

**Uttar Pradesh Krishi Utpadan Mandi Vidhi (Amendment)
Adhiniyam, 2004**

13 of 2004

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**Uttar Pradesh Krishi Utpadan Mandi Vidhi (Amendment)
Adhiniyam, 2004**

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AN ACT

further to amend the Uttar Pradesh Krishi Utpadan Mandi
Adhiniyam, 1964.

It is hereby enacted in the Fifty-fifth Year of the Republic of India
as follows:-

CHAPTER 1 Preliminary

1. Short title and commencement :-

(1) This Act may be called the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhiniyam, 2004.

(2) It shall be deemed to have come into force on May 24, 2003.

CHAPTER 2 Amendment of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964

2. Amendment of section 2 of U.P. Act no. 25 of 1964 :-

In section 2 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, hereinafter in this chapter referred to as the principal Act, clause (h-1) shall be omitted.

Amendment of section 8.

3. Substitution of sections 13, 13-A, 14, 14-A and 14-B :-

In section 8 of the principal Act, in sub-section (2) for clause (b) the following clause shall be substituted, namely:-

"(b) a new Market Committee shall be constituted for the modified or newly created Market Area in accordance with the provisions of section 13."

4. Substitution of sections 13, 13-A, 14, 14-A and 14-B :-

For sections 13, 13-A, 14, 14-A and 14-B of the principal Act the following sections shall be substituted, namely:-

"13. Constitution of Committee

(1) The Committee referred to in section 12 shall consist of the following members to be nominated by the State Government in the manner as may be prescribed:-

(a) one representative of urban local bodies, exercising jurisdiction over the Principal Market Yard or Sub-Market Yard, or part of either and the market area or any of its part;

(b) One representative of Zila Panchayat and one representative of Kshetra Panchayats exercising jurisdiction over the Principal Market yard or Sub-Market Yard, or part of either and the market area or any of its part;

(c) one representative of the Co-operative Marketing Societies holding license for transacting business in the Market Area;

(d) one representative of commission agents carrying on business in the Market Area and holding license therefor under this Act;

(e) one representative of traders carrying on business in the Market

Area and holding license therefor under this Act;

(f) seven representatives of producers of the Market Area;

(g) one person of the Market Area who shall represent the interest of consumers;

(h) two Government officials of whom one shall be a representative of the Uttar Pradesh Trade Tax Department and the other of the Food and Civil Supplies Department;

(i) Secretary of the Market Committee who shall be the member secretary.

(2) Out of the persons nominated under clause (f) of sub-section (1),

(a) two members shall be residents of any of the Gram Panchayat exercising jurisdiction over any part of the Market Area;

(b) five members shall be the producer sellers in the Market Area who obtained Sale Vouchers in Form no. VI of last three years from the Committee, out of which one member shall be belonging to the Scheduled Castes or the Schedule Tribes and the other from other backward classes of citizen.

(3) Every Committee shall have a Chairman nominated by the State Government from amongst the members referred to in clause (f) of subsection (1) and a Vice-Chairman nominated by the State Government from amongst the members of the Committee.

(4) (a) The term of the Committee constituted under sub-section (1) shall be two years from the date of publication of the Constitution of the Committee under sub-section (6) if not terminated earlier by the State Government

(b) The term of the office of the Chairman, the Vice-Chairman and the members shall be Co-terminus with the Committee.

(c) a non-official member shall cease to hold his office if he ceases to be a licensee of Committee or otherwise ceases to work in the Committee as trader or commission agent as the case may be.

(5) The name of every member nominated under sub-section (1) shall be registered with the Director within 21 days of the nomination thereof.

(6) The Constitution of the Committee constituted under sub-section (1) shall be notified in the Gazette by the Director with the prior approval of the State Government.

(7) The State Government where it considers necessary or expedient so to do in public interest may by notification extend the term of Committee for a period not exceeding six months at a time but the total period of such extension shall not exceed one year.

(8) No proceeding, or act done by or on behalf of the Committee

shall be questioned on the ground for want of any qualifications, or defect in the 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.

13-A. Resignation of members and nomination in certain circumstances.

(a) A member of the Committee may resign from his office by writing under his hand addressed to the Chairman. The resignation shall take effect from the date on which it is accepted by the Chairman with the prior approval of the Director;

(b) The State Government may by notification nominate persons from the respective category of members to fill the vacancies of the members who have resigned and the persons so nominated shall hold office for remainder of the term of the Committee.

13-B. Removal of members, Vice-Chairman and Chairman of the Committee.

The State Government may, on the recommendation of the Director, remove any member including the Chairman or the Vice-Chairman if he has been found guilty of neglect or misconduct in the discharge of his duties or of any disgraceful conduct or has become incapable of performing his duties as a member or has been adjudged insolvent and the vacancy of such members shall be filled in accordance with the provisions of sub section (3) of section 13 or clause (b) of section 13-A as the case may be:

Provided that no such member shall be removed from office unless he has been given a reasonable opportunity of being heard.

13-C. Suspension of the Committee.

Where the Director, is satisfied that,-

(a) any Committee has willfully 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 or any other enactment;

(b) continuance or the functioning of the Committee is prejudicial to the maintenance of public order or to the maintenance of supplies and services of commodities essential to the community in the market area or its part or in the other market areas; and

(c) it is necessary so to do, he may, after obtaining explanation from the Committee, by order in writing suspend the functioning of the Committee for a period up to six months.

13-D. Consequences of suspension.

(1) Where a Committee is suspended under section 13-C the Chairman, the Vice-Chairman and the members thereof shall be deemed to have vacated their respective office for the period of

suspension and the powers, duties and functions of the Committee shall be exercised, discharged and performed by the District Magistrate who may exercise, discharge or perform such powers, duties and functions either himself or through an officer authorised by him not below the rank of the Deputy Collector.

(2) Where the circumstances so warrant the Director may send its report for dissolution of the Committee to the State Government within three months from the date of its suspension.

(3) The director shall forthwith report about suspension under section 13-C to the State Government and if no adverse direction or order is received to the Director from the State Government within 15 days the suspension shall continue, for the period directed in the first order otherwise he shall act according to the directions of the State Government in the matter.

13-E. Dissolution of Committee.

If at any time the State Government, on the report of the Director is satisfied that any Committee has made a willful default in the performance of any duty imposed upon it by or under this Act, or any other enactment or has exceeded or abused its powers, after taking into consideration the explanation of the Committee, it may, by order stating the reasons therefor dissolve the Committee by publication thereof in the official Gazette.

Explanation-1. Willful default means a failure to perform duties of the committee, lack of willingness or it disinclination to perform that duty and such failure should not be the result of any accident or inadvertent error.

Explanation-2. The purpose of stating reasons is to ensure mat the reasons which impelled the action are genuine and relevant to me content and scope of he power vested in the State Government.

13-F. Consequences of dissolution

On the dissolution of the Committee;

(a) all the members, including the Chairman and the Vice-Chairman, of the Committee shall, be deemed to have vacated their offices from the date of dissolution.

(b) The Collector shall become the administrator of the Committee and shall either himself or through an officer not below the rank of deputy Collector exercise, discharge and perform the powers, duties and functions of Chairman, Vice-Chairman and the Committee, until the new Committee is constituted under section 13.

5. Amendment of section 15 :-

In section 15 of the principal Act for the words "elected, nominated or appointed" the words, "nominated or appointed by the State Government" shall be substituted.

6. Insertion of section 17A :-

After section 17 of the principal Act, the following section shall be inserted, namely:-

"17-A (1) Notwithstanding any thing to the contrary contained in any other provisions of this Act where the State Government is of the opinion that it is necessary and expedient in public interest so to do, in order to encourage establishment of Agro Processing Units in the State and to promote the marketing of the Specified Agricultural Produce to be used as raw material by the said unit it may on application or otherwise by notification exempt from or reduce the rate of mandi fee (excluding Development Cess) or such specified agriculture produce or produces as may be used by the newly established unit which fulfills the condition that the cost of its plant and machinery shall not be less than ten crore rupees, for such period as may be specified therein, not exceeding five years subject to such conditions and restrictions as may be specified therein.

(2) The State Government on being satisfied that it is expedient so to do, in public interest may, by notification, rescind any of the notification issued under subsection (1) before the expiry of the period for which it was to remain in force."

7. Amendment of section 26-B :-

In section 26-B of the principal Act, in clauses (g) and (h) for the word "elected" wherever it occurs, the word "nominated" shall be substituted.

8. Omission of sections 28, 29 and 30 :-

Sections 28, 29 and 30 of the principal Act shall be omitted.

9. Amendment of section 40 :-

In section 40 of the principal Act, in sub-section (2),-

(a) clause (i) shall be omitted

(b) for clause (ii) the following clause shall be substituted, namely:-

"(ii) for the constitution of the Committee under section 12 or for the modified and newly created Market Areas under clause (b),

clause (c) or clause (d) of sub-section (1) of section 8 by nomination by the State Government and for their consequential matters".

(c) clause (iii) shall be omitted.

(d) clause (xxxi-a) shall be omitted.

CHAPTER 3 Repeal of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpkalik Vyavastha) Adhiniyam, 1972

10. Repeal of U. P. Act no. 7 of 1972 and savings :-

(1) The Uttar Pradesh Krishi Utpadan Mandi Samities (Alpkalik Vyavastha) Adhiniyam, 1972 is hereby repealed.

(2) Notwithstanding such repeal the arrangement regarding exercise of powers, discharge of duties and performance of functions of a committee including its Chairman, Vice-Chairman and members by the District Magistrate as provided in the Act referred to in sub-section (1) shall continue in respect of such Committee until it is constituted in accordance with the provisions of section 13 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964.

CHAPTER 4 Miscellaneous

11. Validation :-

For the removal of doubts, it is hereby declared that the powers, unctions and duties of a Market Committee its Chairman and Vice-Chairman vested in the District Magistrate concerned under section 2 of the Uttar Pradesh Krishi Utpadan Mandi Samitis (Alpkalik Vyavastha) Adhiniyam, 1972 immediately before October 14, 2003 shall be deemed to have validly continued to be so vested in such District Magistrate and anything done or any action taken by the District Magistrate in exercise, performance and the discharge of the said powers, functions and duties at any time on or after October 14, 2003 shall be deemed valid as if the provisions of the said Act as amended by this Ordinance were in force at all material times.

12. Repeal and savings :-

(1) The Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhyadesh, 2004 and the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan), Adhyadesh, 2003 are hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken

under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Ordinance as if the provisions of this Act were in force at all material times.