



The Andhra Pradesh Karshaka Parishad and Allied Bodies (Repeal) Act, 1991

Act 24 of 1991

Keyword(s):

Market Committee, Parishad, Repealed Act

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**THE ANDHRA PRADESH KARSHAKA PARISHAD AND
ALLIED BODIES (REPEAL) ACT, 1991.**

ACT No. 24 OF 1991*

[23rd October, 1991]

**AN ACT TO RE-ORGANISE THE AGRICULTURAL
MARKETING INFRASTRUCTURE BY REPEALING
THE ANDHRA PRADESH RASHTRA KARSHAKA
PARISHAD AND ALLIED BODIES ACT, 1988
AND TO PROVIDE FOR MATTERS CONNECTED
THERWITH AND INCIDENTAL THERETO.**

Whereas the Andhra Pradesh Rashtra
Karshaka Parishad and other allied bodies
constituted under the provisions of Andhra
Pradesh Rashtra Karshaka Parishad and
Allied Bodies Act, 1988 have not fulfilled
the object in establishing them due to their

* Received the assent of the Governor on the 21-10-1991.
For statement of object and reasons please see the Andhra
Pradesh Gazette, Part IV-A, Extraordinary, dated 16-09-1991
at page 12.

inability to raise institutional finances and consequently require to be replaced by more effective bodies for the welfare of the farming community.

And whereas, the Government after carefully considering all the needs of the farming community, have decided to constitute such authorities as may be required for better and efficient functioning as independent bodies with adequate delegation of administrative and financial powers:

BE it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-second Year of the Republic of India as follows:-

Short title
and
commencement

1. (1) This Act may be called the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies (Repeal) Act, 1991.

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

Definitions

2. In this Act, unless the context otherwise requires:-

(a) 'Government' means the State Government;

Act 16 of
1966

(b) 'Market Committee' means the Market Committee constituted under section 4 of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966;

Act 32 of
1988

(c) 'Parishad' means the Andhra Pradesh Rashtra Karshaka Parishad constituted under section 3 of the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1988.

Act 32 of
1988

(d) 'Repealed Act' means the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1988;

3. (1) The Andhra Pradesh Rashtra Repeal of Karshaka Parishad and Allied Bodies Act, Act 32 of 1988 1988 is hereby repealed.

(2) Upon such repeal, --

(a) (i) The Andhra Pradesh Rashtra Karshaka Parishad and Mandala Karshaka Parishads established under sections 3 and 8 of the repealed Act shall stand abolished and all institutions together with the staff under the control of the abolished Rashtra Karshaka Parishad and Mandala Karshaka Parishads shall be transferred to such authority, as the Government may by notification in the Andhra Pradesh Gazette, specify;

(ii) the Commodity Federations registered under the Andhra Pradesh Co-operative Societies Act, 1964 and deemed Act 7 of 1964. to have been constituted as Commodity Federations under sub-section (2) of section 7 of the repealed Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1988 shall not stand abolished consequent Act 32 of 1988 on the repeal of the said Act but shall continue as Commodity Federations registered under the said Co-operative Societies Act, 1964 and shall continue to function under Act 7 of 1964 the control of the Commissioner for Co-operation and Registrar of Co-operative Societies.

(b) all obligations and liabilities incurred, all contracts entered into, all matters and things engaged to be done by the Parishad shall be deemed to have been incurred, entered into or engaged to be done by, with or for the authority specified under clause (a);

(c) all property movable and immovable and all interested of whatsoever nature and kind therein vested in the Parishad shall, with all rights of whatsoever description used, enjoyed or possessed

by the Parishad, vest in the authority specified under clause (a);

(d) all rates, fees, rents and other sums of money due to the Parishad shall be deemed to be due to the authority specified under clause (a); and

(e) all suits, prosecutions and other legal proceedings to be instituted or might have been instituted by or against the Parishad may be instituted or continued by or against the authority specified under clause (a).

Amendment of
Act 16 of
1966

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

(i) for section 5, the following shall be substituted, namely:-

"Composition
of Market
Committee"

5. (1) Every Market Committee shall consist of such number of members, being not less than fifteen and not more than eighteen as may be fixed for it by the Government by notification, and shall be constituted in the following manner:-

(i) not less than two-thirds of the members, to be appointed by the Government, after consultation with the Director of Marketing, from among the following categories of growers of agricultural produce and the owners of livestock and products of livestock in the notified area, namely:-

(a) growers of agricultural produce who are small farmers of dry lands;

(b) growers of agricultural produce, other than small farmers of dry lands;

(c) growers of agricultural produce who are small farmers of wet lands;

(d) growers of agricultural produce, other than small farmers of wet lands; and

(e) the owners of livestock and products of livestock.

(ii) one member to be appointed by the Government from among the presidents and persons, if any, for the time being performing the functions of the Presidents of the Co-operative Marketing Societies having their areas of operation within the notified area, or in the absence of such societies, to be appointed as specified in clause (iv);

(iii) (a) one representative, having jurisdiction over the notified area, of the Agricultural Department or the Animal Husbandry Department, to be appointed by the Government;

(b) the Chairman of the Municipality or the Sarpanch of the Gram Panchayat, as the case may be, within whose jurisdiction, the office of the market committee is located;

Provided that in the case of Municipal Corporations of Hyderabad, Visakhapatnam and Vijayawada such persons as may be nominated by the concerned corporation, may represent the Corporation;

(iv) the remaining members, to be appointed by the Government after consultation with the Director of Marketing, from among the traders belonging to the following categories, namely:-

(a) small traders whose annual turnover of trade in the notified area does not exceed rupees two lakhs;

(b) other traders in the notified area.

EXPLANATION-I.-For the purposes of this sub-section, the term 'small farmer of dry lands' shall mean a farmer holding a total extent of not more than 4.04686 hectares (ten acres) of dry land, and the term "small farmer of wet lands" shall mean a farmer holding a total extent of not more than 2.02343 hectares (five acres) of wet land and the term "traders" shall mean a person licensed under sub-section (i) of section 7 in the notified area;

EXPLANATION-II.-In computing the extent of land held by a farmer for the purpose of this sub-section, 0.404686 hectares (one acre) of wet land shall be deemed to be equal to 0.809372 hectares (two acres of dry land.)

(2) Every market committee shall have a Chairman and a Vice-Chairman to be appointed by the Government, after consultation with the Director of Marketing, from among its members specified in clauses (i) and (iv) of sub-section (1).

(3) Save as otherwise provided in this Act, the term of office of the members appointed under sub-section (1) shall be three years from the date of appointment;

Provided that a member appointed under clause (iv) of sub-section (1) shall cease to hold office, if he ceases to be a trader:

Provided further that a non-official member of the market committee shall cease to hold his office if he absents himself for three consecutive meetings of the committee, including meetings, which for want of quorum could not be held.

EXPLANATION.-For the purposes of the second proviso, no meeting of the market committee from which a member absents himself shall be counted against him if

due notice of that meeting was not given to him.

(4) Where a person ceases to be a member under the second proviso to sub-section (3), the Chairman shall at once intimate the fact in writing to such person and report the same to the market committee at its next meeting. If such person applies for restoration to the market committee on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation the market committee may at the next meeting after the receipt of such application restore him to his office:

Provided that a member shall not be so restored more than twice during his term of office.

(5) The Government may, by notification, remove the Chairman or Vice-Chairman who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Act or any rules or bye-laws of lawful orders issued thereunder or abuses his position or the powers vested in him, after giving him an opportunity for explanation, and the said notification shall contain a statement of the reasons of the Government for the action taken.

(6) Any person removed under sub-section (5) from the office of Chairman or Vice-Chairman shall be ineligible for appointment to either of the said offices, until the date of next reconstitution of the market committee under sub-section (1) of section 6.

(7) Any other member of a market committee may, at any time, be removed from office by the Government for such reasons and after such inquiry, as may be prescribed.

(8) When any vacancy occurs in the office of a member it shall be filled in the manner laid down in sub-section (1):

Provided that no such vacancy shall be filled within three months before the expiration of the term of office of the member.

(9) The member appointed to fill a vacancy under sub-section (8) shall hold office for the remainder of the term of his predecessor.

(10) When any vacancy occurs in the office of a Chairman or Vice Chairman, it shall be filled in the manner laid down in sub-section (2) and the person appointed to fill in such vacancy shall hold office only for the remainder of the term of his predecessor.

"Reconstitution of the market committee". 6. (1) the Government shall re-constitute the market committee on the expiration of the term of office of the members of the market committee or of the term as extended under sub-section (2).

(2) The Government may extend the term of office of the members of a market committee for a period not exceeding one year:

Provided that no such extension shall be given for a period exceeding six months at a time.

(3) (a) Where, for any reason, there is delay in the constitution or reconstitution of the market committee in accordance with the provisions of this Act, the Government may appoint a person or persons to manage the affairs of the market committee for a period not exceeding six months.

(b) The person or persons so appointed shall, subject to the control of the Government and to such instructions or directions as they may issue from time to time, exercise the powers, discharge the duties and perform the functions of the market committee and take all such action as may be required in the interests of the market committee.

(c) The Government may fix the remuneration payable to the person or persons so appointed. The amount of such remuneration and other costs, if any, incurred in the management of the market committee shall be payable out of the Market Committee Fund.

(d) The Government may at any time, and shall at the expiration of the period of appointment of person or persons so appointed, arrange for the constitution or reconstitution of the market committee in accordance with the provisions of this Act. The person or persons so appointed shall cease to manage the affairs of the market committee on such constitution or reconstitution.

(ii) Sections 5A and 5B shall respectively be renumbered as sections 6A and 6B;

(iii) in section 15, clause (XII-a) shall be omitted;

(iv) in section 15,

(a) in sub-section (1), in the proviso for the words "Rashtra Karshaka Parishad" the words "The Director of Marketing" shall be substituted;

(b) in sub-section (2),

(A) in the opening paragraph, for the words "Rashtra Karshaka Parishad" the words "The Director of Marketing" shall be substituted;

(B) in item (iv), for the words "any other purposes", the words "such other similar or allied purposes" shall be substituted;

(c) to sub-section (2), the following proviso shall be added, namely:-

"Provided that the Director of Marketing shall obtain the approval of the Government before sanctioning any grant-in-aid or loan exceeding rupees five thousand".

(v) section 32-A shall be omitted;

(vi) in section 33, sub-section (2), before clause (iv) the following clauses shall be inserted, namely:-

"(i) the appointment and removal of members of a market committee;

(ii) the appointment of the Chairman and Vice-Chairman of a Market Committee and their term of office;

(iii) the filling of casual vacancies in the office of the Chairman, Vice-Chairman or member of a market committee".

Amendment 5. In the Andhra Pradesh Mandala Praja of Act 31 Parishads, Zilla Praja Parishads and Zilla of 1966. Pranaliika and Abhivrudhi Sameeksha Mandals Act, 1986,

(1) in section 10, clause (1) shall be omitted;

(2) in section 51, in sub-section (1), in clause (i) after the word "planning", the words "Food and Agriculture including" shall be inserted;

(3) in the Schedule, after item 1, the following shall be inserted, namely:-

"2. AGRICULTURE:-

The doing of everything necessary to step up Agriculture Production and in particular, --

(i) Multiplication and distribution of improved seeds;

- (ii) distribution of fertilisers;
- (iii) popularisation of improved techniques, methods and practices and improved implements;
- (iv) achieving self-sufficiency in green manure and composting of farmyard manure;
- (v) encouraging fruit and vegetable cultivation;
- (vi) reclamation of land and conservation of soil;
- (vii) providing credit for agricultural purposes;
- (viii) propagating and assisting in plant protection methods;
- (ix) laying out demonstration plots and working out better methods of farm managements;
- (x) bringing more acreage under irrigation by renovating and sinking wells, repairing and digging private tanks and maintaining government minor irrigation sources and supply channels;
- (xi) utilising more power for agricultural purposes;
- (xii) exploiting underground water sources by sinking wells, filter points and tube wells;

(xiii) Tree planting;

(xiv) Growing of village forests*.

6. In the Andhra Pradesh Co-operative Amendment of Societies Act, 1964, section 131A shall be Act 7 of 1964.
omitted: