The Smallholder in the Agriculture Market Reforms in India

M MANJULA

Smallholders suffer from low marketable surplus, poor holding capacity, low bargaining power and huge transaction cost in marketing their produce. Agricultural markets in India have been subject to reform processes with the stated intention of improving market access and participation for the primary producers. The three legislations introduced in 2020 are the latest in that direction. This article critically analyses market reforms in India with respect to smallholders' bargaining position. It also provides insights on the ways and means to improve market participation and the bargaining position of smallholders.

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M Manjula (*manjula.m@apu.edu.in*) teaches at the School of Development, Azim Premji University, Bengaluru.

Agriculture in developing countries is characterised by the predominance of smallholders, and India is no exception. Small and marginal holdings account for 86.08% of the total operational holdings and 46.94% of the total operated area in the country (GoI 2019a). The data on ownership holding for the country also reflects this, with 85.41% of total ownership holding under marginal and small category covering about 53.28% of the total area owned (NSSO 2013). The 126 million marginal and small famers, operating on an average size of holding of 0.6 hectares (ha), accounts for roughly about 40% of the total marketable surplus (GoI 2017).

The earnings of a farmer are determined by the first point of sale. The traditional marketing channels in India are state, cooperative and private trade. The total number of agricultural markets in India is 28,994, comprising 7,190 regulated markets and 22,505 rural primary markets (GoI 2011). The regulated agricultural markets cater to about two-fifths of the marketed farm produce. Pattern of market access across major crops shows small and marginal farmers to have poor access to regulated markets (Sharma and Wardhan 2015). The low market density resulting in highly fragmented markets for agricultural commodities is a major constraining factor. The development of market infrastructure in the country has not been in tandem with the demand for markets. The National Commission on Farmers (NCF) of 2004 had recommended availability of regulated markets within a radius of 5 kilometre (km), with an average coverage area of 80 square kilometre (sq km). The current coverage of regulated markets ranges from 114 sq km in Chandigarh to 11,215 sq km in Meghalaya, with an all-India average of 496 sq km (GoI 2019b). To meet the NCF standards, the country would need 41,000 regulated markets compared to the current 7,190.

The smallholders face high transaction cost in marketing their produce, owing to low marketable surplus, low market density and poor connectivity to markets. The transaction costs are location-, farm- and crop-specific (Pingali and Aiyar 2019). High cost of market access cum participation and the low holding capacity of smallholders results in a large majority of their marketable surplus being sold at the farm gate to traders and village merchants (NSSO 2014). The transaction cost, coupled with the asymmetry in market information and poor holding capacity, leads to huge differences in the price realised by the smallholders relative to large farmers and across geographies. Price dispersion[1] at farm gate was observed to be in the range of one to five across select foodgrains and oilseeds with the lowest and highest dispersion observed in *tur* and groundnut, respectively (MoF 2016).

Smallholder farmers operate within this unequal exchange relations in agricultural markets. Owing to their poor bargaining capacity, the price realised by the smallholder at the farm gate is the lowest competitive price (Pingali and Aiyar 2019). This is the case even for those commodities with price support. On the other hand, large farmers received the same price from all the agencies, reflecting their better bargaining capacity (Sharma and Wardhan 2015). Low prices translate into low revenues from sale of agricultural produce, eventually resulting in low and unstable farm income. Given the unequal exchange relations in agricultural markets, smallholders are constrained to realise higher revenues from market transactions, even in the event of a good agricultural season. In addition, interlocking of the credit outputs, inputs and outputs due to dependence on market intermediaries for credit and input support, tie the smallholders with their lenders. This limits their opportunity to avail the multiple channels for marketing and reap a higher share in the consumer rupee. Thus, market risks are as crucial as production risk for viability of smallholder livelihoods.

Integration of smallholders with market is seen as the means for better price realisation and improved income for smallholders (Pingali and Aiyar 2019). Government of India (GoI), since 2017, recognises the centrality of commodity marketing and its role in contributing to doubling farmers' income by 2022–23 (GoI 2017). Marketing is identified as a priority intervention in transforming agriculture into sustainable agribusiness. Agricultural marketing has witnessed a series of reforms over the past decades with the intention of making it competitive and inclusive. The three farm bills tabled in Parliament in September 2020, which are now acts are the latest in this direction.

The reforms in agricultural marketing and the protest and criticisms against them are all played out in the name of the farmers. But farmers are not a homogeneous community. They differ in their resource capacities and ability to access and participate in market. Given the enormity of smallholders in agricultural sector and almost two-fifths of the marketable surplus coming from them, it is important to understand the impact of market reforms on them. In this context, the position of the smallholder with respect to these market reforms needs a nuanced understanding. This article is an attempt to critically analyse the market reforms in agriculture from a smallholder perspective. It tries to explore if the agricultural market reforms in India accommodate or bypass the smallholders. In the process, the article provides insights on improving market participation and the bargaining position of smallholders.

Need for Reforms

The Agricultural Produce Marketing Regulation (APMR) Act which came into effect in the 1960s is a landmark in agricultural marketing in India. This act implemented by various states in India has its origin in the Model Bill introduced in 1938, based on the recommendation of the Royal Commission on Agriculture. The implementation of APMR Act led to the creation of the agricultural produce market committees (APMCs) and the beginning of regulated organised marketing in agriculture[2] (GoI 2009). This was heralded as an institutional innovation to protect the interest of the farmer against low prices, loss of produce and high marketing costs. However, over the years, the market regulation, the Essential Commodities Act and various other regulations passed by the state and central government curtailed the development of a free and competitive marketing system. Eventually, the institutional mechanism created to protect the interest of the farmers regressed into an exploitative regime. APMC gradually lost its democratic nature, licensing mandates for trading encouraged rent-seeking behaviour and unfair competition stifling entry of new entrepreneurs. The key issues with regulated markets were the (i) licensing bottlenecks, (ii) exorbitant market charges, (iii) poor state of market infrastructure, and (iv) long supply chain and low remuneration to farmers. The other concerns relate to lack of transparency, domination by political parties in APMC and asymmetry in market information (GoI 2013).

Thus, market regulation instead of facilitating efficient marketing practices benefiting farmers was stifling the very spirit of competitive functioning. Monopolistic practices in APMC and excessive state control discouraged private investment in the sector and free trade of agricultural commodities across and within states. The mandatory requirement of owning a shop/godown space within the regulated market for obtaining license to trade and the lack of space to construct new shops in the APMC yards, act as barriers for entry of new entrepreneurs. Further, licensed traders and commission agents organised themselves into associations and barred the entry of new entrepreneurs (GoI 2013). Owing to long supply chains and large number of intermediaries in the chain, the producers share in consumer's price is very low. It is estimated to be in the range of 32% to 68% in the case of perishables like fruits and vegetables, while in paddy, it is in the range of 56% to 89%, and for wheat, it ranges from 77% to 88% (GoI 2013).

Past Attempts at Reforms

The first attempt at reforming the APMC Act was through the introduction of the model APMC Act in 2003, based on the recommendations of the expert committee in 2001 and the Inter-Ministerial Task Force in 2002 (GoI 2013). The model APMC Act stipulates: (i) private yards, direct purchase centres for direct sales, (ii) public private partnership for agricultural market development, (iii) special market for perishables, (iv) provision for regulating and promoting contract farming, and (v) prohibition of commission agents in transaction of agricultural produce with the traders. The model act aims to redefine the role of APMCs and state agricultural marketing boards to promote standardisation, grading, quality certification, etc. Selective provisions under the model APMC Act were adopted by a few states, however, the pace of reforms was slow. Several states have deregulated fruits and vegetables from the purview of APMC.

Subsequently, the government set up the Empowered Committee of State Ministers in-charge of Agricultural Marketing on 2 March 2010. The committee was to persuade states to adopt the model APMC Act and Rules, suggest measures for promotion of barrier-free national markets in agriculture, efficient dissemination of agricultural information and promote grading, standardising, packaging and certification. The committee had put out detailed recommendations on: (i) reforms to agricultural markets, (ii) promotion of investment in marketing infrastructure development, (iii) rationalisation of marketing fee/commission agents, (iv) contract farming, (v) barrier free markets, (vi) market information system (vii) grading and standardisation, and (viii) on farmer producer organisation's (FPO) and GoI's import–export policy for agricultural produce (GoI 2013).

To promote direct sale by farmers to consumers, GoI launched a programme to develop and upgrade the rural haats to Gramin Agricultural Markets (GrAMs) (GoI 2019b). Owing to the barriers of entry and the huge transaction cost of transporting to market yards, the proportion of the marketable surplus of wheat and paddy that gets traded at the APMC *mandis* are reported to be low (NSSO 2014). The rural haats located in interior areas serve as a focal point for small and marginal farmers who are constrained to access centrally

located APMC mandis. They contribute 41% of the total marketable surplus in agricultural produce (GoI 2017). Almost 90% of the marketable surplus of the resource poor farmers are sold in rural haats. The GrAMs initiative provides a viable alternative to APMC mandis and facilitates direct market participation by farmers resulting in better price realisation.

The latest attempt aimed at removing trade barriers and entry restrictions in agricultural marketing is the launch of NAM—National Agriculture Market—a pan-India electronic trading portal in 2015 (NABARD 2018). The e-NAM portal creates a unified national market for agricultural commodities by networking the existing APMC mandis. e-NAM is expected to address the issues of physical entry barriers for trade and information asymmetry between buyers and sellers. As on 17 June 2018, 585 regulated markets across 16 states and two union territories have been integrated via e-NAM, 1.05 crore farmers have registered on the e-NAM portal, out of which 45.25 lakh farmers have traded on the platform. The number is growing and as on 31 October 2020, the e-NAM portal has 1.68 crore registered farmers, 1,798 FPOs and 1.50 lakh traders. The platform has handled agricultural trade worth ₹91,000 crore since its inception.

Farm Acts 2020: Provisions

The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 (APMC Deregulation Act) modifies how APMCs function and brings in key changes like: (i) removal of interstate and intrastate barriers in trade of agricultural commodities; (ii) trading in all agricultural commodities (not only fruits and vegetables) outside the APMC yards; (iii) ban on APMCs levying cess or market fee for trading outside designated market yards by farmers or traders; (iv) doing away with the mandatory licence for operating e-trading platforms; and (v) relaxing e-trading norms and allowing FPOs or any other organisation or individual with a PAN to engage in e-trading (MoAFW 2020).

The Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Act, 2020 (Contract Farming Act) intents to provide an enabling framework for contract farming.[3] The key changes proposed towards this are: (i) written agreement between the farmer and the buyer to be made before start of season; (ii) mandatory requirement to mention "guaranteed price," agreement to be registered with the respective state registration authority; (iii) full payment at time of delivery; (iv) provision against liability from crop loss due to natural calamity and insect and pest attack for farmers; and (v) decentralised dispute settlement.

Essential Commodities (Amendment) Act, 2020 (Amendment of Essential Commodities Act, 1955) relaxes regulation and stock limits for notified commodities: (i) regulation of food items only under extraordinary conditions (famine, natural calamity, extraordinary price rise); and (ii) stock limit will not apply to processors and others at the higher end of the agricultural value chain under certain conditions. Stocks for public distribution system (PDS) and targeted public distribution system (TPDS) exempt from ceilings.

The justification for the "APMC Deregulation Act" is to address issues plaguing the regulated APMC market systems—an institutional mechanism created in the 1960s to protect the interest of farmers. In principle, this bill aims to bring in seamless markets for agricultural produce across the country—"One Nation, One Market," enables farmers to sell their produce to anyone they wish and attract corporate investments in agri-marketing infrastructure and services.

However, past attempts at reforming APMC by states have had a mixed impact. Bihar repealed its APMC Act in 2006, but it did not have the desired benefit in terms of competitive market opportunities and better price realisation for farmers (as they continue selling to local traders); instead it seems to have benefited large wholesalers and flour mills with no benefit to farmers. Madhya Pradesh reformed its APMC regulation but retained many of its key features. The reforms in APMC regulation led to the entry of large corporates in commodity procurement (for example, ITC) and were complemented by an enhanced role for cooperative banks in providing inputs and credit (Kapur and Krishnamurthy 2014). It helped break the credit–output market nexus through which traders and commission agents exercised control over farmers' produce, for medium to large farmers. However, small farmers continue to be dependent on traders, commission agents and moneylenders for credit, leading to interlocking of credit and commodity markets.[4] In such a scenario, smallholder farmers have limited chances of benefiting from competitive prices from alternate channels.

Another area of concern is price discovery. At present, APMC serves as an important mechanism for price signal both to farmers and policymakers. This is despite APMCs receiving only about two-fifths of the total marketable surplus. Deregulation is likely to further reduce volume of trade happening in APMCs, with APMCs losing their relevance in setting reference price. In the absence of a source of price signal, smallholders will be shortchanged by colluding traders in their localised bargaining islands. Further, the absence of concrete mechanism for collecting and publishing data (beyond APMCs) on market arrivals, trade volume and prices in denotified trade areas will eventually lead to invisibility and opaqueness in a market where there is a tremendous difference in negotiation power and capital among buyers and sellers. Thus, the farm bills are expected to increase information asymmetries, contributing to greater exploitation and inequities for the majority of India's smallholder farmers.

The contract farming bill, in principle, aims to provide a favourable arrangements for farmers through provision of guaranteed price, protection against liability in the event of crop losses and full payment at time of delivery. However, despite these aims, the Contract Farming Bill is unlikely to create a spurt in contracts from private players. So far, contract farming in India has been limited to few niches, such as potatoes for chips production, vegetables for certain supermarket chains, or gherkins for export markets. Key challenges in growth of contract farming are related to ground realities of agriculture in India, even more so than the regulatory framework. The

small size of holdings in India discourages agribusiness from entering into contracts directly with farmers and instead preferring contracts with traders/intermediaries who aggregate the farmers' produce (Singh 2012). Enforcement and dispute resolution issues have led to "loose arrangements" which might more accurately be called "contact farming" where some conditions of production and pricing are specified by buyers without entering into any formal contract. Further, in the absence of a stipulated guideline for estimating "minimum guaranteed price" there are chances of prices being fixed too low to be remunerative for farmers.

Amendments to the Essential Commodities Act, 1955 aim to incentivise large private investment in storage infrastructure, processing and value addition, and reduce post-harvest losses due to wastage. It gives legal right to corporates with deep pockets to stock commodities and reap the benefits of higher prices during off-season. It also reduces the government's ability to intervene in cases of hoarding- and speculation-led egregious increase in prices, as happened in the case of pulses 2015. It offers no benefit to the resource poor producer or the consumer. The more than 80% smallholder producers are also net consumers and unfair trade practices have the potential of serving a double blow in terms of low farm gate price and high retail price of essential commodities. Doing away with export bans is likely to benefit larger farmers engaged in exports of basmati rice and niche export-oriented commodities.

The FPO related provisions in the act which allow FPOs to trade in all commodities and enter farming contracts are a welcome change. These provisions may benefit FPOs of medium to large farmers and a handful of other well-connected FPOs, which have enough capital. However, it should be noted that the main hurdles facing FPOs today relate to access to working capital. Small farmer FPOs will be constrained to engage in contract farming with its members, unless there is significant capital infusion. Further, the FPOs need to invest on building their capacities as agri-entrepreneurs to compete with large private firms dealing in agricultural commodities. Thus there are a lot of challenges that have to be addressed before an FPO of smallholders plays a pivotal role in agricultural marketing and contract farming.

Overall, the three acts are aimed at removing "market bottlenecks" and creating "market efficiencies." However, it is pertinent to note that Indian agriculture production and market system operates at the interface of informal and formal economy, with the majority of farmers operating less than one hectare of land, producing limited surplus for markets and thus requiring multiple layers of intermediaries for aggregation, marketing and primary value addition (grading, sorting, etc). Addressing current market inefficiencies and inequities requires a surgical approach rather than large-scale deregulation introduced through the farm bills. Taken together, the three farm bills are likely to lead to the emergence of non-state local and regional monopsonies or oligopolistic cartels in agricultural trading. And, given the difference in market power of small producers relative to traders and corporations, the bills are also likely to shift more risk to the smallholder producers over time.[5]

Strategies for Improvement

The poor bargaining position of the smallholders and the factors constraining their participation has policy implications in terms of technological, infrastructural and institutional innovations in agriculture marketing. Some of the key policy measures that would improve smallholder competitiveness and market participation are discussed in this section.

Coexistence of regulated and open markets: The reforms should pave the way for coexistence of an efficient APMC system with private trading in agricultural commodities. Experiences from Bihar post the repealing of APMC Act in 2006 and the state of market infrastructure and efficiency of price discovery by farmers in Kerala, Manipur, and those union territories which do not have APMC Act, need to be factored in while implementing the reforms. Given the heterogeneity of the agricultural production systems and market dynamics, barrier free trading to be competitive and results in better price discovery need to be complemented with the presence of a vibrant and strong APMC system.

A study done across 14 states on the impact of APMC Acts and Rules on agricultural growth and poverty outcomes over a 40-year period show that states with improved regulatory arrangements in the agricultural market are the ones with higher investment in agriculture, improved productivity and better poverty reduction outcomes (Purohit et al 2017). This substantiates the argument that in order to protect the interest of the farmers' coexistence of APMC with private trading, rather than an either-or scenario is the most beneficial. Hence, efforts at infrastructural upgradation and governance reforms in APMC need to be carried out with renewed zeal as the country braces for seamless trading in agricultural commodities.

Strengthening FPOs and farmers' collectives: The farm bills open more avenues for FPOs to engage in trading and enter into contracts with corporate buyers. FPOs can also, to some extent, correct information asymmetry in agricultural marketing. Capacity building of FPOs on entrepreneurship and agribusiness development could go a long way to help farmer enterprises to play a bigger role in the field of agricultural marketing. The FPOs could also engage in mutually beneficial contract farming arrangements with its members. Building the capacity of FPOs as agri-entrepreneurs will help them compete with private players in the field. Further, there should be a mechanism to address the capital and infrastructural requirement of the FPOs if they are to emerge as drivers of agricultural marketing in India.

Creating storage and processing infrastructure close to farm gate: Study on marketable surplus by Sharma and Wardhan (2015) has shown the marketed surplus of smallholders to be higher than the marketable surplus, clearly indicating distress sale by smallholders. This indicates lack of holding capacity of smallholders owing to poor storage infrastructure. Creating decentralised storage and quality control infrastructure at village

cluster level will improve the holding capacity of the farmer, improving their bargaining capacity with respect to time and location of sale, leading to better price realisation. Low-capital processing facilities can also bring price realisation benefits. This will require developing new models for the role of panchayati raj institutions or FPOs in operationalising such infrastructure. New models for funding such infrastructure also need to evolve, such as, leveraging existing government schemes supplemented by philanthropic/corporate social responsibility investments.

Market intelligence systems: Market information plays a crucial role in increasing market participation of smallholders. They are dependent on the traders for price and market information. APMCs with their role in price signalling, formed the backbone of agriculture market intelligence system of the country. However, with the new reforms, as a greater proportion of trade shifts from APMCs towards private arrangements, information from APMCs will become less representative of agriculture markets. Developing market intelligence system and tools that will cater to the needs of resource-poor farmers have the potential to correct some of the issues of asymmetry in market information. Information and communication technology-based platforms could be used for wider dissemination and reach.

Facilitating access to institutional credit: A vast majority of the smallholders are excluded from the institutional credit network. They depend on the traders and local commission agents for credit. This leads to interlocking of the credit-output, credit-input and input–outputs resulting in tied markets. Hence, efforts at improving smallholder bargaining capacity need to be complemented with efforts at financial inclusion to enable them to choose from the multiple marketing channels.

Conclusions

Market reforms, including the new market reforms in the form of the three legislation, are expected to increase the precarity of the smallholders that include small and marginal farmers and women farmers, especially in the rain-fed areas. If farming is to be a viable livelihood option for millions of small and marginal farmers, the government and social sector would need to invest in creating mechanisms to foster greater inclusion and equity in market access and safeguard against potential exploitation. Understanding market-access requires smallholders' perspective of trading of surplus, interlocking of trade with other markets via credit and transaction costs associated with small surplus, distress sale due to compelling requirements of cash in hand, and nature and type of agricultural commodities produced and sold by them. This would provide a comprehensive understanding on the need for market-access and market participation enhancing reforms for the diverse agricultural commodities produced by smallholder farmers.

NOTES

1 Price dispersion is measured as the ratio of the highest price and the lowest price for a crop in the country a during the reference marketing period. The ratio equal to one indicates no price dispersion and one uniform price across geographies or one common market.

2 Kerala, Manipur, Bihar and union territories except Chandigarh do not have an APMC Act. In Sikkim, Mizoram and Arunachal Pradesh, APMC is not implemented.

3 Several states already have contract farming bills in place, with varying provisions.

4 Institutional credit system covers roughly 65% of the farmers and large majority of the smallholders are excluded from it.

5 Concerns about dismantling of MSP and the government procurement system which supports the PDS has not been dealt with in this paper as it was not felt relevant to the central argument in the article.

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Gyan Deep

Near Firayalal Chowk,
Ranchi 834 001, Jharkhand
Ph: 09470564686