

Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964

UTTAR PRADESH

India

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Act 25 of 1964

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Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964(U.P. Act No. 25 of 1964)Last Updated 25th January, 2020For Statement of Objects and Reasons, see Uttar Pradesh Gazette, Extraordinary, dated December 10, 1983.[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.]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. Short title and extent.

(1)This Act may be called the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.(2)It extends to the whole of Uttar Pradesh.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context :(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 ;] [Substituted and be deemed always to have been subs, by Section 2 of U.P. Act no. 10, 1970.][[(a-1)] [Inserted by section 2(i) of President Act No. 13 of 1973 as re-enacted by U.P. Act no. 30 of 1974.] "Board" means the State Agricultural Produce Markets Board

constituted under section 26-A ;](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 ;(d)"Central Warehousing Corporation" means the Central Warehousing Corporation established or deemed to be established under the Warehousing Corporations Act, 1962 ;[(d-1)] [Inserted by section 2(ii) of President Act No. XII of 1973 as re-enacted by U.P. Act No. 30, 1974.] "Collector", in relation to a Committee for a Market area means the Collector of the District where the Principal Market Yard of that Market Area 'is situated, and includes such other officer as may be authorized by him in that behalf;](e)"commission agent" or "Aarhatiya" 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 ;(ee)[`wholesale 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;] [Substituted by section 2 (ii) U.P. Act No. 19 of 1979.](f)"Committee" means a Committee constituted under this Act;(g)"Co-operative Marketing Society" means a co-operative society of producers [registered or deemed to be registered under the Uttar Pradesh Co-operative Societies Act, 1965] [Substituted by section 2 (a) of U.P. Act No. 6 of 1977.], which has, as its principal object, the promotion of sale or purchase of agricultural produce;(h)["Director" means an officer appointed by the State Government as Director of Mandis and includes any other officer authorized by the Director to perform all or any of his functions under this Act ;] [Substituted by section 2 (iii) by U.P. Act No. 30, 1974.][(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 officers authorized by the Director of Elections to perform all or any of his functions under this Act;] [Inserted by section 2 (b) of U.P. Act No. 6 of 1977.](i)"licensee" means a person who is granted a licence under this Act;(j)["Local Body" means a Nagar Nigam, Nagar Palika Parishad, Nagar Panchayat or Gram Panchayat constituted or established under any Act for the time being in force in Uttarakhand ;] [Inserted by section 2 (a) of U.P. Act No. 6 of 2004.](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;[(l-1) "Other Backward Classes of Citizens" means other backward classes of citizens specified in Scheduled-1 of the Uttarakhand The Uttar Pradesh Public Service (Scheduled Castes, Scheduled Tribes and Other Backward Classes Reservation) Act, 1994, Adaptation and Modification Order, 2001;] [Inserted by section 2 (b) of U.P. Act No. 6 of 2004.](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 a agricultural produce, not being a producer who also 'works a trader, broker or Dalal, commission agent or Aarhatiya 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 imposes of ,this Act, the decision of the Director, made after e n 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 ;[(q-1)] [Inserted by section 2 (iv) of President Act No. 13 of 1973

as re-enacted by U.P. Act No. 30 of 1974.] "Regulations" means regulations made by the Board in accordance with the provisions of section 26- x;[(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;] [Inserted by section 2 (i) of Act No. 19 of 1979.](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 a agricultural produce specified in the notification under section 6 or as modified under section 8;(u)"State Government" means the Government of Uttar Pradesh;(Act no. 58 of 1962)(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 released or may be realized by, or may be payable to, a trader in respect of any transaction of sale or purchase of any specified agricultural produce under or purporting to be under any custom or usage of trade, or otherwise. [Substituted by section 3 of U.P. Act No. 7 of 1978.]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 authorized agent of one or more principals and includes a person, engaged in processing of agricultural produce;(aa)['village' shall have the same meaning as in the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950;] [Substituted by section 2 (c) of U.P. Act No. 6 of 1977](bb)"weigh man" 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(U.P. Act No. 5 of 1959)

3.

[***] [Omit. by section 3 of President Act no. 13 of 1973, as re-enacted by U.P. Act No. 30, 1974.]

4. Repugnancy with other law.

(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, by-law or order made thereunder.

4A. [Power to amend schedule. [Inserted by section 3 of U.P. Act No. 10 of 1970.]

- 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.]

Chapter II

Market Area and Market Yards

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

(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, [***] [Omitted by section 3 of U.P. Act No. 6 of 1977.], 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.

6. Declaration of Market Area.

- Declaration of On the expiry of the period referred to in section 5, the State Government Market Area 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.

[(1) 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;] [Substituted by section 4 U.P. Act No. 10 of 1970][Provided that the whole of the Principal Market. Yard shall be located within the limits of one district only.] [Inserted by section 4 of President Act No. 13 of 1973 as re-enacted by U.P. Act No. 30 of 1974.](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.]

8. Alteration of Market Area and modification of the list of agricultural produce.

(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 ---(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)[all property and assets, all rights, liabilities and obligations of the dissolved Market Committee in respect of civil or criminal proceedings, contracts, agreements or any other matter or thing arising in relation to any part of the Market Area of a dissolved Market Committee shall be vested in and stand transferred to the new Market Committee having jurisdiction over that part.] [Inserted by section 4 of President Act No. 13 of 1973 as re-enacted by U.P. Act No. 30 of 1974.](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.

9. Effects of declaration of Market Area.

(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, cared, caught, or processed 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 therefore from the Committee concerned.(3)[The provisions of sub-sections (1) and (2) shall not apply in relation to any specified agricultural produce pledged or hypothecated in favour of a bank as security for any amount advanced by such bank.Explanation. - For the purposes of this sub-section, the word "bank" shall have the meaning assigned to it in the Uttar Pradesh Regulation of Money Lending Act, 1976.] [Substituted by section 4 of U.P. Act No. 7 of 1978.]

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

(1)As from the date to be notified by the State Government in the Gazette, [***] [Omit by section 5 of U. P. Act No. 10 of 1970] no person shall, in a Principal Market Yard or Sub-Market Yard, levy, charge or realize, 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 counter claim, any trade charges not so prescribed.(2)All trade charges shall be payable by the purchaser.

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

- 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. Establishment and incorporation of Committee.

(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 :Provided that the Committee shall not transfer any movable 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 Board] [Inserted by section 4 of President Act No. 13 of 1973 as re-enacted by U.P. Act No. 30 of 1974.].(2)The Committee shall be deemed to be a local authority for the purposes of Land Acquisition Act, 1894 (Act no 1,1894) [and any other law for the time being in force.] [Inserted by section 6(ii) by U.P. Act No. 30 of 1974.]

13. Constitution of Committee.

- [(1) A committee, other than the first Committee constituted under section 14, the shall consist of the following members possessing such qualifications as may be prescribed-(i)one representative of each of the local bodies, other than the [Zilla Panchayat, Kshettra Panchayat and Gram Panchayat], 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 his 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 rum 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 trader carrying 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 cover a more than 20 Nyaya Panchayats ;(viii)following number of producers of the Market Area : -(a)if the Market Area covers not more than 20 Gram Panchayats, five, out of which-(one)One from Scheduled Castes or Scheduled Tribes;(two)One from Other Backward Classes of the Citizens; and(Three)One woman who does not belong to the Scheduled Caste, Scheduled Tribes and Other Backward Classes of Citizens.(b)if the Market Area covers more than 20 but not more than 30 Gram Panchayats, seven, out of which-(one)One from Scheduled Castes or Scheduled Tribes;(two)One from Other Backward Classes of the Citizens;(Three)One woman who does not belong to the Scheduled Caste, Scheduled Tribes and Other Backward Classes of Citizens; and(four)One woman who belongs to Scheduled Caste or Scheduled Tribe.(c)if the Market Area covers more than 30 but not more than 40 Gram Panchayats, nine, out of which-(one)One Scheduled Castes or Scheduled Tribes;(two)One from Other Backward Classes of the Citizens;(Three)Two woman who does not belong to the Scheduled Caste, Scheduled Tribes and Other Backward Classes of Citizens; and(four)One woman who belongs to Scheduled Caste or Scheduled Tribe.(d)if the Market Area covers more than 40 Gram Panchayats, eleven, out of which-(one)Two Scheduled Castes or Scheduled Tribes;(two)One from Other Backward Classes of the Citizens;(three)Two woman who does not belong to the Scheduled Caste, Scheduled Tribes and Other Backward Classes of Citizens;(four)One woman who belongs to Scheduled Caste or Scheduled Tribe; and(five)One woman from Backward Classes of the Citizens.] [Substituted by section 3 of U.P. Act No. 06 of 2004.] to be elected by-(w)Pradhans of the [Gram Panchayat] [Substituted by section 3 of Uttarakhand Act No. 06 of 2004.] giving 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 Panchayat]

[Substituted by section 3 of Uttarakhand Act No. 06 of 2004.] exercising jurisdiction over the market area or part thereof;(z)such members of the Rajya Sabha [***] [Omitted by section 4 Act No. 06 of 2004.] and Adhyakshas of [Zila Panchayat] [Substituted by section 3 of Uttarakhand Act No. 06 of 2004.] and such Pramukhs of the Kshettra Panchayat 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 Panchayat] [Substituted by section 3 of Uttarakhand Act No. 06 of 2004.] exercise 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 ;[Provided further that reservation for Scheduled Castes and Scheduled Tribes seats under this clause shall not be applicable after the expiration of the specified in Article 334 of ` the Constitution of India';] [Substituted by section 3 of Uttarakhand Act No. 06 of 2004.](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 clause 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 [elected members] [Substituted by section 2 of Uttarakhand Act No. 06 of 2004.] 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 flay, 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.] [Substituted by section 5 of U.P. Act No. 6 of 1977.](12)[Notwithstanding anything contained in the above provisions of this section, the State Government may appoint, by notification the Collector of concerning district by name or by office "as Administrator" with prospective or retrospective effect, as it may think fit, for a period of six months for one time and not exceeding total two years or until the constitution of an elected Mandi Samiti, whichever is earlier, in relation to the existing market area on the date of such completing of the tenure of that Mandi Samiti subject to the following provisions; namely :-(a)except as provided in clause (b), all powers, functions and duties of a Market Committee shall be exercised, performed and discharged by the Administrator to be nominated by the State Government;(b)the Administrator shall not transfer or acquire any immovable property without prior permission of the State Government;(c)the State Government may from time to time by notification make such incidental and consequential provisions, prescribing the manner in which the Administrator shall exercise its powers under this sub-section;(d)every notification issued under this sub-section shall, as soon as may be after it is issued, be laid before the State Legislative Assembly.]

13A. [Elections Petitions. [Substituted by section 6 Act No. 6 of 1977.]

(1)No election under this Act shall be called in Election question except by a petition presented to such authority within such time as may' be prescribed.(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.] [Added by section 2 of Uttarakhand Act No. 05 of 2011.]

14. Constitution of first committee or new committee.

- [(1) The State Government shall, by notification in the Gazette, appoint 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 tile 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.] [Substituted and be deemed always to have been substituted by section 7 of U.P. Act No. 10 of 1970.](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.

14A. [Misconduct. [Substituted by section 5 of Uttarakhand Act No. 06 of 2004.]

- Provisions of section 123 Chapter -1, Part-7 of the People Representation Act, 1951 will be in force, with necessary modifications, for the election of Mandi Samities.

14B. Election Offences.

- The Section 125, 126, 127, 127-A, 128, 129, 130, 131, 132, 132-A, 134, 134- A, 135, 135-A, 136 of Chapter 3 Part-7 of the Peoples Representation Act, 1951 will be effective as if-the directives there in regarding elections are directions for any election organized under this Act;the words "Chief Election Officer" in of sub clause (one) of clause (B) of sub-section (2) of the section 127-A have been replaced by the words "Director, Elections";in section 134 and 136 the words, "By or under this Act" have been substituted by the words "Under or by the Uttarakhand (The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964) Adaptation and Modification Order, 2002";in section 135-A-(i)the word "Government" has been substituted by the words "Government, Parishad or any Mandi Samiti";(ii)In Explanation the words "this sub-section and section 20-B" has been substituted by the words "This Section".]

15. Filling of.

- Where a vacancy occurs by reason of death, resignation or removal of a casual member, or for any other reason, it shall be filled in by a person belonging to the Vacancies 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 whole vacancy he has become a member :Provided that a vacancy for a period not exceeding six months may not be filled, if so ordered by the Director:[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.] [Substituted and be deemed always to have been added by section 8 of U.P. Act No. 10 of 1970.]

16. Function and duties of the committee.

(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 specified in any directions given by the Board to the Committee from time to time] [Substituted by section 8 (i) of President Act No. 13 of 1973 as re-enacted by U.P. Act No. 30 of 1974.] 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.(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 [sellers] [Substituted by section 8 (ii) (a) of President Act No. 13 of 1973 as re-enacted by U.P. Act No. 30 of 1974.] in respect of specified agricultural produce sold by them in the Principal Market Yard or Sub-Market Yards;(iii)grade and standardize specified agricultural produce;(iv)check and verify weights, measures, weighing and measuring U.P. Act No. instruments used in the Market Area and report infringement of the provisions (V) 1959 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 expected and from where it can be economically imported in the Market Area;(vi)standardize 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 Dye-lanes, Shops, shelters, parking places accommodation for storage, and such other amenities and facilities as may be prescribed in this behalf;[(vii-a) provide suitable facilities, for the proper development of hats and painths in the market area and to the person engaged in transactions of sale and purchase therein; [Inserted by section 2 of U. P. Act No. 10 of 1991.](vii-b) construct, repair and maintain link roads, path ways, market lanes and bye- lanes in the market area;](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 the payment of interest on or repayment of, loans raised by it from or advances made to it by, the State Government, the Board or any financial institution including a Co-operative Bank recognized as such by the State Government by general or special order (hereinafter referred to as a recognized financial institution) and submit the same for approval to the Board;] [Substitued by section 8 (i) (b) of President Act No. 13 of 1973 as re-enacted by U.P. Act No. 30 of 1974.](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. Powers of the Committee.

- 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, which shall be payable by purchasers, on transactions of sale of specified agricultural produce in the Market area at such rates, being not less than one percentum and not more than two and a half percentum of the price of the agricultural produce so sold as the state Government may specify by notification in the Gazette ; and development cess which shall be payable on such transactions of sale at the rate of half per centum of the price of the agricultural produce so sold, and such fee or development cess shall be realized in the following manner-(1)if the produce is sold through a commission agent, the commission agent may realize the market fee and the development cess from the purchaser and shall be liable to pay the same to the Committee;(2)if the produce is purchased directly by a trader from a producer, the trader shall be liable to pay the market fee and development cess to the Committee;(3)if the produce is purchased by a trader from another trader, the trader, selling the produce may realize it from the purchaser and shall be liable to pay the market fee and development cess to the Committee :Provided that notwithstanding anything to the contrary contained in any judgment, decree or order of any court, the trader selling the produce shall be liable and be deemed always to have been liable with effect from June 12, 1973 to pay the market fee to the Committee and shall not be absolved from such liability on the ground that he has not realized it from the purchaser :Provided further that the trader selling the produce shall not be absolved from the liability to pay the development cess on the ground that he has not realized it from the purchaser;(4)in any other case of sale of such produce, the purchaser shall be liable to pay the market fee and development cess to the Committee;Provided, that no market fee or development cess shall be levied or collected on the retail sale of any specified agricultural produce where such sale is made to the consumer for his domestic consumption only :Provided further that notwithstanding anything contained in this Act, the Committee may at the option of, as the case may be, the commission agent, trader or purchaser, who has obtained the licence, accept a lump sum in lieu of the amount of market fee or development cess that may be payable by him for an agricultural year in respect of such specified agricultural produce, for such period, or such terms, and in such manner as the State Government may, by notified order specify :[Provided also that [***] [Substituted by section 2 of U.P. Act No. 4 of 1999], no market fee or development cess shall be levied on transactions of sale of specified agricultural produce on which market fee or development cess has been levied in any market area if the trader furnishes in the form and manner prescribed, a declaration certificate that on such specified agricultural produce market fee or development cess has already been levied in any other Market area;] [Substituted by section 3 of U.P. Act No. 19 of 1979.][iii-a) realise interest calculated in the manner prescribed in the bye- laws at the rate of two percent per mensem on the unpaid amount of market fee from the date immediately following the period prescribed for payment of market fee in the bye laws;] [Inserted by section 3 (b) of U.P. Act No. 10 of 1991](iv)operate and utilize be Market Committee Fund for all or any of the purposes of this Act ;(5)[raise from the State Government or the Board or, subject to previous sanction by the Board, from any other Committee or a recognized financial institution, moneys required for discharging its functions under this Act;"(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;](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.[Explanation. [Added by section 2 of U.P. Act No. 12 of 1987] - 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.] [Substituted by section 7 of U.P. Act No. 6 of 1977.]

18. Contract, etc. on behalf of the committee.

(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 authorized by it, of the Secretary.

19. committee fund and its utilizations.

(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 utilize 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)[the principal amount of or interest on loans and advances referred to in clause (x) of sub-section (2) of section 16 ; [Added by section 9 of U.P. Act No. 10 of 1970.](iv-a) the rent of and taxes on any land and, building 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 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;] [Substituted by section 2 (a) of U.P. Act No. 12 of 1985](x)traveling and other allowances to the

members of the Market Committee;(xi) loans and advances to the employees of the Market Committee;[(xi-a) financial assistance to charitable institutions approved by the Board or recognized educational institutions, subject to a maximum of two per cent of total receipts excluding money raised under clause (v) of section 17 and grants made by Government in the previous financial year ;] [Substituted by section 10 (i) (a) of president Act No. 13 of 1973 as re-enacted by U.P. Act no. 30 of 1974.] and(xii)such other expenses as may be prescribed;[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 Board.] [Added by section 9 of U.P. Act No. 10 of 1970.][Provided further that all moneys realised as additional market fee under the Uttar Pradesh Krishi Utpadan Mandi (Amendment) Ordinance, 1983 shall be utilized in the Market Area only for the purposes specified in clause (ix).] [Added by section 2 (b) of U.P. Act No. 12 of 1985.](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.(5)["Every Committee shall, out of its total receipts (excluding moneys raised under clause (v) of [section 17, money realized as development cess and grants made] [Substituted by section 4 of U.P. Act No. 10 of 1991.] by the State or Central Government) in the financial year, pay to the Board as contribution such amount not exceeding fifty percent of the first fifty lakh rupees of the receipts as the State Government may, by notification, declare from time to time, and all receipts exceeding fifty lakh rupees.](6)[Every committee shall pay to the Board every, month all moneys realized as development cess which shall be credited to the Central Mandi Fund established under section 26-PPP.] [Added by section 3 (b) of U.P. Act No. 4 of 1999.]

19A. [Priorities of liabilities of the Committees. [Inserted by section of U.P. Act No. 30 of 1974.]

- The revenues of a Committee shall, after meeting its operating, maintenance and management expenses, be applied as far as they are available in the following order, namely: -(i)the repayment of principal amount of, and interest on, loans not guaranteed by the State Government;(ii)the repayment of principal amount of, and interest on, loans guaranteed by the State Government ;(iii)the repayment of principal amount of, and interest on, sums paid by the State Government under guarantees, if any, by that Government ;(iv)the repayment of principal amount of, and interest on loans taken from the State Government;(v)the balance remaining to be utilized for the reduction of fees payable to the Committee under this Act or for expenses incurred in the discharge of any of the functions of the Committee, as the Committee they think fit or the Board may direct.]

19B. [Market Development Fund. [Added by section 6 of U.P. Act No. 7 of 1978.]

(1)There shall be established for each committee, a fund to be called `Market Development Fund' to

which the following amounts shall be credited-(a)sixty five percent of the amount standing to the credit of the market committee fund immediately before the commencement of the Uttar Pradesh Krishi Utpadan Mandi Laws (Amendment) Act, 1978 ;(b)such other amounts as may from time to time be directed by the Board to be credited to this fund.(2)The Market Development Fund shall be applied for the purposes of the development of the market area, and no amount shall either be spend from the fund or be invested accept in accordance with the directions issued by the Board from time to time.](3)[Without prejudice to the generality of the provisions of sub- section (2), the Market Development Fund shall be utilized for the following purposes, namely-(i)facilities to the agriculturists, other producers and payers of market fees in the form of amenities, market, intelligence, proper weighment, grading, quality control, storage and infrastructure for value addition activities, reduction of mal-practices, multiple trade charges, levies and other exactions, special facilities for different trades in the New Market Yard, and such other facilities as may be deemed necessary under the provisions of the Act in the market area;(ii)development of principal market yards, sub-market yards, hats and painths and construction of new Market Yards and contraction, maintenance and repairs of link roads and other development works in the market area;(iii)other development and regulatory purposes under the Act.Explanation. - 'New Market Yard' means the place or places specified under clause (b) of sub-section (2) of section 7 for carrying on wholesale transactions.] [Inserted by section 5 of U.P. Act No. 10 of 1991]

20. Recovery of sums due to Committee as arrears of land revenue and power to write off irrecoverable dues prior approval of the Director.

(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

21. [Surcharge. [Substituted by section 12 of president Act no.13 of 1973 as reenacted by U.P. Act no. 30 of 1974]

(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 a loss, waste or misapplication is a direct consequence of his neglect or misconduct while acting as 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)No suit shall lie in any court for the recovery of any sum recoverable in the manner prescribed under sub-section (2)]

Chapter IV

Officers and Servants of the Committee

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

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

(1)Subject to the provisions of this Act and the rules made it 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.(2)[Every Committee shall have [such number of Secretaries] [Substituted by section 13 (a) of president Act no.13 of 1973 as reenacted by U.P. Act no. 30 of 1974.] and such other officers as may be considered necessary by the Board for the efficient discharge of the functions of the Committee, appointed by the Board on such terms and conditions as may be provided for in the regulations made by it ;](3)[* * *] [Inserted by section 13 (ii) (a) of president Act no.13 of 1973 as reenacted by U.P. Act no. 30 of 1974.]

23A. Constitution of Centralized service and transfer of employees.

(1)Notwithstanding anything contained in any other provision of this Act, the Board may constitute cadres of secretaries and such other officers common to all committees as it may deem fit to appoint under sub-section (2) of section 23.(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(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 matter 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 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) i] [Substituted by section 3 of U.P. Act No. 20 of 1984]Provided that nothing contained in this section shall apply to any such person who, by notice in writing given to the State Government, may 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:Provided further that the services of any employee referred to in the preceding proviso under the State Government or under a Committee, as the case may be, shall stand terminated on account of abolition of the post held by him and he shall be entitled from the State Government or that Committee concerned, the case may be, to the compensation equivalent--(a)in the case of a permanent employee-to three months' remuneration;(b)in the case of a temporary employee-to one month's remuneration.(3)Notwithstanding anything in sub-section (2) but subject to any express agreement to the contrary, any person referred to there- in, who becomes a member of the cadre shall be liable to be transferred from any Committee in which he was employed immediately before the said date to any other Committee at the same remuneration and on the same terms and conditions as governed him immediately before such transfer.(4)The sums standing to the credit of the employees referred to in sub-section (2) in any pension, provident fund, gratuity or other like funds constituted for them shall be transferred by the State Government or the Committee concerned, as the case may be, to the Board along with any accumulated Interest due till the said date, along with the accounts relating to such fund, and the Board shall, to the exclusion of the State Government and of any Committee, be liable for the payment of pension, provident fund, gratuity or other like dues as may be payable to such employees at the appropriate time in accordance with the conditions of their service.(5)Notwithstanding anything contained in any law for the time being in force the transfer of services of any employee to any cadre under sub-section (2) shall not entitle any such employee to any compensation under such law, and no such claim shall be entertained by any court, tribunal or authority.(6)Every permanent or temporary employee of the State Government or of a Committee becoming a member of the Cadre under sub-section (2) shall, on and from the said date become a permanent or temporary member of the cadre as the case may be, against a permanent or temporary post, which shall stand created in such cadre with effect from the said date.(7)[Nothing in para 426 or 436 of the Civil Service Regulations as applicable to Government servants under the rule making control of the State Government or in any other rules relating to employees of the Committees in relation to retrenchment or abolition of post shall, except to the extent provided in this section, apply to any employee referred to in sub-section (2).] [Inserted by section 14 of President Act no. 13 of 1973 as re-enacted by U. P. Act no, 30 of 1974.]

24. Functions, powers and duties of the Secretary.

- [(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 in the bye- laws or as the Board or the Director may, by order in writing direct :Provided that when more than one secretaries are posted in a Committee, the Director shall nominate one of the Secretaries to be its Chief executive officer and shall determine the functions to be performed, powers to be exercised and duties to be discharged by each of them.] [Substituted by section 7 of U.P. Act No. 10 of 1991](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-(1)all officers and servants of the Committee so aft to ensure propel and efficient discharge of the duties assigned to them by or under this Act; and(2)the affairs of the Committee;(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;] [Substituted by section 9 of U. P. Act no. 6 of 1977.](c)ensure proper execution of all orders issued by the Board 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.

25. [Appeals. [Substituted by section 15 of President Act no. 13 of 1973 as re-enacted by U. P. Act no, 30 of 1974.]

- Subject to rules made in this behalf under this Act, any person aggrieved by an order passed by a Committee under clause (1) or clause (2) of section 17 may, within 30 days of such order, prefer an appeal to the Board in such manner as may be prescribed and the Board shall decide it after giving an opportunity of hearing both to the appellant and to the committee.]

25A. [Terms and conditions of employment of officers and servants of committee . [Inserted by section 17 of 1973 as re-enacted by U. P. Act no, 30 of 1974.]

-Subject to rules made in this behalf under this Act, the terms and conditions of employment of the members of a cadre constituted under section 23 -A and matters relegation to discipline, control and punishment including dismissal and removal of such officers shall be governed by such regulations as may be made by the Board.]

26. Protection person acting under this Act.

- Every officer or servant of [the Board or a Committee] [Substituted by section 10 of U.P. Act No. 6 of 1977.] shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal

Code.

Chapter V

Establishment of the Board

26A. [Establishment of the Board. [New actions 26A to 26X Inserted by Section 18 of President's Act No. 13, 1973 re-enacted by U. P. Act no, 30 of 1974.]

(1)The State Government shall by notification in the Gazette, and with effect from a date to be specified therein, constitute a Board by the name of the State Agricultural Produce Market Board with its head office at Lucknow.(2)The Board shall be a body corporate by the said name having perpetual succession and a common seal and any Sue or the sued by the said name and acquire, hold and dispose of property and enter Into contracts.(3)The Board shall for all purposes be deemed to be a local authority.

26B. Constitution of the Board.

(1)The Board shall consist of a Chairman appointed by the State Government besides the following other members namely :-(a)[the Agriculture Production Commissioner, Uttar Pradesh if he is not the Chairman;] [Substituted by section 11 (a) (i) of U.P. Act No. 6 of 1977.](b)the Secretary to the State Government in the Finance Department;(c)the Secretary to the State Government in the Food and Civil Supplies Department;(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;] [Substituted by section 11 (a)(ii) of U.P. Act No. 6 of 1977.](e)the Registrar, Co-operative Societies, Uttar Pradesh ;(f)the Director of Agriculture, Uttar Pradesh ;[(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 Evem Prodyogic Vishwa Vidyalaya Adhiniyam, 1958 to be Commintuted by the State Government;] [Added by section 11 (a)(iii) of U.P. Act No. 6 of 1977.](g)[six] [Substituted by section 11 (a) (iv) of U.P. Act No. 6 of 1977.] persons appointed by the State Government from out of the producers elected as members of the Market Committees and for so long as such elected members are not available any [six] [Substituted by section 11 (a) (iv) of U.P. Act No. 6 of 1977.] producers appointed by that Government;(h)[two person] [Substituted by section 11 (a)(v) of U.P. Act No. 6 of 1977.] appointed by the State Government from out of the traders or commission agents elected as members of Market Committees and for so long as such elected members are not available, [any two traders or commission agents] [Substituted by section 11 (a)(v) of U.P. Act No. 6 of 1977.] appointed by that Government ;(i)the Director of Mandis who shall be ex-officio Secretary of the Board (hereinafter in this Chapter referred to as the Member Secretary)(2)The appointment of Chairman and either members, shall be notified in the Gazette.(3)A member referred to in clause (a), clause (b), clause (c), or clause (d) may, instead of

attending any meeting of the Board himself depute an officer not below the rank of Deputy Secretary and the member referred to in clause (e) may likewise depute an officer not below the rank of Additional Registrar, Co-operative Societies and the member referred to in clause (j) may like wise depute an officer not below the rank of Additional Director of Agriculture [and the member referred to in clause (f-1) may deputed and officer not below the rank of Joint Agricultural Marketing Advise or 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] [Substituted by section 11 (b) of U.P. Act No. 6 of 1977.] shall also have the right to vote.

26C. Disqualification for being Chairman or other member.

- A person shall be disqualified for being chosen as and for being the Chairman or other member of the Board if he-(a)has been convicted of all offence involving moral turpitude(b)is an undercharged insolvent;(c)is of unsound mind and stands so declare by a competent Court ;(d)holds, except as provided in section 26- D and section 26-E any office of profit under the Board(e)has, directly or indirectly by himself or by any partner, employer or employee, any share or interest, whether pecuniary or of any other nature, in any contract or employment, With, by, or on behalf of the Board; or(f)is a director or secretary, manager or other officer of any company which has any share or interest in any contract or employment with, by, or on behalf of, the Board:Provided that a person shall not be disqualified under clause (e) or clause (f) by reason only of his or the company of which he is a director secretary, manager or other officer, having a share or interest in-(i)any sale, purchase, lease or exchange of immovable property or any agreement for the fame ;(ii)any agreement for loan of money or any security for payment of money only;(iii)any newspapers in which any advertisement relating to the affairs of the Board, is published;(iv)the occasional sale to the Board, up to a value not exceeding ten thousand rupees in anyone year, of any article in which he or the company regularly trades.

26D. Term of Office of Chairman and other members.

(1)Subject to the provisions of sub-section (2) the Chairman and other members of the Board not being ex-office members thereof shall hold office for two years unless the term of the Chairman or such other member is determined earlier by the Government by notification in the Gazette, and shall eligible for reappointment.(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.] [Substituted by section 12 of U.P. Act No. 6 of 1977](3)The Chairman or any other member not being an ex-officio member may at any time by writing under his hand addressed to the State Government resign his office, and on, such resignation being accepted he shall be deemed to have vacated his office.Other provisions regarding office of the Chairman and members other then ex-officio. - (1) The Chairman and other member not being ex officio members be paid from the Board's fund such remuneration, if any, as may be fixed by the State Government.(2)If the Chairman or any other member as aforesaid is by infirmity or otherwise rendered temporarily incapable of discharging his functions or is absent on leave otherwise in circumstances not involving the vacation of his appointment, the State Government may appoint another person to discharge his functions under

this Act.

26F. Appointment of Officers and servants.

(1)The Board may appoint such officers and servants as it considers necessary for efficient performance of its functions on such terms and conditions as may be provided for in regulations made by the Board.(2)The Board may, with the previous approval of the State Government, appoint a servant of the Central Government or the State Government as an officer or servant of the Board or of a Committee on such terms and conditions as it thinks fit.Supervision 26-G Subject to the superintendence of the Board; the general control and and control of direction over all the officers and servant of the Board shall be vested in the the Director Director.

26H. Authentication of orders and other instrument of Board.

- All proceedings of the Board shall be authenticated by the signature of Chairmen or the Member-Secretary and all orders end other instruments issued by the Board shall be authenticated by the signature of the Member-Secretary or such other Officer of the Board as may be authorized in this behalf by regulations.

26I. Delegation of powers.

- Subject to the provisions of this Act, the Board may, by general or special order, delegate, either unconditionally or subject to such conditions as may be specified in the order to any [the Director or] [Substituted by section 13 of U.P. Act No. 6 of 1977.] the Member-Secretary or any other officer of the Board such of its powers and duties under this Act, as it may deem fit.(a)has any share or interest of the nature described in clause (e) or

26J. Disqualification for participation in proceeding of the board on account of interest.

(1)The Chairman or any other member of the Board of the Board or of sub-committee appointed by the Board who -- clause (f) of section 26-C, in respect of any matter; or(b)has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid, shall not, notwithstanding anything contained in the proviso to section 26-C, vote or take part in any proceeding of the Board or Committee relating to such matter.(2)If any member of the Board or of a Committee appointed by the Board has, directly or indirectly, any interest in any area in which it is proposed to acquire land for any of the purposes of this Act, he shall not take part in any, meeting of the Board or sub-committee in which any matter relating to such land in considered.(3)Nothing in sub-section (1) or sub-section (2) shall prevent any member of the Board or sub-committee from voting on, or taking part in discussion of, any resolution or question relating to any subject other than a subject referred to i8n those sub-section.

26K. Acts not to be invalidated by informality, vacancy etc.

- No act done or proceedings taken under this Act by the Board or a sub-committee appointed by the Board shall be invalidated merely on, the ground of-(a)any vacancy or defect in the constitution of the Board or sub-committee; or(b)any defect or irregularity in the appointment of a person acting as a member thereof ; or(c)any defect or irregularity in such act or proceeding, not affecting the substance.

26L. Power and functions of the Board.

(1)The Board shall, subject to the provisions of this Act, have the following functions and shall have to do anything which may be necessary or expedient for carrying out those functions,-(i)Superintendence and control over the working of the Market Committees and other affairs thereof including programmes undertaken by such Committees for the [construction of new Market Yard and development of existing Markets and Market Areas;] [Substituted by section 14 (a) of U.P. Act No. 6 of 1977.](ii)giving such direction to Committees in general or any Committee in particular with a view to ensure efficiency thereof;(iii)any other function entrusted to it by this Act ;(iv)such other functions as may be entrusted to the Board by the State Government by notification in the Gazette .(2)Without prejudice to the generality of the foregoing provision, such power shall include the power-(i)to approve proposals of the new sites selected by the Committee for the development of Markets;(ii)to supervise and guide the Committees in the preparation of site- plans and estimates of construction programmes undertaken by the Committee ;(iii)to execute all works chargeable to the Board's fund;(iv)to maintain accounts in such forms as may be prescribed and get the same audited in such manner as may be laid down in regulations of the Board;(v)to publish annually at the close of the year, its progress report, balance-sheet, and statement of assets and liabilities and send copies thereof to each member of the Board as well as to the Chairman of all the market Committees;(vi)to make necessary arrangements for propaganda and publicity on matters related to regulated marketing of agricultural produce ;(vii)to provide facilities for the training of officers and servants of the Market Committees.(viii)to prepare and adopt budget for the ensuing year;(ix)to make [subventions and loans] [Substituted by section 14 (b) of U.P. Act No. 6 of 1977.] to Market Committees for the purposes of this Act on such terms and conditions as the Board may determine ;(x)to do such other things as may be of general interest to Market Committees or considered necessary for the efficient functioning of the Board or as may be specified from time to time by the State Government.

26M. Directions on questions of policy.

(1)In the discharge of its functions, the Board shall be guided by such directions on questions of policy as may be given to it by the State Government.(2)If any question arises whether any matter is or is not a matter as respects which the State Government may issue a direction under sub-section (1), the decision of the State Government shall be final.

26N. Annual reports statistics, returns and other information.

(1)The Board, shall as soon as may be after the end of each financial year, prepare and submit to the State Government before such date and in such form as the State Government may direct, a report giving an account of its activities during the previous financial year, and the report shall also give an account of the activities, if any, which are likely to be undertaken by the Board in the next financial year, and the State Government shall cause every such report to be laid before the State Legislature as soon as may be after it is received by the State Government.(2)The Board shall furnish to the State Government at such time and in such form and manner as the State Government may direct, such statistics and returns and such particular in regard to any proposed or existing activities of the Board or any other matter under the control of the Board as the State Government may from time to time require.

26O. Execution and registration of contracts etc.

- Every contract or assurance of property on behalf of the Board shall be in writing and executed by such authority and in such manner so may be provided by regulations.

26P. [Board's Fund. [Substituted by section 8 of U.P. Act No. 10 of 1991.]

(1)The Board shall have its own fund, which shall be deemed to be a local fund and to which shall be credited all moneys received by or on behalf of the Board, except the moneys required to be credited in the Uttar Pradesh State Marketing Development Fund under section 26-PP.(2)In particular and without prejudice to the generality of the provisions of this Act relating to the purpose and the manner of investment and disposal, the fund referred to in sub-section (1) shall be utilized by the Board for the following purposes; namely-(1)payment of salary, leave allowance, gratuity, other allowances, loan, and advances and provident Fund to the officers and servants employed by the Board and pension and other contribution to the Government servants on deputation;(2)payment of traveling and other allowances to members of the Board;(3)other purposes relating to the establishment of the Board or for carrying out the purposes of this Act generally.]

26PP. [State Marketing Development Fund. [Substituted by section 8 of U.P. Act No. 10 of 1991.]

(1)There shall be established for the Board, a Fund, to be called the Uttar Pradesh State Marketing Development Fund' to the which following amounts shall be credited, namely -(a)all contributions received from the Committees under sub- section (5) of section 19 except such percentage thereof as the State Government may direct to be credited to the Board's Fund;(b)such other amounts as the State Government or the Board may direct, to be credited to the Board's Fund.(2)The fund established under sub-section (1) shall, subject to the provisions of this Act, be utilized by the Board for the following purposes; namely:- .(1)facilities to the agriculturists, other producers and payers of market fee in the market area;(2)development of principal market yards, sub-market yards, hats and paimths and construction of New Market Yards in the market area;(3)construction, maintenance

and repairs of link roads, market lanes and other development works in the market area;(4)market survey and research, grading and standardization of specified agricultural produce;(5)propaganda, publicity and extension services and the matters relating to the general improvement of the conditions of buying and selling of specified agricultural produce;(6)aid to financially weak and under-developed committees in the form of loans and grants;(7)acquisition or construction, or hiring on lease or otherwise of buildings or land for performing the duties of the Board;(8)better development of market areas and control of market committees;(9)meetings and legal expenses;(10)training of officers and staff of the market committee in the State;(11)technical assistance to the market committees in the preparation of site plans and estimates of construction and in the preparation of project reports of master plans for development of principal market yards and sub-market yards and market areas;(12)internal audit of the Board and the market committees;(13)matters specified in sections 16, 19, and 19-B not covered by the preceding clauses;(14)any other purpose, to give effect to the provision of this Act or generally to regulate marketing of specified agricultural produce.]

26PPP. [Central Mandi Fund. [Substituted by section 4 of U.P. Act No. 4 of 1999.]

(1)There shall be established a Fund to be called the Central Mandi Fund to which the following amount shall be credited, namely:-(a)all moneys paid to the Board under sub-section (6) of section 19;(b)such other amount as the State Government or the Board may direct.(2)The Central Mandi Fund shall be utilized by the Board for the following purposes namely:-(a)assistance to financially weak and under developed Committees in the form of loans or grants;(b)construction, maintenance and repairs of market yards, links roads, culverts and other development works in the market area;(c)grants or loans to the committees for development works;(d)such other purposes as may be directed by the State Government or the Board in such manner as may be prescribed.]

26Q. Restriction on unbudgeted expenditure.

(1)Save where in the opinion of the Board circumstances of extreme urgency have arisen, no sum exceeding such amount as the State Government may from time to time fix in that behalf on account of recurring or non-recurring expenditure shall be spent by the Board in any financial year unless such sum has been included in a statement submitted under sub-section (1) of section 6-V.(2)Where any such sum is spent in circumstances of extreme urgency a report thereon, indicating the expenditure, shall be made as soon as practicable to the State Government.

26R. Subvention to the Board.

- The State Government may, after due appropriation by law of the State Legislature, from time to time make subventions to the Board for the purposes of this Act, on such terms and conditions as the State Government may determine.

26S. Loans to the Board.

- The State Government may from time to time advance loans to the Board on such terms and conditions, not inconsistent with the provisions of this Act, as the State Government may determine.

26T. Power of Board to borrow.

(1)The Board may from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such conditions as the State Government may by general or special order determine, borrow any sum required for the purposes of this Act, whether by the issue of bonds or stock or otherwise or by making, arrangement with bankers.(2)The Board may not to any time have on loan under sub-section (1) a part from the amount of loans from the State Government, an amount exceeding such amount as the State Government may, from time to time, fix in that behalf.(3)Stock issued by the Board under this section shall be issued, transferred, dealt with and redeemed in such manner as the State Government may by general or special order direct.

26U. Priorities of liabilities of the Board.

- The revenues of the Board shall, after meeting its expenses, be applied, as far as they are available, in the following order; namely-(1)the repayment of principal amount of and interest on bonds not guaranteed by the State Government;(2)the repayment of principal amount of and interest on stock not guaranteed by the State Government;(3)the repayment of principal amount of and interest on bonds guaranteed by the State Government;(4)the repayment of principal amount of and interest on stock so guaranteed(5)the repayment of principal amount of and interest on sums paid by the State Government under guarantees, if any;(6)the repayment of principal amount of and interest on loans advanced to the Board by the State Government including arrears of such interest.

26V. Account and Audit.

(1)The Board shall before the commencement of and may at any time during a financial year, prepare a statement or a supplementary statement, as the case may be, of programmes of its activities during that year as well as financial estimates in respect thereof and submit them to the State Government, in such manner and by such dates as it may by general or special order direct, for its previous approval.(2)The Board shall cause to be maintained proper books of account and other books in relation to its accounts and prepare the annual balance-sheet.(3)The accounts of the Board shall be audited by such auditor as the State Government may by general or special order direct, and the auditor so appointed shall have power of requiring the production of documents and the furnishing of information respecting all matters.(4)The accounts of the Board as certified by the auditor, together with the audit report thereon shall be forwarded annually to the State Government who may issue such directions to the Board in respect thereof as it may deem fit, and the Account and Audit Board shall comply with such directions.(5)The State Government shall-(a)cause the accounts of the Board, together with the audit report there on, received by it under sub-section (4) to be laid annually before each House of the State Legislature; and(b)cause the accounts of the Board to be

published in such manner as it thinks fit.

26W. Surcharge.

(1)The Chairman and other members, officers and servants of the Board shall be liable to surcharge for the loss, waste or misapplication of any money or propriety, of, the Board, if such loss, waste or misapplication is direct consequence of his neglect or misconduct while acting as such Chairman or other member officer or servant.(2)The procedure of surcharge shall be such as may be prescribed.(3)Any amount found to be involved in such loss, waste or misapplication as a result of proceedings for surcharge shall be recoverable as arrears of land revenue, and no suit may be instituted in any civil court for the recovery of any such amount.(4)Nothing in sub-section (3) shall prevent the Board from deducting any amount referred to therein from any sum payable by the Board on account of remuneration or otherwise to such Chairman or other member, officer or servant.

26X. Regulation.

(1)The Board may, with the previous approval of the State Government, make regulations, not inconsistent with this Act and rules made thereunder, for the administration of the affairs of the Board.(2)In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters; namely--(a)the summoning and holding of meetings of the Board, the time and place where such meetings are to be held, the conduct of business at such meetings and the number of persons necessary to form a quorum thereat;(b)the powers and duties of the officers and other employees of the Board ;(c)the salaries and allowances and other conditions of service of officers and other employees of the Board and officers referred to in sub-section (2) of section 23 ;(d)the management of the property of the Board;(e)the execution of contracts and assurances of property on behalf of the Board;(f)the maintenance of accounts and the preparation of balance-sheet by the Board;(g)the procedure for carrying out the functions of the Board under this Act;(h)any other matter for which provision is to be or may be made in regulations.(3)Until any regulations are made by the Board under sub-section (1), any regulations which may be so made by it may be made by the State Government, and any regulations so made may be altered or rescinded by the Board in exercise of its power under sub-section (1).]External Control

27. [[Substituted by section 19(a) and 19(b) by 8. 18 of president Act no. U.P. Act no. 30 of 1974.]

(1)Subject to the provisions of this Act, the general superintendence, direction and control over the Committee, its Chairman, Vice-Chairman and other members, its Secretary and other officers referred to in sub-section (2) of section 23, shall be vested in the Board.]2(2)[The Board or the Director] [Substituted by section 19(a) and 19(b) by 8. 18 of president Act no. U.P. Act no. 30 of 1974.] is may inspect, or cause to be inspected, all document 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 Secretary, 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, (Act no. 5 of 1908) when trying a suit; in respect of the following matter, 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. Power of the Board to remove a member of the Committee.

(1)[The Board] [Substituted by section 20 by 8. 18 of president Act no. U.P. Act no. 30 of 1974.] 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 committee 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. Supersession of Committee.

- Where [the Board] [Substituted by section 21 of President Act No. 13 of 1973 as re-enacted by U. P. Act no. 30 of 1974.] 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 Board] [Substituted by section 21 of President Act No. 13 of 1973 as re-enacted by U. P. Act no. 30 of 1974.] has afforded reasonable opportunity to the Committee of submitting a written explanation in respect of the allegations against it.

30. Consequences of supersession.

- Upon publication of the notification superseding a Committee under section 29, the following consequences shall ensue-(1)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 ;(2)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 Board 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 Board] [Substituted by section 22 of President Act No. 13 of 1973 as re-enacted by U. P. Act no. 30 of 1974.] may appoint in this behalf, and such person or authority shall be deemed to be the Committee or Chairman, as the case may be.

31. Power of the board to prohibit execution or further execution of resolution passed or order made by the committee.

(1)[The Board] [Substituted by section 23 of President Act No. 13 of 1973 as re-enacted by U. P. Act no. 30 of 1974.] may, of its own motion, or on report or complaint receive, by order, prohibit the execution or further execution of a resolution passed, or order made by the Committee or its order, made by the 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 unless 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 Board] [Substituted by section 23 of President Act No. 13 of 1973 as re-enacted by U. P. Act no. 30 of 1974.], 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.

32. Power of the Board to call for the proceedings of a committee and pass order thereon.

- [The Board] [Substituted by section 21 of President Act No. 13 of 1973 as re-enacted by U. P. Act no. 30 of 1974.] 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. [Delegation of powers. [Substituted by U.P. Act No. 10 of 1991]

- The Board may, by regulations, delegate subject to such conditions of restrictions and in such manner, as may be specified there in, any of its powers to the Director.

33A. Powers of Director to ensure performance of duties of market committees.

(1)Where the Director, on a complaint made to him or otherwise is satisfied that a committee has not performed any duty imposed on it by or under this Act, he may require the require committee to performance such duty within the period specified by him.(2)If such duty is not performed within the specified period the Director may appoint, a person to perform it and may direct that the expenses incurred in its performance including the reasonable remuneration of such person, shall be paid by the committee forthwith.(3)If such expenses are not so paid, the Director may require the Board to pay the same, and the amount, so paid by the Board shall be recoverable by the Board from the Committee.

33B. Powers of the State Government Suit against, the Committee.

(1)The State Government with a view to satisfying itself that the powers, functions and duties of the Board or a Committee by or under this Act are exercised or performed by it properly, may require the Commissioner or the Collector or any other person or persons to inspect or cause to be inspected any property, office, document or, any work of the Board or the Committee or to make inquiries into all or any of the activities of Board or the Committee in such manner as may prescribed and to report to it the result of such inquiry within such period as may be specified.(2)The Board or the Committee, as the case may shall give to the Commissioner or the Collector, or other person or persons, all facilities during inspection and for the proper conduct of the inquiry and shall produce any document or information in its' possession when so demanded, for the purpose of such inspections or inquiry, as the case may be.]

Chapter VI

Miscellaneous

34. suit against the Committee.

(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.(2)The notice under sub-section (1) shall-(1)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(2)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. [Recovery of sums due to Government from Committee. [Substituted by section 16 of U.P. Act No. 6 of 1977.]

- Any sum due to the State Government from the Board or a Committee, or to the Board from a Committee, or to a Committee from another Committee may be recovered as arrears of land revenue.]

36. [Powers of entry, search and seizure. [Substituted by section 16 of U.P. Act No. 6 of 1977.]

(1)The Secretary of the Market Committee or any officer authorized by the State Government or the Board in 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 section 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, (Act No. 2 of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures made under this section.]

37. [Penalty. [Substituted by section 5 of U.P. Act No. 4 of 1999.]

(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 thousand rupees;(b)for a second and any subsequent offence of the same nature with imprisonment which may extend to one year, or with fine which may extend to ten thousand rupees or with both, and in case of continuing contravention, with a further fine up to rupees one thousand 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 thousand rupees and in the case of continuing contravention with a further fine up to rupees two hundred 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 cost of the prosecution.]

37A. [Compounding of offence. [Substituted by section 6 of U.P. Act No. 4 of 1999.]

(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 not exceeding rupees [twenty thousand] 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 the 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.]

38. Trial of offences.

(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.

39. Bye-laws.

(1) A Market Committee may make bye-laws not in consultant with this Act and the rules made thereunder, to provide for :-(1) regulation of its business ; (2) appointment, powers, duties and functions of the sub- committee, if any, appointed under clause (vii) of section 17 ; (3) duties of traders, brokers, commission agents, ware-housemen, weighmen and palledars ; and (4) any other matter which by or under this Act is required to be provided for by bye-laws : [Provided that no bye-law, other than a bye-law made by adopting draft or model bye-law suggested by the [Board] [Substituted and be deemed always to have been substituted by section 10 of U.P. Act No. 10 of 1970.], shall be valid unless approved by the [Board] [Substituted by section 10 (i)(a) of President Act no, 13 of 1973 as re enacted by U.P. Act no. 30 of 1974.].] (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 [Board] [Substituted by section 10 (i)(a) of President Act no, 13 of 1973 as re enacted by U.P. Act no. 30 of 1974.], adequate, the [Board] [Substituted by section 10 (i)(a) of President Act no, 13 of 1973 as re enacted by U.P. Act no. 30 of 1974.] may make bye-laws providing for such matters to such extent as it thinks fit. (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.] [Added by section 5 of U.P. Act No. 19 of 1979.]

39A. [Submission of statement of purchases and sales. [Substituted by section 7 of U.P. Act No. 4 of 1999.]

- Every Whole sale trader or commission agent, shall before the thirtieth day of April every year submit to the Market Committee a statement of purchases and sales of specified agricultural produce or through him during the previous year in such form and in such manner and setting forth such other particulars as may be specified in the bye-laws. Explanation. - For the purposes of this section, 'previous year' means the financial year immediately proceeding the year in which such statement is required to be submitted.]

40. Rules.

- [(1) The State Government may make rules for carrying out the purposes of this Act.] [Substituted by section 4 of U.P. Act No. 20 of 1984.] 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 :-(1) the conduct of election of members and matters relating thereto, including and revision of the list of voters and other to constitution of a Committee; (2) the filling of vacancies in the office of the Chairman, Vice-Chairman, or other member of a Committee; (3) the election of the Chairman and the Vice-Chairman of a Committee; (4) the procedure relating to meetings of a Committee, including quorum; (5) the traveling and other allowances that may be paid to the members of a Committee; (6) matters relating to the functions, powers and duties of a Committee, its chairman, members, officers and servants; (7) licence fees and "market fees which may be levied and realized by the Committee, and their mode of recovery; (8) the terms and conditions for issue and renewal of licences under this Act; (9) the procedure to be followed in regard to the settlement of differences and disputes under this Act; (10) 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; (11) the registers and books to be maintained by a Committee; (12) 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; (13) the form and particulars to be mentioned in reports and returns to be submitted by a Committee; (14) the manner of investment and disposal of surplus funds of a Committee; [(14-a) the manner of deposit in, withdrawal from and maintenance and utilization of, the Uttar Pradesh State Market Development Fund;] [Substituted by section 11 of U.P. Act No. 10 of 1991.] (15) matters in regard to the inspection of weights and measures, and weighing and measuring instruments in use in the Market Area; (16) 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; (17) the grading and standardization of the specified agricultural produce; (18) exhibition by traders of price lists of specified agricultural produce; (19) 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; (20) the conditions subject to which a Committee may lease, sell or otherwise transfer any property; (21) the authority for and the manner of, making contracts, on behalf of a Committee; (22) the terms and conditions of employment of the officers and servants of a Committee and matters relating to discipline, control, punishment, dismissal, discharge, and removal of such officers and servants; (23) the procedure for the hearing and disposal of appeals

under this Act;(24)the regulation of advances, if any, given to agriculturists by brokers, commission agents or traders;(25)fees for arbitration and appeals;(26)maintenance and submission of account books' by traders, commission agents, brokers and weighmen and their inspection;(27)the time, place and manner of sampling, sale, purchase, weighment and recording of transactions and mode of payments;(28)provision of accommodation for storing any of the specified agricultural produce brought to the market Area;(29)procedure for preparation and submission for approval of annual budget;(30)matters relating to the inspection of the working of Committee;(31)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; [***] [Deleted By 8 27 of president Act no. 13 of 1973 as re-enacted by U.P. Act no. 30 of 1974.][(31-a) matter relating to election of members of Committees and or sub-section (2) of section 13; [Inserted by section 27 of President Act No. 13 of 1973 as re-enacted by U.P. Act no. 30 of 1974.](31-b) constitution of Centralized service under section, 23-A; and(31-c) the procedure in respect of-surcharge under section 26-W; and](32)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.[Schedule] [Inserted and be deemed always to have been inserted by section 11 of U.P. Act no. 10 of 1970.][Sections 2(A) And 4-A]

A- Agriculture

1- Cereals

1- Wheat

2- Barely

3- Paddy

4- Rice

5- Jowar

6- Maize

7- Bajra

II- Legumes

1- Gram

2- Peas

3- Arhar

4- Urd

5- Moong

6- Masoor

7- Lobia (seed)

III- Oilseeds

1-

8- Bejhar

9- Manduwa

10- Oats

11- Kakun

12- Kodon

13- Kutki

14- Sawan

8- Soyabean

9- Khesari

10- Sanai (seed)

11- Dhaincha (seed)

12- Guar

13- Moth

14- kulthi

6- Til seed

Mustard and tape seed (in cluding rye,duwan,taramira, and toria) of
al kinds.

- | | |
|--|------------------------|
| 2- Linseed. | 7- Mahuwa seed |
| 3- Sehuwan (seed) | 9- Cotton seed |
| 4- Castor seed | 10- Saflower seed |
| 5- Groundnut | |
| IV- Fibres | 5- Dhaincha |
| 1- Jute | 6- Rambans |
| 2- Cotton (ginned and unginned) | 7- Mesta |
| 3- Sunnhemp fibre | |
| 4- Paston | |
| V- narcotics- | 5- Sonf (anised) |
| 1- Tabacco | 6- Turmeric |
| 7- Dry mango slices and amchoor | |
| VI- Spices | 8- Cumin seed |
| 1- Coriander | |
| 2- Ripe chillies | |
| 3- Methi (seeds) | |
| 4- Dry ginger | |
| VII- Grass and Fodder- | |
| 1- All types of grass and fooder (green and dried) | |
| 2- Bhusa | |
| VIII- Miscellaneous--- | |
| 1- Cholai seeds | 8- Ambri seed |
| 2- Poppy seed | 9- Mahuwa flower (dry) |
| 3- Ramdana | 10- Chairaunjee |
| 4- Walnuts | 11- Berseem (seed) |
| 5- Ban | 12- Lucern (seed) |
| 6- Neeem seed | 13- Makhana |
| 7- Celery seed | 14- Sugarcane |
| 15- Mesta seed | |
| B- Horticulture- | |
| I- Vegetables- | 21- Betal leaves |
| 1- Potato | 22- Beet root |
| 2- Onion | 23- Yam |
| 3- Garlic | 24- Elephant foot |

- 4- Sweet potato
- 5- Colocasia
- 6- Ginger (green)
- 7- Kachalu
- 8- Ghillies
- 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)

II- Fruits-

- 1- Lemons
- 2- Orange
- 3- Mosambi
- 4- Sweet orange(malta)
- 5- Grape fruit
- 6- Banana
- 7- Pomegranates
- 8- Strawberries
- 9- Musk melon
- 10- Water melon
- 11- Snap melon
- 12- Papaya
- 13- Phalsa
- 14- Poopy
- 15- Apple
- 16- Guava
- 17- Ber
- 18- Aonla

- 25- Lettuce
- 26- Dill
- 27- Jack fruit(green)
- 28- Cucumber
- 29- Snake gourd
- 30- Bittter gourd
- 31- Sponage gourd
- 32- White gourd
- 33- Lady's finger
- 34- Pumpkin
- 35- Cluster beans
- 36- Tamarind
- 37- Banda
- 38- Singhara
- 39- Lobia (green)

- 19- Peaches
- 20- Loquat
- 21- Bela
- 22- Pineapple
- 23- Mango
- 24- Plum
- 25- Fig
- 26- Hack fruit (ripe)
- 27- Kamrakh
- 28- Karonda
- 29- Kates
- 30- Khirni
- 31- Apricot
- 32- Jamun

33- Litchi	36- Custard apple
34- Chiku	37- Mulberry
35- Pear	38- Pumelo
39- Raspberry	
C- Viticulture	
1- Grapes	
2- wax	
D- Apiculture	
1- Honey	
E- Sericulture	
1- Silk	
9- Cottage cheese	
F- Pisciculture	
10- Milk	
1- Fish	11- Hides and skins
	12- Bones
G- Animal husbandry products	13- Meat
	14- Bristles
	1- Poultry
	15- wool
2- Eggs	
3- Cattle	
4- Sheep	4- Reetha
5- Goat	5- Lac
6- Butter	6- Catechu
7- Ghee	
8- Khoya	
H- Forest Products	
1- Gum	
2- Wood	
3- Tendu leaves	