

# U.P. Krishi Utpadan Mandi Niyamavali, 1965

Notification No. H-3431/XII-B—Dated Lucknow, July 9, 1965

In exercise of the powers under Section 40 of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 (U.P. Act 25 of 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 Notifications No. H-6090/XII-B—1680-63, dated January 11, 1965 and No. H-978/XII-B—1680-63, dated April 26, 1965.

## CHAPTER I PRELIMINARY

**1. Short title.**—These rules may be called the Uttar Pradesh Krishi Utpadan Mandi Niyamavali, 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;
- <sup>1</sup>[(iii) "Chairman" means the Chairman of the Mandi Samiti or the Chairman of the Board as the case may be;
- (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) "Gaon Sabha" means a Gaon Sabha 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;
- <sup>2</sup>[(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/XII-8—45/74—UPA-25/64—Rule-65—AM-(1)-78, dated February 10, 1978.

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

- (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.
- <sup>3</sup>[(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 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) 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

<sup>4</sup>[3. **Nomination of members of the Committee (Section 13).**—Nomination of the members under clauses (a) to (g) of sub-section (1) of Section 13 of the Act shall be made by the State Government after duly considering the recommendations of the Director, Mandi Parishad in this regard. The power to nominate the two members referred to in clause (h) of sub-section (1) of Section 13 of the Act shall be exercised by the concerned District Magistrate/Collector.]

[3-A. [Sections 13(2), 40(2)(i) and 40(2)(xxi-a)].—<sup>5</sup>[\* \* \*]]

[4. **Delimitation of constituencies [Section 13(2)].**—<sup>6</sup>[\* \* \*]]

<sup>7</sup>[5. **Qualifications for membership of the Mandi Samiti.**—(1) A person shall be qualified for being nominated or for being a member of the Market Committee under clauses (a) to (g) 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 a local body or Legislative Assembly elections from a locality included in the Market Area concerned;
- (c) he is of sound mind;
- (d) he is not an undischarged insolvent;
- (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;

3. Ins. by Noti. No. 2937/XII-5-1998-600 (37)-98, dated August 14, 1998 (w.e.f. 14-8-1998).

4. Subs. by Noti. No. 1688/XII-5—2003—600(160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

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- (f) he is a member of the concerned Zila Panchayat if the nomination is to be made from Zila Panchayat;
- (g) he is a member of the concerned Kshettra Panchayat if the nomination is to be made from Kshettra Panchayat;
- (h) he is a member of the urban local body concerned if the nomination is to be made from urban local bodies;
- (i) he is a member of the managing committee of the concerned Co-operative Marketing Society and is holding licence for transacting business in the concerned market area if the nomination is to be made from Co-operative Marketing Societies;
- (j) he is a commission agent carrying on business in the concerned market area and is holding licence therefor under the Act if the nomination is to be made from commission agents;
- (k) he is a trader carrying on business in the concerned market area and is holding licence therefor under the Act where the nomination is to be made from traders.

(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 from five consecutive meetings of the committee, he shall be disqualified and be ceased to be a member of the committee:

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

**5-A. Disqualifications for membership of the Mandi Samiti [Section 40(2)(xxxi-a)].**—<sup>8</sup>[\* \* \*]

**5-B. Disqualification for membership on account of absence from the meeting of Mandi Samiti [Section 40(2)(xxxi-a)].**—<sup>9</sup>[\* \* \*]

**5-C. Arrear list.**—<sup>10</sup>[\* \* \*]

**6. Persons qualified to vote [Sections 13(2), 2(i) and 40(2)(xxxi-a)].**—<sup>11</sup>[\* \* \*]

**7. Preparation of voters' list.**—<sup>12</sup>[\* \* \*]

**8. Calling upon the constituencies to elect.**—<sup>13</sup>[\* \* \*]

**9. Notice of election and fixing of date.**—<sup>14</sup>[\* \* \*]

**10. Nomination for election.**—<sup>15</sup>[\* \* \*]

8. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

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- 10-A. Election Agent [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—  
16[\* \* \*]
11. Deposit on nomination [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—  
17[\* \* \*]
12. Verification of nominations.—18[\* \* \*]
13. Publication of list of nominations.—19[\* \* \*]
14. Inspection of nominations.—20[\* \* \*]
15. Scrutiny of nominations.—21[\* \* \*]
16. Withdrawal of candidature.—22[\* \* \*]
17. Procedure for election after nomination.—23[\* \* \*]
- 17-A. List of Contesting Candidates [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—24[\* \* \*]
- 17-B. Polling Agent.—25[\* \* \*]
18. Allotment of symbols [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—  
26[\* \* \*]
19. Ballot paper and its contents.—27[\* \* \*]
- 19-A. Ballot Boxes [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—  
28[\* \* \*]
20. Admission to the polling place [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—29[\* \* \*]
- 20-A. Arrangement for secrecy of voting [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—30[\* \* \*]
- 20-B. Preparation of ballot box for the poll.—31[\* \* \*]
- 20-C. Placing of ballot boxes for receipt of ballot papers.—32[\* \* \*]
- 20-D. Identification of voters.—33[\* \* \*]
- 20-E. Issue of ballot papers to voters.—34[\* \* \*]

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20-F. Maintenance of secrecy of voting by voters within polling station and voting procedure.—<sup>35</sup>[\* \* \*]

21. Voting [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—<sup>36</sup>[\* \* \*]

22. Return of ballot paper by a voter.—<sup>37</sup>[\* \* \*]

22-A. Presiding Officers entry into polling compartment during poll [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—<sup>38</sup>[\* \* \*]

22-B. Ballot papers found outside ballot boxes.—<sup>39</sup>[\* \* \*]

22-C. Tendered votes.—<sup>40</sup>[\* \* \*]

[22-D. Sealing of ballot boxes, etc. after poll.—<sup>41</sup>[\* \* \*]]

22-E. Account of ballot papers.—<sup>42</sup>[\* \* \*]

22-F. Transmission of ballot boxes, etc. to the Returning Officer.—<sup>43</sup>[\* \* \*]

22-G. Transport of ballot boxes and packets and their custody.—<sup>44</sup>[\* \* \*]

22-H. Postponement of balloting during emergency.—<sup>45</sup>[\* \* \*]

22-I. Fresh poll in case of destruction etc. of ballot boxes.—<sup>46</sup>[\* \* \*]

22-J. Appointment of time, place and date for the counting.—<sup>47</sup>[\* \* \*]

22-K. Counting agents.—<sup>48</sup>[\* \* \*]

22-L. Persons who may be present at the counting.—<sup>49</sup>[\* \* \*]

22-M. Procedure at the counting.—<sup>50</sup>[\* \* \*]

22-N. Grounds for rejection of ballot papers.—<sup>51</sup>[\* \* \*]

22-O. Verification of accounts submitted by the Presiding Officer.—<sup>52</sup>[\* \* \*]

22-P. Election return by the Returning Officer.—<sup>53</sup>[\* \* \*]

22-Q. Declaration of result.—<sup>54</sup>[\* \* \*]

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23. Procedure in case of equality of votes [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—<sup>55</sup>[\* \* \*]
24. Death of candidate before poll.—<sup>56</sup>[\* \* \*]
25. Intimation of the names of the elected representatives [Section 13(4)].—<sup>57</sup>[\* \* \*]
- 25-A. Prohibition of simultaneous membership [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—<sup>58</sup>[\* \* \*]
- 25-B. Custody of the return of the ballot papers and other papers relating to election.—<sup>59</sup>[\* \* \*]
- 25-C. Production and inspection of election papers.—<sup>60</sup>[\* \* \*]
- 25-D. Penalties.—<sup>61</sup>[\* \* \*]
- 26.<sup>62</sup>[\* \* \*]
27. Nomination of members of the Mandi Samiti under sub-section (1) of Section 13 of the Act [Section 13(3)].—<sup>63</sup>[\* \* \*]
28. Publication of the names of elected and nominated members of the Mandi Samiti [Section 13(4)].—<sup>64</sup>[\* \* \*]
29. Election Petition [Section 13-A].—<sup>65</sup>[\* \* \*]
- 29-A. Hearing of Election Petition [Sections 13-A(1), 13-A(2) and 13-A(3)].—<sup>66</sup>[\* \* \*]
- 29-B. Revisions [Section 13-A(4)].—<sup>67</sup>[\* \* \*]
30. Declaration of disqualification [Sections 13(2), 40(2)(i) and 40(2)(xxxi-a)].—<sup>68</sup>[\* \* \*]
31. Filling of casual vacancies in the Mandi Samiti [Sections 15 and 40(2)(ii)].—<sup>69</sup>[\* \* \*]
32. Expenditure in connection with or incidental to election of Mandi Samiti [Sections 13(2), 19(3)(iii), 40(2)(i) and 40(2)(xxxi-a)].—<sup>70</sup>[\* \* \*]
33. Disposal of election papers [Sections 13(2) and 40(2)(xxxi-a)].—<sup>71</sup>[\* \* \*]

55. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

56. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

57. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

58. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

59. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

60. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

61. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

62. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

63. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

64. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

65. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

66. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

67. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

68. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

69. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

70. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

71. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

**34. Resignation by members of Mandi Samiti [Sections 15 and 40(2)(xxi-a)].—**<sup>72</sup>[\* \* \*]

### CHAPTER III

#### ELECTION OF CHAIRMAN AND VICE-CHAIRMAN AND THEIR POWERS AND DUTIES

**35. Election of Chairman and Vice-Chairman of the Mandi Samiti [Sections 13(7) and 40(2)(iii)].—**<sup>73</sup>[\* \* \*]

<sup>74</sup>**36. Oath of office.**—Persons nominated as members under clause (a) to (g) of sub-section (1) of Section 13 shall, as soon as may be after their nomination as such, be administered oath of office in the following manner 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 as by law established and in achieving the objectives of the Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964 I will discharge my duties in accordance with the rules faithfully without fear or favour, affection or ill-will so help me God.

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

**37. Resignation by Chairman or Vice-Chairman.**—<sup>75</sup>[\* \* \*]

**38. Casual vacancy in the office of the Chairman or Vice-Chairman [Sections 15 and 40(2)(ii)].—**<sup>76</sup>[\* \* \*]

**39. Powers and duties of the Chairman and Vice-Chairman [Section 22].**—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.
- (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;

72. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

73. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

74. Subs. by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

75. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).

76. Omitted by Noti. No. 1688/XII-5—2003-600 (160)-91 T.C.-3, dt. 11-8-2003 (w.e.f. 11-8-2003).



- (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. For 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 any 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.

**42. Maintenance of proceedings [Section 40(2)(iv)].**—<sup>77</sup>(1) A minute book shall be maintained by the Secretary under the supervision of the Chairman, and a

<sup>77</sup> Subs. by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.



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 ten days from the date of such meeting to the Director.

**43. Persons entitled to attend meetings [Section 40(2)(iv)].**—<sup>78</sup>[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;
- <sup>79</sup>(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;
- (12) publishing annually at the close of the agricultural year a statement of assets and liabilities;
- (13) regulating expenditure according to budget;

78. Subs. by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.

79. Subs. by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.



- (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
- <sup>80</sup>[(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. Provision 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 realize such charges for handling, weighment and storing as may be specified in its bye-laws.

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

Sl. No.	Particulars of records 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 of loans .. ..	Do
10.	Other applications .. ..	3 years
11.	Returns of daily purchases and sales .. ..	1 year after audit
12.	Payee's receipts/voucher. . . .	Permanently
13.	Register of sale and purchase of specified agricultural produce .. ..	10 years
14.	Register of licences .. ..	Permanently

80. Subs. by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.

15.	Provident fund register	Do
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 employees	Do.
18.	Register of proceedings of the Committee and Sub-Committees	Permanently.
19.	Register of correspondence	Permanently.
20.	Cheque books	Do
21.	Pass-books	Do
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 account register	Permanently
28.	Attendance register	10 years
29.	Register of movable property	Permanently
30.	Register of immovable property	Do
31.	Library register	Do
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	Do
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   |
| 44.                 | 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. |
| <sup>81</sup> [45.] | Register showing primary arrival . . . . .                                   | Permanently.  |
| 46.                 | Register showing secondary arrival . . . . .                                 | Permanently.  |
| 47.                 | Register showing processing of primary arrival . . . . .                     | Permanently.  |
| 48.                 | Register showing processing of secondary arrival . . . . .                   | Permanently   |
| 49.                 | Register of Cess collection and utilisation. . . . .                         | Permanently   |
| 50.                 | 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

81. Ins. by Noti. No. 2937/XII-5-1998-600(37)-98, dated 14-8-1998 (w.e.f. 14-8-1998).

may think necessary for regulating sale and purchase of such produce in the Market Area.

<sup>82</sup>[50-A. Gate Pass.—(1) The Market Committee shall issue gate pass in Form 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 V. He shall give declaration in the said Form that market fee or development cess has been levied on transactions of sale of such specified agriculture produce in a Market Area in the State. The Secretary or any other official authorised by the committee shall endorse on Form V its certificate regarding correctness of the information so given.

(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.]

<sup>83</sup>(3) Notwithstanding anything in sub-rule (1) and (2), the Director Market Committee in special circumstances, may prescribe different forms of gate passes 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.]

**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 the 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 acknowledgement 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.

#### NOTES

Trader's obligation to provide storage space to producers for their agricultural produce being sent to market is not an unreasonable restriction. *Vishnu Dayal v. State of U.P.*, (1974) 2 SCC 306.

**53. Grading and standardisation [Section 40(2)(xvii)].**—(1) 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

82. Ins. by Noti. No. 2937/XII-5-1998-600(37)-98, dated 14-8-1998 (w.e.f. 14-8-1998).

83. Ins. by Noti. 2269/XII-5-2002-600(22)/2002-T.C., dated 8-7-2002 (w.e.f. 8-7-2002).



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.

(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.
- (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 one 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 dispute 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.

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

- (i) one representative of producers on the Market Committee who shall also be the Chairman of the Sub-Committee;
- (ii) one of the representatives of the traders on 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.

(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 rates 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.

#### CHAPTER V

#### OFFICERS AND SERVANTS OF THE COMMITTEE

**84[59. Secretary of the Market Committee [Section 23].**—The qualifications, method of recruitment 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.]

**60. Officers and Servants of the Committee.**—<sup>85</sup>(1) The qualifications, designations, 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. [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.

84. Subs. by Noti. No. 2519/XII-5—600(287)-81, dated 30-6-1984.

85. Subs. by Noti. No. 2519/XII-5—600(287)-81, dated 30-6-1984.



**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.

(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 weighment 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 opinion 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 meetings 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.

(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

<sup>86</sup>**[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:

Provided that no market fee and development cess shall be levied and charged prior to the date on which provision 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 prevailed for that type of produce in that market just on the previous working day.

86. Subs. by Noti. No. 2937/XII-5-1998-600(37)-98, dated 14-8-1998 (w.e.f. 14-8-1998).



(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 V.]

### NOTES

Rule 66 cannot be said to be invalid in so far as it sub-delegated the authority to fix the rate of market fee. *Mandi Samiti v. L.P. Singh*, 1972 ALJ 643.

**67. Licence fee [Section 17(iii)].**—<sup>87</sup>[(1) The fees for issue and renewal of licences for a period of one agricultural year, under the Act shall be as prescribed hereunder:

Provided that the licence may be issued and renewed 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	2	3
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
3	(1) Atta chakki (power driven), or (2) Oil Ghani (power driven), or (3) Huller (power driven), or (4) Sheller, or (5) Expeller, or (6) Ginnery, or (7) Dicorticator (power driven) or (8) 'Bel' centrifugal (power driven), or (9) Grinder (power driven), or (10) Arra machine.	150
4	Retail trader	100
5	(1) Weighman, 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:

For the purposes of this rule, the expression "Life time"

(i) In the case of an applicant, who is human being, means the period of twenty years or the period during which the applicant remains alive, which ever 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.]

(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.

(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 1000.00 as security in the form of Bank Draft or N.S.C duly pledged to the Market Committee.]

**68. Recovery of fees [Section 17(iii)68(1)].**—<sup>88</sup>[(1) The market fee and development cess on specified agricultural produce shall be payable as soon as such produce is sold in the market area in 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) The licence fee shall be paid along with the application for licence:

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

<sup>89</sup>[(4) The payment of the market fee and licence fee shall be made to the Committee in cash and in special circumstances by Bank Draft of Nationalized Bank.]

**<sup>90</sup>[69. Receipt for fees or development cess [Section 17(iii)].**—(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 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 Market Committee to collect fees or development cess shall grant receipts to the payers keeping counterfoils 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.]

## CHAPTER VII

### TRANSACTION OF BUSINESS IN MARKET YARDS

**<sup>91</sup>[70. Licensing by the Market Committee [Section 17(i)].**—(1) The Market Committee shall, as soon as may be, after the approval of its bye-laws, by notice to be published through distribution of 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.

88. Subs. by Noti. No. 2937/XII-5-1998-600(37)-98, dated 14-8-1998 (w.e.f. 14-8-1998).

89. Subs. by Noti. No. 2269/XII-5-2002-600(22)2002—T.C., dated 8-7-2002 (w.e.f. 8-7-2002).

90. Subs. by Noti. No. 2937/XII-5-1998-600(37)-98, dated 14-8-1998 (w.e.f. 14-8-1998).

91. Subs. by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.



call upon all local bodies and other persons wishing to set up, establish or continue any place for the sale, purchase, storage, weighment or processing of the specified agricultural produce in the Market 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 in the Market Yards, to apply for a licence under sub-section (1) of Section 9 or sub-section (2) of Section 9 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:

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 and 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) (i) On receipt of such application together with the amount of fee prescribed under Rule 67, the Market Committee may issue him the licence applied for, if—

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

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

Provided that the provisions of sub-clause (a) shall not apply to weighmen, measurers, palledars, truck plyers and thela plyers.

(ii) 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.

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

(iv) 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.

(v) 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 (i).

(vi) 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.

(5) 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.]

## NOTES

In the matter of grant of licence the two criteria viz. solvency and desirability laid down under Rule 702(4)(i) cannot be said to be vague. The Act gives proper guideline in the matter of grant of licence. *Vishnu Dayal v. State of U.P.*, (1974) 2 SCC 306.

**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 :

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 a 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.

**92[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 :

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 secret signs or 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 incharge of the auction or the chit tender system shall fill in the relevant particulars in a book to be maintained in Form 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 :

92. Subs. by Noti. No. 6332/XII-5—86-600(119)-81, dated 27-12-1986 (w.e.f. 27-12-1986).

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) [\* \* \*]

(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 weighment, 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 IX 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.

(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 IX.

<sup>93</sup>[(14) (i) The delivery of the specified agricultural produces 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 its counterfoil shall be retained by the commission agent or the trader, as the case may be.

(ii) Notwithstanding anything in clause (i), 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.]

#### NOTES

In order that the producers obtain the best price for their commodity, sale by open auction is prescribed under Rule 76(1) to fulfil one of the important purposes of the Act. Sale by auction is a well-known mode of sale by which the producers, for whose interest this Act has been made, can obtain the best price for their commodities. The definition of sale and purchase do not run counter to the provisions for auction-sale under Rule 76. It cannot by any stretch of imagination be held to be an unreasonable mode in the entire scheme of the Act. The Legislature is intervening to see that the producers get the maximum pecuniary return possible in their transaction and, as a necessary concomitant, eliminated the mode of private sale by individual negotiations resulting in malpractices. Besides by the proviso to Rule 76(1) this restriction is not allowed to operate in the case of retail sales. There is, therefore, no substance in the submission that Rule 76(1) violates the fundamental right of the petitioners under Article 19(1)(g) of the Constitution. *Vishnu Dayal v. State of U.P.*, (1974) 2 SCC 306.

Rule 76(1) is well within the rule making power of the State Government under Section 40(2) clause (xxvii). *Ibid.*



**77. Account of sales to be maintained [Section 40(2)(xiv)].**—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)(xiv)].**—(1) Every purchaser of the specified agricultural produce shall sign an agreement in triplicate in Form 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.

**79. Trade charges [Section 10].**—<sup>94</sup>[(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, 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

94. Subs. by Noti. No. 6332/XII-5—86-600(119)-81 dated 27-12-1986 (w.e.f. 27-12-1986).

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 weighman 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 weightment [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 Measures (Enforcement) Act, 1959, any trader or commission agent or weighman or measurer holding licence under these rules, who uses weights and measures 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 weightment or measurement [Section 40(2)(xxvii)].**—Weightment 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.



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

**89. Inspection of scales, weights and measurers [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)(xv)].**—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)].**—<sup>95</sup>[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 opinion, 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)(iv)].**—Every trader, commission agent, weighman or measurer holding licence under these rules shall on a 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.

95. Subs. by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.

## 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 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 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) <sup>96</sup>[Deleted].

(3) <sup>97</sup>[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.

96. Deleted by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.

97. Subs. by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.



<sup>98</sup>[95. **Permanent Advance** [Section 40(2)(xxxii)].—(1) 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:—

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.

**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 or 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 upto 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.

98. Subs. by Noti. No. 3448/XII-5-97-600(81)/95, dated 25-9-1997 (w.e.f. 25-9-1997).

*Explanation.*—For the purpose of this rule, the expression “drawing and disbursing officer” means “the Secretary and an employee of the Committee nominated by the Director”.]

**97. Remittances to treasury or bank [Section 19(2)].**—(1) All remittances to the 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 upto 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)].**—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:

[Provided that the terms and conditions of advancement and repayment of loans 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.

**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 September 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 agricultural year on single 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 Committee shall be audited annually by the Examiner, Local Fund Accounts.

(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, Local Fund Accounts 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, Local Fund Accounts, 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.

(7) The Market Committee shall, within sixty days of the date of receipt of the 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 to be 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, Local Fund Accounts 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 the 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;
- (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 per centum 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 also 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.

**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.

**119. Nomination of the First Central Market Advisory Committee [Section 40(2)(xxxii)].**—The members of the First Central Market Advisory Committee shall 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 Vice-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)(xxvii)].**—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)(xxvii)].**—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.

## <sup>2</sup>[CHAPTER IX-A

### CENTRAL MANDI FUND AND ITS EXPENDITURE

**128-A.** (1) The amount deposited in Central Mandi Fund shall be utilized for the following purposes, namely:—

- (i) For assistance to financially weak and undeveloped Committees in the form of loans or grants.

*Explanation.*—Financially weak Committees means whose latest position is such that its income is insufficient to meet out its liabilities.

- (ii) For the construction, extension, repair and maintenance of Principal Market Yard and Sub-Market Yard.
- (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) Processing 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 nationalized or scheduled bank and shall be operated by the Director or an officer authorized by him.

**128-C. Manner of utilization.**—(1) Half of the amount of the Central Mandi Fund of every financial year shall be utilized on approval of the State Government and remaining half of the said amount shall be utilized in accordance with the procedure of the Mandi Parishad of which at least one fifth of the said amount shall be spent for the maintenance of previous construction by the approval of the Director.

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

- (1) the Agriculture Production Commissioner, Uttar Pradesh



- (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 project 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.*

**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 Head Quarter 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 Head Quarter quarterly alongwith the monthly progress report.

**128-F. Utilization Certificate.**—The Committee concerned and the construction division shall send the proper utilization certificate of the amount received out of the Central Mandi Fund every year by the end of the next month to the Head Quarter 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 utilized 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

<sup>3</sup>[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.]

<sup>4</sup>[130. **Objections under Section 5 and Section 8 of the Act [Sections 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.

**131. Dispute regarding a person being a producer [Section 2(p)].**—(1) When any question arises as to whether any person is a producer or not for the purposes of the Act, the Director on 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.

3. Subs. by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.

4. Subs. by Noti. No. H-5199/XII-B—1314/68, dated 4-11-1968.



(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.

<sup>4a</sup>[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 the Officers and Servants of any Market Committee appointed under Section 23 of the Act shall be exempt from the payment of such fee.

(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 for 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 or officer nominated by 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 Board or officer nominated shall be final and binding.

(4) Subject to the provision 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 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.]

<sup>4b</sup>[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.]

4a. Subs. by Noti. No. 1059/LXXX-1-2008-600(12)-2008, dt. 11-5-2008.

4b. Ins. by Noti. No. 1059/LXXX-1-2008-600(12)-2008, dt. 11-5-2008.



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)(xxv)].**—Without prejudice to the provisions of the Act and these rules, the Director, may—

- (i) cause periodical inspection of the affairs of the Committee to be carried out by any officer authorised by him in this behalf;
- (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 of superintendence and control in so far as they relate to the officers and servants appointed by the Committee under sub-section (1) 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)(xxv)].**—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.

<sup>5</sup>[137. (1) Application or exemption or reduction of Mandi Fee shall be made to the State Government and be sent to the Director. The Director shall call upon the report of the concerned District Magistrate. The District Magistrate shall obtain comments from concerned Tehsildar and the Samiti and forward the same with his recommendations to the Director. The Director shall send the application to the State Government along with his recommendations.

5. Rules 137 and 138 inserted by Noti. No. 2965/LXXX-1-2005-600(160)-91 T.C., dt. 10-1-2006 (w.e.f. 10-1-2006).

6. Subs. by Noti. No. 1177/LXXX-1-2006-600(160)-91, T.C., dt. 12-5-2006 (w.e.f. 12-5-2006).



(2) On receipt of the application referred to in sub-section (1) the State Government shall take final decision thereon and if it decides to exempt or reduce the rate of Mandi Fee it shall notify the same specifying the period of exemption or reduction in the rate of Mandi Fee and conditions and restrictions therefor.

*Explanation.*—For the purposes of Section 17-A and this rule, the newly established Agro Processing Unit means the unit established on or after August 3, 2004 the date of publication of the Uttar Pradesh Krishi Utpadan Mandi Vidhi (Sanshodhan) Adhiniyam, 2004 (U.P. Act 13 of 2004) in the Gazette.]

**138. Exemption from mandi fee and development cess relating to export [Section 17-A(1)(b)].**—(1) 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 trade whose agro products have been processed in units situated 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.]]

### <sup>7</sup>[FORM I

[See Rule 10]

#### *Nomination Paper*

I hereby nominate. .... as a candidate for election to the Mandi Samiti from. .... Constituency.

1. Name of the Mandi Samiti.
  2. District.
  3. Name of the Constituency.
  4. Full name of the candidate.
  5. Name of the candidate's father/husband.
  6. Age of the candidate.
  7. Occupation and full address.
  8. If the candidate is a member of the Schedule Castes, state the particular caste to which he belongs.
  9. Name of the firm, if any, represented by the candidate.
  10. Permanent residence.
  11. Serial number of candidate in the list of voters.
- Full name of proposer .....
- Address .....
- Serial number of proposer in voter's list .....

*Signature of Proposer.*

*Date .....*

Full name of seconder .....

Address .....

Serial number of seconder in voter's list .....

Signature of Secondor.

Date .....

*Candidate's Declaration*

I hereby declare that I am willing to stand for election.

Place .....

Date .....

Signature of Candidate.

*Declaration by a candidate who is a member of the Scheduled Caste.*

I hereby declare that I am a member of the ..... caste which has been declared to be a Scheduled Caste in Uttar Pradesh.

Place .....

Date .....

Signature of Candidate.

*Certificate of Delivery*

Serial No. ...

This nomination paper was delivered to me in my office by ..... (person) at ..... (hours) ..... on ..... (date.)

Place .....

Date .....

Signature of Returning Officer.

*Certificate of Scrutiny*

I have verified the eligibility of the candidate, the proposer and the secondor.

Place .....

Date .....

Signature of Returning Officer

*Note.*—Nomination papers which are not delivered to the Returning Officer before ..... (hours) on the ..... day of ..... 199 ..... shall not be entertained.

Acknowledgement of nomination paper (to be delivered to the person presenting the nomination paper).

The nomination paper on behalf of ..... (candidate) presented by ..... for ..... Constituency of ..... Mandi Samiti has been delivered in my office at ..... (hours) ..... on ..... date. The scrutiny of nomination papers will be made on ..... (date) ..... at ..... (hours) at ..... (place) .....

Place .....

Date .....

Signature of Returning Officer.

## FORM II

[See Rule 13]

List of nominations received by ..... (hours) on ..... date for ..... constituency, of ..... Mandi Samiti, district. ....

Serial No.	Name of candidate	Father's/Husband's name	Age	Occupation
1	2	3	4	5
Address	Whether the candidate is a member of the Schedule Caste, the particular caste to which the candidate belongs		Name of the Proposer	
6	7		8	



Serial No. of Proposer in voter's list	Name of the Seconder	Serial No. of Seconder in voter's list	Remarks
9	10	11	12

*Note.*—The nomination papers shall be taken for scrutiny at ..... a.m/p.m ..... on the ..... day of ..... year ..... at ..... place.

Place .....

Date .....

*Signature of Returning Officer.*

### FORM III

[See Rule 16]

List of valid nominations for ..... constituency of .....  
Mandi Samiti, district .....

Serial No.	**Name of the Candidate	Father's/Husband's name	Age	Address of the Candidate
------------	-------------------------	-------------------------	-----	--------------------------

*Note.*—The poll shall be taken between ..... (hours) and ..... (hours) on ..... (date) at the polling station already notified.

Place .....

Date .....

*Signature of Returning Officer.*

\*\*The candidates against whose names letters (S.C.) are written are member of the Scheduled Castes.

### FORM IV

[See Rule 22-E]

*An account of ballot papers at the close of poll under Rule 22-E of the rules*

Name of the Polling Station .....

Name of the Mandi Samiti .....

Serial No.	Serial No. of ballot papers test	Serial No. of ballot papers remained unutilised	Serial No. of tender ballot	Remarks
1	2	3	4	5

Place .....

Date .....

*Signature of the Presiding Officer.*

### FORM IV-A

[See Rule 22-M(e)]

*An account of the ballot papers found in ballot boxes of the polling station under sub-rule (e) of Rule 22-M of the rules*

Name of the Polling Station .....

Name of the Mandi Samiti .....

Serial No.	Total No. of votes found in the boxes	Number of votes declared invalid	Name of votes polled by each candidate
1	2	3	4

Place.....

Date.....

Signature of Returning Officer.

<sup>8</sup>[FORM V

[See Rules 50-A and 66(2)]

**Declaration/Application form for obtaining Gatepass**

Date of application..... Book No..... Serial No.....

Name of firm..... Name of destination Market Committee.....

Name of border collection centre for gatepass.....

Licence No..... Name of destination state.....

To,

Secretary,

Krishi Utpadan Mandi Samiti

District.....

Sir,

Please issue the gatepass for taking out the specified agriculture produce according to details given below:—

Description of agricultural produce							Place of purchase/ name of market committee	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	Variety	No. of pack-ages	Weight	Measurement	No.	Date		Name of Mandi samiti	Amount (Rs)	No. and Date of Cash receipt	Type of Vehicle	Registration No.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

I hereby declare and certify that:—

1. 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.
2. The Form VI has been issued as per details mentioned in columns 6 and 7.
3. 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 market area/market yard ..... on ..... / fourth sale in market area/market yard ..... on ..... fifth sale in market area ..... on .....
4. After issue of this gatepass the balance of primary arrival of the aforesaid specified agricultural produce will remain ..... Quintels, and of secondary arrival will remain ..... Quintels with the applicant for which necessary deduction has been made in the stock register on page No. ....
5. All informations and descriptions given above are true and are supported by necessary documents.

8. Subs. for the existing Form V by Noti. No. 2937/XII-5-1998-600 (37)-98, dated 14-8-1998 (w.e.f. 14-8-1998).



6. Sri. .... Owner/Partner/Manager/Employee/Servant of the applicant firm has been duly authorised to obtain the gatepass on behalf of the firm. His signature is hereby verified as below.

Signature of authorised person. ....

Signature of the applicant Trader/Authorised Employee ....

Signature of certifying person. .... Full Name. ....

Name. .... Capacity in the firm. ....

Capacity in the firm. .... (Authorised Seal of the firm)

Note:—Additional Information if any may be given on separate sheet.

### (FOR OFFICE USE)

(Certificate of the Secretary/Authorised servant)

It is certified that the gatepass 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 gatepass.

Signature of Secretary/Authorised market ....

Committee officer/Employee. ....

Name. ....

Designation. ....

(Seal of the Market Samiti)

### FORM V-A

[See Rule 50-A]

#### Gatepass

Krishi Utpadan Mandi Samiti. ....

Book No. .... Serial No. .... Date and time of issue (in words) ....

Stock Register page No. .... No. of attached Form IX .... dated .... Distance of destination. .... Km.

Name and code of border collection centre for gatepass ....

Date and time of arrival at destination. ....

Name and address of trader receiving gatepass	Description of Form 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 the Form V for obtaining the gatepass 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 gatepass, in the area of market committee. ....

3. On the basis of the informations given in Form V and documents shown, the aforesaid agriculture produce is being taken out from the market area. .... after its second transaction of sale in the market area. .... on .... the third transaction of sale in the market area. .... on .... the fourth transaction of sale in the market area. .... on .... the fifth transaction of sale in the market area. .... on ....

4. NOTE—Additional information if any, may be given on separate sheet.

Authorised signature of the  
servant issuing gatepass .....

Full name.....

Destination.....

Copy to:

- 1—Office Copy
- 2—Destination Committee/Border gatepass collection centre through purchaser trader.
- 3—Destination Committee through issuing committee.
- 4—Purchaser trader]

### **[FORM VI**

[See Rules 68(2) and 76(14)]

### ***Sale voucher for the seller (only for sale of primary arrival)***

Krishi Utpadan Mandi Samiti .....

Book No. .... Serial No. .... Date .....

Name of Principal Market Yard/Sub-Market Yard/place of sale in Market Area .....

Date of sale/auction .....

Name of commission agent/trader .....

Licence No. ....

Name and full address of seller .....

Name and full address of purchaser .....

Name and variety of Agricultural produce	Weight/quantity/measure -ment	Rate	Total Value	Net amount paid to the seller	Details of the amount paid to the market committee by the Commission Agent/Trader					
					Market Fee to be paid		Development Cess to be paid		Total amount	
					Rs.	P.	Rs.	P.	Rs.	P.
1	2	3	4	5	6	7	8	9	10	11

Signature of seller .....

Signature of Commission Agent/Trader/servant of the  
Market Committee .....

Full Name .....

Copy to:—

- 1—Copy to seller.
- 2—Copy to Market Committee
- 3—Copy to Commission agent  
(Seal of the Market Committee).]

### **FORM VII**

[See Rule 69]

### ***Cash Receipt***

For payments 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.

Recipient

Secretary

(Designation).

**FORM VIII**

[See Rule 76(8)]

**Auction Register**

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

<sup>10</sup>[FORM 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 Yards/Place of sale in Market area .....

Name of commission agent/wholesale trader. ....

Name and Full Address of Purchaser. ....

Name of the Committee relating to purchaser. ....

Name and variety of agri- culture produce	Weight/ quantity/ measur- ement	Rate Rs.	Value of the product Rs.	Trade Charges Rs.	Details of Forms 6 and 9 of first transaction of sale	Total Amount (4+5)	Re- marks
					No.	Date	

1	2	3	4	5	6	7	8	9
				1—Commission				
				2—Weighment				
				3—Brokerage				
				4—Palledari				
				5—Filling and sewing charges				
				6—Market fee				
				7—Development Cess ...				
				8—Other Charges ...				
				Total				

Acknowledgement by the purchaser or his agent

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 informations, if any, may be given on separate sheet.]

### FORM X

[See Rule 78(1)]

#### Form of agreement

Book No. ....

Serial No. ....

Name of Market Yard. ....

Name of seller and village	Name of commission agent, if any with licence number	Name of the purchaser or his agent	Name of agricultural produce sold	Approximate quantity	Rate at which sold
1	2	3	4	5	6

I hereby agree to take delivery of the above agricultural produce at the rate specified against it in Column No. 6 and have no right to retract from this 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 Niyamavali, 1965.

Signature of the Purchaser or his Agent

<sup>11</sup>[FORM XI]

[See Rule 70(1)]

[Deleted]

11. Deleted by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.



<sup>12</sup>[FORM XII]

[Deleted]

<sup>13</sup>[FORM XIII]

[Deleted]

<sup>14</sup>[FORM XIV]

[Deleted]

<sup>15</sup>[FORM 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.

*Signature of Chairman*

*Mandi Samiti*

Date: .....

Seal of the Mandi Samiti.

*Orders*

Date: .....

*Director*

12. Deleted by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.

13. Deleted by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.

14. Deleted by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.

15. Deleted by Noti. No. H-1086/XII-B—1073/68, dated 8-4-1968.