

CHAPTER-IX
MARKETING OF AGRICULTURAL PRODUCE

- 79. Regulation of marketing of agricultural produce**
- (1) Subject to the provisions of this section and of the rules providing for regulating the marketing of agricultural produce in any place in the market area, no person shall, on or after the date on which an area is declared under sub-section (1) of section 4 to be a market area, without, or otherwise than in conformity with the terms and conditions of, a licence granted by-
- (a) The Director, where a market committee is not functioning; or,
- (b) By the marketing committee in any other case;
- (i) Use any place in the market area for the marketing of the agricultural produce specified in the said declaration; or
- (ii) Operate in the market area or in any market therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of such agricultural produce.
- (2) Nothing sub-section (1) shall apply to the retail sale by an agriculturist of his own produce.
- (3) All commodities of notified agricultural produce brought into the market are for marketing shall be brought into a market specified for such produce and shall not, subject to the provisions of the bye-laws, be sold at any other place outside such market. All transactions/sales in the notified principal yard and sub-yard shall be through open auction only.
- 80. Grant of licence**
- (1) Subject to rules made in this behalf, a marketing committee may, after making such inquiries as it deems fit, grant or renew a licence for the use of any place in the market yard/area for the marketing of agricultural produce or for operating therein as a trader, commission agent, broker, processor, weighman, measurer, surveyor, warehouseman or in any other capacity in relation to the marketing of agricultural produce or may, after recording reasons in writing, refuse to grant or renew any such licence:

Provided that where a marketing committee has not started functioning, the Director, subject to any rules that may be made in this behalf, may grant or renew a licence for the marketing of agricultural produce or for operating in the market yard/area as a trader, commission agent, broker, processor, weighman,

measure, surveyor, warehouseman or any other capacity.

- (2) A licence granted under sub-section (1),
 - (a) Shall be in such Form, valid for such period, and subject to such terms, conditions, restrictions and limitations as may be prescribed;
 - (ii) Places at which weighment and delivery of agricultural produce shall be made in any market or market area and on payment of such fees as may be prescribed.
- (3) If the marketing committee or the Director, as the case may be, fails to grant or renew a licence within a period of sixty days from the date of receipt of an application in that behalf, it shall be deemed that the licence has been granted or renewed, as the case may be, if such grant or renewal has not been refused by marketing committee or the Director, as the case may be, within the said period of sixty days.

81. Power to cancel or suspend licence.

- (1) Subject to the provisions of sub-section (3), a marketing committee may, for reasons to be recorded in writing, suspend or cancel a licence granted or renewed under this Chapter-
 - (a) If the licence had been obtained through willful misrepresentation or fraud;
 - (b) If the holder of the licence or any servant or any acting on his behalf with his express or implied permission commits a breach of any of the terms or conditions if the licence and/or holder of licence makes violation of the provisions of the Act, rules and bye-laws made thereunder;
 - © If the holder of the licence in combination with other holders of licence commits any act or refrains from carrying out his normal business in the market with the intention of willfully obstructing, suspending or stopping he marketing of agricultural produce in the market yard and/or area;
 - (d) If the holder of the licence has been adjudged an insolvent, and has not obtained his discharge; or
 - (e) If the holder of the licence is convicted his discharge; or
- (2) Notwithstanding anything contained in sub-section (1) but subject to the provisions of sub-section (3), the Director may, for reasons to be recorded in writing, by order, suspend or cancel any licence granted or renewed under this Chapter.
- (3) No licence shall be suspended or cancelled under this section, unless the holder thereof has been given a

reasonable opportunity of showing cause against the proposed action.

82. Appeal

- (1) Any person aggrieved by the order-
 - (a) Of a marketing committee, refusing to grant or renew a licence, or canceling or suspending any licence, may prefer an appeal within thirty days to the Vice Chairman of the Board.
 - (b) Of the Director refusing to grant or renew a licence or canceling or suspending any licence may prefer an appeal to the Secretary Agricultural Marketing Department of the Government within thirty days from the date on which such order is communicated to him and in such manner as may be prescribed.
- (2) The Vice-Chairman of the Board or, the Secretary, Agricultural Marketing Department of the Government, as the case may be, on such appeal, make such order as he may deem just and proper:

Provided that, before dismissing an appeal, the Vice-Chairman of the Board or the Secretary, Agricultural Marketing Department of the Government, as the case may be, shall give the appellant a reasonable opportunity of being heard, and record in writing the reasons for such dismissal.

83. Provision for settlement of dispute

- (1) For the purpose of settling disputed between buyers and sellers of agricultural produce or their agents including any dispute regarding quality or weight or payment, or any matter in relation to the regulation of marketing of agricultural produce in the market area, the marketing committee constituted for that market area may appoint arbitrators or constitute, from amongst its members, a sub-committee.
- (2) The method of appointment of arbitrators, the constitution and functions of the sub-committees and the fees, if any, that may be paid by parties for the settlement of disputes, and other incidental matters shall be such as may be prescribed.
- (3) Any party, aggrieved by the decision of the arbitrator or the sub-committee, as the case be, may prefer an appeal from such decision to the Board within such time and in such manner as may be prescribed.