The Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhiniyam, 1978

Act 7 of 1978

Keyword(s):
Market Area, Producer, Palledar, Commission Agent, Agricultural Produce, Broker, Trade-charge

Amendments appended: 1 of 2000, 13 of 2004
उत्तर प्रदेश कृषि उद्यान मण्डी बिधि (संयोजन) प्रभिनियम, 1978

[उत्तर प्रदेश प्रभिनियम संख्या 7, 1978]

(उत्तर प्रदेश विधान सभा ने विनांक 5 मार्च, 1978 ई 0 तथा उत्तर प्रदेश विधान परिषद् ने विनांक 14 मार्च, 1978 ई 0 को बैठक में स्वीकृत किया।)

‘भारत का संविधान’ के मत्स्येद 200 के अनुसार राष्ट्रपति ने विनांक 20 मार्च, 1978 ई 0 को अनुमति प्रदान की तथा उत्तर प्रदेश ग्रामस्तर गहट के विधायी परिषद के मार्ग 1-खंड (क) में विनांक 22 ग्रीष्म, 1978 ई 0 को प्रकाशित हुआ।

उत्तर प्रदेश कृषि उद्यान मण्डी बिधि (संयोजन) प्रभिनियम, 1972 और उत्तर प्रदेश कृषि उद्यान मण्डी बिधि, 1964 का प्रत्यय संयोजन करने के लिए प्रभिनियम।

भारत गणराज्य के उत्तरप्रदेश क्षेत्र में निम्नलिखित प्रभिनियम बनाया जाता है:—

प्रभिनियम एक

प्रारम्भ

1—(1) यह प्रभिनियम उत्तर प्रदेश कृषि उद्यान मण्डी,बिधि (संयोजन) प्रभिनियम, 1978 कहा जायगा।

(2) इसे 29 दिसम्बर, 1977 ने प्रदेश सभा जायगा।

उद्देश्य धीरे कराएं के विनांक के लिये हुए विनांक 29 मार्च, 1978 ई 0 को सरकारी ग्रामस्तर गहट के विधायी परिषद के मार्ग 3-खंड (क) देखियें।

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श्रेयस यो

उत्तर प्रदेश कृषि उपदान: मंडली समिति (अल्पकालिक व्यवस्था) श्रविनियम,
1972 का संबोधन।

(एक) उपाध्याय (1) से स्वागत पर निम्नलिखित उपाध्याय रख दी जायेगी; श्रविनि—

“(1) उत्तर प्रदेश कृषि उपदान मंडली समिति (संबोधन) श्रविनियम, 1978 के प्राथमिक के दिनांक से उत्तर प्रदेश कृषि उपदान मंडली श्रविनियम, 1964 (जिसे द्वारा इस राज्य में उत्तर श्रविनियम कहा गया है) के उपर्युक्त एक वर्ष की अवधि के लिए या अतिक्रमण में दी गई कृषि समिति का संभव अधिकार होने तक, जो गी पहुंच हों, प्रश्न ऐसी मंडली दोष के सम्बन्ध में जो ऐसे प्राथमिक के दिनांक को नियमित करने हो तथा उक्त अवधि में इस प्रकार भर्तित किए गये हों, निम्नलिखित उपर्युक्त अधिकार की श्रविनि रखें हुए, प्रभाव हुए, श्रविनि—

(क) उपाध्याय (ब) में यथा उपर्युक्त के निर्देश किसी मंडली समिति के समान प्रकार के अवधिकारों का प्रकार, मंडली का सम्बन्ध और कस्तों का प्राप्ति राज्य सरकार द्वारा नाम-निविदा के जाने वाली तद्वदन समिति द्वारा किया जायेगा:

(क) बादल (ब) में निर्दिष्ट तद्वदन समिति में यथा तद्वदन होगी जिसमें वे एक को नियमित पदार्पण किया जायेगा;

(क) राज राजस्वार किसी भी समय तद्वदन समिति के किसी तद्वदन को उसके लिए नया नाम निवेदित करने वाली संस्था हो; तद्वदन समिति को सभी अधिकारियों के लिए मंडली समिति का समाधान किया जायेगा;

(क) तद्वदन समिति मंडली समिति, उत्तर प्रदेश, लन्दनक पूर्व भ्रमण के बिना किसी स्वार शर्तों का अधिकार या प्रश्न नहीं करेगी;

(क) मंडली तद्वदन समिति के सदस्यों में कोई सदस्य ही तो श्रविनि का निर्धारित साधन होगा;

(व) राज राजस्वार, समय-समय पर श्रविनियम द्वारा, ऐसे श्रविनि या पारंपरिक उपाध्याय जिससे उत्तर श्रविनियम के किसी उपाध्याय के अवधि, परिकार या उसके प्रवर्तन को पूर्व या अग्रिम रूप से निर्दिष्ट करने का उपाध्याय भी संबोधित हो, किन्तु जिससे तद्वदन पर प्रभाव न लाये, वर्तमान ही हो जो उसे पूर्वकार्य या समस्त किसी प्रबंधन के लिए प्राप्त अवधि का अवधि न रहित हो;

(व) बादल (ब) और (ब) के श्रविनि तद्वदन समिति नाम निविदा किये जाने तक, उत्तर प्रदेश कृषि उपदान मंडली समिति (संबोधन) श्रविनियम, 1978 के प्राथमिक के ठीक पूर्व मंडली समिति के प्रकार, उसकी कस्तों और कस्तों का प्राप्ति करने के लिए प्रहार प्रकार बादल रख दिया जायेगा।”

(ह) उपाध्याय (2) में, बादल ‘बादल (ब)’ के स्वागत पर बादल ‘बादल (ब)’ रख दिये जायेगे।

प्रारम्भ तीन

उत्तर प्रदेश कृषि उपदान मंडली श्रविनियम, 1964 का संबोधन।

(1) प्रारम्भिक श्रविनियम संबंध 25, जनवरी 1964 की रात्रि 2 'का संबोधन

“(ि) श्रविनिय परिषद की तारीख की भाषा में मुहूर्त जाने वाले श्रविनि ऐसी परिषदं में है कि श्रविनि की किसी भी या तथा भ्रमण के अभाव में, ऐसी वििया या प्रवर्तन के निर्णय पर भारत, निर्दिष्ट उपर्युक्त उपदान से या वििया के निर्दिष्ट संदर्भ में श्रविनि श्रविनिय परिषद अनुमति करने जाता हो तथा अनुमति न लिया जा सकता हो या उसकी अद्यावप्ती हो।

स्वाक्षरण—नागरिक से हाथ किये जाने की दाखिला में नागरिक दोनों के कारण, या किसी अभाव में से हाथ किये जाने की दाखिला में नागरिक दोनों के कारण, दाखिला बालबाद और मानक अनु म तथा संस्था के कारण, की गी गठनीय से भिन्न प्रश्न बालबादी व्यापारिक परिषद मंडली जानेगी”
"(3) उपरान्त (1) और (2) के उपरान्त जीती ऐसे निंदित हैं उदाहरण के संकेत में जिसे बाद भी वैक द्वारा दी गयी वर्तमान की लिए प्रतिस्पर्धा के रूप में भी के या पूर्व-पश्चिम राष्ट्रीय जांच की गई है, लागू नहीं होगी।

स्वर्णिमत—इस बारे के प्रयोजनों के लिए अमर 'दौकान' का बड़ी धारा होगी जो उत्तर प्रदेश लगभग लिखित प्रणविधियों, 1976 में उसके लिए दिया गया है।"

"(ख) मंडी बुल्लू, जो मंडी बुल्लू में निंदित है, उदाहरण के संग्रहीकरण की तैयारी कर दी है। इस प्रकार देखे कि वह उदाहरण के गुण भी, एक प्रतिस्पर्धा भी है और इस प्रतिस्पर्धा में प्रवक्ता न हो, जिन्हें राज्य सरकार अधिसूचना के लिए निंदित करें, लागू भी प्रवक्ता करता, और ऐसी गुण निंदित हैं न हो, तलाब राज्य अधिसूचना के लिए निंदित करें, लागू भी प्रवक्ता करता।

(१) यदि उदाहरण प्रतिस्पर्धा की माध्यम से बना लेते हैं, प्रवक्ता के संग भी मंडी बुल्लू का दौरान होगा, और भी निंदित है।

(२) यदि देशी व्यापारी शहर उदाहरण से उदाहरण रूप देते हैं, व्यापारी समिति के लिए मंडी बुल्लू का दौरान होगा।

(३) यदि एक शहर दूरदेशी व्यापारी शहर उदाहरण रूप देते हैं। इस प्रकार बंदिस्त अर्थ के संग भी मंडी बुल्लू का दौरान होगा।

(४) ऐसे उदाहरण के निरीक्षण की जरूरत निंदित में, जांच प्रतिस्पर्धा की मंडी बुल्लू का दौरान होगा।"
IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2000 (Uttar Pradesh Adhiniyam Sarathy 1 of 2000) as passed by the Uttar Pradesh Legislature and assented to by the Governor on January 9, 2000.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN) ADHINIYAM, 2000
[U. P. ACT NO. 1 OF 2000]
(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows:

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2000.

   (2) It shall be deemed to have come into force on August 14, 1999.

2. In section 17 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter referred to as the principal Act, in clause (iii), in sub-clause (b), in the third proviso the words and figures “during the period of one year with effect from the date of commencement of the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 1998” shall be omitted.

3. (1) The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhyadesh, 1999, the Uttar Pradesh Krishi Utpadan Mandi (Dwitiya Sanshodhan) Adhyadesh, 1999 and the Uttar Pradesh Krishi Utpadan Mandi (Tritiya Sanshodhan) Adhyadesh, 1999 are hereby repealed.

   (2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

Y. R. TRIPATHI,

Pramukh Sachiv.
In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan), Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 13 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 3, 2004:

THE UTTAR PRADESH KRISHI UTPADAN MANDI VIDHI (AMENDMENT) ADHINIYAM, 2004
(U.P. Act no. 13 of 2004)
(As passed by the Uttar Pradesh Legislature)

AN ACT further to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

IT IS HEREBY enacted in the Fifty-fifth Year of the Republic of India as follows:—

CHAPTER-1
Preliminary

1.(1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhiniyam, 2004.

(2) It shall be deemed to have come into force on May 24, 2003.

CHAPTER-2
Amendment of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964

2. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter in this chapter referred to as the principal Act, clause (h-1) shall be omitted.

3. In section 8 of the principal Act, in sub-section (2) for clause (b) the following clause shall be substituted, namely:—

“(b) a new Market Committee shall be constituted for the modified or newly created Market Area in accordance with the provisions of section 13.”

4. For sections 13, 13-A, 14, 14-A and 14-B of the principal Act the following sections shall be substituted, namely:—

13.(1) The Committee referred to in section 12 shall Consist of the Following members to be nominated by the State Government in the manner as may be prescribed:—

(a) one representative of urban local bodies, exercising jurisdiction over the Principal Market Yard or Sub-Market Yard, or part of either and the market area or any of its part;

(b) One representative of Zila Panchayat and one representative of Kshetra Panchayats exercising jurisdiction over the Principal Market yard or Sub-Market Yard, or part of either and the market area or any of its part;

(c) one representative of the Co-operative Marketing Societies holding license for transacting business in the Market Area;
(d) one representative of commission agents carrying on business in the Market Area and holding license therefor under this Act;

(e) one representative of traders carrying on business in the Market Area and holding license therefor under this Act;

(f) seven representatives of producers of the Market Area;

(g) one person of the Market Area who shall represent the interest of consumers;

(h) two Government officials of whom one shall be a representative of the Uttar Pradesh Trade Tax Department and the other of the Food and Civil Supplies Department;

(i) Secretary of the Market Committee who shall be the member secretary.

(2) Out of the persons nominated under clause (f) of sub-section (1),

(a) two members shall be residents of any of the Gram Panchayat exercising jurisdiction over any part of the Market Area;

(b) five members shall be the producer sellers in the Market Area who obtained Sale Vouchers in Form no. VI of last three years from the Committee, out of which one member shall be belonging to the Scheduled Castes or the Schedule Tribes and the other from other backward classes of citizen.

(3) Every Committee shall have a Chairman nominated by the State Government from amongst the members referred to in clause (f) of sub-section (1) and a Vice-Chairman nominated by the State Government from amongst the members of the Committee.

(4) (a) The term of the Committee constituted under sub-section (1) shall be two years from the date of publication of the Constitution of the Committee under sub-section (6) if not terminated earlier by the State Government.

(b) The term of the office of the Chairman, the Vice-Chairman and the members shall be Co-terminus with the Committee.

(c) a non-official member shall cease to hold his office if he ceases to be a licensee of Committee or otherwise ceases to work in the Committee as trader or commission agent as the case may be.

(5) The name of every member nominated under sub-section (1) shall be registered with the Director within 21 days of the nomination thereof.

(6) The Constitution of the Committee constituted under sub-section (1) shall be notified in the Gazette by the Director with the prior approval of the State Government.

(7) The State Government where it considers necessary or expedient so to do in public interest may by notification extend the term of Committee for a period not exceeding six months at a time but the total period of such extension shall not exceed one year.

(8) No proceeding, or act done by or on behalf of the Committee shall be questioned on the ground for want of any qualifications, or defect in the nomination, of any person as Chairman, Vice-Chairman or member of the Committee, or on the ground of any vacancy, or any other defect in the Constitution of the Committee.
13-A. (a) A member of the Committee may resign from his office by writing under his hand addressed to the Chairman. The resignation shall take effect from the date on which it is accepted by the Chairman with the prior approval of the Director;

(b) The State Government may by notification nominate persons from the respective category of members to fill the vacancies of the members who have resigned and the persons so nominated shall hold office for remainder of the term of the Committee.

13-B. The State Government may, on the recommendation of the Director, remove any member including the Chairman or the Vice-Chairman if he has been found guilty of neglect or misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member or has been adjudged insolvent and the vacancy of such members shall be filled in accordance with the provisions of sub section (3) of section 13 or clause (b) of section 13-A as the case may be:

Provided that no such member shall be removed from office unless he has been given a reasonable opportunity of being heard.

13-C. Where the Director, is satisfied that,-

(a) any Committee has willfully failed in the performance of its functions, or discharge of its duties, or has exceeded or abused the powers conferred on it by or under this Act or any other enactment;

(b) continuance or the functioning of the Committee is prejudicial to the maintenance of public order or to the maintenance of supplies and services of commodities essential to the community in the market area or its part or in the other market areas; and

(c) it is necessary so to do, he may, after obtaining explanation from the Committee, by order in writing suspend the functioning of the Committee for a period up to six months.

13-D. (1) Where a Committee is suspended under section 13-C the Chairman, the Vice-Chairman and the members thereof shall be deemed to have vacated their respective office for the period of suspension and the powers, duties and functions of the Committee shall be exercised, discharged and performed by the District Magistrate who may exercise, discharge or perform such powers, duties and functions either himself or through an officer authorised by him not below the rank of the Deputy Collector.

(2) Where the circumstances so warrant the Director may send its report for dissolution of the Committee to the State Government within three months from the date of its suspension.

(3) The director shall forthwith report about suspension under section 13-C to the State Government and if no adverse direction or order is received to the Director from the State Government within 15 days the suspension shall continue, for the period directed in the first order otherwise he shall act according to the directions of the State Government in the matter.

13-E. If at any time the State Government, on the report of the Director is satisfied that any Committee has made a willful default in the performance of any duty imposed upon it by or under this Act, or any other enactment or has exceeded or abused its powers, after taking into consideration the explanation of the Committee, it may, by order stating the reasons therefor dissolve the Committee by publication thereof in the official Gazette.
Amendment of section 13-F. On the dissolution of the Committee:

(a) all the members, including the Chairman and the Vice-Chairman, of the Committee shall, be deemed to have vacated their offices from the date of dissolution.

(b) The Collector shall become the administrator of the Committee and shall either himself or through an officer not below the rank of deputy Collector exercise, discharge and perform the powers, duties and functions of Chairman, Vice-Chairman and the Committee, until the new Committee is constituted under section 13.

5. In section 15 of the principal Act for the words "elected, nominated or appointed" the words, "nominated or appointed by the State Government" shall be substituted.

6. After section 17 of the principal Act, the following section shall be inserted, namely:

"17-A (1) Notwithstanding anything to the contrary contained in any other provisions of this Act where the State Government is of the opinion that it is necessary and expedient in public interest so to do, in order to encourage establishment of Agro Processing Units in the State and to promote the marketing of the Specified Agricultural Produce to be used as raw material by the said unit it may on application or otherwise by notification exempt from or reduce the rate of mandi fee (excluding Development Cess) or such specified agriculture produce or produces as may be used by the newly established unit which fulfills the condition that the cost of its plant and machinery shall not be less than ten crore rupees, for such period as may be specified therein, not exceeding five years subject to such conditions and restrictions as may be specified therein.

(2) The State Government on being satisfied that it is expedient so to do, in public interest may, by notification, rescind any of the notification issued under sub-section (1) before the expiry of the period for which it was to remain in force."

7. In section 26-B of the principal Act, in clauses (g) and (h) for the word "elected" wherever it occurs, the word "nominated" shall be substituted.

8. Sections 28, 29 and 30 of the principal Act shall be omitted.

9. In section 40 of the principal Act, in sub-section (2),

(a) clause (i) shall be omitted.

(b) for clause (ii) the following clause shall be substituted, namely:

"(ii) for the constitution of the Committee under section 12 or for the modified and newly created Market Areas under clause (b), clause (c) or clause (d) of sub-section (1) of section 8 by nomination by the State Government and for their consequential matters".

(c) clause (iii) shall be omitted.

(d) clause (xxx-i-a) shall be omitted.
CHAPTER-3

Repeal of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyavastha) Adhiniyam, 1972

10.(1) The Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyavastha) Adhiniyam, 1972 is hereby repealed.

(2) Notwithstanding such repeal the arrangement regarding exercise of powers, discharge of duties and performance of functions of a committee including its Chairman, Vice-Chairman and members by the District Magistrate as provided in the Act referred to in sub-section (1) shall continue in respect of such Committee until it is constituted in accordance with the provisions of section 13 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

CHAPTER-4

Miscellaneous

11. For the removal of doubts, it is hereby declared that the powers, functions and duties of a Market Committee its Chairman and Vice-Chairman vested in the District Magistrate concerned under section 2 of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyavastha) Adhiniyam, 1972 immediately before October 14, 2003 shall be deemed to have validly continued to be so vested in such District Magistrate and anything done or any action taken by the District Magistrate in exercise, performance and the discharge of the said powers, functions and duties at any time on or after October 14, 2003 shall be deemed valid as if the provisions of the said Act as amended by this Ordinance were in force at all material times.

12.(1) The Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhyadesh, 2004 and the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan), Adhyadesh, 2003 are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Ordinance as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

Sections 13, 13-A and 14 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act no. 25 of 1964) provided respectively for the constitution of Market Committees with elected and nominated members, presentation of election petitions to such authority and within such time as may be prescribed and Constitution of first Committees and new Committees. As the market Committees could not be constituted in accordance with the provisions of the said section 13, the exercise of powers, discharge of duties and performance of functions of a Market Committee, its Chairman and Vice-Chairman had been vested in the District Magistrates by the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyavastha) Adhiniyam, 1972. It was, therefore, decided to amend the said Act of 1964 to provide for the Constitution of Market Committees by nominating the members thereof instead of by holding the elections of such members as has been provided in other States such as Tamilnadu, Punjab, Delhi, Andhra Pradesh, Haryana and to repeal the said Act of 1972. The Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhyadesh, 2003 (U.P. Ordinance no. 14 of 2003) was promulgated by the
Governor to implement the said decision. The Provisions of the said Ordinance could not be replaced by an Act and the Ordinance was lapsed. Thereafter it was decided to repromulgate with respective effect the provisions of the said Ordinance by another Ordinance. It was also decided to provide for empowering the State Government to exempt from, or reduce the rate of, mandi fee in respect of certain specified agricultural produce.

Since the State Legislature was not in session and immediate Legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhyadesh, 2004 (U. P. Ordinance no. 10 of 2004) was promulgated by the Governor on June 28, 2004.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
D. V. SHARMA,
Pramukh Sachiv.