

**Andhra Pradesh Rashtra Karshaka Parishad And Allied
Bodies Act, 1987**

7 of 1987

[06 February 1987]

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Andhra Pradesh Rashtra Karshaka Parishad And Allied Bodies Act, 1987

7 of 1987

[06 February 1987]

An Act to provide for the Establishment of a Rashtra Karshaka Parishad, Mandala Karshaka Parishads and other Organisations for the Welfare of the Farming Community in the State of Andhra Pradesh.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty-eighth Year of the Republic of India as follows :-

* Received the assent of the Governor on the 5th February, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part 1V-A, Extraordinary, dated the 20th January, 1987. at pages 22 and 23.

1. Short title and commencement :-

(1) This Act may be called the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987.

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

2. Definitions :-

In this Act unless the context otherwise re-quires,-

(1) " Competent Authority " means the Director of Agriculture and includes any other officer authorised by the Government in this behalf.

(2) " Federation " means a Commodity Federation constituted for any commodity under section 7;

(3) " Government" means the State Government of Andhra Pradesh.

(4) "Mandal" means such area in a district as may be declared by the Government by notification to be a Mandal under section 3 of the Andhra Pradesh Districts (Formation) Act, 1974 (Act 7 of 1974) ;

(5) "Market Committee" means a market-committee constituted under section 4 of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 (Act 16 of 1966)

(6) "Notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly ;

(7) "Parishad" means a Mandala Karshaka Parishad constituted under section 11 ;

8 "Prescribed" means prescribed by rules made by the Government under this Act;

(9) "Rashtra Parishad" means the Andhra Pradesh Rashtra Karshaka Parishad constituted under section 3.

3. Constitution of Rashtra Karshaka Parishad :-

(1) There shall be constituted by the Government, by notification a body called "the Rashtra Karshaka Parishad ", consisting of-

(i) a President to be elected by the Presidents of all Federations in the State in the manner prescribed:

(ii) the Presidents of all the Federations in the State who shall be members, ex-officio.

(2) Save as otherwise provided in this Act, the term of office of the President shall be three years from the date of election and a member shall hold office, so long as he continues to be the President of a Federation.

4. Powers and functions of the Rashtra Parishad :-

The Rashtra Parishad shall co-ordinate the activities of the Federations and Parishads in the State. The Rashtra Parishad shall have power to do everything required for achieving the targets in agricultural production and to improve the economic well-being of the farming community and to do anything incidental to the promotion of these objectives. It may give directions to the Federations, including co-operative federations and Parishads on these matters which shall be complied with.

5. Rashtra Karshaka Parishad Fund :-

(1) All moneys received by the Rashtra Parishad shall constitute a fund called the Rashtra Karshaka Parishad Fund which shall be applied for such purposes, and in such manner, as may be prescribed.

(2) The fund shall consist of,-

(i) such grants including such share in such taxes as may be notified from time to time or share capital or other financial assistance including cesses as may be given by the Government.;

(ii) any fees collected under this Act ;

(iii) the contributions, made by the Federations, Parishads or any other body or individual;

(iv) the balance of the Central Market Fund constituted under section 16 of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 as on the date of commencement of this Act and also subsequent accruals thereto.

6. Power, of the Rashtra Parishad to levy fees etc. :-

The Rashtra Parishad shall have power to levy fees and shall also levy and collect membership fees, share of establishment cost and share of expenditure in regard to common benefits or utilities, from the members of the Rashtra Parishad and the Parishads.

7. Commodity Federations :-

(1) There shall be constituted by the Government, by notification, a Commodity Federation for each notified Commodity, which shall consist of,-

(i) the general body of the Federation ;

(ii) a President to be elected by the general body in the manner prescribed.

(2) The general body of the Federation shall consist of the elected delegates of all the Parishads wishing to associate with the concerned Federation.

(3) There shall be an executive Committee for the Federation consisting of the President of the Federation and eight members to be elected by the General body in the manner prescribed.

(4) Save as otherwise provided in this Act the term of office of the President and members of the Federation and its executive Committee shall be three years from the date of election.

8. Powers and functions of the Federation :-

The Federation shall have power,

- (i) to take steps for the improvement of production, marketing and processing of the crop or commodity ;
 - (ii) conduct marketing and processing operations in a manner calculated to benefit the members economically ;
 - (iii) to regulate the area or production of the crop or commodity ;
- and
- (iv) to give directions to the Parishads to achieve the above objectives.

9. Monies of the Federation :-

The monies of the Federation shall consist of,

- (i) such funds as are transferred by the Rashtra Parishad ;and
- (ii) such fees, share of establishment cost and share of expenditure, in regard to common benefits or utilities, levied on its members, as also share capital, grants, other financial assistance and assets transferred by the Government or other body or individual to the Federation.

10. Power of the Federation to issue directions in certain cases :-

Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Federation to issue directions in consultation with the Rashtra parishad to the cooperative processing organisations and the Government owned processing units, in regard to pricing of the raw material and marketing of the product consistent with the implementation of the objectives of the Federation which shall be complied with.

11. Constitution of Mandala Karshaka Parishad :-

(1) There shall be constituted for each Mandal by the Government, by notification, a Mandala Karshaka Parishad which shall consist of the following categories of persons who are registered voters in the Mandal concerned under the Representation of the People Act, 1950,-

- (i) farmers who are owners of agricultural lands and engaged in agricultural operations, as also, tenants, share-croppers, lessees and cultivators;
- (ii) persons engaged in pisciculture, and in such other occupations as may be notified, from time to time.

Provided that in Mandals comprised or falling in any local area or city for which a Municipality or, as the case may be a Municipal Corporation is constituted and the population of growers of agricultural produce within the Mandal comprising or falling in such local area or city is comparatively less, it shall be lawful for the Government not to constitute a Parishad.

(2) There shall be an executive committee for the parishad consisting of,-

(i) a President and ten other members to be elected by the members of the parishad from among themselves in the manner prescribed

(ii) Presidents of the Primary Agricultural Co-operative Societies in the Mandal, ex-officio:

Provided that ex-officio members shall have a right to speak in and otherwise to take part in the proceedings of any meeting of the parishad but shall not be entitled to vote at any such meeting.

(3) The term of office of the President and the members of the executive Committee shall be three years from the date of election.

12. Registration of members :-

For the purposes of this Act, the Parishad shall maintain a register of all persons who are members of the parishad separately in respect of each commodity in such form and subject to such conditions as may be prescribed. The registration shall be renewed in such manner as may be prescribed periodically.

Explanation:--For the removal of doubts it is hereby declared that the mere registration of a person as member in respect of one particular commodity shall not disentitle him for securing the services of the parishad for the other commodities cultivated by him.

13. Delegates of the Parishad :-

The Members of the Parishad registered in respect of each commodity grown in the Mandal shall elect a person from among themselves as a delegate to the concerned Federation, with which the parishad intends to federate:

Provided that no member shall be eligible to represent the Parishad in more than one Federation as a delegate.

14. Election of President :-

There shall be a President for each Parishad who shall be elected from among themselves by the members of the Parishad in the manner prescribed:

Provided that a President of any Co-operative Society, or of a Mandala Praja Parishad, Chairman of a Zilla Praja Parishad or of a Municipality, Member of the Legislative Assembly or of either House of Parliament shall be eligible to be elected as President of the Parishad, but he shall cease to hold that office unless within fifteen days from the date of election to the office of President of the Parishad, he ceases to be the holder of any of the aforesaid offices by resignation or otherwise ; and if a President of the Parishad subsequently becomes the holder of any of the aforesaid offices, he shall cease to hold the office of President of the Parishad unless within fifteen days from the date on which he becomes the holder of any one of those offices, he ceases to hold such office by resignation or otherwise.

15. Function of the Parishad :-

The functions of the Parishad shall be:-

- (i) to render services to the farming community within its jurisdiction in regard to all aspects of farming agricultural operations, horticulture, pisciculture, farm forestry and such other activities as may be notified from time to time which contribute to agricultural production and development;
- (ii) to initiative appropriate measures for better and economic use of land and water for agricultural purposes;
- (iii) to promote the activities ancillary to agricultural production, like marketing, processing and connected operations;
- (iv) to take up any other incidental activities and schemes which contribute to the above objectives including those entrusted by the Government and to take all necessary measures in order to improve the economic conditions of the farming community.

16. Powers of the Parishad :-

The Parishad shall have power,-

- (i) to buy on pre-emption upto twenty five percent of the quantity of any commodity at the highest bid price secured in the market yard;
- (ii) to issue directions to its members in regard to the furtherance of its objectives and functions, which shall be complied with ;
- (iii) to levy fine or compound offences relating to contravention of

lawful directions issued by the Parishad

(iv) to review all schemes taken up under section 15 and implemented in the Mandal and to improve the economic well-being of the farming community;

(v) for the common good of the farming community in the Mandal,-

-

(a) to decide the manner of supplying seeds, fertilizers, pesticides and the like and agricultural credit ;

(b) to decide the manner of implementation of crop development activities of the various departments and bodies in the Mandal;

(vi) to fix and levy fees on its members.

17. Monies of the Parishad :-

The monies of the Parishad shall consist of,-

(i) fees levied on its members;

(ii) any funds received from Government, Rashtra Parishad, Federation of other body or individual by way of share capital, grant, other financial assistance and assets transferred to it;

(iii) market fees and other charges collected in the market yards under the Agricultural Produce and Livestock Markets Act, 1966 including share of fees from the market committees ;

(iv) such share in such taxes as may be notified from time to time.

18. Appointment of officers and employees of the bodies and their conditions of service :-

(1) With the previous approval of competent authority the bodies constituted under this Act may appoint such officers and employees as they consider necessary for the performance of their functions under this Act.

(2) The terms and conditions of appointment and service, and emoluments of such officers and employees shall be such as may be specified in the bye-laws.

19. Power to borrow :-

(1) Any body constituted under this Act may, with the previous sanction of the competent Authority raise resources required for carrying out the purposes for which it is constituted on security of any property belonging to it or on any fees leviable by it under this Act. Any such authority may for the purposes of meeting the initial expenditure on lands, buildings and equipment obtain a loan from

the Government.

(2) The conditions under which such resources or loans shall be raised and the time within which the same shall be repayable shall be such as may be specified by the Competent authority.

20. Liability of the President and members for loss, waste and misapplication of the property :-

(1) The President or any member of any body constituted under this Act, shall be liable for the loss, waste or mis-application of any money or other property belonging to such authority, if such loss, waste or mis-application is a direct consequence of his negligence or mis-conduct and a suit for compensation may be instituted against him in the court of competent jurisdiction by any officer authorised by the competent authority.

(2) Any suit shall be commenced within three years from the date on which the cause of action arose.

21. Allotment of certain staff :-

(1) As soon as may be after the commencement of this Act, competent authority may, in consultation with the Director of Marketing, direct by general or special order that such of the officers and other employees serving immediately before the commencement of this Act in connection with the affairs of the Central Market Fund shall be transferred to the Service of the Rashtra Parishad, Federation, Government or Government undertaking and those of the market committees to the service of the Parishad;

Provided that the conditions of service applicable immediately before such commencement to any such person shall not be varied to his disadvantage.

(2) With effect on and from the dates specified in the order issued under sub-section (1) the officers and other employees specified therein shall become the employees of the Rashtra Parishad or Parishad, as the case may be.

22. Power to give directions :-

The Government may give such directions to any authority or body constituted under this Act as it may consider necessary in the interests of agricultural production, weaker sections of the society, and for ensuring self sufficiency of agricultural commodities in the

state.

23. Accounts and Audit :-

(1) All the bodies constituted under this Act shall maintain such books of account and other books in relation to accounts and other matters in such form and in such manner as may be laid down by the competent authority.

(2) Such accounts will be audited at such time and in such manner as may be specified by the competent authority and by such person as that authority may appoint in this behalf.

(3) As soon as the accounts are audited the concerned authority shall send in such manner as may be laid down by the competent authority a copy thereof together with a copy of the report of the audit relating thereto to the competent authority.

24. Returns and reports :-

Every body constituted under this Act shall furnish to the competent authority such returns, accounts and other information with respect to its fund or its activities as the said authority may require.

25. Power of the competent authority to remove certain office bearers :-

(1) If in the opinion of the competent authority the President of a Parishad or of a Federation or of Rashtra Parishad wilfully omits or refuses to carry out its orders for the proper working of the concerned body or abuses his position or the powers vested in him, it may, by order, remove such President after giving him an opportunity for explanation.

(2) Where the President of any one of the aforesaid bodies is removed under sub-section (1), the vacancy shall, subject to the provisions of sub-section (3) be filled by a fresh election in accordance with the provisions of this Act within the prescribed time.

(3) A President removed from office under this section shall not be eligible for re-election as President for a period of two terms from the date of removal.

(4) If the competent authority is satisfied that any member of a Parishad, Federation or Rashtra Parishad is guilty of any activities prejudicial to the interests of any one of the aforesaid bodies it

may, by order, remove such member, after giving him an opportunity for explanation and any member so removed shall not be eligible for being a member of any of the aforesaid bodies for a period of two terms from the date of removal.

(5) If the competent authority is of the opinion that the President of a Parishad or Federation or Rashtra Parishad wilfully omitted or refused to carry out its orders for the proper working of the concerned body or abused his position or the powers vested in him, and that the further continuance of such person in office would be detrimental to the interests of the concerned body, it may, by order, suspend such President from office for a period not exceeding three months, pending investigation into the said charges and action thereon under the foregoing provisions of this section:

Provided that it shall be competent for that authority to extend, from time to time, the period of suspension for such further period not exceeding three months, so however, that the total period of suspension shall not exceed six months.

26. Motion of no confidence in President or any other office bearers :-

A motion expressing want of confidence in the president or any other office-bearer of the Federation or Rashtra Parishad constituted under this Act may be made in such manner as may be prescribed.

27. Surcharge :-

(1) Where in the course of an audit of the accounts of any of the bodies constituted under this Act, it appears that any person who is or was entrusted with the affairs or management of the body or any officer or employee has misappropriated or fraudulently retained any money or any other property or has been guilty of breach of trust in relation to the body or has caused any deficiency in the assets of the body by breach of trust or wilful negligence or has made any payment contrary to the provisions of this Act, the rules or the bye-laws the competent authority may of his own motion or otherwise on an application from any person may enquire into conduct of such person or officer or employee and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as it thinks just or to contribute such sum to the assets of the body by way of

compensation in respect of the misappropriation, misapplication of funds fraudulent retainer, breach of trust or wilful negligence as that authority may think just:

Provided that no order shall be passed against any person referred to in this sub-section unless the person concerned has been given an opportunity of making his representation.

(2) Any sum ordered under this section to be repaid to anybody or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf by the competent authority to the Collector, in the same manner as arrears of land revenue.

(3) This section shall apply notwithstanding that such person or Officer or employee may have incurred criminal liability by his act.

28. Bye-laws :-

(1) Subject to the provisions of the Act and the rules made thereunder any body constituted under this Act may, with the previous approval of the competent authority make bye-laws for carrying out any of the purposes for which it is constituted.

(2) The Government shall have power to make rules regarding the procedure for making of bye-laws, the publication thereof and the date on which they shall come into force.

29. Penalties :-

Any member of a Parishad who disobeys or contravenes or attempts to contravene or abets the contravention of any lawful directions given by the Parishad shall be punishable with a fine which may extend to rupees one thousand:

Provided that the Executive Committee of the Parishad may compound any such offence for an amount not exceeding rupees five hundred.

30. Cognizance and trial of offences :-

No Court inferior to that of a Magistrate of the first class shall take cognizance of or try any offence punishable under this Act.

31. Inquiry :-

The competent authority may of its own motion, and shall, on the application of a body which is a member of another body, or of not less than one-third of the members of the executive committee or of not less than one-fifth of the total number of members of the

body hold an inquiry or direct some person authorised by it by an order in this behalf to hold an inquiry into" the working of the body. Such inquiry shall be completed in such time as may be prescribed.

32. Inspection :-

The competent authority, may, of its own motion or otherwise inspect or direct any person authorised by it by general or special order in this behalf to inspect the books of any body constituted under this Act.

33. Power of the competent authority to arbitrate :-

(1) If any dispute arises relating to the constitution, management or business of any body constituted under this Act, such dispute shall be referred to the competent authority for its decision.

(2) If any question arises whether a dispute referred to the competent authority under sub-section (1) is a dispute relating to the constitution management or business, such question shall be decided by the competent authority.

(3) The competent authority may on receipt of a reference under sub-section (1) decide the dispute himself.

(4) Where the reference relating to and dispute involving immovable property, the competent authority may order that any person be joined as a party who has acquired any interest in such a property subsequent to the acquisition of the interest therein by a party to the reference and any decision that may be passed on the reference by the competent authority shall be binding on the party so joined as if he were an original party to the reference.

(5) The competent authority shall decide the dispute in accordance with such rules as may be made in this behalf and any such decision shall be final. Pending final decision on the dispute, the competent authority may make such interlocutory orders as he may deem necessary in the interest of justice.

34. Revision :-

(1) The competent authority may of its own motion or on an application made to it call for and examine the record of any officer subordinate to it and the Government may of their own motion or on application made to them, call for and examine the record of the competent authority in respect of any proceeding to satisfy itself or

themselves as to the regularity of such proceeding, or the correctness, legality or propriety of any decision passed or order made therein ; and, if, in any case, it appears to the competent authority or the Government that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, it or they may pass orders accordingly

Provided that every application to the competent authority or the Government for the exercise of their power under this section shall be preferred within ninety days from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representation.

(3) The competent authority or the Government, as the case may be, may suspend the execution of the decision or order pending the exercise of its or their power under sub-section (1) in respect thereof

(4) The competent authority or the Government may award costs in the proceedings under this section to be paid either out of the funds of the body or by such party to the application for revision as the competent authority or the Government may deem fit.

35. Power to make rules :-

(1) The Government may, by notification make rules for carrying out of the purposes of this Act.

(2) Every rule made under the Act shall immediately after it is made, be laid before the Legislative Assembly of the State if it is in session, and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rules or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled, 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.

36. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may by order do anything which appears to them to be necessary for the purposes of removing the difficulty.

37. Special provision with regard to existing Members and Chairman of the Market Committees :-

Notwithstanding anything in the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 (Act 16 of 1966). (hereinafter in this section referred to as the Market Act), all the Members and Chairman of every Market Committee who are holding offices at the commencement of this Act, shall continue to hold their offices as such only until the concerned Market Committee is re-constituted in accordance with the provisions of section 5 of the Markets Act, as amended by this Act.

38. Amendment of Act 16 of 1966 :-

In the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966:--

(1) for sections 5 and 6, the following sections shall be substituted, namely :--

"5. (1) Every Market Committee shall consist of,-

(i) the President of the Mandala Karshaka Parishad constituted under section 11 of the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987, who shall be the Chairman ;

(ii) the members of the Executive Committee of the Mandala Karshaka Parishad referred to in Clause (i);

(iii) such number of traders not exceeding two belonging to such categories as may be specified by Government in this behalf."

(2) in section 15 after clause (xii), the following clause shall be inserted, namely :-

" (xii-a) for the purposes of the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987."

(3) in section 16 of sub-section (1), the following proviso shall be added, namely :--

"Provided that it shall be competent for the Director of Marketing to grant postponement of the payment of contribution or reduction or remission hereon in respect of any newly constituted market committee upto a period of three years from the date of its constitution."

(4) After section 32, the following section shall be inserted, namely

:-

"32-A. Special provisions in respect of Markets in Urban areas--Notwithstanding anything-contained in this Act, in respect of the markets in the notified Market area within the limits of any local area or city for which a Municipality or, as the case may be, a Municipal Corporation is constituted and the population of growers of agricultural produce within the Mandal Comprised or falling in such local area or city is comparatively less, it shall be lawful for the competent authority,-

(a) to determine in the manner prescribed the composition of the market committee of such market; and

(b) the manner in which its income and expenditure should be shared among the Mandala Karshaka Parishad situate in such local area or city whose members conduct their marketing operation in such notified Market area :

Provided that the Government shall have the power to nominate the chairman and Members of such Committee under this section."

(5) in section 33, in sub-section (2) clause (i), (ii) and (iii) shall be omitted.

39. Amendment of Act 31 of 1986 :-

In the Andhra Pradesh Mandala Praja Parishad, Zilla Praja Parishad and Zilla Pranalika, Abhivrudhi Mandal Act, 1986.

(1) in section 10, after clause (k) the following clause shall be added, namely :--

"(1) is disqualified to continue as a President or Member of any body constituted under the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987.

(2) In section 51, in sub-section (1), in clause (i) the words " Food and Agriculture Including" shall be omitted.

(3) in the Schedule, item 2 shall be omitted.

40. Amendment of the Andhra Pradesh Cooperative Societies Act, 1964 :-

In the Andhra Pradesh Co-operative Societies Act, 1964,-

(1) in sub-section (1-A) of section 21-A, after the words " Chairman of a Zilla Parishad " where-ever they occur, the words " President of the Mandate Karshaka Parishad " shall be inserted ;

(2) after section 131, the following section shall be inserted, namely :

131-A. "Societies to obey certain directions--Notwithstanding

anything contained in this Act, it shall be competent for any body constituted under the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987 to give directions to such societies as may be notified by the Government which shall be complied with"