

The U.P. Wheat (Levy) Order, 1989

UTTAR PRADESH

India

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Rule THE-U-P-WHEAT-LEVY-ORDER-1989 of 1989

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The U.P. Wheat (Levy) Order, 1989 Published vide Notification U.P. Gazette, (Extraordinary), Part 4, section 4-A, dated 7th June, 1989, vide Notification No. P-2081/29-Food-5-5-(44)-89, dated June 7, 1989. Now rescinded by Notification No. P-4818/29-Food-5-(44)-89, dated 19th October, 1989

1. Short title, extent and commencement.

(1) This order may be called the Uttar Pradesh Wheat (Levy) Order, 1989. (2) It extends to the whole of Uttar Pradesh. (3) It shall come into force" at once.

2. Definitions.

- In this order unless the context otherwise requires-(a) "Controller" means the Regional Food Controller and includes an officer authorised in writing by him to exercise all or any of the powers of Controller under this Order; (b) "Enforcement Officer" means the Commissioner, Food and Civil Supplies, U.P., Additional Commissioner, Food and Civil Supplies, U.P., Deputy Commissioner, Food and Civil Supplies, U.P., Assistant Commissioner, Food and Civil Supplies, U.P., Chief Marketing Officer, Food and Civil Supplies, U.P., District Magistrate, Additional District Magistrate, Sub-Divisional Magistrate, Regional Food Controller, Deputy Regional Food Controller, Assistant Regional Food Controller, Secretary, Krishi Utpadan Mandi Samiti, Regional Marketing Officer, Deputy Regional Marketing Officer, District Supply Officer, Town Rationing Officer, Deputy Town Rationing Officer, Area Rationing Officer, Senior Marketing Inspector, Senior Supply Inspector, Supply Inspector, Tahsildar, Naib-Tahsildar or any Police Officer not below the rank of Sub-Inspector, Marketing Inspector; (c) ["Foodgrains" means any one or more of the Foodgrains specified in Schedule I to the Uttar Pradesh Foodgrains Dealer's (Licensing and Restriction on Hoarding) Order, 1976 including products of such Foodgrains other than husk and bran; [Substituted by Notification No. P-2081/XXIX-Food-5 (44)1989, dated 7th June, 1989, published in U.P. Gazette, (Extraordinary), Part IV, section (Kha), dated 7th June, 1989.] (d) "Licensed dealer" means a person holding a valid licence under the Uttar Pradesh Foodgrains Dealer's (Licensing and

Restriction on Hoarding) Order, 1976;](e)"Purchase Centre" means a place declared as such by the Controller;(f)"Release certificate" means a certificate in the form set out in Schedule II granted by a Senior Marketing Inspector or a Marketing Inspector incharge of a purchase centre to a licensed dealer in token of his having sold the required quantities of wheat to the State Government;(g)"Schedule" means a Schedule to this Order;(h)"State Government" means the Government of Uttar Pradesh;(i)"Wheat" includes-(i)split wheat;(ii)mixture of wheat with gram or barley in which the proportion of wheat exceeds 4 per cent; or(iii)mixture of wheat with other Foodgrains in which the proportion of wheat exceeds 2 per cent;(j)"Wheat Product" means wholemeal atta, resultant atta, maida, sooji or rawa, bran;(k)"Manufacturer" means a person engaged in the business of milling or processing of wheat or manufacturing foodstuff from wheat.

3. Levy of wheat stocks.

(1)Every licensed dealer shall sell to the State Government (through the Controller or his nominee) at the Schedule price at a purchase centre-(a)Fifty per cent of wheat in his stock on the date of commencement of this order;(b)Fifty per cent for wheat purchased by him or coming into his custody or possession for sale or disposal through him on commission basis or in any other manner every day beginning with the date of commencement of this order and until such time as the State Government otherwise directs.(c)Fifty per cent of wheat purchased by manufacturer direct from the farmers.Explanation. - In this clause "Schedule price" for the fair average quality of wheat (naked grain) of any variety mentioned in Schedule I, shall, subject to quality cuts specified in the said Schedule, be one hundred and eighty three per quintal.(2)No licensed dealer shall sell or otherwise dispose of or remove to any place his stock of wheat unless he has sold the prescribed percentage to the State Government under sub-clause (1) and obtained release certificate in token thereof in respect of stock left in balance with him.(3)Any person on whose behalf the licensed dealer holds any stock of wheat the whole or part of which such licensed dealer is required to sell to the State Government under sub-clause (1) shall notwithstanding any contract or instrument to the contrary not be entitled to recover from the licensed dealer on account of the value of the stock so sold anything more than the price received by the licensed dealer under the said sub-clause.

4. Duty to comply with orders.

- Every licensed dealer to whom any direction is issued by the State Government or the controller for the purposes of this Order shall comply with such direction.

5. Power to exempt.

- The State Government may in the public interest exempt any area (or any class of licensed dealers) from the operation of Clause 3 or reduce the percentage of levy specified in that clause in any area.

6. Power of entry, search and seizure.

(1)Any Enforcement Officer may with a view to securing compliance with this Order or to satisfying

himself that this Order has been complied with-(a)enter with such assistance as may be necessary any premises where he has reason to believe that any wheat is stored; or(b)examine and seize any books of account or document which in the opinion of such officer would be useful for or relevant to any proceedings in respect any contravention of this Order and return such books of accounts and documents to the person from whom they were seized after copies thereof or extracts therefrom certified under his hand have been taken;(c)search any premises, vehicle or vessel and seize wheat or wheat products in respect of which he has reason to believe that a contravention of this Order has been, is being or is about to be committed and thereafter take or authorise the taking of all measures necessary for securing the production of stock so seized in Court and for their safe custody pending such production.(2)The provisions of Section 100 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures made under this clause.

I

Uniform Specifications for Indian Wheat of all Varieties(Marketing Season 1989-90)Wheat shall-(a)be the dried mature grains of indigenous red, dara other Mexican and superior indigenous farm varieties viz. Triticum vulgare, T. compactum, T. sphaerococcum, T. durum, T. aestivum and T. dicoccum;(b)have natural size, shape and colour;(c)be sweet, clean, wholesome and free from moulds, living insects, obnoxious smell, discolouration, admixture of deleterious substances including toxic weed seeds and all other impurities except to the extent indicated in the schedule below;(d)be in sound merchantable condition; and(e)not have any admixture of pesticides, fungicides and any obnoxious, deleterious and toxic material;(f)conform to P. F. A. Rules.

showing the maximum permissible limits of different refractions:

	Foreign Grade matter per cent	Other Foodgrains per cent	Damaged grains per cent	Slightly damaged grains per cent	Shrivelled and broke grains per cent
1.	0.75	6.00	2.00	5.00	6.00
2.	1.50	10.00	3.00*	10.00	12.00

*The damaged grain percentage in Grade 2 will be 3 per cent. However, in case of wheat stocks containing Kernel Bunt infected grains the maximum limit of damaged grains including Kernel Bunt infected grains should not exceed 5 per cent.N.B. - (1). Grade 2 will have a lower price by Rs. 2 per quintal in relation to the price of Grade I.(2). Moisture in excess of 12 per cent up to 14 per cent will be discounted at full value.(3). The price cut for moisture will be in addition to the Grade Cut.(4). For weevilled grains, following price cuts in addition to other cuts will be imposed-(i)from the beginning of the season till end of August, the rate of cut will be Re. 1 per quintal for every 1 per cent or part thereof;(ii)from 1st September till end of October, no cut will be imposed up to 1 per cent while for any excess the cut will be at rate Re. 1 per quintal for every 1 per cent or part thereof;(iii)from 1st November till end of the season no cut will be imposed up to 2 per cent while for any excess the cut will be at rate Re. 1 per quintal for every 1 per cent or part thereof;(iv)Stocks

containing weevilled grains in excess of 3 per cent will be rejected.(5). In case of stocks having living infestation a cut at the rate of fifty paise per quintal may be charged as fumigation charges.

Definitions

Foreign matter. - Includes organic and inorganic matter. The inorganic matter shall include sand, gravel, dirt pebbles, stones, lumps of earth, clay and iron particles etc. The organic matter shall include chaff, weed seeds, straw and other inedible grains

Shrivelled grains - Kernels or pieces of Kernels that are not fully developed.

Broken. - Pieces of kernels that are less than three-fourth of the size of full kernel.

Weevilled grains - Kernels that are partially or wholly bored.

Slightly damaged grains - Kernels or pieces of kernels that are damaged or discoloured superficially so as not to affect the quality of the material.

Damaged grains - Kernels or pieces of kernels that are sprouted or internally damaged as a result of heat, microbes, moisture or weather.

Other foodgrains - Any foodgrains other than wheat.

II

[See Clause 3 (2)]

Release Certificate..... RegionIt is hereby certified that levy due under Clause 3 of the U.P. Wheat (Levy) Order, 1989, on the following, stocks of Sri.....of purchasing centreFoodgrains Dealer Licence No.....has been realised and accordingly a stock of.....quintals of wheat released for disposal by him.

Weight in quintals.....

Number of bags..... Senior/Marketing Inspector