



## The Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1988

Act 7 of 1987

### Keyword(s):

Federation, Mandal, Mandala Parishad, Market Committee, Rashtra Parishad

Amendments appended: 5 of 1988, 32 of 1988, 27 of 1989

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**THE ANDHRA PRADESH RASHTRA KARSHAKA PARISHAD  
AND ALLIED BODIES ACT, 1987.**

**ACT N. 7 OF 1987.\***

[6th 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:-

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

CHAPTER-I  
PRELIMINARY

Short title  
and com-  
mencement.

1. (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.

Definitions.

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

(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;

“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.

## CHAPTER-II

### RASHTRA KARSHAKA PARISHAD.

3. (1) There shall be constituted by the Government, by notification a body called “the Rashtra Karshaka Parishad”, consisting of—

Constitution of Rashtra Karshaka Parishad.

(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. 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.

Powers and functions of the Rashtra Parishad.

Rashtra  
Karshaka  
Parishad  
Fund

5. (1) All moneys received by the Rasntra 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.

Power of  
the Rashtra  
Parishad  
to levy fees  
etc.

6. 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.

### CHAPTER-III

#### COMMODITY FEDERATIONS

Commodity  
Federations.

7. (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. The Federation shall have power,

Powers and functions of the Federation.

(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. The monies of the Federation shall consist of,

Monies of the Federation.

(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.

Powers of the Federation to issue directions in certain cases.

10. 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.

#### CHAPTER-IV

##### MANDALA KARSHAKA PARISHAD.

Constitution of Mandala Karshaka Parishad.

11. (1) There shall be constituted for each Mandala by the Government, by notification, a Mandala Karshaka Parishad which shall consist of the following categories of persons who are registered voters in the Mandala 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. 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.

Registration  
of members

*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 dis-entitle him for securing the services of the parishad for the other commodities cultivated by him.



Delegates of  
the Parishad

13. 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.

Election of  
President.

14. 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.

Function  
of the  
Parishad.

15. 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 initiate 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. The Parishad shall have power,—

Powers of  
the Parishad.

(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. The monies of the Parishad shall consist of,—

(i) fees levied on its members;

(ii) any funds received from Government, Rashtra Parishad, Federation or 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.

Appointment of officers and employees of the bodies and their conditions of service.

18. (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.

## CHAPTER-V.

### MISCELLANEOUS.

Power to borrow.

19. (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. (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.

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

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

21. (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;

Allotment of certain staff.

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 herein shall become the employees of the Rashtra Parishad or Parishad, as the case may be.

Power to give directions.

22. 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.

Accounts and Audit.

23. (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.

Returns and reports.

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

Power of the competent authority to remove certain office bearers.

25. (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.

Motion of  
noconfi-  
dence in  
President  
or any other  
office  
bearers.

26. 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.

Surcharge.

27. (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. (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. Bye-laws.

(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. 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: Penalties.

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

30. No Court inferior to that of a Magistrate of the first class shall take cognizance of or try any offence punishable under this Act: Cognizance and trial of offences.

31. 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 Inquiry.



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.

Inspection.

32. 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.

Power of the competent authority to arbitrate.

33. (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 any 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. (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.

Power to  
make rules.

35. (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.

Power, to  
remove  
difficulties.

36. 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.

Act 16 of  
1966.

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

37. Notwithstanding anything in the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 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. In the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966:—

Amendment  
of Act 16 of  
1966.

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

Composition of  
Market  
Committee.

“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

mercot 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 :—

Special provisions in respect of Markets in Urban areas.

"32-A. 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.

Amendment  
of Act 31 of  
1986.

39. 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. 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” wherever they occur, the words “President of the Mandala Karshaka Parishad” shall be inserted ;

Amendment  
of the  
Andhra  
Pradesh Co-  
operative  
Societies  
Act, 1964.

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

\* 131-A. 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”.

“Societies to  
obey certain  
directions.



**THE ANDHRA PRADESH RASHTRA KARSHAKA  
PARISHAD AND ALLIED BODIES  
(AMENDMENT) ACT, 1988.**

**ACT NO. 5 OF 1988\*.**

[19th January, 1988.]

An Act to amend the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987.

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

1. (1) This Act may be called the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies (Amendment) Act, 1988.

(2) It shall be deemed to have come into force on the 1st November, 1987.

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\*Received the assent of the Governor on the 18th January, 1988. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A; Extraordinary, dated the 15th December, 1987, at Page 3.



Substitution of  
new section for  
Section 37,  
Act 7 of 1987.

2. In the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987, for section 37, the following section shall be substituted, namely:—

Act 16 of  
1966.

"Existing members,  
Vice-Chairmen and  
Chairmen of the  
Market Committee  
to cease to hold  
Office.

37. (1) Notwithstanding anything in the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 (hereinafter in this section referred to as the Markets Act), all the members, Vice-Chairman and Chairman

of every Market Committee holding offices at the commencement of this Act, shall cease to hold offices as such and thereupon it shall be competent for the Government to appoint a person or persons to exercise the powers and perform the functions of the market committee until the concerned market committee is re-constituted in accordance with the provisions of section 5, or as the case may be, section 32-A of the Markets Act, as amended by this Act.

(2) 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.

(3) 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."

Repeal of  
Ordinance  
No 11 of  
1987

3. The Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies (Amendment) Ordinance, 1987 is hereby repealed.

**THE ANDHRA PRADESH RASHTRA KARSHAKA  
PARISHAD AND ALLIED BODIES ACT, 1988.**

**ACT NO. 32 OF 1988.**

[17th November, 1988]

An Act to consolidate and amend the Law relating to 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.

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\*Received the assent of the Governor on the 17th November, 1988. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A Extraordinary, dated the 27th August, 1988, at pages 31 and 32.

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

## CHAPTER-I.

### Preliminary

Short title  
and commencement.

1. (1) This Act may be called the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1988.

(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,—

(1) "Federation" means a Commodity Federation constituted for any commodity under section 7 or deemed to have been constituted under this Act;

(2) "Government" means the State Government of Andhra Pradesh;

Act 7 of  
1974.

(3) "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;

(4) "Mandala Parishad" means a Mandala Karshaka Parishad constituted under section 3 or deemed to have been constituted under this Act;

Act 16 of  
1966.

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

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

(7) "Prescribed" means prescribed by rules made by the Government under this Act;

(8) "Rashtra Parishad" means the Andhra Pradesh Rashtra Karshaka Parishad constituted under section 3 or deemed to have been constituted under this Act.

## CHAPTER-II.

### Rashtra Karshaka Parishad

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

Constitution  
of Rashtra  
Karshaka  
Parishad

(i) a Chairman to be elected as hereinafter provided;

(ii) a Vice-Chairman to be elected as hereinafter provided;

(iii) nine members to be elected from among themselves by the Presidents of the Mandala Parishads in the State;

(iv) Presidents of the notified Federations, ex-officio; and

(v) the President of the Andhra Pradesh State Co-operative Bank, ex-officio, without voting right:

Provided that the number of members to be elected under item (iii) may, from time to time, be increased by the Government, by notification, so that the number of members elected under item (iii) is always more than the ex-officio members under item (iv).

(2) The Rashtra Karshaka Parishad constituted under this section or deemed to have been constituted

under this Act, shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property and to enter into contracts and may by its corporate name sue and be sued.

(3) The Chairman and the Vice-Chairman shall be elected in the manner prescribed by the elected members referred to in item (iii) of sub-section (1) and the Presidents of the notified Federations referred to in item (iv) thereof, from out of the elected members referred in item (iii) aforesaid.

(4) Save as otherwise provided in this Act, the term of office of the Chairman, Vice-Chairman and members of the Rashtra Parishad shall be five years from the date of election and the Chairman and the vice-Chairman shall hold office only so long as they continue to be the Presidents of the Mandala Parishads and a member shall hold office only so long as he continues to be a President of the Mandala Parishad or as the case may be, the President of a Federation or the President of the Andhra Pradesh State Co-operative Bank.

(5) When the office of the Chairman is vacant, or the Chairman has been continuously absent from the headquarters for more than thirty days or is incapacitated for more than thirty days, the Vice-Chairman shall exercise the powers and perform the functions of the Chairman.

Rs and  
tions of  
Rashtra  
Parishad.

4. (1) (i) The Rashtra Parishad shall control and co-ordinate the activities of all the Mandala Parishads in the State for achieving the targets in agricultural production, sericulture, pisciculture, animal husbandry, processing and marketing and allied activities and to improve the economic well-being of the farming community and to do everything incidental to the promotion of these objectives.

(ii) Notwithstanding anything contained in the Andhra Pradesh Co-operative Societies Act, 1964 the Chief Executive of the Rashtra Parishad or an officer authorised by him shall exercise the powers of Registrar under the said Act in respect of the Federation and their affiliated societies. <sup>Act 7 of 1964.</sup>

(2) (i) It shall be competent for the Rashtra Parishad, in respect of the Federations,—

(a) to formulate norms of performance including staffing pattern;

(b) to review and to monitor progress periodically;

(c) to aid and advise regarding policy decisions on procurement; processing, pricing and marketing of the commodities notified under section 7;

(d) to recommend to the Government for any financial assistance; and

(e) to undertake such steps as would be incidental to the above objectives.

(ii) The Rashtra Parishad shall have the power to provide such guidelines to the officers of the concerned Government Departments as would be necessary to achieve the objectives in clause (i), consistent with the general policy of the Government.

(3) It shall be competent for the Rashtra Parishad to organise or establish any institution or society for the purpose of carrying out all or any of the objectives of this Act.

(4) The Rashtra Parishad may invite any officer of the concerned Government Department to participate in its meetings. The officers so invited shall attend the meeting

either personally or through his representative and shall furnish such information as may be required. Such officer shall have the right to speak in and otherwise to take part in the proceedings of such meeting, but shall not be entitled to vote at any such meeting.

Rashtra  
Karshaka  
Parishad  
Fund.

5. (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 or cesses as may be notified from time to time, or share capital or other financial assistance as may be given by the Government;

(ii) any fees collected under this Act;

(iii) the contributions made by the Federations, Mandala Parishads, or any other body or donations from individuals;

Act 16 of  
1966.

Act 7 of  
1987.

(iv) the balance of Central Market fund constituted under section 16 of the Andhra Pradesh (Agricultural Produce and Live Stock) Markets Act, 1966 vested in the Rashtra Parishad under section 5 of the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987 and also subsequent accruals thereto;

(v) the amount collected from the Federations on the turnover of such Federations at the rates fixed by the Rashtra Parishad, from time to time;

(vi) amounts borrowed from any financing institutions, organisations, Federations or Mandala Parishads;

(vii) Grants-in-aid or other assistance either in cash or in kind from any organisation or institution.

6. The Rashtra Parishad shall have power to levy fees and shall also levy fee towards the share of establishment cost and share of expenditure in regard to common benefits or utilities from the Mandals Parishads in the State as may be decided by the Rashtra Parishad from time to time.

Power of the Rashtra Parishad to levy fees, etc.

### CHAPTER-III

#### Commodity Federation.

7. (1) There shall be constituted by the Government, by notification, a Commodity Federation for each notified commodity or group of notified commodities, or any produce or produce connected with agriculture, horticulture, sericulture, animal husbandry or pisciculture or any allied activity.

Commodity Federations.

(2) Notwithstanding anything contained in the Andhra Pradesh Co-operative Societies Act, 1964 every federation constituted under sub-section (1) shall be deemed to be a co-operative society registered under the said Act and in case there is already an existing Federation registered as a co-operative society for a notified commodity or agricultural produce or product, the same shall be deemed to have been constituted as Federation for purposes of this Act and function in accordance with the provisions of this Act with such modifications in its constitution as may be ordered by the Government or without any modification.

Act 7 of 1964.

(3) The Constitution of a Federation, its powers and functions and the term of the office of the President and members of the Executive Committee thereof shall be such as may be specified in the bye-laws of the concerned Federation.

(4) The provisions of the Andhra Pradesh Co-operative Societies Act, 1964 shall, in so far as may be, apply to every Federation constituted or deemed to have been constituted under this section.

Act 7 of 1964.



## CHAPTER-IV.

## Mandala Karshaka Parishad

Constitution  
of Mandala  
Karshaka  
Parishad.

8. (1) There shall be constituted by the Government, by notification, a Mandala Karshaka Parishad for each Mandal which shall consist of the following categories of persons as members, namely:—

(i) Owners of agricultural land situated in the Mandal concerned;

(ii) tenants as defined in any law relating to agricultural tenancy in force in the State;

(iii) lessees under a registered lease-deed;

(iv) share-croppers under a registered agreement:

Provided that no person shall be qualified to be a member, unless he,—

(i) has completed eighteen years of age on the date of application for membership;

(ii) holds land within the Mandal, the Mandala Parishad of which he desires to become a member:

Provided further that where a person holds land in more than one mandal, he shall be eligible to become member in all the Mandala Parishads constituted for the Mandals wherein his lands are situated, but shall be entitled to vote in only one Mandala Parishad of his choice:

Provided also that a member who does not cultivate not less than half-an-acre of wet land or not less than one acre of dry land or such equivalent extent as may be arrived at in the manner prescribed where he holds both wet land and dry land shall not

be eligible either to contest or to vote at the election for the office of the President and member of the Executive Committee of the Mandala Parishad but shall otherwise be entitled to all services:

Provided also that no tenant, lessee or share cropper shall be eligible to contest or to vote at the election to the Office of the President or member of the Executive Committee of the Mandala Parishad unless he has held not less than half an acre of wet land or one acre of dry land or such equivalent extent as may be arrived at in the manner prescribed where his holding consists of both wet land and dry land, for a period of not less than one year prior to the date of issue of notification for holding the elections.

(2) No person referred to in clauses (i) to (iv) of sub-section (1), who fails to pay the fee levied under clause (v) of section 15 shall be a member of the Mandala Parishad:

Provided that in the case of a Mandal or which forms part 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 and commodities or products of Agriculture, Sericulture, Pisciculture, Animal Husbandry and allied activity within such Mandal is comparatively less, it shall be lawful for the Government not to constitute a Mandala Parishad for such Mandal and to make such arrangements as they may deem fit for protecting and promoting the interests of the growers in such Mandal.

(3) A Mandala Parishad constituted under this section or deemed to have been constituted under this Act shall, by the name of the Mandal for which it is constituted, be a body corporate having perpetual succession and a common seal with power to acquire,

hold and dispose of property and to enter into contracts and may by its corporate name sue and be sued.

(4) There shall be an Executive Committee for the Mandala Parishad consisting of,—

(i) a President and ten members;

(ii) One President of a Primary Agricultural Co-operative Society elected from among themselves by Presidents of Primary Agricultural Co-operative Societies in the Mandal:

Provided that the Presidents of the other Primary Agricultural Co-operative Societies in the Mandal shall be officio members without right to vote:

Provided further that it shall be competent for the Mandala Parishad to invite the Presidents or Chief Executives of other Primary Co-operative Societies in the Mandal to participate in the discussions of the Mandal Parishad without right to vote.

(5) The terms of office of the President and the members of the Executive Committee shall be five years from the date of election.

Election of  
President  
and Members  
of the Executive  
Committee.

9. (1) The President and the members of the Executive Committee of the Mandal Parishad shall be elected by the Members of the Mandala Parishad from among themselves in the manner prescribed.

(2) For the purpose of the election of members of the Executive Committee, each Mandal shall be divided into ten segments on the basis of membership in the manner prescribed and one member shall be elected from each segment.

(3) The members of the Executive Committee of the Mandala Parishad shall elect from among themselves a Vice-President, who shall discharge the functions of the President in the absence of the President.

10. Subject to the provisions of section 12, a person shall cease to be a member of a Mandala Parishad if he,— Disqualification of Members.

(i) ceases to be an owner, tenant, lessee or sharecropper as specified in sub-section (1) of section-8; or

(ii) wilfully disobeys the orders or directions of any authority constituted under this Act.

11. The President of a Mandala Parishad or a member of the Executive Committee of the Mandala Parishad shall cease to hold such office if he— Disqualification of President or Member of the Executive Committee.

(i) ceases to be a member of the Mandala Parishad;

(ii) becomes of unsound mind and stands so declared by a competent Court;

(iii) applied to be adjudicated or is adjudicated an insolvent;

(iv) is surcharged under section 30;

(v) sentenced by Criminal Court,—

(a) to imprisonment for an offence under the protection of Civil Rights Act, 1955; Central Act 22 of 1955.

(b) to imprisonment for a period of not less than two years for any offence involving moral delinquency, such sentence not having been reversed or the offence pardoned;

(vi) holds the office of Sarpanch of a Gram Panchayat, President of a Co-operative Society, President of a Mandala Praja Parishad, Chairman of a Zilla Praja Parishad, Member of the Legislative Assembly, Member of either House of Parliament or

Chairman of a Municipal Council or Mayor of a Municipal Corporation:

Provided that such Sarpanch of Gram Panchayat President of a Co-operative Society or of a Mandala Praja Parishad, Chairman of a Zilla Praja Parishad or of a Municipal Council or Mayor of a Municipal Corporation, Member of the Legislative Assembly or Member of either house of Parliament shall be eligible to be elected as President of the Executive Committee of the Mandala Parishad, but he shall cease to hold that office unless within fifteen days from the date of election to the office of the President of such Executive Committee of the Mandala Parishad, he ceases to be the holder of any of the aforesaid offices by resignation or otherwise and if a President of such Executive Committee, subsequently becomes the holder of any of the aforesaid offices, he shall cease to hold the office of the President of such Executive Committee 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:

Provided further that the President of the Executive Committee of a Mandala Parishad who incurs the disqualification under sub-section (3) of section 9 of the Andhra Pradesh (Agricultural Produce and Live-stock) Markets Act, 1966 and thus ceases to be the Chairman of the Market Committee shall also cease to hold the office of the President of such Executive Committee:

Act 16 of  
1966.

Provided also that the President, Vice-President and the Members of the Executive Committee of a Mandala Parishad shall cease to hold their respective offices if the Market Committee concerned is superseded under sub-section (1) section 22 of the Andhra Pradesh (Agricultural Produce and Live Stock) Markets Act, 1966.

Act 16 of  
1966.

12. (1) If any question arises as to whether the President or a member of the Executive Committee of a Mandala Parishad or a Member of a Mandala Parishad has or has not incurred disqualification under the provisions of this Act, the same shall be decided by,—

(i) the Executive Committee of the Mandala Parishad where the question relates to a member of the Mandala Parishad; and

(ii) the Rashtra Parishad where the question relates to a President or a member of the Executive Committee of the Mandala Parishad:

Provided that no order under this section prejudicial to any person shall be passed by any authority unless such person has had an opportunity of making a representation.

(2) Any person aggrieved against the decision passed—

(a) under item (i) of sub-section (1) may appeal to the Chairman Rashtra Parishad; and

(b) under item (ii) of sub-section (1) to the Government.

Within a period of thirty days from the date of receipt of the communication of such decision.

13. (1) Subject to the provisions of section 8, it shall be open to all persons to become members of the Mandala Parishad on payment of the registration fee prescribed.

(2) For the purpose of holding the first election under this Act, an officer appointed by the Government in this behalf shall,—

- (a) register the members;
- (b) receive the registration fee on behalf of the Mandala Parishad concerned;
- (c) maintain membership records; and
- (d) prepare and publish electoral rolls for the election to the Mandala Parishad:

Provided that the Government shall bear the cost of the preparation, maintenance and publication

Authority to decide question relating to disqualifications and appeal.

Registration of Members.

Provided further that after the first elections are held it shall be the duty of the Mandala Parishad concerned to register the members in the manner prescribed.

Functions of  
Mandala  
Parishads.

14. (1) The functions of the Mandala Parishad shall be;

- (i) to prepare and execute the production plans;
- (ii) to arrange supply of seeds, fertilisers, pesticides, agricultural machinery and such other inputs;
- (iii) to introduce modern methods of agriculture like mechanisation, improved agricultural practices, better and economic use of land, etc;
- (iv) to increase productivity;
- (v) to ensure remunerative prices;
- (vi) to promote activities ancillary to the agricultural production like marketing, processing etc; and
- (vii) to take up any other incidental activities and schemes which contribute to the foregoing objectives including those entrusted by the Government and to have all necessary measures in order to improve the economic conditions of farming community.

(2) (i) For achieving the above objectives, the officers and staff of the Government belonging to the Agriculture, Horticulture and Animal Husbandry Departments and of the Marketing Department, if any, at the Mandal level shall work for the Mandala Parishad and it shall also be competent for the President of the Executive Committee of the Mandala Parishad to call for the officers of the concerned department of Government to participate in any of the meetings of the Executive Committee of the Mandala Parishad;

(ii) At the District level, the Joint Director of Agriculture shall be the officer who shall co-ordinate

The implementation of the various programmes of the Mandala Parishads subject to review by the Zilla Abhivruddhi Sameeksha Mandal to which the Joint Director (Agriculture) shall be the reporting officer.

(3) A representative of the Mandala Parishad nominated by the President of the Executive Committee shall report the activities of the Mandala Parishad in relation to Agriculture and Animal Husbandry at the meeting of the Mandala Praja Parishad committee.

15. (1) The Mandala Parishad shall have power,— <sup>Powers of</sup>

(i) to buy any agricultural produce on the directions of the Rashtra Parishad or a Federation or the Government; <sup>the</sup> Parishad

(ii) to issue directions to its members in regard to the furtherance of its objectives and functions, which shall be complied with;

(iii) to review the implementation of all schemes taken up in the Mandal under section 14 and to improve the economic well-being of the farming community;

(iv) for the purpose of giving effect to the provisions of this Act, to do all such things as may be necessary for the purpose.

(5) The Mandala Parishad shall have the power to acquire any immovable property which may be necessary for the purposes of this Act, and to hold and dispose of the same in such manner as may appear to the Mandala Parishad to be expedient for the purposes of this Act.

(6) The Mandala Parishad shall have the power to borrow money from any source and to invest the same in such manner as may appear to the Mandala Parishad to be expedient for the purposes of this Act.

(7) The Mandala Parishad shall have the power to make such rules and regulations as may be necessary for the purposes of this Act.

(8) The Mandala Parishad shall have the power to make such bye-laws as may be necessary for the purposes of this Act.



Monies of  
the  
Parishad.

16. The monies of the Parishad shall consist of—

(i) registration, and other fees levied on its members.

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

(iii) amounts borrowed from financial institutions, organisations or Federations or other Mandala Parishads or Federations or other Mandala Parishads or the Rashtra Parishads;

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

Appointment  
of Officers  
and employ-  
ees of the  
bodies and  
their condi-  
tions of  
service.

17. (1) The Rashtra Parishad may determine the staffing pattern for the Mandala Parishads in the State. It may determine its own staffing pattern from time to time and appoint such officers and employees as it considers necessary for the performance of its functions.

(2) Each Mandala Parishad shall make appointment of officers and employees as approved by the Rashtra Parishad and subject to such guidelines as may be issued from time to time by the Rashtra Parishad.

(3) 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.

## CHAPTER-V

## Miscellaneous

18. (1) The Rashtra Parishad and the Mandala Parishads may raise resources required for carrying out the purposes for which they are constituted on the security of any property belonging to them or on any fees leviable under this Act. Any such authority may for the purpose of meeting the initial expenditure on lands, buildings and equipment obtain a loan from the Government:

Power to borrow.

Provided that any loan or grant to a Mandala Parishad shall be given by the Government through the Rashtra Parishad.

(2) It shall be competent for the Rashtra Parishad, or a Mandala Parishad through the Rashtra Parishad, to approach the Government for guarantee for the repayment of principal with interest on loans or amounts borrowed by the Rashtra Parishad or a Mandala Parishad, as the case may be, wherever necessary:

Provided that the conditions under which such loans shall be raised and the time within which the same shall be repayable as may be prescribed by the Government.

19. (1) The Chairman, Vice-Chairman or any member of the Rashtra Parishad or the President or any member of the Executive Committee of the Mandala Parishad shall be liable for the loss, waste or misapplication of any money or other property belonging to such authority, if such loss, waste or misapplication is a direct consequence of his negligence or misconduct and a suit for compensation may be instituted against him in the court of competent jurisdiction by any officer authorised by the Government.

Liability of the Chairman, the Vice-Chairman, the President and members for loss, waste and misapplication of the property.

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

(3) The liability incurred by the Government or any authority constituted under this Act or any officer or other employee of such authority or any other person authorised by such authority to discharge any functions under this Act, for any loss or damage caused or it likely to be caused by anything which is in good faith done or intended to be done under this Act or under the rules made thereunder, except those caused by his own neglect or default.

Bar of  
liability  
in respect  
of Act  
done in  
good faith.

26. No suit, prosecution or other legal proceedings shall be instituted against any authority constituted under this Act or any officer or other employee of such authority or any other person authorised by such authority to discharge any functions under this Act, for any loss or damage caused or it likely to be caused by anything which is in good faith done or intended to be done under this Act or under the rules made thereunder.

proceedings shall be  
instituted against a Mandal  
...

Application of  
certain sections

...

by the Government as are required by it on such terms and conditions as may be prescribed:

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

23. The Government may, from time to time, give such directions to the Rashtra Parishad and the Mandala Parishads as it may consider necessary for carrying out the purposes of this Act. Power to give directions.

24. (1) The Rashtra Parishad and the Mandala Parishads shall maintain such books of accounts and other registers in relation to accounts and other matters in such form and in such manner as may be prescribed. Accounts and Audit.

(2) Such accounts shall be audited at such time and in such manner as may be prescribed.

(3) As soon as the accounts are audited, the concerned authority shall in the case of Mandala Parishad send a copy thereof together with a copy of the report of the audit relating thereto to the Rashtra Parishad and in the case of the accounts of the Rashtra Parishad send a copy thereof together with the report of the audit relating thereto to the Government.

(4) The Chairman of the Rashtra Parishad and the President of the Executive Committee of the Mandala Parishad shall place a copy of the audit report within a period of six months from the date of closure of the accounting year before the Rashtra Parishad or the Executive Committee of the Mandala Parishad as the case may be:

Provided that in case the report referred to in subsection (3) is not received before the said period, the Chairman of the Rashtra Parishad or the President of the Executive Committee of the Mandala Parishad

shall place the internal audit report before the Rashtra Parishad or the Executive Committee of the Mandala Parishad, as the case may be, before the expiry of the said period.

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25. (1) The Rashtra Parishad shall furnish to Government such returns, accounts and other information with respect to its funds or activities as the Government may require.

(2) The Mandala Parishads shall furnish to the Rashtra Parishads such returns, accounts and other information with respect to their activities as the Rashtra Parishad may require.

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26. (1) If, in the opinion of the Government, the Chairman or a Member of the Rashtra Parishad or the president of the Executive Committee of the Mandala Parishad or a member of such executive committee wilfully omits or refuses to carry out the orders of the Government for the proper working of the Rashtra Parishad or the Mandala Parishad or abuses his position or powers or is otherwise guilty of any activity prejudicial to the interests of the Rashtra Parishad or the Mandala Parishad, it may, by order remove such Chairman, President or member as the case may be after giving him an opportunity for explanation.

(2) Where any person 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 person removed from the office under this section shall not be eligible for being elected to any office of the Rashtra Parishad or the Mandala Parishad for two terms from the date of removal.

(4) If the Government is of the opinion that the President of the Executive Committee of the Mandala Parishad or the Chairman of the Rashtra Parishad as the case may be, wilfully omits or refuses to carry out the orders of the Government for the proper working of the concerned body or abuses his position or the powers vested in him by or under this Act 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 or Chairman 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 the Government 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.

27. (1) If, in the opinion of the Government the Executive Committee of a Mandala Parishad is not functioning properly or wilfully disobeys or fails to comply wilfully with any lawful order or direction issued by the Government or the Rashtra Parishad under this Act or the rules made thereunder, the Government may, after giving the committee an opportunity of making its representation, and in consultation with the Rashtra Parishad, by order supersede the Executive Committee from a specified date and appoint either a person (hereinafter referred to as the Special Officer) or a Committee of two or more persons (hereinafter referred to as the Managing Committee) to exercise the powers and perform the functions of the Executive Committee for a period not exceeding six months as may be specified in the order.

Supersession  
of the  
Committee.

(2) Such order shall take effect from the date specified therein.

(3) The Special Officer or the managing Committee shall, subject to the general control of the Government and to such directions as the Government may, from time to time, give, have power to exercise all or any of the functions of the Executive Committee or of any Officer of the Parishad.

(4) The Government may fix the remuneration payable to the special officer or the managing committee. The amount of remuneration so fixed and such other incidental expenditure as may be approved by the Government shall be payable from the funds of the Mandala Parishad.

(5) On the expiration of the period of appointment of the special officer or the managing committee, election shall be conducted to the executive committee of the Mandala Parishad in accordance with the provisions of the Act.

Management of Rashtra Parishad and the Executive Committee of the Mandala Parishad in certain circumstances.

28. (1) Where, for any reason—

(i) there is delay in the constitution of—

(a) the Rashtra Parishad; or

(b) the Executive Committee of the Mandala Parishad; or

(ii) Where Mandala Parishad; or

(iii) Where the bodies referred to in clause (i) do not exist for any reason,—

the Government may appoint a person or persons to manage the affairs of the Rashtra Parishad or as the case may be Mandala Parishad for a period not exceeding six months and the Government may extend from time to time such period beyond six months, so however, that the total period including the extended period, if any, shall not exceed two years:

Provided that it shall be lawful for the Government to remove the person or persons so appointed before the expiry of the term and appoint another person or persons in his or in their place.

(2) 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 Rashtra Parishad or as the case may be of the Mandala Parishad and take all such actions as may be required in the interests of the concerned body.

(3) 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 Rashtra Parishad or the Mandala Parishad shall be payable from the funds of the Rashtra Parishad or as the case may be of the Mandala Parishad.

29. A motion expressing want of confidence in the Chairman of the Rashtra Parishad may be made in such manner as may be prescribed, if the motion is carried with the support of not less than two thirds of the total number of members of the Rashtra Parishad the Government shall, by notification remove the Chairman and the resulting vacancy shall be filled in the manner specified in section 3.

Motion of  
no confi-  
dence in the  
Chairman



Surcharge.

30. (1) Where in the course of an audit of the accounts of the Rashtra Parishad or the Mandala Parishads constituted under this Act, or otherwise, it appears that any person who is or was entrusted with 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 Government in the case of Rashtra Parishad and the Rashtra Parishad in the case of the Mandala Parishad may of its own motion or otherwise on an application from any person, enquire into the 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 not exceeding eighteen per cent per annum 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 had an opportunity of making his representation.

(2) Any sum ordered under this section to be repaid to any body or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf by the Government or the Rashtra Parishad as the case may be 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.

31. (1) Subject to the provisions of the Act and <sup>Bye-laws.</sup> the rules made thereunder, the Rashtra Parishad or a Mandala Parishad constituted under this Act may, with the previous approval of the Government 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.

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

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

33. No Court inferior to that of a Magistrate of <sup>Cognizance and trial of offences.</sup> the First Class shall take cognizance of or try any offence punishable under this Act.

34. (1) The Government may *suomotu* and shall <sup>Inquiry:</sup> on the application signed by not less than one-third of the members of the Executive Committee of a Mandala Parishad or of not less than one-fifth of the total number of members of a Mandala Parishad or of the Rashtra Parishad hold an inquiry or authorise by an order some person to hold an inquiry into the working of a Mandala Parishad. Such inquiry shall be held in such manner and shall be completed in such time as may be prescribed.

(2) The Government may *suomotu*, or on an application signed by not less than one-third of the members of the Rashtra Parishad may hold an enquiry into the working of the Rashtra Parishad.

Inspection

35. (1) The Government may suo motu or otherwise inspect or authorise any officer by general or special order to inspect the books of the Rashtra Parishad or a Mandala Parishad constituted under this Act.

(2) The Rashtra Parishad may suo motu or otherwise inspect or authorise any functionary of the Rashtra Parishad or of any Federation by a general or special order to inspect the books of a Mandala Parishad.

Power to arbitrate.

36. (1) If any dispute arises relating to the constitution, management or functions of the Rashtra Parishad, such dispute shall be referred to the Government and their decision shall be final.

(2) If any dispute arises relating to the constitution, management or functions of a Mandala Parishad, such dispute shall be referred to the Rashtra Parishad and its decision shall be final.

Provided that the Government or the Rashtra Parishad, as the case may be, make such interlocutory orders as it may deem necessary in the interests of justice and equity.

Revision.

37. (1) The Government may in the case of any proceeding of the Rashtra Parishad other than its decision under sub-section (2) of section 12 and the Chairman of the Rashtra Parishad may in the case of any proceeding of a Mandala Parishad either suo motu or on application made to it or him call for and examine the record of the proceedings of such authority to satisfy itself or himself as to the regularity of such proceedings or the correctness, legality or propriety of any decision taken or order made therein; and if in any case, it appears to the Government or the Chairman that any such decision or order should be modified, annulled, reversed or remitted for reconsideration, it or he may pass orders accordingly.

Provided that every application for the exercise of the powers under this section shall be preferred within ninety days from the date on which the proceedings, 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 Government or as the case may be the Chairman may suspend the execution of the decision or order pending exercise of the power under sub-section (1) in respect thereof.

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

38. Whereas a Mandala Parishad is unable to take a decision on any matter due to the disagreement or non-co-operation among the members of the Executive Committee or for any other reason, such a matter shall be referred by the Chief Executive of the Mandala Parishad to the Rashtra Parishad and the decision of the Rashtra Parishad thereon shall be binding on the Mandala Parishad. Power to resolve submitted

39. (1) The Government may, by notification, make rules for carrying out the provisions of this Act. Power to make rules

(2) Every rule made under this 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 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 rule 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.

Power to  
remove  
difficulties.

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

Existing  
persons  
incharge  
of the  
Market  
Committees  
to continue.

41. (1) Notwithstanding anything in the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966 (hereinafter in this section referred to as the Markets Act), a person or persons appointed by the Government under section 37 of the repealed Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987 to exercise the powers and perform the functions of the Market Committee, shall notwithstanding such repeal continue to exercise the powers and perform the functions of the concerned Market Committee until it is reconstituted in accordance with the provisions of section 5, or as the case may be, section 32A of the Markets Act.

(2) 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 committees and take all such action as may be required in the interests of the Market Committee.

(3) 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.

42. In the Andhra Pradesh (Agricultural Produce and Live Stock) Markets Act, 1966, in section 16,— Amendment of Act 16 of 1966.

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

(ii) in sub-section (2),—

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

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

(c) the proviso shall be omitted;

43. (1) The Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1987 Repeal and savings. excluding sections 38, 39 and 40 is hereby repealed.

(2) Notwithstanding such repeal,—

(a) the Rashtra Karshaka Parishad, any Commodity Federation and the Mandala Karshaka Parishads constituted before the commencement of this Act, shall be deemed to have been constituted in accordance with the provisions of this Act;

(b) The President of the Rashtra Karshaka Parishad holding office immediately before the commencement of this Act, shall be deemed to be the Chairman of the Rashtra Karshaka Parishad and shall

continue until a new Chairman is elected in accordance with the provisions of this Act or a person is appointed under section 28 whichever is earlier.

(b) All property, all rights or whatever kind of interest or claim, movable or immovable, by and all interests of whatever kind owned by or vested in or title in land, movable or immovable, in the Rashtra Karshaka Parishad, Commodity Federation or in any other body constituted or deemed to be constituted as an authority legally existing against it, such, as on the date of commencement of this Act and subject to such directions as the Government may, by general or special order give in this behalf, pass to the Rashtra Karshaka Parishad, Commodity Federation or as the case may be, the Mandala Karshaka Parishad concerned constituted or deemed to have been constituted under this Act;

Act 7 of  
1967

(c) any action taken under the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies Act, 1957 by any authority before the commencement of this Act shall have effect as if taken under this Act and any such authority shall be deemed to be an authority constituted or deemed to be constituted under this Act.

(d) every officer or employee who immediately before the commencement of this Act was in the service of any Mandala Karshaka Parishad shall be deemed to be an officer or employee of the Rashtra

Karshaka Parishad constituted or deemed to have been constituted under this Act and the services rendered by any such officer or employee under the Rashtra Karshaka Parishad prior to the commencement of this Act, shall be deemed to be the service under the Rashtra Karshaka Parishad constituted or deemed to have been constituted under this Act and he shall be entitled to count that service for the purpose of increment, leave, pension or Provident Fund and gratuity.



**THE ANDHRA PRADESH RASHTRA KARSHAKA  
PARISHAD AND ALLIED BODIES (AMENDMENT)**

**ACT, 1989.\***

**ACT NO. 27 OF 1989.**

**[17th November, 1989.]**

**An Act to amend the Andhra Pradesh Rashtra  
Karshaka Parishad and Allied Bodies  
Act, 1988:**

**Be it enacted by the Legislative  
Assembly of the State of the Andhra  
Pradesh in the Fortieth Year of the  
Republic of India, as follows:**

1. This Act may be called the Andhra Pradesh Rashtra Karshaka Parishad and Allied Bodies (Amendment) Act, 1989. Short title:

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\*Received the assent of the Governor on the 16th November 1989. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Extraordinary, Part IV-A, dated the 8th September, 1989, at Page 3.

Amendment  
of section  
4, Act 32  
of 1988.

2. in Section 4 of the Andhra Pradesh  
Rashtra Karshaka Parishad and Allied Bodies Act,  
1988 (hereinafter referred to as the principal  
Act), in sub-section (2), in clause (i);-

(i) sub-clause (a) shall be omitted;

(ii) for sub-clause (b), the following  
shall be substituted, namely:-

"(b) to review and to monitor progress  
periodically against the programme  
targets;"

Amendment  
of section  
5.

3. In section 5 of the principal Act, in  
sub-section (2), clause (v) shall be omitted.