



THE WAREHOUSING CORPORATIONS ACT, 1962

(58 OF 1962)

(As modified upto the 1st November, 1981)

GOVERNMENT OF INDIA
Ministry of Law, Justice and Company Affairs

LIST OF AMENDING ACTS

1. Warehousing Corporations (Amendment) Act, 1963 (34 of 1963).
2. Warehousing Corporations (Amendment) Act, 1976 (42 of 1976).

LIST OF ABBREVIATIONS USED

Cl.	for	Clause.
Ins.	„	Inserted.
P.	„	Page.
Pt.	„	Part.
S.	„	Section.
Sec.	„	Section
Subst.	„	Substituted.

THE WAREHOUSING CORPORATIONS ACT, 1962 (38 of 1962) (As modified up to the 1st November, 1981)

ERRATA

Page 2	“In section 4, sub-section (2), for “[The Central Government” read “The Central Government”.
.....	After footnote 4 add footnote “Subs, by s. 3, <i>ibid</i> ”.
Page 3	In the marginal heading to section 5, for “share” read “shares”.
Page 6	In section 17, in the proviso for “Fund” read “Fund”.
Page 7	In the main heading, for “Warehoning” read “Warehousing”, and In section 20, sub-section (2), line 1, for “appointed” read “appointed”.
Page 8	In the marginal heading to section 24, for “if” read “of”.
Page 14	In section 43, sub-section (2), clause (d) line 4, for “have done” read “have been done”.

THE WAREHOUSING CORPORATIONS ACT, 1962

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THE WAREHOUSING CORPORATIONS ACT, 1962

No. 58 OF 1962

An act to provide for the incorporation and regulation of corporations for the purpose of warehousing of agricultural produce and certain other commodities and for matters connected therewith.

[19th December, 1962.]

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Warehousing Corporations Act, 1962¹.

Short title, extent and commencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural produce" means any of the following classes of commodities, namely:—

(i) foodstuffs, including edible oil-seeds;

(ii) cattle fodder, including oil-cakes and other concentrates;

(iii) raw cotton, whether ginned or unginned, and cotton seed;

(iv) raw jute; and

(v) vegetable oils;

(b) "appropriate Government" means in relation to the Central Warehousing Corporation, the Central Government, and in relation to a State Warehousing Corporation, the State Government;

(c) "Central Warehousing Corporation" means the Central Warehousing Corporation established under section 3;

(d) "co-operative society" means a society registered or deemed to be registered under the Co-operative Societies Act, 1912, or under any other law with respect to co-operative societies for the time being in force in any State, which is engaged in the processing, marketing, storage, export or import of agricultural produce or any notified commodity or in insurance business and includes a co-operative land mortgage bank;

2 of 1912.

[(dd) "nationalised bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970;]

6 of 1970.

(e) "notified commodity" means any commodity (other than agricultural produce) which the Central Government may, by notification in the Official Gazette, declare to be a notified commodity for the purposes of this Act, being a commodity with respect to which Parliament has power to make laws by virtue of entry 33 in List III in the Seventh Schedule to the Constitution;

(f) "prescribed" means prescribed by rules made under this Act;

¹This Act has been supplemented by the Warehousing Corporations (Supplementary) Act, 1965 (20 of 1965).

²28th March, 1963; vide O.S.R. 463, dated 16-3-1963, see Gazette of India, Extraordinary, Pt. II, Sec. 3(i), p. 155.

³Ina. by Act 42 of 1978, s. 2.

(Chapter I.—Preliminary.—Chapter II.—The Central Warehousing Corporation.)

(g) "recognised association" means an association which is for the time being recognised by the Central Government under section 6 of the Forward Contracts (Regulation) Act, 1952;

74 of 1952.

(h) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934;

2 of 1934.

(i) "scheduled bank" means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934, [and includes a nationalised bank];

2 of 1934.

(j) "State Bank" means the State Bank of India constituted under the State Bank of India Act, 1955;

23 of 1955.

(k) "State Warehousing Corporation" means a Warehousing Corporation for a State established or deemed to be established under this Act;

(l) "Warehousing Corporation" means a Warehousing Corporation established or deemed to be established under this Act; and

(m) "year" means the financial year.

CHAPTER II

THE CENTRAL WAREHOUSING CORPORATION

The Central Warehousing Corporation.

3. (1) With effect from such date² as the Central Government may, by notification in the Official Gazette, specify in this behalf, the Central Government shall establish a Corporation by the name of the Central Warehousing Corporation which shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract, and may, by the said name, sue and be sued.

(2) The head-office of the Central Warehousing Corporation shall be at New Delhi³ [or at such other place as the Central Government may, by notification in the Official Gazette, specify].

Share capital and shareholders.

4. (1) The authorised share capital of the Central Warehousing Corporation shall be twenty crores of rupees divided into two hundred thousand shares of the face value of one thousand rupees each; any shares remaining to be issued may be issued, with the sanction of the Central Government from time to time, as and when the Central Warehousing Corporation may deem fit:

[Provided that the Central Government may, from time to time, by order notified in the Official Gazette, increase the authorised share capital of the Central Warehousing Corporation to such extent and in such manner as that Government may determine.]

(2) [The Central Government shall, after due appropriation made by Parliament by law for the purpose,] subscribe for forty per cent. of the share capital issued at any time and the remaining sixty per cent. of the share capital may be subscribed for, within such period and in such proportion as may be specified by the Central Government, by the following institutions, namely—

(a) the State Bank;

(b) other scheduled banks;

(c) co-operative societies;

(d) insurance companies, investment trusts and other financial institutions;

(e) recognised associations and companies dealing in agricultural produce or any notified commodity.

(3) If any portion of the sixty per cent. of the share capital referred to in sub-section (2) remains unallotted, it may be subscribed for by the Central Government and the State Bank in such proportion as may be agreed upon between them and in default of such agreement, as may be determined by the Central Government.

¹Ins. by Act 22 of 1956, s. 2.

²18th March, 1963; vide G.S.E. 461, dated 16.3.1963, per Gazette of India, Extraordinary, Pt. II, Sec. 3(i), p. 155.

³Ins. by Act 24 of 1962, s. 2.

(Chapter II.—The Central Warehousing Corporation.)

(4) The shares of the Central Warehousing Corporation shall not be transferable except to the Central Government [the State Bank or any other scheduled Bank], any insurance company, any investment trust or other financial institution or any co-operative society or any recognised association or company dealing in agricultural produce or any notified commodity, in accordance with the regulations made by the Central Warehousing Corporation under this Act.

5. (1) The shares of the Central Warehousing Corporation shall be guaranteed by the Central Government as to the repayment of the principal and the payment of the annual dividend at such minimum rate as may be fixed by the Central Government, by notification published in the Official Gazette, at the time of the issue of the shares.

Share to be guaranteed by Central Government and to be trust or approved securities.

(2) Notwithstanding anything contained in the Acts mentioned in this subsection, the shares of the Central Warehousing Corporation shall be deemed to be included among the securities enumerated in section 20 of the Indian Trusts Act, 1882, and also to be approved securities for the purpose of the Insurance Act, 1938 and the Banking Companies Act, 1949.

6. (1) The general superintendence and management of the affairs and business of the Central Warehousing Corporation shall vest in a board of directors who, with the assistance of an Executive Committee and a managing director, may exercise all the powers and discharge all the functions which may be exercised or discharged by the Central Warehousing Corporation under this Act.

Management of Central Warehousing Corporation.

(2) The board of directors shall act on business principles having regard to public interest and shall be guided by such instructions on questions of policy as may be given to them by the Central Government.

(3) If any doubt arises as to whether a question is or is not a question of policy, the decision of the Central Government shall be final.

7. (1) The board of directors referred to in section 6 shall consist of the following, namely:—

Directors.

(a) six directors to be nominated by the Central Government;

(b) one director to be nominated by the National Co-operative Development Corporation established under the National Co-operative Development Corporation Act, 1962;

(c) one director to be nominated by the State Bank;

(d) one director to be elected by other scheduled banks;

(e) one director to be elected by co-operative societies;

(f) one director to be elected by insurance companies, investment trusts and other financial institutions, recognised associations and companies dealing in agricultural produce or notified commodities;

(g) a managing director, appointed by the Central Government in consultation with the directors referred to in clauses (a) to (f):

Provided that the three directors to be elected under clauses (d), (e) and (f) may, for the first constitution of the board of directors, be nominated by the Central Government in such manner as to give representation to each class of institutions (whether they have become shareholders of the Corporation or not) referred to in those clauses, but a director so nominated shall hold office only until he is replaced by a director elected as provided in that clause, and the director so elected shall hold office only for so long as the director replaced would have held office had he not been replaced.

(2) The directors referred to in clauses (d), (e) and (f) of sub-section (1) shall be elected in the prescribed manner.

(3) If, within the period prescribed in this behalf, or within such further period as the Central Government may allow, the institutions referred to in clause (d) or clause (e) or clause (f) of sub-section (1) fail to elect a director, the Central Government may nominate a director to fill the vacancy.

(Chapter II.—The Central Warehousing Corporation.)

(4)² The board of directors shall have a Chairman and a Vice-Chairman who shall be appointed by the Central Government from among the directors.

(5) The managing director shall—

(a) exercise such powers and perform such duties as the board of directors or the Central Warehousing Corporation may entrust or delegate to him; and

(b) receive such salary and allowances as the Central Warehousing Corporation may, with the approval of the Central Government, fix.

(6) The directors of the Central Warehousing Corporation other than the managing director shall be entitled to receive, by way of remuneration such sums as the Central Warehousing Corporation may, with the approval of the Central Government, fix:

Provided that no official director shall be entitled to receive any remuneration other than the allowances, if any, admissible to him under the rules regulating his conditions of service.

(7) The term of office of, and the manner of filling casual vacancies among, the directors shall be such as may be prescribed.

Disqualification
for office of director
of the Central
Warehousing
Corporation.

8. A person shall be disqualified for being chosen as, and for being a director of the Central Warehousing Corporation—

(i) if he is found to be a lunatic or becomes of unsound mind; or

(ii) if he is, or at any time has been, adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors; or

(iii) if he is or has been convicted of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months, unless a period of five years has elapsed from the date of expiry of the sentence; or

(iv) if he has been removed or dismissed from the service of Government or a Corporation owned and controlled by the Government; or

(v) except in the case of the managing director, if he is a salaried official of the Central Warehousing Corporation or any State Warehousing Corporation; or

(vi) if he is personally interested in any subsisting contract made with, or in any work being done for the Central Warehousing Corporation except as a shareholder (other than a director) in any public company as defined in the Companies Act, 1956:

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Provided that where any such person is a shareholder, he shall disclose to the Central Warehousing Corporation the nature and extent of shares held by him in such company.

Removal of
directors from
office.

9. (1) The Central Government may, at any time in consultation with the Central Warehousing Corporation, remove the managing director from office after giving him a reasonable opportunity of showing cause against the proposed removal.

(2) The board of directors may remove from office any director who—

(a) is or has become subject to any of the disqualifications mentioned in section 8; or

(b) is absent without leave of the board of directors for more than three consecutive meetings of the board without cause sufficient in the opinion of the board, to exonerate his absence.

Appointment of
officers, etc., and
their conditions
of service.

10. (1) The Central Warehousing Corporation may appoint such officers and other employees as it considers necessary for the efficient performance of its functions.

(2) Every person employed by the Central Warehousing Corporation under this Act shall be subject to such conditions of service and shall be entitled to such remuneration as may be determined by regulations made by the Corporation under this Act.

(Chapter II.—The Central Warehousing Corporation.)

In section 2 of the CONTROLLER OF PUBLIC ACCOUNTS Act, 1962 (hereinafter referred to as the principal Act) —

11. Subject to the provisions of this Act, the Central Warehousing Corporation may—

(a) acquire and build godowns and warehouses at such suitable places in India as it thinks fit;

in clause (a), after the words "in India", the words "or abroad" shall be inserted;

(b) run warehouses for the storage of agricultural produce, seeds, manures, fertilizers, agricultural implements and notified commodities offered by individuals, co-operative societies and other institutions;

(c) arrange facilities for the transport of agricultural produce, seeds, manures, fertilizers, agricultural implements and notified commodities to and from warehouses;

in clause (c), the word "and" occurring at the end shall be omitted;

(d) subscribe to the share capital of a State Warehousing Corporation;

after clause (c), the following clauses shall be inserted, namely:—

(e) act as agent of the Government for the purposes of the purchase, sale, storage and distribution of agricultural produce, seeds, manures, fertilizers, agricultural implements and notified commodities; and

(ea) enter into, with the previous approval of the Central Government, joint ventures with any corporation established by or under any Central Act or any State Act or with any company (formed and registered under the Companies Act, 1956 including foreign company or through its subsidiary companies, for carrying out the purposes of this Act.

(f) carry out such other functions as may be prescribed.

12. (1) There shall be an Executive Committee of the Central Warehousing Corporation which shall consist of—

(a) the Chairman and the Vice-Chairman of the board of directors;

(b) the managing director; and

(c) two other directors chosen by the Corporation in the prescribed manner.

Explanation.—For the purposes of this clause, the expression "foreign company" shall have the meaning assigned to it under clause (23A) of section 2 of the Income-tax Act, 1961;

(eb) establish subsidiary companies; and

(2) The Chairman and the Vice-Chairman of the board of directors shall be the Chairman and the Vice-Chairman respectively of the Executive Committee.

(3) Subject to the general control, direction and superintendence of the board of directors, the Executive Committee shall be competent to deal with any matter within the competence of the Central Warehousing Corporation.

13. (1) The annual general meeting of the Central Warehousing Corporation (hereinafter referred to as the annual general meeting) shall be held every year either at its head-office or at any other office of the Corporation within six months of the close of the financial year, and any other general meeting may be convened by the board of directors at any other time.

Meetings of the Corporation.

(2) The shareholders present at the annual general meeting shall be entitled to discuss the annual accounts, the report of the board of directors on the working of the Corporation during the year under report, as well as the auditor's report on the annual balance-sheet and accounts.

(3) The board of directors of the Central Warehousing Corporation shall, on the requisition of one-third of the number of shareholders of the Corporation, call a special meeting of the Corporation.

(4) The requisition for a special meeting under sub-section (3) shall state the object of the meeting, and shall be signed by the requisitionists and deposited at the head-office of the Corporation, and may consist of several documents in like form each signed by one or more requisitionists.

(5) If the board of directors of the Central Warehousing Corporation do not proceed within twenty-one days from the date of the requisition being so deposited to cause the special meeting to be called, the requisitionists, or a majority of them, may themselves call the meeting, but in either case, the meeting so called shall be held within three months from the date of the deposit of the requisition.

(6) The Central Warehousing Corporation shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Central Warehousing Corporation under this Act.

14. (1) The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Central Warehousing Corporation for the purposes of either fund maintained by the Corporation—

Grants and loans by the Central Government.

(a) by way of grants, such sums of money as the Central Government may consider necessary; and

(Chapter II.—The Central Warehousing Corporation.)

(b) by way of loans, such sums of money on such terms and conditions as the Central Government may determine.

(2) When making a payment under sub-section (f), the Central Government shall specify the fund for the purposes of which the payment is made.

Corporation to maintain two funds.

15. The Central Warehousing Corporation shall maintain two separate funds, namely:—

(a) the Central Warehousing Fund (hereinafter referred to as the Warehousing Fund); and

(b) the General Fund.

Warehousing fund.

16. (1) To the Warehousing Fund shall be credited:—

(a) all moneys and other securities transferred to the Central Warehousing Corporation under clause (c) of sub-section (2) of section 43;

(b) such grants and loans as the Central Government may make for the purposes of the Warehousing Fund; and

(c) such sums of money as may, from time to time, be realised out of the loans made from the Warehousing Fund or from interest on loans or dividends on investments made from that fund.

(2) The Warehousing Fund shall be applied—

(a) for advancing loans to State Governments on such terms and conditions as the Central Warehousing Corporation may deem fit for the purpose of enabling them to subscribe to the share capital of State Warehousing Corporations;

(b) for advancing loans and granting subsidies to State Warehousing Corporations or to State Governments on such terms and conditions as the Central Warehousing Corporation may deem fit for the purpose of promoting the warehousing and storage of agricultural produce and notified commodities, otherwise than through co-operative societies;

[(c) for meeting the expenses incurred in relation to the training of personnel, or publicity and propaganda, for the purpose of promoting warehousing and storage of agricultural produce and notified commodities;

(d) for meeting the expenses, including the salary, allowances and other remuneration of the officers and other employees, incurred in relation to the administration of the Warehousing Fund.]

General Fund.

17. (1) To the General Fund shall be credited—

(a) all sums received by the Central Warehousing Corporation other than those referred to in sub-section (1) of section 16; and

(b) such grants and loans as the Central Government may make for the purposes of the General Fund.

(2) The General Fund shall be applied—

(a) for meeting the salary, allowances and other remuneration of the officers and other employees of the Central Warehousing Corporation;

(b) for meeting the other administrative expenses of the Corporation; and

(c) for carrying out the purposes of this Act:

[Provided that the General Fund shall not be applied for meeting the expenses referred to in clause (c) or clause (d) of sub-section (2) of section 16.]

CHAPTER III

STATE WAREHOUSING CORPORATIONS

State Warehousing Corporations.

18. (1) The State Government may, by notification in the Official Gazette and with the approval of the Central Warehousing Corporation, establish a Warehousing Corporation for the State under such name as may be specified in the notification.

¹Ins. by Act 42 of 1976, s. 4.

²Ins. by s. 6, *ibid.*

(Chapter III.—State Warehousing Corporations.)

(2) A State Warehousing Corporation established under sub-section (1) shall be a body corporate by the name notified under that sub-section, having perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract, and may, by the said name, sue and be sued.

(3) The head-office of a State Warehousing Corporation shall be at such place within the State as may be notified in the Official Gazette.

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), it shall not be necessary for the State Government to establish a Corporation under sub-section (1) where, under clause (g) of sub-section (2) of section 43, a Corporation is deemed to be established for that State under this Act.

19. (1) The authorised capital of a State Warehousing Corporation shall be such sum not exceeding two crores of rupees as may be prescribed, divided into shares of the face value of one hundred rupees each, of which such number as may be determined by the Corporation in consultation with the State Government shall be issued in the first instance and the remaining shares may be issued, from time to time, as and when the Corporation may deem fit after consultation with the Central Warehousing Corporation and with the sanction of the State Government:

Share capital and shareholders.

[Provided that in respect of any State Warehousing Corporation the Central Government may, after consultation with the State Government concerned, from time to time and by order notified in the Official Gazette, increase the maximum limit of the authorised capital aforesaid to such extent and in such manner as the Central Government may determine.]

(2) Of the share capital issued in the first instance and of any subsequent issue of such capital, the Central Warehousing Corporation shall, in any case where the State Government has subscribed for fifty per cent. of such capital, subscribe for the remaining fifty per cent. of the capital.

20. (1) The general superintendence and management of the affairs of a State Warehousing Corporation shall vest in a board of directors which shall consist of the following, namely:—

Management of a State Warehousing Corporation.

(a) five directors nominated by the Central Warehousing Corporation, of whom one shall be nominated in consultation with the State Bank and one at least shall be a non-official;

In section 20 of the principal Act,—

(b) five directors nominated by the State Government; and

(c) a managing director, appointed by the State Government in consultation with the directors referred to in clauses (a) and (b) and with the previous approval of the Central Warehousing Corporation.

in sub-section (1), in clause (c); for the words "with the previous approval of" the words "under intimation to" shall be substituted;

(2) The Chairman of the board of directors shall be appointed by the State Government from among the directors of the State Warehousing Corporation with the previous approval of the Central Warehousing Corporation.

in sub-section (2), for the words "with previous approval of", the words "under intimation to" shall be substituted

(3) The managing director shall—

(a) exercise such powers and perform such duties as the board of directors or the State Warehousing Corporation may entrust or delegate to him; and

(b) receive such salary and allowances as the State Warehousing Corporation may, in consultation with the Central Warehousing Corporation, and with the previous approval of the State Government, fix.

(4) The board of directors shall act on business principles having regard to public interest and shall be guided by such instructions on questions of policy as may be given to them by the State Government or the Central Warehousing Corporation.

(5) If any doubt arises as to whether a question is or is not a question of policy, or, if the State Government and the Central Warehousing Corporation give conflicting instructions, the matter shall be referred to the Central Government whose decision thereon shall be final.

(6) The directors of a State Warehousing Corporation, other than the managing director, shall be entitled to receive by way of remuneration such sums as may be prescribed:

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(Chapter III.—State Warehousing Corporations.)

Provided that no official director shall be entitled to receive any remuneration other than any allowances admissible to him under the rules regulating his conditions of service.

(7) The term of office of, and the manner of filling casual vacancies among, directors shall be such as may be prescribed.

Disqualification for office of directors of the Corporation.

21. A person shall be disqualified for being chosen as, and for being, a director of a State Warehousing Corporation—

- (i) if he is found to be a lunatic or becomes of unsound mind; or
- (ii) if he is, or at any time has been, adjudicated insolvent or has suspended payment of his debts or has compounded with his creditors; or
- (iii) if he is or has been convicted of any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months, unless a period of five years has elapsed from the date of expiry of the sentence; or

(iv) if he has been removed or dismissed from service of Government or a corporation owned and controlled by the Government; or

(v) except in the case of the managing director, if he is a salaried official of the Central Warehousing Corporation or a State Warehousing Corporation; or

(vi) if he is personally interested in a subsisting contract made with, or in any work being done for, the State Warehousing Corporation except as a shareholder (other than a director) in any public company as defined in the Companies Act, 1956:

In section 21 of the principal Act, in clause (v), the words "the Central Warehousing Corporation or" shall be omitted. 1 of 1956.

Provided that where any such person is a shareholder, he shall disclose to the Warehousing Corporation the nature and extent of the shares held by him in such company.

Removal of directors from office.

22. (1) The State Government may, at any time, with the previous approval of the Central Warehousing Corporation, remove the managing director from office after giving him a reasonable opportunity of showing cause against the proposed removal.

In section 22 of the principal Act, in sub-section (1),

(2) The board of directors may remove from office any director who—
(a) is or has become subject to any of the disqualifications mentioned in section 21; or

for the words "with the previous approval of", the words "under intimation to" shall be substituted.

(b) is absent without leave of the board of directors for more than three consecutive meetings of the board without cause sufficient, in the opinion of the board, to exonerate his absence.

Appointment of officers etc., and their conditions of service.

23. (1) A State Warehousing Corporation may appoint such officers and other employees as it considers necessary for the efficient performance of its functions.

(2) Every person employed by a State Warehousing Corporation under this Act shall be subject to such conditions of service and shall be entitled to such remuneration as may be determined by regulations made by the Corporation under this Act.

In section 24 of the principal Act,—

24. Subject to the provisions of this Act, a State Warehousing Corporation may—

(a) acquire and build godowns and warehouses at such places within the State as it may, with the previous approval of the Central Warehousing Corporation, determine;

in clause (a), for the words "with the previous approval of" the words "after consultation with" shall be substituted; in clause (d), the word "and" occurring at the end shall be omitted;

(b) run warehouses in the State for the storage of agricultural produce, seeds, manures, fertilizers, agricultural implements and notified commodities;

after clause (d), the following clause shall be inserted, namely:— "(da) enter into, with the previous approval of the State Government, joint ventures with the Central Warehousing Corporation; and"

(c) arrange facilities for the transport of agricultural produce, seeds, manures, fertilizers, agricultural implements and notified commodities to and from warehouses;

(d) act as an agent of the Central Warehousing Corporation or of the Government for the purposes of the purchase, sale, storage and distribution of agricultural produce, seeds, manures, fertilizers, agricultural implements and notified commodities; and

(e) carry out such other functions as may be prescribed.

Functions if the State Warehousing Corporation.

(Chapter III.—State Warehousing Corporations. Chapter IV.—Finance, Accounts and Audit.)

20. (1) There shall be an Executive Committee of a State Warehousing Corporation which shall consist of—

Executive Committee.

- (a) the Chairman of the board of directors;
- (b) the managing director; and
- (c) three other directors chosen in the prescribed manner, of whom one shall be a director referred to in clause (a) of sub-section (1) of section 20.

(2) The Chairman of the board of directors shall be the Chairman of the Executive Committee.

(3) Subject to any general or special directions as the board of directors may, from time to time, give, the Executive Committee shall be competent to deal with any matter within the competence of the State Warehousing Corporation.

CHAPTER IV

FINANCE, ACCOUNTS AND AUDIT

26. (1) Every Warehousing Corporation shall prepare before the commencement of each year a statement of programme of its activities during the forthcoming year as well as a financial estimate in respect thereof.

Submission of programme of activities and financial estimates.

(2) A statement prepared under sub-section (1) shall, not later than three months before the commencement of each year, be submitted for approval—

(a) in the case of the Central Warehousing Corporation, to the Central Government;

(b) in the case of a State Warehousing Corporation, to the Central Warehousing Corporation and the State Government.

(3) The statement and the financial estimate of a Warehousing Corporation referred to in sub-section (1) may, with the approval of the Central Government in the case of the Central Warehousing Corporation, or with the approval of the Central Warehousing Corporation and the State Government in the case of a State Warehousing Corporation, be revised by the Warehousing Corporation.

27. (1) A Warehousing Corporation may, in consultation with the Reserve Bank and with the previous approval of the appropriate Government, issue and sell bonds and debentures carrying interest for the purpose of raising funds:

Borrowing powers of Warehousing Corporation.

Provided that the total amount of bonds and debentures issued and outstanding and of the other borrowings of the Corporation shall not at any time exceed ten times the amount of the paid-up share capital and the reserve fund of the Corporation.

(2) A warehousing Corporation may, for the purpose of carrying out its functions under this Act, borrow money—

- (i) from the Reserve Bank, or
- (ii) from the State Bank, for such periods for which, and upon any of the securities against which, it is authorised to advance and lend moneys, under the provisions of "[the State Bank of India Act, 1955, or
- [(iii) from any nationalised bank, or
- (iv) from such insurance company, investment trust or other financial institution as may be approved by the Central Government in this behalf.]

(3) Subject to the proviso to sub-section (1), the Central Warehousing Corporation may borrow money from the Central Government and a State Warehousing Corporation may borrow money from the State Government and the Central Warehousing Corporation on such securities and on such terms and conditions as may be agreed upon between the borrowing corporation and the lender, in each case.

(4) The bonds and debentures of a Warehousing Corporation may be guaranteed by the appropriate Government as to the repayment of principal and

¹Subs. by Act 42 of 1976, s. 7, for "the State Bank of India Act, 1955".

²Ins. by s. 7 *ibid.*

Chapter IV.—Finance, Accounts and Audit.)

the payment of interest at such rate as may be fixed by the appropriate Government on the recommendation of the board of directors of the Corporation at the time the bonds or debentures are issued.

Deposit account. 28. All moneys belonging to a Warehousing Corporation shall be deposited in the Reserve Bank or the State Bank [or any nationalised bank] or subject to any rules made under this Act, in [any other scheduled bank] or co-operative bank.

Investment of funds. 29. A Warehousing Corporation may invest its funds in the securities of the Central or any State Government or in such other manner as may be prescribed by the appropriate Government.

Disposal of profits. 30. (1) Every Warehousing Corporation shall establish a reserve fund out of its annual net profits.

(2) After making provision for bad and doubtful debts, depreciation on assets and all other matters which are usually provided for by companies registered and incorporated under the Companies Act, 1956, a Warehousing Corporation may, out of its net annual profits, declare a dividend: 1 of 1956.

Provided that for so long as the reserve fund is less than the paid-up share capital of the Central Warehousing Corporation and until there has been repaid to the Central Government such sum, if any, as that Government may have paid under a guarantee given in pursuance of sub-section (1) of section 5 or sub-section (4) of section 27, the rate of such dividend, in the case of the Central Warehousing Corporation, shall not exceed the rate guaranteed by the Central Government under sub-section (1) of section 5.

Accounts and audit of Warehousing Corporation. 31. (1) Every Warehousing Corporation shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the profit and loss account and the balance sheet in such form as may be prescribed:

Provided that, in the case of the Central Warehousing Corporation, the accounts relating to the Warehousing Fund and the General Fund shall be maintained separately.

(2) The accounts of a Warehousing Corporation shall be audited by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956. 1 of 19.

(3) The said auditor shall be appointed by the appropriate Government on the advice of the Comptroller and Auditor-General of India.

(4) The auditor shall be supplied with a copy of the annual balance sheet and the profit and loss account of the Warehousing Corporation and it shall be his duty to examine them together with the accounts and vouchers relating thereto, and he shall have a list delivered to him of all books kept by the Corporation and shall at all reasonable times have access to the books, accounts and other documents of the Corporation and may require from any officer of the Corporation such information and explanations as the auditor may think necessary for the performance of his duties as auditor.

(5) The auditor shall make a report to the shareholders on the accounts examined by him and on the annual balance sheet and the profit and loss account and in every such report, he shall state whether in his opinion the accounts give a true and fair view—

(a) in the case of the balance sheet, of the state of the Corporation's affairs at the end of its financial year, and

(b) in the case of the profit and loss account, of the profit or loss for its financial year,

and in case he has called for any explanation or information from the officers, whether it has been given and whether it is satisfactory.

(6) The appropriate Government may, after consultation with the Comptroller and Auditor-General of India at any time issue directions to the auditor

¹Ins. by Act 42 of 1976, s. 8.

²Subs. by s. 8, *ibid.*, for "any scheduled bank".

(Chapter IV.—Finance, Accounts and Audit. Chapter V.—Miscellaneous.)

requiring him to report to the appropriate Government upon the adequacy of measures taken by a Warehousing Corporation for the protection of its shareholders and creditors or upon the sufficiency of his procedure in auditing the accounts of the Corporation and may enlarge or extend the scope of the audit or direct that a different procedure of audit may be adopted or direct that any other examination may be made by the auditor if in the opinion of the appropriate Government public interest so requires.

(7) A Warehousing Corporation shall send a copy of every report of the auditor to the Comptroller and Auditor-General of India and to the Central Government at least one month before it is placed before the shareholders.

(8) Notwithstanding anything hereinbefore contained in this section, the Comptroller and Auditor-General of India may, either of his own motion or on a request received in this behalf from the appropriate Government, undertake in respect of a Warehousing Corporation such audit and at such time as he may consider necessary:

Provided that where the Central Government is required to make any payment on account of the guarantee given by it under sub-section (1) of section 5, such audit shall be undertaken by the Comptroller and Auditor-General of India or any person authorised by him in this behalf.

(9) The Comptroller and Auditor-General of India and any person authorised by him in connection with the audit of the accounts of a Warehousing Corporation shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Corporation.

(10) The annual accounts of a Warehousing Corporation together with the audit report thereon shall be placed before the annual general meeting of the Corporation within six months of the close of the financial year.

(11) Every annual report and audit report shall be forwarded to the appropriate Government within the time specified in this behalf in the annual report and the Government may, if it thinks fit, cause the same to be printed and published. The Comptroller and Auditor-General of India, as the case may be,

[31A. A Warehousing Corporation shall furnish to the appropriate Government such returns, statistics, accounts and other information with respect to its property or activities as that Government may, from time to time, require.]

Returns and reports.

CHAPTER V

MISCELLANEOUS

32. No act or proceeding of a Warehousing Corporation shall be invalid by reason only of the existence of any vacancy among its directors or any defect in the constitution thereof.

Vacancies, etc., not to invalidate acts and proceedings of Warehousing Corporations.

33. A Warehousing Corporation may, by general or special order in writing, delegate to the Secretary or other officer of the Corporation, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act as it may deem necessary for the efficient performance of its functions.

Delegation.

34. In any meeting of the shareholders of a Warehousing Corporation, every member shall have one vote in respect of each share held by him in the Corporation.

Voting rights of shareholders.

(Chapter V.—Miscellaneous.)

Disputes between Central Warehousing Corporation and State Warehousing Corporation. 35. If there is any difference of opinion between the Central Warehousing Corporation and a State Warehousing Corporation regarding their respective functions and powers under this Act, such difference shall be referred to the Central Government whose decision thereon shall be final.

Declaration of fidelity and secrecy. 36. Every director, auditor, officer or other employee of a Warehousing Corporation shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule.

Indemnity of directors. 37. (1) Every director of a Warehousing Corporation shall be indemnified by the Corporation concerned against all losses and expenses incurred in the discharge of his duties except such as are caused by his own wilful act or default.

(2) A director of a Warehousing Corporation shall not be responsible for any other director or for any officer or other employee of the Corporation or for any loss or expense resulting to the Corporation by the insolvency or deficiency of value of, or title to, any property or security acquired or taken on behalf of the Corporation in good faith, or by the wrongful act of any person under obligation to the Corporation or by anything done in good faith in the execution of the duties of his office or in relation thereto.

Offences. 38. (1) Whoever, without the consent in writing of a Warehousing Corporation, uses the name of that Corporation in any prospectus or advertisement, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) No court shall take cognizance of any offence under sub-section (1) otherwise than on a complaint in writing by an officer authorised in this behalf by the Warehousing Corporation concerned.

Provisions relating to income-tax and super-tax. 39. For the purposes of the Income-tax Act, 1961, a Warehousing Corporation shall be deemed to be a company within the meaning of that Act and shall be liable to income-tax and super-tax accordingly on its income, profits and gains: 43 of 1961.

Provided that, in the case of the Central Warehousing Corporation, any sum paid by the Central Government under the guarantee given in pursuance of sub-section (1) of section 5 or, in the case of a Warehousing Corporation, any sum paid by the Central or a State Government under any guarantee given in pursuance of sub-section (4) of section 27 shall not be treated as income, profits and gains of a Warehousing Corporation, and any interest on the debentures or bonds issued by that Corporation out of such sums shall not be treated as expenditure incurred by it:

Provided further that in the case of any shareholder or debenture-holder, such portion of a dividend or interest as has been paid out of any such sum advanced by the Central Government shall be deemed to be his income from interest on securities declared to be income-tax-free within the meaning of section 86 of that Act.

Winding up of Warehousing Corporations. 40. No provision of law relating to the winding up of companies or corporations shall apply to a Warehousing Corporation and any such Corporation shall not be placed in liquidation save by order of the appropriate Government and in such manner as it may direct.

Power to make rules. 41. (1) The appropriate Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the additional functions which a Warehousing Corporation may perform;

(Chapter V.—Miscellaneous.)

(b) the manner of nomination and election of the directors of the Central Warehousing Corporation and the period within which such directors shall be nominated or elected;

(c) the term of office of, and the manner of filling casual vacancies among, and the remuneration payable to, the directors of a Warehousing Corporation;

(d) the manner of choosing directors on the Executive Committee of a Warehousing Corporation;

(e) the authorised capital of a State Warehousing Corporation [within the maximum limit specified by or under sub-section (1), of section 19];

(f) the form of the annual statement of accounts and the balance sheet to be prepared by a Warehousing Corporation;

(g) the deposit of moneys of a Warehousing Corporation in a scheduled bank or a co-operative bank;

(h) the manner of issuing shares of a Warehousing Corporation, the calls to be made in respect thereof, and all other matters incidental to the issue of shares;

[(i) the form and manner in which returns, statistics, accounts and other information are to be furnished, under section 31A, by a Warehousing Corporation;]

[(j)] any other matter which has to be or may be prescribed.

(3) Every rule made by the Central Government under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and [if before the expiry of the session immediately following the session] or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

42. (1) A Warehousing Corporation may, with the previous sanction of the appropriate Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is necessary or expedient for the purposes of giving effect to the provisions of this Act.

Power of Warehousing Corporations to make regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the conditions of service of, and the remuneration payable to, the officers and other employees of a Warehousing Corporation;

(b) the manner in which, and the conditions subject to which, shares of the Central Warehousing Corporation may be transferred;

(c) the manner in which meetings of a Warehousing Corporation and the Executive Committee thereof shall be convened, the fees for attending such meetings and the procedure to be followed thereat;

(d) the duties and conduct of officers and employees of a Warehousing Corporation;

(e) the powers and duties which may be entrusted or delegated to the managing director of a Warehousing Corporation;

(f) generally, the efficient conduct of the affairs of a Warehousing Corporation.

(3) The appropriate Government may, by notification in the Official Gazette, rescind any regulation which it has sanctioned and thereupon the regulation shall cease to have effect.

¹Embd. by Act 42 of 1976, s. 10, for certain words.

²Id. by s. 10, *ibid.*

³Cl. (i) was relettered as cl. (j), by s. 10, *ibid.*

(Chapter V.—Miscellaneous. The Schedule.)

Repeal and Rev.
1962.

43. (1) With effect from the date on which the Central Warehousing Corporation is established under section 3, the Agricultural Produce (Development and Warehousing) Corporations Act, 1956, in so far as it has not been repealed by the National Co-operative Development Corporation Act, 1962, shall stand repealed. 28 of 1956-
26 of 1962.

(2) Notwithstanding such repeal,—

(a) the shares allotted and the share certificates issued by the Central Warehousing Corporation established under the repealed Act (hereinafter referred to as the said Corporation) shall be deemed to have been allotted and issued by the Corporation established under section 3 of this Act as if this Act had been in force on the day on which the shares were allotted and the share certificates were issued;

(b) every shareholder of the said Corporation shall become the holder of as many shares in the Corporation established under section 3 of this Act as are equivalent in number and value to the shares held by him in the said Corporation;

(c) all moneys and other securities belonging to the National Warehousing Development Fund which, immediately before the said date, was maintained by the said Corporation shall stand transferred to and be maintained by the Corporation established under section 3 of this Act;

(d) anything done or any action taken (including any appointment, nomination, delegation, rule or regulation made) under the repealed Act shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have done or taken under this Act;

(e) every share held by the said Corporation in a State Warehousing Corporation under the repealed Act shall be deemed to be a share held by the Corporation established under section 3 of this Act in the corresponding State Warehousing Corporation deemed to be established under this Act;

(f) all rights, liabilities and obligations of the said Corporation, whether arising out of any contract or otherwise, shall be the rights, liabilities and obligations respectively of the Corporation established under section 3 of this Act;

(g) a State Warehousing Corporation established for a State under the repealed Act shall be deemed to be the State Warehousing Corporation established for that State under this Act.

THE SCHEDULE

(See section 36)

DECLARATION OF FIDELITY AND SECRECY

I, _____, declare that I will faithfully, truly and to the best of my judgment, skill and ability execute and perform the duties which are required of me as a director, officer, employee or auditor (as the case may be) of the Warehousing Corporation and which properly relate to the office or position in the said Corporation held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the said Corporation nor will I allow any such person to inspect or have access to any books or documents belonging to, or in the possession of, the Corporation and relating to the business of the Corporation.


Signature

Signature

Signature

Signed before me

DATE


भारत का राजपत्र
The Gazette of India

EXTRAORDINARY

PART II—Section 1

PUBLISHED BY AUTHORITY

No. 46] सं. 46] नई दिल्ली, मंगलवार, अक्टूबर 23, 1989/कार्तिक 1, 1911
 NEW DELHI, MONDAY, OCTOBER 23, 1989, KARTIKA 1, 1911

इस भाग में प्रिन्ट पृष्ठ संख्या की सीमा है। बिना इसके यह भाग संकलन
 में प्रयुक्त नहीं किया जा सके।
 Separate paging is given to this Part in order that it may be filed
 as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 23rd October, 1989/Kartika 1, 1911 (Saka)

The following Act of Parliament received the assent of the President on the 22nd October, 1989, and is hereby published for general information:—

THE WAREHOUSING CORPORATIONS (AMENDMENT) ACT, 1989

No. 37 of 1989

[22nd October, 1989.]

An Act further to amend the Warehousing Corporations Act, 1962.

As it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

- | | | |
|------------|--|------------------------|
| | 1. This Act may be called the Warehousing Corporations (Amendment) Act, 1989 | Short title. |
| 58 of 1962 | 2. In section 1 of the Warehousing Corporations Act, 1962 (hereinafter referred to as the principal Act), in sub-section (2), the words "except the State of Jammu and Kashmir" shall be omitted. | Amendment of section 1 |
| | 3. In section 2 of the principal Act, in clause (dd), the following shall be added at the end, namely:—
"or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act 1980" | Amendment of section 2 |
| 48 of 1980 | 4. In Chapter I of the principal Act, after section 2, the following section shall be inserted, namely:—

"2A. Any reference in this Act to any law which is not in force, or any functionary not in existence, in any State, shall in relation to that State, be construed as a reference to the corresponding law in force, or the corresponding functionary in existence, in that State." | |

Insertion of new section 2A.
 Construction of references to any law not in force or any functionary not in existence in any State.


भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II — खण्ड 1
PART II — Section 1
प्रसिद्धांत से प्रकटित
PUBLISHED BY AUTHORITY

सं. 30] नई दिल्ली, बुधवार, अगस्त 29, 2001 / भाद्र 7, 1923
No. 30] NEW DELHI, WEDNESDAY, AUGUST 29, 2001 / BHADRA 7, 1923

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 29th August, 2001/Bhadra 7, 1923 (Saka)

The following Act of Parliament received the assent of the President on the 29th August, 2001, and is published for general information:—

THE WAREHOUSING CORPORATIONS (AMENDMENT) ACT, 2001

No. 23 of 2001.

[29th August, 2001]

An Act further to amend the Warehousing Corporations Act, 1962.

BE it enacted by Parliament in the Fifty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Warehousing Corporations (Amendment) Act, 2001.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 11 of the Warehousing Corporations Act, 1962 (hereinafter referred to as the principal Act),—

Amendment of section 11.

(a) in clause (a), after the words "in India", the words "or abroad" shall be inserted;

(b) in clause (c), the word "and" occurring at the end shall be omitted;

(c) after clause (c), the following clauses shall be inserted, namely:—

"(ca) enter into, with the previous approval of the Central Government, joint ventures with any corporation established by or under any Central Act or any State Act or with any company formed and registered under the Companies Act, 1956 including foreign company or through its subsidiary companies, for carrying out the purposes of this Act.

1 of 1956.

Explanation.—For the purposes of this clause, the expression "foreign company" shall have the meaning assigned to it under clause (23A) of section 2 of the Income-tax Act, 1961;

43 of 1961.

(cb) establish subsidiary companies; and".

Amendment
of section 20.

3. In section 20 of the principal Act,—

(a) in sub-section (1), in clause (c), for the words "with the previous approval of", the words "under intimation to" shall be substituted;

(b) in sub-section (2), for the words "with the previous approval of", the words "under intimation to" shall be substituted.

Amendment
of section 21.

4. In section 21 of the principal Act, in clause (v), the words "the Central Warehousing Corporation or" shall be omitted.

Amendment
of section 22.

5. In section 22 of the principal Act, in sub-section (1), for the words "with the previous approval of", the words "under intimation to" shall be substituted.

Amendment
of section 24.

6. In section 24 of the principal Act,—

(a) in clause (a), for the words "with the previous approval of", the words "after consultation with" shall be substituted;

(b) in clause (d), the word "and" occurring at the end shall be omitted;

(c) after clause (d), the following clause shall be inserted, namely:—

"(da) enter into, with the previous approval of the State Government, joint ventures with the Central Warehousing Corporation; and".

SUBHASH C. JAIN,
Secy. to the Govt. of India.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खंड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 545]
No. 545]

नई दिल्ली, सोमवार, अक्टूबर 29, 2001/कार्तिक 7, 1923
NEW DELHI, MONDAY, OCTOBER 29, 2001/KARTIKA 7, 1923

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य एवं सार्वजनिक वितरण विभाग)

अधिसूचना

नई दिल्ली, 29 अक्टूबर, 2001

सा.जा.वि. 807 (31)—येन्द्रीय संचार, भांडारण विधम (संशोधन) अधिनियम, 2001 (2001 का 23) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 1 नवम्बर, 2001 को उस तारीख के रूप में नियत करती है जिस को उक्त अधिनियम प्रवृत्त होगा।

[पत्र. सं. 6-60/97-संप्रद]

रजनी राजदान, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

NOTIFICATION

New Delhi, the 29th October, 2001

G.S.R. 807(E)—In exercise of the powers conferred by sub-section (2) of Section 1 of the Warehousing Corporations (Amendment) Act, 2001 (23 of 2001), the Central Government hereby appoints the 1st day of November, 2001 as the date on which the said Act shall come into force.

[F. No. 6-60/97-SG]

RAJANI RAZDAN, Jt. Secy.



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 803]

नई दिल्ली, बुधवार, सितम्बर 22, 2004/भाद्र 31, 1926

No. 803]

NEW DELHI, WEDNESDAY, SEPTEMBER 22, 2004/BHADRA 31, 1926

उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण मंत्रालय

(खाद्य एवं सार्वजनिक वितरण विभाग)

अधिसूचना

नई दिल्ली, 22 सितम्बर, 2004

का.आ. 1024(अ).— केन्द्रीय सरकार, भाण्डागारण निगम अधिनियम, 1962 (1962 का 58) की धारा 27 की उपधारा (2) के खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित बीमा कम्पनियों का, जो बीमा विनियामक और विकास प्राधिकरण के पास रजिस्ट्रीकरण का एक विधिमान्य प्रमाणपत्र धारण करती हैं, उन बीमा कम्पनियों के रूप में अनुमोदन करती हैं, जिनसे कोई भाण्डागारण निगम, उक्त अधिनियम के अधीन अपने कृत्यों को कार्यान्वित करने के प्रयोजन के लिए धन उधार ले सकेगा, अर्थात् :-

- (1) भारतीय जीवन बीमा निगम
- (2) एलाइन्ड बजाज जीवन बीमा कम्पनी लिमिटेड
- (3) बिरला सन-जीवन बीमा कम्पनी लिमिटेड
- (4) एचडीएफसी मानक जीवन बीमा कम्पनी लिमिटेड
- (5) आईसीआईसीआई फ्रूडेंशियल जीवन बीमा कम्पनी लिमिटेड
- (6) आईएनजी व्यासा जीवन बीमा कम्पनी लिमिटेड
- (7) मैक्स न्यू यार्क जीवन बीमा कम्पनी लिमिटेड
- (8) मैट जीवन बीमा कम्पनी लिमिटेड

- (9) ओम कोटक सहैन्द्र जीवन बीमा कम्पनी लिमिटेड
- (10) एसबीआई जीवन बीमा कम्पनी लिमिटेड
- (11) टाटा एआईजी जीवन बीमा कम्पनी लिमिटेड
- (13) डॉबर सीजीयू जीवन बीमा कम्पनी प्राइवेट लिमिटेड
- (14) राष्ट्रीय बीमा कम्पनी लिमिटेड
- (15) न्यू इण्डिया एश्योरेंस कम्पनी लिमिटेड
- (16) ओरिएन्टल बीमा कम्पनी लिमिटेड
- (17) युनाइटेड इण्डिया बीमा कम्पनी लिमिटेड
- (18) बजाज एलाइन्ज साधारण बीमा कम्पनी लिमिटेड
- (19) आईसीआईसीआई लोमबार्ड साधारण बीमा कम्पनी लिमिटेड
- (20) इफको-टोकिओ साधारण बीमा कम्पनी लिमिटेड
- (21) रिताइन्स साधारण बीमा कम्पनी लिमिटेड
- (22) रायल सुन्दरम एलाइन्ज बीमा कम्पनी लिमिटेड
- (23) टाटा एआईजी साधारण बीमा कम्पनी लिमिटेड
- (24) चोलामण्डलम साधारण बीमा कम्पनी लिमिटेड
- (25) निर्यात उद्योग प्रत्याभूति निगम
- (26) एचडीएफसी चब साधारण बीमा कम्पनी लिमिटेड
- (27) भारतीय साधारण बीमा निगम

[सं. 6-27/2003-संग्रह]

पो. उमा शंकर, मंत्रुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

NOTIFICATION

New Delhi, the 22nd September, 2004

S.O. 1024(E).—In exercise of the powers conferred by clause (iv) of sub-section (2) of section 27 of the Warehousing Corporations Act, 1962 (58 of 1962), the Central Government hereby approves the following insurance companies, which hold a valid

Certificate of Registration with the Insurance Regulatory and Development Authority (IRDA), to be the insurance companies from which a Warehousing Corporation may borrow money for the purpose of carrying out its functions under the said Act, namely:-

- (1) Life Insurance Corporation of India
- (2) Allianz Bajaj Life Insurance Company Limited
- (3) Birla Sun-Life Insurance Company Limited
- (4) HDFC Standard Life Insurance Company Limited
- (5) ICICI Prudential Life Insurance Company Limited
- (6) ING Vysya Life Insurance Company Limited
- (7) Max New York Life Insurance Company Limited
- (8) MetLife Insurance Company Limited
- (9) Om Kotak Mahindra Life Insurance Company Limited
- (10) SBI Life Insurance Company Limited
- (11) TATA AIG Life Insurance Company Limited
- (12) AMP Sanmar Assurance Company Limited
- (13) Dabur CGU Life Insurance Company Private Limited
- (14) National Insurance Company Limited
- (15) New India Assurance Company Limited
- (16) Oriental Insurance Company Limited
- (17) United India Insurance Company Limited
- (18) Bajaj Allianz General Insurance Company Limited
- (19) ICICI Lombard General Insurance Company Limited
- (20) IFFCO-Tokio General Insurance Company Limited
- (21) Reliance General Insurance Company Limited
- (22) Royal Sundaram Alliance Insurance Company Limited
- (23) TATA AIG General Insurance Company Limited
- (24) Cholamandalam General Insurance Company Limited
- (25) Export Credit Guarantee Corporation
- (26) HDFC Chubb General Insurance Company Limited
- (27) General Insurance Corporation of India

[No. 6-27/2003-SG]

P. UMA SHANKAR, Jt. Secy

July 19, 1961

No. 62-C/XIICB-616-58. In exercise of the powers conferred by Section 52 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (Act No. XXVIII of 1956) and in supersession of notification No. 9404-C/XII-C-616-58 dated November 20, 1959, No. CI-203/XII-C.A.W.-166-72 dated 5.5.1973, No. 2717/XII-C-1-80, Bhandaragar-10/78 U.P.A.-58D/1962-Rules/1958 AM(2)80 dated 4.10.1980 and No. 1512/XII-C-1-87-Bhandaragar-10/78 dated 16-4-87, the Governor of Uttar Pradesh is pleased to make the following rules to carry out the purposes of this Act:

UTTAR PRADESH STATE WAREHOUSING CORPORATION RULES, 1958.

C H A P T E R - 1

1- Short Title and Commencement: These may be called the Uttar Pradesh State Warehousing Corporation Rules, 1958 and shall be deemed to have come into force as from November 20, 1959.

2. Definitions : In these rules, unless the context otherwise requires :

- (a) "Act" means the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (Act No. XXVIII of 1956).
- (b) "Corporation" means the Uttar Pradesh State Warehousing Corporation established under sub-section (1) of section 28 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956, vide Uttar Pradesh Government notification No. 2331-C(i)/Xii-C, dated March 20, 1958.
- (c) "Board of Directors" means the Board of Directors of the Corporation.
- (d) "Executive Committee" means the Executive Committee of the Corporation.
- (e) "Form" means a form appended to or prescribed under these rules.
- (f) "Government" means the Government of Uttar Pradesh.
- (g) "Section" means a section of the Act.
- (h) "Director" means a Director of the Corporation.
- (i) "Managing Director" means the Managing Director of the Corporation.

C H A P T E R - 2

3- Term of office of members of the Board of Directors :

The term of office of every Director nominated under sub section (1) of section 20 of the Warehousing Corporations Act, 1962 shall be for a period of three years commencing from the date of his nomination;

Provided (i) that the State Government or the Central Warehousing Corporation, as the case may be, may rescind the nomination of any person nominated by it and nominate any other

person in the vacancy so caused, for the remainder of the *term of the* Director whose term has been rescinded.

(ii) That if for any reasons any vacancy falls vacants on the expiry of the term of a Director and it cannot be filled up immediately the Director whose term has expired shall continue in office till his successor is nominated.

4- RESIGNATION AND CASUAL VACANCIES OF NON-OFFICIAL MEMBERS :

(1) A non-official member of the Board of Directors may resign his office in writing, addressed to the Government and such resignation shall be effective from the date on which it is accepted. But if the resignation is not accepted within two months from the date of its submission it shall be deemed to have been accepted by Government as from the date of expiry of the aforesaid period of two months.

(2) Casual vacancy shall be filled in by nomination by State Government or by the Central Warehousing Corporation as the case may be. Person nominated to fill in the casual vacancy shall hold office only for the unexpired period of the term of the member whose place be filled:

Provided that any casual vacancy occurring within three months of the expiry of the normal term of office of Director may not be filled in.

5- REMUNERATION PAYABLE TO THE DIRECTORS: (a) Allowances for non-official Directors :

(i) A Director (other than the Managing Director or a salaried officer of the Central or State Government) shall be entitled to receive travelling allowance from the Corporation for attending the meetings of the Board of Directors or of the Executive Committee or of the Sub-Committee or in respect of journeys undertaken by him in connection with the business of the Corporation at the rates admissible to class-I Government servants of the State Government from time to time.

(ii) The Directors shall also be entitled to a fixed fee of Rs. 30/- per day for the day spent by them on the business of the Corporation or for attending the meeting of the Board of Directors the Executive Committee or the Sub-Committee.

(iii) A non-official Director who is a Member of Parliament or member of State Legislature shall not be eligible for any railway fare for the journeys performed by him on free non-transferable rail travel money value coupons. He shall, however, be entitled to incidental charges for rail journey for attending the meeting of the Board of Directors or of the Executive Committee or of a sub-committee.

Provided that a non-official Director shall invariably certify on his travelling allowances bill, wherever he claims daily allowance, that the claim is being made for the first time and has not been, nor shall thereafter be claimed from the same or any other source.

(b) ALLOWANCES FOR DIRECTORS WHO ARE GOVT. SERVENTS :

Directors who are salaried officers of the Central or State Government shall be entitled to draw from the Corporation such travelling allowance and Daily Allowance as may be admissible to them under the rules regulating their conditions of service and at the rates applicable to them as such Government Servants.

(5) MANNER OF CHOOSING MEMBERS OF EXECUTIVE COMMITTEE OF THE CORPORATION :

The three Directors to be chosen under class (C) of subsection (1) of section 25 shall include two directors to be elected by the Board and one officer to be nominated by the State Government.

CHAPTER - III

SHARE OF THE CORPORATION

(7) THE AUTHORISED CAPITAL : The authorised capital of the state Warehousing Corporation shall be Rs. 9 crores divided into nine lakh shares of Rs. 100 each.

(8) SHARES TO BE MOVABLE PROPERTY : The shares of the Corporation shall be movable property.

(9) ALLOTMENT OF SHARES : subject to the provisions of the Act and these rules, the shares of the Corporation shall be issued with the approval of the Board of Directors.

(10) SHARE CERTIFICATE :

- (i) The shares of the Corporation shall be fully paid up.
- (ii) Every share certificate shall be issued under the signatures of the Chairman of the Board of Directors and the Managing Director under the statutory seal of the Corporation.
- (iii) Every share certificate shall bear a serial number and shall specify the number of shares allotted and their distinguishing number. The Certificate shall be issued within three months from the date of receipt of application for shares.

(11) SHARE REGISTER :

(a) The Corporation shall maintain at its headquarters a register of shares issued under the Act and shall enter therein such particulars as may be deemed necessary by the Board of Directors.

(b) A separate ledger shall be maintained in the Share Register in respect of each category of share-holders referred to in section 29 of the Act.

(12) EVERY SHAREHOLDER ENTITLED TO SHARE CERTIFICATE : The Central Warehousing Corporation and the State Government shall each be entitled free of charge, to one certificate for all the share registered in their names at each allotment.

(13) RENEWAL OF SHARE CERTIFICATES : (a) If any share certificate is worn out, or defaced or tendered for Sub-Division, the Corporation

4.
may, upon production thereof to the Managing Director, order the same to be cancelled and issue a new certificate or certificates in lieu thereof.

(b) If any share certificate is alleged to be lost or destroyed the Corporation may, on receipt of intimation thereof, and after having been satisfied, issue free of charge, a new certificate in lieu thereof.

Provided that the alleged loss or destruction will be notified before the issue of a new certificate, in the official Gazette and in, at least, one news paper chosen by the Directors.

The Corporation may, with the consent of the State Government, undertake such other functions not inconsistent with the Act and the Rules as are conducive to the promotion of Warehousing habits amongst the Agriculturists and in particular may with such consent take such steps to popularize the use of the facilities afforded by the Corporation as the Corporation deems necessary.

C H A P T E R - III A

ADDITIONAL FUNCTIONS OF THE CORPORATION

13A. DISINFESTATION SERVICE : The Corporation may either at its discretion or on the request of the party concerned, undertake disinfection service outside its warehouses, in respect of any Agricultural Produce as defined in clause (a) of Section 2 of the Warehousing Corporations Act, 1962 (56 of 1962) or notified commodity as defined in clause (e) of that section.

13B. SERVICE AS STORAGE AGENT : The Corporation may at its discretion, act as Storage Agent for the purposes of purchase, sale, storage and distribution of Agricultural produce, seeds, manures, fertilizers, agricultural implements and notified commodities as defined in section 2 of the Warehousing Corporations Act, 1962 (58 of 1962), on behalf of a Government Company as defined in Section 617 of the Companies Act, 1956 (1 of 1956) or a body corporate established by an Act of Parliament or of a State Legislature or a Co-operative Society.

C H A P T E R - IV MISCELLANEOUS

14 MAINTENANCE OF AN OPERATION UPON BANK ACCOUNTS AND INVESTMENT OF THE FUNDS OF THE CORPORATION

(i) All money belonging to the Corporation shall be deposited in the account of the Corporation in the Reserve Bank of India or the State Bank of India or the U.P. Co-operative Bank or in such any scheduling Bank or Co-operative Bank as may be approved for this purpose by the State Government (56 of 1962) or notified commodity

(ii) All payment to or on behalf of the Corporation shall be made by cheque except of amounts not exceeding Rs 500/- which may be in cash from the amount of imprest sanctioned for such purposes as

iii) Such cheques and all orders for making deposits or investments or for the withdrawal of the same for the disposal in any other manner of the funds of the Corporation shall be signed by the Managing Director or by any other officer of the Corporation authorised by the Board of Directors in this behalf jointly or singly as the Board may decide.

iv) No payment shall be made out of the accounts of the Corporation unless the expenditure is covered by the financial estimate referred to in sub-section (1) of section 36 of the Act, provided, however, that the Executive Committee of the Corporation may, at its discretion, authorise expenditure being incurred, in anticipation of such estimate. The Statement of expenditure so incurred shall be submitted to the Board of Directors at its next meetings.

v) All monetary transactions shall be entered in the cashbook as they occur and shall be attested by an officer of the Corporation duly authorised in this behalf. The cashbook shall be closed daily and checked completely by the Managing Director or the officer authorised by him in his behalf. At the end of each month, the Managing Director shall verify the cashbook and the cash in hand and record assigned and dated certificate to that effect.

vi) All payment by the Corporation shall be supported by vouchers passed by the Managing Director or any other officer authorised by the Board in this behalf. The paid voucher shall be stamped "Paid" or so cancelled that it cannot be used a second time. The voucher should then be kept serially numbered and produced at the time of audit.

15. DEPOSIT IN BANK OR INVESTMENT IN SECURITIES OR SURPLUS FUNDS:

Any fund of the Corporation not required for current expenditure may be placed in fixed, call, saving bank or current deposits with the Reserve Bank of India, State Bank of India, U.P. Cooperative Bank or any other Scheduled or Cooperative Bank approved in this behalf by the State Government.

16. ANNUAL STATEMENT OF ACCOUNTS : BALANCE SHEETS :

The Board of Directors shall cause the Books of the Corporation to be balanced on the last working day of month of March every year and the annual accounts shall be set out as follows :

- a) A Balance- Sheet in Form "A"
- b) A profit and Loss Account in Form "B"

UTTAR PRADESH STATE WAREHOUSING CORPORATION
BALANCE SHEET AS ON 31ST MARCH.

Capital and Liabilities

Rs. Property and Assets.

1. Capital-	1. Cash in hand
i. Authorised	2. Cash at bank-
ii. Issued	a. The R.B.I.
iii. Subscribed	b. The S.B.I.
a. State Govt.	c. Scheduled Banks
b. C.W.C.	d. Co-operative Banks
iv. Paid up.	3. Investments-
2. Reserve Fund under Section 40(1)	a. Central Govt. Securities
3. Bonds and doubtful debt funds under section 40(2)	b. State Govt. Securities
4. Other funds	c. Shares of Cooperative Securities Societies
5. Borrowing from	d. Other investments.
i. R.B.I. under section 37(2) (i) (a)	4. Fixed Assets -
ii. The R.B.I. under section 37(2) (i) (b)	i. Land
iii. The S.B.I. under section 37(2) (ii)	ii. Building
iv. The State Govt. under section 37(3)	iii. Godowns and Warehouses
v. National Co-operative Development and Warehousing Board under section 9(2) (b)	5. Value of dead stock
vi. National Co-operative Development and Warehousing Board under section 37(3)	6. Out-standing dues in respect of purchases made on behalf of:-
vii. Central Warehousing Corporation under section 37(3)	a. C.W.C.
6. Advance received for purpose of agricultural Commodities	b. Central Government
a. From C.W.C.	c. State Government
b. From Central Government	7. Guaranteed by Government per contra.
c. From State Government	8. Other items.
7. Liabilities under guarantee by State Government under section 37(4) for bonds and debentures as per contra.	9. Profit and loss Account.
8. Provisions for taxes.	
9. Other liabilities.	
10. Suspense	
11. Other items	
12. Profit and Loss Account.	

Total :

Total :

UTTAR PRADESH STATE WAREHOUSING CORPORATION
PROFIT AND LOSS ACCOUNT FOR THE ENDING 31ST MARCH .

FROM "B"

(RULE - 16)

- | | |
|--|---|
| 1- Interest on:- | 1. Warehousing Charges. |
| a- Loans from R.B.I. | 2. Interest on- |
| b- Loans from Central Warehousing Corporation. | a- Securities |
| c- Loans from S.B.I. | b- Bank accounts |
| d- Debentures and bonds | c- Advances |
| 2- Establishment. | d- Loans against |
| 3- Director's fee, etc. | 3. Subsidies |
| 4- Rent, Rates and taxes | i. National Co-operative Development & Warehousing Board. |
| 5- Depreciation | ii. Others. |
| 6- Repairs | 4. Dividend on shares in Co-operative Societies. |
| 7- Bad and doubtful debts fund. | 5. Other income including Agency Commission. |
| 8. Auditor's fees and remuneration | 6. Loss of the year and carried to the balance-sheet. |
| 9. Stationary, printing etc. | |
| 10. Miscellaneous expenses. | |
| 11. Profit of the year and carried to the balance sheet. | |

May 05 1973

In exercise of the powers under clause (a) of sub-section (2) of section 41 read with clause (a) of section 24 of the Warehousing Corporations Act, 1962 (Act no. 58 of 1962), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh State Warehousing Corporations Rules, 1958 :

THE UTTAR PRADESH STATE WAREHOUSING CORPORATION (AMENDMENT) RULES, 1973

(See Section 41 of the Warehousing Corporations Act, 1962)

1. (1) These rules may be called the Uttar Pradesh State Warehousing Corporation (Amendment) Rules, 1973.
- (2) They shall come into force with effect from the date of their publication in the official gazette.
2. In the Uttar Pradesh Warehousing Corporation Rules, 1958 (hereinafter called "the said rules"), the rules as set out in column 1 shall be substituted by the rules as set out in column 2 below :

<u>COLUMN 1</u>	<u>COLUMN 2</u>
Existing Rule	Rules as hereby substituted
"Chapter III-A.	" Chapter III-A
Disinfestation Service	Additional functions of the Corporation.
13-A. The Corporation may either at its discretion or on the request of the party concerned, undertake disinfestation service, outside its warehouses, in respect of any agricultural produce as defined in clause (a) of section 2 of the Act or notified commodity as defined in clause (a) of that section."	13-A. Desinfestation Service :-The Corporation may either at its discretion or on the request of the party concerned, undertake disinfestation service, outside its warehouses, in respect of any agricultural produce as defined in clause (a) of section 2 of the Warehousing Corporations Act, 1962 (58 of 1962) or notified commodity as defined in clause (a) of that section."

3. In "the said rules" in Chapter III-A; after rule 13-A, the following rule shall be inserted namely:-

" 13-B. Service as Storage Agent :- The Corporation may at its discretion, act as Storage Agent for the purposes of purchase, sale, storage and distribution of Agricultural produce, seeds, manures, fertilizers, agricultural implements and notified commodities as defined in section 2 of the Warehousing Corporations Act, 1962 (58 of 1962), on behalf of a Government Company as defined in section 617 of the Companies Act, 1956 (1 of 1956) or a body corporate established by an Act of Parliament of or a State Legislature or a Cooperative Society."

अज्ञा से

श्याम बिसरो ताल

संमत सचिव

UTTAR PRADESH SHASHAN .

SAHKARITA ANUBHAG-1

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of Notification No. 2717/12 C-1-80 Bhandaragar-10/78-UPA-58/1962 Rule/1958-A.M. (2)/1980, dated October 4, 1980.

NOTIFICATION

No. 2717/XII-C-1-80/Bhandaragar-10/78
UPA-58/1962-Rule/1958 AM(2) 80

Dated : Lucknow : October 4, 1980.

In exercise of the powers under section 41 of the Warehousing Corporations Act, 1962 (Act No. 58 of 1962) the Governor is pleased to make the following rules :-

UTTAR PRADESH STATE WAREHOUSING CORPORATION
(SECOND AMENDMENT) RULES 1980.

- Short title & commencement. 1. (1) These Rules may be called Uttar Pradesh State Warehousing Corporation (Second Amendment) Rules, 1980.
- (2) They shall come into force with effect from the date of their publication in the Gazette.
- Amendment of Rule 5. 2. In Uttar Pradesh State Warehousing Corporation Rules, 1958 hereinafter called the 'said rule' for rule 5 as set out in column I below, the rule as set out in Column II, shall be substituted :-

COLUMN I

- (4) Remuneration payable to the Directors :

- (a) Allowances for non-official Directors

A Director (other than the Managing Director or a Salaried Officer of the Central or State Government) shall be entitled to receive travelling allowance from the Corporation for attending the meetings of the Board of Directors or of the Executive Committee or of the Sub-Committee or in respect of journeys undertaken by him in connection with the business of the Corporation at the rates admissible to Class I Government servant of the State Government from time to time. The Directors shall also be entitled to a fixed fee of Rs. 10/- per day for the day spent by them on the business of the Corporation or for attending the meeting of the Board of Directors, the Executive Committee

COLUMN II

- (5) Remuneration payable to the Directors :

- (a) Allowances for non-official Directors :

(i) A Director (other than the Managing Director or a Salaried Officer of the Central or State Government) shall be entitled to receive travelling allowance from the Corporation for attending the meetings of the Board of Directors or of the Executive Committee or of the Sub-Committee or in respect of journeys undertaken by him in connection with the business of the Corporation at the rates admissible to Class I Government servants of the State Government from time to time.

(ii) The Directors shall also be entitled to a fixed fee of Rs. 30/- per day for the day spent by them on the business of the Board of Directors, the Executive Committee or the Sub-Committee.

..... (2)

** the corporation or for attending the meetings of the

Uttar Pradesh Shasan
Sahkarita Anubhag-1

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification No.1512/XII-C-1-87-Bhandaragar-10/78 dated April 16, 1987:

NOTIFICATION

No.1512/XII-C-1-87-Bhandaragar-10/78
Lucknow: dated April 16, 1987

In exercise of the powers under section 41 of the Warehousing Corporation Act, 1962 (Act No.58 of 1962), the Governor is pleased to make the following rules:

THE UTTAR PRADESH STATE WAREHOUSING CORPORATION
(THIRD AMENDMENT) RULES, 1987.

- | | |
|--|------------------------------|
| 1. (1) These Rules may be called the Uttar Pradesh State Warehousing Corporation (Third Amendment) Rules, 1987. | Short title and Commencement |
| (2) They shall come into force with effect from the date of their publication in the Gazette. | |
| 2. In Uttar Pradesh State Warehousing Corporation Rules, 1958 for rule-3 set out in column I below, the as set out in column II shall be substituted:- | Amendment of rule-3 |

COLUMN I
Existing Rule

3. Term of office of members of the Board of Directors:
The term of office of every Director nominated under sub-section (1) of section 30 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956, and deemed to have been nominated under sub-section (1) of section 20 of the warehousing Corporation Act, 1962 shall be for a period of two years commencing from the date of his nomination.

Provided (1) that the State Government or the Central Warehousing Corporation, as the case may be, may rescind the nomina-

COLUMN II
Rule as hereby substituted

3. Term of office of members of the Board of Directors:
The term of office of every Director nominated under sub-section (1) of section 20 of the Warehousing Corporation Act, 1962 shall be for a period of three years commencing from the date of his nomination.

Provided (1) that the State Government or the Central Warehousing Corporation, as the case may be, may rescind the nomination of any person nominated by it and nominate any other person in the vacancy so caused, for the remainder of the term of the Director whose term has been rescinded.

...2...

tion of any person nominated by it and nominate any other person in the vacancy so caused, for the remainder of the term of the director whose term has been rescinded.

(ii) that if for any reasons any vacancy falls vacant on the expiry of the term of a Director and it cannot be filled up immediately the Director whose term has expired shall continue in office till his successor is nominated.

(ii) that if for any reasons any vacancy falls vacant on the expiry of the term of a Director and it cannot be filled up immediately the Director whose term has expired shall continue in office till his successor is nominated.

PYARE MOHAN AGARWAL
Special Secretary

U.P. STATE WAREHOUSING CORPORATION

GENERAL REGULATIONS

FRAMED UNDER SECTION 54 OF THE AGRICULTURAL PRODUCE
(DEVELOPMENT AND WAREHOUSING) CORPORATIONS ACT:

(XXVIII OF 1956)

CHAPTER-I

1. **Short Title and commencement:**

- (1) These Regulations may be called the U.P. State Warehousing Corporation Regulations 1961.
- (2) They shall take effect from the date of their publication in the official Gazette.

2. **Definitions**

In these Regulations unless the context otherwise requires:

- (a) "Act" means the Agricultural Produce (Development and Warehousing) Corporation Act (28 of 1956)
- (b) "Board of Directors" means the Board of Directors of the Corporation referred to in Section 30
- (c) "Chairman" means the Chairman of the Board of Directors.
- (d) "Corporation" means the U.P. State Warehousing Corporation established under Section 28(1) of the Act.
- (e) "Executive Committee" means the Executive Committee of the Corporation referred to in Section 35.
- (f) "Directors" means the Directors of the Corporation
- (g) "Managing Director" means the Managing Director of the Corporation.
- (h) "State Government" means the Government of Uttar Pradesh.
- (i) "Sub-Committee" means the Sub-Committee appointed by the Board of Directors or Executive Committee, and
- (j) "Salaried Officer" means the salaried officer of the Government of India, Government of U.P., the Reserve Bank of India, the State Bank of India.

CHAPTER-II

Meeting of the Board of Directors and the Executive Committee.

3. (1) A Meeting of the Board of Directors shall normally be held once in every three months and that of the Executive Committee at least once in two months.
- (2) Ordinarily not less than 10 days notice shall be given in respect of such meetings.
- (3) The Managing Director, under instructions from the Chairman may, in emergency, convene meetings by giving shorter notice provided such notice is sufficient to enable to Directors to attend the meetings in time.

- (4) Meeting of the Board of directors or the Executive Committee shall be convened by the Managing Director. Notice of the meeting shall be sent to each Director specifying the time, date and place of the meeting and the business to be transacted at the meeting. No Business other than that specified in the notice shall be transacted at the meeting except with the permission of the authority presiding at the meeting.

4. **Presiding Authority.**

The Chairman or in his absence a Director, other than the Managing Director, chosen by the Directors present from amongst themselves shall preside over the meetings of the Board of Directors or the Executive Committee as the case may be.

5. **Decision by Majority.**

Decisions at the meetings of the Board of Directors or the Executive Committee shall be taken by a majority of votes. In case of equality of votes the presiding authority shall have a casting vote.

6. **Quorum**

The quorum for a meeting of the Board of Directors shall be five and that of the Executive Committee three. If there is no quorum at any meeting, the meeting shall be adjourned and a fresh notice for the adjourned meeting shall be issued. At the adjourned meeting only the business specified in the agenda of the meeting adjourned for want of quorum shall be transacted. There shall be no quorum for an adjourned meeting.

7. **Place of meeting**

A meeting of the Board of Directors and of the Executive Committee may be held in Lucknow or such other convenient place in Uttar Pradesh as may be decided by the Chairman.

8. **Minute Book**

The Managing Director shall maintain a minute book in which minutes of the meetings of the Board of Directors shall be recorded. He shall similarly maintain a minute book in which the proceedings of the meeting of the Executive committee shall be recorded. The minutes of a meeting of the Board of Directors as well as of the Executive committee shall be circulated amongst all the Directors as soon as possible after the meetings and shall be placed before the next meeting of Board of Directors or the Executive Committee as the case may be for confirmation. Minutes of the meetings of the Executive Committee shall be placed before the Board of Directors for approval. The minutes shall bear the signature of the Chairman or the person presiding over the meeting.

9. **Disclosure of interest by a Director**

Any Director, Who is in any way, Whether, directly or indirectly concerned or interested (Except as representative of a statutory body incorporate) in any contract loan or arrangement, entered into or proposed to be entered into, by or on behalf of the corporation, shall disclose the nature of his concern or interest to the Board of Directors or the Executive committee as the case may be and shall not

participate in the meeting of the Board of Directors of the Executive committee when such contract loan or arrangement is considered.

CHAPTER IIA

ANNUAL GENERAL MEETING OF SHAREHOLDERS

9A Notice convening a General meeting

A notice convening the general meeting of the corporation signed by the Managing Director or the Secretary of the Corporation shall be served on each one of the shareholders at least three weeks before the date fixed for such meeting.

BUSINESS OF ANNUAL GENERAL MEETING.

9B (1) At the Annual General meeting of the following business shall be transacted:-

- (a) Annual accounts of the corporation, together with audit report, shall be placed before the annual general meeting as required by sub-section(10) of section 31 of the warehousing corporation "Act" 1962.
 - (b) Such other business of which not less than five weeks notice is given by the Shareholders qualified to vote at such meeting, such notice shall be in the form of a definite resolution to be put at the meeting and shall be included in the notice of the meeting.
- (2) No other business shall be transacted or discussed except with the consent of the chairman.

9C CHAIRMAN OF GENERAL MEETING:-

The Chairman of the corporation shall be the Chairman of such general meeting.

9D(1) Vo-ting by State Government:-

- (i) The State Government may, by an order in writing, authorise any of its officers to act as its representative at the Annual General meeting of the corporation and the officer so authorised shall be entitled to exercise the same powers on behalf of the State Government as if he were an individual shareholder of the corporation. The officer so authorised shall not be deemed to be a proxy.
- (ii) A copy of any order made under sub-Regulation (i) above shall be deposited with the Managing Director or the Secretary of the corporation before the time fixed for the meeting.
- (iii) An order made under sub-Regulation(i) above may subsequently be revoked by the State Government by depositing a notice of revocation before the time fixed for the meeting, and the due revocation of an order shall in no way prohibit the issue of another order by the State Government and the deposit of a copy thereof with the Managing Director or the Secretary of the corporation within the time limited by sub-Regulation (ii) above.

(2) VOTING BY CENTRAL WAREHOUSING CORPORATION:-

The Managing Director of the Central Warehousing Corporation may authorise any official of the Central Warehousing Corporation or any other person to act as the representative of the said Central Warehousing Corporation at the Annual

General meeting of the Corporation and the person so authorised shall be entitled to exercise the same powers on behalf of the Central Warehousing Corporation, as if he were an individual shareholder of the corporation. The authorisation so given may be in favour of two representatives in the alternative and shall be in writing signed by the Managing Director of the Central Warehousing Corporation. Such authorisation shall be deposited with the Managing Director or the Secretary of the corporation before the time fixed for the meeting. A person acting in terms of the authorisation given under this Regulation shall not be deemed to be a proxy.

9E MINUTES OF GENERAL MEETING:-

- (1) The Corporation shall cause minutes of all proceedings of general meeting to be recorded in books kept for that purpose.
- (2) Any such minutes, if signed by the chairman of the meeting at which the proceedings take place or by the chairman of the next proceeding meeting shall be evidence of such proceedings.
- (3) Until the contrary is proved, every general meeting in respect of the proceedings whereof minutes have been recorded shall be deemed to have been duly called and held and all proceedings taking place thereat, to have been duly taken place.

CHAPTER III

ADMINISTRATION OF U.P. STATE WAREHOUSING CORPORATION

10 Power of Chairman:

Subject to the control of the Board of Directors, the controlling and governing authority shall vest in the chairman. In case of emergency or in respect of matter calling for expeditious action the chairman may pass any order or perform any act within the competence of the Board of Directors provided that any order so passed shall be placed before the next meeting of the Board of Directors or the Executive committee which ever is held earlier.

11 Powers and Duties of the Managing Director:

- (a) The Managing Director shall be the Chief Executive officer of the corporation. He shall be responsible for the administration and working of the corporation and shall be responsible to the chairman and Board of Directors.
- (b) The Managing Director shall have the powers to negotiate and carry on the authorised and normal business of the corporation in accordance with the specific or implied instructions issued by the chairman, Board of Directors or the Executive committee from time to time and shall be the authority to decide whether any suit or proceedings be instituted or defended by or against the corporation subject to such direction, if any, as the Board may give from time to time.
- (c) The Managing Director shall act as controlling and disbursing officer in respect of all the funds of the Corporation and shall operate accounts either singly or jointly with a Director or any officer of the Corporation authorised in this behalf by the Board of directors from time to time and may draw, accept and endorse bills of exchange and other instruments in

the current and authorised business of the Corporation and may sign all other accounts, receipts and documents on behalf of the Corporation.

- (d) The Managing Director shall organize and supervise the office of the Corporation and exercise such powers in connection with the appointments, promotions, termination of service and other disciplinary matters and sanctioning of leave to the staff employed in the Corporation as may be vested by the Board in this behalf and allocate duties to the members to the staff and make such other arrangements as may be necessary for the efficient discharge of the function of the Corporation.

12 **Amount of expenditure on the administration of the Corporation.**

The Chairman with the prior approval of the Board of Directors and as far as possible shall determine from time to time the amount of the expenditure on the administration of the Corporation.

13 **Common seal of the Corporation:**

The Common seal of the Corporation shall not be affixed to any instrument except in pursuance of a resolution of the Board of Directors or of the Executive Committee and except in the presence of the Managing Director and one other Director who shall sign the instrument in token of their presence and such signing shall be independent of the signature of any person who may sign the instrument as a witness. Unless executed as aforesaid such instrument shall have no validity

14 **Manner and form in which contracts, binding on the Corporation may be executed**

Contracts on behalf of the Corporation may be made as follows:

- (a) Any contract which is by law required to be in writing may be made on behalf of the Corporation in writing signed either by Managing Director or by any other person acting under the authority of the Corporation, express or implied, and may in the same manner be varied or discharged.
- (b) Any contract which will be valid if made by parole, may be made by parole on behalf of the Corporation by any person acting under its authority, express or implied and may in the same manner be varied or discharged.

15. **Pleading etc. by whom to be signed:**

Plaints, written statements, petitions, vakalat namas affidavits and other documents connected with legal proceedings may be signed and verified on behalf of the Corporation by the Managing Director or the Secretary or any person authorised by the Corporation in this behalf.

U.P. STATE WAREHOUSING CORPORATION

STAFF REGULATIONS

In exercise of the power conferred by section 42 of the Warehousing corporations Act, 1962 (58 of 1962) and in super session of all previous regulations, the U.P. State Warehousing Corporation with the sanction of the State Government vide G.O. No. 5060c/XIICA-616(i)/58 dated March 28, 1966 and subsequent amendments vide G.O. No. 3363/XII-C-1-Bhandaragar-10/1981 dated July 28, 1987 & No. 6148/XII-C-1-Bhandaragar-10/1981 dated March 4, 1989 make the following regulations to carry out the purpose of the Act.

1. Short title Commencement and Application.

- (1) These regulations may be called the U.P. State Warehousing Corporation Staff Regulations, 1961.
- (2) They shall take effect from the date of their publication in the official gazette.
- (3) They shall apply to all employees of the Corporation and to the personnel employed on contract in respect of all matters not regulated by the contract.

2. Definitions.

In these regulations unless there is anything repugnant in the subject or context.

- (a) 'Act' means the Warehousing Corporations Act, 1962.
- (b) 'Board of Directors' means the Board of Directors of the Corporation referred to in section 20 of the Act.
- (c) 'Chairman Means' the Chairman of the Board of Directors.
- (d) 'Corporation' means the U.P. State Warehousing Corporation established under section 18 of the Act.
- (dd) 'Deputy Managing Director' means the Deputy Managing Director of the Corporation.
- (e) 'Employee' means a person in the whole time or part time service of the Corporation but does not include a person, employed on daily wages or a person employed on contract in so far as he is governed by the terms of the contract.
- (f) 'Executive Committee' means the Executive Committee of the Corporation, referred to in section 25 of the Act.
- (g) 'Government Institution' means a Government Company as defined in the Companies Act or a statutory body corporate in which the Central or a State Government has a financial interest or any office created under the constitution of India.
- (h) 'Managing Director' means the Managing Director of the Corporation.
- (i) 'Secretary' means the Secretary of the Corporation.
- (j) 'Sub-committee' means a sub-committee appointed by the Board of Directors or by the Executive Committee or by the Managing Director, and
- (k) 'State Government' means the Government of Uttar Pradesh.

(3) Classification of employee.

The employees of the Corporation shall be classified as follows :-

Class I- Officers (including the Managing Director, Deputy Managing Director, Secretary, Manager (construction), Storage Advisor, Financial Advisor cum

Senior Accounts officer, Dy. Manager(Personnel), Accounts officer, Assistant Secretary, Addl. Storage Officer, Superintendent, Assistant Accounts Officer, Warehouse Manager Grade 'A' (Warehousemen grade-I), Senior internal Auditor, Personal Assistants, Office Superintendent and other employees as may be classified as officers from time to time by the Board of Directors or the Executive Committee.)

Class II- Ministerial Staff (including Warehouse Manager Grade 'B' (Warehousemen Grade-II), Senior Auditor, Senior Stenographer, Accountants, Technical Assistant, Senior Godown keepers, Overseer, Refrigeration Engineer, Stenographer, Junior Technical Assistant, Assistant Grade-I, Godown Keeper, Assistant Grade-II, Assistant Grade-III, Typist, Works Assistant and other employees as may be classified as Ministerial Staff from time to time by the Board of Directors or the Executive Committee).

Class III - Subordinate staff (including Drivers, Dusting operator, Jamadar, Senior Daftari, Daftari, Mali, Peon, Messengers, Chowkidar, Helper, Chowkidar-cum-chaprasi, sweeper, and other employees as may be classified as subordinate staff from time to time by the Board of Directors or the Executive Committee).

CHAPTER-II

APPOINTING AUTHORITY, PROBATION AND TERMINATION OF SERVICE

4. Strength of Staff - The Board of Directors shall, from time to time, determine the strength of the staff both permanent and temporary under various categories required for carrying out its functions:

Provided that the Managing Director may subject to the approval of the Executive Committee create any post in class II or class III for a period not exceeding six months.

5. Appointing Authority- Appointments to posts in class II in the scale of Rs. 625-1240 and above shall be made by the Managing Director and appointments to the posts in class II and III below the pay scale of Rs. 625-1240 shall be made by the Deputy Managing Director. Appointment to the posts other than that of Managing Director shall be made by the Executive Committee. The appointment of Managing Director shall be made in accordance with the provisions of section 20(i)(c) of the Warehousing Corporations Act, 1962(58 of 1962).

6. Furnishing of security by the employees of the Corporation-

- (1) Cashiers, Accountants, Assistant Accountants, Warehousemen and other employees, entrusted with the custody of cash, stores and other valuables, shall be required to furnish such security in cash or otherwise as may be laid down by the Board Directors.
- (2) On termination, on account of retirement, dismissal, resignation, death or any other cause, of services of an employee who has furnished security, the security deposit shall become refundable after a lapse of six months from the date of such termination, subject to such deduction for any sum or sums for which his liability may be fixed by the Deputy Managing Director.

- (3) The Deputy Managing Director shall also deduct from the security such amount as he may decide towards all claims, the Corporation may have through an loss, damage or otherwise, sustained or occasioned as a result of dishonesty, disregard of rules or gross negligence in discharge of his duties by any employee from whom the security is taken.
- (4) The rate at which interest shall be paid on an employees cash security shall be determined from time to time by the Board of Directors.

7. Medical Certificates –

Every employee, other than a person on deputation from the Central Government or a State Government or a Government institution, shall before joining duty be required to furnish a medical certificate in the form prescribed in Appendix-I from a Registered Medical Practitioner, nominated for the purpose by the Executive Committee.

8. Period of Probation -

- (1) All persons on appointment in or against substantive vacancies shall be placed on probation for period of one year, provided that the appointing authority may, in individual cases, extend the period of probation by such further period not exceeding one year, as it may deem fit and specify.
- (2) If it appears at any time during or at the end of period of probation or extended period of probation that a person has not made sufficient use of his opportunities, or has otherwise failed to give satisfaction, he may, if directly recruited be removed from the service or if appointed by promotion, reverted to the post from which he was promoted.
- (3) A person removed from the service during or at the end of the period of probation or extended period of probation under Sub-Para (2) will not be entitled to any compensation.

9. Confirmation-

No person shall be confirmed in his appointment, unless (a) he has completed the period of probation prescribed in para No. 8, and (b) the appointing authority is satisfied that he is otherwise fit for confirmation.

10. Notice by an employee -

- (1) An employee shall not leave or discontinue his service in the Corporation without first giving one month's notice in writing of his intention to do so to the appointing authority.

Provided that three months notice shall be necessary in case of an employee in Class-I.

- (2) In case of breach of this para, the employee shall be liable to pay as compensation to the Corporation a sum equal to his substantive pay for the said period of notice.

Provided that the payment of such compensation may be waived by the appointing authority in its discretion.

11. Termination of Service –

- (1) The services of an employee of any class who is temporary may be terminated by the appointing authority at any time by giving him one month's notice or pay in lieu thereof.

- (2) The services of a permanent employee of the Corporation can be terminated by the appointing authority only after apprising the employee of the reasons there for, asking him to furnish any explanation that he may like to offer and after considering the explanation and giving him a final notice to show cause against the proposed termination.

12. Age of Superannuation-

Every employee of Class I and II shall retire on attaining the age of fifty eight years and that of Class III shall retire on attaining the age of sixty years;

Provided that no extension in service beyond the age of superannuation shall be allowed except where the interests of the Corporation so require and in consideration of the exceptional and outstanding nature of the work done by any employee, the Board of Directors may with the previous approval of the State Government extend the period of service of any employee in Class I and II beyond the age of superannuation for any period not exceeding two years in the aggregate.

Note: Not with standing such amendment, anything done or action taken under the provisions of the Uttar Pradesh State Warehousing Corporation Staff Regulations, 1961 as amended by the U.P. State Warehousing Corporation Staff (First Amendment) Regulations, 1984 and U.P. State Warehousing Corporation Staff (Second Amendment) Regulations, 1985 shall be deemed to be valid.

12-Age of Superannuation -

Every employee shall retire on attaining the age of sixty years.

This amendment come into force w.e.f. from Government Order no-31/49-1-12-500 (564) /04 Dated February 22, 2012.

CHAPTER - III

13. Pay Scales -

(1) The Scales of pay of the employees shall be as under :-

S.No.	Name of the Post	Scale of Pay
1	Managing Director	Rs. 2700-100-3000
2	Dy. Managing Director	Rs.1840-60-1900-75-2200-100-2400
3	Manager (Construction)	Rs.1840-60-1900-75-2200-100-2400
4	Jt. Manager (Const)	1530-60-1950-75-2250
5	Secretary	Rs. 1840-60-1900-75-2200-100-2400
6	Storage Advisor	Rs. 1350-60-1650-Assesment-1770-60-1950-75-2100
7	Financial Advisor cum Senior Accounts Officer	Rs. 1350-60-1650-Assesment-1770-60-1950-75-2100
8	Dy. Manager (Construction)	Rs. 1350-60-1650-Assesment-1770-60-1950-75-2100
9	Dy. Manager (Commercial)	Rs. 1350-60-1650-Assesment-1770-60-1950-75-2100
10	Dy. Manager (Personnel)	Rs. 1350-60-1650-Assesment-1770-60-1950-75-2100
11	Accounts Officer	Rs. 1020-40-1100-50-1350-60-1770
12	Storage Officer	Rs. 1020-40-1100-50-1350-60-1770
13	Assistant Secretary	Rs. 900-40-1100-50-1350-60-1770
14	Business Dev. Officer	Rs. 900-40-1100-50-1350-60-1770
15	Investigation Officer	Rs. 900-40-1100-50-1350-60-1770
16	Exhibition & Pub. Officer	Rs. 900-40-1100-50-1350-60-1770

17	Addl. Storage Officer	Rs. 900-40-1100-50-1350-60-1770
18	Assistant Engineer	Rs. 900-40-1100-50-1350-60-1770
19	Regional Superintendent	Rs. 900-40-1100-50-1350-60-1770
20	Superintendent	Rs. 900-40-1100-50-1350-60-1770
21	Audit Officer	Rs. 900-40-1100-50-1350-60-1770
22	Asstt. Accounts Officer	Rs. 690-40-1050-50-1300-60-1420
23	Dy. Regional Supdt.	Rs. 690-40-1050-50-1300-60-1420
24	Asstt. Audit Officer	Rs. 690-40-1050-50-1300-60-1420
25	Warehouse Manager 'A' Grade	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
26	Warehouse Manager 'A' Grade (Headquarter)	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
27	Senior Accountant	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
28	Asstt. Storage Officer	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
29	Asstt. Business Officer	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
30	Movement Officer	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
31	Senior Internal Auditor	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
32	P.A. to Chairman	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
33	P.A. to M.D.	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
34	P.A. to Dy. M.D.	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
35	Office Superintendent	Rs. 775-30-925-35-995-EB-35-1240-EB-40-1360
36	Asstt. Movement Officer	Rs. 625-30-925-35-1240
37	Warehouse Manager 'B' Grade	Rs. 625-30-925-35-1240
38	Senior Stenographer	Rs. 620-25-770-EB-30-980-EB-30-1100
39	Senior Auditor	Rs. 620-25-770-EB-30-980-EB-30-1100
40	Analyst	Rs. 620-25-770-EB-30-980-EB-30-1100
41	Publicity Officer	Rs. 620-25-770-EB-30-980-EB-30-1100
42	Stenographer Grade-I	Rs. 620-25-770-EB-30-980-EB-30-1100
43	Accountant	Rs. 620-25-770-EB-30-980-EB-30-1100
44	Office Superintendent	Rs. 620-25-770-EB-30-980-EB-30-1100
45	Technical Assistant	Rs.550-20-650-Ass.-700-25-900-30-1020
46	Business Assistant	Rs.550-20-650-Ass.-700-25-900-30-1020
47	Senior Godown Keeper	Rs.550-20-650-Ass.-700-25-900-30-1020
48	Overseer/Computer/Sectional Officer	Rs.550-20-650-Ass.-700-25-900-30-1020 Rs. 850-25-900-30-1050-Ass.-1100-40-1350(After 10 Years)
49	Refrigeration Engineer	Rs.550-20-650-Ass.-700-25-900-30-1020 Rs. 850-25-900-30-1050-Ass.-1100-40-1350(After 10 Years)
50	Stenographer	Rs. 515-15-590-20-630-EB-20-690-25-790-EB-25-865
51	Draftsman	Rs. 500-15-620Ass.-650-20-810 Rs. 690-20-790-25-890(After 10 Years)
52	Junior Technical Asstt.	Rs. 490-15-580-EB-15-610-18-682-EB-18-700-20-760
53	Asstt. Grade-I	Rs. 490-15-580-EB-15-610-18-682-EB-18-700-20-760
54	Publicity Asstt.	Rs. 490-15-580-EB-15-610-18-682-EB-18-700-20-760
55	Godown Keeper	Rs. 490-15-580-EB-15-610-18-682-EB-18-700-20-760
56	Cashier	Rs. 440-15-620-18-710
57	Asstt. Grade-III/	Rs. 360-10-430-EB-12-514-EB-12-550

	Asstt. Grade-II.	Rs. 410-10-430-12-490-EB-15-595-EB-15-640 (After 10 Years)
58	Typist/Clerk-cum-Typist	Rs. 360-10-430-EB-12-514-EB-12-550 Rs. 410-10-430-12-490-EB-15-595-EB-15-640 (After 10 Years)
59	Camp Clerk	Rs. 360-10-430-EB-12-514-EB-12-550 Rs. 410-10-430-12-490-EB-15-595-EB-15-640 (After 10 Years)
60	Work Asstt.	Rs. 410-10-430-12-490-EB-15-595-EB-15-640
61	Cold Storage Operator	Rs. 440-15-620-18-710
62	Senior Driver	Rs. 360-10-430-EB-12-514-EB-12-550
63	Projector Operator	Rs. 360-10-430-EB-12-514-EB-12-550
64	Lab. Asstt.(If High School)	Rs. 360-10-430-EB-12-514-EB-12-550
65	Care-Taker	Rs. 360-10-430-EB-12-514-EB-12-550
66	Driver	Rs. 335-8-415-10-495 Rs. 425-10-545 (After 15 Years)
67	Dusting Operator	Rs. 320-6-362-EB-6-380-8-420-EB-8-460 Rs. 380-8-420-8-460-EB-8-492 (After 15 Years)
68	Jamadar	Rs. 320-6-362-EB-6-380-8-420-EB-8-460 Rs. 380-8-420-8-460-EB-8-492 (After 15 Years)
69	Senior Daftari	Rs. 320-6-362-EB-6-380-8-420-EB-8-460 Rs. 380-8-420-8-460-EB-8-492 (After 15 Years)
70	Daftari/Mali/Peon/Orderly/ Messenger/Chowkidar/ Sweeper/Chowdikar-cum- Chaprasi/Helper.	Rs. 305-5-330-EB-6-360-EB-6-390 Rs. 360-6-390-EB-6-420-EB-6-450 (After 15 Years)

परन्तु उपर्युक्त के अन्तर्गत न आने वाले पदों के लिये, वेतनमान ऐसा होगा जैसा निगम द्वारा समय-समय पर निर्धारित किया जाय।

(2) प्रतिनियुक्ति पर नियुक्त किसी कर्मचारी के वेतन और भत्ते बाह्य सेवा की ऐसी शर्तों और निर्बन्धनों के अनुसार विनियमित होंगे जैसा कि निगम और उधारदाता संगठन के बीच आपस में निश्चित किया जाय।

14. Dearness Allowance –

Unless otherwise stipulated in the terms and conditions of employment, an employee shall be entitled to Dearness Allowance at the rates admissible to the employees drawing same pay under the Government of U.P. .

CHAPTER –IV DISCIPLINE

15. Rules of conduct for the employees –

- (1) All employees are bound to serve the Corporation in such capacity and in such place as may be directed by the Corporation from time to time.
- (2) All employees are bound to serve the Corporation faithfully and to the best of their ability. No employee shall associate himself with or take active part in any political matter or political demonstration.
- (3) No employee of the Corporation shall, without the prior permission of the Managing Director.
 - (a) By himself or through any member of his family engage in any trade or business or adventure in the nature of trade or business.
 - (b) Undertake any other employment while on duty or leave or under suspension.

- (4) An employee shall not speculate in agricultural produce, stocks, shares, securities or any other goods and shall not have connection with the formation or management of a partnership joint stock company.
- (5) An employee shall not absent himself from duty or the station of his posting without obtaining prior permission of the Managing Director or Dy. Managing Director as the case may be.
- (6) An employee shall not approach, or prefer an appeal (Except as herein provided) or represent personally to, any director for any matter concerning his service;

Provided that nothing herein contained shall be deemed to prohibit an employee from making any legitimate representation concerning his service to the Managing Director in his official capacity.

- (7) (a) No employee of the Corporation shall except with the previous sanction of the Managing Director own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication.
(b) No employee of the Corporation shall except the previous sanction of the Managing Director or in the bonafide discharge of his duties participate in a radio broadcast, T.V. telecast or contribute any article or write any letter to any newspaper or periodical.
- (8) No employee shall, except in accordance with any general or special order of the Corporation or in the performance in good faith of the duties assigned to him, communicate directly or indirectly any official document or any part thereof or information to any officer or other employee, or any other person to whom he is not authorised to communicate such document or information.

16. Imposition of penalties –

- (1) Any employee committing a breach of regulations of the Corporation or being guilty of negligence, inefficiency or indolence in performance of his duties or knowingly doing anything detrimental to the interest of the Corporation or in conflict with its instructions or committing a breach of discipline or being guilty of any other act of misconduct or misdemeanour or being convicted of a criminal offence shall be liable to any one or more of the following penalties :-
 - (a) fine
 - (b) censure
 - (c) postponement or stoppage of increments or promotion,
 - (d) reduction to a lower post in his permanent class or to a lower stage in his incremental scale,
 - (e) recovery from pay, security deposit or otherwise of the whole or part of the pecuniary loss caused to the Corporation by the employee,
 - (f) removal,
 - (g) dismissal,

Provided that the penalty of fine shall be imposed on employees of class III only.

- (2) The power to impose a penalty under sub-para (1) shall be exercised.
 - (i) In the case of class-I employees other than the Managing Director, in respect of all penalties except the penalty specified in items (b) and (c) of sub-para (1), by the Executive Committee,
 - (ii) In the case of Class II employees in the pay scale of Rs. 625-1240 and above in respect of all penalties, and the case of Class I employees referred in clause (i)

respect of the penalty specified in items (b) and (c) of sub-para(1) by the Managing Director and in case of class II and III employees below the pay scale of Rs. 625-1240 in respect of all penalties, by the Deputy Managing Director.

(iii) In the case of the Managing Director, in respect of all penalties, by the Board of Directors in consultation with the Central Warehousing Corporation and with the previous approval of the State Government.

(3) No punishment other than that specified in sub-para (1) (a), (1) (b) or (1) (c) shall be imposed on any employee without formal charges being framed against him and without giving him an opportunity for tendering an explanation in writing and cross examining the witnesses against him, if any, and of producing evidence in defence;

Provided that punishment to an employee on deputation from the Central Government, a State Government or a Government Institution shall be imposed only in accordance with the procedure and rules laid down in this behalf in his parent service.

17. Procedure about suspension –

(1) An employee may be placed under suspension pending an enquiry against him for breach of discipline or neglect of duty or pending proceedings instituted against him in respect of any criminal offence involving moral turpitude.

(2) The power to place an employee under suspension shall be exercised;

(a) In the case of employees below the pay scale or Rs 625-1240 by the Deputy Managing Director,

(b) In case of employees in the pay scale of Rs. 625-1240 and above except the Managing Director by the Managing Director and

(c) In the case of the Managing Director by the Board of Directors consultation with the Central Warehousing Corporation and with the previous approval of the State Government;

Provided that an employee on deputation from the Central Government, a State Government or a Government Institution shall be suspended only in accordance with the procedure and rules applicable to him in his parent service.

18. Grant of subsistence allowance to employees when under suspension-

An employee when suspended under these Regulations shall not be entitled, during the period of suspension, to draw his full pay but he will be paid during that period, a monthly subsistence allowance at such rate not less than one fourth and not exceeding one half of his substantive pay and so much of the dearness allowance, if any, as the authority ordering suspension may determine.

19. Payment of the difference between subsistence already paid and emoluments in case of reinstatement

(1) If charges preferred against an employee placed under suspension are not proved in the departmental proceedings taken under these Regulations, he shall be reinstated to his post and shall be paid the difference between the subsistence allowance already paid and the emoluments which he would have received but for such suspension. The period during which an employee is under suspension, shall if he is not removed or dismissed from service, be treated as a period of duty or leave as the authority passing the final order may direct.

(2) Discharge or acquittal of an employee in any criminal proceedings for any criminal offence involving moral turpitude shall not automatically entitle the employee to reinstatement. Not with standing such discharge or acquittal, the

corporation shall be competent to institute or, if already instituted, to continue departmental proceedings on the same charges.

20. Reversion-

An employee appointed to officiate in a higher grade shall be liable to be reverted without notice and without any reason being assigned there for.

CHAPTER-V

21. Appeals-

- (1) Every employee shall be entitled to appeal against any order imposing upon him any penalty specified in para 16 or refusing him leave applied on a medical certificate.
- (2) An appeal under sub-para (1) shall lie,
 - (i) Where the order imposing the penalty or refusing leave is made by the Deputy Managing Director to the Managing Director,
 - (ii) Where the order imposing the penalty or refusing leave is made by the Managing Director to the Executive Committee,
 - (iii) Where the order imposing the penalty or refusing leave is made by the Executive Committee to the Board of Directors,
 - (iv) Where the order refusing leave is made by the Secretary to the Managing Director; and
 - (v) Where the order refusing leave is made by the Chairman, to the Executive Committee.

Provided that no appeal shall lie against any order of the appellate authority or of the Board of Directors.

22. Contents of appeal-

- (1) Every appeal preferred under these regulations shall contain all relevant facts relied upon by the appellant and shall be complete in itself.
- (2) An appeal shall not be couched in disrespectful or improper language. If so couched the appellate authority may return the appeal to the appellant and allow him an opportunity to submit within the time specified by it an amended memo of appeal which shall not contain any disrespectful or improper language.

23. Appeal to be preferred through immediate superior officer-

An appeal shall be sent by an employee through his immediate superior officer who shall forward it to the appellate authority with his comments.

24. Time limit for preferring an appeal-

No appeal shall be entertained if it is not preferred within a period of thirty days from the date of receipt by the appellant of the order imposing the penalty on him or refusing him leave applied on a medical certificate.

CHAPTER-VI

25. Leave in case of employees on deputation-

Employees on deputation from the Central Government, a State Government or a Government Institution shall be entitled to such leave as is admissible to them under the rules governing them in their respective parent services.

26. Kinds of leave-

- (1) Every employee other than an employee serving on deputation shall be eligible to the following kinds of leave;
 - (a) Casual leave as per para 29
 - (b) Earned leave as para 30
 - (c) Special and sick leave as per para 31

(d) Extra-ordinary leave (Leave without pay) as per para 33;
Provided that no employee shall claim leave as a matter of right;
Provided further that except in special circumstances no employee shall be entitled to any kind of leave except casual leave and leave on medical certificate during the first year of his service.

- (2) No appeal shall lie against an order refusing leave except when it has been applied on medical certificate.
- (3) When leave applied on medical grounds is more than a week the employee will furnish a medical certificate from a registered medical practitioner whose treatment he is undergoing. In case the authority competent to sanction such leave is not satisfied he can demand and the employee shall have to furnish a medical certificate from a Government Medical Officer not below the rank of Assistant Surgeon. The cost shall in either case be borne by the employee.

27. Counting of Sundays and holidays as part of the leave-

- (1) A Sunday or other holiday which is both preceded or succeeded by any period of leave shall count as a part of the leave.
- (2) Sundays or holidays may be prefixed or suffixed to leave with the prior permission of the authority empowered to sanction leave. When so permitted, they shall not count as part of the leave.

28. Authority to grant leave-

- (i) The secretary shall be the competent authority to grant casual leave to employees of all classes except class I, and all other leave to class III employees.
- (ii) The Deputy Managing Director shall be the authority to sanction casual leave to employees of Class-I and all other leave to employees of Class-II.
Provided casual leave to the employees in the pay scale of Rs. 1530-2250 and above shall be sanctioned by the Managing Director.
- (iii) The Chairman shall be the authority to sanction casual leave to the Managing Director and all other leave to employees of Class I other than the Managing Director.
- (iv) The Executive Committee will be the authority to grant earned leave for a period not exceeding 45 days to the Managing Director.
- (v) Earned leave in excess of 45 days, extra ordinary, special or sick leave in the case of the Managing Director shall be sanctioned only by the Boards of Directors.

29. Casual Leave-

An employee shall be eligible for casual leave to the extent of 15 days in a calendar year. Not more than seven days casual leave will normally be granted at a time. Casual leave shall not be combined with any other kind of leave.

30. Earned Leave-

- (1) The amount of earned leave shall be one-eleventh part of the employees active service calculated as one day for every eleven days on duty.
- (2) The earned leave due to an employee shall be the period earned as leave under sub-para(1) as diminished by the period of leave actually availed of;

Provided that the amount of earned leave which can be taken at any one time will not exceed on hundred and twenty days at a time;

Provided further that the maximum leave that can accumulate in the account of an employee shall not exceed on hundred and twenty days unless any leave applied for, which is due is refused by the competent authority in which case leave accumulable shall be enhanced by the period for which leave

is so refused subject, however, to the condition that the total leave accumulable by an employee shall not exceed six months.

- (3) An employee on earned leave shall draw pay at a monthly rate equal to his average monthly pay for the proceeding twelve months.

31. Special and Sick Leave-

During the full period of his service, an employee may be granted special leave, counting as service for a period not exceeding 12 months and sick leave on medical certificates counting as service for a period not exceeding 18 months in all, and the authority empowered to sanction leave may in a special case grant additional sick leave not exceeding three months, if considered advisable in the interest of the Corporation. Special or sick leave may not be availed of if earned leave is admissible.

- (2) Special and sick leave for an aggregate period of twelve months shall be on half average pay, which shall be reduced to one quarter of average pay, for a period in excess of twelve months unless the authority empowered to sanction leave sanctions it at half of average pay;

Provided that in case of special hardship, an employee may be allowed to avail himself of sick leave on full pay up to a maximum period of three months during the full period of his service, such leave on full pay being entered as twice the amount of leave taken in an employees sick leave account.

32. Maternity leave-

A female employee shall be eligible for the grant of maternity leave on full pay for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement whichever is earlier.

Provided that the total maternity leave during the entire service shall not exceed 3 months.

33. Extra-ordinary leave (leave without pay) -

- (1) Extra-ordinary leave may be granted to an employee when no casual or earned leave is admissible to him and when having regard to his length of service, sick or special leave is not considered justified by the authority empowered to sanction leave. Except in exceptional circumstances, the duration of the extra-ordinary leave shall not exceed three months on any one occasion and twelve months during the entire period of any employee's service.
- (2) The authority empowered to sanction leave may grant extra-ordinary leave in combination with, or in continuation of leave of any other kind admissible to the employees, and may commute retrospectively period of absence without leave into extra-ordinary leave.
- (3) No pay or dearness allowance shall be admissible during the period of extra-ordinary leave and the period spent on such leave shall not count for increments;

Provided that, in cases where the authority empowered to sanction leave is satisfied that the leave was taken on account of illness or for any other cause beyond the employee's control, it may direct that the period of extra-ordinary leave may count for increments.

CHAPTER-VII

34. Medical facilities-

Such medical facilities will be provided for employees and their families as the Board of Directors may determine from time to time.

CHAPTER-VIII

35. Travelling allowance, daily allowance, transfer allowance, definition of pay for the purpose of certain allowances-

For purposes of mode of travel, calculation of travelling allowance, daily allowance, house rent allowance and transfer allowance, pay includes special pay, and 50 percent of dearness allowance subject to the limit prescribed by the State Government in this behalf in the case of Government servants and in case of re-employed personnel their pension.

36. Allowance to employees on deputation-

Employees on deputation from the Central government, a State Government or a Government Institution shall, in matters of travelling allowance, daily allowance, transfer travelling allowance and other travel concession allowance, be governed by the Supplementary Rules of the Central Government or any other rules in this behalf which may be included in the terms and condition of their service.

37. Travelling Allowance, transfer travelling allowance, daily allowance, transport charges of personal effects-

The Managing Director and employees of the Corporation shall be entitled to such daily allowance, travelling allowance, transfer travelling allowance and transport charges of personal effects, including car, motor cycle and cycle as is admissible to the Government employees drawing same pay under the State Government in accordance with the provisions of Financial Hand Book Volume-III and orders issued by the State Government in this behalf from time to time.

38. Drawing of Transfer allowance in advance-

An employee on transfer may draw in advance the amount of transfer allowance to which he may be entitled under para 37.

39. Hiring of transport at the outstation etc.-

When the business of the Corporation so warrants, transport may be hired by an Officer at the outstation. The cost of such hire will be met from the funds of the Corporation. The T.A. & D.A. of the officer will be regulated on the basis of his having availed of free transport.

40. Countersigning of T.A. Bills-

All T.A. Bills of class II and III employees shall be countersigned by the Secretary and of class I employees by the Managing Director. The T.A. Bills of the Managing Director shall be countersigned by the Chairman.

41. State Government to decide disputes regarding interpretation of these Regulations-

In the event of any dispute arising with regard to the interpretation of these regulations, it shall be referred to the State Government whose decision thereon will be final.

42. Regulation of the past actions and payments etc.

Any payment made or anything done or any action taken under Regulations or amendments thereof as approved by the Board of Directors from time to time, before the commencement of these Regulations, shall be deemed to be the payment made or thing done or action taken under these Regulations as if these Regulations were in force on the date on which such payment was made or thing was done or action was taken.

APPENDIX-I
(Para-7)
FORM OF MEDICAL CERTIFICATE

I, do hereby certify that I have conducted a thorough medical examination of Sri..... a candidate for employment in the U.P. State Warehousing Corporation.

I have not discovered any physical defect, disease or infirmity except and I consider/do not consider this a disqualification for employment under the Corporation, Sri.....'s age according to his/her own statement is years and by appearance years.

(Name and Designation
of the Medical Officer)

**Uttar Pradesh Shasan
Sahakarita Anubhag-I**

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the Publication of the following English translation of notification no. 1178/49-1-12-500 dated ~~July~~ 23 AUGUST 2012. CS 643/104

Notification

No. 1178 /49-01-12-500(564)/04
Lucknow: Dated 23 Aug, 2012

In exercise of the powers under section 42 of the Warehousing Corporation Act, 1962 (Act no. 58 of 1962), the Uttar Pradesh State Warehousing Corporation with the previous sanction of the State Government, hereby, makes the following regulations with a view to amending the U.P. State Warehousing Corporation Staff Regulations, 1961, namely:-

THE U.P. STATE WAREHOUSING CORPORATION STAFF (FIFTH AMENDMENT) REGULATION, 2012

Short title and commencement 1- (I) These Regulations may be called the U.P. State Warehousing Corporation Staff (Fifth Amendment) Regulation, 2012.

(II) They shall come into force with effect from Government Order NO-31/49-1-2012 -500(564)/04, Dated February 22, 2012 issued in this behalf.

Amendment of regulation 12. 2- In the U.P. State Warehousing Corporation Staff Regulations, 1961, for regulation 12, set out in column I below the regulation as set out in column II shall be substituted namely:-

**Column I
Existing Regulation**

**Column II
Regulation as hereby substituted**

12- Age of Superannuation -

12- Age of Superannuation -

Every employee of Class I and II shall retire on attaining the age of fifty eight years and that of ~~Class II~~ shall retire on attaining the age of sixty years;

Every employee shall retire on attaining the age of sixty years.

Provided that no extension in service beyond the age of superannuation shall be allowed except where the interests of the Corporation so require and in consideration of the exceptional and outstanding nature of the work done by any employee, the Board of Directors may with the previous approval of the State Government extend the period of service of any employee in Class I and II beyond the age of superannuation for any period not exceeding two years in the aggregate.

Note: Not with standing such amendment, anything done or action taken under the provisions of the Uttar Pradesh State Warehousing Corporation Staff Regulations, 1961 as amended by the U.P. State Warehousing Corporation Staff (First Amendment) Regulations, 1984 and U.P. State Warehousing Corporation Staff (Second Amendment) Regulations, 1985 shall be deemed to be valid.



(DEBASISH PANDA)
Pramukh Sachiv