

Tripura Act No. 3 of 1984

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

PUBLISHEDT IN THE
EXTRAORDINARY ISSUE OF TRIPURA GAZETTE

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

GOVERNMENT OF TRIPURA
LAW DEPARTMENT

No. F. 2(14)-LAW/LEG/83

Dated, Agartala; the 24th July, 1984.

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

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

Tripura Act No. 3 of 1984.

AN

ACT

to amend the Tripura Agricultural Produce Markets Act, 1980.

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

Short title

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

Amendment of
section 2

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

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

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

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

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

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

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

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

Powers and duties of the President of a Market Committee.

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

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

Powers and duties of the Secretary of a Market Committee.

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

Insertion of Chapter VII A.

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

"CHAPTER VII A THE BOARD

Establishment and constitution of the Board.

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

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

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

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

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

Disqualification.

38B. No person, who—

(a) is an employee of the Board, or

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

(c) is an undischarged insolvent, or

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

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

Term of Office
of the members
of the Board.

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

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

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

Resignation by
the Chairman
or member of
the Board.

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

Powers and
duties of the
Chairman.

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

Powers and
duties of the
General Manager.

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

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

Meeting of the
Board.

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

Acts not to be
invalid due to
vacancy or
defect.

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

(a) any vacancy in, or any defect in the constitution of, the Board; or

(b) any defect in the appointment of a person acting as a member of the Board; or

(c) any irregularity in the procedure of the Board not affecting the merits of the case.

Removal etc.
of members

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

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

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

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

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

Reconstitution
of the Board.

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

Duties of the
Board.

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

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

Delegation
of powers
and duties
the Board.

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

Officers and
employees of
the Board.

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

Finance,
Accounts and
Audit.

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

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

Board Fund.

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

(2) The fund shall be applied—

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

Budget of the Board.

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

Annual report of the Board

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

Accounts and Audit.

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

6. In Chapter VIII of the Principal Act,—

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

Control by the State Government over the Board.

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

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

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

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

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

7. In Chapter IX of the Principal Act,—

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

Compounding
of offences.

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

8. In Chapter X of the Principal Act,—

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

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

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

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

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