

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

**The UttarPradesh
Krishi Utpadan Mandi Niyamavali, 1965**

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAVALI-1965

**TheUttarPradeshKrishiUtpadan
MANDINIYAMAVALI, 1965**

In exercise of the powers under Section 40 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964) the Governor of Uttar Pradesh is pleased to make the following rules for carrying out the purposes of the said Act after their previous publication under Notification No. H-6090/12 B— 1680-63 dated January 11, 1965 and No. H-978XII-B-1680-63 dated April 26, 1965.

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[RULE 1-2]

**CHAPTER I
PRELIMINAR**

Y

1. Short title. — These rules may be called the Uttar Pradesh Krishi Utpadan Mandi Niyama Wali, 1965.

2. Definitions. — (1) In these rules, unless, there is anything repugnant in the subject or context, —

- (i) "Act" means the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964;
- (ii) "agricultural year" means the year commencing on the first day of July and ending on the thirtieth day of June;

¹(iii) "Chairman" means the Chairman of the Mandi Sarniti or the Chairman of the Board as the case may be;

(iii-a) Digital Platform Service Provider Licence' means a licence by which a licensee will be authorized to provide and operate an online/ digital platform for trading of specified agricultural produce in all market areas of the state. The Digital Platform Service Provider Licence shall be issued/renewed by the Director of Mandis, who is authorized to issue/renew the licence, as per the procedure laid down in these rules."

(iv) "District Election Officer" means the Collector of the District as defined in Section 2;

(v) "election" means the election of a Member or Members of Market Committee;

(vi) "form" means a form appended to these rules;

(vii) ²"(Gram Panchayat)" means a ²[Gram Panchayat], established under the Uttar Pradesh Panchayat Raj Act, 1947;

(viii) "measurer" means a person who, in the ordinary course of business, is engaged in the work of measuring of agricultural produce in connection with its sale or purchase;

(ix) "purchaser" means a person buying any agricultural produce, either himself or on behalf of his Principal;

(x) "retail trader" means a trader who sells or purchases or stores any specified agricultural produce not exceeding such quantity as a Market Committee may deem fit under its bye- laws;

³[(xi) "Scheduled Castes" shall have the meaning assigned to it in clause (24) of Article 366, read with Article 341 of the Constitution.]

(xii) "section" means a section of the Act;

(xiii) "seller" means a person selling any agricultural produce either himself or on behalf of his Principal;

1. Subs. by Noti. No. 3245/12-8-45/74—UPA-25/64—Rule 65—AM-(1)-78, dt. 10.02.1978.

2. Subs. by U.P. Act No. 18 of 2001 (w.e.f. 08.06.2001).

3. Subs. by Noti. No. 3245/12-8-45/74—UPA-25/64—Rule-65—AM-(1)-78, dt. February 10, 1978.

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- (xiv) "unauthorised trade charge" means a trade charge, not prescribed by these rules or bye-laws;
- (xv) "Vice-Chairman" means the Vice-Chairman of the Market Committee;
- (xvi) "village trader" means a trader who purchases any specified agricultural produce, in the Market Area outside the Market Yard and sells the said produce in the Market Yard;
- (xvii) "whole-sale trader" means any trader other than a retail trader or a village trader.
- ¹[(xviii) "Primary arrival" means the first arrival of a specified agricultural produce in the Market Area for sale, storage or processing on which no Market Fee has been levied in any Market Area, whether brought from any place in the same Market Area, or from any other Market Area or from outside the State or the country;
- (xix) "Secondary arrival" means arrival of a specified agricultural produce in the Market Area after its first transaction of sale in any Market Area for further transactions of sale.]
- ²[(xx) "Unified license" means a single license for the whole State. This license may be authorized for trading (sale and purchase) of specified agriculture produce in all market areas to the State. The main Market Committee which is authorized to issue Unified License may suspend or cancel the Licence with the prior concurrence of the Director, according to the procedure prescribed in these rules.]
- (2) Words and expressions used in the Act, not defined in these rules shall have the meaning assigned to them in the Act.

CHAPTER II
CONSTITUTION OF MARKET COMMITTEE

³[3. Nomination of Members of the Committee. — No nomination of members under clauses (a) to (d) of sub-section (1) of section 13 of the Act shall be made by the State Government after duly considering the recommendations of the Deputy Director Administration/Marketing of the Division in which the said Mandi is situated, obtained through the Director, State Agricultural Produce Markets Board, screening the names of the aspirants prepared as per the provisions of the Section 13 (2) of the Act. The cut off date for the assessment in this regard shall be the last date of the Agricultural year immediately preceding the agricultural year in which the nomination is being considered.]

1. Ins. by Noti. No. 2937/12-5-1998-600(37)-98dt, 14.08.1998 (w.e.f. 14.08.1998).

2. Ins. by Noti. No. 17/2016/1405/80-1-2016-600(50)-2013dt, 31.05.2016 (w.e.f. 31.05.2016).

3. Subs. by Noti. No. 07/2019)2485/80-1-2018-600(22)/2002T.C. dt. 07.02.2019

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3-A. and 4. [***]¹

²[5. Qualifications for membership of the Mandi Samiti—(1) A person shall be qualified for being nominated as a Member of the Market Committee under clauses (a) to (d) of sub-section (1) of Section 13 of the Act, if,

- (a) he is a citizen of India and has completed the age of 21 years;
- (b) he is a registered voter for Legislative Assembly elections from a locality included in the Market Area concerned;
- (c) he is not of unsound mind;
- (d) he is not an undischarged insolvent;

Rules 3-A and 4 prior to their omission stood as under

3-A. [Sections 13(2), 40(2)(i) and 40(2)(xxi-a)].—

- (i) The District Election Officers shall appoint a Returning Officer for conducting the elections of each Mandi Samiti, its Chairman and Vice-Chairman under these rules;
- (ii) The Returning Officer may appoint one or more persons, as Assistant Returning Officers;
- (iii) The Assistant Returning Officer shall assist the Returning Officer in the performance of his functions and shall subject to the control of the Returning Officer be competent to perform all or any of the functions of the Returning Officer;
- (iv) The Returning Officer may appoint Presiding Officers and such staff as he may deem necessary, but he shall not appoint any person who has been employed by or on behalf of or has been otherwise working for candidate;
- (v) The District Election Officer, the Returning Officer and the Assistant Returning Officer shall perform their functions and duties under the General Superintendence and Control of the Director of Elections, Uttar Pradesh.]

4. Delimitation of constituencies (Section 13(2))—(1) for the purpose of electing the members referred to in clause (viii) of sub-section (1) of section 13, the District Election Officer shall subject to such directions as may be issued by the Director of Elections, determine—

- (a) the number of constituencies into which each market area shall be divided;
- (b) the area to be included in each constituency;
- (c) the total number of seats allotted to each constituency; and
- (d) the number of seats reserved for the Scheduled Castes:

Provided that as far as possible the entire area of a [Gram Panchayat], shall be included in one constituency :

Provided further, that the number of seats to be allotted to each constituency, shall, as far as practicable bear the same proportion to the total number of persons to be elected for the Market Area as the [Gram Panchayats], of that constituency bear to the total [Gram Panchayat], of the Market Area,

(2) The draft delimitation proposals shall be prepared and published, in the form to be specified by the Director of Elections.

(3) The draft delimitation proposals shall be published at the Tahsil Headquarters in the Office of the Mandi Samiti and Office of the District Election Officer for inviting objections and suggestions.

(4) All objections and suggestions received within ten days of the publication of the draft delimitation proposals shall be considered by the District Election Officer and the final delimitation order shall be published in accordance with the decision on such objections and suggestions.

(5) The director of elections after consulting the District Election Officer of the Board may, by a subsequent order in writing alter or amend the final delimitation order prepared under sub-rule (4).

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2. Subs.byNod.No.07/2019/2485/80-1-2018-600(22)/2002T.C.dr.07.02.2019.

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- (e) he does not hold any office of profit under the Government of India or any State Government or any Mandi Samiti of the State;
- (f) he is a farmer of the Market Area who brings his produce to the market yard for sale and has sold notified agricultural produce in the said market yard and obtained Form-VI of cumulative highest value during last three agricultural years just preceding the year of the nomination.

A list of at least thirty farmers in each category mentioned under section 13 (2) of the Act, with cumulative value of arrivals in the said mandi in their names prepared on the basis of Form-V1, in descending order shall be prepared and published under the signature of officer nominated by the District Magistrate of the District, in Which the Principal Market is situated, not below the rank of a Sub-Divisional Magistrate, inviting objections in writing which shall be made within a period of seven days. A decision on the objections if any shall be taken by such officer through a speaking order and there after a final list shall be published accordingly. The objection could only be made if it was supported by an affidavit and moved by a person who is resident of the said Market Area and is having at least one Form-VI issued by a licensee trader/ commission agent of the Market Area, in his own name in the last preceding agriculture year. For taking a decision on such objection the nominated officer may call for and consider such evidence as he deems fit. Where a person, whose name is in the list, denies becoming an aspirant for membership, his written denial with his signature shall be communicated to the said officer before finalization of the list. Confirming such denial such officer shall remove his name from the list describing reasons. The draft and final lists shall be prepared in the format X-A, appended to these rules; or

- (g) he is a trader carrying on business in the concerned Market Area and his holding a valid license for it required under the Act and where the nomination is being made from traders, such traders should have paid cumulatively highest amount of Market Fee during the last three agricultural years just preceding the year of the nomination and have no outstanding dues against them of the Market Committee on the date of nomination. A list of at least twenty traders under section 13 (1) (b) of the Act with cumulative value of Market Fee paid by them in the said Market Committee as per their Mandi Shulk Register or other relevant documents, in descending order shall be prepared and published under the signature of such nominated officer, inviting objections in writing which shall be made within a period of seven days. The objection can only be made if it is supported by an affidavit and moved by a person who has a valid license for trading from the same Market Committee. A decision on the objections if any, shall be taken by such officer through a speaking order and

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thereafter a final list shall be published accordingly. For taking a decision on such objection the nominated officer may call for and consider such evidence as he deems fit. Where a person, whose name is in the list, denies becoming an aspirant for membership, his written denial with his signature shall be communicated to the said officer before finalization of the list. Confirming such denial the such officer shall remove his name from the list describing reasons. The draft and final lists shall be prepared in the format X. 8, appended to these rules; or

- (h) he is a commission agent carrying on business in the concerned Market Area and is holding valid license required under the Act. If the nomination is being made from commission agents such commission agent should have paid cumulatively highest amount of Market Fee, during last three agricultural years just preceding the year of nomination and have no outstanding dues against them of the Market Committee on the date of nomination. A list of at least twenty Commission Agents under section 13(1)(c) of the Act with cumulative value of Market Fee in the said Market Committee as per their Market Fee Register or other relevant documents, in descending order shall be prepared and published under the signature of the said officer, inviting objections in writing which shall be made within a period of seven days. The objection can only be made if it is supported by an affidavit and moved by a person who has a valid license for commission agent from the same Market Committee. A decision on the objection if any shall be taken by such officer through a speaking order and thereafter a final list shall be published accordingly. For taking a decision such officer may call for and consider such evidence as he deems fit. Where a person, whose name is in the list, denies becoming an aspirant for membership, his written denial with his signature shall be communicated to the said officer before finalization of the list. Confirming such denial such officer shall remove his name from the list describing reasons. The draft and final lists shall be prepared in the format X-C appended to these Rules; or
- (i) He is a palledar or measurer serving in the concerned Market Area and is holding license required under the Act and who is unanimously elected by the licence holder palledars or measurers from among themselves respectively. In case of a dispute the name for nomination shall be decided by a draw of lots conducted before the nominated by the collector concerned officer for the purpose.
- (2) The disqualifications provided under Sections 8, 9, 9-A and 10 of the Representation of People Act, 1951 as amended from time to time shall mutatis mutandis apply for nominations to a Mandi Samiti also.
- (3) If a nominated member absents himself in five consecutive meetings of the committee, he shall be disqualified and cease to be a Member of the Committee.

Provided that if the Director, Mandi Board is satisfied that there is sufficient reason for the absence of the member from the meetings as aforesaid, he may by order make a declaration to that effect and thereupon the disqualification under this sub-rule shall cease to have an effect.

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(4) If the State Government is satisfied, on the report of District Collector or Director, Agriculture Marketing Board or otherwise that a Member, Chairman or Vice-Chairman is guilty of moral turpitude and there is a sufficient ground to proceed, the State Government may remove such Member, Chairman or Vice-Chairman from his office.

Provided that a reasonable opportunity of hearing has been given before such removal.

Provided further that the State Government may by general or special order direct that such opportunity of hearing is to be given at the level of District Collector or Director Agricultural Marketing Board or such other officer as it may deem fit.]

Rules 5-A to 34. [*II¹**

5-A. Disqualifications for membership of the Mandi Samiti [Section 40(2) (xxx-a)].—(1) A person shall be disqualified for being chosen as and for being Member of a Mandi Samiti—

- (a) if he is an undischarged insolvent;
- (b) if he has been convicted and sentenced for such offence, as is declared by the State Government, by notification in this behalf to involve moral turpitude, unless a period of five years has elapsed since the date of completion of the sentence;
- (c) if he is of unsound mind and stands so declared by a Competent Court;
- (d) if he enters into any transaction or contract with the Mandi Samiti or has any interest in such contract or in any employment under the Mandi Samiti;
- (e) if he accepts or holds any office of profit under the Mandi Samiti;
- (f) if he is a Servant of the Mandi Samiti or of a licensee under Section 9 of the Act, or himself holds a licence from the Mandi Samiti, as a broker or datat or paliedar or weighman;
- (g) if having held any office under Government or Local Body or any Co-operative Society registered under the Co-operative Societies act, 1965 or a Mandi Samiti, he has been dismissed from service unless, a period of five years has elapsed since the date of dismissal;
- (h) if he has been convicted and sentenced for any offence under the Act or the rules or bye-laws, unless a period of six months has elapsed from the date of the completion of the sentence;
- (i) if he is in default to the Mandi Samiti for a period of more than fifteen days, in respect of any fee or other amount due to the Mandi Samiti on the day immediately preceding the date of scrutiny;
- (j) if he does not ordinarily reside, in the Market Area concerned;
- (k) in the case of the Local Bodies' Constituency, if he holds a licence for a Trader or Commission Agent or Arhatiya issued by the Mandi Samiti;
- (l) in the case of election from the Traders' constituency or Commission agents' constituency, if the licence is issued by the Mandi Samiti to the Trader or the Commission Agents, as the case may be, has been suspended or has not been renewed;
- (m) in the case of election from the producers' constituency if he or a firm in which he is a partner or a body corporate (other than a Co-operative Society), in which he is a member or a joint family of which he is member, carries on Business as a Trader or Commission Agent;
- (n) if he has been a Member of the Mandi Samiti continuously for the preceding two terms. Explanation.—A person shall be deemed to reside ordinarily within a Market Area if he—
- (a) has actually resided within such, area for an aggregate period of not less than one hundred and eighty days during the calendar year preceding that in which the

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lists of voters for the time being under preparation for such area are provisionally published under sub-rule (6) of rule 7; or

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- (b) has maintained which such area for an aggregate period of not less than one hundred eight days during the calendar year preceding that in which the lists of voters for the time being preparation for such area are provisionally published under sub rule (6) of Rule 7, a dwelling for himself in charge of his dependents or servants and has visited such dwelling during the year first mentioned in connection with his business in the said Market Area.
- (2) The date from which the period of five years, under clause (b) and six months under clause (h) shall be counted, will be as follows:—
- (i) in the case of sentence of imprisonment, from the date of expiry of the period of sentence;
- (ii) In the case of sentence of fine from the date of payment of recovery thereof;
- (iii) In the case of sentence of both imprisonment and fine, from the date of expiry of sentence or the payment or recovery of fine, whichever is later.

5-B. Disqualification for membership on account of absence from the meeting of Mandi Samiti (Section 40(2)(xxxi-a)).—If an elected Member of the Mandi Samiti, without permission of the Samiti absents from five consecutive meetings of the Samiti. he shall be disqualified and cease to be a Member of the Samiti :

Provided that where the Director is satisfied that there was sufficient cause for his absence from the meetings as aforesaid, he may by an order make a declaration to that effect and thereupon the disqualification shall cease to have effect and it shall be deemed that the person concerned did not cease to hold office.

5-C. Arrear list.—(1) Subject to the provisions of sub-rule (2), a list of persons referred to in clause (1) of Rule 5-A showing the amount due from them respectively shall be prepared by the Secretary and published in the Office of the Mandi Samiti and of the Returning Officer at least seven days before the date fixed for making nominations, under sub-rule (2) of Rule 9.

(2) The name of every person paying the amount due till the date preceding the date of scrutiny shall be struck off from the list prepared under sub-rule (1) and the names of all such persons together with the date of payment shall be furnished to the Returning Officer on or before the date, time and place fixed for scrutiny of nominations under sub-rule (2) of Rule 9.

(3) The records, on the basis of which the list has been prepared under sub-rule (1) shall be made available for inspection to the Returning Officer.

6. Persons qualified to vote (Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)).—(1) Local Bodies', Constituencies exercising jurisdiction over the Principal Market Yard or Sub-Market Yard or part thereof --No person shall be eligible to vote from the Local Bodies' Constituency referred to in clause (1) of Rule 3, unless he is a member of Local Body other than the [Zile Panchayat], (Kshetra Panc.hayat), and the [Gram Par.chayat], exercising jurisdiction over the Principal Market Yard or Sub-Market Yard or part thereof.

(2) Co-operative Marketing Societies' constituency.--All members of Committee of Management (including the chairman) of the Co-operative Marketing Societies holding licence for transacting business in the Market Area, shall be entitled to vote for electing one representative on the Mandi Samiti.

Provided that where the Committee of Management of a Co-operative Marketing Society, is for the time being under suspension then its members shall not be entitled to vote.

(3) Traders' Constituency.—All traders carrying on Business in the Market Area and holding licence therefor under the Act, prior to the date fixed by the District Election Officer for publication of provisional list of voters from the Traders' Constituency shall be entitled to vote from the Traders' Constituency.

(4) Commission Agents' Constituency.—All Commission Agents carrying on Business, in the Market Area and holding licence therefor under the Act prior to the date fixed by the District Election Officer for publication of provisional list of voters from the Commission Agents' Constituency shall be entitled to vote from the Commission Agents' Constituency.

Explanation.—If a trader holds licence for carrying on Business, as whole-sale trader-cum-commission agent from the Mandi Samiti, he shall be entitled to vote only from the Traders' Constituency.

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(5) No Trader or Commission agent shall at any election vote, in the same constituency more than once, notwithstanding that his name might have been included in the list of voters for that constituency more than once.

(6) Where the person entitled to vote under these rules in the Traders' Constituency or in the Commission Agents' Constituency is a firm such firm shall nominate a person to vote on its behalf and intimate in writing the name and full address of the person so nominated to the Mandi Samiti not later than the date fixed in this behalf by the District Election Officer.

(7) Producers' Constituency.—The following shall be entitled to vote, in the Producers' Constituency :

(a) Persons currently holding the Office of Pradhans of the (Gram Panchayats), having jurisdiction over any part of the Market Area.

Explanation.—If after issue of the notification under Section 5 or Section 8 of the Act, in respect of a Market Area, any change has been effected in the nomenclature of a [Gram Panchayat], or a new [Gram Panchayat], has been created or jurisdiction of an existing [Gram Panchayat], has been changed, the Pradhans of all concerned [Gram Panchayats], shall also have the right to vote from the Producers Constituency.

(b) Such members of the House of People and the State Legislative Assembly as are elected from a constituency comprising the Market Area or part thereof.

(c) The members of [Zila Panchayat], exercising jurisdiction over the Market Area or part thereof.

(d) Such members of Rajya Sabha and of the Vidhan Parishad and Adhyaksha of (Zila Panchayat), and such Pradhans of [Kshetra Panchayats] as are residents of place within the Market Area.

7. Preparation of voters' list —

(1) The Director of Elections shall, before the expiry of the term of the Mandi Samiti, direct the District Election Officer to conduct elections from the constituencies mentioned in Rule 3.

(2) The District Election Officer, shall cause to be prepared separate lists of voters qualified to vote for each constituency.

(3) For the purpose of preparing the list of voters under sub-rule (2), the District Election Officer shall call upon—

(a) the Mandi Samiti to furnish list of a persons qualified to vote in Traders' Constituency and Commission Agents' Constituency and also a list of Local Bodies, other than [Zila Panchayat], [Kshetra Panchayat], and [Gram Panchayat], exercising jurisdiction over Principal Market Yard or Sub-Market Yard or part thereof and a list of the Co-operative Marketing Societies holding licence for transacting business in the Market Area;

(b) the District Panchayat Raj Officer to furnish a list of the Pradhans of [Gram Panchayats], having jurisdiction over any part of the Market Area;

(c) the Local Bodies, other than Zila Panchayat, Kshetra Panchayats, and the [Gram Panchayats], exercising jurisdiction over Principal Market Yard or Sub-Market Yard or part thereof to furnish, a list of its Members.

(d) the Assistant Registrar, Co-operative Societies to furnish list of Members of Committee of Management of the Co-operative Marketing Societies holding licence for transacting business in the Market area;

Such list shall be furnished accordingly by the date specified in the requisition of the District Election Officer.

(4) The District Election Officer shall also call upon—

(a) the members of the House of People, if their constituency for election as such, comprises of more than one Market Area; and

(b) the members of [Zila Panchayat], in case the [Zila Panchayat], exercises jurisdiction over more than one Market Area to give their written option. within fifteen days indicating the Market Area in regard to which they wish to exercise their right of vote and if the option is not received within the specified time, the District Election Officer shall himself determine the Market Area and send a written intimation to the concerned members of the House of People, the State Legislative Assembly and the [Zila Panchayat], for exercising their right of vote and shall accordingly include their names in the list of voters.

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(5) The District Election Officer, shall include the names of the members of Rajya Sabha, Vrdhan Perished, Adhyakshas of [Zile Panchayatsi, and Pramukhs of the [Kshetra Panchayatst who are residents of a place within the Market Area, in the list of voters.

(6) Every list of voters prepared under sub-rule (2) shall show, full name parentage, residence, address and serial number of the voters, and such list of voters shall be published provisionally by the District Election Officer in such manner and on such date as the Director of Elections may determine.

(7) The District Election Officer, shall subject to the direction of the Director of Elections, fix a date which shall not be less than seven days from the date of publication of the provisional list, before which any application for inclusion, exclusion or correction of any entry may be submitted to him.

(8) The District Election Officer shall consider and decide such applications which are received before the expiry of the date fixed under sub-rule (7) and the decision of the District Election Officer, shall be final and binding.

(9) The District Election Officer shall cause the list of voters to be amended, in accordance with the orders, if any, passed under sub-rule (6) and shall cause the final list of voters to be published, in the manner as may be determined by the Director of Elections. The provisional list of voters under sub-rule (6) and the final lists of voters, shall be published in the language and script in which electoral rolls of the Legislative Assembly Constituency, in which the Market Area or major part thereof is situated, is published.

(10) If after the final publication of the list of voters under sub-rule (9), the District Election Officer on application or otherwise, is satisfied after such enquiry as he deems necessary that any entry in the list is erroneous or defective, he may cause, a list of amendments to be prepared and published in such manner as may be directed by the Director of Elections on any day before the date of poll.

(11) Copies of each final list including the amendments, if any, under sub-rule (1) shall be made available in whole or in part for inspection and shall in the Office of the District Election Officer.

(12) Every such list shall be revised for each election before the date on which the term of the Mandi Samiti is due to expire and also for the purpose of any bye-election : Provided that it shall be lawful for Director of Elections to direct at any time for the revision of such list.

8. Calling upon the constituencies to elect.—As soon as may be, after the publication of lists of voters under sub-rule (9) or sub-rule (10) of Rule 7, the District Election Officer, shall subject to the directions of the Director of Elections call upon the constituencies to elect their representatives to the Mandi Samiti.

9. Notice of election and fixing of date.—(1) As soon as may be after the commencement of the Uttar Pradesh Krishi Utpadan Mandi (Pratham Sanshodhan) Niyarnavali, 1977 and every time thereafter, whenever election is to be held for all or any of the constituencies mentioned in Rule 3, the District Election Officer shall subject to the directions of Director of Elections call upon all or any of the constituencies of a Market Area, as the case may be, to elect member or members of the Mandi Samiti.

(2) The District Election Officer shall, subject to such directions as may be issued by the Director of Elections, also appoint—

- (a) the date, place and hours for making nominations;
- (b) the date, time and place for scrutiny of nominations;
- (c) the date, place and hours for withdrawal of candidature;
- (d) the date or dates on which and the hours during which a poll shall, if necessary, be taken.

(3) The Returning Officer shall give public notice of the dates, place and hours appointed under sub-rules (1) and (2) in such manner as may be specified by the District Election Officer.

(4) The Returning Officer shall also specify in the notice under sub-rule (3) the number of persons to be elected from each constituency and place of polling for each constituency.

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10. Nomination for election.---(1) On the date fixed, in that behalf under clause (a) of sub-rule (2) of Rule 9, each candidate shall either in person or by his proposer or seconder, deliver to the Returning Officer a nomination paper duly completed in Form I during the hours fixed under the said clause.

(2) Every Nomination Paper shall be signed by two persons qualified to vote, as proposer and seconder respectively, and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) The same person may sign as proposer and seconder, as many nomination papers as there are members to be elected from a particular constituency.

(4) Each candidate shall be nominated by a separate nomination paper.

(5) Where a candidate is a member of the Scheduled Castes, the Nomination Paper shall be accompanied by a declaration subscribed by him stating that he is a member of the Scheduled Castes and specifying the particular caste to which he belongs.

(6) The Returning Officer shall on receiving a Nomination Paper, enter in the Nomination Paper its serial number and shall endorse thereon the date on which and the hour at which the nomination paper was delivered to him.

(7) Nomination Papers received after the date and the time appointed under clause (a) of sub-rule (2) of Rule 9 shall be rejected.

10-A. Election Agent [Sections 13(2), 40(2)(i) and 40(2)(xxx-i-a)].---(1) A candidate at an election may appoint in writing any adult person to be his Election Agent and notice of such appointment shall be given to the Returning Officer.

(2) An Election Agent may perform such functions, in connection with the election as are authorised by or under these rules to be performed by an Election Agent.

11. Deposit on nomination (Sections 13(2), 40(2)(i) and 40(2)(xxx-i-a)] At or before the time of delivery of a Nomination Paper each candidate shall deposit with the Returning Officer a sum of rupees twenty-five in cash :

Provided that in case of a Scheduled Caste candidate seeking election against a reserved seat the amount of deposit shall be rupees twelve only.

(2) No candidate shall be deemed to be duly nominated unless, the deposit referred to in sub-rule (1), has been made.

(3) If a candidate by whom the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within Rule 16, or if the Nomination Paper of such, candidate is rejected under Rule 15 the deposit shall be returned to the candidate and in case candidate dies before the commencement of the poll, such deposit shall be returned to his legal representatives.

(4) If a candidate by whom the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him does not exceed one-fifth of the total number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Board.

(5) For the purpose of sub-rule (4) the total number of ballot papers counted, other than rejected ballot papers, shall be deemed to be the total number of votes polled.

(6) The deposit made by a candidate shall, if it is not forfeited under sub-rule (4), be returned to the candidate as soon as may be after the publication of the result of the election.

12. Verification of nominations.—Except in the case of candidate from the Producers' Constituency, the Returning Officer shall on the presentation of a Nomination Paper verify the names of the proposer, seconder and the candidate from the list of voters.

13. Publication of list of nominations.—As soon as may be, after the date fixed for the presentation of Nomination Papers, the Returning Officer shall publish a list in Form No. II of all nominations received with a notice, that the Nomination Papers shall be scrutinised on the date appointed under clause (b) of sub-rule (2) of Rule 9 at the place and hour specified in the notice. The list of nominations and the notice shall be published, in such manner as the Returning Officer may deem fit.

14. Inspection of nominations.—On the date, time and place fixed for the scrutiny of nominations under clause (b) of sub-rule (2) of Rule 9, the candidates, one proposer and one

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seconded of each candidate and one other. person duly authorised in writing by each candidate may attend and the Returning Officer shall give them aU reasonable facilities for examining the Nomination Papers of all candidates.

15. Scrutiny of nominations.—(1) The Returning Officer shall then examine the Nomination Papers and shall decide all objections which may be made at the time of scrutiny to any nomination and may, either on such objections or on his own motion after such summary inquiry, if any, as he thinks necessary, reject any Nomination Paper on any of the following grounds---

- (a) that the candidate is not qualified to be elected as a member under the Act or these rules;
- (b) that the candidate is disqualified for being elected as a member under the Act, or these rules;
- (c) that there has been a failure to comply with any of the provisions of the Act or rules;
- (d) that the signature of the candidate or the proposer or the seconder is not genuine;
- (e) that the candidate or the proposer or the seconder is a person whose name is not entered in the list of voters :

Provided that the nomination of a producer duly supported by the proposer and the seconder shall not be rejected merely on the ground, that his name is not entered in the list of voters.

(2) Nothing contained in clause (c), (d) or (e) of sub-rule (1) shall be deemed to authorise the rejection of the Nomination Paper of any candidate on the ground of any irregularity in respect of that Nomination Paper if the candidate has been duly nominated by means of another Nomination Paper in respect of which no irregularity has been committed.

(3) The Returning Officer shall not reject any Nomination Paper on the ground of any technical defect or other error which is not of a substantial character and may for the purposes of removing any such defect or error allow any entry to be corrected in the Nomination Paper.

Illustration.—

When a candidate belonging to the Scheduled Castes has inadvertently omitted to specify the particular caste to which he belongs, he may be permitted to specify the same under this sub-rule.

(4) The order of the Returning Officer allowing any correction to be made under sub-rule (3) shall be final and shall not be questioned in any Court of Law.

(5) The Returning Officer shall hold the scrutiny on the date and time appointed in this behalf and he may allow adjournment of the proceedings, if he thinks it fit in the interest of work but, the scrutiny shall be completed before the date and time fixed for withdrawal,

(6) The Returning Officer shall endorse on each Nomination Paper his decision accepting or rejecting the same and if the Nomination Paper is rejected, shall record in writing a brief statement of reasons for such rejection.

16. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by notice in writing delivered to the Returning Officer on or before the date and time fixed for withdrawal under clause (c) of sub-rule (2) of Rule 9.

(2) On completion of the scrutiny of nominations and after the expiry of the period within which candidature may be withdrawn under sub-rule (1), the Returning Officer shall prepare in Form No. III a list of persons whose nominations are in order and who have not withdrawn their candidature and cause it to be affixed at some conspicuous place, in his office and in the Office of the Mandi Samiti not less than seven days before the date fixed for election.

17. Procedure for election after nomination.—(1) Where on preparing the list under sub-rule (2) of Rule 16, the Returning Officer finds that the number of candidates does not exceed the number of seats, he shall by order forthwith declare all such candidates as duly elected:

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Provided that where any seat is reserved for members of the Scheduled Castes, the Returning Officer shall proceed in the following manner—

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(a) if the number of candidates who are members of the Scheduled Castes does not exceed the number of reserved seats and the number of other candidates exceeds the number of seats not reserved, the Returning Officer shall declare all candidates who are members of the Scheduled Castes to be duly elected to as many of the reserved seats as there are such candidates; .

(b) if the number of candidates who are members of the Scheduled Castes does not exceed the number of reserved seats and the number of other candidates does not exceed the number of seats not reserved for the Scheduled Castes, the Returning Officer shall at first declare all the candidates who are members of the Scheduled Castes to be duly elected to as many of the reserved seats as there are such candidates and then declare the other candidates to be duly elected to as many of the unreserved seats as there are such candidates;

(c) if the number of candidates who are members of the Scheduled Castes exceed the number of reserved seats, and the total number of candidates does not exceed the total number of seats, the Returning Officer shall first select by lots to be drawn by him in such manner as he may determine, the candidates to be declared elected to the reserved seats out of the candidates who are members of the Scheduled Castes and declare the candidates so selected to be duly elected to the reserved seats and thereafter declare the remaining candidates to be elected to as many of the unreserved seats as there are such candidates,

(2) In each one of the cases mentioned in sub-rule (1), the order of Returning Officer shall be published in the manner specified by the District Election Officer.

17-A. Lies of Contesting Candidates [Sections 13(2), 40(2)(i) and 40(2) (xxxi-a)].—(1) Where on preparing the list under sub-rule (2) of Rule 16, the Returning Officer finds that the number of candidates exceeds the number of seats to be filled, the Returning Officer shall by order to be published in the manner specified by the Director of Elections, direct that the poll shall be taken on the date or dates appointed under sub-rule (2) of Rule 9:

Provided that in any case to which clause (a) of the proviso to sub-rule (1) of Rule 17 applies, the Returning Officer shall order that the poll shall be taken for the unreserved seats not otherwise.

(2) If two or more candidates bear the same name they shall be distinguished by the addition of their fathers' name or in some other manner.

(3) The Returning Officer shall then publish in Form No. IV a list in alphabetical order, to be determined with reference to names proper, as given in the Nomination Paper.

17-B. Polling Agent.—(1) A contesting candidate or his Election Agent may appoint one other person from amongst the voters to act as Polling Agent of such candidate at the polling place,

(2) Such appointment shall be made by a letter in writing which shall be lodged with the Presiding Officer before the commencement of the poll.

18. Allotment of symbols [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—in the case of every contested election, the Returning Officer shall allot to each candidate a distinguishing symbol out of the symbols specified by the Director of Elections and subject to his directions, every candidate or his Election Agent shall forthwith be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

19. Ballot Paper and its contents.—(1) Every Ballot Paper shall be in such form, and the particulars therein shall be in such language or languages as the Director of Elections may specify.

(2) The names of the candidates shall be arranged on the Ballot Paper in the same order in which they appear in the list of contesting candidates.

19-A. Ballot Boxes [Sections 13(2), 40(2)(1) and 40(2)(xxxi-a)].—(1) Every Ballot Box shall be of such design and colour as may be approved by the Director of Elections. (2) It shall be so constructed that a Ballot Paper can be inserted therein during the poll but, cannot be withdrawn therefrom without the box being unlocked and the seals being broken,

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(3) Each Ballot Box or any of its component parts or attachments shall also be marked with such other distinguishing mark or marks as the director of Elections may direct.

20. Admission to the polling place (Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)). —(1) The Presiding Officer shall regulate the admission of voters at the polling place and shall exclude therefrom all other persons except :

- (a) the Polling Officer;
- (b) in each candidate, his Election Agent and his Polling Agent;
- (c) the Police Officer and other Public Servants on duty;
- (d) a child in arms accompanying a voter;
- (e) the companion of blind or infirm voter who cannot move without help, and
- (f) such other persons as the Presiding Officer may from time to time admit for the purpose of assisting him in taking the polls.

(2) The Presiding Officer shall close the Polling Station at the hour fixed for the close of polling under clause (d) of sub-rule (2) of Rule 9 and shall not admit any voter after that hour:

Provided that all voters present within the Polling Station before it is so closed shall be entitled to have votes recorded.

(3) If any question arises as to whether any voter shall for the purpose of the proviso to sub-rule (2) be deemed to be present within the Polling Station before it is closed, the question shall be referred to the decision of the Presiding Officer and his decision shall be final and shall not be questioned in any Court or Tribunal.

20-A. Arrangement for secrecy of voting [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—The polling place shall be furnished with a polling compartment in which voters can record their votes screened from observation.

20-B. Preparation of Ballot Box for the poll.—The Presiding Officer shall, immediately before the commencement of the poll, allow the contesting candidates and their agents who may be present at such place to inspect each Ballot Box to be used at the poll and shall demonstrate to them that it is empty. The Ballot Box shall then be closed before such of the persons aforesaid as are present.

20-C. Placing of Ballot Boxes for receipt of ballot papers.—Every Ballot Box shall be placed for the receipt of ballot papers in the view of the Presiding Officer, the contesting candidates and their agents.

20-D. Identification of voters.—(1) The Presiding Officer may employ at the polling place such persons as he thinks fit to help him in the identification of the voters or to assist him otherwise in taking the poll.

(2) As soon as voter enters the Polling Station the Presiding Officer or such other person on duty authorised by him in this behalf shall check the voters' name and other particulars with relevant entry in the list of voters and then call out the serial number, name and other particulars of the voter.

(3) Any contesting candidate or his agent may challenge the identity of a voter on payment of rupees two in cash and where such challenge is made, the Presiding Officer shall hold a summary enquiry into the challenge and may for that purpose require the challenger to adduce evidence, in proof of the challenge and the person challenged to adduce evidence, in proof of his identity.

(4) If after such enquiry the Presiding Officer is of the opinion that the challenge has not been established, he shall allow the person challenged to vote and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (3) be forfeited to the Board and in any other case he shall return it to the challenger at the conclusion of the inquiry.

(6) In deciding the right of a person to obtain a Ballot Paper, the Presiding Officer shall overlook merely clerical or printing errors in entry in the list of voters provided that he is satisfied that the entry relates to such person.

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20-E. Issue of ballot papers to voters.—(1) After the identity of a voter has been established a Ballot Paper shall be issued to him.

(2) At the time of issuing any Ballot Paper to a voter, the Presiding Officer shall record, in such manner as the Director of Elections may direct, the serial number thereof against the entry relating to the voter in a copy of the list of voters set apart for the purpose (hereinafter in these rules referred to as the marked copy of the voters' list).

20-F. Maintenance of secrecy of voting by voters within Polling Station and voting procedure.—(1) Every voter to whom a Ballot Paper has been issued under Rule 20-E or under any other provisions of these rules, shall maintain secrecy of voting within the Polling Station and for that purpose observe, the voting procedure hereinafter laid down.

(2) The voter on receiving the Ballot Paper shall forthwith—

- (a) proceed to the voting compartment;
- (b) put a mark on the Ballot Paper with the instrument supplied for the purpose on or near the symbol of the candidate or candidates for whom he intends to vote;
- (c) fold the Ballot Paper so as to conceal his vote;
- (d) if required, show to the Presiding Officer, the distinguishing mark on the ballot papers;
- (e) insert the folded Ballot Paper into the Ballot Box; and (f) quit the polling place. (3) Every voter shall vote without undue delay.

(4) No voter shall be allowed to enter a voting compartment when another voter is inside it.

(5) If a voter to whom a Ballot Paper has been issued refuses, after warning given by the Presiding Officer to observe the procedure as laid down in sub-rule (2), the Ballot Paper issued to him shall,

(6) whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer.

(7) After the Ballot Paper has been taken back, the Presiding Officer shall record on its back the words "Cancelled—voting procedure violated" and put his signature below these words.

(8) All the ballot papers on which the words "Cancelled—voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Cancelled ballot papers—voting procedure violated."

(9) Without prejudice to any other penalty to which a voter from whom a Ballot Paper has been taken back under sub-rule (5) may be liable, the vote, if any, recorded on such Ballot Paper shall not be counted.

21. Voting [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—(1) Every voter shall have as many votes as there are members to be elected on behalf of the electorate and shall have the right to exercise such votes by putting mark against the names of as many candidates as there are members to be elected but no voter shall give more than one vote to any one candidate :

Provided that no Ballot Paper shall be rejected merely on the ground that a voter has put more than one mark against the name of a candidate and in such a case only one vote will be counted.

(2) Every voter wishing to record his vote shall do so in person and not by proxy.

(3) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity a voter is unable to recognise the symbol on the Ballot Paper or to make a mark thereon without assistance, the Presiding Officer shall record the vote on the Ballot Paper on his behalf and in accordance with his wishes and then, if necessary, on the request of such voter shall fold the Ballot Paper so as to conceal the vote and shall insert it into the Ballot Box.

(4) The Presiding Officer shall keep a record of the cases assisted by him under sub-rule (3) but, in such a record he shall not mention as to for whom the vote has been recorded.

(5) The Presiding Officer at Polling Station, shall when he is so requested by a voter, explain to him the instructions supplied with the Ballot Paper for the recording of votes.

22. Return of Ballot Paper by a voter.—(1) If a voter decides not to use a Ballot Paper after he has obtained the same, he shall return it to the Presiding Officer.

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(2) Every such Ballot Paper shall be marked as Returned and cancelled and kept in cover set apart for the purpose and the Presiding Officer shall keep a record of all such ballot papers.

(3) A voter who has inadvertently dealt with his Ballot Paper in such manner that it cannot be conveniently used as a Ballot Paper may, on returning it to the Presiding Officer, and on satisfying him of the inadvertence, be given another ballot Paper and the ballot Paper so returned shall be marked 'spoilt and cancelled' by the Presiding Officer and kept in a separate cover set apart for the purpose.

22-A. Presiding Officers entry into polling compartment during poll [Sections 13(2), 40f2(i) and 40(2)(xxi-a)].—

(1) If the Presiding Officer has reason to suspect that a voter who has entered the polling compartment has remained inside the polling compartment for an unduly long time he may enter the polling compartment and take such steps as may be necessary to ensure the smooth and prompt progress of the poll.

(2) Whenever the Presiding Officer enters the polling compartment under this rule, he shall be accompanied by such of the contesting candidates or their agents as desire to do so.

22-B. ballot papers found outside Ballot Boxes.—If any Ballot Paper; Which has been issued to a voter has not been inserted by him into the Ballot Box, and is found anywhere, in or near the polling place, it shall be cancelled and dealt within the manner laid down in Rule 20-F.

22-C. Tendered votes.—(1) If a person representing himself to be a particular voter applies for a Ballot Paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be supplied with a Ballot Paper which shall be endorsed on the back with the words 'Tendered Ballot Paper' by the Presiding Officer in his own handwriting and signed by him.

(2) Every such person shall before being supplied with a Tendered Ballot Paper, sign his name against the entry relating to him in a list in the form specified by the Director of Elections.

(3) Such person shall, thereafter, record his vote on the Tendered Ballot Paper as far as may be in accordance with the provisions of Rule 20-F but, shall not insert his Ballot Paper in the Ballot Box.

(4) Every such Tendered Ballot Paper shall be handed over to the Presiding Officer who shall forthwith place, it in a cover specially kept for the purpose. Such votes shall not be counted by the Returning Officer.

22-D. Sealing of Ballot Boxes, etc. after poll.—(1) As soon as, practicable after the close of the poll, the Presiding Officer shall close the slit of each Ballot Box and where the Box does not contain any mechanical device for closing the slit, he shall seal 'up' the slit and also allow any contesting candidate or his agent who may be present at that time to seal the same.

(2) All the Ballot Boxes shall thereafter be sealed and secured in the manner specified by the Director of Elections.

(3) The Presiding Officer shall make separate packets of—

- (a) the cover containing the tendered ballot papers;
- (b) the cancelled ballot papers;
- (c) the marked copy of the voters list;
- (d) unused ballot papers; and
- (e) any other paper directed by the District Election Officer to be kept in a sealed packet.

22-E. Account of ballot papers.—The Presiding Officer shall at the close of the poll prepare a Ballot Paper account in Form No. IV and shall seal the same.

22-F. Transmission of Ballot Boxes, etc. to the Returning Officer.—As soon as may be after the Ballot Boxes and packets have been sealed in accordance with Rules 22-D and 22-E, the Presiding Officer shall deliver or cause to be delivered the following to the Returning Officer at such place as the Returning Officer may direct—

- (a) the ballot boxes;
- (b) the packets referred to in sub-rule (3) of Rule 22-D;
- (c) the ballot paper account; and
- (d) all other papers used at the poll.

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22-G. Transport of Ballot Boxes and packets and their custody.—The District Election Officer shall make adequate arrangements for the safe transport and custody of all Ballot Boxes, packets and other papers referred to in Rule 22-F until the commencement of the counting of votes.

22-H. Postponement of balloting during emergency.—(1) If the proceedings at the polling place are interrupted or obstructed by riot or violence or it is not possible to take the poll on account of any natural calamity or any other sufficient cause, the Presiding Officer for such polling place shall announce an adjournment of the poll to a date to be notified later and where the poll is so adjourned the Presiding Officer shall forthwith inform the Returning Officer.

(2) Whenever a poll is adjourned under sub-rule (1), the Returning Officer shall immediately report the circumstances to the District Election Officer and shall as soon as may be with his previous approval appoint a day for the taking of a fresh poll and fix the place at which and the hours during which a fresh poll shall be taken and notify the same in the manner specified under sub-rule (3) of Rule 9.

(3) In every such case, as aforesaid, the Returning Officer shall take a fresh poll and the provisions of this chapter shall apply in relation to the fresh poll as they apply to the original poll.

22-I. Fresh poll in case of destruction etc. of Ballot Boxes.—(1) If at any election any Ballot Box, is unlawfully taken out of the custody of the Polling Officer or of any Presiding Officer or is in any way tampered with, or is either accidentally or intentionally destroyed or lost, the polling at the election in respect of the polling place to which such ballot box relates shall be void.

(2) Whenever the polling has become void under sub-rule (1), the Presiding Officer shall, as soon as practicable, after the act or even causing such voidance has come to his knowledge, report the matter to the Returning Officer who shall, with the previous approval of the District Election Officer, appoint a day for the taking of fresh poll and fix the place at which and hours during which the poll shall be taken and notify the same in the manner specified under sub-rule (3) of Rule 9.

(3) In every such case, as aforesaid, the Returning Officer shall take fresh poll and the provisions of this chapter shall apply to every such fresh poll as they apply to the original poll.

22-j. Appointment of time, place and date for the counting.—(1) The District Election Officer shall appoint a date for the counting of votes which shall be, as soon as practicable, after the completion of the poll and shall fix the place and time at which the votes shall be counted.

(2) The District Election Officer shall give notice of such date, time and place to the contesting candidates or their election agents.

(3) If at the time so appointed for the counting of votes the Ballot Boxes containing the votes to be counted are not received by the Returning Officer or if due to any other unavoidable cause he is unable to proceed with the counting, he may postpone the counting to another date and fix the time and place for it and give notice thereof to the contesting candidates, their election agents and counting agents, if any.

22-K. Counting Agents.—(1) A contesting candidate or his Election Agent may appoint one person to be present as his Counting Agent at the counting of votes.

(2) Every such appointment shall be made in writing before the commencement of the counting.

(3) No Counting Agent shall be admitted to the place fixed for counting, unless he has delivered to the Returning Officer the letter of his appointment under sub-rule (2).

22-L. Persons who may be present at the counting.—(1) The Returning Officer shall not allow any person to be present at the counting of votes except, the contesting candidates, their Election Agents and their Counting Agents and such other persons as the Returning Officer may appoint to assist him in the counting.

(2) No person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed to assist the Returning Officer in counting the votes.

(3) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer, may be removed from the place, where the votes are being counted by the Returning Officer or by any Police Officer on duty or by any person authorised in this behalf by the Returning Officer.

22-M. Procedure at the counting.—On the date and at the time and place appointed under Rule 22-J,

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the Returning Officer shall proceed as follows :—

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(a) The Returning Officer shall satisfy himself that all Ballot Boxes used at the poll and which are to be counted at that place have been received and accounted for.

(b) The Returning Officer shall then allow, the candidates and their Election Agents and Counting Agents present at the counting, an opportunity to inspect the Ballot Boxes and the seals for satisfying themselves that they are intact.

(c) If the Returning Officer is satisfied that any Ballot Box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in Rule 22-I, in respect of the Polling Station to which such box relates.

(d) If the Returning Officer is satisfied that all such Ballot Boxes, as are to be counted at such place have been received and are in order, he shall take up the counting of ballot papers contained in the Ballot Boxes. All the Ballot Boxes used at polling place shall be opened, and the counting of the ballot papers found in those boxes proceeded with at the same time.

(e) An account of the ballot papers found in the boxes of the polling place shall be recorded in a Statement in Form No IV-A.

(f) The Returning Officer shall allow the candidates, their Election Agents and Counting Agents who may be present, reasonable opportunity to inspect all ballot papers which in the opinion of the Returning Officer are liable to be rejected, but shall not allow them to handle these or any other papers. The Returning Officer shall on every Ballot Paper which is rejected, endorse rejection in Hindi .in Devanagiri Script. If any candidate or his Election Agent questions the correctness of the rejection of any Ballot Paper, the Returning Officer shall also record briefly on such Ballot Paper, the grounds for the rejection.

(g) After the counting of all ballot papers contained in the Ballot Boxes of the polling place has been completed, the Returning Officer shall cause all such ballot papers to be kept in a separate packet on which particulars relating to the polling place and the name of the constituency to which the Ballot Papers relate shall be entered.

22-N. Grounds for rejection of ballot papers. (1) The Returning Officer shall reject a Ballot Paper—

(a) if it bears any mark or writing by which a voter can be identified; or

(b) if it is a spurious ballot paper; or

(c) if it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(d) if it bears a serial number or a design different from the serial number or colour or design, as the case may be, of the ballot papers authorised for use at the particular polling place; or

(e) if votes are given on it in favour of more candidates than the number of seats required to be filled in a constituency; or

(f) if no vote is recorded thereon.

(2) A vote recorded on a Ballot Paper shall be rejected if the mark indicating the vote is placed on the Ballot Paper in such manner as to make it doubtful as to which candidate the vote has been given:

Provided that a Ballot Paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once against the name of a particular candidate if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) The decision of the Returning Officer as to the validity of a Ballot Paper or of a vote given on any such Ballot Paper shall be final subject, however, to any decision to the contrary given on an election petition calling in question the election.

22-O. Verification of accounts submitted by the Presiding Officer.—The Returning Officer shall not open the sealed packets of the Tendered ballot papers or the marked copy of the voters list. He shall verify the statement submitted by the Presiding Officer under Rule 22-E by comparing it with the number of counted votes and rejected ballot papers, the unused or spoiled ballot papers in his possession and the tendered votes list. He shall then again close and seal each packet which has been opened by him and shall record on each packet a description of its contents, the name and description of the constituency and the date of the election to which it refers.

22-P. Election return by the Returning Officer.—The Returning Officer shall then prepare and certify an election return containing the following informations .

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- (a) the names of candidates for whom valid votes have been given;
- (b) the number of valid votes given for each candidate;
- (c) the total number of valid ballot papers;
- (d) the number of rejected ballot papers;
- (e) the number of tendered ballot papers; and
- (f) the name of the candidate elected.

He shall then also permit any contesting candidate or his Election Agent or Counting Agent to take a copy of or an extract from such return.

22-Q. Declaration of result.—The Returning Officer shall, where no seats are to be filled by Members of Scheduled Castes, declare as many candidates securing the highest number of votes as there are seats to be filled to be duly elected :

Provided that upon the application of any candidate or his Election Agent or his Counting Agent on his behalf, a total or partial recount shall be made before the Returning Officer makes the declaration of results, but the Returning Officer may reject any such application as may appear to him to be frivolous, or vexatious recording at the same time the grounds for such rejection

23. Procedure in case of equality of votes [Sections 13(2), 40(2)(1) and 40(2) (xxxi-a)]. If equality of votes is found to exist between two or more candidates at an election after the poll and the addition of one vote will entitle any of the candidates to be declared elected, the Returning Officer shall draw lots in such manner as he may determine in the presence of the candidates or their Election Agents or their Counting Agents and the candidates whose names are drawn shall to the extent of the seats to be filled, be declared to have been elected.

24. Death of candidate before poll.—If a candidate whose nomination has been found valid on scrutiny and who has not withdrawn his candidature dies and a report of his death is received before the publication of list of contesting candidates or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the District Election Officer and the Director of Elections and all proceedings with reference to the elections shall be commenced anew in all respects as if for a new election :

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

25. Intimation of the names of the elected representatives [Section 13(4)].—The Returning Officer shall, as soon as possible, within the time allowed by the Act, intimate to the District Election Officer, the Director and the Director of Elections, the names of persons elected and the description of seats (whether reserved or unreserved) to which elected, under Rule 17 or Rule 22-Q as the case may be, from the constituencies referred to in Rule 3, as well as the seats remaining unfilled after such selection.

25-A. Prohibition of simultaneous membership [Sections 13(2), 40(2)(1) and 40(2) (xxxd-a)].—(1) If a person is elected to more than one Mandl Samiti he shall, by notice in writing signed by him choose any one of the Mandl Samitis which he shall serve and the choice shall be final

(2) The notice referred to in sub-rule (1) shall, within seven days from the date of declaration of the result by the Returning Officer be delivered either in person or by registered post to the District Election Officers in whose jurisdiction the Mandl Samiti or Mandl Samitis whose membership such person chooses to relinquish is or are situated and there-upon the District Election Officer shall give intimation to the Director and Director of Elections accordingly.

(3) If the candidate does not make the choice referred to in sub-rule (1), then after the expiration of a period of fifteen days from the date of the publication of the names and addresses of the persons elected or nominated under sub-section (6) of Section 13, the Director may indicate the Mandl Samiti, of which he shall be the member, unless he has previously resigned his seat in the Mandl Samiti of all but one of such Mandl Samitis.

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(4) Whenever any such choice as is referred to in sub-rule (1) is given or the Director gives indication referred to in sub-rule (3), the constituency or each of the constituencies other than the constituency which such a person has chosen to serve, shall be called upon to elect another person.

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(5) If a person who is already a member of one Mandi Samiti and whose term of office as a member of such Samiti has commenced, is elected as a member of another Mandi Samiti his seat in the former Mandi Samiti shall, on the date on which he is so elected become vacant.

25-B. Custody of the return of the ballot papers and other papers relating to election.—(1) The Returning Officer shall, after sending the intimation of the result of the elections under Rule 25, forward the return mentioned in rule 22-P to the secretary of the Mandi Samiti for safe custody.

(2) The Returning Officer shall also forward to Secretary of the Mandi Samiti for safe custody, the sealed packets of ballot papers and all other papers relating to the election. The Returning Officer shall put his signature on all such sealed packets and shall obtain a receipt from the Secretary, Mandi Samiti.

25-C. Production and inspection of Election Papers.—(1) While in the custody of the Secretary, the packets of ballot papers whether valid, rejected or tendered, and of the marked copy of the Voters list, shall not be opened and their contents shall not be inspected by or produced before, any person authority except under the orders of the Director of Elections or a Competent Court, or an Officer authorised for hearing an election petition. The inspection when ordered shall be subject to the payment of inspection fee at the rate of rupees ten per day.

(2) All other papers relating to the election shall be open to public inspection subject to such conditions, if any, as the Director of Elections may specify and subject to the payment, of inspection fee at the rate of rupees ten per day.

(3) Copies of the returns forwarded by the Returning Officer under sub-rule (1) of Rule 25-B shall be furnished by the Secretary on payment of a fee of rupees two for each copy.

(4) Copies of such papers as are allowed to be inspected under sub-rule (2) shall be given on payment of a fee of rupees two per copy. Application for copies of papers may be made on plain paper and no fee shall be payable on such application.

(5) Certified copy of any paper referred to in sub-rule (4) shall be attested by the Secretary and shall be issued from his office.

25-D. Penalties.—No person shall—

(a) alter or tamper with the voters list or its copy or any other documents; or

(b) obstruct or in any way interfere with the performance of duties by any Officer or Servant appointed or employed for the purpose of these rules; or

(c) deface, injure, disturb or remove any copy, notice or any other documents affixed or otherwise published under these rules, in any public office or elsewhere; and whoever contravenes the provisions of this rule shall be liable to punishment under Section 37.

26. [Omitted by Noti.No.3245/XII-8-45/74—UPA-25/64—Rule-65—AM-(1)-78, dated 10.02.1978.]

27. Nomination of members of the Mandi Samiti under subsection (1) of Section 13 of the Act [Section 13(3)].—(1) The Director shall call upon the Central Warehousing Corporation, if it runs a warehouse in the Market Area, to nominate one person as a Member of the Mandi Samiti and thereupon the said Corporation shall intimate to the Director within twenty-one days of such requisition the name and address of the person so nominated.

(2) The Director shall also call upon the State Warehousing Corporation, if it runs a warehouse in the Market Area, to nominate one person as a Member of the Mandi Samiti and thereupon the said Corporation shall intimate to the Director, within twenty-one days of such requisition the name and address of the person so nominated.

(3) The Director shall also call upon the Food Corporation of India, if it is holding a licence for transacting business in the Market Area to nominate one person as a member of the Mandi Samiti and thereupon the said Corporation shall intimate to the Director within twenty-one days of such requisition, the name and address of the person so nominated.

(4) The State Government shall nominate two Government officials as members of the Mandi Samiti of whom one shall be a representative of the Agriculture Marketing Department and the other of Food and Civil Supplies Department.

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28. Publication of the names of elected and nominated members of the Mandi Samiti [Section 13(4)].—As soon as may be, after the registration of the names of the elected and nominated members of the Mandi Samiti, under sub-section (4) of Section 13, the Director shall cause such names to be published by notification in the Gazette.

29. Election Petition [Section 13-A].—(1) Election petition under Section 13-A shall be presented before the Munsif Magistrate within whose jurisdiction the Principal Market Yard of the concerned Market Area lies within a period of fifteen days from the day the result of election questioned is announced.

(2) The Election Petition shall be presented by or on behalf of such person who was eligible to vote or who could have legally been a candidate at the election in question.

(3) In his petition the petitioner shall specify the ground or grounds on which the election of the person declared elected is questioned and contain a summary of the circumstances alleged to justify the election being questioned on such ground.

(4) No petition shall be entertained unless, it is accompanied with necessary Court-fee and a receipt of rupees two hundred in token of having deposited as security with the concerned Mandi Samiti.

(5) The person whose election is questioned, and where the petition claims that the petitioner or any other candidate shall be declared elected in the room and place of such person, every unsuccessful candidate shall be made a respondent to the said petition.

(6) A petitioner may claim either or both of the following reliefs:

(a) that the election of a person as Chairman, Vice-Chairman or Member of the Mandi Samiti is void;

(b) that he himself or any other candidate has been duly elected.

(7) Where in any petition it is claimed that the petitioner or any other candidate be declared to have been as duly elected in place of the returned candidate, any respondent may give evidence against such claim as if he had presented a petition against the election of the person in whose favour the claim is made.

(8) The petition may be withdrawn at any time by the petitioner or petitioners, as the case may be, by making an application to the Munsif Magistrate with whom the petition lies.

29-A. Hearing of Election Petition [Sections 13-A(1), 13-A(2) and 13.A(3)].— (1) Subject to the provisions of the Act and these rules, every election petition shall be tried by the Munsif Magistrate, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 to the trial of suits :

Provided that—

(i) the Munsif Magistrate may hear the petitioner or his Counsel and if he finds that the petition has no substance, reject the same without the issue of any notice to the opposite parties;

(ii) it shall not be necessary for the Munsif Magistrate to record the evidence in full and he may maintain only a memorandum of evidence produced by the parties before him;

(iii) if there is a sole petitioner and he dies, or there is a sole respondent and he dies, the petition shall abate;

(iv) the Munsif Magistrate may allow only such evidence to be produced as he deems relevant for the purpose of deciding the petition;

(v) if the petitions are more than one and the questioned election and the respondents are the same, all such petitions may be heard simultaneously;

(vi) the witness or any person shall not be desired to disclose as to whom he had voted;

(vii) the provisions of the Indian Evidence Act, 1872 (Act No. 1 of 1872), shall be applicable in trial of the election petitions under these rules,

(2) If the Munsif Magistrate after hearing finds in respect of any person whose election is called in question by the petition, that his election was valid, he shall dismiss the petition as against such person and may award costs at his discretion and in case he finds the application to be altogether frivolous, he may also order that the security deposit shall in part or whole be forfeited to the Mandi Samiti concerned.

(3) If the Munsif Magistrate finds that the election of any person was invalid, he shall either—

(a) declare a casual vacancy to have been created, or

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(b) declare another candidate to have been duly elected, whichever course appears, in the particular circumstances of the case, to be appropriate, and in either case may award costs at his discretion:

Provided that no such declaration shall be made unless a claim for it has been made in the petition.

(4) An order for costs passed by the Munsif Magistrate under sub-rule (2) shall be executed by him on a claim made in that behalf in the manner laid down in the Code of Civil Procedure, 1908 for the execution of decrees passed by a Court of original jurisdiction.

(5) Unless ordered otherwise, the judgment or the order of the Munsif Magistrate shall take effect from the date of order.

(6) The security deposit or portion thereof, as the case may be, not forfeited under sub-rule (2) and not required for payment of any costs awarded to any opposite party, shall be refunded

by the Mandi Samiti or the person depositing the same or in case of his death, to his legal representative.

(7) Copies of the judgment bearing the signatures and seal of the Court shall immediately be sent to the Director of Elections, Director, District Election Officer and the concerned Mandi Samiti by the Munsif Magistrate if the judgment pronounced is under sub-rule (3).

29-B. Revisions [Section 13-A(4)].—(1) The party or parties aggrieved by the judgment pronounced or the orders passed by the Munsif Magistrate may prefer a revision to the District judge, latest by the fifteenth day from the date of judgment or order, as the case may be, of the Munsif Magistrate.

(2) No revision shall be entertained unless, it is accompanied with the necessary court-fee and a receipt of rupees five hundred in token of having deposited as security with the concerned Mandi Samiti.

(3) The provisions of Rule 29-A shall, *tutatis mutandis*, apply for the purpose of revision under this rule.

(4) The District Judge may,—

(a) quash the judgment or order, or

(b) modify the order,

30. Declaration of disqualification (Sections 13(2), 40(2)(1) and 40(2)(xxi-a)).—If at any time the Board after such inquiry as it considers necessary and after giving reasonable opportunity to the member concerned to submit an explanation in respect of the allegations against him, is satisfied that any member of a Mandi Samiti elected or nominated under these rules.

(a) was subject to any of the disqualifications mentioned in Rule 5-A on the date of his election or nomination; or

(b) has incurred any of the disqualifications mentioned in Rule 5-A after his election or nomination, or

(c) has ceased to be a member of a Local Body or a Co-operative Marketing Society of which he is a representative;

it shall declare the election or nomination of such member invalid and such person shall cease to be member of the Mandi Samiti from the date of such declaration.

31. Filling of casual vacancies in the Mandi Samiti [Sections 15 and 40(2)(2)]—The manner of filling a vacancy under Section 15 shall be the same as that for election or nomination as the case may be, under these rules.

32. Expenditure in connection with or incidental to election of Mandi Samiti [Sections 13(2), 19(3)(3), 40(2)(1) and 40(2)(xxi-a)]—The Director may place adequate fund at the disposal of the Director of Elections to meet the expenditure in connection with or incidental to the election of the Mandi Samiti from Board's Fund and for this purpose he may

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require the Mandl Samiti to contribute its share to the extent determined by him.

33. Disposal of Election Papers (Sections 13(2) and 40(2)(xxxi-a)).--

Subject to any directions given by the Director of Elections or by a Competent Court or by an authority hearing an election petition—

(a) the election return and report mentioned in Rule 25-B shall be retained until the conclusion of the next election of the Mandl Samiti; and

(b) all other papers relating to the election shall be retained for a period of one year from the date of declaration of result.

34. Resignation by Members of Mandi Samiti. [Sections 15 and 40(2)(xxxi-a)]. —

Any Member of the Mandi Samiti may resign by giving an application in writing to the Director ; Provided that no such resignation shall take effect until it is accepted by the Director.

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CHAPTER III
ELECTION OF CHAIRMAN AND VICE-CHAIRMAN AND
THEIR POWERS AND DUTIES

1[135. Election of Chairman and Vice-Chairman of the Market Committee]—(1) Returning Officer.— The Collector of the District, where the Principal Market yard of the Market Committee exists or an officer nominated by him, not below the rank of a Deputy Collector shall be the Returning Officer for the election of Chairman and Vice-Chairman of the Market Committee. At least one Assistant Returning Officer not below the rank of a Tehsildar shall also be nominated by the Collector for each such election to aid and assist the Returning Officer for exercise of such powers and functions of the Returning Officer as the Returning Officer may direct.

(2) Declaration of Election.— As soon as the notification of nominations of the members of Market Committees is published (not later than 10 days from the date of publication of such notification) an oath of office shall be administered to the nominated members by the Collector or an officer nominated by him for this purpose. A Market Committee will be deemed to be constituted when at least 2/3 of the total number of the members have taken their oath of office. The State Government may fix a date for the election of the Chairman and Vice-Chairman of the Market Committees in the State through the publication of notification.

Provided that generally the same date shall be fixed by the State Government for such elections but different dates may be fixed for elections for different Market Committees as it deems fit.

A list of nominated members who have taken oath shall be published and be pasted on the Notice Board of the Market Committee and on other prominent places of the Market Committee as soon as the oath of office has been administered to the elected members. The nominated members who have taken oath on or before the date of declaration of the election shall be treated as the electorate.

In consonance with the notification issued by the State Government date, time and place of the election shall be published in two newspapers of wide local circulation and also be displayed on the Notice Board of Market Committee.

(3) Nomination for the elections of the post of Chairman and Vice-Chairman.—The nomination for the post of Chairman and Vice-Chairman shall be filed before the Returning Officer in the format given in the Form-XI.

The nomination form shall be presented personally on the date of election before the Returning Officer between 10 a.m. to 12 a.m. The nomination form will be scrutinized just thereafter and the nomination can be withdrawn before 02.00 p.m. on the same day.

(4) Display of list of contesting candidates. —The names of the contesting candidates shall be displayed on the Notice Board of the Market Committee immediately thereafter, under the signature of the Returning Officer.

(5) Election Procedure.— The election of Chairman and Vice-Chairman will be conducted, by secret ballot paper containing the name, father's name, address of the contesting candidates along with their photographs and unopposed candidate or the candidate securing maximum number of votes shall be declared elected. In case of a tie the decision shall be taken on the basis of a draw of lots.

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(6) The choice by the voter will be marked only by the instrument provided to him and in the manner prescribed as well as communicated to him by the Returning Officer.

(7) The election of the Chairman and Vice-Chairman shall be conducted simultaneously and separately.

(8) Declaration of results.— The voting will start from 3.00 p.m. and will be closed at 4.00 p.m. Immediately thereafter the votes shall be counted by the Returning Officer. The Returning Officer shall declare the names of elected Chairman and Vice-Chairman in the Form-MIA and a certificate in the Form X1113 will also be handed over to them thereafter. The names of elected Chairman and Vice-Chairman shall be sent to Director, Marketing Board and to the Principal Secretary, Agricultural Marketing and Agricultural Foreign Trade, Government of Uttar Pradesh by the Collector in his signature and seal immediately after such declaration.

(9) An election petition may be filed against such election before the Commissioner of the Revenue Division within 30 days of the declaration of such results.

36. Oath of Office.— Persons nominated as members under clauses (a) to (d) of sub-section (1) of Section 13 and persons elected as Chairman and Vice-Chairman shall, as soon as may be, after their nomination as such member and after election as Chairman and Vice-Chairman, be administered oath of office as follows by the Collector or his nominee at the place and time which may be fixed for the purpose by him.

OATH

I (name) do swear that I will bear true faith and allegiance to the Constitution of India in achieving the objectives of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 and will discharge my duties in accordance with the rules faithfully without fear or favour, affection or solicitude.

And after administering the oath, the Collector or his nominee, as the case may be, shall send an intimation to the Director immediately.]

37 and 38. (xxf)

39. Powers and duties of the Chairman and Vice-Chairman [Section 223.]—The following shall be the powers and duties of the Chairman and the Vice-Chairman—(1) The Chairman or in his absence, on account of illness or any other reasons, the Vice-Chairman, who shall perform the duties of the Chairman during such absence, shall be the controlling and Supervising Officer of the Market Committee and all officers and servants of the Market Committee shall, subject to these rules and to the directions, if any, given by the Market Committee, be subject to his control.

1. Subs. by Noti. No. 07/2019P485/80-1-2018.600(22)-T.C. dt 07.02.2019.

2. Rules 37 and 38 omitted vide Noti. No. 1688/12-5-2003-600(160)-91 T.C. 3, dt. 11.08.2003 (tar.f11.08.2003). The text of Rules 37 and 38 prior to their omission stood as under :

37. Resignation by Chairman or Vice-Chairman.—(1) The Chairman or Vice-Chairman of the Mandi Samiti may resign his office by a written application addressed to the Director :

Provided that no such resignations shall take effect until it is accepted by the Director.

38. Casual vacancy in the Office of the Chairman or Vice-Chairman (Sections 15 and 40(2)(ii)).—The manner of filling a vacancy under Section 15 in the Office of the Chairman or Vice-Chairman, as the case may be, shall be the same as that of election to that office under these rules.

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(2) Without prejudice to the generality of the provisions of sub-rule (1), the Chairman or in his absence the Vice-Chairman shall—

(i) preside over the meetings of the Market Committee and conduct business, at such Meetings;

(ii) keep a watch over the financial and executive administration;

(iii) direct in cases of emergency the execution or stoppage of any work, or the doing of any act which requires the sanction of the Market Committee :

Provided that the sanction of the Market Committee shall be obtained within 30 days from the date of such directive.

(3) The Chairman shall be the authority competent to grant casual leave to the Secretary. Per. other kinds of leave, the Secretary shall apply through, the Chairman to the Director who shall take action to sanction leave in accordance with the rules governing the conditions of service of the Secretary.

(4) The Chairman shall communicate to the Director by thirtieth April each year, his annual confidential remarks in respect of the work and worth of the Secretary. (5) The Chairman shall send to the Director his recommendations in respect of the annual increment of the Secretary within 30 days from the date such increment falls due.

CHAPTER IV

FUNCTIONING OF THE COMMITTEE

40. Meeting of the Committee (Section 40(2)(iv)).—(1) Every Meeting of the Market Committee other than those referred to in sub-rule (1) of Rule 35 or Rule 38 shall be prescribed over by the Chairman or in his absence by the Vice-Chairman, and in the absence of both, by a member elected by the members present in the meeting.

(2) The Chairman shall be entitled to speak and vote on all questions at the meeting.

(3) The Vice-Chairman or the Member presiding over a Meeting in the absence of the Chairman and the Vice-Chairman shall, for that meeting or during the period in which he presides over it, have all the Powers of the Chairman.

(4) Subject to the provisions of Section 12 of the Act, all questions which may come up before the Market Committee, at a meeting shall be decided by a majority of votes of the members present and voting and in every case of equality of votes, the Chairman or the Vice-Chairman or Presiding Member shall have a second or casting vote.

41. Agenda and Quorum for the Meetings [Section 40(2)(iv).]—(1) The agenda and the date of every Meeting of the Market Committee shall be intimated to every Member of the Committee at least 10 days before the date of the Meeting.

(2) No Meeting of the Market Committee shall be valid unless, one-third of the total number of Members of the Committee are present.

(3) The intervening period between any two meetings whether adjourned or otherwise shall not be less than 15 days.

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[RULE 4248]

42. Maintenance of proceedings [Section 40(2)(iv)].—[(1) A minute book shall be maintained by the Secretary under the supervision of the Chairman, and a record of the proceedings of every meeting shall be entered therein by the Secretary under his signatures and shall be signed by the Chairman or the Vice-Chairman after confirmation in the next meeting. The minute book shall be permanently preserved. It shall be open to inspection at all reasonable hours by Members of the Market Committee and also by the Director or any other Officer not below the rank of Senior Agricultural Marketing Inspector authorised by the State Government in this behalf.]

(2) A copy of the proceedings of every meeting of the Market Committee shall be forwarded within three days from the date of such meeting to the Director.

43. Persons entitled to attend meetings [Section 40(2)(iv)].—[The Director or any other Officer not below the rank of Senior Agricultural Marketing Inspector authorised by the State Government in this behalf shall be entitled to attend any Meeting of the Market Committee but, shall not be entitled to vote. A copy of the notice convening every meeting shall be sent to the Director.]

44. Authority to call special meetings [Section 40(2)(iv)].—On requisition by at least half of the Members of the Market Committee or on his own notion, the Director may, if he is satisfied about the urgency of the matter, call a special meeting of the Market Committee to consider matters of immediate importance.

45. Business of the Committee [Section 16.]—All business of the Market Committee shall be conducted in Hindi.

46. Functions, duties and Powers of the Committee [Sections 16-17].—In addition to the functions, duties and powers specified in the Act and the bye-laws, the Market Committee shall also be responsible for—

(1) the health, convenience and safety of the persons using the Market Yards;

(2) the supply of all such information which the Director or any other Officer not below the rank of Senior Agricultural Marketing Inspector authorised by the State Government in this behalf may require];

(3) the maintenance of proper checks on all receipts and payments by its Officers and Servants;

(4) the proper execution of all works chargeable to the Market Committee Fund;

(5) keeping a minute-book of its proceedings;

(6) maintaining an account of each cart, truck, consignment or load brought into the Market Yards;

(7) maintaining a register of fees collected;

(8) taking security from its Officers and Servants;

(9) providing persons authorised to collect fees, a cash box and counterfoil receipt books;

(10) providing badges to weighmen, palledars and servants;

(11) keeping accounts in such forms as may be specified in its bye-laws;

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(12) publishing annually at the close of the agricultural year a statement of assets and liabilities;

(13) regulating expenditure according to budget;

(14) preparing and adopting budget for the ensuing agricultural year;

(15) arranging for temporary storage or stocking of the specified agricultural produce;

(16) keeping a copy of the Act and the rules and notifications issued thereunder and of its bye-laws open to inspection, free of charge, at its office; and

¹ [(17) doing such other things as may for the efficient working of the Market Committee, be considered necessary by the Market Committee or be specified from time to time by the Director or any other Officer not below the rank of Senior Agricultural Marketing Inspector authorised by the State Government in this behalf.]

47. Provisions of accommodation for storing agricultural produce in the Market Area [Section 16].-

(1) The Committee may provide facilities for storing specified agricultural produce, in the Market Area and for that purpose hire or construct Warehouses in the Market Area.

(2) The specified agricultural produce shall be stored in the Warehouses of the Committee, in the manner provided in the Warehousing Corporation Act, 1962.

(3) The Committee may advance loans to the persons storing their produce, in the Warehouses of the Committee on such terms and conditions and realise such charges for handling, weighing and storing as may be specified in its bye-laws.

² **(48. Registers and books to be maintained by a Committee [Section 40(2)(xi)].**—(1) The Market Committee shall maintain the following records, which shall be preserved for the period noted against each :-

SL.No.	Particulars of record to be maintained	Period for which it shall be preserved
1	2	3
1.	Budget	5 years
2.	General cash book	Permanently
3.	Cash receipt book	—do—
4.	Establishment bills	35 years
5.	General bills	3 years
6.	Balance sheet	Permanently
7.	Ledger	10 years
8.	Register of deposits	Permanently
9.	Applications for loans	Permanently
10.	Other Applications	3 years

1. Subs. by Noti. No. H-1086/1243-1073/68, dt. 08.04.1968.

2. Subs. by Noti. No. 2937/12--5-1998-600(37)-98, dt. 14.08.1948 (w.e.f., 14.08.1998).

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1	2	3
11	Returns of daily purchases and sales	1 year after audit
12	Payee's receipt/vouchers	Permanently
13	Register of sale and purchase of specified agricultural produce	10 years
14	Register of licences	Permanently
15	Provident fund register	Permanently
16	Service books of the employees	5 years after retirement or death of the incumbent as the case may be
17	Character rolls of the employee	-do-
18	Register of proceedings of the committee and sub-committees	Permanently
19	Register of correspondence	Permanently
20	Cheque books	Permanently
21	Passbooks	Permanently
22	Travelling allowance bills	3 years after payments are made
23	Contingent bills	5 years after payments are made
24	Lease deeds	10 years after the date from which they cease to have effect
25	Security bonds	-do-
26	Treasury challans	5 years
27	interest accounts register	Permanently
28	Attendance register	10 years
29	Register of moveable property	Permanently
30	Register of immovable property	Permanently
31	Library register	Permanently
32	Demand and collection register	10 years
33	Register of works	Permanently
34	Register of stamps	5 years
35	Stock Register	Permanently
36	Register of loans and advances	Permanently
37	Register of Court cases	5 years after the final decision of the case by the Court
38	Investment register	Permanently
39	Files about the appointment, punishment, removal and dismissal of employees	5 years after retirement or death of the incumbent as the case may be
40	Inspection book	Permanently
41	Office order book	Permanently
42	Register for settlement of disputes	5 years after the settlement of the disputes
43	Record keeper's register	Permanently

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1	2	3
	Other records as may be considered necessary by the Committee	Such period (not less than 5 years) as may be specified by the Committee in its bye-laws
	Registers showing primary arrival	Permanently
	Registers showing secondary arrival	Permanently
	Registers showing processing of primary arrival	Permanently
	Registers showing processing of secondary arrival	Permanently
	Register of cess collection and utilisation	Permanently
	Register of annual turnover and returns received under Section 39-A :	Permanently

Provided that no record of the Committee shall be destroyed until all audit objections pertaining to it have been finally and fully disposed of.]

(2) Notwithstanding anything contained in sub-rule (1), correspondence or records, which contain a discussion of, or a decision on, a question of principle and every order issuing rules, regulations and bye-laws affecting the Committee, shall be maintained permanently, and in case of doubt, any correspondence or record, destruction whereof at any time may be deemed by the director to be prejudicial to the interest of the Committee, or of the Government, or of the public generally, shall be preserved even though the subject may fall within the categories for which only a specified term of retention has been prescribed.

49. Reports and Returns to be submitted by the Committee [Section 40(2)(xiii)]. — The Director may require the Committee to submit such Information, Reports and returns in such form and manner and within such period as may be deemed necessary by him.

50. Control and conservancy of the Market Yards [Section 16].—(1) The Market Committee shall maintain the Principal Market Yard and the Sub-Market Yards, if any, declared as such Market Yards under Section 7 of the Act.

(2) The Market Yards shall be open for trading at such hours as the Market Committee may, from time to time, determine.

(3) Carts or consignments of specified agricultural produce intended for sale shall be assembled in the Market Yards at such places and in such manner and at such time, and ingress and egress shall be permitted to such persons and at such times, as the Market Committee may consider proper.

(4) The Market Committee may require any person holding licence under the Act to furnish, in respect of specified agricultural produce handled, dealt or used by him, such information and within such period and in such manner as the Committee may think necessary for regulating sale and purchase of such produce in the Market Area.

[50-A. Gate Pass.—(1) The Market Committee shall issue gate-pass in Form No. V-A for exit of the Specified agricultural produce from the Market Area. The person asking for the gate pass shall apply for the same in Form No. V. He shall give a declaration in the said form that market fee or development cess has been levied on transactions of sale of such specified

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agricultural produce in a Market Area in the State. The Secretary or any other official authorised by the committee shall endorse on Form No. V. its certificate regarding correctness of the information so given. If any licensee or trader pays the market fee and development cess online and declares the fulfilment of the conditions given in Form No. V. for the demand of gate pass, then the gate pass shall be issued automatically

1.Ins.byNati.No.2937/12-5-1998-600(37)-98dt.14.08.1998(w.e.f.14.08.1948).

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(2) The gate-pass shall be in quadruplicate and in four such different colours for such different specified agricultural produce as may be specified by the Director from time to time].

¹ [(3) Notwithstanding anything in sub-rules (1) and (2) the Director Mandi Parishad in special circumstances may prescribe different forms of Gate Passes for different schemes formulated by the State Government by framing bye-laws in this respect and may permit use of the said form for more than one market area.]

51. Amenities and facilities in the Market Yards [Section 16(2)(vii)].—The Market Committee shall provide such amenities and facilities in the Principal Market Yard and Sub-Market Yards to the Producer-Sellers and other persons using the Market Yards, as may be considered necessary by the Committee or specified by the Director from time to time.

52. Storing of unsold agricultural produce [Section 16(1)].—(1) All specified agricultural produce brought into the Market Yard and not sold the same day shall be stored at such place as may be specified in the bye-laws of the Committee.

(2) Pending such arrangements as may be specified in the bye-laws, the unsold specified agricultural produce may be stored in the Compounds, Godowns and Warehouses owned or hired by the licensed Commission Agent or Warehouseman authorised by Committee in this behalf.

(3) The unsold specified agricultural produce so stored shall be weighed in the presence of the seller or his representative at the time of delivery for storing and an acknowledgment indicating the kind and weight of goods shall be given by the licensed Commission Agent or Warehouseman, as the case may be, to the seller.

(4) Such storing of the specified agricultural produce shall be subject to the payment of such storage fee and such other conditions as may be specified in the bye-laws.

53. Grading and standardisation [Section 40(2)(xvii)].—(i) The Market Committee shall maintain for the use of sellers and buyers a set of samples of standard grades of specified agricultural produce, as is commonly sold in the Market Yard and shall renew the same as may be necessary from time to time. The Market Committee shall also arrange to keep and exhibit samples of different grades of specified agricultural produce with indications of prices prevailing in important markets, for the information of sellers and purchasers.

(2) The Market Committee may—

- (i) carry out the work of grading and standardisation of specified agricultural produce; or
- (ii) supervise the work of grading and standardisation of specified agricultural produce brought into the Market Yards.

1. Ins. by Noti. No. 2269/12-5-2002-600(22)/2002-T.C. dt. 08.07.2002 (w.e.f. 08.07.2002).

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(3) The Market Committee may fix the charges for carrying out the work of grading and standardisation of specified agricultural produce.

54. Prevention of adulteration [Section 16(2)(xv)].--(1) The Market Committee shall take such steps as may be considered necessary to check and prevent adulteration of specified agricultural produce in the Market Area.

Explanation.-For the purpose of this rule, adulteration of specified agricultural produce shall include the mixing of earth, dirt, stones or other extraneous matter of any inferior variety of the same commodity or any other inferior commodity with any specified agricultural produce.

(2) If any person holding licence under the Act, is found or detected to have adulterated any of the specified agricultural produce; his licence shall be liable to be cancelled in accordance with the provisions of Section 17 of the Act.

55. Maintenance and display of prices [Section 16(2)(v)].—The Market Committee shall—
 (1) maintain daily prices of different types and grades of specified agricultural produce; and
 (2) in so far as it is practicable, maintain and place at the disposal of those using the Market Yards, information in respect of the prices of specified agricultural produce prevailing at the Principal Marketing Centres of the region. The information shall be displayed at prominent places, in the Market Yard so as to be readily available for all persons using the Market Yards.

56. Appointment of Sub-Committees [Section 40(2)(ix)].—(1) Disputes Sub-Committee—

(a) The Market Committee shall appoint a Disputes Sub-Committee consisting of—

(i) one of the representatives of the Producers on the Market Committee;

(ii) one of the representatives of the Traders on the Market Committee; and

(iii) one more person from out of the remaining Members of the Market Committee, who shall also be the Chairman of the aforesaid Sub-Committee :

Provided that the Chairman of the Market Committee shall not be a Member of the Disputes Sub-Committee.

(b) The Sub-Committee shall arrange for the settlement of disputes between purchasers and sellers or their Agents, including disputes regarding mode of sale, rate, payment, quality or weight of the article, trade charges and allowances for wrappings, containers, dirt or impurities or deductions from any cause.

(c) The Director may require a Disputes Sub-Committee to appoint, in respect of each Market Yard specified by him, a panel of not less than 15 persons but, not more than 30 persons to act as arbitrators, in the settlement of disputes aforesaid :

Provided that every person included in the panel shall be either a Producer living in the Market Area or a Trader doing Business in such Area.

(d) Where any dispute referred to under clause (b) arises, it shall be reported to the Secretary who shall try to settle such disputes.

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(e) If the Secretary fails to settle a dispute, such dispute shall be settled in the following manner on payment of the prescribed arbitration fee—

(i) each party to the dispute shall select an arbitrator from the panel appointed for the purpose by the Disputes Sub-Committee under clause (c), and the dispute shall be referred by the Secretary to the arbitrators so selected, for its settlement;

(ii) if the arbitrators fail to agree, they may appoint an umpire who shall also be chosen from the panel aforesaid, to settle the dispute;

(iii) an appeal shall lie against the decision of the arbitrators or the umpire to the Disputes Sub-Committee;

(iv) the disputes shall, as far as possible, be decided on the spot and on the same day.

(f) No business shall be transacted at a Meeting of the Disputes Sub-Committee unless, there be present at least two Members including the Chairman of the Sub-Committee.

(g) All questions which may come up before the Disputes Sub-Committee at any meeting shall be decided by the vote of majority of the Members present at the meeting and in every case of equality of votes, the Chairman shall have a second or casting vote.

(h) The decision of the Disputes Sub-Committee shall be final and binding on the parties to the dispute.

(i) The Market Committee shall maintain a full record of all the disputes which may come up before the Disputes Sub-Committee.

(2) Development Sub-Committee [Section 17(vii)(2)].—(a) The Market Committee may appoint a Development Sub-Committee consisting of—

(i) one Representative of Producers of the Market Committee who shall also be the Chairman of the Sub-Committee;

(ii) one of the Representatives of the Traders of the Market Committee; and

(iii) one person from out of the Remaining Members of the Market Committee:

Provided that the Chairman of the Market Committee shall not be a Member of the Development Sub-Committee.

(b) The Sub-Committee shall arrange for—

(i) the construction, maintenance and repairs of the Buildings, Roads, Lanes and other Structures in the Market Yards, that may be entrusted to the Sub-Committee after the sanction of the work by the Committee;

(ii) provision of amenities and facilities in the Market Yards;

(iii) improvement and Development of Agricultural Marketing in the Market Area.

(c) Every Meeting of the Sub-Committee shall be presided over by the Chairman of the Sub-Committee and in his absence by a Member elected by the Sub-Committee for the occasion.

(d) The Chairman of the Market Committee may appoint any Member of the Development Sub-Committee to supervise any work of Construction, Repairs, Improvement or Development in the Market Area.

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(e) The completion Report of the Work entrusted under clause (b) and clause (d) of sub-rule (2) shall be submitted to the Market Committee within ten days of its completion.

(3) The Market Committee may appoint any other sub-Committee consisting of 2 or more of its Members for performing such duties and discharging such functions as the Market Committee may deem necessary :

Provided that the Chairman of the Market Committee shall not be a Member of such sub- Committee,

57. Regulation of Advances to Producers [Section 40(2) (xxiv)].—(1) A Trader, Commission Agent or Broker holding licence under the Act, may give advances either in cash or in kind to Producers.

(2) Advances under sub-rule (1) shall be made subject to the following conditions:

(i) The rate of interest shall not exceed such limits as may be specified, in the bye-law of the Committee;

(ii) if any agreement is entered into between the lender and the borrower, the lender shall supply a copy of the agreement to the borrower;

(iii) when the advances are given from time to time, an account book of the advances given, interest charged and repayments made, shall be kept in the manner as may be laid down in the bye-laws of the Committee;

(iv) the lender shall give a copy of such account book to the borrower and enter and attest with his signatures every individual transaction of lending and recovery in the copy of the account book so given;

(v) the lender shall inform the Committee in writing of all the advances given either in cash or in kind to the borrower along with the conditions of advances so made.

58. Execution of Contract [Sections 12(1) and 18.]—(1) No contract shall be made by or on behalf of the Market Committee, unless a resolution is passed in this behalf by a majority of votes in a meeting of the Committee :

Provided that the Committee shall not sell or transfer any immovable property except in accordance with a resolution duly passed by a majority of not less than three-fourths of its Members and with the previous approval of the Director.

(2) Every contract under sub-rule (1) made by or on behalf of the Committee shall be executed under the signatures of the Chairman and the Secretary :

Provided that no contract of a value of Rupees one thousand or above shall be executed without the previous approval in writing of the Director :

Provided further, that every contract of a value of Rupees one thousand or above shall be registered under the Indian Registration Act, 1908.

(3) Every contract made under sub-rule (1) shall be executed on payment by the lessee, purchaser or transferee, as the case may be, of such Stamp-fee as may be payable under law for the time being in force.

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**[CHAPTER IV - A
DECLARATION OF MARKET SUB-
YARD, LICENCE AND RELATED ISSUES FOR DIRECT AND
PRIVATE MARKETS**

58-A. Declaration of a Market Sub-Yard- (1) The owner of a warehouse/silo/cold storage/or other such structure or places as the case may be, having storage capacity of not less than four thousand tons, or not less than ten tons per day capacity of processing unit desirous of declaration of such place as market sub-yard shall apply to the Director, Agriculture Marketing or an officer authorized by him, in form-XIII under section 7A(l) of the Act :

Provided that warehouse and silo of Central/State Government undertaking/ Public Enterprises/Corporation/ Cooperative and registered in Warehousing Development and regulatory Authority (WDRA) and owner of private cold storage, processing unit having license of Director, Horticulture and Food Processing Department will apply in form-XIII (A) as prescribed' by State Government to the Director, Agricultural Marketing or an officer authorised by him :

Provided further that warehouse/silo of Central/State Government undertaking/ public enterprises/Corporation/Co-operative may apply jointly with enclosed details and owner of private cold storage silo having license of horticulture and food processing department in the form-XIII(A) to Director, Horticulture and Food Processing Department.

(2) The fee for such application shall be Rs. Two thousand per annum for a minimum period of three years or Rs. Twenty thousand for twenty years:

Provided that the applicant shall be exempted from the above fee in the financial year 2020-21. Provided further that warehouse/silo of Central/State Government undertaking/public enterprises/ Corporation/Co-operative shall be exempted from application fees.

(3) The Director, Agriculture Marketing shall verify the documents and suitability of the applicant and may direct him to furnish such documents as may be necessary, to run a market sub-yard and may recommend to the State Government to declare it as market sub-yard by notification in the Gazette within sixty days :

Provided that the Director, Agriculture Marketing can authorize officer for verification of applicant except warehouse, silo of Central/ State Government undertaking/Public Enterprises/ Corporation/Co-operative and owner of private cold storage/processing unit having license of Director, Horticulture and Food Processing Department :

Provided further that if the Director, Agriculture Marketing reaches to a conclusion that the application of market sub-yard is not fit for declaring market yard a reasonable opportunity of hearing shall be given to the applicant for this purpose.

(4) A person or persons carrying on business or work as trader, broker, commission agent warehouseman, weighman, or palledar in the market sub-yard shall take appropriate license from market committee concerned and act in accordance with the provision of the Act and the Rules.

(5) Director, Mandi Parishad shall provide facilities of form no. 6, form no. 9 and gate pass etc. and access to mandi parishad portal immediately after declaration of mandi sub-yard to the owner of mandi sub-yard/applicant and other licensees, information related to daily transaction, mandi fees shall be provided as online access/at the time of inspection to the Director, Agricultural Marketing or an officer authorized by him:

Provided further that owner/licensee of mandi sub-yard shall maintain information related to daily transaction, stock, out going quantities and closing balance of notified commodities in the format as prescribed by Director, Agricultural Marketing and submit on

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demand.

1.Ins.byNoti.No.03/2020/452/LXXX-I-2020-600(22)/2002-T.C.dt.23.04.2020

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58-B. Grant/Renewal of license to establish wholesale direct purchase from farmers outside the principal market yard, sub-market yard, market sub-yard, private market yard-

(1) Any person including a Farmers' Co-operative, Farmers Producer Organisation (FPO) and Processor' Exporter, under section 7-B, desirous to purchase agricultural produce directly from the farmers outside the principal market yard/market sub-yard/sub-market yard/market sub-yard/sub-market yard/ Private market yard as collection/aggregation centre in the proximity of production area with infrastructure specially godown permanent or temporary, weighment facility and other common facilities to the farmers shall apply to the Director, Agriculture Marketing, in the form-XIV with details of structure and other information prescribed in the form.

(2) The applicant shall also submit details of financial status, resources with supportive documents, bank statements, income tax returns of the last three years, list of permanent assets and liabilities and in the case of a company memorandum and articles of association and other documents showing the credibility of the applicant for the direct purchase of specified agriculture produce from the producer-seller,

(3) The license fees for the direct marketing shall be Rs. One thousand per year or Rs. Ten thousand

for twenty years with a security of Rs. One lakh for each purchase centre: Provided that the amount of license fees paid by the applicant and the security money shall be refunded after deducting ten per cent of the fees towards processing cost if the license is not granted or not renewed for any reason other than non compliance of the conditions of license : Provided further that the Formers' Co- operative and Formers Producer Organisation (F.P.O.) shall be exempted from the above fee and security in the financial year 2020-21.

(4) The applicant may apply for more than one direct purchase centres in one or more market areas.

(5) The Director, Agricultural Marketing shall examine the proposal in consultation with person or authorities as he deems fit and may suggest necessary measures for improvement or after satisfying himself, grant license in the form-XIV A.

(6) The licensing authority shall inform to the market committee concerned and the Director, Agriculture Marketing Board as soon as he issue the license.

(6-A) Director, Mandi Perished shall provide facilities of form no. 6, form no. 9 and gate pass etc. and access to mandi perished portal immediately after issuance of license of direct marketing by the Director, Agricultural Marketing. Information related to daily transaction mandi fees shall be provided as online access/at the time of inspection to the Director, Agricultural Marketing or an officer authorized by him :

Provided further that licensee of direct marketing shall maintain information related to daily transaction, stock, out going quantities and closing balance of notified commodities in the format as prescribed by Director, Agricultural Marketing and submit on demand.

58-C. Grant of license for establishment of private market yard. -Subject to the provisions of Sections 7-D and 9 of the Act, any person who intends to establish a private market yard in one or more market areas shall submit an application in writing to the Director of Agricultural Marketing in Form-XVI for grant of license for this purpose, along with the documents in support of the details furnished in the application form.

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(a) Private Market Yard licensee shall develop, manage and control the 11^o yard by providing infrastructure facilities such as auction halls, sheds, . shops, godowns, storages, canteen, laboratory facilities to evaluate quality of produce, grading and packaging facilities, loading and unloading site, electronic display of market rates, electronic weighbridges, internal roads, drinking water and sanitary facilities, etc., with an investment of not less than the amount as specified below excluding the cost of land.

(i) Rupees ten crores in the cities viz. Kanpur, Lucknow, Bareilly Bara-banki, Varanasi, Agra, Lalitpur, Gorakhpur, Allahabad, Shahjahanpur, Lakhimpur, Ghaziabad, Meerut, Gautam BuddhNagar, Aligarh, Moradabad, Saharanpur.

(ii) Rupees five crores in other district headquarters and other places.

(b) The land earmarked for establishment of Private Market Yard shall bear a clear title and possession. The extent of such land for establishment of a Private Market Yard shall not be less than,-

(i) Two hectares in respect of the Nagar Nigam Municipal area of Cities listed Sub-clause (i) of clause (a) of sub-rule (1).

(ii) Three hectares, in case it is outside the municipal/Nagar Nigam area, of the cities listed in sub-clause (i) of clause (a) of sub-rule (1), but within a radius of 8 km. from its limits,

(iii) Four hectares, in respect of any other area.

(c) No private market under this rule shall be established at any place within a radius of five kilometres from the existing principal market yard and three kilometres from the existing sub-market yard or market sub-yard.

(2) The licence-fees payable for grant or renewal of licence for three years or part of it for a private market yard shall be as specified below, payable by demand draft in favour of the Director, Agricultural Marketing, Uttar Pradesh.

(i) Cities listed in sub-clause CO of clause (a) of sub-rule (1) - Rupees two sacs.

(ii) Other places -- Rupees one lac.

Provided that the amount of license-fee paid by the applicant may be refunded if the license is not granted or not renewed for any reason after deducting ten per cent of the fees towards processing cost.

(3) The Director, Agricultural Marketing shall arrange to record the date of receipt of the application in the register maintained in Form-XVI-A and evaluate the project report. He may also in consultation with the Deputy Director Administration/Marketing of the concerned area or any other authority as he deems fit may suggest necessary measures for the facilities to be created and be provided for such reasonable improvements as he deems fit in private market yard.

(4) The Director, Agricultural Marketing on the basis of the evaluation report within sixty days from the date of submission of application may,

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(a) Issue a letter of permission for his commencement of the period specifying the period for completion which shall not be more than two years in clause of new projects. OR

(b) refer to issue a letter of permission for the reasons to be recorded in writing and shall communicate it to the applicant. Further that no letter of refusal under this rule shall be issued unless a reasonable opportunity of being heard is given to the applicant.

(5) In case of new project, the applicant shall complete the project within the period specified in such permission letter and if the applicant fails to complete the project within the specified period, he may apply to the Director, Agricultural Marketing explaining the reasons for extension of the period. The Director, Agricultural Marketing after inspection of the project may allow for extension of time not exceeding one year. If the project could not be completed within the extended period a fee of a Rs. One lac shall be levied to condone the delay for the period of one year or a part of it.

(6) In case of new project, after completion of the project or for existing projects at the time of application, the applicant shall give intimation of such facts in writing to the Director Agricultural Marketing. The Director, Agricultural Marketing after such inspection and enquiry as he deems necessary shall by an order issued under Section 7-D of the Act make declaration with respect to private market yard, within a period of sixty days, for the regulation of marketing of specified agricultural produce.

(7) After the issue of the order under sub-rule (6), the Director, Agricultural Marketing may subject to the provisions of Section 9 of the Act, grant license in Form-XVI-I3 for establishment of a private market yard subject to the conditions specified therein,

(8) The licensing authority shall immediately inform the Market Committee concerned and the Director, Marketing Board after issuing such license,

(9) Before commencement of marketing of agricultural produce the applicant shall deposit an irrevocable and continuous bank guarantee or cash security as specified below or an amount equal to 05% per cent of the annual turnover of the previous year whichever is more with Director, Agricultural Marketing.

(i) Cities listed in sub-clause (i) of clause (a) of sub-rule (1) rupees fifty lacs.

(ii) In any other places -- rupees twenty-five lacs.

Provided that in case of first year of marketing, the Bank Guarantee or cash security shall be the amount mentioned in clause (i), (ii) of sub-rule 9 of Rule 58-C above.

(10) The private market yard licensee shall submit application for renewal of license in Form-XVI with fee and security equal to fee and security of a new license and furnish other information as required to the Director of Agricultural Marketing. The Director, Agricultural Marketing after making such enquiries as he deems fit, may renew the license of the private market yard for marketing of specified agricultural produce.

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(11) The Director, Agricultural Marketing, may after giving the applicant an opportunity of being heard, for the reasons to be recorded in writing refuse to grant or refuse to-renew the license to the applicant who is either insolvent or otherwise disqualified under the Act and the rules.

Provided that no order under this sub-rule shall be made unless a reasonable opportunity of being heard is given to the applicant.

(12) A license granted under sub-rule (8) shall remain in force for three agriculture years.

(13) Every application for renewal of license shall be made at least one month before the expiry of its period.

(14) Every buyer including private market yard licensee if he is a buyer shall have to pay user charge as per rules.

(15) The Director, Agriculture Marketing shall fix the upper limit of the trade charges by general order as a condition of license.

(16) The procedure mentioned above may wholly or in part be performed electronically.

58-D. Power of the Director, Agriculture Marketing to suspend or cancel the license granted/renewed under section 33-C.—(1) The license of private market may be suspended or cancelled by the Director, Agriculture Marketing subject to the provisions under section 33-D if the share of user charge is not fully deposited in the account of the Director, Agriculture Marketing for a period of three months.

The share of a user charge shall be paid 15th day of every month, failing which an interest at the rate of two percent per month be charged on it.

(2) Communication of refusal, cancellation or suspension of license—The order of refusal or cancellation or suspension of license as the case may be, shall be communicated to the person concerned by the Director, Agriculture Marketing as provided under —

(a) by delivering or tendering to him personally a copy of such order; or

(b) by sending the same to him by registered/speed post.

(c) such order shall be deemed to have been communicated to the person concerned on the date on which a copy of it is delivered to him personally or sent by registered post or the acceptance of it is refused by him.

(3) Denial to issue or renew license—The Director Agricultural Marketing for the reasons to be recorded in writing may refuse to grant or renew the license.

(4) Any person aggrieved by the order of the Director Agricultural Marketing or otherwise may appeal to the Principal Secretary, Agricultural Marketing and Agricultural Foreign Trade Department, Government of Uttar Pradesh in writing within a period of thirty days.]

58-E. "Granting/renewal of licence for Digital Platform Service Provider under section 7(2)(b) of the Act by the Director of Mandis-

58 E(1) Any person [as mentioned in section 2 (m-1) of the Act] and any Farmer Co-operative Group/Farmer Producer Organization, who are desirous of operating a Digital Platform outside the Principal Market Yard/Sub-Market Yard/Market Sub-Yard/Private Market Yard, shall apply in the Form XVII under section 7(2)(b) of the Act to the Director of Mandis for Digital Platform Service Provider Licence, along with the details of the platform and other information prescribed in the form.

(2) Applicant shall submit financial status, details of resources including supporting documents, Bank statement, income tax statement of last three years, list of fixed assets and liabilities, and in case of company, Memorandum of Association and Articles of Association.

(3) The Director of Mandis shall examine the proposal in consultation with such person or authorities as he may deem fit and may suggest necessary measures for improvement and

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after satisfying himself, he may grant licence in Form XVII-A.

(4)-The Digital Platform Service Provider Licensee shall submit an application for renewal of licence in Form XVII to the Director of Market Board and such officer may renew the licence for Digital Platform after making necessary inquiries, as he may deem fit or fulfilment of conditions.

(5) The licence fee and security for each licence of e-auction or Digital Platform Service Provider shall be respectively 25,000 Rs. per annum and One lakh rupees for the first year. For the renewal of the licence for subsequent year, the security shall be One lakh rupees or 1.5% of the trade value done in the previous year, whichever is higher.

(6)The licence taken for the operation of e-auction or digital platform for Specified Agriculture Commodity will be known as "Digital Platform Service Provider Licence".

(7) Digital Platform Services Provider Licence will be valid for only one year. To do business further, it will be mandatory for the company to renew the licence every year.

(8) If any Digital Platform Service Provider Licensee choses a place for storage/dispatch/collection of purchase/sale, then its information shall have to be made available to the Markets Board.

(9) On the establishment of any type of store/centre by Digital Platform Service Provider, its information shall have to be given to the concerned Market Committee. This type of store/centre shall be used only for the Collection/Delivery/Dispatch of agricultural produce which are purchased/sale through Digital Platform.

(10)The right to suspend and cancel the approved/renewed Digital Platform Service Provider Licence shall be vested in the Director of Mandis. If the licensee does not work according to the prescribed terms and conditions, then it can be suspended/can celled by the Director of Mandis

(11) Director of mandis utter Pradesh can amend the format and conditions as per requirement through a separate order,"

CHAPTER V OFFICERS AND SERVANTS OF THE COMMITTEE

¹[59.SecretaryoftheMarketCommittee[Section23].—Thequalifications,methodofrecruitment and other conditions of service of the Secretaries and other Officers and Employees of Centralised Service constituted under Section 23-A shall be such as may be laid down by Regulations.]

1.Subs.byNoti.No.2519(X11-5-600(287)-81,dt.30.06.1984.

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¹(60, Officers and Servants of the Committee.-¹[(1) The Qualifications, DES1 grta ti o ns, Grades, Salaries and Allowance of the Posts of Officers and Servants whose Appointing Authority is the Committee, shall be approved by the Director.

(2) Appointment made by the Committee under sub-section (1) of Section 23 for these posts whose Appointing Authority is the Committee, shall be intimated within thirty days of the date of such appointments to the Director or to such other Officers, as may be authorised by the Director in this behalf,

(3) The Market Committee shall, in respect of each of its Officers and Servants appointed under sub- section (1) of Section 23 of the Act, maintain Service Records and character rolls in such forms as are prescribed for Government Servants and these records shall be kept in the custody of the Market Secretary.]

61. Appointment of Engineers [Section 23].—Engineers and other Technical Personnel appointed by the State Government under sub-section (3) of Section 23 of the Act shall,—

(1) if they are already in the service of the State Government, be placed on foreign service and shall be subject to Fundamental Rules 110 to 127 of Financial Handbook, Vol. II, Part II; and

(2) if they are not already in the service of the State Government, be engaged on contract basis on such terms and conditions as may be determined by the State Government in each case.

62. Security [Section 23].—The Market Committee shall take such security as may be specified in the bye-laws from its Officers and Servants who are entrusted with the handling of cash or stores of the Committee :

Provided that it shall not be necessary to take security from the Secretary if the incumbent is a Government Servant who has already furnished security.

63. Functions, Powers and Duties of the Secretary [Section 24].—

(1) The Secretary shall be the Chief Executive Officer of the Market Committee and shall carry into effect the resolutions of the Market Committee.

(2) All other Officers and Servants of the Committee shall be subject to his control. He shall also be responsible for directing their work in such manner as to ensure proper and efficient working of the Market Committee.

(3) It shall be the duty of the Secretary to supervise the work of the Officers and Servants of the Committee and to take necessary disciplinary action against any of the Officers and Servants of the Committee for their neglect, misconduct, dereliction of duty etc., subject to the approval of the Chairman or the Committee.

(4) The Secretary shall be responsible for the proper execution of all orders issued by the Chairman of the Committee. He shall take or cause action to be taken against any of the Officers and Servants of the Committee in accordance with the directions given by the Chairman of the Committee.

(5) Subject to the control of the Chairman, or in his absence of the Vice-Chairman of the Market Committee, the Secretary shall be responsible for maintaining proper accounts of money received and/or expended for or on behalf of the Committee.

1. Subs. by Noti. No. H-1086/XII-B-1073-68, dt. 08.04.1968.

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(6) The Secretary shall conduct all routine correspondence and attend to other office work and _____ all correspondence with the Director or Officers subordinate to the Director shall be conducted through, the Chairman or with the previous approval of the Chairman.

(7) The Secretary shall be responsible for maintaining complete records of all the disputes which come up for decision before the Disputes Sub-Committee in such manner as may be specified in the bye-laws of the Committee.

(8) The Secretary shall maintain a record of the disputes settled by him in the form and manner as may be specified in the bye-laws of the Committee.

(9) On receipt of a complaint either written or oral regarding any matter concerning sale or purchase _____ of specified agricultural produce, in the Market Area, the Secretary shall conduct an enquiry and shall make a report of the same to the Chairman for taking such action as he may think necessary, in accordance with the provisions of the Act, these rules and the bye-laws.

(10) It shall be the duty of the Secretary to ensure that proper payments to sellers in the Market Yards are made and no irregularities in making weighmen of the specified agricultural produce, in the Market Yards are committed.

(11) The Secretary shall advise the Committee and its Chairman in all matters relating to the regulation of the sale and purchase of agricultural produce, in the light of the provisions of the Act, these rules and the bye-laws framed thereunder and his opinions shall be recorded in the proceedings of the Committee.

(12) The Secretary shall grant casual leave to the Officers and Servants of the Committee. For other kinds of leave, the Secretary shall recommend the same to the Chairman who shall take action to sanction such leave in accordance with the leave rules applicable to Officers and Servants of the Committee.

(13) The Secretary shall submit to the Chairman by thirtieth April each year his annual confidential remarks in respect of the work and worth of the Officers and Servants appointed by the Committee.

(14) The Secretary shall submit to the Chairman his recommendations in respect of the annual _____ increments of the Officers and Servants appointed by the Committee within thirty days from the date any such increment falls due.

(15) The Secretary shall, on the orders or with the prior approval of the Chairman or on the orders of Director, call meetings of the Market Committee and shall have the right to attend, speak at, and otherwise take part in the Meeting of the Committee :

Provided that the Secretary shall not have the right to vote in the Meetings of the Committee.

64. Functions, Powers and Duties of the Officers and Servants [Section 40(2) (vi)].—Every Officer _____ and Servant of the Committee appointed under sub-section (1) of Section 23 of the Act, shall perform such functions, discharge such duties and exercise such powers, as may be specified in the bye-laws of the Committee.

65. Entry and search of the premises and vehicles [Section 36].—(1) The Secretary or any other Officer authorised by the Committee, while taking action under Section 36 of the Act, shall make an inventory of the goods or articles kept or caused to be kept by the Trader, Commission Agent, Broker, Warehouseman, Weighman, Measurer or any other person handling or dealing in specified agricultural produce and submit the said inventory to the Committee for such action as may be deemed necessary by the Committee.

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(2) The Secretary or any other Officer authorised by the Committee in this behalf shall report all cases of infringement or contravention of the provisions of the Act, or these rules or the bye-laws to the Market Committee.

(3) On receipt of the report under sub-rule (2) the Market Committee shall take such action as is deemed necessary by the Committee.

CHAPTER VI**FEES, LEVY AND COLLECTION**

¹[66. **Market Fee and Cess [Section 17(iii)]**.--(1) The Market Committee shall levy and collect market fee and development cess in the Market Area in accordance with the provisions of sub clause (b) of clause (iii) of Section 17 of the Act at such rate as may be specified in the bye-laws:

Provided that no market fee and development cess shall be levied and charged prior to the date on which provisions of Section 10 of the Act are enforced :

Provided further that when the specified agricultural produce is presumed to have been sold in accordance with the explanation given under clause (viii) of Section 17 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964, the price of such produce shall be the price which prevailed for that type of produce in that market just on the previous working day.

(2) No market-fee or development cess shall be levied more than once on any consignment of the specified agricultural produce brought for sale in the Market Yard if the market fee or development cess has already been paid on it in any Market Yard of the same Market Area and in respect of which a declaration has been made and a certificate has been given by the seller in Form No. V.]

²[67. **(1) Licence-fee**—The fee for issue and renewal of licence for a period of one agricultural year, under the Act shall be as prescribed hereunder :

Provided that the licence may be issued and renewal for a period of five years or for the life time of the applicant, on the request of the applicant.

Class of Licence	Description of Licence	Licence-fee
1.	(1) Wholesale trader-cum-commission agent, or (2) Wholesale trader, or (3) Commission agent, or (4) Mill, or (5) Factory, or (6) Cold Storage, or (7) Broker.	250
2.	(1) Warehouseman, or (2) Transport agency.	200

1. Subs. by Noti. No. 2937/X11-5-1998-600(37)-98, dt. 14.08.1998.

2. Subs. by Noti. No. 17/2016/1405/LXXXI-1-2016-600(50)-2013 dt. 31.5.2016 (w.e.f. 31.5.2016).

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Classof Licence	DescriptionofLicence	Licence-fee
3.	1)Attachakki(powerdriven),or. (2) OilGhani(powerdriven),or (3) Huller(powerdriven),or (4) Sheller,or (5) Expeller,or (6) Ginnery,or (7) Dicorticator(powerdriven),or (8) 'Bel'centrifugal(powerdriven),or (9) Grinder(powerdriven),or (10) Arramachine	150
4.	Retailtrader.	100
5.	(1) Weighrnan,or (2) Measurer,or (3) Palledar	25

(2)(a) If the licence applied for is for a period of five agricultural years, five times of licence-fee prescribed under sub-rule (1) shall be payable.

(b) If the licence applied for is for a period of six months or more of the agricultural year, full licence- fee prescribed, under sub-rule (1) shall be payable and if the licence applied for is for a period of less than six months of the agricultural year, half of the fee prescribed under sub-rule (1) shall be payable.

(c) If the licence applied for is for the life time of the applicant, ten times of licence- fee prescribed under sub-rule (1) shall be payable :

Explanation.Forthepurposesofthisrule,theexpression"Lifetime".

(i) Inthecaseofanapplicant,whoisahumanbeing,meanstheperiodoftwentyyearsorthepreiod during which the applicant remains alive, whichever is earlier;

(ii) In all other cases the period of twenty years or the period during which the status of the applicant remains unchanged, whichever is earlier.

In case the business or the work under the licence is not carried on for a consecutive period of two years, the licence shall stand revoked and if the applicant desires to carry it on again he shall have to obtain a fresh licence.]

²[(3) In the case of loss of licence a duplicate licence shall be issued by the Market Committee on an application and payment of Rupees 5 for each such licence.

1. Subs.byNoti.No.03/2017/2459/LXXXI-1-2017-78-2014dt,01.12.2017(w.e.f01.12.2017).

2. Subs.byNotiNo.2023/XIL-5-98,dt.04.08.1998(w.e.f04.08.1998)

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¹[(4) For functioning as wholesale trader-cum-commission Agent or Wholesale Trader or Commission Agent, each application for the issue of new licence or for the renewal of licence shall be accompanied with a deposit of Rs. 1,000 as security in the form of Bank Draft or N.S.C. or Digital Payment in account of Mandi Samiti, duly pledged to the Mandi Samiti.

²[68.Recoveryoffees[Section17(iii)].—(1)Themarket-feeanddevelopmentcessonspecified agriculturalproduceshallbepayableassoonassuchproduceissoldinthemarketareain accordance with the terms and conditions specified in the bye-laws.

(2) The market-fee and development cess shall be realised in the manner laid down in sub-clause (b) of clause (iii) of Section 17.]

(3)TheLicence-feeshallbepaidalongwiththeapplicationforlicence:

Provided that in case, the Market Committee refuses to issue a licence, the fee deposited by the applicant 41-lan be refunded to him.

³[(4) The payment of the Market fee and Licence fee etc. shall be made to the Committee in cash or Digital Payment and in special circumstances by Bank Draft of Nationalised Bank.)

⁴[69.(1) The fees or development cess shall be collected by the servant of the market committee authorised by the Committee in this behalf and receipt in Form No. VII duly signed by him shall be granted to every person in respect of fees or development cess collected from him under these rules or the bye-laws.

(2) Every person authorised by the or Market Committee to collect fees or development cess shall grant receipts to the payers keepings counter-foils of the receipts so granted and shall render account of all receipts at least once a day to the person duly authorised in this behalf by the Market Committee.

(3) In case of digital/online payment, Form No. VII shall be issued automatically on the acknowledgement of the bank.

CHAPTERVII

TRANSACTIONOFBUSINESSINMARKETYARDS

⁵[70. Licensing by the Market Committee. —(1) The Market Committee shall, as soon as may be,after the approval of its bye-laws, by notice to be published through distributionof its copies in Hindi in the Market Area and also by affixation of copies of such notice at prominent places, in the Market Area, and announcement through, loudspeakers or by the beat of drums in the Market Yards, call upon all Local Bodies and other persons wishing to set up, establish or continue any place for thesale, purchase,storage,weighmerttorprocessingofthe specifiedagricultural produce,intheMarket Area, and shall likewise call upon all Traders, Commission Agents, Brokers, Warehousemen, Weighmen, Measurers, Palledars and other persons handling or dealing in specified agricultural produce,intheMarketYards,toapplyforallicenceundersub-section(1)ofSection9orsub-section

(2) of Section 9 or Section9-A of the Act, as the case may be, in such form as may be specified by the Market Committee in its bye-laws, within a period of fifteen days from the date of publication of the said notice:

1. Subs.byNoti.No.2937/XII-5-199-600(37)-98,dt.14.8.1998

2. Subs.byNoti.No.2937/XII-5-1998-600(37)-98,dt.14.08.1998(w.e.f.14.08.1998).

3. Subs.byNotNo.03/2017/2459/LXXXI-1-2017-78-2014dt.01.12.2017(w.e.f.01.12.2017).

4. Subs.byNoti.No.2937/XII-5-1998-600(37)-98,dt.14.08.1998(w.e.f.14.08.1998).

5. Subs.byNoti.No.17/2016/1405/LXXXI-1-2016-600(50)-2013dt.31.05.2016(w.e.f.31.05.2016).

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Provided that the provisions of this sub-rule shall not apply to a Producer in respect of agricultural produce produced, reared, caught or processed by him or to any person who purchases or stores any agricultural produce for his domestic consumption.)

(2) The Committee shall issue licences in such forms as may be specified by the Market Committee, in its bye-laws and the terms and conditions of the licences shall be specified by the Market Committee, in its bye-laws and shall also be printed on the licences issued by the Committee.

(3) Any person desiring to hold licence under sub-rule (1) shall make, in the form specified for the purpose by the Market Committee in its bye-laws, a written application therefor to the Market Committee together with the amount of Licence-fee prescribed under Rule 67.

(4) (1) On submission of application along with the fixed amount of fee under Rule 67, the Market Committee may issue a license to the applicant if,-

(a) it is satisfied that the applicant is solvent,

(b) it is satisfied that the applicant is a suitable person to whom a license may be granted:

Provided that the provisions of sub-clause (a) shall not apply to the Weighman, Measures, Palledars, Truck driver and Vendors.

(C) On receipt of an application for license along with enclosures and fee and such particulars as may be prescribed by the rules/bye-laws the committee shall take decision within 30 days from the date of receipt thereof, to either grant or refuse to grant such license by a reasoned order in writing and communicate the same to the applicant:

Provided also that sub-rules (1), (2), (3) and (4) (1) (a), (b) and (c) of this rule shall not apply to the traders of other States and if a trader of another State, who is a legal licensee of any market committee of that State, applies for the licence through National Portal (e-NAM portal or any other portal run by Central Government) and recommended by the market committee of that State; then the market committee shall issue the licence within 3 days without demanding any other documents or without depositing licence fee and any earnest money. In respect of such licences, further guidelines shall be issued through MOU signed on the basis of consensus of Market Boards of respective States and Director of Market Board, Uttar Pradesh with the permission of the State Government.

The licence under clause (i) shall be issued for a period of one year or in case the agricultural year, has already started at the time of the issue of new licence, for the remaining part of the agricultural year.

(ii) All licences shall expire at the close of the agricultural year.

(iii) An application for renewal of licence shall be submitted to the Market Committee, in the form specified for the purpose by the Market Committee, in its bye-laws, together with the amount of fee prescribed under Rule 67, not less than fifteen days before the existing licence is due to expire.

(iv) On receipt of an application for renewal, the Market Committee may renew the licence, if it is satisfied with regard to the conditions specified in clause (1).

(v) Where an application for grant or renewal of a licence is rejected, the amount of fee deposited by the applicant shall be refunded to him.

(vi) The names of all such Traders, Commission Agents, Brokers, Warehousemen, Weighmen, Measurers, Palledars and other persons handling or dealing in specified agricultural produce and holding licence therefor from the Committee, shall be entered in a register to be maintained by the Committee for the purpose and shall be prominently displayed in Hindi in the Office of the Committee.]

71. Powers of the Market Committee to suspend or cancel the licence [Section 17(ii)].—The Market Committee may, by a resolution passed in this behalf, suspend for a period not exceeding six months or cancel the licence issued by it to any person if such person contravenes any of the conditions of the licence, or these rules or the bye-laws or if such person becomes insolvent or ceases to function as a licensee in the Market Area or the Market Yard, as the case may be, without any justification, or if in the opinion of the Market Committee works or has worked against the interests of the Market Committee or is continuing to function as a licensee in the Market Area or the Market Yard, as the case may be, is likely to adversely affect the regulation of sale and purchase of specified agricultural produce in the Market Area :

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Provided that the Committee may, by a resolution passed in this behalf, also authorise the Chairman or in his absence the Vice-Chairman to suspend the licence in the above circumstances :

Provided further that the decision of the Market Committee or the Chairman or the Vice- Chairman, as the case may be, shall remain in force even during the period during which an appeal may be pending.

72. Opportunity to show cause [Section 17(ii)].—(1) Before cancelling a licence under Rule 71, except on the ground of conduct which has led to the conviction of the licensee under Section 37 of the Act, the Committee shall call upon the licensee through a notice, to show cause within fifteen days of the issue of the notice, why his licence should not be cancelled, and shall also afford reasonable opportunity to him, within the said period, to be heard in person :

Provided that the said period may be extended to such extent as may be considered necessary by the committee.

(2) After considering the explanation, if any, of the said licensee the Market Committee may cancel the licence after recording reasons therefor.

73. Communication of refusal, cancellation or suspension of licence [Section 17(i)].—(1) The order of refusal or cancellation or suspension, as the case may be, of a licence by the Committee shall be communicated to the person concerned—

(i) by delivering or tendering to him personally a copy of such order; or

(ii) by sending the same to him by registered post.

(2) Such order shall be deemed to have been communicated to the person concerned on the date on which a copy of it is delivered to him personally or received by registered post or the acceptance of it is refused by him.

74. Licensed Weighmen, Measurers and Palledars to wear badges [Section 17(i)].—(1) Every licensed weighman, measurer and Palledar, when functioning in Principal Market Yard or Sub-Market Yards, shall wear a distinguishing badge to be provided by the Market Committee free of cost :

Provided that in the case of loss of badge, it shall be replaced on payment of the cost as may be fixed by the Committee :

Provided further, that in the case of suspension, cancellation, refusal or renewal of licence, the badge shall have to be deposited by the weighman, measurer or palledar, as the case may be, with the Market Committee.

(2) Any weighman, measurer or palledar working in Market Yard without the badge issued by the Committee, shall be liable to cancellation of his licence.

75. Employing of Commission Agent or Broker [Section 40(2) (xxxii)].—No person shall, in the absence of an express agreement, be bound to employ a Commission Agent or Broker in any transaction or be required to pay for any Commission Agent or Broker where none is employed.

¹[76. Sale of specified agricultural produce [Section 40(2)(xix)].—(1) Every consignment of specified agricultural produce brought for sale into the Principal Market Yard or any Sub-Market Yard, shall be sold by open auction or by chit Tender System according to the procedure specified in the bye-laws of the Committee :

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Provided that nothing in this sub-rule shall apply to a retail sale as may be specified in the bye-laws of the Committee.

(2) The price of specified agricultural produce shall not be settled by secretor negotiations.

(3) The Committee shall fix timings for the start and closing of the sale in respect of each specified agricultural produce.

(4) The sale shall be conducted only by the person or persons employed by the Committee for the purpose. Provided that under special circumstances, the Committee may make or permit any alternative arrangement.

(5) The highest bid offered by a purchaser at open auction or through chit tender system to which the seller of the produce gives his consent to sell his produce shall be the sale price of the produce respectively and the purchaser shall be deemed to have purchased the produce, at that price.

(6) No deduction shall be made from the agreed price of the consignment except on account of deviation from the sample, where purchase is made by sample, or on account of deviation from the standard where purchase is made by reference to a known standard, or on account of difference between the actual and the standard weight or measure.

(7) The purchaser shall be considered to have thoroughly inspected the specified agricultural produce for which he had made a bid in open auction or through chit tender system and he shall have no right to deviate or back out from it.

(8) As soon as the bid becomes final, the person in charge of the auction or the chit tender system shall fill in the relevant particulars, in a book to be maintained in Form No. VIII and shall obtain the signatures of both the purchaser and the seller or their respective representatives present at the spot. The seller shall not be liable for any damage to or deterioration of the produce after the bid becomes final :

Provided that in the case of open auction it shall be open for the purchaser to get the specified agricultural produce weighed immediately when the bid becomes final]

(9) The purchaser shall be responsible for getting the specified agricultural produce weighed immediately after the auction or on the day the produce is purchased by him and the seller shall not be liable for any damage to, or deterioration of, the produce after the auction.

(10) A Commission Agent or any other person engaged by a seller to sell the specified agricultural produce, on his behalf shall not act as a purchaser either for himself or on behalf of another person in respect of such produce : Provided that the provisions of this sub-rule shall not apply to a Co-operative Marketing Society.

(11) The Commission Agent shall make payment to the seller immediately after the weighing, after deducting the Market-fee prescribed by the Committee, in its bye-laws.

(12) Every Commission Agent shall, on delivery of the specified agricultural produce to a purchaser, present a bill in Form No. LX to the purchaser on the same day or the following day mentioning the purchase price and trade charges admissible under these rules and the bye-laws of the Committee, and shall retain a counterfoil thereof with himself.

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(13) In the absence of any written agreement to the contrary the purchase price of the specified agricultural produce and the trade charges at the rates specified by the Market Committee, in its bye-laws shall be paid promptly by the purchaser to the Commission Agent on Delivery of Form No. IX.

¹[14.(i) The delivery of the specified agricultural produce after the sale shall not be made or taken unless the commission agent or, if the seller does not employ a commission agent, the trader has given to the seller a sale voucher in Form VI a copy whereof shall be sent to the committee and or counterfoil shall be retained by the commission agent or the trader, as the case may be.

(ii) Notwithstanding anything in clause (1), the Director, Mandi Parishad may prescribe different Forms for the sale voucher for different schemes formulated by State Government by framing bye-laws in this respect and may permit use of the said Form for more than one market area.]

²[76-A. Online market.—(1) The Director of Mandi may specify commodities and markets where the sale price of such commodities in such market area shall be determined by an electronic platform as the Director may direct in this behalf.

(2) The Director may specify one or more of the following in respect of commodities and markets specified under sub-rule (1), namely —

- (i) quality testing of commodity, grading, quality certification and standardization of commodities;
- (ii) weighing of commodities before or after the sale;
- (iii) storing of commodities in warehouses in the market area and sale of such stored commodities;
- (iv) facilitation of collateral financing and borrowing against warehouse receipts;
- (v) payment of price of the commodities by traders;
- (vi) procurement and disposal of commodities through the electronic platform;
- (vii) compensation to the seller in case of default by the trader or the commission agent;
- (viii) market intelligence reports;
- (ix) any other matter, which in the opinion of the Director is necessary for giving effect to sale of commodities through the electronic platform.

(3) The Director may issue guidelines for settlement of disputes in respect of transactions in the markets specified under sub-rule (1) and market committees for online markets shall follow these guidelines while settling any disputes referred to it.]

1. Subs. by Noti. No. 2269/XII-5-2002-600(22)/2002-T.C., dt. 08.07.2002 (w.e.f. 08.07.2002).

2. Ins. by Noti. No. 13/2016/1404/LXXX-1-2016-78-2014 dt. 31.05.2016, published in the U.P. Gazette, Extra, Part 4, Section (kha) dt. 31.05.2016.

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¹[76-B. E-trading. - Notwithstanding anything contained in these rules e-trading as per the provisions of the Act and Rules shall be a legal and valid mode of trade.

(2) Any of the register and book maintained and used by a committee under these rules may be maintained and used on electronic platform or in a digital format.

(3) Any format defined under these rules may be maintained wholly or in part electronically /digitally.]

77. Account of sales to be maintained [Section 40(2)(xix)].—The Market Committee shall maintain a record, in which regular and proper account of each consignment of the specified agricultural produce brought, in for sale in the Principal Market Yard or Sub-Market Yards shall be kept.

Explanation.—For the purpose of this sub-rule, entries collectively relating to more than one consignment shall not be deemed to be proper and regular account of consignments.

78. Agreement to be executed between purchaser and seller [Section 40(2) (xix)].—(1) Every purchaser of the specified agricultural produce shall sign an agreement in triplicate in Form No. X, in favour of the seller as soon as any transaction is effected. One copy of the agreement shall be kept by the purchaser, one copy shall be supplied to the seller or his agent and the third copy shall be sent by the purchaser to the Market Committee for record.

(2) Nothing in sub-rule (1) shall apply to a person who purchases any specified agricultural produce for his domestic consumption :

Provided that the purchases by such purchasers shall be subject to such conditions as may be specified in the bye-laws.

²**[79. Trade charges [Section 10].**—(1) As from the date notified by the State Government under Section 10 of the Act, no person shall, in a Principal Market Yard or Sub-Market Yard, levy, charge or realize, in respect of any transaction of sale or purchase of the specified agricultural produce, any trade charges, other than those specified by the Market Committee under sub-rule (2).

(2) The Market Committee keeping in view the public interest shall specify, in its bye-laws, the trade charges that may be charged or realized by a Trader, a Commission Agent, a Broker, a Weighman, a Measurer or a palledar holding licence under these rules.

(3) All trade charges shall be payable by the purchaser:

Provided that weightment or measuring or cleaning or handling charges, if any, before auction, as may be specified by the Market Committee in its bye-laws, shall be payable by the seller.

(4) Without prejudice to the provisions of Section 37 of the Act, any Trader or his Servant, any Commission Agent or his Servant, any Broker, Warehouseman, Weighman or Measurer, soliciting or receiving fees other than those prescribed under the bye-laws mentioned in sub-rule (2) or sub-rule (3), as the case may be, shall be liable to cancellation of his licence.]

80. Keeping of books by Trader, Commission Agent, Broker, Warehouseman, Weighman and Measurer [Section 40(2)(xxvi)]—Every Trader,

1. Ins. by Noti. No. 07/2019/2485/80-1-2018-600(22)/200-T.C. dt. 07.02.2019.

2. Subs. by Noti. No. 6332/XII-586-600(119)-81, dt. 27.12.1986 (w. ef. 27.12.1986).

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Commission Agent, Broker, Warehouseman, Weighman, Measurer and any other person handling or dealing in specified agricultural produce and holding licence under these rules, shall keep such books in such forms and render such periodical returns and at such time and in such form as the Market Committee may, from time to time, direct and shall render such assistance in the collection of and prevention of the evasion of fees due under these rules and bye-laws and in the prevention of breach of the rules and bye-laws as may be required by the Market Committee.

81. Keeping of price-list by the Traders [Section 40(2)(xviii)].—Every Trader holding licence under these rules shall maintain and display prominently at his shop daily lists of prices of different types and grades of the specified agricultural produce transacted by him in the Market Yards.

82. Prohibition of Brokers from acting on behalf of both the purchaser and the seller [Section 40(2) (xxi)].—(1) No broker holding licence under these rules shall act on behalf of both the purchaser and the seller in any transaction of specified agricultural produce.

(2) Without prejudice to the provisions of Section 37 of the Act, any broker who commits a breach of the provisions of sub-rule (1) shall be liable to cancellation of his licence.

83. Weighing or measuring by licensed weighment or measurer [Section 40(2) (xxvii)].—(1) All weighing or measuring of any specified agricultural produce brought in a Principal Market Yard or sub-Market Yard for sale or purchase shall be done only by licensed weighman or measurer.

(2) All weighing of the specified agricultural produce, in the Market Yards shall be done by means of a beam balance and metric weights.

84. Counter-balancing in weighment [Section 40(2) (xxvii)].—If any rope or gunny bag or any other packing material or container is used in the bundles in the pan on the goods side of the scale, a weight equivalent to the weight of the rope or of the gunny bag or of the packing material or container so used shall be added to the pan on the weight side of the scale.

85. Commission Agent to provide equipment for weighing and measuring [Section 17(i)].—

(1) The Commission Agent holding licence under these rules shall provide or arrange to provide all such weights and measures and weighing and measuring instruments at the time of delivery of the specified agricultural produce sold in a Principal Market Yard or Sub-Market Yards, as may be specified by the Committee, in the bye-laws :

Provided that where no Commission Agent is engaged by the seller, the weights and measures or weighing and measuring instruments shall be provided or arranged to be provided by the purchaser.

(2) Without prejudice to the provisions of the Weights and Measurers (Enforcement) Act, 1959, any Trader or Commission Agent or weighman or measurer holding licence under these rules, who uses weights and measurers or weighing and measuring instruments other than those specified in the bye-laws, shall be liable to cancellation of his licence.

86. Manner and place of weighment or measurement [Section 40(2)(xxvii)].— Weighment or measurement of the specified agricultural produce brought and sold in the Market Yards shall be done in such manner and at such place or places as may be provided for in the bye-laws made by the Committee in this behalf.

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87. Unit of price quotation to be used in the Market Yards [Section 40(2) (xxvii)].—The unit of price quotation in every Market Yard shall be in terms of such weights and measures as may be specified by the Committee in its bye-laws,

88. Unit of weight or measurement [Section 40(2) (xxvii)].—The unit of weight or measurement shall be such as may be specified by the Market Committee, in its bye-laws.

89. Inspection of scales, weights and measures [Section 16(2)(iv)].—The Chairman, every Member of the Committee and such Employee of the Market Committee, as may be Authorised by the Committee, in this behalf, shall be entitled, at any time and without prior notice, to inspect, examine and compare any weight or measure and weighing or measuring instruments, used, kept or possessed within the limits of the Market Area, and shall report infringement, if any, of the U.P. Weights and Measures (Enforcement) Act, 1959, to the Committee.

90. A set of standard weights and measures and weighing and measuring instruments to be kept by the Market Committee [Section 16(2)(xvi)] —The Market Committee shall keep at least one set of such weights and measures and weighing and measuring instruments, as are authorised under the U.P. Weights and Measures (Enforcement) Act, 1959 and are required by the Market Committee for use in the Market Area. Such standard weights and measures or weighing and measuring instruments shall be available for inspection and checking at all reasonable times to all persons engaged in sale or purchase of the specified agricultural produce.

91. Weighment on a weigh-bridge [Section 16(2)(xv)].—¹[The Market Committee shall, if so required by the Director or such other Officer not below the rank of Senior Agricultural Marketing Inspector authorised by the State Government in this behalf, erect one or more weigh-bridges in the Market Yard and shall be responsible for keeping the same in proper working order. Any purchaser or seller may at his option, have his produce weighed on it on payment of charges fixed by the Committee, in its bye-laws and in such a case, a weighment slip under the signatures of an employee of the Market Committee who may be authorised by the Committee for this purpose, shall be issued to such purchaser or seller as the case may be.]

92. Examination and verification of weights and measures and weighing and measuring instruments [Section 16(2)(vi)].—Every Trader, Commission Agent, Weighman or Measurer holding licence under these rules shall on requisition, in writing by the Chairman or Secretary of the Market Committee, immediately produce for examination and verification of all weights and measures and weighing and measuring instruments used, kept or possessed by him or by any person or persons under his authority or control and shall allow, the Chairman or the Secretary to inspect, examine and compare the same.

CHAPTER VIII

MARKET COMMITTEE FUND, EXPENDITURE AND ACCOUNTS

93. Market Committee Fund [Section 19(2)].—Except where Government, on application by the Market Committee or otherwise, may direct, all moneys

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paid into the Market Committee Fund shall be credited at least twice a week in full into Government Treasury or Sub-treasury or a bank duly approved for this purpose by the Director. All balance from the fund shall be kept, in such Treasury or sub-treasury or Bank as aforesaid and it shall not be drawn upon except in accordance with these rules.

94. Loans and advances to the Market Committee [Section 17(v)].—

(1) The Market Committee may, through a resolution duly passed by it in this behalf, apply to the Director, in Form No. XV, for such loans, subsidies and grants-in-aid as may be necessary for the management, improvement and development of the Market Yards, setting up of grading units, acquisition of land or Buildings and Development of Marketing Facilities in the Market Area.

(2) ¹[***].

(3) ²[The Director shall examine the application of the Mandi Samiti for loans, subsidies and grants-in-aid, as the case may be, and where he is satisfied, sanction such loans, subsidies and grants-in-aid as may be deemed necessary :

Provided that a loan shall be advanced only against the security of the property of the Committee except where specifically exempted by the State Government, in case of loans for meeting the cost of management of the Committee, in the initial stages.

(4) Each loan under sub-rule (3) shall form first charge, on the income of the Committee and shall, subject to the orders of the State Government from time to time, if any, be repayable in such instalments and carry interest at such rate or rates as may be fixed by the Director.

(5) Deferred payments and unpaid balances, if any, shall, subject to the orders of the State Government from time to time, if any, be realised from the Market Committee, in such manner and bear such enhanced rates of interest as may be laid down by the Director at the time of sanctioning the loan.]

(6) The Director shall require the Market Committee to deposit in the Government Treasury each instalment of the loan advanced under sub-rule (3) along with interest, as and when it falls due under the terms and conditions of the loan.

(7) Where the Director feels that any part of the loan advanced under sub-rule (3) is not easily recoverable from the Market Committee, he shall move the State Government for recovery of the said loan.

(8) The State Government may, on receipt of a report from the Director under sub-rule (6) or sub-rule (7) as the case may be, order the recovery of the entire amount due from the Committee, as arrears of land revenue under Section 35 of the Act.

³[95. Permanent Advance [Section 40(2)(xxxii)].—(i) The Secretary shall keep a permanent advance of such amount not exceeding rupees four thousand as may be sanctioned by the Director in this behalf for day-to-day Contingent expenditure. The maximum limit of permanent advance for different classes of market committee shall be as under :—

1. Deleted by Noti. No. H-1086/XII-B-1073/68, dt. 08.04.1968.

2. Subs. by Noti. No. H-10860(XII-B-1073/68, dt. 08.04.1968.

3. Subs. by Noti. No. 3448/XII-5-97-600(81)-95, dt. 25.09.1997.

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Class of Market Committee	Maximum Limit of Permanent Advance
'C'	Rs. 1,000.00
'B'	Rs. 2,000.00
'A'	Rs. 3,000.00
'A' Special	Rs. 4,000.00

(2) The expenditure incurred from the permanent advance shall be recouped from the market committee fund within three days.]

¹[96. Expenditure [Section 19(2)].—(1) The Chairman of the market committee shall be the controlling authority in respect of the market committee fund, but for the purpose of drawing and disbursing the salary and allowances of the regularly appointed officers and employees of the Committee, their travelling allowances and dues, Board's contribution under sub-section (5) of Section 19 and the permanent advance, the drawing and disbursing officer shall be jointly the controlling authority.

(2) All payments except from permanent advance shall be made through cheque drawn on behalf of the committee.

(3) No cheque on behalf of the Committee shall be issued except on a bill which has been duly examined by the accountant of any other employee of the Committee nominated in this behalf by the Director and passed by the Secretary and Chairman or by the drawing and disbursing officers, as the case may be :

Provided that the Secretary may alone pass a bill for payment of an amount not exceeding rupees one thousand :

Provided further that in the absence of the Chairman, the Vice-Chairman shall act in his place.

(4) Cheques of the value up to rupees one thousand shall be signed by the Secretary and the cheques in respect of a payment for which the drawing and disbursing officers is the controlling authority, shall be signed by the drawing and disbursing officers jointly and all other cheques shall be signed by the Secretary and countersigned by the Chairman, and in his absence by the Vice-Chairman.

(5) No expenditure shall be incurred for which there is no budget provision, unless it can be met by reappropriation from savings under other heads or by a supplementary grant from the available reserve which has been duly sanctioned by the Committee, and for which the approval of the Director has been obtained.

(6) Every expenditure shall be supported by a voucher duly signed by the payee.

(7) The general cash book shall be maintained by the Cashier or such other employee of the committee as may be nominated in this behalf by the Secretary.

Explanation.—For the purpose of this rule, the expression 'drawing and disbursing Officer' means the The Secretary and an employee of the Committee nominated by the director'.]

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97. Remittances to Treasury or Bank [Section 19(2)].—(1) All remittances to Government Treasury or Sub-Treasury or Bank shall be accompanied by challans or deposit slips in duplicate.

(2) The monthly or other periodical statement of accounts furnished by the Treasury or the Bank shall be regularly maintained and made available for audit.

98. Pass-books [Section 19(2)].—The Pass-books in respect of the accounts maintained by the Committee with the Bank or Post Office shall be brought up-to-date at least once a month.

99. Monthly Account.—At the close of each month, the account of receipts and payments during the month shall be prepared by the Secretary in such form as may be specified in the bye-laws of the Committee and shall be placed before the Committee, at its ensuing meeting.

100. Preparation and Submission of Annual Budget [Section 40(2) (xxix)].—(1) The Secretary shall prepare and place before the Committee during the first week of April each year, a budget of income and expenditure in such form as may be specified in the bye-laws of the Committee for the ensuing agricultural year.

(2) The budget as approved by the Committee, shall be submitted for approval to the Director not later than the thirtieth day of April each year.

(3) An abstract of the accounts of the receipts and expenditure of the preceding agricultural year, shall be submitted to the Director not later than the thirtieth day of September each year.

101. Preparation and submission of Plans and estimates for works [Section 40(2)(x)].—(1) For works estimated to cost up to rupees one thousand, the Chairman shall get plans and estimates prepared by any qualified overseer engaged for the purpose, and shall submit the said plans and estimates before the Committee for approval.

(2) For works estimated to cost more than rupees one thousand, the Committee shall, by resolution passed in this behalf, get the plans and estimates prepared by an Engineer to be appointed by the State Government, under sub-section (3) of Section 23 of the Act, and shall submit the said plans and estimates to the Director for approval.

102. Manner of investment and disposal of surplus Funds [Section 40(2) (xiv)].—(1) The Market Committee may invest or deposit its surplus funds—

(a) in purchase or construction of buildings and acquisition or purchase of sites;

(b) in any of the securities specified in Section 20 of the Indian Trusts Act, 1882;

(c) in loans floated by Government;

(d) in National Savings Certificates;

(e) with any Scheduled Bank carrying on the business of Banking and approved for this purpose by the Director;

(f) in loans to Producers of the Market Area for agricultural improvement;

(g) in loans to other Market Committees

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¹[***]

Provided that the terms and conditions of advancement and repayment of bars under items (f) and (g) shall be such as may be specified by the Committee in its bye-laws.]

(2) Any amount invested under Items (b), (c), (d) and (e) of sub-rule (1) including the interest thereon shall be withdrawn only after the approval of the Director.

(3) An account of all investments and disposal of surplus funds of the Committee shall be maintained in a register of investments in such form as may be specified in the bye-laws of

the Committee. ²[**103. Annual Report and Balance Sheet [Section 40(2)(xiii)].**—At the close of each agricultural year, the Committee, shall prepare the annual balance-sheet in such form as may be specified in its bye-laws and shall also prepare an annual report and shall submit copies of the said balance-sheet and the said Annual Report by the 30th day of June, each year to the Director.

104. Accounts, their audit and inspection [Section 16(2)(ix) and 40(2)(xii)].—(1) The Accounts of the Market Committee shall be kept and maintained according to the financial year, on double entry system of book-keeping and shall be subject to audit under clause (ix) of sub-section (2) of Section 16 of the Act.

(2) The Accounts of the Market Committee, shall be audited annually by the Examiner/Auditor and Comptroller General.

(3) The Chairman and the Secretary or any other person authorised by the Committee, in this behalf, shall, at the time of audit, cause to be produced all Accounts, Registers, documents and other relevant papers which may be called for by the Auditors for the purpose of audit.

Any explanation desired by the Auditor for the settlement of any discrepancy shall also be immediately furnished to him. It shall be the duty of the cashier and other officials, in whose custody cash balances are kept, to produce the cash balances, in their hands for physical verification by the auditors at any time during the course of their audit, The Secretary shall see that the cashier and other officials concerned produce the cash balances on demand for verification.

(4) The Treasury Officer/Banker shall, on demand by the auditors intimate to them the balances at the credit of the Market Committee, on any particular date or dates specified by the auditors.

(5) The Examiner/Auditor, Auditor and Comptroller-General shall, after the audit, prepare an audit report in two parts. Part-I shall contain objection statement dealing with technical irregularities and Part-II shall contain audit note dealing with general and important matters requiring particular attention of the Market Committee, The Examiner/Auditor, Auditor and Comptroller-General shall furnish one copy each of the said reports to the Market Committee and to the Director.

(6) The Chairman and the Secretary, on receipt of the audit note and the objection statement, shall take immediate action and record their replies within thirty days against each of the points raised therein showing, the action taken or proposed to be taken thereon.

1. First proviso omitted and second proviso Subs. by Noti. No. H-1086/XII-B-1073/68, dt. 08.04.1968.

2. Subs. by Noti. No. 07/201912485/80-1-2018-600(22)12002-T.C. dt. 07.02.2019.

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(7) The Market Committee shall, within sixty days of the date of receipt of audit report, consider the audit report and the objection statement together with the replies recorded or action taken under sub-rule (6) at a special meeting held solely for the purpose and shall also pass resolution or resolutions expressing its comments and decisions on the action taken by the Chairman, the Secretary or other person authorised by the Committee, in this behalf.

(8) A duly authenticated compliance of the audit report showing the action taken by the Officers of the Committee and the comments and decisions of the Committee on each point shall be sent to the Examiner, Auditor, Auditor and Comptroller General and to the Director, within ninety days of the date of receipt of the audit report.

(9) A compliance report of the objection statement shall be similarly prepared and authenticated by the Secretary or any other person authorised by the Committee in this behalf and approved by the Chairman, and shall be kept in the office of the Market Committee, and shall also, on demand, be placed before the inspecting Officers.

(10) The audit report shall be open to inspection by the Members of the Committee, and the licensees, free of charge, in the Office of the Committee and certified copy thereof may be obtained by any person from the said Office on payment of an amount at the rate of fifteen paise per folio.

(11) The Accounts of the Committee, along with the audit report, shall be published within twelve months after the close of the agricultural year to which they pertain.

(12) All expenses including fees in connection with the audit of Accounts of the Committee shall be met by the Committee from out of the Market Committee Fund.

105. Allowances to Members of the Market Committee [Section 40(2)(v)].—(1) For journeys undertaken by the Members of Market Committee, including Chairman and Vice-Chairman (other than Official Members) for attending its meetings or for any work of the Committee for which they are specially deputed by it, they shall be paid mileage allowance as admissible to Government Servants of Second Class and daily allowance of rupees three per day irrespective of the distance from the place of their residence :

Provided that if the Financial Position of a Committee, does not warrant the payment of mileage allowance and daily allowance according to the scale prescribed above, the Committee may fix with the approval of the Director such scales of daily and mileage allowances as it may deem proper.

(2) Government Servants nominated as Members of the Market Committee shall be paid mileage and daily allowances by the departments concerned as admissible to them under the rules of Government.

106. Refund of amount in certain cases [Section 19(3)(xii)].—The Committee may refund the amount paid to it in the following cases—

- (i) where any sum has been deposited for the issue of licence which has not been issued;
- (ii) where a person has wrongly applied and paid for and has been issued two or more licences of the same nature, in his name for the same Market Area or Market Yard as the case may be;

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- (iii) where any market fee has been received in excess of the amount actually due;
- (iv) where any market fee has been recovered on a transaction, which is exempt under the Act or these rules;
- (v) where any money has been paid to the Committee against a receipt by mistake:
 - Provided that no such refund shall be made without a written application for refund and without prior sanction by the Chairman :
 - Provided further that a refund bill shall be prepared and duly passed for payment by the Chairman.

CHAPTER IX
CENTRAL MARKET ADVISORY COMMITTEE AND ITS FUNCTIONS

107. Central Market Advisory Committee [Section 40(2)(xxxii)].—There shall be an apex advisory body called the "Central Market Advisory Committee", at the State Headquarters.

(2) The Membership of the said Advisory Committee shall be open to the Market Committees applying for the same in writing to the Director after a resolution duly passed in this behalf, and agreeing to contribute towards the expenses of the said Advisory Committee, at the rate of one tenth of one percentum of the fees recovered by the Market Committee concerned under clause (iii) of Section 17 of the Act.

(3) The Central Market Advisory Committee shall consist of the following:—

- (i) Minister of Agriculture, who shall also be the ex officio Chairman;
- (ii) Deputy Minister of Agriculture, who shall be the ex officio Vice-Chairman;
- (iii) five Producers from the Member-Committees;
- (iv) five Traders from the Member-Committees;
- (v) two persons to be nominated by the State Government, as under—(a) one economist; (b) one industrialist;
- (vi) Secretary to Government-in-charge of Agriculture;
- (vii) Director of Animal Husbandry;
- (viii) Registrar, Co-operative Societies;
- (ix) Director of Agriculture, who shall also be the ex officio Secretary of the Central Market Advisory Committee; and
- (x) State Agricultural Marketing Officer, who shall also be the ex officio Joint Secretary of the Central Market Advisory Committee.

108. Nominations by Member-Committees [Section 40(2) (xxxii)].—Each Member-Committee shall, on requisition from the Secretary of the Central Market Advisory Committee every third year, nominate through, a resolution passed in this behalf, one producer and one trader from amongst its Members, to form two separate Electoral Colleges for the election of Five Producers and Five Traders to the said Advisory Committee.

109. Election of Members [Section 40(2)(xxxii)].—Five Producers and Five Traders shall be elected respectively from amongst the persons nominated by the Member-Committees under Rule 108 through, Postal ballot by the respective Producers and Traders nominated by the Member-Committees.

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110. Intimation of date for nomination and election [Section 40(2)(xxxii)].—The Secretary of the Central Market Advisory Committee shall intimate to each Member-Committee, the date by which the Member-Committees shall nominate Members of the two Electoral Colleges under Rule 108 and the date by which the election of Five Producers and Five Traders from their respective class shall be held :

Provided that the period intervening between the date of nomination of Members of the Electoral Colleges and the date of election of Members of the Central Market Advisory Committee shall not be less than sixty days.

111. Nomination for Election [Section 40(2)(xxxii)].—The Members of the two Electoral Colleges intending to seek election to the Central Market Advisory Committee shall, within fifteen days from the date of intimation under Rule 110 and not less than thirty days prior to the date of election as specified in the said intimation, submit their nomination papers in the prescribed form to the Secretary of the Central Market Advisory Committee :

Provided that each nomination paper shall be supported by two members of the Electoral College of Producers or Traders as the case may be, as proposer and seconder respectively.

112. Withdrawal of Nomination [Section 40(2)(xxxii)].—Any candidate may withdraw his nomination by notice, in writing five days prior to the date of election under Rule 109, through an intimation in writing to the Secretary of the Central Market Advisory Committee.

113. Conduct of Election [Section 40(2)(xxxii)].—The Election of Members of the Central Market Advisory Committee under clause (iii) and clause (iv) of sub-rule (3) of Rule 107, shall be conducted by the authority designated by the State Government in this behalf through, notification in the Official Gazette.

114. Disputes in Election of Members [Section 40(2)(xxxii)].—All disputes arising in respect of Elections of the Members of the Central Market Advisory Committee shall be disposed of by the State Government after such enquiry as it may consider necessary and the decision of the State Government shall be final and binding.

115. Notification of elected and nominated members [Section 40(2) (xxxii)].-- The State Government shall, by notification in the Official Gazette, declare the names of the elected, nominated and ex officio Members of the Central Market Advisory Committee and the date from which the Central Market Advisory Committee shall be deemed to have been constituted.

116. Term of the Central Market Advisory Committee [Section 40(2)(xxxii)].-- The term of the Central Market Advisory Committee shall be three years, beginning from the date of its Constitution under Rule 115.

117. Functions of the Central Market Advisory Committee [Section 40(2) (xxxii)].—The functions of the Central Market Advisory Committee shall be to advise the State Government, in matters of Agro- economic development and better regulation of trade in agricultural produce and improvement of agricultural marketing in the Regulated Markets of the State, and to act as a liaison between the State Government and the Market Committee, in all matters covered by or under the Act.

118. Constitution of the First Central Market Advisory Committee [Section 40(2)(xxxii)].— The First Central Market Advisory Committee, shall be constituted by the State Government after such time of the introduction of market regulation in the State, as the State Government may determine to be necessary and expedient in the public interest.

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119. Nomination of the First-Central Market Advisory Committee [Section 40(2)(xxxii)].—The Members of the First Central Market Advisory Committee, ge.all all be nominated by the State Government from amongst the class of persons mentioned in Rule 107.

120. Meetings [Section 40(2)(xxxii)].—The Meetings of the Central Market Advisory Committee shall normally be held once, in each quarter during the agricultural year, but, the Chairman may, on demand in writing from fifty per cent of its Members or of his own motion, summon any special meeting of the Central Market Advisory Committee.

121. Chairman or Wee-Chairman to preside over the Meetings [Section 40(2) (xxxii)].—Every Meeting of the Central Market Advisory Committee shall be presided over by the Chairman or in his absence by the Vice-Chairman,

122. Agenda of the Meetings [Section 40(2)(xxxii)].—The agenda of each meeting of the Central Market Advisory Committee shall be circulated by its Joint Secretary to each of its Members at least one week in advance of the said meeting.

123. Quorum of the Meetings [Section 40(2)(xxxii)].—No Meetings of the Central Market Advisory Committee shall be held unless, at least half of its Members are present in the Meeting,

124. Proceedings of the Meetings [Section 40(2)(xxxii)].—The proceedings of each Meeting of the Central Market Advisory Committee shall be recorded and preserved by its Joint Secretary and shall be circulated to all the Members of the Central Market Advisory Committee.

125. Expenditure (Section 40(2)(xxxii)).—The expenditure on the Central Market Advisory Committee, shall be met out of the contributions of the Member-Committees under sub-rule (2) of Rule 107, and the surplus, if any, shall be invested or utilised in such manner as the Central Market Advisory Committee may decide from time to time.

126. Maintenance of Accounts [Section 40(2)(xxxii)].—(1) A proper account of the contributions received from the Member-Committees and the expenditure incurred on the Central Market Advisory Committee shall be maintained by the Joint Secretary of the said Advisory Committee. (2) The accounts of the Central Market Advisory Committee for each agricultural year, shall be audited by the Examiner, Local Fund Accounts and shall, after audit, be placed by the Joint Secretary before the said Advisory Committee for approval.

127. Travelling and Daily allowances to Members [Section 40(2)(xxxii)].—The non-official Members of the Central Market Advisory Committee shall be paid travelling Allowance and daily allowance as admissible to the State Government Officers of First Class.

128. Remuneration to the Joint Secretary [Section 40(2)(xxxii)].—The joint Secretary of the Central Market Advisory Committee, shall be paid a remuneration of rupees fifty per mensem for rendering his services to the Central Market Advisory Committee.

CHAPTER IX-A

CENTRAL MANDI FUND AND ITS EXPENDITURE

128-A, Utilisation of Central Mandi Fund.—The amount deposited in Central Mandi Fund shall be utilised for the following purposes, namely :—

1. Chapter IX-A ins. by Noti. No. 4748/XII-5-2000-600(83)-95 dt. 30.12.2000 (w.e.f. 30.12.2000).

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- (i) For assistance to financially weak and undeveloped committees in the form of loans or grants. Expiartatian.—
Financially weak committees means whose latest position is such that its income is insufficient to meet out its liabilities.
- (ii) For the construction, extention, repair and maintenance of Principal Market Yard and sub-Market Yards.
- (iii) For grants or loans for land required for purposes of the committees.
- (iv) For grants or loans for the following development works relating to agricultural marketing of the committees, namely :—
- (1) Continental or inter-continental Agricultural Marketing
 - (2) Pro. cessing of Agricultural Produce
 - (3) Research and Training
 - (4) Infrastructural development.
 - (5) Agricultural Production
 - (6) Construction of link roads
 - (7) Completion of incomplete works.
- (v) For other works as per directions of the State Government.

128-B. Operation.—The amount credited to the Central Mandi Fund shall be deposited in a separate account in a nationalised or scheduled bank and shall be operated by the Director or an officer authorised by him. 128-C. Manner of Utilisation.—(1) Half of the amount of the Central Mandi Fund of every financial year shall be utilised on approval of the State Government and remaining half of. the said amount shall be utilised in accordance with the procedure of the Mandi Parishad of which atleast one-fifth of the said amount shall be spent for the maintenance of previoas construction by the approval of the Director.

(2) The approval of the State Government for projects valuing above Rupees one crore shall be accorded by the Committee comprising the following, namely :—

- | | | |
|-----|---|------------------|
| (1) | the Agriculture Production Commissioner, Uttar Pradesh | ..Chairman |
| (2) | the Secretary to the State Government in charge of Agriculture | .. Member |
| (3) | the Secretary to the State Government in the Finance Department and Financial Advisor to Agriculture Production Commissioner Branch | ..Member |
| (4) | the Director of Mandis. | Member/Secretary |

(3) The approval of the State Government for projects valuing upto Rupees one crore shall be accorded by the Committee comprising the following, namely :—

- | | | |
|-----|---|--------------------|
| (1) | the Secretary to the State Government in charge of Agriculture | .. Chairman |
| (2) | the Secretary to the State Government in Finance Department and Financial Advisor to Agriculture Production Commissioner Branch | ...Member |
| (3) | the Director of Mandis | ..Member/Secretary |

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128-D. Administrative, Financial and Technical approval.—(1) For the works to be executed out of the share allotted to Mandi Parishad the Administrative/Financial and Technical approval shall be given in accordance with the rules and procedure of the Mandi Parishad.

(2) The administrative and financial approval for the works to be executed out of the share allotted to State shall be accorded by the State Government.

(3) The proposals for the works to be executed out of the share allotted to the State Government shall be sent by the Director to the State Government for approval.

128-E. Accounting.—The account of expenditure incurred out of the Central Mandi Fund shall be kept at Headquarter Office of Mandi Parishad and simultaneously in the Market Committee Office and in the office of Construction Division concerned. Its description shall be sent to Construction, Statistics and Accounts Section at Headquarter quarterly along with the monthly progress report.

128-F. Utilisation Certificate.—The Committee concerned and the construction division shall send the proper utilisation certificate of the amount received out of the Central Mandi Fund every year by the end of the next month to the Headquarter compulsorily.

128-G. Special.—(1) The grant shall be given to those Committees only in special circumstances whose capacity to refund shall be negligible or very poor.

(2) Ordinarily a Committee shall not be given grant which may exceed three times of its annual income in one financial year.

(3) The amount of Central Mandi Fund shall be spent on construction and completion of road works only of those Committees which are financially in the negative side.

(4) The amount of the Central Mandi Fund may be utilised for completing incomplete construction works of the financially negative committees.

(5) The cess amount shall not be spent in the construction, of road works in the committees which are financially viable.]

CHAPTER X

GENERAL

¹[129. Manner of notification under the Act.—All notifications under Sections 5, 6, 8 and 11 of the Act, shall also be published—

(a) by distribution of copies of the notification in Hindi in the Market Area concerned; and

(b) by affixation of copies of the notification at prominent places in the Market Area concerned.) ²[130. **Objection under Section 5 and Section 8 of the Act [Section 5 and 8]** All objections under Section 5 or Section 8 of the Act, shall be preferred within a period of thirty

days from the date of publication of notification in the Official Gazette inviting such objections and shall be addressed to the Director who shall forward the same with his comments to the State Government:

Provided that the State Government may, in special circumstances, relax the period of preferring objections to any period less than 30 days.

1. Subs. by Noti. No. H-1086/X11-B-1073/68, dt. 08.04.1968.

2. Subs. by 04/2020/470/LXXX-1-2020-600(22)-2020 T.C. I1 dt. 15.5.2020

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131. Dispute regarding a person being a Producer [Section 2(p)].—(1) When any question arises as to whether any person is Producer or not for the purposes of the Act, the Director or receipt of a complaint, in this behalf, shall make enquiries from the Tahsildar concerned, whether the person against whom complaint has been made, either cultivates the land himself or holds any lien in the land in any capacity under the U.P. Zamindari Abolition and Land Reforms Act, 1950, or is engaged in producing, rearing or catching any produce of agriculture, horticulture, apiculture, sericulture, animal husbandry or of forest in the Market Area.

(2) The Director shall also make enquiries whether the person against whom complaint has been made carries on any business of sale or purchase or storage or processing, or works as a Trader or Broker or Commission Agent in respect of agricultural produce.

132. Surcharge [Section 21].—(1) On receipt of a complaint in writing or otherwise for any loss, waste or misapplication of any money or property of the Committee, the Director in the case of a complaint against the Chairman, Vice-Chairman or a Member or any Officer of the Committee appointed by the State Government, and the Chairman in the case of a complaint against any other Officer or a Servant of the Committee, shall conduct such enquiries as he may deem necessary.

(2) The Director or the Chairman as the case may be, shall, after satisfying himself of the nature and extent of loss, waste or misapplication as aforesaid, charge the person concerned for such loss, waste or misapplication and issue him notice to show, cause within thirty days of the service of the said notice why such loss, waste or misapplication of money or property be not recovered or realised from him.

(3) The Chairman, Vice-Chairman, Member, Officer or Servant of the Committee, charged for loss, waste or misapplication under sub-rule (2) may within the period specified under the said sub-rule either—

- (a) make good the loss, waste or misapplication for which he has been charged; or
- (b) offer an explanation in writing in his defence.

(4) The Director or Chairman as the case may be, may, after examining the explanation tendered under Item (b) of sub-rule (3) and after affording reasonable opportunity to the person concerned to be heard in person, either—

- (a) exonerate him of the charge for such loss, waste or misapplication; or
- (b) order recovery of such amount for such loss, waste or misapplication as he may deem proper : Provided that all cases of non-recovery of such amount as aforesaid shall be reported by the

Director or the Committee, as the case may be, to the State Government for recovery as arrears of land revenue under sub-section (1) of Section 20 of the Act.

¹[**133. Appeal under the Act [Section 25].**—

(1) A fee of rupees ten in cash shall be deposited with the Committee for every appeal filed under the Act and a receipt therefor shall be obtained from the Committee ;

Provided that Officers and Servants of any Market Committee appointed under Section 23 of the Act, shall be exempt from the payment of such fee.

1. Subs. by Noti. No. 1059/LXXX-1-2008-600(12)-2008, dt. 11.05.2009 published in U.P. Gazette /Part 4. Section (kha) dt. 11.05.2008 (w.e.f. 11.05.2008).

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(2) Subject to the provisions of sub-rule (1) no appeal under the Act, shall be entertained unless, it is accompanied by a receipt duly granted by the Committee bar the amount of fee as specified in sub-rule (1).

(3) Subject to the provisions of sub-rule (2), on receipt of an appeal under clause (a) of sub-section (1) of Section 25 of the Act, the Board shall, after examining the case and affording the person concerned a reasonable opportunity of being heard in person, dispose of the appeal and the decision of the Director shall be final and binding.

(4) Subject to the provisions of sub-rule (2), on receipt of an appeal under clause (b) of sub-section (1) of Section 25 of the Act, the State Government shall, after examining the case and affording the person concerned a reasonable opportunity of being heard in person, dispose of the appeal and the decision of the State Government shall be final and binding.

(5) The appeal filed under Section 25 of the Act shall be disposed of within 60 days from the date of filing the appeal.

133-A. Revision under the Act (Section 32). —(1) A fee of Rupees Ten in cash shall be deposited with the Committee for every revision to be filed under the Act and a receipt therefor shall be obtained from the Committee.

(2) No revision under the Act shall be entertained unless it is accompanied by a receipt duly granted by the Committee for the payment of the amount of fee as referred to in sub-rule (1).

(3) Subject to the provisions of sub-rule (2), on receipt of a revision under Section 32 of the Act, the Board or the Officer nominated by it shall after examining the case and affording the person concerned a reasonable opportunity of being heard in person dispose of the revision within 60 days from the date of filing of the revision, The Board or the officer nominated by it shall during the hearing of the revision also consider the propriety of the order passed by the Committee on the basis of merit and demerit thereof and pass the suitable order. The order passed by the Board or the officer nominated by it shall be final and binding.]

134. Fees for Arbitration [Section 40(2)(xxv)].—(1) The fees for arbitration of the disputes between the licensees inter se or between them and persons entering into transaction of sale or purchase of specified agricultural produce shall be—

(i) two per centum of the amount involved but not exceeding rupees ten if the arbitration relates to price, weightment or payment in respect of a consignment of any specified agricultural produce; and

(ii) rupees five if the arbitration relates to any matter other than those specified in clause (i).

(2) The fees specified in sub-rule (1) shall be paid in cash to the Committee by the person wishing to submit a dispute for arbitration under clause (e) of sub-rule (1) of Rule 56.

135. Powers of the Director in certain cases [Sections 27 and 40(2)(xxx)].—

Without prejudice to the provisions of the Act, and these rules, the Director, may—

(1) cause periodical inspection of the affairs of the Committee to be carried out by any Officer Authorised by him in this behalf;

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(ii) order, on receipt of a report or complaint or on his own motion, for special audit of the accounts of the Committee at the cost of the Committee;

(iii) direct the Committee, Chairman, Vice-Chairman, or any Member, Officer or Servant of the Committee to undertake such measures as he may consider necessary, for the improvement and development of the Market Area, Principal Market Yard and Sub-Market Yards;

(iv) exercise such powers and pass such orders as he may deem necessary for proper functioning of and effective superintendence and control over the Committee and the Chairman, Vice-Chairman, Members, Officers and Servants of the Committee under the Act :

Provided that such powers superintendence and control in so far as they relate to the Officers and Servants appointed by the Committee under sub-section (I) of Section 23 of the Act, shall be exercised through, the Chairman of the Committee.

(v) Inspect or cause to be inspected any premises, vehicles or stocks for the purpose of holding any enquiry under sub-section (4) of Section 27 of the Act.

136. Special provisions /Section 40(2)(xxxii)]. Subject to the provisions of the Act, the State Government may, by notification in the Official Gazette, suspend, during the first twelve months from the date of promulgation of these rules, the operation of any of the provisions of these rules for such period and to such extent as it may deem necessary.

137. ¹[Exemption of Mandi Fee on the establishment of new Agro Processing Units/section 17- A(1)]A newly established Agro Processing Unit having the cost of plant and machinery five crore or more may make an application for exemption of Mandi Fee in prescribed Form XVI to the concerning Divisional Commissioner along with all relevant documents as specified in the form and annexure and Bank Draft of Rs. 20,000.00 towards processing fee in favour of the Secretary of the concerned Mandi Samiti on receipt of the application, the Divisional Commissioner shall forward it within seven days to the concerned District Magistrate for report.

(2) The District Magistrate shall send his report to Divisional Commissioner within fifteen days after examining the documents produced under sub-rule (1) and making physical verification of the plant and machinery and satisfy himself that the cost of the plant and machinery is Rs. five crores or more under clause (a) of sub-section (1) of section 17-A

(3) The report received from the District Magistrate shall be examined by the Committee constituted as follows:-

I. Divisional Commissioner	Chairman
II. District Magistrate	Member
III. Director, Rajya Krishi Utpadan Mandi Parishad Secretary or an officer nominated by him	Member
IV. Additional/Joint Director of the Industries Department	Member
V. Concerned Secretary of marketing committee	Member

(4) The said Committee shall examine the report send by the District Megistraic under sub-rule (2) and documents submitted by the unit and shall recommend to exempt of Mandi Fee (excluding Cess) for a period not exceeding five years or reject the application form with the reasons in writing for such rejection within thirty days.

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- (5) After the decision taken by the Committee under sub-rule (4) the Divisional Commissioner shall send the proposal to the State Government with his recommendations for the exemption of Mandi Fee (excluding Cess). On receipt of the said proposal the State Government shall take the final decision and notify the same in the Gazette with the conditions and restrictions as it may think fit.

Explanation:- For the purposes of section 17-A and this rule, the newly established agro processing unit means the unit established on or after the date of publication of notification dated December 20, 2013 the date of publication of the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhiniyam, 2013 (U.P. Act no. 27 of 2013) in the Gazette.

²[138. Exemption from mandi fee and development cess relating to export [Section 17-A(1)(b)]. The notification for exemption from mandi fee and development cess under clause (b) to sub-section (1) of Section 17 shall be issued by the State Government as far as possible on the lines on which directions for exemption in the case of export of Rice, Sesame (Til) and Masoor Chhantee have been issued by the State Government and in such notifications besides other conditions and restriction the date of commencement and duration of exemption, the recovery norms, and the ratio between quantum of raw agricultural produce and that of processed output shall be specified.

(2) The exemption from mandi fee and development cess shall be allowed only to direct exporters of processed specified agricultural produce doing non rupee (in foreign money) trade whose agro produce have been processed in units in Uttar Pradesh.

Provided that in case of Rice, Sesame (Til) and Masoor Chhantee the facility of exemption from mandi fee and development cess already given under any prevailing policy or State Government directions shall continue.

139. To exempt mandi fee and development cess on specified agricultural produce, brought from outside the State for food processing, following procedure shall be adopted:-

(i) Before bringing the specified agricultural produce from outside the State, processor shall issue pre arrival slip online, in the format as available in e-mandi portal including details of fee (if any) paid outside the State.

(ii) Relevant documents viz. bill of purchase of agricultural produce, bill, and payment receipt (if any) of market fee and surcharge applicable in the State where purchase has been done, shall be kept on the vehicle by which transport of produce is being carried out.

(i) On arrival of such agricultural produce to processing unit, the processor shall enter it online, into the "Stock for Processing".

(ii) As and when required by Mandi Samiti, the processor shall produce the documents as described in sub clause (ii).

140. To exempt mandi fee and development cess on specified agricultural produce purchased directly from farmer-producer of the state for processing, following procedure shall be adopted-

(i) The processor shall purchase the specified agriculture produce from Farmer-Producer in Principal Market Yard, Sub Market Yard, Market Sub-Yard, Private Market Yard, place of purchase mentioned in direct license or any other place in market area as described in Section 7.

(ii) The processor shall issue Form no-VI, mentioning following details of farmer-Producer :-

(A) Name, of Farmer-Producer.

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- (B) Father's Name.
- (C) Village, Tehsil.
- (D) District.
- (E) Khasra Number and Area.
- (F) Mobile number of Farmer-Producer.

(iii) The processor shall issue payment receipt, as prescribed by Director, to farmer-producer and fill the particulars of receipt on E-Mandi Portal. Processor shall produce a copy of receipt to Mandi Samiti as and when required.

(iv) In case of purchase at the place of direct marketing, the processor shall inform the concerned mandi samiti, online in the format prescribed by Director and available on E-Mandi Portal before the purchase.

(v) In a particular agricultural year, total quantity of specified agricultural produce exempted from market fee and development cess for a food processing unit under rule 139 and rule 140 shall not exceed the capacity of the food processing unit for that year.

(vi) The Processor shall pay the amount in the farmer-producer's account and keep the record thereof vis-a-vis Form-VI.

(vii) The payment details should be uploaded on the mandi portal within 15 days.

(viii) The processor shall make the payment to the farmer-producer within 10 days in their bank account. If the processor fails to perform the aforementioned action, the exemption of mandi fee and development cess will become invalid.

(ix) The processor shall provide complete payment details on the mandi portal within 15 days. If the processor fails to perform the aforementioned action, the exemption of mandi fee and development cess will become invalid.

141.(1) A calculation shall be made separately for financial years 2016-17, 2017-18, 2018-19, 2019-20 and 2022-23 (excluding 2020-21 and 2021-22 when Farmers Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 (Act no. 21 of 2020) was in force or epidemic Covid spread was there), adding market fee and development cess, commodity wise due on trade, according to Form-VI, for all APMCs of the State. Amount reimbursed or waived off on account of exemption from Market fee and Development cess, commodity wise, given under provisions of Act, if any, shall also be calculated for that financial year and shall be deducted from the amount calculated on the basis of Form-VI. The amount so calculated will be commodity wise yearly income of all APMCs of the State in that financial year.

(2) The average rate of yearly growth, commodity wise, in the income of all the APMCs, shall be calculated based on last five years income calculated in above manner. For this calculation of yearly growth, rate at which market fee has been levied, shall be taken into account, and calculation will be made of as if the market fee were 1% for such period when market fee was levied at the rate of 2% of the trade.

(3) With this average rate of yearly growth of commodity wise total income, the total income of all the APMCs for a particular financial year will be projected. The commodity wise market fee and development cess received in a year will be communicated to the food processing department in month of April every year. The difference in projected income, calculated in above manner and actual income received by APMCs in that financial year shall be reimbursed through Annual Income-Expenditure of Horticulture and Food Processing department, Government of Uttar Pradesh."

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101**THE U.P. KRISHI UTPADAN MANDI NIYAMAWALI, 1965****[Form****FORM NO. 1 to IVA [**]³⁴****[FORM NO. V****[See Rules 50-A and 66(2)]****(Declaration/Application form for obtaining Gate Pass)**

Date of application..... Book No..... Serial No..... Name of firm..... Name of destination Market Committee..... Name of border collection centre for gate-pass..... Licence No..... Name of destination State.....

To,

Secretary,

Krishi Utpadan Mandi Samiti.....

District.....

Sir,

Please issue the Gate-Pass for taking out the specified agriculture produce according to details given below:-

1. Subs. by Noti. 18120181795/1-XXX-1-2018-600(1)-1981 dt. 11.10.2018 (w.e.f. 11.10.2018).

2. Ins. by Noti. 2965LXXX-1-2005-600(160)-

91 dt. 10.01.2006, published in the U.P. Gazette, Extra. Part 4, Section (kha), (w.e.f. 10.01.2006).

3. Omitted by Noti. No. 072019248580-1-2008-600(22)2002-T.C., dt. 07.02.2019.

4. Form Nos. V to VI subs. by Noti. No. 2937X1-1-5-1998-600(37)-98, dt. 14.08.1998 (w.e.f. 14.08.1998).

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[Form

Description of agricultural produce					Form NO. VI or IX		Place of purchased name of market committee
Name	Variety	No. of Weight packages	Weight	Measurement	No.	Date	
1	2	3	4	5	6	7	8

Description of market fee and Development Cess paid or which has become due			Description of means of transport		Name and address of purchasing Trader/ Recipient/ Authorized Agent of the produce	Remarks
Name of Mandi Samiti	Amount (Rs)	No. and Date of Cash Receipt	Type of vehicle	Registration No		
9	10	11	12	13	14	15

I hereby declare and certify that:-

- The first transaction of sale of the aforesaid agriculture produce has taken place on in the market area / Market yard on which market fee and Development Cess has been paid or / has become due.
- The Form No. VI has been issued as per details mentioned in Columns 6 and 7.
- The aforesaid specified agriculture produce is being taken out from the market area / market yard after its second sale in market area / market yard on third sale in the market area / market yard on / fourth sale in market area / market yard on fifth sale in market area on
- After issue of this gate pass the balance of primary arrival of the aforesaid specified agricultural produce will remain Quintals and of secondary arrival will remain Quintals with the applicant for which necessary deduction has been made in the stock register on page No.
- All informations and descriptions given above are true and are supported by necessary documents.
- Sri Owner / Partner / Manager / Employee / Servant of the applicant firm has been duly authorized to obtain the gate pass on behalf of the firm. His signature is hereby verified as below.
Signature of authorized person Signature of the applicant Trader / Authorised
Employee Signature of certifying person Full name Name

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Capacity in the firm.....
.. Capacity in the firm..... (Authorised Seal of the firm)
Note-Additional Information, if any, may be given on separate sheet.

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THE U.P. KRISHI UTPADAN MANDI NIYAMAVALI, 1965

(Form

(FOR OFFICE USE)

Certificate of the Secretary/Authorised servant

It is certified that the gate pass No..... dated has been issued by me after due verification from the informations given in this form and in the stock register of the applicant for the movement of aforesaid agriculture produce. I have signed on the page No..... of the stock register deducting the quantity of aforesaid produce and mentioning the No. of gate pass.

Signature of Secretary/Authorised market
Committee Officer/Employee.....

Name.....

Designation.....

(Seal of the Market Samiti)

FORM NO. V-A**[See Rule 50-A]****GATE PASS**

Krishi Utpadan Mandi Samiti.....

Book No..... Serial No..... Date and time of issue (in words).....

Stock Register page No..... No. of attached Form No.

IX dated.....

Distance of destination..... Km.

Name and code of Border Collection Centre for gate pass Time of arrival at Destination.....

Name and address of trader receiving gate pass	Description of Form No. V		Means of transport and vehicle No.	Description of specified agricultural produce					Name and address of purchasing trader	Name of Market Committee related to purchasing trader
	Number	Date		Name	Variety	No. of package	Weight	Measurement		
1	2	3	4	5	6	7	8	9	10	11

It is certified:—

1. The entries made in Form No. V for obtaining the gate pass have been duly verified from the stock register of the trader.

2. The development cess and market fee have become due/have been paid on the first transaction of sale of the produce mentioned in this gate pass, in the area of market committee

3. On the basis of the information given in Form No. V and documents shown, the aforesaid agriculture produce is being taken out from the market area..... after in second transaction of sale in the market.

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

_____ 104 _____ THEU.P.K.RISHIUTPADANMANDINIYX.VAVALI, 1965 (Form
 area.....on.....thethirdtransactionofsaleinthemarketarea.....on the
 fourthtransactionofsale inthemarket area,.....on thefifthtransactionof salein
 themarketarea.....on.....

4. Note.-Additionalinformation,ifany,maybegivenonseparatesheet.

Authorisedsignatureoftheservant
 issuing gate pass.....
 FullName
 Destination.....

Copyto:-

1. Office Copy.
2. 2, Destination Committee/Bordergate-passcollectioncentrethroughpurchasertrader.
3. DestinationCommitteethroughissuingCommittee.
4. Purchasertrader.

FORMNO. VI

[SeeRules68(2)and76(14)]

Salevoucherfortheseller(onlyforsaleofprimaryarrival)

KrishiUtpadanMardiSamiti.....
 BookNo.....SerialNo.....Date.....
 NameofPrincipalMarketYard/sub-
 MarketYardplaceofsaleinMarketArea..... Date of
 sale/auction.....
 Nameofcommissionagent/trader.....LicenceNo.....
 Nameandfulladdressofseller.....
 NameandNiladdressof purchaser.....

Name and variety of Agriculture produce	Weight, quantity, measurement	Ratio	Total value	Net amount paid to the seller	Details of the amount paid to market committee by the Commission Agent/Trader						
					Market fee to be paid		Development Cess to be paid		Total		
					Rs	P	Rs	P	Rs	P	
1	2	3	4	5	6	7	8	9	10	11	

Signatureofseller.....
 Signature of Commission
 Agent/Trader/Servant
 oftheMarketCommittee.....

Copyto:-

1. Copyto seller.
2. CopytoMarketCommittee.
3. Copy to Commission agent
 (SealoftheMarketCommittee),
]

FullName.....
 ...

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

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U P. KRISHI UTPADAN MANDI NIYAMAWALI, 1965

[Form FORM NO. VII

(See Rule 69)

Cash Receipt

For payment to—

Agricultural Produce Market Committee,

Book No.....Receipt No.....

Place.....Date.....

Received from Sri a sum of Rupees

(In words)..... on account of.....

Particulars	Quantity or number	Rate	Amount
1	2	3	4

Rs.....

Countersigned.

Secretary

Recipient
(Designation),

FORM NO. VIII

[See Rule

76(8)]

Auction Register

r

Date	Name of Commission Agent	Name and Address of Seller	Description of agricultural produce	Approximate quantity
1	2	3	4	5

Rate at which sold	Name of Purchaser	Signature of Purchaser	Signature of Commission Agent	Signature of Auctioneer
6	7	8	9	10

1
[FORM NO. IX

[See Rule 76(12)]

Krishi Utpadan Mandi Samiti

(Bill of Commission Agent/Wholesale trader)

(Only for first transaction of sale)/(Only for second or subsequent transaction of sale)

Book No.....Serial No..... Date.....

Name of Principal Market Yard/sub-Market Yard/place of sale in market Area..... Name

of commission agent/wholesale trader

Name and Full Address of Purchaser.....

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

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UP.KRSHIUTPADANMANDINIYAMAVALI, 1965

[Form

NameoftheCommitteerelatingtopurchaser.....

Name and variety of agriculture produce	Weight /Quantity, Measurement	Rates	Value of the products	Trade Charges Rs	Details of Form Nos. 8 and 9 of first transaction of sale		Total Amount (4+5)	Remarks
					No.	Date		
1	2	3	4	5	6	7	8	9
				1. Commission..... .. 2. Weighment..... 3. Brokerage..... 4. Palledart..... . 5. Filling and sewing charges..... . 6. Market fee 7. Development Cass..... 8. Other Charges... Total.....				

Acknowledgement by the purchaser or his agent

t

Signature of purchaser.....

...

Signature of Commission Agent/wholesale trader.....

Name and full address.....

Seal of the firm.....

Copy to:-

1. Issuing Commission Agent/Trader.
2. Destination Mandi Samiti through Purchaser/Trader.
3. Mandi Samiti where transaction of sale has taken place
4. Purchaser/Trader.

Note.— Additional information, if any, may be given on a separate sheet.]**FORM NO. X****[See Rule 78(1)]****Form of agreement**

t

Book No.....

Serial No.....

Name of Market Yard.....

Name of seller and village	Name of Commission Agent, if any with licence	Name of the purchaser or his agent	Name of agricultural produce	Approximate quantity	Rate at which sold

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

	number		old		
1	2	3	4	5	6

I hereby agree to make delivery of the above agricultural produce at the rate specified against it in Column No. 6 and have no right to retract from the rate. I further agree to abide by the provisions of sub-rules (7) and (9) of Rule 76 of the Uttar Pradesh Krishi Utpadan Mandi Niyamawali, 1965.

SignatureofthePurchaserorhisAgent.

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

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THE U.P. KRISHI UTPADAN MANDI NIYAMAWALI, 1965

[Form

1[FORMNO.X-A]**Rule 5(1)(f)**

Sl.No.	Name of the farmer	Father's name	Full address	Total area of the land held by him in U.P.	Cumulative value of sale on Form-V in the last three agriculture years viz.			
1	2	3	4	5	year 6	year 7	year 8	Total 9

FORMNO.X-B**(Rule 5(1)(g))**

Sl.No.	Name of the Commission Agent	Father's name	Full address	Cumulative value of Market Fee in the last three agriculture years viz.			
				year	year	year	Total
1	2	3	4	5	6	7	8

FORMX-C**(Rule 5(1)(h))**

Sl.No.	Name of the trader	Father's name	Full address	Cumulative value of Market Fee in the last three agriculture years viz.			
				year	year	year	Total
1	2	3	4	5	6	7	8

FORMXI

(see Rule 35 (iii))

NOMINATION PAPER**R**

Election to the post of Chairman/Vice-Chairman of the Market Committee

Recent stamp size
(2cm x 2.5cm)
)
photograph

STRIKE-OFF PART-I OR PART-II

BELOW WHICH EVER IS NOT APPLICABLE PART-I

I nominate as a candidate for election to the post of Chairman/Vice-Chairman from the Market Committee..... District. Candidate's name

..... Father's/mother's/husband's

name..... His postal address..... His name is entered at S.No..... in

Part No..... of the electoral roll For..... (Assembly constituency comprised within).....

Parliamentary Constituency and he is a member of the above mentioned market committee.

Date

Signature of the proposer

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

1.ins.byNoti.No.07/2019/2485/80-1-2018-600(22)-T.C./2002dt.07.02.2019.

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMA WALI-1965

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(Form

PART-II

I, the candidate mentioned in Part I (strike out which is not applicable) assent to this nomination and hereby declare-

- (a) that I am a citizen of India and have not acquired the citizenship of any foreign State/country.
- (b) that I have completed year of age.
- (c) that my name and my father's/rather's/husband's name have been correctly spelt out above in (name of the language);
- (d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being elected as Chairman/Vice-Chairman of the market committee.....District

.....
Date

Signature of Candidate

PART-III

(1) Whether the candidate-

- (i) has been convicted of any offence(s) under sub-section (1); or for contravention of any law specified in sub-section (2), of Section 8 of the Representation of the People Act, 1951 (43 of 1951); or Yes/No
- (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information

(a) Case/first information report No./Nos.....

(b) Police station(s).....

District(s)

State(s)

Section(s).....

(c) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted

.....
.....

(d) Date(s) of conviction(s).....

(e) Court(s) which convicted the candidate.....

(f) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)].

(g) Date(s) of release from prison.....

(h) Was/were any appeal(s)/revision(s) filed against above conviction(s) Yes/No.....

(i) Date and particulars of appeal(s) for revision filed

(j) Name of the court(s) before which the appeal(s)/application(s) for revision filed.....

(k) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending.....

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMA WALI-1965

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THE U.P. KRISHI UTPADAN MANDI NIYAMA WALI, 1965

[Form

(1) If the said appeal(s)/application(s) for revision has/have been disposed of—

(a) Date(s) of disposal

(b) Nature of order(s) passed

(2) Whether the candidate is holding any office of profit under the Government of India or State Government or any Market Committee? (Yes/No) — -

If Yes details of the office held

(3) Whether the candidate has been declared insolvent by any Court?

..... (Yes/No) - If Yes, has he been discharged from insolvency

.....

(4) Whether the candidate is under allegiance or adherence to any foreign country?

..... (Yes/No) —

If Yes, give details.....

(5) Whether the candidate has been disqualified under section 8-A of the said Act by an order of the President? (Yes/No)

- If Yes, the period for which disqualified

(6) Whether the candidate was dismissed for corruption or for disloyalty while holding office under the Government of India or the Government of any State? . (Yes/No)

- If Yes, the date of such dismissal.....

(7) Whether the candidate has any subsisting contract(s) with the Government either in individual capacity or by trust or partnership in which the candidate has a share for supply

of any goods to that Government or for execution of works undertaken by that Government?

..... (Yes/No)

- If Yes, with which Government and details of subsisting contract(s)

(8) Whether the candidate is a managing agent, or manager or Secretary of any company or Corporation (other than a cooperative society) in the capital of which the Central Government or State Government has not less than twenty-five percent share? (Yes/No)

(9) Whether the candidate has been disqualified by the Commission under section 10-A of the said Act .. (Yes/No)

- If yes, the date of disqualification Place Signature of Candidate Date

PART-IV

(To be filled by Returning Officer)

Serial No. of nomination paper.....

This nomination was delivered to me at my office

at.....(hour) on.....(date) by the candidate/proposer.

(name of proposer

Date.....

Returning Officer

PART-V

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with the relevant rules.

.....

Date.....

Returning Officer

.....(Perforation).....

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

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THE U.P. KRISHI UTPADAN NWN1 YAMAVALI, 1965 [Form

FORM XII-A**(see Rule 35 (viii))****Declaration of elected Chairman/Vice-Chairman of the Market Committee of Market Committee..... District.....**

It is certified that Sri/Smt./Ku.....S/o or W/o..... Resident of is declared elected as Chairman/Vice-Chairman of the Market Committee..... District.....

Returning Officer
Market Committee.....
For the Chairman/Vice-Chairman elections
District.....

FORM XII-B**(see Rule 35 (viii))****Certificate of elected Chairman/Vice-Chairman of the Market Committee of Market Committee..... District**

It is certified that Sri/Smt./Ku.....S/o or W/o..... Resident of..... is declared elected as Chairman/Vice-Chairman of the Market Committee..... District.....

Returning Officer
Market Committee.....
For the Chairman/Vice-Chairman elections
District

FORM XIII**[see Rule 58-A]****Application for declaration of market sub-yard**

To,

The Director Agricultural Marketing
Uttar Pradesh, Lucknow.

Sir,

I/We.....(name/names with father's name/names/husband's name)..... (Address) am/are making an application for declaration of a market sub-yard with the details as annexed to this application. The necessary documents as required under the provisions of the Act and Rules are herewith enclosed. I am/we are ready and willing to pay the necessary fee of Rs..... and security Rs As per rules for obtaining the above licence.

I/We request you to kindly grant the declaration as above.

Yours faithfully,
(Applicant)
Name:
Firm seal

Place:

Date:

(Strike out whichever is not applicable)

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

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[Form

Documents submitted with this application.

- (1) Certificate of incorporation or registration in respect of Company, Co-operative Society/Institution, Trust, Corporation, Partnership, etc.
- (2) Memorandum of Association and Articles of Association and operational and working guidelines of the proposed market sub-yard (as applicable).
- (3) Names and full address and telephone number of all the Directors and owners and partners etc. (They shall inform immediately subsequent changes if any).
- (4) Detailed project-report approved/certified copy of the plan of the market sub-yard. Details of infrastructure created, intended to be created with the break-up of the cost including the cost of the land in following table (proof in support of cost shall also be enclosed) :

Sl.No.	Type of Infrastructure	Estimated Cost (Rs.) / Actual cost (if already set up).
1.		
2.		
3.		
4.		
5.		

- (5) Financial Status of the applicant with supportive document such as bank statements, income tax returns, PAN, Assets and Liability statement and its valuation certificate issued by a recognized chartered accountant.
- (6) Documents relating to land including location map, owner-ship extract, area, title, (in case of leasehold land, lease agreement, possession certificate, etc) and a certificate of legal practitioner to that effect.
- (7) Demand Draft in support of having paid the fee.
- (8) Operational and working guidelines as to how market sub-yard shall be conducted controlled and operated.
- (9) A Bank guarantee as provided in these rules undertaking and affidavit that the applicant shall abide by all the provisions of the Act and rules made thereunder and in case of violation he/they shall be liable for legal action including recovery of all dues.
- (10) The outlay earmarked for providing facilities for lodging, boarding for the users of market. Laboratory facilities to evaluate and determine the quality of the produce, sanitary, hygienic system and phytosanitary requirements of the consumers of such produce.
- (11) Applicant shall specify the agricultural produce intended for marketing in the market sub-yard.
- (12) Any other relevant information/documents that the applicant desires to furnish.

(Applicant

) Name :

Seal:

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

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THE U.P. KRISHI UTPADAN MANDI NIYAMAWALI. 1965

[Form

FORMXIV**[See Rule 58-B(i)]****Application for wholesale direct purchase licence and for renewal**

To
 , The Director Agricultural Marketing
 Uttar Pradesh, Lucknow.

Sir I/We.....(Name with father's name).....(Address).....hereby
 ,
 request the grant/renew a wholesale direct purchase licence under section 78.33-e of the Act.
 The necessary documents as required under the provisions of the Act and Rules are enclosed
 herewith. |
 I am/wear ready and willing to pay the necessary licence fee of Rs.....and security Rs as
 per rules for obtaining the above licence.

I/were request you to grant/renew the licence.

Yours faithfully
 , (Applicant)
 Name :
 Firm seal.

Place:

Date:

(Strike out whichever not applicable)

Documents submitted with this application.

- (1) Certificate of incorporation or Registration in respect of company. Co-operative Society/Institution, Trust, Corporation Partnership, etc.,
- (2) Memorandum of Association and Articles of Association and operation and working guidelines of the proposed wholesale direct purchase licence (as applicable).
- (3) Names and full address and telephone number of all the Directors and owners and partners etc, (They shall inform immediately subsequent changes if any).
- (4) Detailed project-report approved /certified copy of the plan of the market sub-yard, Details of infrastructure created, intended to be created with the break-up of the cost including the cost of the land in following table (proof in support of cost shall also be enclosed :

Sl.No.	Boundaries and address of the direct purchase centre	Type of Infrastructure	Estimated Cost (Rs.)/Actual cost (if already set up),
1.			
2.			
3.			
4.			
5.			

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(5) Financial Status of the applicant with supportive document such as 7.ertk statements, income-tax returns, PAN, Assets and Liability statement and its valuation certificate issued by a recognized chartered accountant.

(6) Documents relating to land including location map, ownership extract, a.7-ea: title, (In case of leasehold land, lease agreement, possession certificate, etc.) and a certificate of legal practitioner to that effect.

(7) Demand Draft in support of having paid the licence fee.

(8) Operational and working guidelines as to how wholesale direct purchase licence shall be conducted controlled and operated.

(9) A Bank Guarantee as provided in these undertaking and affidavit that the applicant shall abide by all the provisions of the Act and rules made there under and in case of violation he/they shall be liable for legal action including cancellation of licence and recovery of all dues.

(10) Applicant shall specify the agricultural produce intended for purchasing in the wholesale direct purchase licence.

(11) Any other relevant information/docinmentsthattheapplicantdesirestofurnish.

(Applicant
) Name :
Seal :

FORM XIV-A
[See Rule 58-B(v)]

License for the Wholesale Direct Purchase

License is hereby granted to M/s..... through it's Managing Director/Partner of the firm/in person Mr..... S/o..... address for establishment/function of wholesale direct purchase for the period from..... to.....

The boundaries of the wholesale direct purchase centre is-

1-

East-
West-
North
-
South
-

2-

East-
West-
North
-
South
-

Director Agricultural Marketi
ng Seal

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

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[Form

Conditions :

1. The licensee shall furnish information to the Director Agricultural Marketing or to the officer authorized by him as may be required by him time to time.
2. All the taxes, fee, cess, charges shall be payable by the Wholesale Direct Purchase Centre as per the law of different State Agencies/ Department.
3. The Director Agricultural Marketing may impose any other condition.]

FORM NO. XV**[See Rule 94]****Application for loan from Government**

To,

Krishi Nideshak,
Uttar Pradesh, Lucknow.

Sir

, The particulars for obtaining loan from the State Government for the Krishi Utpadan Mandi Samiti are given below.

1. Name of Mandi Samiti.
2. Account of loan applied for.
3. Purpose for which the loan is required (also furnish detailed estimates of the project).
4. Security offered against the loan.
5. Date by which loan is required and whether in one or more instalments.
6. Date by which loan is proposed to be utilised,
7. Statement of financial position of the Mandi Samiti along with details of liabilities.
8. Nature and amount of the previous loan, if any, taken by the Mandi Samiti and up-to-date position of its repayment.
9. No. and date of resolution of the Mandi Samiti (copy of resolution to be attached).
10. Any other remarks.

Certified that the facts stated, in the application above are true to the best of my knowledge.

Certified also that the Mandi Samiti undertakes to abide by the terms and conditions on which loan may be granted by the Director.

It is requested that a loan of Rs. may kindly be sanctioned to the above Mandi Samiti.

Date Seal of the Mandi Samiti.

Signature of Chairman
Mandi Samiti

Orders

Date.....

Director

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

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THE U.P. KRISHI UTPADAN MANDI NIYAMAVALI 1965

[Form

1 [FORM NO. XVI

[See Rule 58-C(1)/58-C(11)]

Application for grant/renewal of licence for establishment of private market yard

From

: To,

The Director Agricultural Marketing
Uttar Pradesh, Lucknow.

Sir,

I/We.....(Name with father's name).....(Address)hereby request for the grant/renewal of licence

for establishing private market yard as per the details. The necessary documents as required under the provisions of the Act and Rules are enclosed herewith. I am/we are ready and willing to pay the necessary licence fee of RsAnd security Rs..... as per rules for obtaining the above licence.

I/we request you to grant/renew the licence.

Yours faithfully,

(Applicant)

Name:

Firm seal.

Place:

Date:

(Strike out whichever not applicable)

Documents submitted with this application.

n.

(1) Certificate of incorporation or Registration in respect of Company, Co-operative Society/Institution, Trust, Corporation, Partnership, etc.

(2) Memorandum of Association and Articles of Association and operational and working guidelines of the proposed private market yard (as applicable).

(3) Names and full address and telephone number of all the Directors and owners and partners etc. (They shall inform immediately subsequent changes if any).

(4) Detailed project-report approved/certified copy of the plan of the private market yard. Details of infrastructure created, intended to be created with the break-up of the cost including the cost of the land in following table (proof in support of cost shall also be enclosed) :

1. Ins. by Noti. No. 07/2019/2485/80-1-2018-600(22)-T.C./2002, dt. 07.02.2019.

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMA WALI-1965

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FORM XVI-B

[see Rule

58-C (7)]**License for Private****Market Yard**

License is hereby granted to M/s.

..... through its Managing Director/Partner of the

firm/in person Mr..... S/o..... address..... for establishment/function of Private Market Yard for the period from.....

..... to..... The boundaries of the Private Market Yard is :

East

West

North-

South

Conditions-

1. The licensee shall furnish information to the Director Agricultural Marketing or to the officer authorized by him as may be required by him time to time.
2. The Private Market stake-holders shall abide by the Rules and Laws providing in the area,
3. All the taxes, fee, cess, charges shall be payable by the Private Market license as per the law of different State Agencies/Department.
4. The Director Agricultural Marketing may impose any other condition.

"Form XVII**[See Rule 58(e)(1)]****[Application for grant/renewal of Licence for Digital Platform Service Provider]**

To,

The Director,
State Agricultural Produce Market Board,
Uttar Pradesh, Lucknow.

Sir,

I/We..... (Name with father's name)..... address..... hereby request for the grant/renewal of licence for Digital Platform Service Provider as per rules. The necessary documents as required under the provisions of the Act and Rules are enclosed herewith. I am/we are ready and willing to pay the necessary licence fee and security as per rules for obtaining the above licence.

I/We request you to grant/renew the licence,

Yours faithfully,
(Applicant)
Name:

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

Firm seal

Place:

Date:

(Strike out whichever not applicable)

Documents submitted with this application.

(1) Certificate of incorporation or Registration in respect of Company, Co-operative Society/Institution, Trust, Corporation, Partnership, etc.

(2) Memorandum of Association and Articles of Association and operational and working guidelines of the proposed Digital Platform Service Provider (as applicable).

(3) Names and full address and telephone number of all the Directors and owners and partners etc. (They shall inform immediately subsequent changes if any).

(4) Certificate of Licensee of Market committee in respect of Company, Co-operative Society/Institution, Trust, Corporation, Partnership, etc.

(5) Financial Status of the applicant with supportive document such as bank statements, Income-tax returns, PAN, assets and Liability statement and its valuation certificate issued by a recognized chartered accountant.

(6) Demand Draft in support of having paid the Licence fee/Security.

(7) Operational and working guidelines as to how Digital Platform shall be conducted, controlled and operated.

(8) Detail of all facilities such as server, Application and Technology which are used on Digital Platform.

(9) A Bank guarantee as provided in these rules undertaking and affidavit that the applicant shall abide by all the provisions of the Act and rules made thereunder and in case of violation he/they shall be liable for legal action including cancellation of licence and recovery of all dues.

(10) Any other information/document required by the Director of Mandis as prescribed in the bye-laws.

(11) Any other relevant information/documents that the applicant desires to furnish.

Yours faithfully,

(Applicant)

Name:

Firm seal

Form XVII (A)**[See Rule 58(e) (3)]****[Digital Platform Service Provider Licence]**

Licence is here by granted/ renewal to M/S through is managing director/Partner of the firm Mr..... S/Oaddressfor the establishment/function of Digital Platform for the period from..... to.....

THE UTTAR PRADESH KRISHI UTPADAN MANDI NIYAMAWALI-1965

Director
State Agricultural Produce Market
Board
Seal

Conditions-

1. The Licensee shall provide information to the Director of State Agricultural Produce Market Board, UP or to the authorized officer as may be required by him time to time.
2. The Digital Platform Service Provider Licensee shall comply with all the rules and regulation as to be provided.
3. All taxes, fees, cess and charges shall be payable by the Digital Platform Service Provider Licensee as per the law of various agencies/departments of the State.
4. Digital Platform Service Provider licence shall be valid for only one year. For continuing the business, It will be mandatory for the company to renew the licence every year.
5. Applicant for the operation of e-auction or online trading platform will be defined as per the section of 2(m-1), rule 70(1) and rule 70(3) of Market Act 1964,
6. It will be mandatory for e-auction or Digital Platform Service Provider to have a legal & physical office in Uttar Pradesh.
7. It will be mandatory for e-auction or Digital Platform Service Provider to be registered under the Companies Act 1956 or any other existing law in force.
8. The average annual turnover of e-auction or Digital Platform Service Provider for last 2 years should be 50 lakh rupees minimum.
9. Only primary trading shall be permitted on e-auction or Digital Platform.
10. It will be mandatory for each provider to integrate e-auction or digital platform with Market Board, operated by him or it means the information of daily business will have to be made available online to the Board. Along with this, the access of Market Board on the Licence's portal should be mandatory.
11. The seller who is doing primary business on e-auction or digital platform can be anyone, but the restriction regarding the buyer shall, is that, the buyer should be a Licensee of Market Committee of Uttar Pradesh. The buyer shall purchase the produce on digital platform only to the extent of his licence.
12. It will be mandatory for e-auction or Digital Platform Service Provider to follow the rules laid down by the State Govt. time to time.
13. No fee will be charged by the provider for the registration/trade of any farmer, but the company will have the right to charge fee for the registration and trade of traders or commission agents.
14. Specified/non-specified-agricultural produce can be traded by the provider, but it will be mandatory for the provider to be registered in the Market Committee of Uttar Pradesh to do the trade of specified agricultural produce.

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- 15.** It will mandatory for the portal or app of the online trade platform to be on a cloud server, approved by the MEITY.
- 16.** The portal or app of the Digital Platform should not be multi domain and the permission will be granted for only the trade of agricultural produce.
- 17.** There should be a system of e-auction in Digital Platform compulsorily.
- 18.** Although the trade done by e-auctioner or Digital Platform Service Provider will be done through online medium, but the place of physical trade i.e. purchase/sale will be considered as the seller's place, where the produce is actually kept. In case of any trade related dispute, the place of purchase/ sale will be settled by the Mandi Committee concerned under the Market Act, rules, bye-laws and other applicable orders.
- 19.** Market fee and development cess shall be payable on every trade and the liability of paying Market Fee & Development cess will be completely of Digital Platform Service Provider.
- 20.** On the establishment of any store/centre by the Digital Platform Service Provider, its information will have to be given to the concerned-Market Committee. Such kind of store/centre shall be used only for the collection/delivery/dispatch of the traded agricultural produce through digital platform. At such kind of store/centre, the provider will have to provide the minimum facilities as mentioned in the bye-laws. This type of store/centre should not be used for the collection/delivery/dispatch of any other kind of traded produce of other than Digital Platform.
- 21.** Gatepass can be issued only after the payment of Market fee & Development cess by the provider.
- 22.** The said format or conditions can be amended as per requirement through a separate order by the director of Rajya Krishi Utpadan Mani Parishad, U.P..
- 23.** It will be responsibility of the platform operator to ensure the quality of produce, packaging sorting/grading, delivery, weighing, rate & payments etc. after the trading of that produce on the online/digital platform. In this regard, if there is a dispute between the seller & buyer, the Platform Operator will settle down it."