

# The U.P. Wheat (Levy) Order, 1982

UTTAR PRADESH

India

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## Rule THE-U-P-WHEAT-LEVY-ORDER-1982 of 1982

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The U.P. Wheat (Levy) Order, 1982 Published vide Notification U.P. Gazette (Extraordinary), dated 11th November, 1982, vide Notification No. P-6023/29-Food-5-5(82)-81, dated November 11, 1982, pages 5-8 In exercise of the powers under Section 3 of the Essential Commodities Act, 1955 (Act No. 10 of 1955), read with the Government of India, Ministry of Agriculture and Irrigation (Department of Food) Order No. G.S.R. 800, dated June 9, 1978, with the prior concurrence of the Central Government, the State Government hereby makes the following Order, namely:

### 1. Short title, extent and commencement.

(1) This order may be called the Uttar Pradesh Wheat (Levy) Order, 1982. (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) "Collector" means the Collector of a district and includes any officer authorised by him in writing by general or specific order to perform, subject to his control, all or any of his functions under this Order; (c) "Enforcement Officer" means the Commissioner, Food and Civil Supplies, Uttar Pradesh, Additional Commissioner, Food and Civil Supplies, Uttar Pradesh, Deputy Commissioner, Food and Civil Supplies, Uttar Pradesh, Assistant Commissioner, Food and Civil Supplies, Uttar Pradesh, the Chief Marketing Officer, Food and Civil Supplies, Uttar Pradesh, the Collector, the District Magistrate, Executive Magistrate, Tahsildar, Naib-Tahsildar, the Regional Food Controller, Deputy Regional Food Controller, Assistant Regional Food Controller, Regional Marketing Officer, Deputy Regional Marketing Officer, Senior Marketing Inspector, Marketing Inspector, Assistant Marketing Inspector, District Supply Officer, Town Rationing Officer, Deputy Town Rationing Officer, Town Area Rationing Officer, Senior Supply Inspector, Supply Inspector, a Police Officer not below the rank of Sub-Inspector within the limits of their respective jurisdiction

and a Police Officer not below the rank of Sub-Inspector attached to Commissioner, Food and Civil Supplies;(d)"Export" with its cognate expressions means taking out wheat from Uttar Pradesh to any outside place;(e)"Exporter" means a person (including a licensed dealer) who exports or attempts to export wheat whether as a principal or as an agent, or as a producer in any other capacity;(f)"Licensed dealer" means a person holding a valid licence under the Uttar Pradesh Foodgrains Dealer's (Licensing and Restriction on Hoarding) Order, 1976;(g)"Purchase Centre" means a place declared as such by the Controller;(h)"State Government" means the Government of Uttar Pradesh;(i)"Schedule" means the Schedule appended to this Order.

### **3. [ Levy on wheat. [Substituted by Notification No. P-1359/XXIX-Food-5-5(82)-81, dated May 21, 1984.]**

(1)Every person including a licensed dealer shall before exporting any quantity of wheat, sell wheat of all varieties conforming to the specification laid down in Clause 4, equivalent to the total quantity of wheat intended to be thus exported by him, to the Food Corporation of India or to the State Government (through the Controller or his nominee) or such other officer or agency as may be specified by the State Government in this behalf, at the rate of Rs. 152 per quintal at a purchase centre, regardless of the price of wheat of a particular variety as may be determined in pursuance of Clause 4.(2)The purchase agency shall give a receipt in the Form as given in Schedule II.]

### **4. Specification of levy wheat.**

- The price specified in sub-clause (1) of Clause 3 is for naked grain for sale at the purchase centre, exclusive of cost of gunny bags and for fair average quality of wheat conforming to the specifications prescribed in Schedule I. For Wheat below the fair average quality, the price shall be determined by reducing the specified price by the amounts of cuts indicated in the said specifications.

### **5. Power of entry, search and seizure, etc.**

(1)Any Enforcement Officer or the licensing authority or any other officer authorised by the State Government in this behalf, may with a view to securing compliance with the provisions of this Order or to satisfying himself that this Order has been complied with-(i)enter, with such assistance as may be necessary any premises where he has reasons to believe that any wheat is stocked;(ii)ask any person all necessary questions;(iii)examine any books of accounts or documents;(iv)search, seize and remove stocks of wheat carried by any animal, vehicle, vessel or other conveyance carrying wheat in contravention of the provisions of this Order, and thereafter take or authorise the taking of all measures necessary for securing the production of stocks of wheat and produce such animals, vehicles, vessel or other conveyances so seized before the Collector, and for their safe custody pending such production.(2)The provisions of Section 100 of the Code of Criminal Procedure, 1973 (No. 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures made under this clause.

## 6. Exemption.

- The State Government may, in public interest with the prior approval of the Central Government, by general or special order, exempt any person or class of persons from the operation of all or any of the provisions of this Order and may at any time suspend or cancel such exemption.

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(See Clause 4) Uniform Specifications for Indian Wheat of all Varieties 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 table below; (d) be in sound merchantable condition; (e) not have any admixture of pesticides, fungicides and any obnoxious, deleterious and toxic material; and (f) conform to P. F. A. Rules.

### showing the maximum permissible limits of different refractions:

Grade	Foreign 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 one 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 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 Re. 1 per quintal for every 1 per cent or part thereof; (iv) Stocks containing weevilled grains in excess of 3 per cent shall 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.

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[See Clause 3 (2)] Sri/M/s ..... Foodgrain licensee holding licence No..... for ..... (year)  
having purchased ..... quintals of wheat on ..... (date) has delivered ..... quintals of wheat in levy  
of Rs..... per quintal. He has been paid full amount of Rs..... on ..... (date). Signature of  
purchasing agent. Seal of purchasing agent.