) All fines and damages recovered from an offender shall be paid to the fund of the market committee concerned.

**Penalty for  
contravention of  
provision of  
section 33.**

- (1) If any officer or member of the Board or a market committee when required to furnish information in regard to the affairs or proceeding of the Board or a market committee under section 33-
- (a) wilfully neglects or refuses to furnish any information ; or
- (b) wilfully furnishes false information ; he shall, on conviction, be punishable with fine which may extend to five hundred rupees.

**President,  
members  
and staff of  
market  
committees  
to be public  
servants.**

42. The President, members, secretary and other officers and staff of the Board 45 of and a market committee shall be public servants within the meaning of section 186 of the Indian Penal Code, 1860.

**Bar to suit  
in absence  
of notice.**

- (1) No suit, prosecution or legal proceeding shall lie against the Board or a market committee or any member, officer or staff thereof, or any person acting under the direction of such Board or market committee, for anything done or purported to be done in good faith under this Act or the rules or bye-laws made thereunder until the expiration of two months next after notice in writing stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been in the case of Board or a market committee, delivered or left at its office, and in the case of any such member, officer, staff or person as aforesaid delivered to him or left at his office or his usual place of abode and the plaintiff shall contain a statement that such notice has been so delivered or left.
- (2) Every such suit shall be barred unless it is instituted within six months from the date of the alleged cause of action.

**Trial of  
offences.**

44. (1) No offence under this Act or any rules or bye-laws made thereunder shall be tried by a court other than the court of a Magistrate of the First Class.
- (2) No court shall take cognisance of any offence punishable under this Act except on the complaint of the secretary of the Board or of the market committee.

**Admissibility of copy of entry as evidence.** 45.

A copy of any entry in any book, register or list regularly kept in the course of business in the possession of a market committee shall, if duly certified in such manner as may be prescribed be admissible in evidence of the existence of such entry and shall be admitted as evidence of the matter a transaction therein recorded in every case, where and to the same extent which the original entry would, if produced, be admissible to prove the matter.

**Power to make rules.** 46.

- (1) The State Government may either generally or specially for the Board or market area or market areas make rules after previous publication for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-
  - (a) the power to be exercised and the duties to be performed by a market committee and its president and secretary ;
  - (b) the management of the market, minimum and maximum fee which may be levied and collected by the market committee, the method, manner and mode of collection of such fee in respect of such ; agricultural produce sold and resold in the market area ;
  - (c) the issue of licences to traders, persons and firms engaged in processing of agricultural produce, to commission agents, brokers, weighmen, surveyors, warehousemen and the cancellation and suspension of such licence and the category of such other persons operating in a market area as may be determined by the Board, and the form in which and the conditions subject to which such licences shall be issued, cancelled or renewed ;
  - (d) the method and manner of holding meetings, the procedure to be followed at such meeting and the powers to be exercised at such meetings ;
  - (e) the persons by whom and the form in which copies of documents, entries in the books of a market committee may be certified and the charges to be levied for the supply of such copies ;
  - (f) the kind and description of the weights and measures and weighing and measuring instruments which shall be used in the transactions of agricultural produce in any market areas ;
  - (g) providing for the periodical inspection of all weights and measures and weighing and measuring instruments in use in market areas ;
  - (h) the manner in which the inquiry and inspection of the Board or market committee shall be held ;
  - (i) the matter in respect of which the Board or market committee may make bye-laws and the procedures to be followed in making, amending or rescinding the bye-laws ;
  - (j) the declaration of the market proper and market yards ;
  - (k) the condition of service, recruitment, provident fund, pension, and such other terms and conditions as may be required for the employment of the staff of the Board and market committee ;
  - (l) the trade allowance which may be made or received by any person in any transaction in any agricultural produce in a market area ;
  - (m) the prohibition of brokers for acting any transaction on behalf of both the buyers or sellers ;
  - (n) the provision of accommodation for storing any agricultural produce brought into the market ;
  - (o) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expenses of the market committee and the grant of sanction to such plans and estimates ;
  - (p) the form in which the accounts of the Board or a market committee and the grant and sanction to plans and estimates shall be kept, the audit inspection and publication of such accounts and audit report and the inspection thereof and supply of copies of such accounts and reports ;
  - (q) the preparation and submission for sanctions of the annual budget and the report and returns to be furnished by the Board or market committee ;
  - (r) the investment and disposal of the surplus funds of a market committee ;
  - (s) the regulation of advance, if any, given to agriculturist by brokers, commission agents or traders ;
  - (t) the prevention of adulteration of a agricultural produce ;
  - (u) the grading and standardisation of agricultural produce ;
  - (v) the keeping of a list of prices of agricultural produce ;



- (w) the manner in which auctions of agricultural produce shall be conducted and bids made and accepted in any market;
  - (x) the recovery and disposal of cost leviable by or under this Act;
  - (y) any other matters which has to be or may be prescribed.
- (3) Any rule made under this Act may provide that any contravention thereof, or any of the conditions of licences issued or renewed, the offender shall, on conviction, be punishable with fine which may extend to five hundred rupees.

**Bye-laws** 47. (1) Subject to any rules made by the State Government under section 46, the Board may, from time to time, in respect of any notified agricultural produce and market area, make bye-laws not inconsistent with this Act for the regulation of business and the conditions of trading in such market area.

(2) Any bye-laws made under this section may provide that any contravention thereof shall, on conviction, be punishable with fine which may extend to five hundred rupees.

**Power of State Government to call for proceedings of market committee.** 48. The State Government may, at any time, call for and examine the proceedings of the Board or any market committee for the purpose of satisfying itself as to the legality or propriety of any decision or order passed by the Board or market committee and if, in any case it appears to the State Government that any decision or order or proceedings so called for should be modified, annulled or revised, the State Government may pass such order thereon as it think may fit and such order shall be final.

**Power of the State Government to amend the Schedule.** 49. The State Government may, by notification in the Official Gazette, add to or amend or cancel to any of the items of agricultural produce specified in the Schedule.

**Act to have overriding effect.** 50. The Act shall have overriding effect notwithstanding anything contained in any other law for the time being in force relating to establishment, maintenance or regulation of market of agricultural produce in any market area declared as such under this Act or the powers of a market committee or the rights of a holder of a licence granted under this Act.

## THE SCHEDULE

(See clause (b) of Section 2.)

Sl. No.	English Name	Vernacular Name	Botanical Name
1.	2.	3.	4.
<b>I. Cereals.</b>			
1.	Barley	Jau	Bordeum Vulgare
2.	Maize	Makai	Zea mays
3.	Milletts (all varieties)	Kodo	Sorghum Vulgare Pennisac- tum typhoides Eleusine coracana Paspalum Scro- biculum Panicum Miliacum Panicum Miliare Setaria italica chinochloa Colona
4.	Oat	Jai	Avena Sativa
5.	Paddy husked and Dhan (unhusked)	Dhan/Chamal	Oryza Sativa
6.	wheat	Gahua	Triticum Aestivum T. Dicoccum T. Sphaerococcum
<b>II. Pulses</b>			
1.	Black Gram	Urad	Phaseolus Mungo
2.	Chick Pe	Chana	Cicer arietinum
3.	Cow Pea	Lobia	Vigna Sinesis
4.	Green gram	Mung	Passeolus aureus
5.	Lentil	Masur	Lens esculenta
6.	Mat been	Mot	Paseolus Aconitifolius
7.	Peas	Mattar	Pisum Sativum
8.	Pigion Pea	Arhar	Cajanus cajan
9.	Soyabean	Bhatmas	Glycine max
<b>III. Oil Seeds and edible oils</b>			
1.	Castor	Arandi	Ricinus Communis
2.	Coconut	Nariyal	Casus nucifera
3.	Ground-nut	Badam	Arachis hypogaea
4.	Linseed	Alsi	Linum usitatissimum
5.	Niger seed	Ramtil	Guizotia Abyssinica
6.	Mowra	Mahua	Madhuca indica M. longifolia
7.	Mustard (Yellow)	Sarsoan	Brassica Campestris Var, Sarsoan
8.	Mustard (black)	Kalo sarsoan	B. Campestris
9.	Palm Oil	—	Elaeis guineensis
10.	Indian mustard	Rayo	Brassica juncea
11.	Indian rape	Tori	B. campestris Var.
12.	Rape seed	—	B. Napus
13.	Sunflower	Surya mukhi	Helianthus annus
14.	Sesame	Til	Sesamum Indicum
<b>IV. Vegetables</b>			
1.	Amaranth	Chauli	Amaranthus Caudatus A. spinosus A. Tricolorr
2.	Amorphophallus	Zamikand	Amorphophalus campanulatus
3.	Asparagus	Satavar	Asparagus officinali
4.	Beans Lablab French bean Chuster bean Limu bean Broad bean	Simi/Borhi	Dolichos lablab Phaseolus vulgaris Chamopsis tetragono Phuacolue lonatus Vicia faba
5.	Beat	Chukunder	Beth vularia



1.	2.	3.	4.
6.	<b>Cabbages</b>		
	Cabbage	Bandakopi	Brassica oleracea var. capitata
	Cauliflower	Phulkopi (Knol Khol)	B. oleracea var. caulorapa
	Brussels	Buttan	B. oleracea
	Sprouts	Kopi	Var. gemmifera
7.	<b>Cucurbits</b>		
	Pumpkin	Pharshi	Cucurbita mosohata
	Bottle gourd	Lauka	Lagenaria vulgaris
	Sponge gourd	Jhigani	Luffa cylindrica
	Ridge gourd	Bhaisisingey	L. acutangula
	Bitter gourd	Karela	Memordica charantia
	Snake gourd	chichinda	Trichosenthes anguica
	Pointed gourd	Parvel	T. dioica
	Round gourd	Tinda	Citrullus vulgaris var. fishulosus
	Cucumber	Kankra	Cucumis satives
	Isqus		Cucurbita Maxima
	Summer squash		C. Pepo
8.	Egg Plant	Baigun	Solanum melongena
9.	Jackfruit	Katahar	Arocarpus heterophyllus
10.	Lettuce	Salad	Lactuca sava
11.	Okra (Lady's finger)	Bhindi	Abelmoschus esculantus
12.	Potato	Alu	Solanum tuberosum
13.	Parslane	Kulfa	Portulaca oleracea
14.	Radish	Moola	Raphanus Stives
15.	Spinach	Palak	Spinacia oleracea
16.	Sweet Potato	Shakarkanda	Ipomaea battatus
17.	Carrot	Gajar	
18.	Onion	Piaz	

#### V. Fruits

1.	Apple	Aiphal	Pyrus malus
2.	Apricot	Khupani	Prunus armeniaca
3.	Avocado	—	Persea americana
4.	Banana	Kera	Musa Paradisiaca
5.	Cashes	Kaju	Anacardium occidentale
6.	Cherry	Cherry	Prunus avium
7.	Custard apple	Sharifa (Sitafal)	Anona sgumapos
8.	Amblic myrobalan	Amla	Phyllanthus emblico
9.	Date palm	Khajur	Phoenix dactylifera
10.	Fig	Anjeer	Ficus Carica
11.	Grape fruit	—	Citrus Paradisi
12.	Grape Vine	Angoor	Vitis Vinifera
13.	Guava	Ambak	Psidium guajava
14.	Gujube	Bair	Zizyphus jujuba
15.	Java plum	Jamun	Begeina Jambolana
16.	Lemon	Nimbu	Citrus Limon
17.	Litchi	Litchi	Litchi chinensis
18.	Mango	Aap	Mangifera indica
19.	Muskmelon	Kharbooja	Cucumis molo
20.	Orange	Suntola	Citrus zeticulata
21.	Papaya	Mewa	Carica papaya
22.	Peach	Naspati	Prunus Persica
23.	Pine apple	Anannas	Ananas comosus
24.	Pomegranate	Anar	Punica granatum
25.	Sweet orange	Mausambi	Citrus sinensis
26.	Water melong	Tarbooz	Citrullus vulgaris
27.	Wood apple	Bel	Aegle marmelos

#### (VI). Spices and Condiments

1.	All spice		Pimento diocia
2.	Angelica		Angelica archangelica
3.	Anise seed		Pimpinella anisum
4.	Asafoetida	Hing	Ferula asafoetida
	Basil	Tulsi	Ocimum sanctum

**X. Forest Products**

1.	Bamboo	Bansh
2.	Bamboo Shoot	Bansh Ko tusha
3.	Timber	Kaath
4.	Grass Broom	Jharu
5.	Dhoop	Dhoop
6.	Mushroom	Chacw
7.	Lieopodium Powder	Nagbelly
8.	Chiraitto	Chiraittoo
9.	Mazettoo	Mazettoo
10.	Nakima	Nakima
11.	Nigroo	Nigroo
12.	Sisnoo	Sisnoo
13.	Pakhan bett	Pakhanbett
14.	Bikhma	Bikhma
15.	Bantorool	Bantarool

By order of the Governor.

B.R. Pradhan,  
Secretary to the Government of Sikkim,  
Law Department,  
F. No. 16(267)LD/93.