

Uttar Pradesh Krishi Utpadan Mandi (Amendment And Validation) Act, 1970

10 of 1970

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Uttar Pradesh Krishi Utpadan Mandi (Amendment And Validation) Act, 1970

10 of 1970

An ACT

to amend the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964

and to validate certain actions taken thereunder

It is hereby enacted in the Twenty-first Year of the Republic of India as follows:

CHAPTER 1 Preliminary

1. Short title :-

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

CHAPTER 2 Amendments

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

In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter referred to as the principal Act, for clause (a) the following clause shall be substituted, and be deemed always to have been substituted, namely :

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

3. Insertion of new section 4-A :-

After section 4 of the principal Act, the following section shall be inserted, namely:

"4-A. Power to amend Schedule

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

4. Amendment of section 7 :-

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

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

as sub-market yard."

5. Amendment of section 10 :-

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

6. Amendment of section 13 :-

In section 13 of the principal Act-

(1) in sub-section (1)-

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

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

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

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

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

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

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

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

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

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

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

7. Amendment of section 14 :-

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

Constitution of First Committee or a 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 the persons who in the opinion of the State Government are suitable to represent the different interests referred to in sub-section (1) of section 13."

8. Amendment of section 15 :-

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

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

9. Amendment of section 19 :-

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

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

10. Amendment of section 39 :-

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

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

11. Addition of Schedule :-

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

A-AGRICULTURE I.Cereals-1. Wheat. 2. Barley. 3. Paddy. 4. Rice. 5. Jowar. 6. Bajra. 7. Maize. 8. Bejhar. 9. Manduwa. 10. Oats. 11. Kakun. 12. Kodon. 13. Kutki. 14. Sawan. II. Legumes-1. Gram. 2. Peas. 3. Arhar. 4. Urd. 5. Moong. 6. Masoor. 7. Lobia (seed). 8. Soyabean. 9. Khesari. 10. Sanai (seed). 11. Dhaincha (seed). 12. Guar. 13. Moth. 14. Kulthi. III. Oilseeds-1. Mustard and rape seed (including rye, duwan, taramira, and toria), of all kinds. 2. Sehuwan (seed). 3. Linseed. 4. Castor seed. 5. Groundnut. 6. Til seed. 7. Mahuwa seed. 8. Gullu. 9. Cottonseed. 10. Sunflower seed.

SCHEDULE [Sections 2(a) and 4-A][V. Fibres-1. Jute. 2. Sunnhemp fibre. 3. Cotton (ginned and unginned). 4. Patson. 5. Dhaincha. 6. Rambans. 7. Mesta. V. Narcotics-1. Tobacco. VI. Spices-1. Coriander. 2. Ripe chillies. 3. Methi (seed) 4. Dry ginger. 5. Sonf (aniseed) 6. Turmeric. 7. Dry mango slices and amchoof. 8. Cumin seed. VII. Grass and Fodder-1. All types of grass and fodder (green and dried). 2. Bhusa. VIII. Miscellaneous-1. Cholai(seed) 2. Poppyseed. 3. Ramdana. 4. Walnuts. 5. Ban. 6. Neem seed. 7. Celery seed. 8. Ambri seed. 9. Mahuwa flower (dry). 10. Chiraunjee. 11. Berseem (seed). 12. Lucern (seed). 13. Makhana. 14. Sugarcane. 15. Mesta seed. B-HORTICULTURE I.Vegetables-1. Potato. 2. Onion. 3. Garlic. 4. Sweet potato. 5. Colocasia. 6. Ginger (green). 7. Kachalu. 8. Chillies. 9. Tomato. 10. Cabbage, cauliflower knol khol. 11. Carrot. 12. Radish. 13. Brinjal. 14. Tinda. 15. Bottle gourd. 16. Green peas. 17. Turnip. 18. Parwal. 19. Beans. 20. Saag (of all kinds). 21. Betel leaves. 22. Beet root. 23. Yam. 24. Elephant foot. 25. Lettuce. 26. Dill. 27. Jack fruit (green). 28. Cucumber. 29. Snake gourd. 30. Bitter gourd. 31. Sponge gourd. 32. White gourd. 33. Ladys finger. 34. Pumpkin. 35. Cluster beans. 36. Tamarind. 37. Banda. 38. Singhara. 39. Lobia (green). II. Fruits-1. Lemons. 2. Orange. 3. Mosambi. 4. Sweet orange (Malta) 5. Grape fruit. 6. Banana. 7. Pomegranates. 8. Strawberries. 9. Musk melon.

10. Water melon. 11. Snap melon. 12. Papaya. 13. Phalsa. 14. Poppy. 15. Apple. 16. Guava. 17. Ber. 18. Aonla. 19. Litchi. 20. Chiku. 21. Peaches. 22. Loquat. 23. Bela. 24. Pineapple. 25. Mango. 26. Plum. 27. Fig. 28. Jack fruit (ripe). 29. Kamrakh. 30. Karonda. 31. Dates. 32. Khirni. 33. Apricot. 34. Jamun. 35. Pear. 36. Custard apple. 37. Mulberry. 38. Pumelo. 39. Raspberry. C-VITICULTURE 1. Grapes. D-APICULTURE 1. Honey. 2. Wax. H-SERICULTURE 1. Silk. F-PISCICULTURE 1. Fish. G-ANIMAL

HUSBANDRY PRODUCTS 1. Poultry. 2. Eggs. 3. Cattle. 4. Sheep. 5. Goat. 6. Butter. 7. Ghee. 8. Khoya. 9. Cottage cheese. 10. Milk. 11. Hides and skins. 12. Bones. 13. Meat. 14. Bristles. 15. Wool. H-FORESTPRODUCTS 1. Gum. 2. Wood. 3. Tendu leaves. 4. Lac. 5. Reetha. 6. Catechu.

CHAPTER 3 Transitory Provisions

12. Validation of certain actions :-

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

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

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

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

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

(b) no order made or purporting to have been made, prior to such

commencement, under sub-section (1) of section 8 of the principal Act for including any area in a market area, shall be invalid or be deemed ever to have been invalid on the ground that the same was made only by notification in the Gazette and not in the prescribed manner.

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

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

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

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

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

15. Certain Market Committees and their acts not to be invalid :-

(1) Every First Committee or a new Committee constituted, prior to

the commencement of the Ordinance of 1968, under the provisions of the principal Act, shall be deemed always to have been validly constituted according to the provisions of section 14 of the principal Act as amended by this Act.

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

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

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

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

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

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

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

17. Certain bye-laws not to be invalid :-

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

CHAPTER 4 Repeal

18. Section 18 :-

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