

No. 210/Vidhayee and Sansadiya Karya/2004
Dated Dehradun, August 05, 2004

NOTIFICATION

Miscellaneous

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttaranchal (The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964) Adaptation & Modification Order, 2002 (First Amendment) Bill, 2004 (Uttaranchal Adhiniyam Sankhya 06 of 2004).

As passed by the Uttaranchal Legislative Assembly and assented to by the Governor on August 04, 2004.

THE UTTARANCHAL (THE UTTAR PRADESH KRISHI UTPADAN MANDI ADHINIYAM, 1964) ADAPTATION & MODIFICATION ORDER, 2002 (FIRST AMENDMENT) ACT, 2004

(UTTARANCHAL ACT No. 06 OF 2004)

For further amendment in the Uttaranchal (The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964) Adaptation & Modification Order, 2002

**AN
ACT**

IT IS HEREBY enacted in the Fifty fifth year of the Republic of India, as follows:--

Short Title, Extent and Commencement

1. (1) This Act may be called the Uttaranchal (The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964) Adaptation and Modification Order, 2002 (First Amendment) Act, 2004.
- (2) It extends to the whole of Uttaranchal.
- (3) It shall come into force with immediate effect.

Amendment in Section 2 of Principal Act and addition of new Section

2. The following amendment shall be made in Section 2(Y) of The Uttaranchal (The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964) Adaptation and Modification Order, 2002 (Here in after referred to as Principal Act), and a new Section 2(L-1) will be added as follows:--
 - (a) Section 2 (Y) --"Local body" means Nagar Nigam, Nagar Palika Parishad, Nagar Panchayat, Zila Panchayat or Gram Panchayat constituted or established under any Act for the time being in force in Uttaranchal.
 - (b) Section 2 (L-1)--"Other Backward Classes of Citizens" means other backward classes of citizens specified in Schedule-I of the Uttaranchal [The Uttar Pradesh Public Service(Scheduled Castes, Scheduled Tribes and Other Backward Classes Reservation) Act, 1994] Adaptation and Modification Order, 2001.

Amendment in Section 13 of the Principal Act

3. The Clause (One) and (Eight) of Sub-Section (1), Section 13 of the Principal Act shall be amended as follows, namely :--

The "Zila Parishad", "Kshetra Samiti" and "Gram Sabha" in Clause (One) of Sub-Section (1), Section 13 shall be substituted respectively by the words, "Zila Panchayat", "Kshetra Panchayat" and "Gram Panchayat".

4. The Clause (8) of Sub-section (1) of Section 13 of the Principal Act shall be amended as follows, namely:--
- Amendment in
Section 13 (1) (8)
of the Principal
Act
- (a) If the market area covers not more than 20 Gram Panchayats, five, out of which--
- (One) One from Scheduled Castes or Scheduled Tribes;
 - (Two) One from Other Backward Classes of the Citizens; and
 - (Three) One woman who does not belong to the Scheduled Caste, Scheduled Tribe and Other Backward Classes of Citizens.
- (b) If the market area covers more than 20 but not more than 30 Gram Panchayats, seven, out of which--
- (One) One from Scheduled Castes or Scheduled Tribes;
 - (Two) One from Other Backward Classes of the Citizens;
 - (Three) One woman who does not belong to the Scheduled Caste, Scheduled Tribe or Other Backward Classes of Citizens; and
 - (Four) One woman who belongs to Scheduled Caste or Scheduled Tribe.
- (c) If the market area covers more than 30 but not more than 40 Gram Panchayats, nine, out of which--
- (One) One from Scheduled Castes or Scheduled Tribes;
 - (Two) One from Other Backward Classes of the Citizens;
 - (Three) Two women who do not belong to the Scheduled Caste, Scheduled Tribe or Other Backward Classes of Citizens; and
 - (Four) One woman who belongs to Scheduled Caste or Scheduled Tribe.
- (d) If the market area covers more than 40 Gram Panchayats, eleven, out of which--
- (One) Two from Scheduled Castes or Scheduled Tribes;
 - (Two) One from Other Backward Classes of the Citizens;
 - (Three) Two women who do not belong to the Scheduled Caste, Scheduled Tribe or Other Backward Classes of the Citizens;
 - (Four) One woman who belongs to Scheduled Caste or Scheduled Tribe; and
 - (Five) One woman from Backward Classes of the Citizens.
- (e) In paras (W) to (Z) and of Clause (Eight) of Sub-section (1) of Section 13, the words "Zila Parishad", "Kshetra Samiti" and "Gram Sabha" shall be respectively substituted by the words "Zila Panchayat", "Kshetra Panchayat" and "Gram Panchayat" and the term "and of the Vidhan Parishad" in para shall be deleted.

Similarly, the words "Zila Parishad" under Explanation shall be substituted by the words "Zila Panchayat" and following shall be added thereafter provided further that reservation for Scheduled Castes and Scheduled Tribes seats under this clause shall not be applicable after the expiration of the period specified in Article 334 of the Constitution of India.

Addition of new
Section after
Section 14 of the
Principal Act

5. The following Section 14 (A) and Section 14 (B) shall be added to Section 14 of the Principal Act:--

Section 14 (A)--Misconduct:

Provisions of Section 123 Chapter--1, Part--7 of the Peoples Representation Act, 1951 will be in force, with necessary modifications, for the election of Mandi Samities.

Section 14 (B)--Election Offences:

The Sections 125, 126, 127, 127-A, 128, 129, 130, 131, 132, 132-A, 134, 134-A, 135, 135-A and 136 of Chapter 3 Part-7 of the Peoples Representation Act, 1951 will be effective as if--

- (a) The directives there in regarding elections are directions for any election organized under this Act.
- (b) The words "Chief Election Officer" in of Sub Clause (One) of Clause (B) of Sub-section (2) of the Section 127 (A) have been replaced by the words "Director, Election".
- (c) In Section 134 and 136 the words, "By or under this Act" have been substituted by the words "Under or By The Uttaranchal (The Uttar Pradesh Krishi Utpadan Mandi Adhiniyam, 1964) Adaptation and Modification Order, 2002".
- (d) **In Section 135--A:**
 - (1) The word "Government" has been substituted by the words "Government, Parishad or any Mandi Samiti".
 - (2) In Explanation the words "this Sub-section and Section 20-B" has been substituted by the words "This Section".

By Order,

U. C. DHYANI,
Secretary.