

## **ANDHRA PRADESH MINOR FOREST PRODUCE (REGULATION OF TRADE IN ABNUS LEAVES) RULES, 1970**

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## **ANDHRA PRADESH MINOR FOREST PRODUCE (REGULATION OF TRADE IN ABNUS LEAVES) RULES, 1970**

In exercise of the powers conferred by Section 19 of the A.P. Minor Forest Produce (Regulation of Trade) Ordinance, 1970 (Andhra Pradesh Ordinance 5 of 1970), the Government of Andhra Pradesh hereby makes the following rules, the same having been previously published at pages 1 to 28 of the Rules Supplement to Part II of the Extraordinary issue of the A.P. Gazette dated 23rd November, 1970, as required by sub section (1) of Section 19 of the Said Ordinance.

### **1. Short title :-**

These rules may be called the Andhra Pradesh Minor Forest Produce (Regulation of Trade in Abnus Leaves) Rules, 1970,

### **2. Definitions :-**

In these rules, unless the context otherwise requires:

- (1) "Chairman" means the Chairman of Committee appointed as such under Rule 5:

(2) "Conservator concerned" means the Conservator of Forests who is the immediate superior of the Divisional Forest Officer;

(3) "Conservator of Forests, State Trading Circle" means the Conservator of Forests posted as such by the Government.

(4) "Convenor" means the Convenor of the Committee appointed as such under Rule 5;

(4A). "deport" means a place where abnus leaves are purchased by or delivered to the Government or agent of authorised Officer or where the raw abnus leaves are cured;

(5) "Divisional Forest Officer" means the Divisional Forest Officer having territorial jurisdiction over the unit concerned;

(6) "Exporter" means any person who exports abnus leaves for sale or for manufacture of beedies at any place outside the State, by himself or through others on his behalf;

(7) Form , means a Form appended to these rules;

(7-A) "godown" means a place where cured abnus leaves are stored.

(8) "Manufacturer of beedies" means any person who manufactures or causes to be manufactured beedies in the State using abnus leaves for the purpose of trade therein;

(9) "Ordinance" means the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Ordinance, 1970 (Andhra Pradesh Ordinance 5 of 1970);

(10) "Purchaser" means any person to whom abnus leaves have been sold or otherwise disposed of by the Government;

(11) "Section" means a section of the Ordinance;

(12) "Standard bag" means a quantity of one thousand standard bundles, whether bagged or not;

(13) "Standard bundle" means a bundle (or a katta) containing \* [fifty] abnus leaves;

(14) "Trade bag" means a bag used by the purchaser for packing and transporting abnus leaves displaying conspicuously the number of standard bundles contained therein;

(15) "transport permit" means a permit for the transport of abnus

leaves issued under clause (b) of sub section (2) of Section 5.

### **3. Appointment of agent :-**

(1) The Government shall, for the purpose of enabling them to appoint person as an agent in any unit or units under sub section (1) of Section 4, publish a notice in Andhra Pradesh Gazette [x x x] specifying the terms and conditions of appointment of agents and inviting applications therefor. Copies of the said notice shall also be affixed on the notice boards at the Offices of all the Divisional Forest Officers in the specified area for information of the public and the particulars as to the date, page of the Andhra Pradesh Gazette in which the notice is published shall be published in an English daily (Newspaper) and in atleast one daily in each of the local languages, namely Telugu and Urdu as may be specified by the Government.

(2) A separate application for appointment of an agent for each unit shall be made in Form A";

(3) A fee of Rs. 10 shall be paid either in cash or through a treasury challan to the Divisional Forest Officer in respect of each application for appointment of an agent and the fee so paid is not refundable.

(4)

(a) Every such application shall be accompanied by a Treasury Challan or receipt showing a cash deposit by the applicant of rupees five hundred, made under the head of account, "Revenue Deposits" in favour of the Divisional Forest Officer or by a demand draft for the same sum on State Bank of India, State Bank of Hyderabad or any Scheduled Bank, in favour of the Divisional Forest Officer, as earnest money.

(b) In addition to the amount of earnest money referred to in clause (a) the applicant shall by way of additional earnest money either deposit in cash an additional sum of rupees five hundred or furnish a surety bond of an independent surety holding a solvency certificate for rupees five hundred which has been issued not earlier than six months in form. The solvency certificate issued by a competent authority in any State other than the State of Andhra Pradesh may however be in the form approved by the Government of that other State. The surety bond shall be in form 1.

(5) No person shall be allowed to apply on behalf of another person unless he holds a power of attorney executed before and authenticated by the Registrar or Sub Registrar within whose district or sub district, a principal resides from such other person empowering to act on his behalf. A copy of such power of attorney shall accompany the application and the original thereof shall be produced before the Divisional Forest Officer on demand by him.

(6) The application for appointment of an agent duly completed in all respects shall be submitted to the Government before such date and in such manner as may be specified in the notice published under sub rule (1).

(7) No applicant shall withdraw his application, except with the permission of the Government. If any applicant withdraws his application without such permission the earnest money deposited by him under clause (a) of sub rule (4) and the amount of additional earnest money, if any, deposited in cash under clause (b) of sub rule (4) shall be forfeited and the bond if furnished under that clause shall be enforced.

(8)

(a) The Government may accept the application or reject it without assigning any reasons therefor. The earnest money shall be refunded to the applicant whose application is rejected and the surety bond, if any, shall stand cancelled. The amount deposited under sub rule (4) by the applicant on his appointment as an agent shall, subject to the provisions of sub rule (10), be adjusted against the security deposit required to be deposited under sub rule (11).

(b) The order of appointment as an agent or any other communication addressed to the agent shall either be delivered to him in person or be forwarded to him by registered post to the address furnished by the agent in item 3 of his application for appointment as an agent and it shall be the responsibility of the agent to make his own arrangements to receive all communications sent to the said address.

(9) Where, in the opinion of the Government, it is not possible to select a suitable agent for any unit from amongst the applicants for appointment as agent, or where an appointment of an agent is terminated and it is considered necessary to make a fresh appointment immediately in the interest of the trade in abnuses or where there are no applications for appointment of an

agent for any unit, the Government may appoint any person as agent who, in their opinion, is suitable for such appointment.

(10)

(a) Every person on his appointment as an agent shall execute an agreement in Form 2 within 15 days from the date of despatch of the order by registered post. Where any such person fails to so execute the agreement, his appointment shall be liable for cancellation without any further notice and on such cancellation:

(i) the earnest money and the additional earnest money deposited by him under sub rule (4) shall be forfeited, and the bond, if any furnished under clause (b) of that sub rule shall be enforced; and

(ii) He shall pay the loss, if any, incurred by the Government, as a result of the cancellation of the appointment. The loss shall be calculated according to the formula  $L = D \times R$  where:- 'L' is loss to the Government; 'D' is the difference between the number of standard bags which have been specified in the notice published under sub rule (1) for the units and the numbers of standard bags which may be subsequently collected and delivered from the unit, and 'R' is a royalty per standard bag which shall be the rate per standard bag at which the abnus leaves of the unit are sold or otherwise disposed of minus cost of collection, handling and pruning charges and remuneration fixed for the unit in the notice issued under sub rule (1).

(b) For any breach of the terms and conditions of the agreement detailed in the notice published under sub rule (1) on the part of the agent, the Government shall be at liberty to terminate the agreement or to levy penalty and assess the damages specified in the agreement without issuing any further notice to the agent. On the termination of the agreement, the Government shall be entitled (a) to forfeit the security deposit in full (b) to deem the collection and or purchase of abnus leaves to have been stopped by the agent on the date of termination of the agreement and to recover the damages for short collection as fixed under the agreement; (c) to recover the cost of collection and purchase of abnus leaves rejected by the Government as unsuitable for beedi making; (d) to recover the compensation fixed by the competent authority to be paid to the aggrieved person or persons because of the improper rejection of abnus leaves by the agent; and (e) to recover penalties imposed and damages assessed earlier but not paid by the agent

by the date of termination of the agreement".

(11)

(a) Every agent appointed under this rule for any unit or units shall before executing the agreement, deposit as security for the proper execution and performance of the agency, a sum to be calculated according to the following formula:-

BR

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