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NOTIFICATION

No. H.12018/261/2021-LJD, the 29th March, 2022: The following Act is hereby published for general information.

“The Mizoram Market (Regulation and Facilitation) Act, 2022”
(No. 5 of 2022)

(Received the assent of the Governor of Mizoram on 15.3.2022)

Secretary,
Law & Judicial Department,
Govt. of Mizoram.

**THE MIZORAM MARKET (REGULATION AND FACILITATION)
ACT, 2022.**

**AN
ACT**

to provide for the establishment, management and regulation of price of agricultural produces in the markets within the State and for matters connected therewith.

WHEREAS it is necessary to protect the economic interest of the native marginal farmers engaged in the production of agricultural produces of the land within Mizoram from unhealthy marketing competition;

AND WHEREAS it is expedient to regulate the price of the agricultural produces in order to have an affordable price for consumers within Mizoram;

It is enacted by the Legislative Assembly of the State of Mizoram in the Seventy Third Year of the Republic of India as follows :-

CHAPTER-I PRELIMINARY

1. Short title, extent and Commencement.-

(1) This Act may be called the Mizoram Market (Regulation and Facilitation) Act, 2022.

- (2) It shall extend to the whole of the State except to the three Autonomous District Councils of Mara, Lai and Chakma.
- (3) It shall come into force from the date of publication in the Official Gazette.

2. Definitions.-

In this Act, unless the context otherwise requires -

- (1) "agriculture produces" means all the fresh/processed or chilled or dried fruits, vegetables and meat as specified in schedule -I of this Act.
- (2) "Collector" means any successful bidder who is appointed for collection of market revenue by the Government.
- (3) "Department" means the Department of Commerce & Industries.
- (4) "Director" means the Director of Commerce & Industries Department.
- (5) "Government" means Government of Mizoram.
- (6) "market" means any market owned by the State Government or private entity or any other agencies and places/stalls/shops where people gather to buy and sell fruits, vegetables and meat within Mizoram.
- (7) "Marketing Officer" means any Officer so appointed by the Government for the purpose of this Act.
- (8) "Schedule" means schedule as specified in this Act.
- (9) "State" means the State of Mizoram.

3. Price regulation of meat, vegetable and fruit.-

- (1) The maximum retail price of agriculture produces at markets shall be fixed and notified by the Government from time to time as may be required.
- (2) No person shall sell agriculture produces at markets above the maximum retail rate fixed and notified by the Government.

4. Power of the Government to regulate market.-

- (1) All markets within the State shall be under the control of the Government in matters of healthy and hygienic guidelines issued by the State Government.
- (2) No person or any agency shall without prior approval of the Government start any new market.
- (3) The Government shall have the power to allot and cancel seat/stall in the markets owned by the State Government for selling any commodity as per terms & conditions laid down by the Government from time to time.
- (4) All markets owned by private or any other agencies other than the State Government shall apply for registration on payment of fees as prescribed by the Government.
- (5) The Government shall have power to collect seat/stall rents and revenues in any market owned by the State Government according to the rates as prescribed in consideration of the locality of the market.
- (6) Pricing of agricultural produces shall be maintained and sold in terms of weight as prescribed by the Government.

- (7) Collection of stall rents from markets owned by the State Government shall be done by the Government officials empowered in this behalf.
- (8) The Government shall have power:
 - (a) to sanction the establishment of any market;
 - (b) to close any market in the public interest, if it is found necessary;
 - (c) to declare and define the area of any market within Mizoram.
- (9) Collection of market revenue :-
 - (a) the Department shall notify the date, hour and place, in a manner it considers fit, for the collection of market revenue by public auction;
 - (b) the Department shall in no way be bound to accept the highest or any of the bids and shall have the right to accept or reject any of the bids without assigning any reason;
 - (c) the Department shall have power to cancel a bid already accepted for default of payment of bid amount by due dates and re-auction the market or accept another bidder;
 - (d) the Department shall have the power to fine a collector to the extent of 10 per cent of due bid amount for default of timely payment;
 - (e) a collector is liable to pay the money within stipulated time as prescribed by the Government;
 - (f) the Department shall also have the power to make arrangement for collection of market revenue without public auction if it is found necessary.
- (10) No person shall keep, stock or sell any articles prohibited by the Government within the premises of market or markets owned by the State Government.
- (11) No person to whom seat, shop or stall is allotted in any market owned by the State Government shall sub-let or sell to any other person.

5. Authorized persons to impose this Act.-

- (1) The Government may make order and authorize officers or persons or agencies for carrying out the purpose of this Act.
- (2) The Government may authorize any officer to be in-charge of any market or markets.
- (3) Any officer, authorized by the Government shall be responsible for smooth and efficient running of the market under his charge.
- (4) It will be general duty of the officer to supervise the market or markets under his charge and to see that the best interest of the selling and buying of public is served.
- (5) For the purpose of this Act, the Director or the officer authorized by him may issue order from time to time on matter vitally connected with the smooth and orderly running of the market or markets according to the needs of the locality.

CHAPTER-II PENALTY

6. Penalties.-

- (1) Any person who contravenes sub-section (1) of section 4 shall be liable to cancellation of market registration and closing of market or markets upon giving one month notice in writing.
- (2) Any person who contravenes sub-section (2) of section 3, sub-section (2), sub-section (4) and sub-section (6) of section 4 shall be :-
 - (a) liable to be punished with a fine which may extend up to Rs. 1,000/- (Rupees one thousand) or simple imprisonment for a term not exceeding 3 (three) months or with both;
 - (b) liable to cancellation of his/her seat/stall for those running business under market owned by the State Government;
 - (c) liable on forfeiture of the agricultural produces held by him/her.
- (3) Any person violating sub-section (10) of section 4 of this Act shall be tried by a competent criminal court having jurisdiction and punishable under existing appropriate laws, rules and acts for the time being in force.
- (4) Any person who contravenes sub-section (11) of section 4 shall be -
 - (a) liable to cancellation of his/her seat/stall for those running business under market owned by the State Government;
 - (b) liable to be punished with a fine which may extend to up to Rs. 20,000/- (Rupees twenty thousand) or imprisonment for a term not less than 3 (three) months which may extend to 1 year or with both.
- (5) Any order issued under sub-section (1) and sub-section (5) of section 5 shall be strictly observed and any person violating such order shall be liable to be prosecuted in a criminal Court under Section 188, Indian Penal Code.
- (6) Any person who resists the Government decision under clause (b) of sub-section (8) of section 4 shall be liable to be prosecuted in a criminal Court under Section 188, Indian Penal Code.

CHAPTER-III MISCELLANEOUS

7. Records of fines, seat/stall rents, etc.-

- (1) Any person authorized to impose and collect fines, seat/stall rents, etc. under this Act shall maintain proper records of all fines, seat/stall rents, etc. imposed in a separate register and such record shall include all the details specified in the Receipts/ Challan as prescribed under schedule - II of this Act.

8. Deposition of fines, seat/stall rents, etc. and amount realized from forfeited agriculture produces.-

- (1) The authorized persons shall submit fines, seat/stall rents, etc. collected under sub section (4), (5) and (9) (d) (f) of section 4 and sub-section (2) of section 6 to the Department along with all the records maintained on the last working day of every month.

- (2) Any amount realized from the disposal of such forfeited agricultural produces shall be paid to the Department as revenue.
9. **Protection of action taken in good faith.-** (1) No suit, prosecution or other legal proceeding shall lie against any person authorized under this Act for anything which is done or intended to be done in good faith under this Act.
10. **Act not in derogation of any other law.-** (1) The provision of this Act shall be in addition and not in derogation of the provisions of any other law for the time being in force.
11. **Power to remove difficulties.-** (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make provisions not inconsistent with the provisions of this Act which appear to it to be necessary or expedient, for removing the difficulty.
 (2) Every order made under this section shall be laid before the Legislative Assembly.
 (3) If any difficulty arises in respect of opening market place in times of crisis, such as disaster, epidemic, etc., not inconsistent with the provisions of any other law for the time being in force, the Government may, by order to the public, make provisions for removing the difficulty.
12. **Power to make rules.-** (1) The Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.
 (2) Every rules made under this Act shall be laid before the Legislative Assembly.

SCHEDULE-I

(See sub-section (8) of section 2)

Sl. No. Name of Item

A. VEGETABLES

	Local/ Common Name	English Name	Scientific Name
1.	Antam	Mustard	Brassica Rapa
a)	Feren	French Mustard	Brassica Rapa
b)	Tampui	Mustard	Brassica Rapa
c)	Tamkawr	Mustard	Brassica Rapa
d)	Kauphek	Mustard	Brassica Rapa
2.	Anthur	Roselle	Hibiscus
3.	Anhling	Black Night Shade	Solanum Nigrum
4.	BehlawiHnah	Cow Pea Leaf	Vigna Unguiculata
5.	Bean	Bean	Phaseolus Vulgaris
6.	Bawkbawn	Brinjal	Solanam Melongena
7.	Berul	Snake Gourd	Trichosanthes Cucumerina
8.	Bawrh Saiabe	Lady Finger	Abelmoschus
9.	Behlawi Rah	Cow Pea	Vigna Unguiculata

10.	Bell pepper	Bell pepper	<i>Capsicum Annum</i>
11.	Changkha	Bitter Gourd	<i>Momordica Charanti</i>
12.	Changkahnah	Bitter Gourd Leaf	<i>Momordica Charanti</i>
13.	Carrot	Carrot	<i>Daucus Carota Savitus</i>
14.	Chingit	Indian Prickly Ash	<i>Zanthoxylum Budrunga</i>
15.	Chakawk		
16.	Dawlzik	Taro	<i>Colocasia Esculenta</i>
17.	Fanghma	Cucumber	<i>Cucumis Sativus</i>
18.	Green Peas	Green Peas	<i>Pisum Sativum</i>
19.	Iskut	Squash	<i>Cucurbita</i>
20.	Iskut hnah	Squash Leaf	<i>Cucurbita</i>
21.	Knol khol	Knol khol	<i>Brassica Oleracea</i>
22.	Lambak	Indian Pennywort	<i>Centella Asiatica</i>
23.	Mai	Pumpkin	<i>Cucurbita</i>
24.	Maian	Pumpkin Leaf	<i>Cucurbita</i>
25.	Maite	Small Pumpkin	<i>Cucurbita</i>
26.	Maipawl	Ash Gourd	<i>Benincasa Hispida</i>
27.	Maitamtawk	Spine Gourd	<i>Momordica Dioica</i>
28.	Pa	Mushroom	<i>Agaricus Bisporas</i>
29.	Phuihnah	Clerodendrum	<i>Clerodendrum Glandulosum</i>
30.	Parbawr	Cauliflower	<i>Brassica Oleracea</i>
31.	Pelhhnah	Joint Fir	<i>Gnetam Gnemon</i>
32.	Radish	Radish	<i>Raphanus Sativus</i>
33.	Rengan	Coffee Senna	<i>Senna Occidentalis</i>
34.	Sawhthing	Ginger	<i>Zingiber Officinale</i>
35.	Samtawk	Bitter Berry	<i>Prunus Virginiana</i>
36.	Saptheihnah	Passion Fruit Leaf	<i>Passiflora Edulis</i>
37.	Samtawkte	Bitter Brinjal	<i>Solanum Gilo</i>
38.	Thingthupui		
39.	Tomato (Greenhouse)	Tomato	<i>Solanam Lycopersicum</i>
40.	Tomato (Open)	Tomato	<i>Solanam Lycopersicum</i>
41.	Zikhlum	Cabbage	<i>Brassica Oleracea</i>
42.	Zawngtah	Tree bean	<i>Parkia Roxburgii</i>
43.	Khanghu		

B. SPICES

	Local/Common Name	English Name	Scientific Name
1.	Bahkhawr	Shadow Benin	<i>Eryngium Foetidum</i>
2.	Bakkhate		
3.	Capsicum	Capsicum	<i>Capsicum Frutescent</i>
4.	Dhania	Dhania	
5.	Hmarchapui	Chilli	<i>Capsicum Frutescent</i>
6.	Hmarchate	Mizo Chilli	<i>Capsicum Frutescent</i>
7.	Purunzung	Onion Root	<i>Allium Cepa</i>
8.	Pardi	Pardi	
9.	Sawhthing	Ginger	<i>Zingiber Officinale</i>

C. FRUITS

	Local/Common Name	English Name	Scientific Name
1.	Assam lemon	AssamLemon	Citrus
2.	Balhla	Banana	Musa
3.	Coconut	Coconut	Cocos Nucifera
4.	Dragon fruit	Dragon fruit	Hylocereus Undatus
5.	Kawl Sunhlu	Burmese Gooseberry	Phylanthas Emblica
6.	Theifeihmung	Litchi	Litchi Chinensis
7.	Lakhuihthei	Pineapple	Annus Comosus
8.	Sapthei	Passion fruit	Passiflora Edulis
9.	Tengtere	Tamarind	Tamarindus Indica
10.	Theihai	Mango	Mangifera Indica
11.	Thingfanghma	Papaya	Carica Papaya
12.	Dawnfawh	Water Melon	Citrullus Lanatus
13.	Theibuhfai	Pomegranate	Panica Granatum
14.	Grape	Grape	Vitis Vinifera
15.	Apple	Apple	Pyrus Malus
16.	Theiherawt	Starfruit	Averrhoa Carambola

D. MEAT

1. Bawngsa(Beef)
2. Kelsa (Chevon)
3. Vawksa(Pork)
4. Arsa (Chicken Boiler)
5. TualAr
6. Sangha (Fish)
7. Kaikuang (Prawn)
8. Chengkawl (Snail)
9. Chakai (Crab)

SCHEDULE-II

Government of Mizoram
RECEIPT/CHALLAN

Book No _____

Receipt No. _____

Received _____ (Rupees _____)

from Mr/Mrs/Miss _____

S/o/D/o _____

R/o _____

1. On account of contravention of;-
sub-section (2) of section 3;
sub-section (2), (4), (6) and (11) of section 4;
2. on account of fines, seat/stall rents, etc. of :-
sub-section (4), (5) and (9) (d) (f) of section 4
of the Mizoram Markets (Regulation and Facilitation) Act, 2022 at _____
_____ on Dt. _____

Payee

Authorized person Signature

Name: _____

Name: _____

Designation: _____

Add: _____

Add: _____

Ph No:

Ph No: