

**The Khasi Hills District
(Establishment, Management and Control of
Markets)
Regulation, 1979**

(As Amended)

KHASI HILLS AUTONOMOUS DISTRICT COUNCIL
NOTIFICATION

The 31st July 1979

No. DG/L/VII/1/79/993 – In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Regulation made by the District Council of the Khasi Hills District is published for general information:-

THE KHASI HILLS REGULATION NO 2 OF 1979

THE KHASI HILLS DISTRICT (ESTABLISHMENT,
MANAGEMENT AND CONTROL OF MARKETS)
REGULATION, 1979

(Published in the Gazette of Meghalaya Extraordinary,
on Thursday The 15th November, 1979)

Whereas it is necessary to regulate and control the establishment and management of markets and the levy and collection of taxes on the entry of goods into such markets within the Khasi Hills District.

Now therefore, in exercise of the powers under paragraphs 6 and 8 read with paragraph 3 (1) (a) of the Sixth Schedule to the Constitution of India and with the previous approval of the Governor, the District Council of the Khasi Hills District hereby enacts in the twenty-ninth year of the Republic of India as follows:-

CHAPTER I

1. Short title, extent and commencement :- (1) This Regulation may be called the Khasi Hills District (Establishment, management and control of Markets) Regulation, 1979.

(2) It shall extend to the whole of the Khasi Hills District.

(3) It shall come into force at once.

2. Definitions: - In this Regulation unless there is anything repugnant in the subject or the context otherwise requires:-

(a) “Chief” means an administrative head of an Elaka.

(b) “District” means the Khasi Hills District as defined in paragraph 20 of the Sixth Schedule to the Constitution of India.

(c) “District Council” means the District Council of the Khasi Hills Autonomous District.

(d) “District Fund” means the District Fund of the Khasi Hills Autonomous District constituted under Paragraph 7 of the Sixth Schedule to the Constitution of India.

(e) “District Council Markets” means those markets directly established or to be directly established by the District Council and includes those markets under the management and control of the Government of Assam 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 this Regulation.

(f) “Executive Committee” means the Executive Committee of the District Council, Khasi Hills Autonomous District and the terms “Chief Executive Member” “Executive Member.” “Secretary” and “Officer” shall be construed accordingly.

(g) “Elaka” means an administrative Unit within the District and recognized as such by the District Council.

(h) “Elaka markets” are those markets established by and under the management of the Chief and his Durbar and recognized as such by the Executive Committee.

(i) “Gazette” or Official Gazette” means the Gazette of the Government of Meghalaya.

(j) “He” and its grammatical variations stand for both man and woman.

(k) “Lessee” means a settlement holder of market for a specified period and it also includes an auction purchaser.

(l) “Market” means a place where persons are allowed to assemble either daily, weekly or bi-weekly for sale or purchase of foodstuff livestock or other merchandise and recognized as such by the Executive Committee and it also includes hats, bazaars, fairs and melas.

(m) “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 this Regulation.

(n) “Private Market” means a market established by and under the management of an individual or group of individuals

working together or of a Firm a Municipality, a Town Committee, a Corporation or a Department under the Government and recognized as such by the Executive Committee.

(o) “Person” includes a Company or Association or body of individuals whether incorporated or not.

(p) “Raid” means an Administrative Unit within an Elaka and recognized is such by the Executive Committee. It also includes a “Sandi” in Shella Confederacy.

(q) “Raid Market” means a market established by and under the management of the Raid independent of the Elaka and recognized as such by the Executive committee.

(r) “Tribal” means a person who belongs to one of the Schedule Tribes in Meghalaya 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 Parliament from time to time in so far as the specifications pertain to the Autonomous District of Meghalaya.

(s) “The Management” means an individual, body of individuals, organization or authority responsible for the management of a market under the provisions of this Regulation and the Rules made thereunder duly recognized as such by the Executive Committee.

Note: Any word or expression not defined in this Regulation but appearing therein shall be deemed to have the meaning they are used in the Constitution of India or the Assam and Meghalaya Autonomous District (Constitution of District

Council) Rules, 1951 as amended by the District Council of the Khasi Hills District.

CHAPTER II

Regulation and Control of Market

3. (1) No land within the Khasi Hills Autonomous District shall be allotted occupied or used or set apart for the purpose of a market except by order of or with the permission of the Executive Committee or of an officer duly authorised by it in this behalf.

(2) Application for the permission to allot, occupy or use or set apart any land within the District 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 Secretary or any other officer duly authorised in this behalf by the Executive Committee accompanied by a fee of Rupees ten in cash.

(4) On receipt of application, the Executive Committee or the Officer concerned may call for a report or recommendation from:-

(a) the Chief of the Elaka or the Headman of the locality concerned in the case of Ri-Raid and community land;

(b) the Chief of the Elaka or the Elaka or the Headman/Headmen concerned and of the land owner concerned in the case of Ri Kynti or Ri-Sumar land:

Provided that the Executive Committee or the Officer duly authorised by it in this behalf may as a result of an enquiry or inspection to such remarks or recommendation and pass such order as may be deemed fit and proper.

4. All markets in the Khasi Hills District shall be under the control of the District Council and the Executive Committee may issue such orders or directives to the owner of management concerned conducive to the betterment of the market not contradictory to the provision of this Regulation.

5. (1) The owner or as the case may be, the management of such markets as are in existence immediately before the commencement of this Regulation shall, within a period of 90 days from the date this Regulation comes into force report to the Executive Committee or any Officer or any Officer authorised by the Executive Committee in this behalf furnishing the following particulars in respect of such markets, namely:

- (a) name of market;
- (b) its location;
- (c) its hat days;
- (d) it is an Elaka, Raid or Private Market;
- (e) the authority granting permission for its establishment;
- (f) rates of market tolls; and

(g) any other informations as may be required with regard thereto;

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

(3) Any person found a letting or using any land as a market other than as provided for in this Regulation and the Rules made thereunder shall be liable to a penalty which may extend to rupees five hundred only and/or such market may be closed down.

6. (1) No person shall start any new market except with the previous permission of the Executive Committee or of an Officer duly 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 this Regulation and the Rules made thereunder.

(3) Any person found starting or establishing a market in contravention of sub section (1) above shall be liable to a fine which may extend to rupees five hundred and or such market shall be closed down.

7. (1) The Executive Committee may, either on application or on its own initiative, establish a new market in such place or places as considered necessary, such market as well as other established District Council markets shall be managed by the Executive Committee, and the tolls and or taxes therefrom shall be collected by it or its agencies.

Provided that no market shall be established by the Executive Committee at any plot of land being a recognized private land unless the land-owner concerned gives prior consent to such proposal.

(2) The Executive Committee may, if it so desires, appoint Managing Committee to look after such markets. The members of such Committee shall be appointed their power and function, their number and tenure of office shall be determined by the Executive Committee or in accordance with rules which may be framed by the Executive committee under this Regulation for the said purpose.

8. (1) Subject to the provisions of this regulation and the Rules made thereunder-

(a) Elaka markets shall be managed by the Chief together with his Durbar;

(b) Raid markets shall be managed by the Syiem Raid or as the case may be; the Sordar Raid or Headman of a Sandi together with his Durbar;

(c) Private markets shall be managed by the owners thereof or by an Agent appointed by them duly recognized by the Executive Committee.

(2) The Chief, the Syiem Raid or as the case may be, the Sordar Raid or Sandi or Headman may constituted a Committee consisting of himself as Chairman and Convener with not less than four other as members for the proper management of Elaka or as the case may be Raid Market or Sandi Market and report the names of such members to the

Executive Committee for record. Any change in the name or number of members shall be immediately reported.

(3) Notwithstanding the provisions of sub-section (1) above, the Executive Committee may with the previous permission of the District Council take over either temporarily or otherwise the management of any Elaka, Raid or private market if it is found that the management of such market is against the interest of public or is in contravention of any of the provisions of this Regulation or of the Rules made thereunder.

Provided that the revenue derived from such market during the period so taken over shall, subject to the provision of this Regulation, be paid to the owners or lessee concerned after deducting the cost of collection thereof for the service rendered by the District Council.

Provided that when the Council is not in session but if emergency so requires, the Executive Committee may take over such market but shall place the matter before the Council Immediately in the next available session for approval.

Provided further that immediately after such taking over the owners or management concerned shall be allowed to represent their case and be given an opportunity of hearing.

(4) The Executive Committee may close down temporarily or order the temporary closure of any market within the District for a period not exceeding six months at a time if-

(a) there be outbreak of epidemic in or around the market area; or

(b) in its opinion there is reason to believe of the existence of such elements posing imminent 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) of this sub-section unless the management concerned is given reasonable opportunity of being heard.

9. (1) The Executive Committee may refuse permission for the 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 District or is likely to hamper the interest of the neighbouring recognized market on account of –

(a) nearness of the site of the purposed market to that of the recognized existing market;

(b) the hat day or days for the proposed market fall 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.

The provisions of this sub-section shall also apply in dealing with application for revival of a market which has ceased to exist immediately prior to the commencement of this Regulation.

(2) 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 action 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

Levy and Collection of Tolls and Taxes

10. (1) The Executive Committee shall prescribe the rates of market tolls or as the case may be the rate 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 will be in force until further revised or modified by the Executive Committee.

Provided further that no tax or market toll shall be leviable on a person who attends the market only for the purpose of purchasing goods for personal consumption or a person who enters the market without purchasing anything.

(2) The market tolls and or taxes prescribed by the Executive Committee shall be collected;

(a) in respect of Elaka markets, by the Chief and his Durbar;

(b) in the case of Raid or Sandi markets, by the Syiem Raid or as the case may be, the Sordar Raid, the Head man and his Durbar.

(c) in the case of private markets, by the owner or owners thereof.

11. (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 fixed for the auction.

(2) The management of the market shall within 15 days from the date of the 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 expenditures pertaining to Elaka and Raid or Sandi Market shall be separately accounted for by the management concerned who shall submit to the Executive Committee an annual statement of receipts and expenditures thereof not later than the 15th of March each year.

(4) Ten percent (10%) of the gross income derived from each private market shall be credited by the owner or owners thereof to the District Council and another 10 percent (10%) to the Elaka concerned.

(5) Ten percent (10%) of the gross income derived from each Elaka and Raid or Sandi Market shall be credited to the District Council by the management concerned not later than the 15th of March each year.

12. Tolls hitherto casually collected by customary functionaries for social purposes under customary practices in vogue shall not be collected and appropriated except under a permission by the Executive Committee.

CHAPTER IV

Construction, Allotment and use of Stalls

13. (1) Market stalls shall as far as practicable be constructed and maintained by the management or as the case may be, the owner of the market concerned Construction shall be so made and arranged so as to be symmetrical and also providing sufficient space between one row of stalls and another row for the necessary footpaths and nullahs;

Provided that the management or the owner of the market may with the previous approval of the Executive Committee, allow construction by the stall holder if the latter furnishes a written undertaking to abide by the relevant provisions of this Regulation 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, urinals, latrines or slaughter house for the convenience of the people attending the market, such water supply, urinal, latrines or slaughter houses shall be properly kept and maintained by such authority:

(Sub-sections (4) & (5) of Section 11 as amended vide 1st Amendment Regulation, 2005)

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, latrines or slaughter houses as it may deem necessary;

14. (1) Allotment of stalls shall be made by the management 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 bonafied tribal trader:

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

(a) allot not more than two stalls to a deserving bonafied tribal trader;

or

(b) allot not more than one stall to a deserving bonafied non tribal trader if such a trader holds a valid trading license issued by the competent authority under the provision of the United Khasi-Jaintia Hills District (Trading by non-Tribals) Regulation, 1954 as amended and the Rules made thereunder.

(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 a 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 stall holder shall have no other right over the land covered by the stall or over the stall so allotted except

the occupancy right to use the stall in accordance with the provisions of this Regulation and the Rules made thereunder.

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

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

16. 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 sales of each commodity are grouped together and that 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 space provided for footpaths within the market area.

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

(2) No residential building shall be allowed within the market area; and in no case shall market stall be converted into a residential or a 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 subsection (2) and (3) shall be liable to a fine which may extend to rupees one hundred and whatever right he may have over the stall or building may be forfeited and such building or structures may be dismantled by or under the order of the Executive Committee without payment of compensation therefore.

18. (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 the Regulation.

(2) The management of the market concerned may seize any articles connected with the commission of the said offence and also take such actions as deemed necessary to prevent its commission.

CHAPTER V

Miscellaneous

19. No public meeting shall be held on any bazaar day within the market area provided that the Executive Committee may grant prior permission to any such being held if it is satisfied that such meeting is in the interest of the market.

20. The Executive Committee may appoint such officers and assign to them such designations as are appropriate for the proper carrying out of the purposes of this Regulation.

21. (1) Petition of grievances against any order passed by the management or by an officer of the District Council duly authorised by the Executive Committee in this behalf under the Regulation or the Rules made thereunder or under the Executive Committee order, shall lie to the Executive Member in-charge, markets, whose decision shall be final.

(2) Such petitions shall be filed within 30 days from the date the order is communicated to the party or parties concerned accompanied by –

(a) a certified copy of the order appealed against, and

(b) a petition fee of Rs. 30 (Rupees thirty) only in cash.

Provided that the order purported to have been passed by Executive Member in charge may be reviewed by the Executive Committee when there is a mistake or error apparent on the face of the record or when there is a new and important evidence.

(3) Review petitions may be filed within fifteen days from the date of order accompanied by a fee of Rs. 100.

22. No suit or legal proceedings shall lie against the Executive Committee, its officers or the management for anything done or purported to have been done in good faith under the Regulation and in pursuance of any lawful notice or order issued this Regulation and the Rules made thereunder.

23. The Executive Committee may, with the approval of the District Council, make rules for carrying out the provisions of this Regulation.

24. All pending matters relating to the establishment, management and control of markets shall be dealt with in accordance with the provisions of this Regulation and anything done or partially done shall be deemed to have been done under the corresponding provisions of this Regulation.

Certified that the above Act was passed by the Khasi Hills District Council on the 27th of July, 1979.

L.M.SYIEM,
Chairman,
Khasi Hills Autonomous District
Council, Shillong.

I assent to the Regulation,

L.P.SINGH
Governor of Meghalaya.

APPENDIX A
[Section 4 (2)]
FORM OF APPLICATION FOR ESTABLISHMENT OF MARKET

To, _____

Khasi Hills District Council, Shillong.

Sir,

I have carefully read and understood the provisions of the United Khasi-Jaintia Hills Autonomous District (Establishment, Management, Control, etc of Markets) Regulation, 1971 and agree 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 a part 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 fromExisting Markets:

Proposed market 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..

Dated:

Your faithfully,

Signature of Applicant