



The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964

Act 25 of 1964

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Agricultural Produce, Broker or Dalal, Central Warehousing Corporation, Co-operative Marketing Society, Market Area, Palledar, Principal Market Yard, Purchase, Specified Agricultural Produce Warehousing Corporation, Trader, Weighman, Weighing or Measuring

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THE UTTAR PRADESH KRISHI UTPADAN MANDI ADHINIYAM, 1964

[U. P. ACT NO. XXV OF 1964]

(*Authoritative English Text of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964)

AN ACT

to provide for the regulation of sale and purchase of agricultural produce and for the establishment, superintendence and control of markets therefor in Uttar Pradesh.

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

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

Short title and extent.

(2) It extends to the whole of Uttar Pradesh.

2. In this Act, unless there is anything repugnant in the subject or context :—

Definitions.

(a) "agricultural produce" means all or any of the produce of agriculture, horticulture, apiculture, sericulture, pisciculture, animal husbandry, and of forest, whether processed or not ;

(b) "broker" or "Dalal" means a person who, in the ordinary course of business, negotiates or arranges contracts for the purchase or sale of agricultural produce, on behalf of his principal on payment of commission or remuneration, whether in cash or kind, but does not include the servant of such principal whether engaged in negotiating or arranging such contracts ;

(c) "bye-laws" means bye-laws made in accordance with the provisions of section 39 ;

(•For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated December 10, 1963.)

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on August 7, 1964 and by the Uttar Pradesh Legislative Council on September 8, 1964.)

(Received the Assent of the President on October 28, 1964, under Article 201, of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated November 10, 1964.)



(d) "Central Warehousing Corporation" means the Central Warehousing Corporation established or deemed to be established under the Warehousing Corporations Act, 1962 ;

Act
no.
LVIII
of
1962.

(e) "commission agent" or "*Arhatiya*" means a person who, in the ordinary course of business, makes or offers to make, a purchase or sale of agricultural produce, on behalf of the owner or seller or purchaser of agricultural produce, for *Arhat* or commission ;

(f) "Committee" means a Committee constituted under this Act ;

(g) "Co-operative Marketing Society" means a co-operative society of producers registered under the provisions of Co-operative Societies Act, 1912, which has, as its principal object, the promotion of sale or purchase of agricultural produce ;

Act
II of
1912

(h) "Director" means the Director of Agriculture, Uttar Pradesh, and includes an Additional Director of Agriculture, Uttar Pradesh ;

(i) "licensee" means a person who is granted a licence under this Act ;

(j) "Local Body" means a Nagar Mahapalika, Municipal Board, Notified Area Committee, Town Area Committee, Antarim Zila Parishad, Zila Parishad or a Gaon Sabha constituted or established under any enactment in force in Uttar Pradesh ;

(k) "Market Area" means an area notified as such under section 6, or as modified under section 8 ;

(l) "member" means a member of the Committee ;

(m) "*Palledar*" means a labourer engaged for "*Dara-making*", loading, unloading, filling, emptying or carrying any agricultural produce ;

(n) "prescribed" means prescribed by rules made under this Act ;

(o) "Principal Market Yard" means the portion of a Market Area, declared as such under section 7 ;

(p) "producer" means a person who, whether by himself or through hired labour, produces, rears or catches, any agricultural produce, not being a producer who also works as a trader, broker or *Dalal*, commission agent or *Arhatiya* or who is otherwise ordinarily engaged in the business of storage of agricultural produce :

Provided that if a question arises as to whether any person is a producer or not for the purposes of this Act, the decision of the Director, made after an enquiry conducted in such manner as may be prescribed, shall be final.

(q) "purchase" includes barter or receipt of goods by way of pledge or as security for the amount advanced ;

(r) "sale" includes barter or deposit of goods by way of pledge or as security for the amount received as advance ;

(s) "Secretary" means the person appointed as such under section 23 ;

(t) "specified agricultural produce" means agricultural produce specified in the notification under section 6 or as modified under section 8 ;

(u) "State Government" means the Government of Uttar Pradesh ;

(v) "State Warehousing Corporation" means the State Warehousing Corporation for Uttar Pradesh established or deemed to be established under the Warehousing Corporations Act, 1962 ;

(w) "Sub-Market Yard" means a portion of a Market Area, declared as such under section 7 ;

(x) "trade-charge" means any charge, by whatever name called, which is realised or may be realised by, or may be payable to, a trader in respect of any transaction of sale or purchase of any agricultural produce under or purporting to be under any custom or usage of trade or otherwise.

Explanation—Every deduction other than a deduction made on account of deviation from sample when the purchase is made by sample, or on account of deviation from standard when the purchase is made by reference to a known standard, or on account of difference between actual and the standard weight or measure shall be deemed as a trade charge.

(y) "trader" means a person who in the ordinary course of business is engaged in buying or selling agricultural produce as a principal or as a duly authorised agent of one or more principals, and includes a person, engaged in processing of agricultural produce ;

(aa) "village" means any local area recorded as such in the revenue records maintained under the law for the time being in force ;

(bb) "weighman" means a person who, in the ordinary course of business, is engaged in weighing of agricultural produce in connection with a transaction of sale or purchase thereof ;

(cc) "weighing or measuring instrument" means a weighing instrument or a measuring instrument as defined in the Uttar Pradesh Weights and Measures (Enforcement) Act, 1959 ;

(dd) "weight or measure" means commercial weight or measure or a standard weight or measure, as defined in the U. P. Weights and Measures (Enforcement) Act, 1959 ;

Provisions of this Act not to apply in certain cases.

Repugnancy with other law.

U. P.
Act
no. V
of
1959.

U. P.
Act
no. V
of
' 59.

3. The provisions of this Act shall not apply to any purchase or sale by the Central Government or the State Government.

4. (1) Subject to the provisions of sub-section (2), the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law, custom, usage or agreement.

(2) The provisions of section 3 of the Essential Commodities Act, 1955, and the orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in this Act or in any rule, bye-law or order made thereunder.

Act
no. X
of
1955.

CHAPTER II

Market Area and Market Yards

Declaration of intention to regulate and control sale and purchase of agricultural produce in any area.

5. (1) Where the State Government is of opinion that it is necessary or expedient in the public interest to regulate the sale and purchase of any agricultural produce in any area, wherein such transactions are usually carried on, and for that purpose to declare that area as a Market Area, it may, by notification in the *Gazette*, and in such other manner as may be prescribed, declare its intention so to do, and invite objections against the proposed declaration.

(2) Any objection under sub-section (1) may be preferred within such period as may be prescribed and shall be addressed to the Director who shall forward the same, with his comments thereon, to the State Government.

Declaration of Market Area.

6. On the expiry of the period referred to in section 5, the State Government shall consider the objections received within the said period and may thereupon declare, by notification in the *Gazette*, and in such other manner as may be prescribed, that the whole or any specified portion of the area mentioned in the notification under section 5 shall be the Market Area in respect of such agricultural produce, and with effect from such date as may be specified in the declaration.

7. As soon as may be, after the publication of the notification under section 6, the State Government shall declare a specified portion of the Market Area where sale, purchase, storage or processing of any of the specified agricultural produce is carried on, as the Principal Market Yard and such other portions as aforesaid, which may be considered necessary, as Sub-Market Yards.

Declaration of
Principal Market
Yard and Sub-
Market yards.

8. (1) The State Government, where it considers necessary or expedient in the public interest so to do, may, by notification in the *Gazette* and in such other manner as may be prescribed and with effect from the date specified in the notification,—

Alteration of
Market Area and
modification of
the list of agri-
cultural produce.

(a) include any agricultural produce in, or exclude any agricultural produce from, the list of agricultural produce specified in the notification under section 6 ;

(b) include any area in, or exclude any area from, the Market Area specified in the notification under section 6 ;

(c) divide a Market Area specified in the notification under section 6 into two or more separate Market Areas ;

(d) amalgamate two or more Market Areas specified in the notification under section 6 into one Market Area ; or

(e) declare that a Market Area specified in the notification under section 6 shall cease to be such area ;

Provided that before action under this sub-section is taken the State Government shall invite and consider, in the prescribed manner, objections, if any, against the proposed action.

(2) When during the term of a Market Committee the limits of the Market Area for which it is established are altered under clause (b), clause (c) or clause (d) of sub-section (1), the following consequences shall, with effect from the date specified in the notification, follow :

(a) the Market Committee shall stand dissolved and its members shall vacate their offices as such members ;

(b) a new Market Committee shall be constituted for the modified or newly created Market Area according to the provisions of section 14 ;

(c) there shall be transferred to the new Committee such portion of the dissolved Committee's Fund and other assets, debts and obligations as the State Government may, by order in writing direct, and the rights and liabilities of the dissolved Market Committee in respect of civil and criminal proceedings, contracts, agreements and every other matter or thing arising in or relating to any part of the Market Area, subject to the authority of the new Market Committee, shall vest in the new Market Committee.

(3) Where a Market Area ceases to be such area under clause (e) of sub-section (1), the following consequences shall, with effect from the date specified in the notification, follow :

(a) the Market Committee shall stand dissolved and its members shall vacate their offices as such members ;

(b) the Principal Market Yard and Sub-Market Yards, if any, established therein shall cease to be such;

(c) the unspent balances of the Market Committee Fund and other assets and liabilities of the Market Committee shall vest in the State Government:

Provided that the liability of the State Government shall not extend beyond the assets so vested.

Effects of declaration of Market Area.

9. (1) As from the date of declaration of an area as Market Area no Local Body or other person shall, within the Market Area, set up, establish or continue, or allow to be set up, established or continued, any place for the sale, purchase, storage, weighment or processing of the specified agricultural produce, except under and in accordance with the conditions of a licence granted by the Committee concerned, anything to the contrary contained in any other law, custom, usage or agreement notwithstanding:

Provided that the provisions of this sub-section shall not apply to a producer in respect of agricultural produce produced, reared, caught or processed by him or to any person who purchases or stores any agricultural produce for his domestic consumption.

(2) No person shall, in a Principal Market Yard or any Sub-Market Yard, carry on business or work as a trader, broker, commission agent, warehouseman, weighman, *palledar* or in such other capacity as may be prescribed, in respect of any specified agricultural produce except under and in accordance with the conditions of a licence obtained therefor from the Committee concerned.

No trade charges permissible except as prescribed by Rules or bye-laws.

10. (1) As from the date to be notified by the State Government in the *Gazette*, which shall not be prior to the expiry of 90 days from the date of constitution of a Committee under section 14, no person shall, in a Principal Market Yard or Sub-Market Yard, levy, charge or realise, any trade charges, other than those prescribed by rules or bye-laws made under this Act, in respect of any transaction of sale or purchase of the specified agricultural produce and no Court shall, in any suit or proceeding arising out of any such transaction, allow in any claim or counterclaim, any trade charges not so prescribed.

(2) All trade charges shall be payable by the purchaser.

Application of certain provisions relating to Market Yards to the remaining part of Market Area.

11. The State Government, where it considers necessary or expedient in the public interest so to do, may, by notification in the *Gazette* and in such other manner as may be prescribed, declare that the provisions of sub-section (2) of section 9 and the provisions of section 10 shall also apply to the whole or any part of the Market Area outside the Principal Market Yard and Sub-Market Yards as may be specified in the notification and thereupon the said provisions shall, with effect from the date specified in the notification apply accordingly, and the remaining provisions of this Act relating to a Principal Market Yard or Sub-Market Yards shall also, with effect from the same date, *mutatis mutandis*, apply to the area so specified.

CHAPTER III

Market Committee

12. (1) For every Market Area there shall be a Committee to be called the *Mandi Samiti* of that Market Area, which shall be a body corporate having perpetual succession and an official seal and, subject to such restrictions or qualifications, if any, as may be imposed by this or any other enactment, may sue or be sued in its corporate name and acquire, hold and dispose of property and enter into contracts :

Establishment and incorporation of Committee.

Provided that the Committee shall not transfer any immovable property except in accordance with a resolution duly passed at any of its meetings by a majority of not less than three-fourths of the total number of its members and with the previous approval in writing of the Director.

(2) The Committee shall be deemed to be a local authority for the purposes of Land Acquisition Act, 1894.

13. (1) A Committee, other than the First Committee constituted under section 14, shall consist of the following members, possessing such qualifications as may be prescribed :—

Constitution of the committee.

(i) one representative of each of the local bodies, other than the Zila Parishad and the Kshettra Samiti, exercising jurisdiction over the Principal Market Yard or part thereof ;

(ii) one representative of each of the local bodies, other than the Zila Parishad and the Kshettra Samiti, exercising jurisdiction over a Sub-Market Yard or part thereof;

(iii) one representative of the Co-operative Marketing Societies holding licence for transacting business in the Market Area ;

(iv) one nominee of the Central Warehousing Corporation if it runs a warehouse in the Market Area ;

(v) one nominee of the State Warehousing Corporation if it runs a warehouse in the Market Area ;

(vi) three representatives of traders, brokers and commission agents carrying on business in the Market Area and holding licence therefor under this Act ;

(vii) ten producers of the Market Area elected by the Pradhans of the Gaon Sabhas exercising jurisdiction over any part of the Market Area ; and

(viii) one Government official nominated by the State Government.

(2) The qualifications of persons eligible for election under clauses (i), (ii), (iii), (vi) and (vii) of sub-section (1) and the manner and period of their election shall be such, and the delimitation of constituencies therefor shall be made in such manner, as may be prescribed.

(3) The nomination of the members under clauses (iv), (v) and (viii) of sub-section (1) shall be made in such manner and within such period as may be prescribed.

(4) The name of every member elected or nominated under sub-section (1) shall be registered with the Director within twenty-one days of the election or nomination, as the case may be.

(5) A member elected under clause (i), clause (ii), clause (iii), clause (vi) or clause (vii) of sub-section (1) shall cease to be a member on his ceasing to be eligible for election as such:

Provided that a member elected under clause (vi) of sub-section (1) shall not cease to be a member for the reason merely of his ceasing to hold a licence, if he has moved an application for renewal of the licence within the time prescribed therefor and the same has not been rejected.

(6) The Committee shall be deemed to have been constituted with effect from the date on which the names of at least three-fourths of its members have been registered under sub-section (4).

(7) The Committee constituted under sub-section (6) shall elect, in the manner prescribed, its Chairman and Vice-Chairman from amongst the members themselves or out of the producers of the Market Area :

Provided that if the person elected as Chairman or Vice-Chairman is not already a member under sub-section (1), he shall on such election be an *ex officio* member of the Committee.

(8) The term of the Committee shall be three years, beginning from the date of its constitution under sub-section (6), and the term of a member shall commence from the date of registration of his name under sub-section (4) or the constitution of the Committee, whichever is later, and shall, save as otherwise provided, expire with the term of the Committee.

(9) The term of the Chairman or the Vice-Chairman shall commence from the date of his election as such and shall, save as otherwise provided in this Act, expire with the term of the Committee. ¶

(10) No proceeding, or act done by or on behalf of the Committee shall be questioned on the ground of want of any qualifications, or defect in the election or nomination of any person as Chairman, Vice-Chairman or member of the Committee or on the ground of any vacancy, or defect in the constitution of the Committee.

(11) Notwithstanding anything contained in sub-section (1) or sub-section (2), where a member is not duly elected within the prescribed period the State Government may appoint any suitable person falling in that class as member of the Committee.

(12) Disputes arising in respect of elections under clauses (i), (ii), (iii), (vi) and (vii) of sub-section (1) shall be disposed of by the Director in the prescribed manner.

14. (1) The State Government shall, by notification in the **Gazette**, appoint all the members of the first Committee including the Chairman and the Vice-Chairman from amongst the classes of persons mentioned in section 13.

Constitution of
First Committee.

(2) The term of the First Committee shall be one year from the date of its constitution under sub-section (1), but the State Government may, in the public interest, extend or further extend its term, so however that the extended or further extended term shall come to an end on the date of the constitution of the Committee under section 13.

(3) The term of office of the members of the First Committee, including the Chairman and the Vice-Chairman, shall be for such period, not exceeding the term of the First Committee, as may be fixed by the State Government in this behalf.

15. Where a vacancy occurs by reason of death, resignation or removal of a member, or for any other reason, it shall be filled in by a person belonging to the class to which the person ceasing to be member belonged, and the person so elected, nominated or appointed, shall be a member for the unexpired portion of the term of the member in whose vacancy he has become a member :

Filling of casual
Vacancies.

Provided that a vacancy for a period not exceeding six months may not be filled, if so ordered by the Director.

16. (1) A Committee shall enforce the provisions of this Act, the rules and bye-laws made thereunder in the Market Area ; provide such facilities for sale and purchase of specified agricultural produce therein, as may be prescribed by the Director or considered necessary by the Committee and do such other acts as may be necessary for regulating sale and purchase of specified agricultural produce in that Market Area, and for that purpose may exercise such powers and perform such duties, and discharge such functions as may be provided by or under this Act.

Function and
duties of the
committee.

(2) Without prejudice to the generality of the provisions contained in sub-section (1) a Committee shall—

(i) ensure fair dealings between the producers and persons engaged in the sale or purchase of specified agricultural produce;

(ii) ensure prompt payment to the producers in respect of specified agricultural produce sold by them in the Principal Market Yard or Sub-Market Yards ;

(iii) grade and standardise specified agricultural produce;

(iv) check and verify weights, measures, weighing and measuring instruments used in the Market Area and report infringement of the provisions of the U. P. Weights and Measures (Enforcement) Act, 1959, to the authorities concerned;

(v) collect and disseminate all such information as may be of advantage to the producers and other persons engaged in the sale or purchase of specified agricultural produce and in particular keep itself informed of the prevailing prices of such agricultural produce at places where it can be profitably exported and from where it can be economically imported in the Market Area ;

(vi) standardise and regulate trade charges, market practices and customary methods of sale and purchase of specified agricultural produce ;

(vii) provide suitable amenities in the Principal Market Yard and Sub-Market Yards to the producers and persons engaged in transactions of sale or purchase therein, and in particular to construct, repair and maintain roads, pathways, market lanes and bye-lanes, shops, shelters, parking places, accommodation for storage, and such other amenities and facilities as may be prescribed in this behalf ;

(viii) act as mediator or arbitrator in all matters of differences and disputes between the licensees *inter se* or between them and persons entering into transactions of sale or purchase of specified agricultural produce in the Principal Market Yard or Sub-Market Yards ;

(ix) maintain proper accounts and get the same regularly audited in such manner as may be prescribed ;

(x) prepare the annual budget, wherein shall be shown the estimates of all advances, loans and grants for and the expenses to be incurred in the ensuing year, and wherein provision shall be made for payment of interest on loans raised by it, or advances made to it by the State Government and submit the same for approval to the Director ;

(xi) prepare plans and estimates for works proposed to be undertaken by it in the Principal Market Yard and Sub-Market Yards and for that purpose take necessary steps for the acquisition of land under the Land Acquisition Act, 1894 ;

(xii) prosecute or defend any suit, action or proceedings in connection with its affairs, or for contravention of any of the provisions of this Act ;

(xiii) provide for safe custody and maintenance of its seal, account books and all other records ;

(xiv) control and regulate admission to and use of the Principal Market Yard and Sub-Market Yards; and

(xv) perform such other functions and duties as may be prescribed.

17. A Committee shall, for the purposes of this Act, have the power to—

(i) issue or renew licences under this Act on such terms and conditions and subject to such restrictions as may be prescribed, or, after recording reasons therefor, refuse to issue or renew any such licence ;

(ii) suspend or cancel licences issued or renewed under this Act :

Provided that before cancelling a licence except on the ground of conduct which has led to the conviction of the licensee under section 37 the Committee shall afford reasonable opportunity to him to show cause against the action proposed;

(iii) levy and collect :

(a) such fees as may be prescribed for the issue or renewal of licences, and

(b) market fees on transactions of sale or purchase of specified agricultural produce in the Principal Market Yard and Sub-Market Yards from such persons and at such rates as may be prescribed, but not exceeding one-half of one per centum of the price of the specified agricultural produce sold or purchased therein ;

(iv) operate and utilise the Market Committee Fund for all or any of the purposes of this Act ;

(v) raise, with the previous sanction of the State Government, money required for carrying on its functions, exercising its powers and discharging its duties under this Act ;

(vi) employ, subject to the provisions of section 23, officers and servants of the Committee ;

(vii) appoint Sub-Committees, each consisting of two or more of its members, for exercising such powers, performing such duties and discharging such functions as may be assigned to them by the Committee ; and

(viii) exercise such other powers as may be prescribed.

18. (1) Every contract by or on behalf of the Committee shall be made in the prescribed manner.

(2) No contract made by or on behalf of the Committee in contravention of the provisions of sub-section (1) shall be binding on it.

(3) Every order of the Committee shall be authenticated by its official seal and the signature of the Chairman, or during his absence or incapacity, of the Vice-Chairman or, where so authorised by it, of the Secretary.

Market Committee Fund and its utilizations.

19. (1) There shall be established for each Committee, a fund to be called 'Market Committee Fund' to which shall be credited all moneys received by it including all loans raised by it and advances and grants made to it.

(2) All expenditure incurred by the Committee in carrying out the purposes of this Act, shall be defrayed out of the said fund, and the surplus, if any shall be invested in such manner as may be prescribed,

(3) Without prejudice to the generality of the provisions contained in section 16 the Committee may utilise its funds for payment of all or any of the following—

(i) expenses incurred in auditing the accounts of the Committee ;

(ii) salaries, pensions and allowances including allowances for leave, gratuities, compassionate allowance, medical aid and contributions towards provident fund and pensions of the officers and servants employed by or for it ;

(iii) expenses of and incidental to elections under this Act ;

(iv) interest on loans and rent and taxes, if any, on land and buildings in possession of the Committee ;

(v) expenses on collection, maintenance, dissemination and supply of all such information as may be of interest to the producers and other persons engaged in sale and purchase of agricultural produce including that relating to crop statistics and market intelligence ;

(vi) cost of land or buildings acquired for the purposes of this Act ;

(vii) cost of construction and repairs of buildings necessary for the Market Yards and for the health, convenience and safety of the persons using them ;

(viii) cost of maintenance, development and improvement of the Market Yards ;

(ix) expenses on agricultural improvement and development of agricultural marketing in the Market Area ;

(x) travelling and other allowances to the members of the Market Committee ;

(xi) loans and advances to the employees of the Market Committee ; and

(xii) such other expenses as may be prescribed.

(4) (a) Every Committee shall, out of its funds, pay to the State Government the cost of employment of any personnel appointed by the State Government under sub-section (3) of section 23.

(b) The State Government shall determine the cost of employment of the personnel appointed by it, and shall, where it is employed for more than one Committee, apportion the cost among the Committees concerned in such manner as it thinks fit. The decision of the State Government in this behalf shall be final.

20. (1) Any amount due to the Committee, if not paid within the prescribed period, may be recovered as arrears of land revenue.

(2) A Committee may write off any amount due to it, if it is certified by the Collector to be irrecoverable :

Provided that no amount exceeding Rs.200 shall be written off without the prior approval of the Director.

21. (1) The Chairman, Vice-Chairman and every member, officer and servant of the Committee shall be liable to surcharge for the loss, waste or misapplication of any money or property of the Committee, if such loss, waste or mis-application is a direct consequence of his neglect or misconduct while acting as such Chairman, Vice-Chairman, member, officer or servant.

(2) The procedure of surcharge and the manner of the recovery of the amount involved in loss, waste or misapplication shall be such as may be prescribed.

(3) Where no surcharge proceedings are taken, the Committee, with the previous sanction of the Director, may institute a suit for compensation against such person.

Recovery of sums due to Committee as arrears of land revenue and power to write off irrecoverable dues.

Surcharge.

Powers and duties of the Chairman and the Vice-Chairman.

22. (1) The Chairman, and in his absence the Vice-Chairman, shall, subject to the provisions of this Act and the rules and bye-laws made thereunder and the resolutions, if any, of the Committee, exercise superintendence and control over the officers and servants of the Committee and shall exercise such other powers and perform such duties as may be prescribed or delegated to him by the Committee by a resolution passed by it in this behalf.

(2) The Chairman, and in his absence the Vice-Chairman, shall preside over the meetings of the Committee. In the absence of both, any member chosen by the members present in a meeting shall preside at that meeting.

23. (1) Subject to the provisions of this Act and the rules made in this behalf, the Committee, its Chairman or Secretary to the extent empowered under the bye-laws or resolutions passed by the Committee, may appoint such officers and servants as may be necessary for carrying out the purposes of this Act on such terms and conditions of service as may be provided for in the bye-laws of the Committee.

Appointment of officers and servants of the Market Committee and their conditions of service.

(2) Every Committee shall have a Secretary appointed by the State Government on such terms and conditions as may be prescribed.

(3) The State Government may, for the efficient discharge of the functions and performance of the duties of a Committee, appoint such engineers and other technical personnel and on such terms and conditions as may be prescribed.

Functions, powers and duties of the Secretary.

24. (1) The Secretary of a Committee shall be its chief executive officer, and shall, subject to the provisions of this Act, perform such functions, exercise such powers and discharge such duties, as may be prescribed, or provided for by its bye-laws.

(2) Without prejudice to the generality of the foregoing provisions, but subject to the provisions of this Act and the rules and bye-laws made thereunder the Secretary shall—

(a) exercise all powers of superintendence and control over—

(i) all officers and servants of the Committee so as to ensure proper and efficient discharge of the duties assigned to them by or under this Act ; and

(ii) the affairs of the Committee ;

(b) report cases of neglect, misconduct or dereliction of duty by an officer or servant of the Committee to the Chairman for necessary action, and where so empowered, take disciplinary action against any of the officers and servants of the Committee ;

(c) ensure proper execution of all orders issued by the Chairman or the Committee ;

(d) ensure proper maintenance of—

(i) accounts of all moneys received and of all moneys expended for and on behalf of the Committee ;

(ii) records of disputes coming up for decision under this Act or the rules or bye-laws framed thereunder ; and

(iii) a record of the disputes settled by him in such form as may be prescribed.

(3) All licences under this Act shall be issued under his signatures.

Appeals.

25. (1) Subject to rules made in this behalf under this Act—

(a) any officer or servant of the Committee other than its Secretary or any other officer appointed by the State Government to work under the Committee, or any other person aggrieved by an order passed against him by the Committee, or its Chairman, may prefer an appeal to the Director, who shall decide it in the manner prescribed;

(b) the Secretary of the Committee or any other officer appointed by the State Government and working under the Committee, aggrieved by an order passed against him by the Director, the Committee or its Chairman, may prefer an appeal to the State Government, who shall decide it in the manner prescribed.

(2) An appeal under this section shall be filed within thirty days from the date on which the order appealed against is communicated to the person concerned or his authorised agent and shall be accompanied by such fees, if any, as may be prescribed.

26. Every officer or servant of a Committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Protection of persons acting under this Act.

CHAPTER V

External Control

27. (1) The Director shall, subject to the provisions of this Act, exercise such powers of superintendence and control over the Committee, its Chairman, Vice-Chairman, members, Secretary and other officers appointed by the State Government to work under the Committee as may be prescribed.

(2) Without prejudice to the generality of the foregoing powers, the Director may inspect, or cause to be inspected, all documents or records relating to the affairs of the Committee and, require the Committee, its Chairman, Vice-Chairman, members, officers or servants to furnish such information or material as he may consider necessary.

(3) On receipt of a complaint in respect of an act relating to the affairs of the Committee, the State Government may require the Director to conduct enquiry or institute proceeding against the Committee, its Chairman, Vice-Chairman, member or officer, and the Director shall act accordingly.

(4) The Director shall, for the purpose of holding any enquiry under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of documents ; and

(c) any other matters which may be prescribed.

28. (1) The State Government may remove a member, Chairman or Vice-Chairman of the Committee, where it is of the opinion that he—

(a) has been guilty of misconduct or gross negligence of duty as such member, Chairman or Vice-Chairman ; or

(b) ceases to hold the qualifications necessary for his being a member, Chairman or Vice-Chairman.

(2) No order of removal under sub-section (1) shall be passed unless the person concerned has been afforded reasonable opportunity of submitting an explanation in respect of the allegations against him.

29. Where the State Government is of opinion that a Committee has 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, it may, by notification in the *Gazette*, supersede the Committee :

Provided that no order of supersession shall be passed unless the State Government has afforded reasonable opportunity to the Committee of submitting a written explanation in respect of the allegations against it.

Act no. V of 1908.

Powers and duties of the Director.

Power of the State Government to remove a member of the Committee.

Supersession of Committee.

**Consequences
of supersession.**

30. Upon publication of the notification superseding a Committee under section 29, the following consequences shall ensue—

(i) all the members, including the Chairman and the Vice-Chairman, of the Committee shall, as from the date of publication of the notification, be deemed to have vacated their offices ;

(ii) the State Government shall direct that steps be taken for constitution of a new Committee under section 13, and till such time as a new Committee under section 13 is constituted as aforesaid, the State Government shall make such arrangements for carrying out the functions of the Committee as it may deem fit, and may, for that purpose, direct that all the functions, powers and duties of the Committee, and its Chairman under this Act, shall be performed, exercised and discharged by such person or authority as the State Government may appoint in this behalf, and such person or authority shall be deemed to be the Committee or Chairman, as the case may be.

**Powers of the
State Government
to prohibit ex-
ecution or further
execution of re-
solution passed
or order made by
the Committee.**

31. (1) The State Government may, of its own motion, or on report or complaint received, by order, prohibit the execution or further execution of a resolution passed, or order made, by the Committee or its Chairman or any of its officers or servants, if it is of the opinion that such resolution or order is prejudicial to the public interest, or is likely to hinder efficient running of the business in any Market Area, Principal Market Yard or Sub-Market Yard or is against the provisions of this Act, or the rules or bye-laws made thereunder.

(2) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Committee, if so required by the State Government, to take any action which the Committee would have been entitled to take if the resolution or order had never been made or passed, and which is necessary for preventing the Chairman or any of its officers or servants from doing or continuing to do anything under the resolution or order.

**Powers of the
State Government
to call for the
proceedings of a
Committee and
pass order there-
on.**

**Delegation of
powers.**

32. The State Government may, for the purpose of satisfying itself as to the legality or propriety of any decision of, or order passed by, a Committee, at any time call and examine the proceedings of the Committee, and, where it is of the opinion that the decision or order of the Committee should be modified, annulled or reversed, pass such orders thereon as it may deem fit.

33. The State Government may, by notification in the *Gazette*, delegate, subject to such conditions and restrictions as may be specified therein, any of its powers or the powers of any other authority under this Act, to any officer or authority subordinate to it.

CHAPTER VI

Miscellaneous

34. (1) No suit shall be instituted against any Committee, its Chairman, Vice-Chairman or any member, officer or servant thereof, for anything done, or purporting to be done, in its or his official capacity until the expiration of two months from the date of service of a notice in writing, stating the cause of action, the name and place of abode of the plaintiff and the relief claimed.

Suit against the Committee.

(2) The notice under sub-section (1) shall—

(i) where it is a notice to the Committee, be delivered at its office on any working day or handed to its Chairman, Vice-Chairman or Secretary or shall be sent by registered post ; and

(ii) in every other case, be delivered to the person concerned or sent by registered post.

(3) No suit referred to in sub-section (1) shall, unless it is a suit for recovery of immovable property or for a declaration of title thereto, be instituted otherwise than within six months next after the accrual of the cause of action.

(4) Nothing in sub-section (1) shall be construed to apply to a suit wherein the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the commencement of the suit or proceeding.

35. Any sum due to the State Government from a Committee may be recovered as arrears of land revenue.

Recovery of sums due to Government from Committee.

36. Subject to such restrictions as may be prescribed, the Secretary of the Market Committee or any other officer authorised by the Committee in this behalf, may, for carrying out any of the duties imposed on the Market Committee by or under this Act, at all reasonable times enter and search any place, premises or vehicle.

Powers of entry and search.

37. (1) Any person who contravenes any of the provisions of section 9 or section 10 or the rules or bye-laws made thereunder shall be punishable with simple imprisonment which may extend to 90 days, or with fine which may extend to Rs.500, or with both, and in case of continuing contravention, with a further fine up to Rs.50 for every day subsequent to the date of first conviction for which the contravention has continued.

Penalty.

(2) Any person who contravenes any of the provisions of this Act or the rules or bye-laws made thereunder, except the provisions of section 9 or section 10, shall be punishable with fine which may extend to Rs.200 and in the case of continuing contravention [with a further fine of Rs.20 for every day subsequent to the date of first conviction for which the contravention has continued.

Trial of offences.

38. (1) No offence punishable under this Act shall be tried by a court inferior to that of a Magistrate of the First Class.

(2) No court shall take cognizance of any offence under this Act except on the complaint of the Director or Secretary or such other person as may be authorized by the Committee by resolution passed in this behalf.

Bye-laws.

39. (1) A Market Committee may make bye-laws not inconsistent with this Act and the rules made thereunder, to provide for—

(i) regulation of its business ;

(ii) appointment, powers, duties and functions of the Sub-Committee, if any, appointed under clause (vii) of section 17 ;

(iii) duties of traders, brokers, commission agents, warehousemen, weighmen and paledars ; and

(iv) any other matter which by or under this Act is required to be provided for by bye-laws :

Provided that no bye-laws shall be valid unless approved by the Director.

(2) If, in respect of any matter specified in sub-section (1), the Committee has failed to make any bye-laws or if the bye-laws made by the Committee are not, in the opinion of the Director, adequate, the Director may make bye-laws providing for such matters to such extent as he thinks fit.

Rules.

40. (1) The State Government may, subject to their previous publication in the *Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the rules may provide for all or any of the following matters—

(i) the conduct of election of members of a Committee and matters relating thereto, including the preparation and revision of the list of voters and other matters relating to constitution of a Committee ;

(ii) the filling of vacancies in the office of the Chairman, Vice-Chairman, or other member of a Committee ;

(iii) the election of the Chairman and the Vice-Chairman of a Committee ;

(iv) the procedure relating to meetings of a Committee, including quorum ;

(v) the travelling and other allowances that may be paid to the members of a Committee ;

(vi) matters relating to the functions, powers and duties of a Committee, its Chairman, members, officers and servants ;

(vii) licence fees and market fees which may be levied and realised by the Committee, and their mode of recovery ;

(viii) the terms and conditions for issue and renewal of licences under this Act ;

(ix) the procedure to be followed in regard to the settlement of differences and disputes under this Act ;

(x) the manner in which plans and estimates for the work to be carried out by a Committee shall be prepared and submitted for sanction or approval under this Act ;

- (xi) the registers and books to be maintained by a Committee ;
- (xii) the form in which the accounts of a Committee shall be kept, the manner in which the same shall be audited, and the time or times at which they shall be published ;
- (xiii) the form and particulars to be mentioned in reports and returns to be submitted by a Committee ;
- (xiv) the manner of investment and disposal of surplus funds of a Committee ;
- (xv) matters in regard to the inspection of weights and measures, and weighing and measuring instruments in use in the Market Area ;
- (xvi) the trade charges which may be received by any person in any transaction of the specified agricultural produce in the Principal Market Yard or Sub-Market Yards ;
- (xvii) the grading and standardisation of the specified agricultural produce ;
- (xviii) exhibition by traders of price lists of specified agricultural produce ;
- (xix) the manner in which the sale or auction of the specified agricultural produce shall be conducted and bids made and accepted in the Market Area ;
- (xx) the conditions subject to which a Committee may lease, sell or otherwise transfer any property ;
- (xxi) the authority for and the manner of, making contracts, on behalf of a Committee ;
- (xxii) the terms and conditions of employment of the officers and servants of a Committee and matters relating to discipline, control, punishment, dismissal, discharge, removal of such officers and servants ;
- (xxiii) the procedure for the hearing and disposal of appeals under this Act ;
- (xxiv) the regulation of advances, if any, given to agriculturists by brokers, commission agents or traders ;
- (xxv) fees for arbitration and appeals ;
- (xxvi) maintenance and submission of account books by traders, commission agents, brokers, weighmen and their inspection ;
- (xxvii) the time, place and manner of sampling, sale, purchase, weighment and recording of transactions and mode of payments ;
- (xxviii) provision of accommodation for storing any of the specified agricultural produce brought into the Market Area ;

(xxix) procedure for preparation and submission for approval of annual budget ;

(xxx) matters relating to the inspection of the working of Committee ;

(xxxi) the prohibition of brokers from acting in any transaction on behalf of both the buyers and the sellers of any of the specified agricultural produce ; and

(xxxii) any other matter which is to be or may be prescribed.

(3) All rules made under this Act, shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session, for a total period of fourteen days extending in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the *Gazette*, subject to such modifications or amendments as the two Houses of Legislature may agree to make, so, however, that any such modification or amendment shall be without prejudice to the validity of anything previously done thereunder.

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THE UTTAR PRADESH KRISHI UTPADAN MANDI (AMENDMENT) AND VALIDATION) ACT, 1970

(U. P. ACT NO. 10 OF 1970) ✓

[Authoritative English Text* of the *Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 1970.*]

AN ACT

U. P. ACT no. XXV of 1964. *to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 and to validate certain actions taken thereunder*

IT IS HEREBY enacted in the Twenty-first Year of the Republic of India as follows:

CHAPTER I PRELIMINARY

1. This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Amendment and Validation) Act, 1970. Short title.

CHAPTER II

AMENDMENTS

2. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter referred to as the principal Act, for clause (a) the following clause shall be substituted, and be deemed always to have been substituted, namely : Amendment of section 2 of U. P. Act no. XXV of 1964.

“(a) ‘agricultural produce’ means such items of produce of agriculture, horticulture, viticulture, apiculture, sericulture, pisciculture, animal husbandry or forest as are specified in the Schedule, and includes admixture of two or more of such items, and also includes any such item in processed form, and further includes *gur, rab, shakkar, khandsari* and *jaggery*;”.

3. After section 4 of the principal Act, the following section shall be inserted, namely: Insertion of new section 4-A.

“4-A. The State Government may by notification in the *Gazette*, add to, amend or omit any of the items of agricultural produce specified in the Schedule, and thereupon the Schedule shall stand amended accordingly.”.

4. For section 7 of the principal Act the following section shall be substituted, namely: Amendment of section 7.

“7. As soon as may be after the publication of the notification under section 6 the State Government may by notification in the *Gazette* declare such portion of the market area as may be specified as the principal market yard and such other portions as may be specified as sub-market yard.”.

5. In section 10 of the principal Act, in sub-section (1), the words and figures “which shall not be prior to the expiry of 90 days from the date of constitution of a committee under section 14,” shall be omitted. Amendment of section 10.

[* For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*, dated March 3, 1970.]

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 10, 1970 and by the Uttar Pradesh Legislative Council on March 13, 1970).

[Received the Assent of the Governor on March 22, 1970, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette (Extraordinary)*, dated April 8, 1970.]

Amendment of
section 13.

6. In section 13 of the principal Act—

(1) in sub-section (1)—

(i) in clause (vi), *for* the words “three representatives of traders, brokers and commission agents”, the words “two representatives of traders and one representative of commission agents” shall be *substituted*.

(ii) *for* clause (vii) the following clauses shall be *substituted*, namely:

“(vii) eight producers of the Market Area elected by the Pradhans of the Gaon Sabhas exercising jurisdiction over any part of the Market Area;

“(vii-a) not more than two producers of the market area belonging to the Scheduled Castes, to be nominated by the State Government;”

(iii) *for* clause (viii) the following clause shall be *substituted*, namely:—

“(viii) two Government officials nominated by the State Government of whom one shall be a representative of the Agriculture Department and the other of the Food and Civil Supplies Department; and”;

(iv) *After* clause (viii) the following clause shall be *added*, namely:

“(ix) the Chairman of Utpadan Samitis of all the Kshettra Samitis exercising jurisdiction over the Market Area or any part thereof;”;

(2) in sub-section (3), *for* the words, figures and brackets “under clauses (iv), (v) and (viii)” the words, figures and brackets” under clause (iv), (v), (vii-a) and (viii)” shall be *substituted*; and

(3) *after* sub-section (12), the following sub-section shall be *added*, namely:

“(13) No member nominated by the State Government under clause (viii) of sub-section (1) shall have the right to vote at any meeting of the Committee.”

Amendment of
section 14.

7. In section 14 of the principal Act, *for* sub-section (1) the following sub-section shall be *substituted*, and be deemed always to have been *substituted*, namely:

“(1) The State Government shall, by notification in the *Gazette*, appoint Constitution of First Committee or a new Committee. all the members of the First Committee, or of a new Committee mentioned in clause (b) of sub-section (2) of section 8, including the Chairman and the Vice-Chairman, from amongst the persons who in the opinion of the State Government are suitable to represent the different interests referred to in sub-section (1) of section 13.”.

Amendment of
section 15.

8. In section 15 of the principal Act, after the proviso thereto, the following proviso shall be *added*, namely :

“Provided further that in respect of vacancies to be filled by nomination by the State Government, the first proviso shall be so construed as if for the words ‘the Director’ the words ‘the State Government’ were *substituted*.”

Amendment of
section 19.

9. In section 19 of the principal Act, in sub-section (3), the following shall be *added* as a proviso thereto, namely:

“Provided that the annual expenditure in respect of matters specified in clause (ii) shall not exceed ten per cent of the total annual receipts of the Committee, excluding loans raised by it and advances or grants made to it, except with the prior approval of the Director.”

Amendment of
section 39.

10. In section 39 of the principal Act, *for* the proviso to sub-section (1), the following proviso shall be *substituted*, and be deemed always to have been *substituted*, namely :

“Provided that no bye-law, other than a bye-law made by adopting draft or model bye-law suggested by the Director, shall be valid unless approved by the Director.”

11. After section 40 of the principal Act the following Schedule shall be inserted and be deemed always to have been inserted, namely :—

Addition of Schedule.

SCHEDULE

[SECTIONS 2(a) AND 4-A]

A—AGRICULTURE

I. Cereals—

1. Wheat.
2. Barley.
3. Paddy.
4. Rice.
5. Jowar.
6. Bajra.
7. Maize.
8. Bejhar.
9. Manduwa.
10. Oats.
11. Kakun.
12. Kodon.
13. Kutki.
14. Sawan.

II. Legumes—

1. Gram.
2. Peas.
3. Arhar.
4. Urd.
5. Moong.
6. Masoor.
7. Lobia (seed).
8. Soyabean.
9. Khesari.
10. Sanai (seed).
11. Dhaincha (seed).
12. Guar.
13. Moth.
14. Kulthi.

III. Oilseeds—

1. Mustard and rape seed (including rye, duwan, taramira, and toria), of all kinds.
2. Sehuwan (seed).
3. Linseed.
4. Castor seed.
5. Groundnut.
6. Til seed.
7. Mahuwa seed.
8. Gullu.
9. Cotton seed.
10. Safflower seed.

IV. Fibres—

1. Jute.
2. Sunnhemp fibre.
3. Cotton (ginned and unginned).
4. Patson.
5. Dhaincha.
6. Rambans.
7. Mesta.

V. Narcotics—

1. Tobacco.

VI. Spices—

1. Coriander.
2. Ripe chillies.
3. Methi (seed)
4. Dry ginger.
5. Sonf (aniseed)
6. Turmeric.
7. Dry mango slices and amchoor.
8. Cumin seed.

VII. Grass and Fodder—

1. All types of grass and fodder (green and dried).
2. Bhusa.

VIII. Miscellaneous—

1. Cholai (seed)
2. Poppyseed.
3. Ramdana.
4. Walnuts.
5. Ban.
6. Neem seed.
7. Celery seed.
8. Ambri seed.
9. Mahuwa flower (dry).
10. Chiraunjee.
11. Berseem (seed).
12. Lucern (seed).
13. Makhana.
14. Sugarcane.
15. Mesta seed.

B—HORTICULTURE

I. Vegetables—

1. Potato.
2. Onion.

3. Garlic.

4. Sweet potato.

5. Colocasia.

6. Ginger (green).

7. Kachalu.

8. Chillies.

9. Tomato.

10. Cabbage, cauliflower knol khol.

11. Carrot.

12. Radish.

13. Brinjal.

14. Tinda.

15. Bottle gourd.

16. Green peas.

17. Turnip.

18. Parwal.

19. Beans.

20. Saag (of all kinds).

21. Betel leaves.

22. Beet root.

23. Yam.

24. Elephant foot.

25. Lettuce.

26. Dill.

27. Jack fruit (green).

28. Cucumber.

29. Snake gourd.

30. Bitter gourd.

31. Sponge gourd.

32. White gourd.

33. Lady's finger.

34. Pumpkin.

35. Cluster beans.

36. Tamarind.

37. Banda.

38. Singhara.

39. Lobia (green).

II. Fruits—

1. Lemons.

2. Orange.

3. Mosambi.

4. Sweet orange (Malta).

5. Grape fruit.

6. Banana.

7. Pomegranates.

8. Strawberries.

9. Musk melon.

14. (1) Where, prior to the commencement of the Ordinance of 1968, any area has been declared or purports to have been declared under section 7 of the principal Act to be the principal market yard or sub-market Yard of the market area specified in that declaration, and such area was not a portion of the Market area, then notwithstanding anything contained in section 5, 6 and 7 of the principal Act or in any rule made under that Act—

Certain declarations of principal market yards or sub-market yards not to be invalid.

(a) such area shall be deemed to have been validly declared under section 6 of the principal Act as a part of the market area with effect from the date specified in the declaration in respect of such market area under the said section; and

(b) such area shall be deemed to have been validly declared as the principal market yard, or the sub-market yard, as the case may be, of that market area, with effect from the date specified in the declaration in respect of such principal market yard or sub-market yard under section 7 of the principal Act.

(2) The inclusion of any area in a market area by virtue of the provisions of clause (a) of sub-section (1) shall be subject to any orders passed by the State Government under sub-section (2) of section 3 of the Uttar Pradesh Krishi Utpadan Mandi (Amendment and Validation) Act, 1968, on any objections preferred against such inclusion and where such area or any portion thereof is by notification in the *Gazette* ordered to be excluded with effect from a date specified in the order, from the market area concerned, the area so excluded shall be deemed, from the date so specified, to be so excluded under clause (b) of sub-section (1) of section 8 of the principal Act and the provisions of that Act shall apply as if the area was excluded under clause (b) of sub-section (1) of the said section 8.

15. (1) Every First Committee or a new Committee constituted, prior to the commencement of the Ordinance of 1968, under the provisions of the principal Act, shall be deemed always to have been validly constituted according to the provisions of section 14 of the principal Act as amended by this Act.

Certain Market Committees and their acts not to be invalid.

(2) Notwithstanding anything contained in sections 5, 6, 7 and 8 of the principal Act, or in any rule made under that Act—

(a) a Committee referred to in sub-section (1) shall not be deemed ever to have been invalidly constituted; and

(b) any power exercised, functions performed or act done by such a Committee, shall not be deemed ever to have been invalidly exercised, performed or done.

On the grounds that the market area or the principal market yard or sub-market yard, as the case may be, was not declared, or any area was not included in that market area, in accordance with the provisions of section 5, section 6, section 7 or section 8 of the principal Act, or of any rule made under that Act.

16. Notwithstanding anything contained in sections 13 and 14 of the principal Act as amended by this Act, it shall not be necessary for the State Government to reconstitute any First Committee or new Committee constituted in respect of any market area before the commencement of this Act, merely to bring it in conformity with the provisions of the said sections as amended by this Act.

Reconstitution of First Committee or new Committee not necessary in certain cases.

Provided that the Chairman of the Utpadan Samitis referred to in clause (ix) of sub-section (1) of section 13 of the principal Act as hereby amended shall become *ex officio* members of the Committees concerned on the commencement of this Act.

17. Where any bye-law made by a Market Committee under sub-section (1) of section 39 of the principal Act has, prior to the commencement of the Ordinance of 1968, been approved by the Director, then, notwithstanding anything contained in the said sub-section (1) of section 39 of the principal Act, such bye-law shall be, and shall be deemed always to have been, valid with effect from the date it was so made.

Certain bye-laws not to be invalid.

CHAPTER IV

REPEAL

18. The Uttar Pradesh Krishi Utpadan Mandi (Amendment and Validation) Act, 1968 and the Uttar Pradesh Krishi Utpadan Mandi (Amendment and Validation) Ordinance, 1969, are hereby repealed.

II Fruits—(Concl.)

10. Water melon.
11. Snap melon.
12. Papaya.
13. Phalsa.
14. Poppy.
15. Apple.
16. Guava.
17. Ber.
18. Aonla.
19. Litchi.
20. Chiku.
21. Peaches.
22. Loquat.
23. Bela.
24. Pineapple.
25. Mango.
26. Plum.
27. Fig.
28. Jack fruit (ripe).
29. Kamrakh.
30. Karonda.

31. Dates.

32. Khirni.

33. Apricot.

34. Jamun.

35. Pear.

36. Custard apple.

37. Mulberry.

38. Pumelo.

39. Raspberry.

C—VITICULTURE

1. Grapes.

D—APICULTURE

1. Honey.

2. Wax.

E—SERICULTURE

1. Silk.

F—PISCICULTURE

1. Fish.

G—ANIMAL HUS-**BANDRY PRODUCTS.**

1. Poultry.

2. Eggs.

3. Cattle.

4. Sheep.

5. Goat.

6. Butter.

7. Ghee.

8. Khoya.

9. Cottage cheese.

10. Milk.

11. Hides and skins.

12. Bones.

13. Meat.

14. Bristles.

15. Wool.

H—FOREST PRODUCTS

1. Gum.

2. Wood.

3. Tendu leaves.

4. Lac.

5. Reetha.

6. Catechu.

CHAPTER III**TRANSITORY PROVISIONS****Validation of certain actions.**

12. Notwithstanding any judgment, decree or order of any court, anything done or purporting to have been done and any action taken or purporting to have been taken under the principal Act in relation to gur, rab, shakkar, khandsari or jaggery before the commencement of the Uttar Pradesh Krishi Utpadan Mandi (Amendment and Validation) Ordinance, 1969, including any notification issued under any of the sections 5 to 8, any power, function or duty exercised, performed or discharged under section 16 or section 17 of the principal Act by any Mandi Samiti or by any officer or servant thereof, and in particular, any fees for the issue or renewal of any licence or market fees on any transaction of sale or purchase of gur, rab, shakkar, khandsari or jaggery levied or collected by any Mandi Samiti, shall be deemed to be and always to have been done or taken under the said Act as hereby amended and to be and always to have been as valid as if the provisions of this Act were in force at all material times :

Provided that nothing in this section shall be construed to authorise the prosecution or punishment of any person for any offence under section 37 of the principal Act committed in relation to gur, rab, shakkar, khandsari or jaggery before the commencement of the said Ordinance.

13. Notwithstanding anything contained in sections 5, 6 and 8 of the principal Act or in any rule made under that Act—

(a) no declaration made or purporting to have been made prior to the commencement of the Uttar Pradesh Krishi Utpadan Mandi (Amendment and Validation) Ordinance, 1968 (hereinafter referred to as the Ordinance of 1968), under sub-section (1) of section 5 or under section 6 of the principal Act; and

(b) no order made or purporting to have been made, prior to such commencement, under sub-section (1) of section 8 of the principal Act for including any area in a market area, shall be invalid or be deemed ever to have been invalid on the ground that the same was made only by notification in the *Gazette* and not in the prescribed manner.

Certain declarations of Market Areas and additions to market areas not to be invalid.

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**THE UTTAR PRADESH KRISHI UTPADAN MANDI (AMENDMENT)
ACT, 1977**

[U. P. ACT NO. 6 OF 1977]

*[Authoritative English Text of the *Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 1977*]

AN
ACT

further to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 and the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakkalik Vyawastha) Adhiniyam, 1972.

IT IS HEREBY enacted in the Twenty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the *Uttar Pradesh Krishi Utpadan Mandi (Amendment) Act, 1977*. Short title and commencement.

(2) It shall be deemed to have come into force on December 20, 1976.

CHAPTER II

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) —

Amendment of section 2 of U.P. Act 25 of 1964.

(a) in clause (g), for the words “registered under the provisions of Co-operative Societies Act, 1912”, the words “registered or deemed to be registered under the *Uttar Pradesh Co-operative Societies Act, 1965*” shall be substituted;

(b) after clause (h), the following clause shall be inserted, namely:—

“(h-1) ‘Director of Elections’ means an officer appointed by the State Government in this behalf by general or special order, and includes any other officer authorised by the Director of Elections to perform all or any of his functions under this Act”;

(c) for clause (aa), occurring after clause (y), the following clause shall be substituted, namely:—

“(aa) ‘village’ shall have the same meaning as in the *Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950*.”

3. In section 5 of the principal Act, the words “wherein such transactions are usually carried on,” shall be omitted.

Amendment of section 5.

4. Section 7 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1), as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment of section 7.

“(2) The State Government where it considers necessary or expedient in the public interest so to do, may, by notification in the *Gazette*,

*For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated July 12, 1977.

Passed in Hindi by the *Uttar Pradesh Legislative Council* on July 13, 1977 and by the *Uttar Pradesh Legislative Assembly* on July 21, 1977.

Received the assent of the Governor on July 24, 1977, under Article 200 of the Constitution of India was published in part I (a) of the Legislative Supplement of the *Uttar Pradesh Gazette Extraordinary*, dated July 24, 1977.

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include any area in or exclude any area from the area of a Principal Market Yard or Sub-Market Yard or abolish the existing Principal Market Yard or Sub-Market Yards and declare a new Principal Market Yard or Sub-Market Yards."

Substitution of section 13. 5. For section 13 of the principal Act, the following section shall be substituted, namely :—

"13. (1) A Committee, other than the First Committee constituted Constitution of under section 14, shall consist of the following the Committee. members possessing such qualifications as may be prescribed—

(i) one representative of the local bodies, other than the Zila Parishad, Kshetra Samitis and Gram Sabhas, exercising jurisdiction over the Principal Market Yard or Sub-Market Yard, or part of either ;

(ii) one representative of the Co-operative Marketing Societies holding licence for transacting business in the Market Area ;

(iii) one nominee of the Food Corporation of India, if he is holding a licence for transacting business in the Market Area ;

(iv) one nominee of the Central Warehousing Corporation if it runs a warehouse in the Market Area ;

(v) one nominee of the State Warehousing Corporation if it runs a warehouse in the Market Area ;

(vi) one representative of commission agents carrying on business in the Market Area and holding licence therefor under this Act ;

(vii) following number of representatives of traders carrying on business in the Market Area and holding licence therefor under this Act :

(a) ONE, if the Market Area covers not more than 20 Nyaya Panchayats ;

(b) TWO, if the Market Area covers more than 20 Nyaya Panchayats ;

(viii) following number of producers of the Market Area :—

(a) if the Market Area covers not more than 20 Nyaya Panchayats, five, out of which one shall be of Scheduled Castes ;

(b) if the Market Area covers more than 20 but not more than 30 Nyaya Panchayats, seven out of which one shall be of Scheduled Castes ;

(c) if the Market Area covers more than 30 but not more than 40 Nyaya Panchayats, nine, out of which two shall be of Scheduled Castes ; and

(d) if the Market Area covers more than 40 Nyaya Panchayats, eleven, out of which two shall be of Scheduled Castes ;

to be elected by—

(w) pradhans of the Gaon Sabhas having jurisdiction over any part of the Market Area ;

(x) such members of the House of the People and of the State Legislative Assembly as are elected from a constituency comprising the market area or part thereof ;

(y) the members of the Zila Parishad exercising jurisdiction over the market area or part thereof ;

(2) such members of the Rajya Sabha and of the Vidhan Parishad and Adhyakshas of Zila Parishads and such Pramukhs of the Kshetra Samitis as are residents of a place within the Market Area.

Explanation—The place of residence shall be deemed to be the same as mentioned in the notification of their election as such member, Adhyaksha or Pramukh, as the case may be:

Provided that in cases referred to in clause (x) or clause (y), where the constituency comprises, or as the case may be, the Zila Parishad exercises jurisdiction over more than one market areas, the right of vote shall be exercised in relation to such market area as is indicated by such member within such time and in such manner as may be prescribed;

(ix) two Government officials nominated by the State Government of whom one shall be a representative of the Agriculture Marketing Department and the other of the Food and Civil Supplies Department;

(2) (i) The qualifications of persons eligible for election under clauses (i), (ii), (vi), (vii) and (viii) of sub-section (1) and the manner of their election and the delimitation of the constituencies therefor, shall be such as may be prescribed.

(ii) The Director of Elections shall have general superintendence and control over the elections under this Act.

(3) The nomination of the members under clauses (iii), (iv), (v) and (ix) of sub-section (1) shall be made in such manner and within such period as may be prescribed.

(4) The name of every member elected or nominated under sub-section (1) shall be registered with the Director within twenty-one days of the election or nomination, as the case may be.

(5) A member elected under clauses (i), (ii), (vi), (vii) or (viii) of sub-section (1) shall cease to be member on his ceasing to be eligible for election as such:

Provided that a member elected under clause (iii) or clause (vi) or clause (vii) of sub-section (1) shall not cease to be a member for the reason merely of his ceasing to hold a licence, if he has moved an application for renewal of the licence within the time prescribed therefor and the same has not been rejected.

(6) The Director shall, as soon as may be, publish by notification in the *Gazette*, the names and addresses of the persons elected or nominated, and also notify the date on which the Committee has been duly constituted which shall not be earlier than the date on which the names of at least three-fourths of its members have been so published.

(7) The Committee constituted under sub-section (6) shall elect its Chairman and Vice-Chairman from amongst its producer members in the manner prescribed.

(8) The term of office of the members of the Committee shall commence from the respective dates of publication of their names under sub-section (6) and shall, save as otherwise provided, expire on the expiration of a period of five years from the date of the constitution of the Committee notified under sub-section (6):

Provided that the State Government, where it considers necessary or expedient so to do, in public interest, may, by notification, extend the term of the Committee for a total period of two years but at a time the period of extension shall not exceed one year.

(9) The term of office of the Chairman or the Vice-Chairman shall commence from the date of his having taken oath administered by the Collector or his nominee and shall, save as otherwise provided for in this Act, expire with the term of their membership of the Committee.

(10) No proceeding, or act done by or on behalf of the Committee shall be questioned on the ground of want of any qualifications, or defect in the election or 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.

(11) Notwithstanding anything contained in sub-section (1) or sub-section (2), where a member is not duly elected within the prescribed period, the State Government may appoint any suitable person falling in that class as member of the Committee."

Insertion of new section 13-A.

6. After section 13 of the principal Act, the following section shall be inserted, namely :—

"13-A. (1) No election under this Act shall be called in question except by a petition presented to such authority within such time as may be prescribed.

Election Petitions.

(2) Any party aggrieved by an order of the prescribed authority upon a petition under sub-section (1), may within thirty days from the date of such order prefer a revision to the District Judge.

(3) The provisions of section 12-C of the Uttar Pradesh Panchayat Raj Act, 1947, shall *mutatis mutandis* apply to election petitions under sub-section (1) and where anything is required to be prescribed under section 12-C of that Act similar thing may be prescribed in the rules framed under this Act.

(4) The decision of the prescribed authority, subject to any order passed by the revising authority under this section, and every decision of the revising authority passed under this section shall be final."

Amendment of section 17.

7. In section 17 of the principal Act—

(a) in clause (iii), in sub-clause (b), for the words "in the principal Market Yard or a Sub-Market Yard" the words "in the market area" shall be substituted ;

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

"(v) raise from the State Government or the Board or, subject to previous sanction by the Board, from any other Committee or a recognised financial institution, moneys required for discharging its functions under this Act ;"

(c) after clause (v), the following clause shall be inserted, namely :—

"(v-a) advance loans to the Board on such terms and conditions as may be mutually agreed upon between the Board and the Committee ;

(v-b) advance loans to any other Committee subject to previous sanction of the Director on such terms and conditions as the Board may determine ;"

8. In section 19 of the principal Act—

(a) sub-section (4), shall be omitted ;

(b) for sub-section (5), the following sub-section shall be substituted, namely :—

"(5) Every Committee shall, out of its total receipts [excluding moneys raised under clause (v) of section 17 and grants made by the State or Central Government] in the financial year, pay to the Board as contribution such amount not exceeding 10 per cent of such receipts as the Board may fix from time to time."

Amendment of section 19.

9. In section 24 of the principal Act, in sub-section (2), for clause (b), the following clause shall be substituted, namely—

"(b) report cases of neglect, misconduct or dereliction of duty by an employee of the Committee to the appointing authority for necessary action, and where so empowered, take disciplinary action against any of the employees of the Committee,"

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Amendment of section 24.

10. In section 26 of the principal Act, for the words "a Committee" the words "the Board or a Committee" shall be substituted. Amendment of section 26.

11. In section 26-B of the principal Act—

(a) in sub-section (1)—

(i) for clause (a), the following clause shall be substituted, namely—

"(a) the Agriculture Production Commissioner, Uttar Pradesh if he is not the Chairman;"

(ii) for clause (d), the following clause shall be substituted, namely—

"(d) the Secretary to the State Government in the Agriculture Department or where there is no separate Secretary for the said Department, then the Special Secretary or Joint Secretary, as the case may be, in that Department;"

(iii) after clause (f), the following clause shall be inserted, namely—

"(f-1) the Agricultural Marketing Adviser to the Government of India;

(f-2) the Director, Horticulture and Fruit Utilization, Uttar Pradesh;

(f-3) the State Agricultural Marketing Officer, Uttar Pradesh;

(f-4) the Vice-Chancellor of any of the Universities established under the Uttar Pradesh Krishi Even Prodyogic Vishwa Vidyalaya Adhiniyam, 1958 to be nominated by the State Government;"

(iv) in clause (g) for the word "three" wherever occurring, the word "six" shall be substituted;

(v) in clause (h), for the words "one person" the words "two persons" shall be substituted, and for the words "any trader or commission agent" the words "any two traders or commission agents" shall be substituted;

(b) in sub-section (3), after the words "Additional Director of Agriculture", the words "and the member referred to in clause (f-1) may depute an officer not below the rank of Joint Agricultural Marketing Adviser to the Government of India, and the member referred to in clause (f-2) may depute an officer not below the rank of Additional Director, Horticulture and Fruit Utilization", shall be inserted.

12. In section 26-D, of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) A member appointed under clause (f-4) or clause (g) or clause (h) of sub-section (i) of section 26-B shall cease to be a member of the Board as soon as he ceases to be such Vice-Chancellor or elected member of the Market Committee, as the case may be."

13. In section 26-I of the principal Act, after the words "Sub-Committee appointed by it or to" the words "the Director or" shall be inserted. Amendment of section 26-I.

14. In section 26-L of the principal Act :—

(a) in sub-section (1), in clause (i), for the words "development of the Markets and Market Areas", the words "construction of new market yards and development of existing markets and market areas" shall be substituted,

(b) in sub-section (2), in clause (ix), after the word "subventions" the words "and loans" shall be inserted.

15. In section 33 of the principal Act, for the words "to the Board or to any of its officers", the words "to the Board or to the Director" shall be substituted. Amendment of section 33.

Amendment of section 26-B.

Amendment of section 26-D.

Amendment of section 26-I.

Amendment of section 26-L.

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Substitution of
section 35.

16. For section 35 of the principal Act, the following section shall be substituted, namely :—

“35. Any sum due to the State Government from the Board or a Recovery of dues Committee, or to the Board from a Committee, or to as Land Revenue. a Committee from another Committee may be recovered as arrears of land revenue.”

Substitution of
section 36.

17. For section 36 of the principal Act, the following section shall be substituted, namely :—

“36. (1) The Secretary of the Market Committee or any officer Powers of entry, authorised by the State Government or the Board in search and seizure, this behalf, may :—

(a) for carrying out any of the duties imposed on the Market Committee under this Act, inspect at all reasonable time, all accounts, registers and other documents pertaining to the purchase and sale of agricultural produce and enter any shop, godown, factory or other place where such account books or registers or other documents or such goods are kept and take or cause to be taken such copies or extracts from such account books, registers and other documents as may be considered necessary;

(b) seize any account books, registers or other documents for reasons to be recorded in writing and prepare an inventory of such account books, registers and other documents, provided that a copy of such inventory shall be furnished to the person in charge of such account books, registers or other documents;

(c) seize any agricultural produce in respect of which he has reason to believe that an offence under this Act has been or is being or is about to be committed;

(d) seize any vehicle or animal which he has reason to believe to be in use or to have been used for carrying such agricultural produce and detain the same for so long as may be necessary in connection with any proceeding or prosecution under this Act:

Provided that a report of the seizure shall forthwith be made by the person seizing the agricultural produce, vehicle or animal to the Magistrate having jurisdiction to try offences under this Act, and the provisions of sections 457, 458 and 459 of the Code of Criminal Procedure, 1973, shall, as far as may be, apply in relation to the agricultural produce, vehicle or animal seized as aforesaid, as they apply to property seized by a police officer:

Provided further that the grounds for seizing any such agricultural produce, vehicle or animal shall be communicated in writing within twenty-four hours of the seizure to the person from whose possession the same was seized, and to the Magistrate having jurisdiction to try offences under this Act.

(2) The provisions of section 100 of the Code of Criminal Procedure, 1973, relating to search and seizure shall, so far as may be, apply to searches and seizures made under this section.”

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Substitution of
section 37.

18. For section 37 of the principal Act, the following section shall be substituted, namely :—

“37. (1) Any person who contravenes any of the provisions of section 9 or section 10 or the rules or bye-laws made thereunder shall, on conviction, be punished :—

(a) for the first offence, with fine which may extend to five hundred rupees;

(b) for a second and any subsequent offence of the same nature with imprisonment which may extend to 90 days, or with fine which may extend to one thousand rupees or with both and in case of continuing contravention, with a further fine up to rupees one

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hundred for every day subsequent to the date of second conviction or any subsequent conviction for which the contravention has continued :

Provided that in the absence of special and adequate reasons to the contrary mentioned in the judgment of the court the fine for the first offence shall not be less than two hundred and fifty rupees and for the second or subsequent offence shall not be less than five hundred rupees.

(2) Any person who contravenes any of the provisions of this Act or the rules or bye-laws made thereunder, except the provisions of sections 9 and 10 and the rules and bye-laws made thereunder, shall be punishable with fine which may extend to two hundred rupees and in the case of continuing contravention with a further fine of twenty rupees for every day subsequent to the date of the first conviction for which the contravention has continued.

(3) Whenever any person is convicted of an offence punishable under this Act, the Magistrate shall in addition to any fine which may be imposed, recover summarily and pay to the Market Committee, the amount of fee or any other amount, due from him under this Act or the rules or bye-laws made thereunder and may, in his discretion also recover summarily and pay to the Market Committee costs of the prosecution."

19. After section 37 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 37-A.

"37-A. (1) A market committee or its sub-committee or with the composition of offences. authorisation by a resolution of a committee, its Chairman, may accept from any person who has committed or is reasonably suspected of having committed an offence punishable under this Act in addition to the fee or other amount recoverable from him, a sum of money not exceeding rupees five hundred by way of composition fee and compound the offence.

(2) On the composition of any offence under sub-section (1) no proceeding shall be taken or continued against the person concerned in respect of such offence, and if any proceedings in respect of that offence have already been instituted against him in any Court, the composition shall have the effect of his acquittal."

CHAPTER III

AMENDMENT OF THE UTTAR PRADESH KRISHI UTPADAN MANDI SAMITIS (ALPAKALIK VYAWASTHA) ADHINIYAM, 1972

20. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakalik Vyawastha) Adhiniyam, 1972, for the figures "1976" the figures "1977" shall be substituted.

Amendment of section 2 of U.P. Act 7 of 1972.

CHAPTER IV

MISCELLANEOUS

21. (1) The Uttar Pradesh Krishi Utpadan Mandi (Amendment) Ordinance, 1977 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the aforesaid Acts (referred to in section 2 and section 20), 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 aforesaid Acts, as amended by this Act, as if the provisions of this Act were in force at all material times.

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उत्तर प्रदेश कृषि उत्पादन मण्डी विधि (संशोधन) अधिनियम, 1978

[उत्तर प्रदेश अधिनियम संख्या 7, 1978]

(उत्तर प्रदेश विधान सभा ने दिनांक 5 अप्रैल, 1978 ई० तथा उत्तर प्रदेश विधान परिषद् ने दिनांक 14 अप्रैल, 1978 ई० की बैठक में स्वीकृत किया ।)

'भारत का संविधान' के अनुच्छेद 200 के अन्तर्गत राज्यपाल ने दिनांक 20 अप्रैल, 1978 ई० को अनुमति प्रदान की तथा उत्तर प्रदेशीय असाधारण गजट के विधायी परिषिष्ट के भाग 1-खंड (क) में दिनांक 22 अप्रैल, 1978 ई० को प्रकाशित हुआ ।

उत्तर प्रदेश कृषि उत्पादन मण्डी समिति (अल्पकालिक व्यवस्था) अधिनियम, 1972 और उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के उन्तीसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:—

अध्याय एक

प्रारम्भक

1--(1) यह अधिनियम उत्तर प्रदेश कृषि उत्पादन मण्डी विधि (संशोधन) अधिनियम, 1978 कहा जायगा ।

संक्षिप्त नाम और प्रारम्भ

(2) इसे 29 दिसम्बर, 1977 से प्रवृत्त समझा जायगा ।

उद्देश्य और कारणों के विवरण के लिये कृपया दिनांक 29 मार्च, 1978 ई० को सरकारी असाधारण गजट के विधायी परिषिष्ट का भाग 3-खंड (क) देखिये ।

अध्याय दो

उत्तर प्रदेश कृषि उत्पादन मण्डी समिति (अल्पकालिक व्यवस्था) अधिनियम, 1972 का संशोधन।

उ० प्र० अधि-
नियम संख्या 7,
सन् 1972 की
धारा 2 का
संशोधन

2—उत्तर प्रदेश कृषि उत्पादन मण्डी समिति (अल्पकालिक व्यवस्था) अधिनियम, 1972 की धारा 2 में,—

(एक) उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात्:—

“(1) उत्तर प्रदेश कृषि उत्पादन मण्डी विधि (संशोधन) अधिनियम, 1978 के प्रारम्भ के दिनांक से उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 (जिसे आगे इस अध्याय में उक्त अधिनियम कहा गया है) के उपबन्ध एक वर्ष की अवधि के लिए या उक्त अधिनियम की धारा 13 के अधीन निर्वाचित मण्डी समिति का संघटन होने तक, जो भी पहले हो, प्रत्येक ऐसी मण्डी क्षेत्र के सम्बन्ध में जो ऐसे प्रारम्भ के दिनांक को विद्यमान हो या उक्त अवधि में इस प्रकार घोषित किये गये हों, निम्नलिखित उपबन्धों के अधीन रहते हुए, प्रभावी होंगे, अर्थात्:—

(क) उपखण्ड (ड) में यथा उपबन्धित के सिवाय किसी मण्डी समिति के समस्त अधिकारों का प्रयोग, कृत्यों का सम्पादन और कर्तव्यों का पालन राज्य सरकार द्वारा नाम-निर्दिष्ट की जाने वाली तदर्थ समिति द्वारा किया जायगा;

(ख) खण्ड (क) में निर्दिष्ट तदर्थ समिति में सात सदस्य होंगे जिनमें से एक को सभापति पदाभिहित किया जायेगा;

(ग) राज्य सरकार किसी भी समय तदर्थ समिति के किसी सदस्य को उसके स्थान पर नया नाम निर्देशन करके बदल सकती है;

(घ) इस धारा के उपबन्धों के अधीन रहते हुए, तदर्थ समिति को सभी प्रयोजनों के लिए मण्डी समिति समझा जायगा;

(ङ) तदर्थ समिति मण्डी निदेशक, उत्तर प्रदेश, लखनऊ की पूर्व अनुज्ञा के बिना किसी स्थावर सम्पत्ति का अन्तरण या अर्जन नहीं करेगी;

(च) यदि तदर्थ समिति के सदस्यों में कोई भत्तेदार हो तो बहुमत का विनिश्चय मान्य होगा;

(छ) राज्य सरकार, समय-समय पर अधिसूचना द्वारा, ऐसे आनुषंगिक या पारिणामिक उपबन्ध जिसमें उक्त अधिनियम के किसी उपबन्ध के अनुकूलन, परिणाम या उसके प्रवर्तन को पूर्ण या आंशिक रूप से निलम्बित करने का उपबन्ध भी सम्भवित है, किन्तु जिससे सार पर प्रभाव न पड़े, बना सकती है जो उसे पूर्ववर्ती या सम्बद्ध किसी भी प्रयोजन के लिए आवश्यक या वांछनीय प्रतीत हो;

(ज) खण्ड (क) और (ख) के अधीन तदर्थ समिति नाम निर्दिष्ट किये जाने तक, उत्तर प्रदेश कृषि उत्पादन मण्डी विधि (संशोधन) अधिनियम, 1978 के प्रारम्भ के ठीक पूर्व मण्डी समिति के अधिकारों का प्रयोग, कृत्यों का सम्पादन और कर्तव्यों का पालन करने के लिए प्रवृत्त प्रबन्ध बना रहेगा।”

(दो) उपधारा (2) में, शब्द ‘खण्ड (घ)’ के स्थान पर शब्द ‘खण्ड (छ)’ रख दिये जायेंगे।

अध्याय तीन

उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 का संशोधन

3—उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 की, जिसे आगे इस अध्याय में मूल अधिनियम कहा गया है, धारा 2 में, खण्ड (भ) के स्थान पर निम्नलिखित खण्ड रख दिया जायगा, और सदैव से रखा गया समझा जायगा, अर्थात्:—

“(भ) ‘व्यापारिक परिव्यय’ का तात्पर्य किसी भी नाम से कहे जाने वाले किसी ऐसे परिव्यय से है जो व्यापार की किसी रूढ़ि या प्रथा के अधीन या ऐसी रूढ़ि या प्रथा के नाम पर अन्यथा, किसी निर्दिष्ट कृषि उत्पादन के क्रय या विक्रय के किसी सौदे के सम्बन्ध में किसी व्यापारी द्वारा वसूल किया जाता हो या वसूल किया जा सकता हो या उसको देय हो।

स्पष्टीकरण—नमूने से क्रय किये जाने की दशा में नमूने से अन्तर होने के कारण, या किसी ज्ञात मानक से क्रय किये जाने की दशा में मानक से अन्तर होने के कारण, अथवा वास्तविक और मानक माण या तौल में भिन्नता के कारण, की गयी कठौती से भिन्न प्रत्येक कठौती व्यापारिक परिव्यय समझी जायगी।”

4—मूल अधिनियम की धारा 9 में, उपधारा (2) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जायगी, और सदव स बढ़ाई गयी समझी जायगी, अर्थात्:—

धारा 9 का
संशोधन

“(3) उपधारा (1) और (2) के उपबन्ध किसी ऐसे निर्दिष्ट कृषि उत्पादन के सम्बन्ध में जिसे किसी बैंक के पक्ष में ऐसे बैंक द्वारा दी गयी धनराशि के लिए प्रतिभूति के रूप में गिरवी या दृष्टिबन्धक रखा जाय, लागू न होंगे।

स्पष्टीकरण—इस धारा के प्रयोजनों के लिए शब्द 'बैंक' का वही अर्थ होगा जो उत्तर प्रदेश साहूकारी विनियमन अधिनियम, 1976 में उसके लिए दिया गया है।

5—मूल अधिनियम की धारा 17 में, खण्ड १ (तीन) में, उप खण्ड (ख) के स्थान पर निम्नलिखित उप खण्ड रख दिया जायगा और दिनांक 12 जून, 1973 से रखा गया समझा जायगा, अर्थात्:—

धारा 17 का
संशोधन

“(ख) मण्डी शुल्क, जो मण्डी क्षेत्र में निर्दिष्ट कृषि उत्पादन के सौदों पर एसी दरों पर, जो इस प्रकार बेचे गये कृषि उत्पादन के मूल्य के, एक प्रतिशत से कम और डेढ़ प्रतिशत से अधिक न हो, जिसे राज्य सरकार अधिसूचना द्वारा विनिर्दिष्ट करे, लगाना और वसूल करना, और ऐसा शुल्क निम्नलिखित रीति से वसूल किया जायगा:—

(1) यदि उत्पादन आढ़तिया के माध्यम से बेचा जाये तो आढ़तिया क्रेता से मण्डी शुल्क वसूल कर सकता है और वह समिति को उसका देनदार होगा;

(2) यदि कोई व्यापारी सीधे उत्पादक से उत्पादन क्रय करे तो व्यापारी समिति को मण्डी शुल्क का देनदार होगा;

(3) यदि एक व्यापारी दूसरे व्यापारी से उत्पादन क्रय करे तो उत्पादन बेचने वाला व्यापारी उसे क्रेता से वसूल कर सकता है और वह समिति को मण्डी शुल्क का देनदार होगा; और

(4) ऐसे उत्पादन के विक्रय की किसी अन्य स्थिति में, क्रेता समिति को मण्डी शुल्क का देनदार होगा।”

6—मूल अधिनियम की धारा 19-क के पश्चात् निम्नलिखित धारा बढ़ा दी जायगी, अर्थात्:—

नयी धारा 19-क
का बढ़ाया जाना

“19-ख—(1) प्रत्येक समिति के लिए एक निधि स्थापित की जायेगी जिसे 'मण्डी मण्डी विकास निधि' विकास निधि' कहा जायगा जिसमें निम्नलिखित धनराशि जमा की जायेगी:—

(क) उत्तर प्रदेश कृषि उत्पादन मण्डी विधि (संशोधन) अधिनियम, 1978 के प्रारम्भ के ठीक पूर्व मण्डी समिति निधि में जमा धनराशि का पेसठ प्रतिशत;

(ख) ऐसी अन्य धनराशि जिसे इस निधि में जमा करने के लिए परिषद् द्वारा समय-समय पर निर्देश दिया जाय।

(2) मण्डी विकास निधि का उपयोग मण्डी क्षेत्र के विकास के प्रयोजनार्थ किया जायगा, और निधि से कोई धनराशि, सिवाय परिषद् द्वारा समय-समय पर दिये गये निर्देशों के अनुसार, न तो व्यय और न विनिहित की जायगी।”

अध्याय चार

प्रकीर्ण

7—(1) उत्तर प्रदेश कृषि उत्पादन मण्डी विधि (संशोधन) अध्यादेश, 1977 एतद्वारा निरसन किया जाता है।

निरसन पौर
शपवाद

(2) ऐसे निरसन के होते हुए भी, उक्त अध्यादेश के अधीन दृत कोई कार्य या कार्यवाही, इस अधिनियम के अधीन कृत कार्य या कार्यवाही समझी जायगी, मानो यह अधिनियम सभी सारभूत समयों पर प्रवृत्त था।

2
THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN)
ADHINIYAM, 1979

[U. P. ACT NO. 19 OF 1979]

164325

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[Authoritative English Text of the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 1979 Uttar Pradesh Adhiniyam Sankhya, 19 of 1979]

AN
ACT

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

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

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 1979.

Short title and commencement.

(2) It shall be deemed to have come into force on April 17, 1979.

2. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter referred to as the principal Act,—

Amendment of section 2 of U.P. Act no. XXV of 1964.

(i) after clause (q-1), the following clause shall be inserted, namely—

“(q-2) ‘retail sale’ in relation to any specified agricultural produce means sale of that produce, not exceeding such quantity, as a market committee may specify in its bye-laws to be the limit of retail sale ;”;

(ii) after clause (dd), the following clause shall be inserted, namely—

“(ee) ‘whole-sale transaction’ in relation to any specified agricultural produce means sale and purchase of that produce exceeding such quantity as a market committee may specify in its bye-laws to be the limit of retail sale.”

3. In section 7 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

Amendment of section 7.

“(2) The State Government, where it considers necessary or expedient in the public interest so to do, may, by notification—

(a) include any area in or exclude any area from the area of a principal market yard or sub-market yard or abolish the existing principal market yard or sub-market yards and declare a new principal market yard or sub-market yards ;

(b) declare that the whole-sale transactions of all or any of the specified agricultural produce in respect of a market area shall be carried on only at a specified place or places within its principal market yard or sub-market yards.”

4. In section 17 of the principal Act, in clause (iii) in sub-clause (b), the following proviso shall be inserted at the end, namely :—

Amendment of section 17.

“Provided that no market fee shall be levied or collected on the retail sale of any specified agricultural produce where such sale is made to the consumer.”

†(For Statement of Objects and Reason, please see *Uttar Pradesh Gazette, Extraordinary*, dated May 19, 1979.

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on June 6, 1979 and by the Uttar Pradesh Legislative Assembly on June 8, 1979.

(Received the assent of the Governor on June 12, 1979, under Article 200 of the Constitution of India and was published in Part I (a) of the Legislative Supplement of the *Uttar Pradesh Gazette Extraordinary*, dated June 13, 1979).

L. A.

15/79-19.

Cap. 1

विधान पुस्तक

(राज्यपाल द्वारा)

उत्तर प्रदेश, लखनऊ

Amendment of
section 39.

5. In section 39 of the principal Act, *after* sub-section (2), the following sub-section shall be *inserted*, namely :—

“(3) The power under this section to make bye-laws shall be exercised subject to any general or special directions issued by the State Government in that behalf.”

Repeal and
saving.

6. (1) The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhyad-
esh, 1979, is hereby repealed.

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

U.P. Or-
nance no.
of 1979

Dated Lucknow, October 1, 1984

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 (Shanshodhan) Adhiniyam, 1984 (Uttar Pradesh Adhiniyam Sankhya 20 of 1984), as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 29, 1984:

**THE UTTAR PRADESH KRISHI UTPADAN MANDI LAWS
(AMENDMENT) ACT, 1984**

[U.P. ACT NO. 20 OF 1984]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakaik Vyawastha) Adhiniyam, 1972 and the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

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

CHAPTER I
Preliminary

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi Laws (Amendment) Act, 1984.

Short title and commencement.

(2) Section 2 shall be deemed to have come into force on May 21, 1984, section 3 shall be deemed to have come into force on October 4, 1983, section 4 shall be deemed to have come into force on June 11, 1984 and the remaining sections shall come into force at once.

CHAPTER II

Amendment of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakaik Vyawastha) Adhiniyam, 1972

2. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakaik Vyawastha) Adhiniyam, 1972, in sub-section (1), for the words "one year" the words "two years" shall be substituted.

Amendment of section 2 of U.P. Act no. 7 of 1972.

CHAPTER III

Amendment of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964

3. In section 23-A of the Krishi Utpadan Mandi Adhiniyam, 1964 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-section shall be substituted, namely :—

"(2) Subject to the provisions of sub-section (2-B)—

(a) every person, other than a Government servant, serving in any committee on deputation, who holds a post comprised in the cadre referred to in sub-section (1), and

Amendment of section 23-A of U.P. Act no. 25 of 1964.

(b) every Government servant, serving in any committee on deputation on a post in the said cadre, who is not found to be unsuitable, suitability being determined in such manner as may be laid down in regulations,

shall on and from the date of the constitution of the said cadre (hereinafter in this section to be referred to as the said date) become member of the cadre on the terms and conditions mentioned in sub-section (2-A).

(2-A) Every person, who becomes a member of the cadre under sub-section (2) shall hold office by the same tenure, at the same remuneration, upon the same terms and conditions, and with the same rights and privileges as to pension, gratuity and other matters as he could have been entitled to on the said date but for the constitution of the cadre and shall continue to be so entitled until his employment as a member of the cadre is terminated or until his remuneration or other terms and conditions of service are revised or altered by the Board under or in pursuance of any law or in accordance with any provision which for the time being governs his service.

(2-B) Nothing contained in sub-section (2) shall apply to a person who, by notice in writing, given to the State Government, within such time as the State Government may, by general or special order specify intimates his intention of not becoming a member of the said cadre.

(2-C) The services of an employee, under a committee, who opts against absorption, shall stand terminated on the ground of abolition of post and, on such termination, he shall be entitled to receive from the concerned committee compensation equivalent to—

(a) three months emoluments in case of permanent employee;

(b) one month's emoluments in case of temporary employee,

(2-D) A Government servant serving in any committee on deputation on any post in the cadre, referred to in sub-section (1) who opts against absorption or who is not found suitable, shall be reverted to his parent department and, if having regard to his seniority, a post is not available for him in the parent department his services shall stand terminated with effect from the date of the order of reversion on the ground of abolition of post and, on such termination, he shall be entitled to receive, from the State Government, compensation equivalent to the amount mentioned in sub-section (2-C)".

Amendment of
section 40.

4. In section 40 of the principal Act, for sub-section (1) the following sub-section shall be substituted namely :—

"(1) The State Government may make rules for carrying out the purpose of this Act."

CHAPTER IV

Miscellaneous

Repeal and
saving.

5. (1) The Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakkalik Vyawastha) (Sanshodhan) Adhyadesha, 1984 and the Uttar Pradesh Krishi Utpadan Mandi (Amendment) Ordinance, 1984, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Acts referred to in Chapters II and III 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 said Acts as amended by this Act as if the provisions of this Act were in force at all material times.

By order.

B. L. LOOMBA,
Sachiv.

U.P.
Ordinance
no. 11
1984
U.P.
Ordinance
no. 13
1984

Dated Lucknow, April 4, 1985

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, 1985 (Uttar Pradesh Adhiniyam Sankhya 12 of 1985) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 3, 1985:

**THE UTTAR PRADESH KRISHI UTPADAN MANDI (AMENDMENT)
ACT, 1985**

[U. P. ACT NO. 12 OF 1985]

(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 Thirty-sixth Year of the Republic of India as follows:—

Short title and commencement.

Amendment of
section 19 of U. P. 1964,
Act no. XXV of
1964.

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Amendment) Act, 1985.

(2) It shall be deemed to have come into force on December 22, 1984.

2. In section 19 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, section 19 of U. P. 1964, hereinafter referred to as the principal Act, in sub-section (3)—

(a) for clause (ix) the following clause shall be substituted, namely—

“(ix) expenses in providing facilities and comforts such as shelter, shed, parking accommodation and water for persons, draught-

cattle, pack animals and vehicles coming to the Market Area and on agricultural improvement and development of agricultural marketing in the Market Area including the construction, maintenance and repair of link roads, culverts, bridges and other such purposes ;”

(b) *after* the proviso, the following proviso shall be *inserted*, namely :

“Provided further that all moneys realised as additional market fee under the Uttar Pradesh Krishi Utpadan Mandi (Amendment) Ordinance, 1983 shall be utilised in the Market Area only for the purposes specified in clause (ix).”

U. P. Ordinance no. 40 of 1983.

U. P. Ordinance no. 25 of 1984.

3. (1) The Uttar Pradesh Krishi Utpadan Mandi (Second Amendment) Ordinance, 1984, is hereby repealed.

Repeal and savings.

(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 Act as if the provisions of this Act were in force at all material times.

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By order,
RAJESHWAR SINGH,
Vishesh Sachiv.

Dated Lucknow, July 29 1987

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 (Sapshodhan) Adhiniyam, 1987 (Uttar Pradesh Adhiniyam Sankhya 12 of 1987) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 29, 1987.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (AMENDMENT) ACT, 1987

(U. P. ACT no. 12 OF 1987)

(As passed by the U. P. Legislature)

**AN
ACT.**

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

IT IS HEREBY enacted in the Thirty-eighth year of the Republic of India as follows :—

Short title and commencement

Amendment of section 17 of U. P. Act no. 25 of 1964

Repeal and saving

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Amendment) Act, 1987. ■

(2) It shall be deemed to have come into force on March 31, 1987.

2. In section 17 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter referred to as the principal Act, at the end thereof the following explanation shall be *inserted*, namely:—

Explanation.—For the purpose of clause (iii), unless the contrary is proved, any specified agricultural produce taken out or proposed to be taken out of a market area by or on behalf of a licenced trader shall be presumed to have been sold within such area and in such case, the price of such produce presumed to be sold shall be deemed to be such reasonable price as may be ascertained in the manner prescribed.

3. (1) The Uttar Pradesh Krishi Utpadan Mandi (Amendment) Ordinance, 1987, is 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 Act, as if the provisions of this Act were in force at all material times.

By order,

S. N. SAHAY,
Secretary

रु 10 हजार रु 10 पैसे—१० हजार १० पैसे (रुपया) - (१२७१) - १०८०—१०८० (रुपये)

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Dated Lucknow, March 19, 1991

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, 1991 (Uttar Pradesh Adhiniyam Sankhya 10 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 18, 1991.

**THE UTTAR PRADESH KRISHI UTPADAN MANDI (AMENDMENT)
ACT, 1991**

[U. P. Act no. 10 of 1991]

(As passed by the U. P. Legislature)

**AN
ACT**

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

IT IS HEREBY enacted in the Forty second Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Amendment) Act, 1991.

**Short title and
commencement**

(2) It shall be deemed to have come into force on September 1, 1990.

Dated Lucknow, January 10, 2000

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 Sar khya 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 :—

Short title and commencement

Amendment of section 17 of U. P. Act no. 25 of 1964

Repeal and savings

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 figure "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) Adhyadesha, 1999, the Uttar Pradesh Krishi Utpadan Mandi (Dwitiya Sanshodhan) Adhyadesha, 1999 and the Uttar Pradesh Krishi Utpadan Mandi (Tritiya Sanshodhan) Adhyadesha, 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.

पी० एस० पू०पी०--ए०पी० ९४१ राजपत्र (ह०) - (१८००) - २०००--५९७ (मे००)।

U. P.
Ordina-
no. 15
1999
U. P.
Ordina-
no. 20
1999
U. P.
Ordina-
no. 24
1995

Dated Lucknow, June 8, 2001

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, 2001, (Uttar Pradesh Adhiniyam Sankhya 18 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on June 7, 2001 :—

THE UTTAR PRADESH KRISHI UTPADAN MANDI
(SANSHODHAN) ADHINIYAM, 2001
(U. P. Act No. 18 of 2001)

[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-second Year of the Republic of India as follows:—

Short title

1. This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2001.

2. In the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam 1964, hereinafter referred to as the principal Act,—

General amendment of U.P.
Act no. 25 of
1964

(a) for the words "Nagar Mahapalika", "Municipal Board", "Gaon Sabha", "Gaon Sabhas" and "Kshetra Samiti," wherever occurring, the words "Municipal Corporation", "Municipal Council", "Gram Panchayat", "Gram Panchayats" and "Kshetra Panchayat", respectively shall be substituted.

(b) for the words "Zila Parishad" and "Antarim Zila Parishad", wherever occurring, the words "Zila Panchayat" shall be substituted.

(c) for the words "Notified Area Committee", "Town Area Committee", wherever occurring, the words "Nagar Panchayat" shall be substituted.

3. In section 2 of the principal Act, after clause (1) the following clause shall be inserted, namely :—

Amendment of
section 2

"(1-1) "other backward classes of citizens" means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 ;"

4. In section 13 of the principal Act, in sub-section (1), in clause (viii),—

Amendment of
section 13

(a) in sub-clause (a) for the words "out of which one shall be of Scheduled Castes" the following words shall be substituted, namely :—

"out of which one shall be—

- (i) of Scheduled Castes or Scheduled Tribes ;
- (ii) of other backward classes of citizens; and
- (iii) woman belonging to other than Scheduled Castes or Scheduled Tribes and other backward classes of citizens";

(b) in sub-clause (b) for the words "out of which one shall be of Scheduled Castes" the following words shall be substituted, namely :—

"out of which one shall be,—

- (i) of Scheduled Castes or Scheduled Tribes ;
- (ii) of other backward classes of citizens ;
- (iii) a woman belonging to other backward classes of citizens ; and
- (iv) a woman belonging to other than Scheduled Castes or Scheduled Tribes and other backward classes of citizens";

(c) in sub-clause (c) for the words "out of which two shall be of Scheduled Castes" the following words shall be substituted, namely :—

"out of which one shall be,—

- (i) of Scheduled Castes or Scheduled Tribes ;
- (ii) of other backward classes of citizens ;
- (iii) a woman belonging to Scheduled Castes or Scheduled Tribes ;
- (iv) a woman belonging to other backward classes of citizens ;
- (v) a woman belonging to other than Scheduled Castes or Scheduled Tribes and other backward classes of citizens";

(d) in sub-clause (d) for the words "out of which two shall be of Scheduled Castes" the following words shall be *substituted*, namely :—

"out of which,—

- (i) one shall be of Scheduled Castes or Scheduled Tribes;
- (ii) two shall be of other backward classes of citizens;
- (iii) two shall be women belonging to other than Scheduled Castes or Scheduled Tribes and other backward classes of citizens;
- (iv) one shall be a woman belonging to Scheduled Castes or Scheduled Tribes;
- (v) one shall be a woman belonging to other backward classes of citizens";

(e) after the existing proviso, the following provisos shall be *inserted*, namely :—

"Provided further that the reservation of the seats for the Scheduled Castes and Scheduled Tribes under this clause shall cease to have effect on the expiration of the period specified in Article 334 of the Constitution".

Insertion of
new sections
14-A and 14-B

5. After section 14 of the principal Act the following sections shall be *inserted*, namely :—

"14-A. The provisions of section 123 of Chapter I of part VII of the Corrupt Representation of the People Act, 1951 shall *mutatis mutandis* apply in the election to a Mandi Samiti.

14-B. The provisions of sections 125, 126, 127, 127-A, 128, 129, 130, Electoral 131, 132, 132-A, 134, 134-A, 135, 135-A and 136 of Chapter III offences of Part VII of the Representation of the People Act, 1951 shall have effect as if, —

(a) the reference therein to an election were a reference to an election held under this Act;

(b) in section 127-A, in sub-section (2), in clause (b), in sub-clause (i) for the words 'Chief Electoral Officer' the words 'Director of Election' had been *substituted*;

(c) in sections 134 and 136, for the words 'by or under this Act' the words 'by or under the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964' had been *substituted*;

(d) in section 135-A,—

(i) for the word 'government' the words 'Government, the Board or a Mandi Samiti' had been *substituted*.

(ii) in the explanation for the words 'this sub-section and section 20-B' the words, 'this section' had been *substituted*."

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 was enacted to regulate the sale and purchase of the agricultural produce in the State. The said Act provides for the establishment of market areas and market yards. The supervision and control of market areas vest in a committee constituted under section 13 of the said Act. Some of the members of the said committee are elected under Clause (VIII) of sub-section (1) of section 13 of the said Act. Section 14 of the said Act empowers the State Government to appoint the members of the first committee. The term of the first committee is one year. The term of the members of the first committee was being extended from time to time in 1972, the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpakkalik Vyawastha) Adhiniyam, 1972 was enacted to make temporary provisions regarding administration of Mandi Samitis.

The system provided by the said Act of 1972 is still in operation and no election to constitute the market committees could be held so far. The State Government has now decided to constitute the market committees and hold the elections therefor, but before the constitution of the market committees, it has to be ensured that various sections of the society are duly represented in such committees. In order to give due representation to various sections of the society and to curb the corrupt practices in the elections of the members of such committee, it has been decided to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Vidheyak, 2001 is introduced accordingly.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

No. 1660 (2)/XVII-V-1—1(KA) 20-2002

Dated Lucknow, September 6, 2002

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, 2002 (Uttar Pradesh Adhiniyam Sankhya 7 of 2002) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 5, 2002.

THE UTTAR PRADESH KRISHI UTPADAN MANDI
(SANSHODHAN) ADHINIYAM, 2002
(U.P. Act No. 7 of 2002)

[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-third Year of the Republic of India as follows:—

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2002.

(2) It shall be deemed to have come into force on July 10, 2002.

2. In section 26-B of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter referred to as the principal Act, in sub-section (1), in clause (f-3) for the words "the State Agricultural Marketing Officer, Uttar Pradesh", the words "the Director, Agricultural Marketing, Uttar Pradesh" shall be substituted.

Amendment of
section 26-B of
U.P. Act no. 25
of 1964

3. (1) The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhyadesh, 2002 is hereby repealed.

Repeal and
saving

(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 Act as if the provisions of this Act were in force at all material times.

By order,

A.B. SHUKLA,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

Section 26-B of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U. P. Act no. XXV of 1964) provides for the constitution of the State Agricultural Produce Markets Board. Clause (f-3) of sub-section (1) of the said section provided that the State Agricultural Marketing Officer, Uttar Pradesh should be the member of the said Board. Due to the reorganisation of the Agricultural Directorate by Government Order dated June 28, 1991 the post of the said State Agricultural Marketing Officer did not exist.

It was, therefore, decided to amend the said Act to provide for making the Director, Agricultural Marketing Uttar Pradesh, to be the member of the said Board in place of the said State Agricultural Marketing Officer.

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 (Sanshodhan) Adhyadesh, 2002 (U. P. Ordinance no. 13 of 2002) was promulgated by the Governor on July 10, 2002.

This Bill is introduced to replace the aforesaid Ordinance.

No. 1070(2)/VII-V-1-1(Ka)-20-2004

Dated, Lucknow, August 3, 2004

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.

Short title and commencement

(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.

Amendment of section 2 of U.P. Act no. 25 of 1964

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

Amendment of section 8

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

Substitution of sections 13, 13-A, 14, 14-A and 14-B

Constitution of Committee

“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;

Resignation of members and nomination in certain circumstances

(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.

Removal of members, Vice-Chairman and Chairman 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,-

Suspension of the Committee

(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.

Consequences of suspension

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*.

Dissolution of Committee

Explanation-1. Willful default means a failure to perform duties of the committee, lack of willingness or its disinclination to perform that duty and such failure should not be the result of any accident or inadvertent error.

Explanation-2. The purpose of stating reasons is to ensure that the reasons which impelled the action are genuine and relevant to the content and scope of the power vested in the State Government.

Conseque-
nces of
dissolution

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.

Amendment of
section 15

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*.

Insertion of
section 17-A

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

"17-A (1) Notwithstanding any thing 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."

Amendment of
section 26-B

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*.

Omission of
sections 28, 29
and 30

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

Amendment of
section 40

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 (xxxii-a) shall be *omitted*.

CHAPTER-3**Repeal of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpkalik Vyavastha) Adhiniyam, 1972**

10.(1) The Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpkalik 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 Utapadan Mandi Adhiniyam, 1964.

Repeal of U.P.
Act no. 7 of
1972 and
savings

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 (Alpkalik 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.

Validation

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

Repeal and
savings

(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 (Alpkalik 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) Adhyadesha, 2003 (U.P. Ordinance no. 14 of 2003) was promulgated by the

U.P.
Ordinance
no. 10 of
2004 and
U.P.
Ordinance
no. 14 of
2003

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 re promulgate 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 Krish Utpadan Mandi Vidhi (Sanshodhan) Adhyadesha, 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.

: Dated Lucknow August, 05, 2005

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, 2005 (Uttar Pradesh Adhiniyam Sankhya 17 of 2005) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 4, 2005:—

**THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN)
ADHINIYAM, 2005**

(U.P. Act no. 17 of 2005)

(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-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2005.	Short title and commencement
(2) It shall be deemed to have come into force on June 8, 2005.	Amendment of section 2 of U.P. Act no. 25 of 1964
2. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 hereinafter referred to as the principal Act,—	
(a) after clause (h-1) the following clause shall be inserted, namely:— “(h-2) ‘Export’ means export of specified agricultural produce outside India by a licensee.”	
(b) after clause (o) the following clause shall be inserted, namely:— “(o-1) ‘Processing’ means any one or more of a series of treatments relating to powdering, crushing, decorticating, deboning, parboiling, polishing, ginning, pressing, curing or any other process, mechanical, chemical or physical treatment to which good can be subjected produce or its product is subjected to, but shall not mean cleaning, washing, grading and packaging and other like activities.”	

**Amendment of
section 17-A.**

3. In section 17-A of the principal Act for sub-section (1) the following sub-section shall be substituted, namely :-

“(1) Notwithstanding anything to the contrary contained in any other provisions of this Act,—

(a) Where the State Government is of the opinion that it is necessary and expedient in the public interest so to do to encourage the 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 units, it may on an application or otherwise, by notification, exempt from, or reduce the rate of mandi fee (excluding development cess) on such specified agricultural produce or produces as may be used by such newly established units as fulfil the condition that the cost of plant and machinery shall not be less than ten crore rupees, for such period as may be specified in the notification not exceeding five years subject to such conditions and restrictions as may be specified in the notification.

(b) Where the State Government is of the opinion that it is necessary and expedient in the public interest so to do to encourage the export of specified agricultural produce, it may on an application of otherwise, by notification, exempt from mandi fee and development cess, on such specified agricultural produce or produces as may be exported in the prescribed manner by a licensee and for such period as may be specified in the notification, not exceeding five years subject to such conditions and restriction as may be specified in the notification."

Recal and saving

4. (1) The Uttar Pradesh Krishi Utthan Mandi (Sanshodhan) Adhyadesh, 2005 is hereby repealed.

**U.P.
Ordinance
no 7 of
2005**

(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 Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

With a view to encouraging the establishment of Agro Processing Units in the State, to promote marketing of the specified agricultural produce to be used as raw material by the said units and to encourage the export of specified agricultural produce, it was decided to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 to empower the State Government,—

(a) to exempt by notification, from or reduce the rate of, mandi fee (excluding development cess) on such specified agricultural produce or produces as may be used by a newly established unit which fulfil the conditions that the cost of plant and machinery shall not be less than ten crore rupees, for a specified period,

(b) to exempt by notification, from mandi fee and development cess, on such specified agricultural produce or produces as may be exported in the prescribed manner by a licensee, for a specified period.

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 (Sanshodhan) Adhyadesh, 2005 (U.P. Ordinance no. 7 of 2005) was promulgated by the Governor on June 8, 2005.

This Bill is introduced to replace the aforesaid ordinance.

By order,

D.V. SHARMA

Pramukh Sachiv.

Dated Lucknow, March 17, 2006

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 Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 2 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 14, 2006

THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN)
ADHINIYAM, 2006
(U.P. ACT NO. 2 OF 2006)

(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-seventh Year of the Republic of India as follows :-

Short title

1. This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2006.

2. In section 17-A of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, in sub-section (1) the following proviso shall be inserted at the end, namely :-

“Provided that the State Government may exempt, or reduce the rate of, market fee (excluding development cess) on a finished product of Agro Processing Unit which is a specified agricultural produce and the material used therein is not a specified agricultural produce.”

Amendment of
section 17-A of
U.P. Act no. 25
of 1964

STATEMENT OF OBJECTS AND REASONS

IN order to encourage the establishment of Agro Processing Units, to promote the marketing of the specified agricultural produce to be used as raw material by the said units and to encourage the export of the specified agricultural produce in the State it has been decided to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 to empower the State Government to exempt, or reduce the rate of, market fee on a finished product of Agro Processing units which is a specified agricultural produce and the material used therein is not a specified agricultural produce.

The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Vidheyak, 2006 is introduced accordingly.

By Order,

RAM HARI VIJAY TRIPATHI,

Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 2301 राजपत्र(हि०)-(3406)-2006-597 प्रतियां-(कम्प्यूटर/आफसेट)।
पी०एस०यू०पी०-ए०पी० 180 सा० विधा०-(3407)-2006-850 प्रतियां-(कम्प्यूटर/आफसेट)।

(ग) उक्त सुविधायें प्रदान करने के लिये संयंत्र और मशीनरी की लागत को दस करोड़ रुपये से कम करके पांच करोड़ रुपये करना;

(घ) ऐसे नये पूर्णरूपेण निर्यातीन्मुख औद्योगिक या कृषि प्रसस्करण इकाइयों के मामले में जो नष्ट होने वाले विनिर्दिष्ट कृषि उत्पाद को कच्चे माल के रूप में करती हों, छूट की अवधि दस वर्ष तक करना।

2-तदनुसार उत्तर प्रदेश कृषि उत्पादन मण्डी (संशोधन) विधेयक, 2013 पुर: स्थापित किया जाता है।

आज्ञा से,
एस० बी० सिंह,
प्रमुख सचिव।

No. 1336(2)/LXXIX-V-1-13-1(Ka)-17-2013

Dated Lucknow, December 20, 2013

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2013 (Uttar Pradesh Adhiniyam Sankhya 27 of 2013) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 19, 2013.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN)

ADHINIYAM, 2013

(U.P. ACT NO. 27 OF 2013)

[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 Sixty-fourth Year of the Republic of India as follows:-

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi Short title (Sanshodhan) Adhiniyam, 2013.

2. In section 17-A of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 for sub-section (1) the following sub-section shall be substituted, namely :—

Amendment of
section 17-A of
U.P. Act no. 25
of 1964

“(1) Notwithstanding anything to the contrary contained in any other provision of this Act,-

(a) Where the State Government or an authority as may be prescribed, is of the opinion that it is necessary and expedient in the public interest so to do to encourage the establishment of Industrial or 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 units, it may on an application in such form as may be prescribed, by notification exempt or reduce the rate of mandi fee (excluding development cess) on such specified agricultural produce or produces as may be used by such newly established agro processing units as fulfill the condition that the cost of plant and machinery shall not be less than five crore rupees, for such period as may be specified in the notification not exceeding five years subject to such conditions and restrictions as may be specified in the notification:

Provided that the State Government may exempt or reduce the rate of market fee (excluding development cess) on a finished product of Industrial or Agro Processing Unit which is a specified agricultural produce and the material used therein is not a specified agricultural produce.

(b) Where the State Government is of the opinion that it is necessary and expedient in the public interest so to do to encourage the export of specified agricultural produce, it may on an application or otherwise, by notification, exempt from mandi fee and development cess, on such specified agricultural produce or produces as may be exported in the prescribed manner by a licensee and for such period as may be specified in the notification not exceeding five years subject to such conditions and restrictions as may be specified in the notification:

Provided that in the case of a new total export-oriented industrial or agro processing unit that use perishable specified agricultural produce as raw material, the period of exemption under this clause may be extended for a period not exceeding ten years."

STATEMENT OF OBJECTS AND REASONS

With a view to encouraging Industrial and Agro Processing Units in the State and promoting the marketing of the specified agricultural produce to be used by them and for implementing such policy of Uttar Pradesh Infrastructure and Industrial Investment Policy, 2012 as are related to the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act no. 25 of 1964) it has been decided to amend section 17-A of the said Act to provide for:-

- (a) empowering the prescribed authority also to exempt or reduce the rate of mandi fee (excluding development cess) on such agricultural produce or produces as are used by newly established Units;
- (b) prescribing the Form of application in which the application is made by an Industrial or Agro Processing Unit;
- (c) reducing the cost of plant and machinery for giving the said facilities from the ten crore rupees to five crores rupees;
- (d) extending the period of exemption up to ten years, in the case of new total export oriented Industrial or Agricultural Units that use perishable specified Agricultural produce as raw material.

2. The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Vidheyak, 2013 is introduced accordingly.

By order,
S. B. SINGH,
Pramukh Sachiv.

उत्तर प्रदेश
अधिनियम
संख्या 25
सन् 1964 की
धारा 16 का
संशोधन

2-उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 की धारा 16 में, उपधारा (2) में, खण्ड (7-ख) के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जायेगा, अर्थात् :-

"(7-ग) मण्डी समिति अपने मण्डी क्षेत्र में किसानों द्वारा उनकी उपज सीधे उपभोक्ताओं को विक्री करने, किसान विश्राम गृह एवं सामुदायिक केन्द्र स्थापित करने, लोक कलाकारों द्वारा कला का प्रदर्शन करने, हैण्डीक्राफ्ट एवं हैण्डलूम के दस्तकारों द्वारा अपने उत्पाद प्रदर्शित एवं विक्रय करने एवं अन्य उत्पादों को विभिन्न विक्रेताओं द्वारा विक्रय करने तथा किसानों एवं अन्य उपभोक्ताओं को फुटकर दैनिक उपयोग का सामान खरीदने व खान-पान की सुविधा उपलब्ध कराने एवं उक्त से सम्बन्धित गतिविधियों हेतु किसान बाजार का निर्माण, मरम्मत एवं अनुरक्षण करायेगी।"

उद्देश्य और कारण

राज्य कृषि उत्पादन मण्डी परिषद, उत्तर प्रदेश द्वारा प्रदेश के उत्पादकों एवं उपभोक्ताओं को सुविधा देने और मण्डी क्षेत्रों में "किसान बाजार" के नाम से अवस्थापना सुविधा विकसित किये जाने के उद्देश्य से, उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 (उत्तर प्रदेश अधिनियम संख्या 25 सन् 1964) में संशोधन करने का विनिश्चय किया गया है जिससे मण्डी समिति अपने मण्डी क्षेत्र में किसानों द्वारा उनकी उपज सीधे उपभोक्ताओं को विक्री करने, किसान विश्राम गृह एवं सामुदायिक केन्द्र स्थापित करने, लोक कलाकारों द्वारा कला का प्रदर्शन करने, हैण्डीक्राफ्ट एवं हैण्डलूम के दस्तकारों द्वारा अपने उत्पाद प्रदर्शित एवं विक्रय करने, अन्य उत्पादों को विभिन्न विक्रेताओं द्वारा विक्रय करने, किसानों एवं अन्य उपभोक्ताओं को फुटकर दैनिक उपयोग का सामान खरीदने व खान-पान की सुविधा उपलब्ध कराने एवं उक्त से सम्बन्धित गतिविधियों हेतु किसान बाजार का निर्माण, मरम्मत एवं अनुरक्षण करायेगी।

तदनुसार उत्तर प्रदेश कृषि उत्पादन मण्डी (संशोधन) विधेयक, 2015 पुरस्थापित किया जाता है।

आज्ञा से,
अनिरुद्ध सिंह,
प्रमुख सचिव।

No. 449(2)/LXXIX-V-1-15-1(ka)-9-2015

Dated Lucknow, April 6, 2015

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 (Sansodhan) Adhiniyam, 2015 (Uttar Pradesh Adhiniyam Sankhya 4 of 2015) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 2, 2015.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN) ADHINIYAM, 2015

(U.P. Act no. 4 of 2015)

[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 Sixty-sixth Year of the Republic of India as follows :-

Short title

1. This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sansodhan) Adhiniyam, 2015.

2. In section 16 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, in sub-section (2) *after* clause (vii-b) the following clause shall be *inserted*, namely:-

Amendment of
section 16 of U.P.
Act no. 25 of 1964

"(vii-c) Mandi Samiti will construct, repair and maintain Kisan Bazar in its Mandi area for sale of agricultural produce by the farmers directly to consumers, exhibition of art by folk artists; exhibition and sale of items made by handicraft and handloom artisans, sale of other products by different sellers, instalment of shops selling the food or refreshment items or daily use items for farmers and consumers, setting up Kisan Rest House and Community Centre, and related activities."

STATEMENT OF OBJECTS AND REASONS

With a view to providing facilities to the producers and consumers of the State and for developing facilities of infrastructure by the name of 'Kisan Bazar' in Mandi areas by the Rajya Krishi Utpadan Mandi Parishad it has been decided to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act no. 25 of 1964) to provide that Mandi Samiti will construct, repair and maintain Kisan Bazar in its Mandi area for sale of Agricultural produce by the farmers directly to consumers, exhibition of art by folk artists, exhibition and sale of items made by handicraft and handloom artisans, sale of other products by different sellers, instalment of shops for selling the food or refreshment items or daily use items for farmers and consumers, setting up Kisan Rest House and Community Centre, and related activities.

The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Vidheyak, 2015 is introduced accordingly.

By order,

ANIRUDDHA SINGH,

Pramukh Sachiv.

पी०एस०य०पी०-४०पी० 12 राजपत्र (हि०)-2015-(21)-599 प्रतियां (कम्प्यूटर/टी०/आफसेट)।
पी०एस०य०पी०-४०पी० 2 सा० विधा०-2015-(22)-500 प्रतियां (कम्प्यूटर/टी०/आफसेट)।

THE UTTAR PRADESH KRISHI UTPADAN MANDI

(DWITIYA SANSHODHAN) ADHINIYAM, 2015

(U.P. Act no. 11 of 2015)

[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 Sixty-sixth Year of the Republic of India as follows :—

1. This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Dwitiya Sanshodhan) Adhiniyam, 2015. Short title2. In section 37-A of the Uttar Pradesh Krishi-Utpadan Mandi Adhiniyam, 1964 Amendment of section 37-A of U.P. Act no. 25 of 1964
for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) A market committee or its sub-committee or with the authorization by a resolution of a committee, its Chairman, may accept from any person who has committed or is reasonably suspected or having committed an offence punishable under this Act in addition to the fee or other amount recoverable from him, a sum of money equal to ten times the sum of market fee and development cess assessed due on the equivalent agriculture produce in accordance with the explanation given in the proviso to sub-rule (1) of rule 66 of the Uttar Pradesh Krishi Utpadan Mandi Niyamavali, 1965 or rupees two lakh, whichever is less by way of composition fee and compound the offence.”

STATEMENT OF OBJECTS AND REASONS

In order to encourage agriculture traders to follow prescribed rules and procedures while carrying out their trade, it is also necessary to contain illegal and irregular practices that circumvent the fee-net and adversely affect fair trade practices. Section 37-A of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 provides for composition of offences committed under the Act. At present, under this section, the amount of composition fee that can be levied for compounding the offences is rupees twenty thousand. Many a times, the transmitters of specified agriculture produce, in the event of lawful seizure of produce, pay a composition fee which is often much less as compared to the value of seized specified agricultural produce. Because of increase in prices, this has lessened the impact of financial penalty as a deterrent to offenders. On the contrary, when the quantity and value of agriculture produce is small, there are instances where the discretionarily imposed composition fee is often high as compared to the value of specified agriculture produce. Consequently, a need has arisen at present to modify this provision. Therefore, in order to aid implementation of just and effective procedure, it is hereby proposed to amend section 37-A (1) of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

The Uttar Pradesh Krishi Utpadan Mandi (Dwitiya Sanshodhan) Vidheyak, 2015 is introduced accordingly.

By order,
ABDUL SHAHID,
Pramukh Sachiv.

पी०एस०यू०पी०—ए०पी० 495 राजपत्र(हि०)—2015—(1164)—599 प्रतियां (कम्प्यूटर / टी० / आफसेट)।

पी०एस०यू०पी०—ए०पी० 65 सा० विधायी—2015—(1165)—300 प्रतियां (कम्प्यूटर / टी० / आफसेट)।

उद्देश्य और कारण

प्रदेश की कृषि उत्पादन मण्डी समितियाँ अपने-अपने क्षेत्रों में व्यापारियों को व्यवसाय कार्य हेतु लाईसेन्स जारी करती हैं। मण्डी स्थल में, किसानों द्वारा लाये गये कृषि उत्पाद को उसी विशिष्ट मण्डी समिति के लाईसेन्स प्राप्त व्यापारियों द्वारा क्रय किया जाता है। इसलिए अन्य मण्डी समिति के व्यापारी इस प्रक्रिया में भाग नहीं ले सकते हैं, जिसके कारण एक ही उत्पाद की अलग-अलग मण्डियों में पर्याप्त प्रतिस्पर्द्धा के अभाव में मूल्यों में भिन्नता रहती है। यदि प्रदेश की विभिन्न मण्डी समितियों के लाईसेन्स प्राप्त व्यापारियों को भी विभिन्न कृषि उत्पाद के क्रय-विक्रय में प्रतिभाग के लिए समर्थ बना दिया जाय, तो इससे अधिक प्रतिस्पर्द्धा होगी और किसान पारदर्शी तरीके से और अधिक लाभकारी मूल्य प्राप्त करेंगे। इस प्रक्रिया में नवीनतम प्रौद्योगिकी का प्रयोग कृषक हित में किया जायेगा। कृषक स्तर पर कृषि उत्पाद की ग्रेडिंग, छनाई एवं सफाई को लागू करने के लिये जागरूकता बढ़ेगी। इससे प्रस्तावित राष्ट्रीय कृषि बाजार के साथ राज्य मण्डी समितियों के एकीकरण में सुगमता होगी। उक्त उद्देश्य की पूर्ति ई-आवश्यन एवं ई-व्यापार की प्रक्रिया के माध्यम से होगी, जिसके लिए एकल लाईसेन्स (यूनीफाइड लाईसेन्स) की आवश्यकता होगी।

व्यापारियों को व्यापार करने में निर्धारित नियमों एवं प्रक्रियाओं का पालन करने हेतु प्रोत्साहित करने के उद्देश्य से यह भी आवश्यक है कि ऐसे अवैध एवं अनियमित प्रथाओं, जिससे व्यापारी शुल्क तन्त्र में प्रवर्चना होती है तथा न्यायसंगत व्यापारिक क्रियाओं पर प्रतिकूल प्रभाव पड़ता हो, पर अंकुश लगाया जाये। उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 की धारा 37 में किये गये अपराधों के लिए शास्ति का प्राविधान है। उत्पाद के विधिक अभिग्रहण की दशा में, संवाहकों द्वारा शास्ति की धनराशि का जो भुगतान किया जाता है वह प्रायः अभिगृहीत निर्दिष्ट कृषि उत्पाद के मूल्य से अत्यधिक कम होता है। इससे अपराधियों पर वित्तीय शास्ति का निवारक प्रभाव वर्तमान में मूल्य वृद्धि के कारण कम हो गया है। परिणामतः वर्तमान में इस उपबन्ध को उपन्तरित किया जाना आवश्यक हो गया है।

अतएव, यह विनिश्चय किया गया है कि उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 का संशोधन करके ई-व्यापार पद्धति को आरम्भ किया जाय और उक्त अधिनियम की धारा 9 और 10 के उपबन्धों का उल्लंघन करने वाले व्यक्तियों पर आर्थिक शास्ति में वृद्धि की जाय।

तदनुसार, उत्तर प्रदेश कृषि उत्पादन मण्डी (संशोधन) विधेयक, 2016 पुरःस्थापित किया जाता है।

आज्ञा से,
अब्दुल शाहिद,
प्रमुख सचिव।

No. 211 (2)/LXXIX-V-1-16-1(Ka) 5/2016

Dated, Lucknow, March 11, 2016

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, 2016 (Uttar Pradesh Adhiniyam Sankhya 3 of 2016) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 09, 2016 :-

THE UTTAR PRADESH KRISHI UTPADAN MANDI

(SANSHODHAN) ADHINIYAM, 2016

[U.P. Act no. 3 of 2016]

(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 Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Uttar Pradesh Krishi Utpadan Mandi Short title (Sanshodhan) Adhiniyam, 2016.

Amendment of
section 2 of U.P.
Act no. 25 of 1964

2. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam,1964
hereinafter referred to as the principal Act,-

(a) *after* clause (h-2) the following clause shall be *inserted*, namely:-

“(h-3) ‘e-trading’ means trading in which billing, booking, contracting, negotiating, information exchange, record keeping and other connected activities are done electronically on computer network/internet;”

(b) *after* clause (k) the following clause shall be *inserted*, namely:-

“(k-1) ‘Main Market Committee’ means the Mandi Samiti which is authorised to issue a unified license; ”

(c) *after* clause (y) the following clause shall be *inserted*, namely:-

“(y-1) ‘Unified License’ means a license granted under section 9-A.”

Insertion of new
section 9-A

3. *After* section 9 of the principal Act the following section shall be *inserted*, namely:-

“9-A(1) Any Main Market Committee authorised by the Board in this regard
Unified License for certain purposes may grant unified license after obtaining prior approval of the Director in writing to purchase specified agriculture produce from the farmers in such manner as may be prescribed, for one or more of the following purposes :-

(a) processing of specified agricultural produce;

(b) trading of specified agricultural produce;

(c) grading, packing and transaction in other way by value addition of specified agricultural produce.

(2) Market fee and development cess as provided in this Act, shall be payable on sale and purchase of specified agricultural produce in all market areas to the Main Market Committee.

(3) The Board may authorise one or more Market Committee in the State in this regard, and such authorised Market Committee shall be known as Main Market Committees.”

Amendment of
section 37

4. In section 37 of the principal Act,-

(a) in sub-section (1),-

(i) in clause (a) *for* the words “five thousand rupees” the words “fifty thousand rupees” shall be *substituted*;

(ii) in clause (b) *for* the words “ten thousand rupees” the words “one lakh rupees” and *for* the words “rupees one thousand” the words “rupees ten thousand” shall be *substituted*;

(iii) in the proviso to clause (b) *for* words “two hundred fifty rupees” the words “two thousand and five hundred rupees”; and *for* the words “five hundred rupees” the words “five thousand rupees” shall be *substituted*;

(b) in sub-section (2) *for* the words “two thousand rupees” the words “twenty thousand rupees” and *for* the words “rupees two hundred” the words “rupees two thousand” shall be *substituted*.

STATEMENT OF OBJECTS AND REASONS

State's Agricultural Produce Market Committees issue Licences to their traders in their respective regions for business. In Market place, the agriculture produce brought by the farmers are purchased by the licensed traders of that particular market committee. Due to this traders of other market committees cannot participate in this process. Hence due to lack of sufficient competition there is difference in price of same produce in different Markets. If licensed traders from different market committees of the State are also enabled to participate in sale and purchase of different agricultural produces, then it will generate more competition and farmers will get more remunerative price in a transparent manner. In this process the latest technology will be used in favour of farmers. Awareness for implementation of Grading, Filtration & Cleaning of agriculture produce at farmer level will increase. This will also facilitate the integration of State marketing committees with the proposed National Agriculture Market. The above objective shall be fulfilled through the procedure of E-Auction and E-Trading for which Unified Licence would be required.

In order to encourage traders to follow prescribed rules and procedures while carrying out their trade, it is also necessary to contain illegal and irregular practices that circumvent the fee-net and adversely affect fair practices. Section 37 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 provides for penalty of offences committed there under. Many a times, the transmitters of specified agriculture produce, in the event of lawful seizure of produce, pay a penalty which is often much less as compared to the value of seized specified agriculture produce. Because of increase in prices, this has reduced the impact of financial penalty as a deterrent to offenders. Consequently, a need has arisen at present to modify this provision.

It has, therefore, been decided to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 to introduce e-trading system and to enhance pecuniary penalty on persons who contravene the provisions of sections 9 and 10 of the said Act.

The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Vidheyak, 2016 is introduced accordingly.

By order,
ABDUL SHAHID,
Pramukh Sachiv.

No. 813(2)/LXXIX-V-1-18-1(ka) 9-2018

Dated Lucknow, April 11, 2018

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2018 (Uttar Pradesh Adhiniyam Sankhya 24 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 10, 2018.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN)
ADHINIYAM, 2018
(U.P. ACT NO. 24 OF 2018)

[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 Sixty ninth Year of the Republic of India as follows :-

Short title

1. This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2018.

Amendment of
section 2 of U.P.
Act no.25 of
1964

2. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter referred to as the principal Act, -

(a) *after* clause (d-1), the following clause shall be *inserted*, namely:-

“(d-2) ‘Cold Storage’ in relation to market yard means cold storage declared as market sub-yard under section 7-A of this Act;”

(b) *after* clause (h), the following clauses shall be *inserted*, namely:-

“(h-1) ‘Director Agricultural Marketing’ means an officer, appointed by the State Government as Director Agricultural Marketing, to perform the powers and functions of the Director of Agricultural Marketing under this Act;

(h-1a) ‘Direct Marketing’ in relation to specified agricultural produce, means direct wholesale purchase of specified agricultural produce from the farmers by the processors, exporters, bulk buyers, etc. outside the principal market yard, sub-market yard, private market yard and market sub-yard;

(h-1b) ‘Farmer Producer Organisation (FPO)’ means an association of farmers, by whatever name/form it is called/exists, registered under any law for the time being in force, which is to mobilize farmers and build their capacity to collectively leverage their production and marketing strength.”

(c) *after* clause (k-1), the following clause shall be *inserted*, namely:-

“(k-2) ‘Market sub-yard’ means warehouse/silos/cold storage or other such structure or place declared to be market sub-yard under section 7-A of this Act.”

(d) *after* clause (m), the following clause shall be *inserted*, namely:-

“(m-1) ‘Person’ includes individual, a co-operative society, Hindu Undivided Family, a company or firm or an association or a body of individuals, whether incorporated or not.”

(e) *after* clause (o-1), the following clauses shall be *inserted*, namely:-

“(o-2) ‘Private Market Yard’ means such place other than Principal Market Yard, Sub-Market Yard and Market-Sub Yard in the market area, where infrastructure has been developed and managed by a person for marketing of agricultural produce, holding a license for this purpose under this Act;

(o-3) ‘Processor’ in relation to agriculture produce means a person who under takes processing of any notified agricultural produce on his own accord or on payment of a charge.”

(f) *after* clause (s), the following clauses shall be *inserted*, namely:-

“(s-1) ‘Silo’ means silo declared as market sub-yard under section 7-A of this Act;

(s-2) ‘Special Commodity Market Yard’ means a market yard as notified under section 7-C of this Act.”

(g) *after* clause (t), the following clause shall be *inserted*, namely:-

“(t-1) ‘State’ means a State as specified in 1st Schedule of the Constitution of India.”

(h) *after* clause (aa), the following clause shall be *inserted*, namely:-

“(aa-1) ‘Warehouse’ in relation to market yard means warehouse declared as market sub-yard under section 7-A of this Act.”

3. *After* section 2 of the principal Act, the following section shall be *inserted*, namely :-

“2-A. The agriculturist/producer may sell his produce according to

Marketing	his choice anywhere in or outside this State:
Freedom to	
Agriculturist/	
Producer	

Provided that no market fee shall be collected for wholesale transition from agriculturist – seller:

Provided further that no market fee shall be levied or collected on the retail sale of any specified agricultural produce, where such sale is made by an agriculturist or a producer directly to the consumer for his domestic consumption.”

4. In section 7 of the principal Act in sub-section (2) *for* clause(b), the following clause shall be *substituted*, namely :-

“(b) declare that the whole-sale transactions of all or any of the specified agricultural produce in respect of a market area shall be carried on only at a specified place or places within its principal market yard or sub-market yards :

Provided that the provision of this clause shall have no effect in the case of a private market yards and collection/ aggregation centers outside a principal market yard, sub-market yards, private market yards or market sub-yards, situated in such market area.”

Insertion of new
section 2-A

Amendment of
section 7

5. After section 7 of the principal Act the following sections shall be inserted, namely :-

Insertion of new sections 7-A, 7-B, 7-C and 7-D

“7-A (1) Save as otherwise provided in this Act, the State Government may, by notification declare such warehouse/ silo/ cold storage/ or other such structure or place with infrastructure and facilities as may be prescribed, to function as market sub-yard:

Declaring warehouse/silo/ cold storage/or other such structure or places as market sub-yard

Provided that a place of retail trade shall not be declared as market sub- yard.

Explanation:- The expression 'place' mentioned in this sub-section shall include any structure, enclosure, open space, locality, street including warehouse/ silo/ cold storage/ pack house/ cleaning, grading & processing unit etc.

(2) The owner of a warehouse/silo/ cold storage, or other such structure or 'place,' as the case may be, desirous of declaration of such place as market sub-yard under sub-section (1), shall apply to the Director Agricultural Marketing or an officer authorized by him, in such form, in such manner with such fee and for such period but not less than three years, as may be prescribed.

(3) The owner of a warehouse/ silo/ cold storage or other structure or place, shall take license from the concerned market committee of said area and pay the applicable market fee on notified agricultural produce transacted at the declared market sub-yard, at the rate *ad valorem* and shall contribute such market fee to the market committee:

Provided that no market fee shall be collected from an agriculturist-seller.

7-B (1) Subject to such reasonable conditions and such fee as may be prescribed, the Director, Agricultural Marketing may grant a license to a person to establish Collection/ aggregation centers in the proximity of the production area with infrastructure, as may be prescribed in accordance with the provisions of this Act and the rules made thereunder for marketing of notified agricultural produce :

Direct marketing (wholesale direct purchase from farmers outside the market yard, sub-market yard, private market yard)

Provided that the direct wholesale purchase may be carried out outside the principal market yard, sub-market yards, market sub-yards, private market yards by declaring the place of such purchase, without establishment of any permanent collection/ aggregation centre, as may be prescribed.

(2) The direct marketing licensee shall maintain records and all accounts relating to daily trade transactions and submit monthly report, as may be prescribed, to the licensing authority.

(3) The licensing authority may seek any type of additional information from the direct marketing licensee, and may also inspect and issue directions relating to the functioning of such wholesale purchases and the activities incidental thereto.

(4) The direct marketing licensee shall pay market fee on transaction of sale of specified agricultural produce to the Uttar Pradesh State Marketing Development Fund maintained by the Board.

7-C (1) The State Government, where it considers necessary or expedient in the public interest so to do, may, by notification declare existing market yard established under clause (b) of sub-section (2) of section 7 as Special Commodity Market Yard or may notify any new market yard as Special Commodity Market Yard of all or any of the specified agricultural produce in respect of a market area.

Establishment and notification of 'Special Commodity Market Yard'

(2) Provisions for and in relation to the Market Committee of this Act shall *mutatis mutandis* apply to the Market Committee established for Specified Commodity Market Yard.

7-D (1) Subject to such reasonable conditions and such fee as may be prescribed, the Director, Agricultural Marketing may grant a license to a person to establish a private market yard, for trading of notified agricultural produce.

(2) The private market yard licensee, or its management committee, may collect user charge on notified agricultural produce transacted in the private market yard, at the rate *ad valorem* not exceeding as notified by the State Government:

Provided that no user charge shall be collected from agriculturist-seller.

(3) The private market yard licensee shall contribute license fee and one-fourth of the user charge collection, to a separate fund maintained and operated by the Director, Agricultural Marketing. The Director, Agricultural Marketing shall utilise the fund, in skill development, training, research and such other activities, as will aid in creating an efficient marketing system in the State.”

Amendment of section 9
6. In section 9 of the principal Act in sub-section (1) *after* the existing proviso the following proviso shall be *inserted*, namely :

“Provided further that in case of direct purchase from farmers, to set up collection/ aggregation centers in the proximity of the production area and for the private market yard, Director, Agricultural Marketing shall be the Licensing Authority for that market area.”

Amendment of section 9-A.
7. For section 9-A of the principal Act the following section shall be substituted, namely :-

“9-A. (1) Any Market Committee may grant unified license to purchase specified agricultural produce from the farmers and traders in such manner as may be prescribed, for one or more of the following purposes:-

- (a) processing of specified agricultural produce;
- (b) trading of specified agricultural produce;
- (c) grading, packing and transaction in other way by value addition of specified agricultural produce.

(2) Market fee and development cess as provided in this Act, shall be payable on sale and purchase of specified agricultural produce to that market committee, where the specified agricultural produce is actually transacted.”

Amendment of section 13
8. For section 13 of the principal Act the following section 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 such manner as may be prescribed:-

- (a) nine representative of producers of the Market Area;
- (b) two representative of traders carrying on business in the Market Area and holding license therefor under this Act;
- (c) two representative of commission agents carrying on business in the Market Area and holding license therefor under this Act;
- (d) two representative of palledar and measurer carrying on business in the Market Area and holding license therefor under this Act;
- (e) Secretary of the Market Committee who shall be the member secretary.

(2) The members referred to in clause (a) of sub-section (1), who have sold notified agricultural produce in the market yards and obtained sale vouchers in Form VI of last three years from the committee, cumulatively highest in value, shall be eligible for nomination :

Provided that out of nine producer members, three members shall be from marginal farmers, three members from small farmers and three members from large farmers.

(3) Every committee shall have a Chairman and Vice-Chairman elected by the members referred to in clauses (a) to (d) of sub-section (1) in such manner as may be prescribed :

Provided that the Chairman and Vice-Chairman shall be the member referred in clause (a) of sub-section (1).

(4) (a) The term of the committee constituted under sub-section (1) shall be three years from the date of publication of the constitution of the committee, 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.

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

(6) No proceeding, or act done by or on behalf of the committee shall be questioned on the ground for want to any qualification, or defect in the nomination, of any person a 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."

9. In section 17 of the principal Act, in clause (iii) in sub-clause (b), *for* the words "not more than two and half percentum" the words "not more than two percentum" shall be *substituted*.

Amendment of section 17

10. In section 19 of the principal Act, *for* sub-section (5) the following sub-section shall be *substituted*, namely :-

Amendment of section 19

"(5) Every committee shall, out of its total receipts excluding moneys raised under clause (v) of section 17, money realised as development cess and grants made by the State or Central Government in the financial year, keep only fifty per cent or rupees ten crore, whichever is less and transfer the remaining amount to the Board as contribution."

11. *After* section 33-B of the principal Act the following sections shall be *inserted*, namely :-

Insertion of new sections 33-C, 33-D, 33-E and 33-F

"33-C. (1) Any person who, desires to establish private market yard under section 7-D shall apply to the Director, Agricultural Marketing or the Officer authorized by him for grant or renewal of license, as the case may be, in such form and in such manner; and also for such period but not less than three years, as may be prescribed.

(2) An application for grant or renewal of license, as the case may be, for private market yard, shall be accompanied with such reasonable license fee and security/ bank guarantee, as may be prescribed.

(3) An Application received under sub-section (1) for grant or renewal of license may be accepted or rejected for the reasons recorded in writing by the Licensing Authority :

Provided that the application received under this section shall be liable to be rejected on the condition(s),-

(a) that, the applicant is a minor not under custodian or not *bona fide*;

(b) that, the applicant has been declared defaulter under the Act and Rules and Bye-laws made there under;

(c) that, any dues relating to Market Committee and/or Board and/or department/directorate of agricultural marketing are outstanding against the applicant;

(d) that, the concerned authority is satisfied that the applicant does not possess the infrastructure credentials, experience or adequate capital for investment or any other requirements as may be prescribed for establishment of a private market yard ; and/ or

(e) for any other reasons, as may be prescribed.

(4) The license granted or renewed under this section shall be subject to such terms and conditions, as may be prescribed; and the licensee shall be bound to follow the terms and conditions of the license as prescribed. The licensee shall also follow the provisions of this Act and Rules made thereunder”.

33-D.(1) Subject to the provisions of section 33-C, the Licensing Authority, as the case may be, may suspend or for the reasons to be communicated to the license holder in writing and giving reasonable opportunity of hearing, cancel the license, if;

(a) the license has been obtained through willful misrepresentation or fraud; and/or

(b) the holder of license or its representative or anyone acting on his behalf with his expressed or implied permission, commits a breach of any of the Rules, regulations and terms or conditions of license; and/or

(c) the holder of license himself or in combination with other license holder commits any act or abstains from carrying on his normal business in the market area with the intention of willfully obstructing, suspending or stopping the marketing of notified agricultural produce; and/ or

(d) the holder of the license has become insolvent; and/or

(e) the holder of the license incurs any disqualification, as may be prescribed; and/or

(f) the holder of the license is convicted of any offence under this Act.

(2) No license shall be cancelled under this section without giving a reasonable opportunity of being heard to its holder.

(3) Subject to the provisions of section 33-D, the Licensing Authority shall communicate to the license holder by speaking order to cancel its license granted or renewal under section 33-C :

Provided that any person aggrieved by an order of the licensing authority may prefer an appeal to the State Government in such manner as may be prescribed.

33-E. (1) Any person, including a Farmers' Cooperative, Farmers Grant/ Renewal Producer Organisation (FPO) and Processor/ Exporter, of license for direct marketing under section 7-B, desires to purchase agricultural produce directly from farmers outside the principal market yard, sub- market yard, market sub-yard, private market yard, shall apply to the Director, Agricultural Marketing for grant or renewal of license, as the case may be, in such form and in such manner; and also for such period , as may be prescribed.

(2) An application for direct marketing shall accompany such reasonable license fee and security/ bank guarantee, as may be prescribed.

(3) The application received under Section 33-E for grant or renewal of license may be accepted or rejected in the cause and manner *mutatis mutandis* to Section 33-C (3).

(4) A direct marketing license granted or renewed under this Section shall be subject to such terms and conditions, as may be prescribed; and the licensee shall be bound to follow the terms and conditions of the license as prescribed. The licensee shall also follow the provisions of this Act and Rules made thereunder.

33-F. Subject to the provisions of section 7-B, the Licensing Authority, who has issued the license, may suspend or cancel the license granted/ renewed under section 33-E in the cause and manner *mutatis mutandis* to section 33-D :

Provided that any person aggrieved by an order of the licensing authority may prefer an appeal to the State Government in such manner as may be prescribed.”

12. In section 37-A of the principal Act, for sub-section (1) the following sub-section shall be *substituted*, namely :-

Amendment of section 37-A

“(1) A market committee or its sub-committee or with the authorization by a resolution of a committee, its Chairman, may accept from any person who has committed or is reasonably suspected of having committed an offence punishable under this Act in addition to the fee or other amount recoverable from him, a sum of money equal to ten times the sum of market fee and development cess assessed due on the equivalent agricultural produce in accordance with the explanation given in the proviso to sub-rule (1) of Rule 66 of the Uttar Pradesh Krishi Utpadan Mandi Niyamavali, 1965 or Rupees Two Lakh, whichever is less and for other offence, a sum of money not exceeding rupees twenty thousand by way of composition fee and compound the offence.”

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act no. 25 of 1964) has been enacted to provide for the regulation of sale and purchase of agricultural produce and for the establishment, superintendence and control of markets therefor in Uttar Pradesh. For the development of agricultural marketing and to develop completely their capacities and potentialities, it is highly required that the marketing which is of link among the consumers and producers, should be multidimensional formed for the enhancement of the income of the farmers, so that the farmers could be able to sale their produce according to their own selection and conditions at their times and places. For this purpose it is necessary to make provisions for the establishment of private market yards, development of warehouses, silo and cold storages in the form of markets by declaring them as market sub-yards and the establishment of collection centres outside the market yards to be purchased directly from the produce of farmers.

Agricultural Produce Market Committees of the State issue Licences to their traders in their respective regions for business. The produce of the farmers should be purchased more and more by the traders of the State through e- trade; for this purpose it is required to ease the process of single licence so that the farmers could be able to receive more and more relevant prices for their produce as a result of comparatively more competitions.

In orders to encourage agriculture traders to follow prescribed rules and procedures while carrying out their trade, it is also necessary to constrain illegal and irregular practices that circumvent the fee-net and adversely affect fair trade practices. Therefore in order to aid implementation of reasonable and effective procedure, it is required to make provision of composition fee for other punishable offence under the said Act in addition to illegal movement of specified agricultural produces.

It has therefore been decided to amend the aforesaid Act to provide more than one option of market for the sale of agricultural produce of the farmers in addition to the existing market yards, to establish private market yards, to establish special commodity market yards, to declare the warehouses, cold storages and silo as market sub-yards and to establish collection centres for the direct purchase through farmers and to make provision for the regulation of the said purpose together with providing financial autonomy to the market committees and prescribing the representation of stake holders in the committees and making effective provision of composition.

The Uttar Pradesh Krishi Utpadan Mandi(sanshodhan) Vidheyak, 2018 is introduced accordingly.

By order,
VIRENDRA KUMAR SRIVASTAVA,
Pramukh Sachiv.

पी0एस0यू0पी0—ए0पी0 16 राजपत्र—2018—(39)—599 प्रतियां—(कम्प्यूटर/टी/आफसेट)।
 पी0एस0यू0पी0—ए0पी0 6 सा0 विधायी—12—4—2018—(40)—300 प्रतियां—(कम्प्यूटर/टी/आफसेट)।

आवश्यक है कि मण्डी समितियों की कुल आय में से 02 प्रतिशत के सापेक्ष 04 प्रतिशत व्यय, पूर्व संस्थाओं के माध्यम से किया जाय।

अतएव नवीन प्रसंस्करण इकाइयों की स्थापना को प्रोत्साहित करने और चालू वर्ष के वार्षिक आय की कुल प्राप्तियों के सापेक्ष अनुवर्ती वर्ष में पूर्व संस्थाओं के माध्यम से पूर्व क्रियाकलापों हेतु 04 प्रतिशत का उपर्युक्त करने के लिए पूर्वोक्त अधिनियम में संशोधन करने का विनिश्चय किया गया है।

तदनुसार उत्तर प्रदेश कृषि उत्पादन मण्डी (संशोधन) विधेयक, 2020 पुरस्थापित किया जाता है।

आज्ञा से,
जे० पी० सिंह-II,
प्रमुख सचिव।

No. 417(2)/LXXIX-V-1-20-1(ka)-6-2020

Dated Lucknow, March 12, 2020

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2020 (Uttar Pradesh Adhiniyam Sankhya 7 of 2020) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 11, 2020. The Krishi Vipanan Evam Krishi Videsh Vyapar Anubhag-1 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN)

ADHINIYAM, 2020

(U.P. Act no. 7 of 2020)

[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 Seventy first Year of the Republic of India as follows:-

1. This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2020.	Short title
2. In section 17-A of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 hereinafter referred to as the principal Act in sub-section (1) for clause (a) the following clause shall be substituted, namely:-	Amendment of section 17-A of U.P. Act no. 25 of 1964

“(a) Where the State Government or an authority as may be prescribed, is of the opinion that it is necessary and expedient in the public interest so to do to encourage the establishment of Industrial or Agro Processing Units in the State and to promote the marketing of the specified agricultural produces to be used as raw material by the said units, it may on an application in such form as may be prescribed, by notification exempt mandi fee (excluding development cess) on such specified agricultural produce or produces as may be used by such newly established agro processing units as fulfill the condition that the cost of plant and machinery shall not be less than five crore rupees, for such period as may be specified in the notification not exceeding five years subject to such conditions as may be specified in the notification:

Provided that the State Government may exempt market fee (excluding development cess) on a finished product of Industrial or Agro Processing Units which is a specified agricultural produce and the material used therein is not a specified agricultural produce.”

Amendment of
section 19

3. In section 19 of the principal Act, in sub-section (3) for clause (xi-a), the following clause shall be *substituted*, namely:-

“(xi-a) financial assistance to charitable institutions approved by the Board or recognised educational institutions, subject to a maximum of four per cent of total receipts excluding money raised under clause (v) of section 17 and grants made by Government in the previous financial year.”

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act no. 25 of 1964) has been enacted to provide for the regulation of sale and purchase of agricultural produce and for the establishment, superintendence and control of markets therefore in Uttar Pradesh.

With the aim of promoting new agricultural processing units, set up with the purpose of development of agricultural marketing, capacity building and exploring possibilities, and, to promote such processing units whose cost of plant and machinery is Rupees five crore or more, there is a provision of exemption of market fee partially or fully. Committees headed by Commissioners of the concerned division were recommending different rates of remission of market fee. In order to bring uniformity and transparency, it is necessary to make amendment in the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

The aforesaid Act provides for a grant of 02 per cent of the total receipts of the annual income of the mandi committees to the charitable institutions, including recognized educational institutions, by the Mandi Parishad. In present context, the income of the mandi committees has increased and towards the fulfillment of social obligations of Mandi Parishad, it is necessary that 04 per cent of the total income of mandi committees instead of the present 02 per cent be spent through charitable institutions.

It has therefore been decided to amend the aforesaid Act accordingly so as to encourage the establishment of new processing units, and, to make provision of 04 per cent for charitable activities through charitable institutions in the year next following, with respect to the total receipts of the annual income of the current year.

The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Vidheyak, 2020 is introduced accordingly.

By order,
J. P. SINGH-II,
Pramukh Sachiv.

पी0एस0यू0पी0-ए0पी0 745 राजपत्र-(हि0)-2020-(1774)-599 प्रतियां (कम्प्यूटर / टी0 / ऑफसेट)।
पी0एस0यू0पी0-ए0पी0 160 सा0 विधायी-2020-(1775)-300 प्रतियां (कम्प्यूटर / टी0 / ऑफसेट)।

No. 1576(2)/LXXIX-V-1-20-1(ka)-21-20

Dated Lucknow, August 31, 2020

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Krishi Utpadan Mandi (Dwitiya Sanshodhan) Adhiniyam, 2020 (Uttar Pradesh Adhiniyam Sankhya 18 of 2020) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 28, 2020. The Krishi Vipanam Evam Krishi Videsh Vyapar Anubhag-1, is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (DWITIYA SANSHODHAN)
ADHINIYAM, 2020
(U.P. Act No. 18 OF 2020)
[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 Seventy-first Year of the Republic of India as follows:-

Short title and commencement

1(1). This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Dwitiya Sanshodhan) Adhiniyam, 2020.

Amendment of section 2 of U.P. Act no. 25 of 1964

(2) It shall be deemed to have come into force with effect from May 11, 2020.

2. In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter called as the principal Act, *after* clause (ee), the following new clause (ff) shall be *inserted*, namely :-

Amendment of section 7

(ff) "User Charges" means the amount paid in consideration of material or service.

3. In the principal Act, *for* the proviso to clause (b) of sub-section (2) of section 7 the following proviso shall be *substituted*, namely :

Provided that the provisions of this clause shall have no effect on the following –

Amendment section 7-A of

1. Market sub yard;
2. Direct Marketing;
3. Private Mandi Yard;
4. Trade through Unified License;
5. Purchase Centres under minimum support price scheme;
6. Trade through digital platform approved by Director, Mandi Parishad;

Provided that the licenses issued by Mandi Samiti or Director, Agriculture Marketing shall not be within the specified distance from the declared and constructed principal market yard/sub-market yard, determined by Director, Mandi Parishad.

4. In section 7-A of the principal Act, *for* sub-section (3), the following sub-section shall be *substituted*, namely :-

(3) The person transacting within such warehouse/silo/cold storage or other structure or place, in declared market sub-yard, shall have to pay 75% of the applicable market fee to the market committee on the value of transacted notified agriculture produce. The owner/licensee of the market sub-yard may levy and collect up to 25% of the market fee as user charge on the specified agriculture produce, which can be spent for maintenance and development of the yard.

5. In the principal Act *after* section 7-D, the following new section shall be *inserted*, namely :—

Insertion of new
section 7-E

7-E. Establishment of Producer Consumer market yard (Sale of agriculture produce within retail limit by producer to the consumer) —

(1) Subject to prescribed fee, conditions and restrictions, the officer authorised by the Government may issue license to the concerned person who establish producer consumer markets in which retail trade of specified agriculture produce can take place.

(2) The licensee may establish and develop the infrastructure in the producer consumer market, within the reach of producer and consumers, as may be prescribed:

Provided that the consumer shall purchase within the retail limit.

6. In section 9-A of the principal Act, *for* sub-section (1) the following sub-section shall be *substituted*, namely :—

Amendment of
section 9-A

(1) Any Market Committee, which shall be main Mandi Samiti, may grant unified license to purchase specified agriculture produce from the farmers and traders in such a manner as may be prescribed in the bye laws, in the pre-communicated places in the whole State, for one or more of the following purposes :—

(a) processing of specified agriculture produce;

(b) trading of specified agriculture produce;

(c) grading, packing and transaction in other way by value addition of specified agriculture produce.

7. In section 17 of the principal Act in clause (iii) *after* sub-clause (b) the following sub-clause shall be *inserted*, namely :—

Amendment of
section 17

(c) User charge shall be levied and collected by the market committee in consideration to the rendered material or services in the principal market yard/sub-market yard/market sub-yard, as prescribed by the State Government.

Repeal and
saving

8. (1) The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhyadesha, 2020 is hereby repealed.

U.P. Ordinance
no. 9 of 2020

(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 Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act no. 25 of 1964) was enacted to provide for regulation of sale and purchase of agricultural produce and for the establishment, superintendence and control of markets thereof in Uttar Pradesh.

To make the market more competitive, in the interest of the farmers and in view of the guidelines of the Government of India in the purview of Covid-19 relating to the decentralization of mandi sites for stopping crowding of farmers and traders and to follow social distancing standards, certain amendments were required in the Act, for effective development of Mandi sub-sites.

Further, amendments were also required to provide for an integrated license to carry on trade in order to protect interests of consumers along with the producers by establishing a producer consumer market which would reduce the member of middlemen and get up to 100 per cent of consumer price to the producers, lastly amendments were required in the Act, to provide for inclusion of private capital which would generate additional employment.

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 (Sanshodhan) Adhyadesha, 2020 (U.P. Ordinance no. 9 of 2020) was promulgated by the Governor on May 11, 2020.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
J. P. SINGH-II,
Pramukh Sachiv.

पी०एस०य०पी०-ए०पी० 193 राजपत्र-2020-(568)-599 प्रतियां-(कम्प्यूटर/टी०/ऑफसेट)।
पी०एस०य०पी०-ए०पी० 151 सा० विधायी-2020-(569)-300 प्रतियां-(कम्प्यूटर/टी०/ऑफसेट)।



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

माग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 21 अगस्त, 2023

श्रावण 30, 1945 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 417/79-वि-1-2023-1-(क)-7-2023

लखनऊ, 21 अगस्त, 2023

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल ने उत्तर प्रदेश कृषि उत्पादन मण्डी (संशोधन) विधेयक, 2023 जिससे कृषि विपणन एवं कृषि विदेश व्यापार अनुभाग-1 प्रशासनिक रूप से सम्बन्धित है, पर दिनांक 18 अगस्त, 2023 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 7 सन् 2023 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश कृषि उत्पादन मण्डी (संशोधन)

अधिनियम, 2023

(उत्तर प्रदेश अधिनियम संख्या 7 सन् 2023)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के चौहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश कृषि उत्पादन मण्डी (संशोधन) अधिनियम, 2023 कहा जायेगा।

(2) यह दिनांक 20 अप्रैल, 2023 से प्रवृत्त हुआ समझा जायेगा।

संक्षिप्त नाम
और प्रारम्भ

उत्तर प्रदेश
अधिनियम संख्या 25
सन् 1964 की धारा
9-क का संशोधन

2—उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 (जिसे आगे मूल अधिनियम कहा गया है) में, धारा 9-क में, उपधारा (2) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जाएगी, अर्थात् :—

“(3) उपधारा (1) में अन्तर्विष्ट किसी बात के होते हुए भी, किसी मण्डी समिति द्वारा यथा विहित रीति से थोक व्यापारी हेतु जारी लाइसेंस को एकीकृत लाइसेंस माना जायेगा। एकीकृत लाइसेंसधारी राज्य के किसी मण्डी क्षेत्र में व्यापार करने के लिए प्राधिकृत होगा।”

धारा 17-क का
संशोधन

3—मूल अधिनियम की धारा 17-क की उपधारा (1) में, खंड (ख) के पश्चात् निम्नलिखित खंड बढ़ा दिये जायेंगे, अर्थात् :—

(ग) जहाँ राज्य सरकार की यह राय हो कि राज्य में प्रसंस्करण इकाईयों की स्थापना को प्रोत्साहित करना आवश्यक और समीचीन है वहाँ वह, राज्य के बाहर से प्रसंस्करण हेतु लाये गये विनिर्दिष्ट कृषि उत्पाद पर यथा विहित रीति से मण्डी शुल्क एवं विकास उपकर में छूट प्रदान कर सकती है:

प्रतिबन्ध यह है कि राज्य के बाहर से लाये गये कृषि उत्पाद को प्रसंस्करण इकाई द्वारा सीधे क्रय किया जायेगा और विनिर्दिष्ट कृषि उत्पाद पर राज्य, जहाँ कृषि उत्पाद लाया गया हो, में प्रवृत्त विधि, यदि कोई हो, के अनुसार मण्डी शुल्क एवं उपकर, यदि कोई हो, का सम्यक रूप से भुगतान किया जायेगा।

(घ) खण्ड (क) में अन्तर्विष्ट किसी बात के होते हुए भी, जहाँ राज्य सरकार की यह राय हो कि राज्य में प्रसंस्करण इकाईयों की स्थापना को प्रोत्साहित करना और राज्य में उत्पादित विनिर्दिष्ट कृषि उत्पाद के विपणन और उसे उक्त इकाईयों द्वारा कच्चे माल के रूप में प्रयोग किये जाने हेतु प्रोत्साहित करना लोकहित में आवश्यक एवं समीचीन है वहाँ वह, ऐसे विनिर्दिष्ट कृषि उत्पाद पर यथा विहित रीति से मण्डी शुल्क एवं विकास उपकर में छूट प्रदान कर सकती है:

प्रतिबन्ध यह है कि प्रसंस्करण इकाई उत्तर प्रदेश राज्य में विनिर्दिष्ट कृषि उत्पाद, राज्य सरकार द्वारा यथा विहित रीति से, उत्तर प्रदेश राज्य में सीधे कृषकों से क्रय करेगी।

(ड) राज्य सरकार पूर्वोक्त खण्ड (ग) एवं (घ) के अधीन प्रदत्त छूट के फलस्वरूप राज्य की समस्त मण्डी समितियों की आय में विहित रीति से आगणित कुल कमी की प्रतिपूर्ति, वार्षिक आय-व्ययक के माध्यम से करेगी।

निरसन और
व्यावृत्ति

4—(1) उत्तर प्रदेश कृषि उत्पादन मण्डी (संशोधन) अध्यादेश, उत्तर प्रदेश अध्यादेश संख्या 5
2023 एतद्वारा निरसित किया जाता है।

अध्यादेश संख्या 5
सन् 2023

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या की गयी कोई कार्यवाही, इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के सह प्रत्यर्थी उपबन्धों के अधीन कृत या की गयी समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान समयों में प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश कृषि उत्पादन मण्डी अधिनियम, 1964 (उत्तर प्रदेश अधिनियम संख्या 25 सन् 1964) उत्तर प्रदेश राज्य में कृषि उत्पाद के क्रय तथा विक्रय और मण्डियों के अधीक्षण, नियंत्रण तथा स्थापना के विनियमन का उपबंध करने के लिए अधिनियमित किया गया है।

दिनांक 2 फरवरी, 2023 को प्रख्यापित उत्तर प्रदेश खाद्य प्रसंस्करण उद्योग नीति, 2023 में, प्रसंस्करण उद्योगों को प्रोत्साहित करने के उद्देश्य से उन्हें मण्डी शुल्क तथा विकास उपकर से छूट दिये जाने का उपबंध किया गया है। इस नीति का उद्देश्य राज्य में अधिक निवेश को आकृष्ट करने तथा रोजगार सृजन करने के उद्देश्य से राज्य में अधिक प्रसंस्करण इकाईयों की स्थापना को प्रोत्साहित करना था। इसके अतिरिक्त यह भी सुनिश्चित करना कि राज्य के कृषक इस नीति से लाभान्वित हों, प्रसंस्करण इकाईयों को कृषकों से विनिर्दिष्ट कृषि उत्पाद को सीधे क्रय किये जाने पर मण्डी शुल्क तथा विकास उपकर से छूट दिये जाने का उपबंध किया गया है। खाद्य प्रसंस्करण उद्योगों हेतु सम्पूर्ण उत्तर प्रदेश राज्य को एक मण्डी क्षेत्र के रूप में मानने के भी उपबंध किये गये हैं। उक्त नीति के उपबंधों को पूर्वोक्त अधिनियम में सम्मिलित किये जाने के उद्देश्य से पूर्वोक्त अधिनियम की धारा 9-क तथा 17-क में संशोधन करने का विनिश्चय किया गया।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और पूर्वोक्त विनिश्चय को कार्यान्वित करने के लिए तुरंत विधायी कार्रवाई करनी आवश्यक थी, अतः राज्यपाल द्वारा दिनांक 20 अप्रैल, 2023 को उत्तर प्रदेश कृषि उत्पादन मण्डी (संशोधन) अध्यादेश, 2023 (उत्तर प्रदेश अध्यादेश संख्या 5 सन् 2023) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरास्थापित किया जाता है।

आज्ञा से,
अतुल श्रीवास्तव,
प्रमुख सचिव।

No. 417(2)/LXXIX-V-1-2023-1-(ka)-7-2023

Dated Lucknow, August 21, 2023

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, 2023 (Uttar Pradesh Adhiniyam Sankhya 7 of 2023) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 18, 2023. The Krishi Vipnan evam Krishi Videsh Vyapar Anubhag-1 is administratively concerned with the said Adhiniyam.

THE UTTAR PRADESH KRISHI UTPADAN MANDI (SANSHODHAN)

ADHINIYAM, 2023

(U.P. Act No. 7 of 2023)

[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 Seventy fourth Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2023. Short title and commencement

(2) It shall be deemed to have come into force with effect from April 20, 2023.

Amendment of
section 9-A of U.P.
Act no. 25 of 1964

2. In the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (hereinafter referred to as the "principal Act") in Section 9-A *after* sub-section (2), the following sub-section shall be *inserted*, namely:-

"(3) Notwithstanding anything contained in sub-section (1) licence issued to a wholesale trader by any mandi samiti, in the manner as may be prescribed, shall be treated as Unified Licence. The Unified Licencee shall be authorized to trade in any market area of the State."

Amendment of
section 17-A

3. In sub-section (1) of Section 17-A of the principal Act, *after* clause (b), the following clauses shall be *inserted*, namely:-

"(c) Where the State Government is of the opinion that it is necessary and expedient to encourage the establishment of processing units in the State, it may exempt market fee and development cess on specified agricultural produce brought from outside the State for processing, in such manner as may be prescribed:

Provided that the agricultural produce brought from outside the State shall be purchased directly by the processing unit and the market fee and cess on specified agricultural produce, if any, shall be duly paid according to the law, if any, in force in the State from where the agricultural produce is brought.

(d) Notwithstanding anything contained in clause (a), where the State Government is of the opinion that it is necessary and expedient in public interest to encourage the establishment of processing units in the State and to promote the marketing of specified agricultural produce cultivated in the State and to be used as raw material by said units, it may exempt market fee and development cess on such specified agricultural produce in such manner as may be prescribed:

Provided that the processing unit shall purchase specified agricultural produce directly from the farmers in the State of Uttar Pradesh, in such manner as may be prescribed by the State Government.

(e) The State Government shall reimburse the total shortfall, calculated in the prescribed manner, in the income of all market committees of the State as a result of the exemption given under the aforesaid clauses (c) and (d) through Annual Income-Expenditure."

Repeal and saving

4. (1) The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhyadesha, 2023 is hereby repealed.

U.P. Ordinance
no. 5 of 2023

(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 Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act no. 25 of 1964) was enacted to provide for the regulation of sale and purchase of agricultural produce and for the establishment, superintendence and control of markets therefor in the State of Uttar Pradesh.

In the Uttar Pradesh Food Processing Industry Policy, 2023 which was promulgated on 02.02.2023, provisions have been made to exempt the processing industries from market fee and development cess in order to encourage them. The objective of the policy was to encourage establishment of more processing units in the State in order to attract more investment in the State and generate more employment. Moreover, to ensure that the farmers of the State should be benefitted with this policy, provisions have been made to exempt processing units from market fee and development cess on direct purchase of specified agricultural produce from farmers. Provisions have also been made to consider the entire State of Uttar Pradesh as one market area for food processing industries. In order to incorporate the provisions of the said policy in the aforesaid Act, it was decided to amend sections 9-A and 17-A of the aforesaid Act.

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 (Sanshodhan) Adhyadesha, 2023 (U.P. Ordinance no. 5 of 2023) was promulgated by the Governor on April 20, 2023.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
ATUL SRIVASTAVA,
Pramukh Sachiv.