

The West Bengal Agricultural Produce Marketing (Regulation) Rules, 1982

GOVERNMENT OF WEST BENGAL
Department of Agriculture

(M W & C – Branch)

NOTIFICATION

NO.19162 MW&C

Dated, Calcutta the 8 November 1982

In exercise of the power conferred by section 38 of West Bengal Agricultural Produce Marketing (Regulation) Act, 1972 (West Ben. Act XXXV of 1972), the Governor is pleased hereby to make the following rules, namely:

CHAPTER I

PRILIMINARY

1. Short title

these rules may be called the West Bengal Agricultural Produce Marketing (Regulation) Rules, 1982.

2. Definitions

- (1) In these rules, unless the context otherwise requires, -
 - (a) "the Act" means the West Bengal Agricultural Marketing (Regulation) Act, 1972 (West Ben. Act XXXV of 1972);
 - (b) "bye-laws" means the bye-laws made under section 38A;
 - (c) "Form" means a Form appended to these rules;
 - (d) "Schedule" means a Schedule appended to these rules;
 - (e) "Section" or "Sub-section" means a section or sub-section of the Act.
- (2) Words and expressions used in these rules but not defined and defined in the Act have the same meaning as in the Act.

CHAPTER II

LICENCING

3. Application for licence for purposes other than that of setting up storage / hat / bazaar / mela for renewing licence

Every person desiring or carry on business or act as a trader, commission agent, broker, weighman, measurer, warehouseman or surveyor, or sale or purchase agricultural

produce or engage processing or preservation of agricultural produce shall make an application to the market committee jurisdiction for the grant of a licence under sub-section (1) of section 13 in form 1 and for renewal thereof under sub-section (4) section 13 in form 3:

Provided that an application for renewal of a licence shall be made at least thirty days before the expiry of the licence.

4. Application for licence for setting up storage/hat/bazaar/mela or renewal of licence

Every person desiring to set up, establish or continue a place for storage, sale or purchase of any agricultural produce within a market area shall make an application to the market committee having jurisdiction over the market area for the grant of a licence under sub-section (1) of section 13 in Form 2 and for renewal thereof under sub-section (4) of section 13 in Form 3:

Provided that an application for the renewal of a licence shall be made at least thirty days before the expiry of the licence.

5. Fee for applying for grant or renewal licence

(1) (a) Every application for the grant of a licence under rule 3 or rule 4, shall be accompanied by the fee as may be applicable as specified in column (2) of schedule A.

(b) Every application for renewal of licence under rule 3 or rule 4, shall be accompanied by such fee as may be determined by the market committee from time to time subject to the limit specified in sub-section (4) of section 13:

Provided that a person desiring to take a licence for a specified period exceeding six months shall be charged such amount of reduced fee as may be determined by the market committee from time to time.

Provided further that if any question arises as to whether a person belongs to one or the other of the categories mentioned in column (1) of schedule A the decision of the Chairman the market committee on such question shall be final.

(3) Where a market committee has not determined any rate of fee under clause (b) or sub-rule (1), the fee specified in column (2) of scheduled A shall apply.

6. Grant or renewal of licence

(1) On receipt of an application under rule 3 together with the fee prescribed in clause (a) of sub-rule (1) of rule 5 or the fee fixed by the market committee, as the case may be, the market committee may, after making such enquiries as it may consider necessary and after satisfying itself as to the capacity and the conduct of the applicant and in case of renewal, the past performance of the applicant as a licensee, grant the applicant a licence or renew the licence, as the case may be, in form 4:

(2) On receipt of an application under rule 4 together with the fee prescribed in clause (a) of sub-rule (1) of rule 5 or the fee fixed by the market committee, as the case may be, the market committee, may grant or renew the licence in form 5, if:

- (a) it is satisfied that the applicant is solvent and a desirable person to whom licence may be granted or renewed:
- (b) cash security or Bank's guarantee if so required is given:
- (c) it is satisfied that there is need to establish or set up or continue the storage or hat or bazar or mela or other place for storage, sale or purchase of agricultural produce, and that the applicant has provided necessary facilities and amenities in the place for its use as a storage, or hat or bazar or mela.

7. Terms and conditions of licence

(1) A licence granted or renewed under sub-rule (1) 6 shall be subject to the following terms and conditions, namely,-

- (a) the licensee shall abide by the provisions to the Act and the rules, and the buy-laws made by the market committee, and the directions issued by the market committee, for the purpose of carrying out the provisions of the Act and the rules made thereunder,
- (b) the licence shall be valid for one year or such lesser period as the market committee may determine, and shall expire unless it is renewed,
- (c) the licence may, at the discretion of the market committee, be renewed for one year or such lesser period as the market committee may determine,
- (d) the licence shall be valid for the person in whose name it is issued and shall not be transferred,
- (e) the licence shall carry on business in such capacity only and at such place for which the licence is issued and shall not carry on any other business at such place or places or the same business in any other place in the concerned market area,
- (f) the licensee shall not adulterate or cause any agricultural produce to be adulterate,
- (g) the licensee shall provide for standard weights and measures, and shall conduct his business honestly according to the principles of fair dealing,
- (h) the licensee shall help the market committee in preventing evasion of market fees, shall not permit evasion or infringement of any provision of the Act, the rules and bye-laws and shall report to the market committee such evasion or infringement taking place with his knowledge,
- (i) the licensee shall not engage the services of any assistant other than those mentioned in the licence, in connection with the business for which the licence is taken and shall not boycott or encourage boycotting of any other licensee,
- (j) all acts of assistants or agents engaged by the licensee shall be deemed to be the acts done on behalf of the licensee with his express or implied permission,
- (k) the licensee shall maintain books, registers and records in manner required by the market committee and shall furnish such information and returns to the market committee as may be required by it from time to time,

