

THE ANDHRA PRADESH PULSES BOARD ACT, 2020

ANDHRA PRADESH

India

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AN ACT TO PROVIDE FOR THE DEVELOPMENT UNDER THE CONTROL OF THE STATE GOVERNMENT, OF THE PULSES CROP AND PULSES INDUSTRY AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTALTHERETO.Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventieth Year of the Republic of India as follows:Chapter – I
PRELIMINARY

1. Short title, extent and Commencement -

(1)This Act may be called the Andhra Pradesh Pulses Board Act, 2019.(2)It extends to the whole of the State of Andhra Pradesh.(3)It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh Gazette, appoint.

2. Definitions -

In this Act, unless the context otherwise requires,-(a)“administration” means administration for the purpose of achieving the objectives of the Act;(b)“Board” means the Pulses Board established under section 3;(c)“Chairman” means the Chairman of the Board appointed under section 3;(d)“dealer” means a dealer in Pulses;(e)“Government” means the State Government of Andhra Pradesh(f)“Managing Director” means the Managing Director of the Board appointed under section 3;(g)“member” means a member of the Board appointed under section 3 and includes the Chairman;(h)“notification” means a notification published in the Andhra Pradesh Gazette and the word “notified” shall be construed accordingly;(i)“Pulses” means specialized seeds of various Leguminous plants that are cooked and eaten;(j)“prescribed” means prescribed by rules made under this Act;(k)“processor” means a person who processes the Pulses with the intention of adding value to the crop;(l)“trader” means a person who is buying or selling Pulses in the state of Andhra Pradesh;Chapter – II THE PULSES BOARD

3. Establishment and constitution of the Board -

(1) With effect from such date as the Government may, by notification appoint in this behalf, there shall be established for the purposes of this Act, a Board to be called the Andhra Pradesh Pulses Board. (2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued. (3) The Head Office of the Board shall be located at such place as the Government may specify. (4) The Board shall consist of the following members, namely: - (a) A Chairman, to be appointed by the Government; (b) A Managing Director who shall be ex-officio Commissioner of Agriculture or Commissioner of Agricultural Marketing or Managing Director of AP MARKFED, appointed by the Government; (c) One Member of Legislative Assembly and One Member of Legislative Council of the State nominated by the Government; (d) Commissioner of Agriculture; (if he/she is not the Managing Director); (e) Commissioner of Agricultural Marketing; (If he/she is not the Managing Director); (f) Managing Director, AP MARKFED; (if he/she is not the Managing Director); (g) Commissioner of Civil Supplies; (h) Secretary/Commissioner, food processing; (i) Managing Director, State Ware Housing Corporation; (j) Commissioner, Tribal Welfare; (k) Commissioner, Women and Child Development; (l) One officer each from Department of Agriculture, and Department of Commerce, Government of India nominated by the respective departments; (m) One (1) Chairman of the Agricultural Marketing Committee (AMC) from among the AMCs in whose notified area Pulses are grown by large number of farmers; (n) Two Principal Scientists from All India Coordinated Research Programme for Pulses; (o) Three (3) representatives of Pulses farming community to be spread across the State; (p) Three (3) representatives from Agro Industries / Pulses Processing Industry / Exporters / Experts/Non-Government Organisations (NGO's) / Foundations in the State; (q) The Chief Operating Officer (COO) of the Board; (r) Four (4) Chief Technical Officers (CTO) of the Board; (s) Vice Chancellor of Agricultural University of the State of Andhra Pradesh or his representative; (t) Two (2) members to be appointed by the Government to represent such other interests connected with the Pulses industry as, in the opinion of the Government, ought to be represented; (u) One (1) representative of National Institute of Nutrition; (v) Chairman or the Managing Director will be competent to invite any other official or expert in the meeting of the board whose services may help in achieving the goals envisaged in the Act. However, such invitees shall not have the right to vote. (5) The term of office of the members and the manner of filling vacancies among, and the procedure to be followed in the discharge of their functions by the members shall be such as may be prescribed. (6) No act or proceeding of the Board or any committee appointed by it under section 6 shall be invalidated merely by reason of, - (a) any vacancy in, or any defect in the constitution of the Board or such committee; or (b) any defect in the appointment of a person acting as a member of the Board or such committee; or (c) any irregularity in the procedure of the Board or such Committee not affecting the merits of the case. (7) The Board shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Board under this Act. The chairman shall preside over the meetings of the Board.

4. Functions of the Board -

(1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the development under the control of the Government, of the Pulses crop and Pulses industry. (2) Without prejudice to the generality of the provisions of sub-section (1), the measures referred to therein may provide for, - (a) adopting measures for the development of Pulses industry so that farmers, particularly small farmers, may become participants in and beneficiaries of the development and growth of Pulses industry; (b) providing financial or other assistance for the development of high yielding Pulses hybrids, adoption of improved methods and modern technology for cultivation of Pulses, and extension of areas under pulses cultivation with a view to improving the growth of Pulses industry; (c) encourage organic production of Pulses; (d) recommending measures for improving the marketing of Pulses and its products in India including but not limited to providing storage facilities, value addition, integration with national markets; (e) adopting such measures as may be practicable for assisting Pulses growers to get incentive prices including recommending, as and when necessary, minimum and maximum prices for Pulses and its products; (f) develop, promote and regulate export of Pulses and its products; (g) implementing suitable quality standards and introduce certification of quality through "Quality Marking" for Pulses for export; (h) collecting statistics from growers, traders, processor of Pulses and manufacturer of Pulses products and such other persons and institutions as may be prescribed, on any matter relating to Pulses industry; (i) fixing grades, specifications and standards for Pulses and its products; (j) undertaking such publicity and publishing such periodicals, books or bulletins, on the research and development of Pulses and its products, as may be found necessary; (k) assist and encourage studies and research for improvement of productivity, processing, quality, techniques of grading and packaging of Pulses and their products; (l) such other measures as may, having regard to the purposes of this Act, be prescribed by the Government; (m) in doing the above functions, the board shall work in close liaison with other national and State Government agencies so that there is no duplication of efforts. (3) The Board shall perform its functions under this section in accordance with, and subject to, such rules as may be made by the Government.

5. Officers of the Board and other staff -

(1) The Managing Director shall be the Chief Executive Officer of the Board and he is responsible of administration. (2) The Managing Director shall be responsible for implementation of the decision of the Board and shall exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Board. He shall have the right to attend the meetings of the Board and its committees appointed under section 6 and take part in the proceedings thereof. (3) The Government shall appoint an Administrative Officer to the Board who shall exercise such powers and perform such duties as may be prescribed or as may be delegated to him by the Managing Director. (4) The Managing Director and the Administrative Officer shall be entitled to such salaries and allowances and shall be subject to such conditions of service in respect of leave, pension, provident fund and other matters as may, from time to time, be fixed by the Government. (5) Subject to such control and restrictions as may be prescribed, the Board may appoint such other officers and employees as may be necessary for the efficient performance of its functions and the method of appointment, the conditions of service and the scales of pay and allowances of such other officers and employees of

the Board shall be such as may be provided by the Board with the approval of the Government.

6. Committees of the Board -

(1)The Board may appoint such committees as may be necessary for the efficient discharge of its duties and performance of its functions under this Act.(2)The Board shall have the power to co-opt as members of any committee appointed under sub-section (1) aforesaid, such number of persons, who are not members of the Board as it may think fit and the persons so co-opted shall have the right to attend meetings of the committee and take part in its proceedings but shall not have the right to vote.(3)The persons co-opted as members of a committee under sub-section (2) aforesaid, shall be entitled to receive such allowances or fees for attending meetings of the committee as may be fixed by the Government.

7. Salary and allowances and the conditions of service of Chairman and allowances of members -

(1)The Chairman shall be entitled to such salary and allowances and shall be subject to such conditions of service as may, from time to time, be fixed by the Government.(2)The members of the Board shall receive such allowances as may be fixed by the State Government.

8. Resignation of Members -

A member may resign from his office by giving notice thereof in writing to the Government and on such resignation being accepted, he shall be deemed to have vacated his office.

9. Dissolution of the Board -

(1)The Government may, by notification in the Andhra Pradesh Gazette and for reasons to be specified therein, direct that the Board shall be dissolved from such date and for such period as may be specified in the notification:Provided that before issuing any such notification, the Government shall give a reasonable opportunity to the Board to make representations against the proposed dissolution and shall consider the representations, if any, of the Board.(2)When the Board is dissolved under sub-section (1) aforesaid,-(a)all members, notwithstanding that their term of office has not expired, shall, from the date of dissolution, vacate their offices as such members;(b)all powers and duties of the Board shall, during the period of dissolution, be exercised and performed by such person or persons as the Government may appoint in this behalf and their remuneration shall be such as may be prescribed;(c)all funds and other properties vested in the Board shall, during the period of dissolution, vest in the Government; and(d)as soon as the period of dissolution, expires, the Board shall be reconstituted in accordance with the provisions of this Act.
Chapter – III
FINANCE, ACCOUNTS AND AUDIT

10. Revenues of the Board -

(1)The Board may levy fee on the farmers,dealers, traders, processors, manufacturers, or any such person for the extension or market or export services rendered by the Board. The quantum of levy shall be decided with the prior approval of the State Government.(2)The Government may, after due appropriation made by State Legislature by law in this behalf, pay to the Board by way of grants or loans such sums of money as the Government may think fit for being utilized for the purposes of this Act.

11. Constitution of the Pulses Fund -

(1)There shall be formed a Fund to be called the Pulses Development Fund and there shall be credited thereto,—(a)fee collected under sub- section (1) of section 10;(b)any grants or loans granted by the Government for the purposes of this Act;(c)any grants or donations or loans that may be made by any person, voluntary organizations or institutions for the purposes of this Act including loans under section 12:Provided that no such grant, loan or donation shall be credited to the Fund except with the prior approval of the Government.(2)The Fund shall be applied, —(a)for meeting the cost of the measures referred to in section 4;(b)for meeting the salaries, allowances and other remuneration of the members, officers and other employees, as the case may be of the Board;(c)for meeting the other administrative expenses of the Board and any other expenses authorized by or under this Act:Provided that the donations from any person or voluntary organization or institutions shall be used for the purpose for which it was donated subject to the functions mentioned in section 4.(d)for repayment of any loans.

12. Borrowing powers of the Board -

(1)The Board may, for the purposes of carrying out its functions under this Act, and with the previous approval of, and subject to the directions of the Government, borrow money from, —(a)the public by the issue or sale of bonds or debentures or both, carrying interest at such rates as may be specified therein;(b)any bank or other institution;(c)such other authority, organization or institution, as may be approved by the Government in this behalf.(2)The Government may guarantee the repayment of the money borrowed by the Board under sub-section (1) aforesaid and the payment of interest thereon and other incidental charges.

13. Writing of losses -

Subject to such conditions as may be specified by the Government, where the Board is of opinion that any amount due to or any loss, whether of money or of property, incurred by the Board is irrecoverable, the Board may with the previous approval of the Government, sanction the writing off finally of the said amount or loss:Provided that no such approval of the Government shall be necessary where such irrecoverable amount or loss does not exceed in any individual case and in the aggregate in any year such amounts as may be prescribed.

14. Budget -

The Board shall prepare in such form and at such time each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same to the Government.

15. Annual Report -

The Board shall prepare, in such form and at such time each financial year, as may be prescribed its annual report giving a full account of its activities during the previous financial year and submit a copy thereof to the Government.

16. Accounts and Audit -

(1)The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Government in consultation with the Andhra Pradesh state Audit department.(2)The accounts of the Board shall be audited by the Andhra Pradesh state Audit department at such intervals as may be specified by them and any expenditure incurred in connection with such audit shall be payable by the Board to the Andhra Pradesh state Audit department.(3)The Andhra Pradesh Audit department and any person appointed by them in connection with the audit of the accounts of the Board shall have the same rights and privileges and authority in connection with such audit as the Andhra Pradesh Audit department generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books of accounts connected vouchers and other documents and papers and to inspect any of the offices of the Board.(4)The accounts of the Board as certified by the Andhra Pradesh State Audit department or any other person appointed by them in this behalf together with the audit report thereon shall be forwarded annually to the Government and the Government shall cause the same to be laid before each House of Legislature of the State.

Chapter – IV CONTROL BY STATE GOVERNMENT

17. Directions by Government -

(1)The Board shall carry out such directions as may be issued to it from time to time by the Government for the efficient administration of this Act.(2)The Government may, by order published in the Andhra Pradesh Gazette, designate specific water deficit areas as Pulses zones and make provision for prohibiting or restricting cultivation of water guzzling crops in such areas, and the Board shall implement such order made by the Government.

18. Returns and Reports -

(1)The Board shall furnish to the Government at such time and in such form and manner as may be prescribed or as the Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of the Pulses

crop and industry, as the Government may, from time to time require.(2)The Board shall furnish a programme of its activities for each financial year to the State Government for their information and directions, if any.(3)Without prejudice to the provisions of sub-section (1) aforesaid, the Board shall, as soon as possible, after the end of each financial year, submit to the Government a report in such form and before such date, as may be prescribed, giving a true and full account of its activities, policy and programmes during the previous financial year.(4)A copy of the report received under sub-section (3) aforesaid, shall be laid, as soon as may be, after it is received, before State Legislature.

19. Penalties for obstructing an officer or member of the Board in discharge of his duties and for failure to produce books and records etc., -

(1)Any person who, –(a)obstructs any officer/member authorized by the Managing Director in writing or other employee of the Board or any person authorized in this behalf by the State Government in the exercise of any power conferred, or in the discharge or any duty imposed, on him by or under this Act; or(b)having control over or custody of any account book or other record, fails to produce such book or record when required to do so by or under this Act. shall be punishable with imprisonment, which may extend to six months, or with fine, which may extend to five thousand rupees, or with both.(2)Who ever contravenes or attempts to contravene or abets the contravention of the provisions of this Act or any of the rules made thereunder other than the provisions contained in sub section (1) aforesaid, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees or with both and in the case of continuing contravention with an additional fine which may extent to fifty rupees for every day during which such contravention continues.

20. Previous sanction of the Government -

No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Government.

21. Delegation -

The Board may, by general or special order in writing, delegate to the Chairman or any other member or to any officer of the Board, subject to such conditions and limitations if any, as may be specified in the order, such of its powers and functions under this Act (except the power under section 26) as it may deem necessary.

22. Members, officers and employees of the Board to be public servants -

All members, officers and other employees of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code (Act 45 of 1860).

23. Protection of action taken in good faith -

No suit, prosecution or other legal proceeding shall lie against the Government, or the Board or any committee appointed by it, or any member of the Board or such committee, or any officer or employee of the Government or the Board or any other person authorized by the Government or the Board for anything which is in good faith done or intended to be done under this Act or the rules or regulations made thereunder.

24. Power to Inspection or inquiry -

Subject to any rule made in the behalf, any person, generally or specially authorized by the Managing Director may whenever it is necessary so to do, for any of the purposes of this Act, at all reasonable times, enter upon any land or premises and make any inspection or inquiry or do such other act or thing as may be prescribed: Provided that no such person shall enter any building, or any enclosed courtyard or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier at least twenty-four hours' notice in writing of his intention to do so.

25. Power to make rules -

(1) The Government may, by notification in the Andhra Pradesh Official Gazette, make rules to carry out the purpose of this Act. (2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:-(a) the number of members of the Board under sub-section (4) of section 3; (b) the term of office and other conditions of service of the members of the Board under sub-section (5) of section 3 and section 7; (c) the procedure to be followed for carrying out any or all of the functions contained in section 4; (d) the powers and duties of the Chairman; (e) the powers and duties of Managing director under section 5; (f) the constitution of committees under section 6; (g) the form in which, and the time at which, the Board shall prepare its budget under section 14 and its annual report under section 15; (h) the manner in which the accounts of the Board shall be maintained and audited and date before which the audited copy of the accounts may be furnished to the State Government under section 16; (i) the conditions and restrictions with respect to the exercise of the power to enter under section 24; (j) any other matter which is to be, or may be, prescribed or in respect of which provision is to be, or may be, made by rule.

26. Power to make regulations -

(1) The Board may, with the previous approval of the Government, by notification in the Andhra Pradesh Gazette, make regulations consistent with this Act and the rules generally to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for the following matter, namely, the terms and conditions of service of the Administrative Officer and other officers and employees of the Board under section 5.