TRIPURA TRIBAL AREAS AUTONOMOUS DISTRICT COUNCIL
(ESTABLISHMENT, MANAGEMENT AND CONTROL OF MARKET)
REGULATIONS, 1987

TRIPURA TRIBAL AREAS AUTONOMOUS DISTRICT COUNCIL
SWET MAHAL : AGARTALA
CHAPTER - I

Preliminary

1. Short title, extend and Commencement :-
   (1) This Regulation may be called the Tripura Tribal Areas Autonomous District Council (Establishment, Management and Control of Markets) Regulations, 1987.
   (2) It extends to the whole of the Autonomous District Council area.
   (3) It shall come into force at once.
   (4) It shall apply to all markets situated within the Autonomous District Council area.

2. Definition :-
   (1) In these regulations unless anything repugnant in the subject or the context.--
      (a) “Autonomous District Council” means the Tripura Tribal Areas Autonomous District Council as defined in Paragraph 20 of the Sixth Schedule to the Constitution of India.
      (b) “District Council” means the Tripura Tribal Areas Autonomous District Council.
      (c) “District Fund” means the District fund of the Autonomous District Council constituted under Paragraph 7 of the Sixth Schedule to the Constitution of India.
      (d) “District Council Markets” means those markets directly established by the District Council and includes those markets under the management and control of the Government of Tripura until the District Council took over and also those markets the management and control of which may be taken over by the District Council under these Regulations.
      (e) “Executive Committee” means the Executive Committee of the Tripura Tribal Areas Autonomous District Council and the term “Chief Executive Member” and “Executive Member” and “Chief Executive Officer” shall be construed accordingly.
      (g) “Lessee” means a settlement holder of market for a specified period and also includes an auction purchaser.
      (h) “Market” means the place where the persons are allowed to assemble either daily, weekly or by weekly for sale or purchase of foodstuff, livestock or other merchandise and recognised as such by the Executive Committee and it also includes huts, bazars, fairs and meals.
      (i) “New Market” means a market to be started on a site where there is no existing market and it also includes revival of a market, which has ceased to exist immediately before the commencement of these regulations.
(j) “Private Market” means a market established by and under the management of an individual or group of individual working together or of a Firm, a Municipality, a Town Committee, a corporation or a Department under the Government and recognised as such by the Executive Committee.

(k) “Person” includes a company or association or body of individuals whether incorporated or not.

(l) “Tribal” means a person who belongs to one of the Schedule Tribes in Tripura and specified as such by order made by the president of India under Article 342(1) of the Constitution as modified by law made by the Parliament from time to time in so far as the specifications pertained to the Autonomous District Council of Tripura.

(m) “Management” means an individual, body of individuals, organisations or authority responsible for the management of a market under the provisions of these Regulations and the Rules made thereunder duly recognised as such by the Executive Committee.

(n) “Regulated Market” means the markets established under the Tripura Agricultural Produce Markets Act 1980 and under the control and management of the Government of Tripura.

(2) The words and expressions used in these Regulations and not otherwise defined shall have the same meaning as respectively assigned to them in the Tripura Tribal Areas Autonomous District Council (Constitution, Election and Conduct of Business) Rules, 1985 or in the Constitution of India.

CHAPTER-II

Regulation and Control of market

3. Permission for market:

(1) No land within the Tripura Tribal Areas Autonomous District Council shall be allotted, occupied or use or set apart for the purpose of a market except by order of or with the prior permission of the Executive Committee or of an officer duly authorised by it in this behalf.

(2) Application for permission to allot, occupy or use or set apart any land within the Tripura Tribal Areas Autonomous District Council for the purpose of establishing a market shall be made in the Form as prescribed in appendix-A.

(3) Such application shall be presented to the Chief Executive Officer or any other officer duly authorised in this behalf by the Executive Committee accompanied by a fee of Rs 10/- only in cash.

(4) On receipt of application, the Executive Committee or the officer concerned may make an enquiry regarding need of the people of the neighbouring areas, their economic well-being and the suitability or otherwise of the locality where the market is proposed to be held and after making such enquiry the Executive Committee or the officer concerned may grant the permission on such condition as may be deem fit or reject the application for reasons to be recorded in writing. Provided that no application shall be rejected except after giving an opportunity to the applicant of being heard.
4. Control of Markets:

Subject to the provisions of the Tripura Agricultural Produce Market Act, 1980, all markets in the Tripura Tribal Areas Autonomous District Council area shall be under the control of the Autonomous District Council and the Executive Committee may issue such orders or directives to the owners or management concerned conducive to the betterment of the market and not contradictory to the provisions of these Regulations.

5. Furnishing of information and recognition of market:

(1) The owner or as the case may be, the management of such markets as are in existence immediately before the commencement of these Regulations shall, within the period of 90 days from the date of these Regulations comes into force, report to the Executive Committee or any other officer authorised by it in this behalf furnish the following particulars in respect of such markets namely:

(a) Name of the market;
(b) Its location;
(c) Its hut days;
(d) If it is a private market or not;
(e) The Authority granting permission for its establishment;
(f) Rates of market tools; and
(g) Any other information as may be required with regard thereto.

(2) On receipt of such report the Executive Committee may on its own accord or after making enquiry recognise such market.

(3) Any person found allotting or using any land as a market other than as provided for in these Regulations and the Rules made thereunder shall be liable to a penalty, which may extend to Rs 500/- and may also close down such market.

6. Establishment of new market:

(1) No person shall start any new market except with the previous permission of the Executive Committee or of an officer authorised by it in this behalf.

(2) In granting permission for the establishment of new market or for the revival of an extinct market, the Executive Committee or an officer duly authorised by it may lay down such conditions as would ensure the proper carrying out of the provisions of these Regulations and the Rules made thereunder.

(3) Any person found starting or establishing a market in contravention of sub-section (1) shall be liable a fine which may extend to Rs 500/- and such market shall also be closed down.

7. Establishment of market by District Council and their control:

(1) The Executive Committee may either on an application or on its own initiative, establish a new market in such place or places as may be considered necessary; such market as well as other established markets transferred to the District Council by the State Government before the commencement of these Regulations shall be managed by the Executive Committee and subject to the provisions of the Tripura Agricultural Produce Market Act 1980 the tools and taxes there from shall be collected by it or its agencies;

Provided that no market shall be established by the Executive Committee at any part of land being a recognised private land unless the land owner concerned given prior consent to such proposal.
(2) The Executive Committee may appoint Managing Committee for each market to look after such markets. The members of such Committee, their power and function, their number and tenure of office shall be determined by the Executive Committee or in accordance with the Rules which may be framed by the Executive Committee under these Regulations for the said purpose.

8. Entrustment of management of private market to Managing Committee :-

(1) Subject to the provisions of these Regulations and Rules made thereunder the private markets shall be managed by the owner or owners thereof or by an agent appointed by them duly recognised by the Executive Committee.

(2) Notwithstanding anything contained in sub-section (1), the Executive Committee may with the previous permission of the District Council entrust either temporarily or otherwise the management of any private market to a Managing Committee to be appointed by the Executive Committee for such period not exceeding three years if it is of the opinion that the management of such market is against the interest of public or is in contravention of any of the provisions of these Regulations or of the Rules made thereunder;

Provided that if at any time, except when the District Council is in session, the Executive Committee is satisfied that circumstances exists which render it necessary for them to take immediate action, it may by an order entrust the management of such market to a Managing Committee to be appointed by it for such period not exceeding three years and every such order shall be placed before the District Council immediately in the next available session, for approval:

Provided further that immediately after such entrustment the owners or the management concerned shall be to represent their case and shall be given an opportunity of being heard.

Provided also that the revenue derived from such market during the period so entrusted shall, subject to the provision of these Regulations be paid to the owners or lessee concerned after deducting the cost of collection thereof and the cost of improvements made therein and for the services rendered by the District Council.

(3) Such Managing Committee as is entrusted with the management under this Section shall be deemed to be a licensee of the Market for all purposes.

9. Temporary closure of the Market:-

The Executive Committee may close down temporarily or order the temporary closure of any market within the Autonomous District Council area for a period not exceeding 6 (Six) months at a time if:-

(a) there be out-break of epidemic in or around of market area ; or

(b) in its opinion there is reason to believe of the existence of such elements posing eminent danger either to the health or the safety of the people attending the market ;

Provided that no market shall be closed down under clause (b) unless the management concerned is given reasonable opportunity of being heard.
10. Conditions of grant of permission and shifting of market :-
(1) The Executive Committee may refuse permission for establishment of a new market if it is satisfied that the establishment of the proposed market is likely either to be detrimental to the administration of the particular area or other areas of the Autonomous District Council or is likely to hamper the interest of the neighbouring recognised market on account of,--
(a) nearness of the site of the proposed market to that of the recognized existing market.
(b) the hut day or days for the proposed market falls on the same day or days as those of the recognised neighbouring market, or
(c) the existence of any other encumbrances which are likely to deter the progress of the proposed market.
(2) The provisions of sub-section (1) shall also apply in dealing with the application for revival of a market, which has ceased to exist immediately prior to the commencement of these Regulations.
(3) The Executive Committee may shift or order the shifting of any market from its original site to any suitable alternative site if it is of the opinion that,--
(a) such shifting would add to the convenience of the people attending the market, or
(b) the original site is unsafe to life and property on account of its being liable to flood or subject to epidemic occurrence.

CHAPTER - III

11. Levy and collection of tolls and taxes :-
(1) Subject to the provisions of the Tripura Agricultural Produce Market Act, 1980, the Executive Committee shall prescribe the rates of market tools or as the case may be, the rates of taxes leviable on the entry of goods into any market for sale therein. The rates so prescribed shall be in cash and shall also be published in the official gazette;
Provided that different rates of tolls or taxes may be prescribed for different markets and such rates shall be in force until further revised or modified by the Executive Committee.
Provided further that no taxes or market shall be leviable on a person who attends the market only for the purpose purchasing goods for personal consumption or a person who enters the market without purchasing anything.
(2) The market tolls and taxes prescribed by the Executive Committee shall be collected :-
(a) in respect of District Council markets by the Managing Committee thereof;
(b) in case of private markets by the owner or owners thereof; and
(c) in respect of regulated markets by the market Committee or such person or persons authorised by the State Government.
12. Procedure, Collection and deposit of tolls and taxes: -
(1) The right to collect taxes and market tolls shall, as far as practicable, be settled by public auction in the presence of an officer appointed by the Executive Committee. Intimation of the date of auction shall be sent by the management of the market concerned to the Executive Committee at least 15 days ahead of the date fixed for auction.
(2) The management of the market shall within 15 days from the date of auction report to the Executive Committee, the name of the auction purchaser or as the case may be, the lessee and the amount the market was sold or leased.
(3) All receipts and expenditure pertaining to Autonomous District Council market shall be separately accounted for by the Managing Committee concerned who shall submit to the Executive Committee an annual statement of receipt and expenditure thereof not later than the 15th of March of every year.
(4) 50% of the gross income derived from each private market shall be credited by the owner or owners thereof to the District Council. Half of the said 50% shall be credited within 30 days from the date the market is sold or leased and the remaining half shall be paid up within the month of February each year.
(5) 50% of the gross income derived from Regulated market shall be credited by the market Committee thereof to the District Council within the month of February each year.

CHAPTER- IV

Construction, allotment and use of stall

13. Construction of stalls: -
(1) Market stalls shall as far as practicable be constructed and maintained by the Management or as case may be, by the owner of the market concern. Construction shall be so made and arranged so as to be symmetrical and also providing sufficient space between one row of the stalls and other row for the necessary footpaths, nallas or drains.
Provided that the management or the owner of the market may, with the previous approval of the Executive Committee, allow construction by stall holders if the later furnishes a written undertaking to abide by the relevant provisions of these Regulations and the Rules made thereunder and any other condition imposed by the management in the interest of the smooth and orderly management of the market.
(2) The authority, managing the market may when considered necessary, provide water supply, urinal or latrine or slaughter house for the convenience of the people attending the market: such water supply, urinals, latrine or slaughter house shall be properly kept and maintained by such authority.
Provided that the Executive Committee or an officer duly authorised by it, may order the management or as the case may be, the owner of the market concerned to provide and maintain such number of urinals, latrine and slaughter houses as it may deem necessary.
14. Allotment of stalls:--

(1) Allotment of stalls shall be made by the management and where such management does not exist by the person or persons entrusted with the management of the same or as the case may be, the owner of the market concerned. Only one stall shall ordinarily be allotted to one person and in so doing first preference shall be given to a bona-fide tribal trader.

Provided that the management or the owner of the market concerned, may with the previous approval of the Executive Committee:

(a) allot not more than 2 stalls to a deserving bona-fide tribal trader; or
(b) allot not more than one stall to a deserving bona-fide non-tribal trader if such a trader holds a valid trading licence issued by the competent authority under provisions of any law in force.

(2) The management or the owner of the market concerned may, subject to such rates as may be approved by the Executive Committee, levy and collect from stall holder an annual rent in respect of the stall allotted to him.

(3) Notwithstanding the allotment made to him and the rent paid by him, the stallholder shall have no other right over the land covered by the stall so allotted except the occupancy right to use the stall in accordance with the provisions of these Regulations or Rules made thereunder.

15. Restriction on sublet:--

No stall holder shall sublet the stall allotted to him to any other person except with prior permission of the management or as the case may be, of the owner of the market.

Provided that in the case where proposed sub-lessee is a non-tribal, management or the owner of the market concerned shall not accord permission without the prior approval of the Executive Committee.

16. Criteria for allotment:--

In allotting stalls within the market area the management concerned shall:

(a) arrange that the stalls be so allotted as far as practicable so that sale of each commodity are grouped together and the different portions of the market are allotted for sale of different commodities;

(b) in no case allow sale or stocking of any commodity on the spaces provided for foot paths within the market area.

17. Maintenance of market:--

(1) The boundary of a market should be clearly defined and boundary pillars fixed by the management concerned.

(2) No residential building shall be allowed within market area and in no case the market shall be converted into residential or shop-cum-residential building.

(3) The management shall at all times keep the market in good sanitary condition.

(4) Any person found contravening the provision of sub-section (2) and (3) shall be liable to fine which may extend to Rs 100/- and whatever right he may have over the stall or building may be fortified and such building or construction may be dismantled or demolished by or under the order of the Executive Committee without payment of compensation thereof.
18. Restriction on sale of certain commodities:
(1) No excisable articles like liquor, opium, ganja etc shall be brought or sold within the market area and no gambling or any game of chance shall be carried out within that area. The Commission of any of the said acts shall constitute an offence under these Regulations.
(2) The management of the market concerned may seize any of the articles concerned with the commission of the said offence and also take such action as deemed necessary to prevent its consumption.

CHAPTER-V
Miscellaneous

19. Restriction on meetings:
No public meeting shall be held on any holi/bazaar day within the market area provided that the Executive Committee or any person or authority as may be authorised by the Executive Committee in this behalf may grant prior permission to any such meeting being held if it is satisfied that such meeting is in the interest of the market.

20. Appointment of officer:
The Executive Committee may appoint such officers and assign to them such designation as are appropriate for the proper carrying out of the purpose of these Regulations.

21. Appeal:
(1) Any person being aggrieved in any manner by any order passed by the management or by an officer duly authorised by the Executive Committee or under the Executive Committee order may appeal, to the Principal Officer (Law) of the District Council within 30 days of the communication of the order and the Principal Officer (Law) may pass such orders on appeal as he may deem fit and proper.
(2) The memorandum of appeal shall be accompanied by a certified copy of the order appealed against and a fee of Rs 25/- in cash;

Provided that the time limit of 30 days may be waived at the discretions of the Principal Officer (Law) in individual cases.

(3) Any person being aggrieved by an order passed by the Principal Officer (Law) may file a second appeal to the Executive Member-in-Charge, Markets of the District Council within 30 days from the date of intimation of such orders. The memorandum of the second appeal shall be accompanied by a certified copy of order of appeal against and a fee of Rs 50/- in cash;

Provided that time limit of 30 days may waived on discretion of the Executive Member-in-Charge, Markets in individual cases.

22. Bar of legal proceedings:
(1) No suit or legal proceedings shall lie against the Executive Committee, its officer or the management for anything done or parted to have been done in good faith under these Regulations and the Rules thereunder.
(2) No prosecution under these Regulations shall be instituted except with the prior consent of the Executive Member-in-Charge, Markets.

23. Exemption :-

Where the Executive Committee of the District Council is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the State Government exempt all or any of the provisions of these Regulations, with respect to any class or category of market or markets.

CHAPTER-VI


24. Adoption of Tripura Act No. 10 of 1979 :-

The provisions of the Tripura Markets Act, 1979 (Tripura Act No. 10 of 1979) except Section 2(i), 11 and 15 and the Rules made thereunder as may be amended from time to time shall apply mutatis mutandis in respect of the establishment, management and control of markets and levy and collection of market revenue subject to the following modifications, namely :-

(a) In the Tripura Markets Act, 1979 (10 of 1979) and in the Rules made thereunder -

(i) All reference to “State Government” shall be deemed to refer the Executive Committee of the District Council.

(ii) All reference to “District Magistrate” shall be deemed to refer to “Principal Officer (Law) of the District Council.

(b) For clause (d) of Section 2 of the Tripura Markets Act, 1979 the following shall be substituted namely :-

(i) “Licensing Authority” means the Principal Officer (Land, Record and Settlement) of the District Council or any officer authorised by it in this behalf.

25. Power to make Rules :-

The Executive Committee may with the approval of the District Council make Rules for carrying out the purposes of these Regulations.
FORM OF APPLICATION FOR ESTABLISHMENT OF MARKET

To

Tripura Tribal Areas Autonomous District Council, Agartala.

Sir,

I have carefully read and understood the provisions of the Tripura Tribal Areas Autonomous District Council (Establishment, Management and Control of Markets) Regulations, 1987 and agreed to abide by them and also by the Rules that may be made thereunder from time to time; I therefore pray that I be kindly granted permission to allot/occupy/use set apart of the land specified below for the establishment of a market.

I also furnish herein the following particulars, the correctness of which I solemnly affirm:

Name of Applicant in full .................................................................
His/Her father’s name in full ............................................................
Applicant’s detailed address .............................................................

Area, Location of the proposed land and the nature of the applicant’s right over it .................................................................

Distance with direction from existing markets .................................................................

Propose markets or hat days .............................................................
Rate of tolls proposed to be levied .............................................................
Reasons for starting a new market .............................................................
Name of the village the proposed market is expected to serve .............................................................

Yours faithfully

Dated : 

Signature of Applicant.

Printed at the Tripura Government Press, Agartala.