

# **The U.P. Foodgrains (Procurement and Regulation of Trade) Order, 1982**

UTTAR PRADESH

India

## **The U.P. Foodgrains (Procurement and Regulation of Trade) Order, 1982**

### **Rule**

### **THE-U-P-FOODGRAINS-PROCUREMENT-AND-REGULATION-OF-TRADE of 1982**

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The U.P. Foodgrains (Procurement and Regulation of Trade) Order, 1982Published vide Notification U.P. Gazette, (Extraordinary), dated 2nd June, 1982, came into force at once, vide Notification No. P-2476/29-Food-5-5-(42)-80, dated 2nd June, 1982

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

(1)This Order may be called the Uttar Pradesh Foodgrains (Procurement and Regulation of Trade) Order, 1982.(2)It extends to the whole of Uttar Pradesh.(3)It shall come into force at once.

### **2. Definition.**

- In this Order, unless the context otherwise requires,-(a)"Border area" means-(i)the area of sixteen kilometers all along the border of the State adjoining the territory of China; and(ii)the area of sixteen kilometers all along the border of the State adjoining the territory of Nepal;(b)"Collector" means the Collector of a district and includes any officer authorised by him in writing by general or specific order to perform subject to his control, all or any of his functions, under this Order;(c)"Controller" means a Regional Food Controller and includes Deputy Regional Food Controller, Regional Marketing Officer, Deputy Regional Marketing Officer, or Assistant Regional Food Controller;(d)"Enforcement Officer" means the Commissioner Food and Civil Supplies, Uttar Pradesh, Additional Commissioner, Food and Civil Supplies, Uttar Pradesh, Deputy Commissioner, Food and Civil Supplies, Uttar Pradesh, Assistant Commissioner, Food and Civil Supplies, Uttar Pradesh, the Chief Marketing Officer, Food and Civil Supplies, Uttar Pradesh, the District

Magistrate or any other Executive Magistrate, Tehsildar or Naib-Tehsildar, Regional Food Controller, Deputy Regional Food Controller, Regional Marketing Officer, Deputy Regional Marketing Officer, Assistant Regional Food Controller, Senior Marketing Inspector, Marketing Inspector, Assistant Marketing Inspector, District Supply Officer, Town Rationing Officer, Deputy Town Rationing Officer, Area Rationing Officer, Senior Supply Inspector, Supply Inspector or any Police Officer not below the rank of Sub-Inspector, within the limits of their respective jurisdictions and any Police Officer not below the rank of Sub-Inspector attached to Commissioner, Food and Civil Supplies;(e)[ "Foodgrains" means wheat, barley, gram, jowar, bajra, maize, pulses or any one or more of the same;] [Substituted by Notification No. P-3861/XXIX-Food-S-7(1)-92, dated 11th December, 1992, published in the U.P. Gazette, (Extraordinary), Part 4, section (Kha), dated 11th December, 1992.](f)"Producer" means an individual who has grown foodgrains in the agricultural year concerned in the State;(g)"Purchasing agent" means an agent appointed by the State Government, Controller or Collector in relation to any area for the purchase of foodgrains on State Government account under this Order;(h)"Purchase Centre" means a place declared as such in relation to any area by the State Government or Controller or Collector;(i)"Schedule" means schedule to this Order;(j)"Specified price" means in relation to Grade I of any variety of foodgrains mentioned in the Schedule shall subject to quality cuts specified in the said Schedule be the price as declared by the State Government from time to time;(k)the expressions "dealer", "wholesaler", "Commission agent" and "retailer" respectively shall have the same meanings as in the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1986 as amended from time to time.(l)[ "Manufacturer" means a person engaged in the business of milling or processing of foodgrains or manufacturing foodstuff therefrom.] [Inserted by Notification No. P-3386/XXIX-Food-5-5 (42)-80, dated 15th Oct., 1987, published in U.P. Gazette (Extraordinary), Part IV. section (Kha), dated 15th October, 1987.](m)[ "Export" means to take or cause to be taken by any means what-soever, out of any place within Uttar Pradesh to a place outside it.] [Inserted by (Seventh Amendment) Order, 1988, vide Notification No. P-1561/XXIX-Food-50-(42)-80, dated 7.5.1988.]

### 3.

If a producer offers to sell any foodgrains at the specified price to the purchasing agent at the purchasing centre, the purchasing agent shall be bound to accept such foodgrains in quantities and on such other conditions as the State Government may, from time to time, specify by order in this behalf.

### 4. [ Limits of stocks for licensed dealers. - [(1) No retailer, wholesaler, commission agent and manufacturer shall in a day have in his stock food-grains in excess of the limits specified below:

(i)Wheat-

- |                |               |
|----------------|---------------|
| (a) Retailer   | 50 Quintals.  |
| (b) Wholesaler | 150 Quintals. |

(c) Commission Agent 150 Quintals.

(d) Manufacturer A quantity corresponding to the three days manufacturing capacity.

(ii) Other foodgrains as specified in Clause II of the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restrictions on Hoarding) Order, 1989 as amended from time to time.](2) No retailer, wholesaler and commission agent shall purchase, sell or store for sale wheat each day in quantities exceeding the limits specified in sub-clause (1) for each of them.(3) No wholesaler, commission agent and manufacturer shall despatch his wheat from any place other than the place of his business except in special circumstances and with the prior permission of the Controller.(4) Above stock limit shall not be applicable for such stock of wheat which is purchased by the commission agent under the price support scheme for any purchasing agency appointed as such by the State Government.Explanation. - Quantities of wheat meant for despatch to outside the place of his business by wholesaler, or commission agent kept at the premises of a transport/forwarding agency or at a railway station shall be deemed to be included in his stock limit for so long as that quantity of wheat is not loaded for the place of destination in a truck or in any other mode of transport or railway wagons.] [clause 4 Substituted by Notification No. P-105-B/XXIX-Food-5-5 (42) 80, dated 8th May, 1984, published in U.P. Gazette (Extraordinary), Part IV, section (Kha), dated 8th May, 1988.]

**4A. [ Export of Wheat. - (A) No person shall export or attempt to export or abet the export of wheat except under and in accordance with a permit issued by the State Government or an officer authorised by the State Government in this behalf:**

Provided that nothing contained in this clause shall apply to the export of wheat:(i) Under in accordance with Military Credit Notes; or(ii) By or on behalf of the State Government of Central Government;. or(iii) By or on behalf of Food Corporation of India; or(iv) By a bona fide traveller as part of his luggage in quantity not exceeding five kilograms in weight in the aggregate.]

**5.**

No retailer, wholesaler, commission agent or his agent, or servant or any other person acting on his behalf shall contravene any provisions of the order and if any retailer, wholesaler, commission agent or his agent or servant or any other person acting on this behalf contravenes any of the said provisions, that contravention shall be deemed to be a contravention of the terms and conditions of a licence issued to him by a licensing authority under the Uttar Pradesh Scheduled Commodities Dealers (Licensing and Restriction on Hoarding) Order, 1986 and necessary action against him will be taken for the violation of the terms and conditions of the licence under the provisions of the said Order.

**6.**

Regulation of movement to or within the border area.-No person shall move, attempt to move or abet the movement of foodgrains-(a) to any place in the border area from any place outside that

area; or(b)from any place in the border area to any other place in that area except under and in accordance with a permit issued by the State Government or the Regional Food Controller of the border area concerned being obtained in this behalf:Provided that nothing contained herein shall apply to such movement-(i)on Government account or by or on behalf of the Food Corporation of India; or(ii)Under and in accordance with Military Credit Notes; or(iii)within the same town or village in the border area; or(iv)from a village in the border area to the nearest grain market (Mandi) in the State of Uttar Pradesh whether such market (Mandi) is within or outside the Border Area:(v)not exceeding twenty kilograms in weight in the aggregate, at one time, by a bona fide resident of the border area for domestic consumption; or(vi)not exceeding five kilograms in weight in the aggregate by a bona fide traveller as part of his luggage; or(vii)from one part of Nepal to another through the interlaying territory of Uttar Pradesh.

## **7. Power of entry, search and seizure.**

(1)An Enforcement Officer may with a view to securing compliance with this Order or to satisfying himself that the Order has been complied with-(a)enter with such assistance as may be necessary any premises where he has reason to believe that any foodgrain is stored; or(b)ask to any person all necessary questions;(c)search or examine any books of accounts and documents which in the opinion of the Enforcement Officer may be useful, for, or relevant to in proceeding under this Order and the person from whose custody such books of accounts or documents are seized shall be entitled to make copies thereof or to take extracts therefrom in the presence of an officer having the custody of such books of accounts or documents;(d)seize any articles: in respect of which the Enforcement Officer has reason to believe that a contravention of the Order has been, or is being, or is about to be committed and any packages, coverings or receptacles in which such articles are found or any vessel, vehicle or other conveyance or animal used in carrying such articles.(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 search and seizures made under this clause.

## **8.**

Every person engaged by a purchasing agent in purchase of foodgrains under this Order shall comply with the directions that may be issued from time to time by the State Government or Collector or Controller, in this connection.

## **9.**

Notwithstanding anything contained in the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 and the rules made thereunder, purchasing agent shall not be required to obtain a licence envisaged therein.

## **10. Power to remove difficulties.**

- The State Government may, by general or special order, make supplementary provision in respect

of matters for which no provision exists or insufficient provisions exists in this Order, or may make such other provision as it thinks fit for the purposes of. removing and difficulty.

## 11. Rescission.

- The Uttar Pradesh Foodgrains (Procurement and Regulation of Trade) Order, 1978 as amended up to date is hereby rescinded and the provisions of Section 6, 8, and 24 of the U.P. General Clauses Act, 1904 shall apply in relation to their rescission as they apply in relation to the repeal of an enactment by an Uttar Pradesh Act.

## Schedule

[See Clause 2(1)]Uniform Specifications for Indian Wheat of All Varieties(Marketing Season 1982-93)Wheat shall-(a)be the dried mature grains of indigenous red, dara ather Mexican and superior indigenous farm varieties, viz Triticum vulgura, T. compactum, T. Sphaerococcum, durum, T. aestivum and T. dicoccum;(b)have natural size, shape and colour;(c)be sweet, clean, wholesome and free from moulds, living insects, obnoxious smell, discoloration, admixture of deleterious substances including toxic weed seeds and all other impurities except to the extent indicated in the table below;(d)be in sound merchantable condition; and(e)have any admixture of pesticide, fungicide and any obnoxious deleterious and toxic material;(f)conform to P.F.A. Rules:

### showing the maximum permissible limits of different refractions

Grade	Foreignmatter%	OtherFoodgrains%	Damagedgrains%	Slightlydamaged grains%	Shriveled andbroken grains%
1.	0.75	6.00	2.00	5.00	6.00
2.	1.50	10.00	3.00*	10.00	12.00

\*The damaged grain percentage in Grade 2 will be 3 per cent. However, in case of wheat stocks containing Kernel Bunt infected grains the maximum limit of damaged grains including Kernel Bunt infected grains should not exceed 5 per cent.N.B. - (1). Grade 2 will have lower price by Rs. 2 per quintal in relation to the price of Grade 1.(2). Moisture in excess of 12 per cent up to 14 per cent is to be discounted at full value.(3). The cut for moisture shall be in addition to the Grade cut.(4). For weevilled grains following cuts in addition to other cuts shall be imposed-(i)From the beginning of the season till end of August, the rate of cut will be Re. 1 per qtl. For every 1 per cent or part thereof.(ii)From 1st September till end of October, no cut shall be imposed up to 1 per cent while for any excess the cuts will be @ Re. 1 per qtl. for every 1 per cent or part thereof.(iii)From 1st November till end of the season, no cut shall be imposed up to 2 per cent while for any excess the cut will be Re. 1 per qtl., for every 1 per cent or part thereof.(iv)Stocks containing weevilled grains in excess of 3 per cent shall be rejected.(5). In case of stocks having living infestation a cut of the rate of 50 paise per quintal may be charged as fumigation charges.(6). It has been decided to continue as a special case the relaxation in specification for procurement of wheat in Bundelkhand region during marketing season 1982-83 also. Red indigenous/Mexican red varieties of wheat grown in Bundelkhand region may be accepted with foreign matter in excess of 1.5 per cent up to five per cent

subject to a cut at full value per quintal for every one per cent or part thereof of foreign matter over 1.5 per cent in addition to the cuts, the wheat of Grade 2. Such wheat will, however, have to be cleaned and freed from excess foreign matter before issue to consumers in accordance with P.Fs Rules and the cleaning expenses of such wheat will be met from the additional cut. In no case stocks containing foreign matter in excess of five per cent repeat five percent shall be accepted. (Copy of telegram No.25-1/82-S and I, dated May 14, 1982 from Khadya Vibhag, New Delhi to the Secretary, Food and Civil Supplies, Lucknow)(7). On consideration, it has been decided that the percentage of damaged grain in Grade 2 of the uniform specifications has been raised to 5 per cent. However, in case the wheat stocks contain Kernel Bunt infested grains the maximum limit of damaged grains including Kernel Bunt infested should not exceed 5 per cent. If the Kernel Bunt infested grains are not there in the stock then only the percentage of damaged grain can go up to 5 per cent. In no case the percentage of damaged grain, damaged grains plus Kernel Bunt infested grains should exceed 5 per cent which in the limit prescribed under P.F.A. (Extracts from letter No.26-1/82-S and I, dated the 21st May, 1982 from Commissioner (S and R), Government of India, Ministry of Agriculture, Department of Food, New Delhi to the Secretary, Food and Civil Supplies, Lucknow).(8). On further consideration it has been decided that rain affected lustre lost wheat with no damage to Kernel be purchased up to 100 per cent in grade one and two without any price out for central pool and stacked separately. (Extracts from telegram No.26-1/82-S and I, dated the 22nd May, 1982 from Khadya Vibhag, New Delhi to the Secretary, Food and Civil Supplies, Lucknow). Definitions: Foreign matter Includes organic and inorganic matter. The inorganic matter shall include sand, gravel, dirt, pebble, stones and lumps of earth, clay and iron particles, etc. The organic matter shall include chaff, weed seeds, straw and other inedible graInsertedShrivelled graInsertedKernels or pieces of kernels that are not fully developed. Broken Pieces of kernels that are less than three-fourth of the size of full kernels. Weevilled grains Kernels that are partially or wholly bored. Slightly damaged grains Kernels or pieces of kernels that are damaged or discolored superficially so as not to affect the quality of the material. Damaged grains Kernels or pieces of kernels that are sprouted or internally damaged as a result of heat, microbes, moisture of weather. Other foodgrains Any foodgrains other than wheat. [Now omitted by P. 3404/XXIXx-Food-5-5 (42)-80, dated 27th August, 1988.]