

CHAPTER-XII  
CONTROL

**96. Power of the Director**

The Director, or any officer authorized by him, may-

- (a) Inspect or cause to be inspected the accounts and offices of a marketing committee;
- (b) Hold enquiry into the affairs of a marketing committee;
- (c) Call from a marketing committee any return, statement, accounts or reports which he may think fit;
- (d) Require a marketing committee to take into consideration-
  - (i) Any objection on the ground of illegality, inexpediency or impropriety which appears to him to exist with regard to the doing of anything which is about to be done or is being done by or on behalf of such committee;
  - (ii) Any information which he is able to furnish and which appears to him to necessitate the doing of a certain thing by such committee;
- (e) Direct that anything which is about to be done or is being done should not be done, pending consideration of the reply given by the committee;
- (f) Direct that anything which in his opinion should be done but is not being done may be done within such time as he may direct.

**97. Duty of officers, servants and members of marketing committee to furnish information to Director or, authorized officer**

- (1) When the accounts and offices of a marketing committee are being inspected, or the affairs of such a committee are being required into under section 96 of the proceedings of such committee are being examined under section 99, all office, servants and members of such a committee shall furnish such information in their possession with regard to the accounts and offices or affairs or proceedings of such a committee as the Director, or the officer authorized by him, may require.
- (2) The Director or any officer inspecting accounts and offices or inquiring into the affairs of the Marketing Committee under section 96 or examining the proceedings of such a committee under section 99 shall, for the purposes of such inspection, inquiry or examination, have the same powers as are vested in Civil Court under the code of Civil Procedure 1908 (2 of 1908), while trying a suit in respect of the following matters, namely:-

- (a) The summoning and enforcing the attendance of any officer, servant or member of the Marketing Committee and examining him on oath:
- (b) The discovery and production by any officer, servant or member of the marketing committee of any document or other material object producible as evidence; and
- © The receiving o evidence on affidavits.
- (3) The Director or any officer authorized by him exercising the powers conferred by sub-section (2) (2 of 1974) shall be deemed to be a Civil Court for the purposes of section 195 and chapter xxvi of the Code of Criminal Procedure, 1973.

**98. Seizure of account books and other documents.**

Where the Director has reasons to believe that the books and records of a Marketing Committee are likely to be tampered with or destroyed or the funds or property of the Marketing Committee are likely to be misappropriated or misapplied, the Director ma issue an order directing a person duly authorized by him in writing, to seize and take possession of such books and records, funds and property of a Marketing Committee, and the officer or officers of the Marketing Committee responsible for the custody of such books records, funds and property, shall give delivery thereof to the person so authorized,

**99. Power of the Director to call for proceedings of marketing committees and to pass order thereon**

The Director, may, at any time, call for and examine the proceedings of any Marketing Committee for the purpose of satisfying himself as to the legality or propriety of any decision or order passed by the Marketing Committee under this Act, and if, in any case, it appears to the Director that any decision or order or proceedings so called for should be modified, annulled or reversed, the Director may pass such orders thereon as he thinks fit.

**100. Control by the Board**

Powers exercisable by the Director under section 98 shall also be exercised by the Board or an officer authorized by it and reference to the Director in this section shall be construed to be a reference to the Board.

**101. Amalgamation or division of marketing committees**

- (1) Where the Government is satisfied that for securing efficient regulation of marketing f agricultural produce in a market area, it is necessary that two or more Marketing Committee therein should be amalgamated or any Marketing Committee therein should be divided into two or more market committees, it may, after consulting the Marketing Committee or the Marketing

Committees, as the case may be, and the Board, by notification, provide for the amalgamation of such Marketing Committee or division of the Marketing Committee into two or more Marketing committees for the market area in respect of the agricultural produce specified in the notification. The notification shall also provide for the constitution, property, rights, interests and authorities and such liabilities, duties and obligations (including provision in respect of contracts, assets, employees, proceedings) and such incidental, consequential and supplementary matters as may be necessary to give effect to such amalgamation or division, as the case may be.

- (2) Where more than one Marketing Committee are established in any market area under sub-section (1), the Government may, notwithstanding anything to the contrary contained in this Act, issue general or special directions as to which of the Marketing Committees shall exercise the powers, perform the duties and discharge the functions of a Marketing Committee under this Act, in respect of matters in which they are jointly interested.
- (3) Where any direction is issued under sub-section (2), the cost incurred by a Marketing Committee in pursuance of the direction shall be shared by the other Marketing Committee concerned in such proportion as may be agreed upon, or in default of agreement, as may be determined by the Government of such officer, as the case may be, shall be final.
- (d) All the assets of the committee shall vest in the Government and the Government shall be liable for all legally enforceable liabilities of the committee, subsisting on the date of supersession, to the extent of the said assets.