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THE ANDHRA PRADESH GAZETTE

PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 14] HYDERABAD, THURSDAY, OCTOBER 8, 2015.

ANDHRA PRADESH ACTS, ORDINANCES
AND REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 3rd October, 2015 and the said assent is hereby first published on the 8th October, 2015 in the Andhra Pradesh Gazette for general information.

ACT NO. 14 OF 2015

AN ACT FURTHER TO AMEND THE ANDHRA PRADESH (AGRICULTURAL, PRODUCE AND LIVESTOCK) MARKETS ACT, 1966.

Whereas, it has been felt necessary to create transparent efficient and hassle free markets for agricultural produce in the state ;

And whereas, the Government has announced the Andhra Pradesh Agricultural marketing policy, 2015 focusing on the reduction/ elimination of barriers to participation in markets and barriers to trade by linking

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[1]

Director of Marketing or the Officer authorized by him as the case may be shall be inserted and for the words "all the arrears of amounts due to it", the words "all the arrears of amounts" shall be substituted.

- (3) after sub-section (1) so amended, the following shall be inserted, namely,-

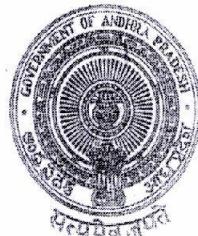
See . 7(1-A)

"(1-A) There shall be a State wide single licence for the trader to be granted / renewed by the Director of marketing or an Officer authorized by him in the manner and in the form as may be prescribed. The existing trader licences granted by the Agricultural Market Committees shall be converted into State wide single trader, licence by the Director of Marketing or the Officer authorized by him, within six (6) months from the date of commencement of the Andhra Pradesh (Agricultural Produce and Livestock) Markets (Amendment) Act, 2015. Until then the existing trader licences granted by the Agricultural Market Committees are deemed to have been the State wide single trader licences;

Act No. 14 of 2015.

(1-B) A commission agent licence shall be granted / renewed by the Agricultural Market Committee in the manner in the form as may be prescribed to operate as a Commission Agent in a market;

(1-C) Warehouse licence shall be granted /renewed by the Agricultural Market Committee for establishing/



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THE ANDHRA PRADESH GAZETTE

R. S. PART - I EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 40

HYDERABAD, THURSDAY, MAY 12, 2016.

NOTIFICATIONS BY GOVERNMENT

—X—

AGRICULTURE AND CO-OPERATION DEPARTMENT (MKTG-I)

AMENDMENTS TO THE ANDHRA PRADESH (AGRICULTURAL PRODUCE & LIVESTOCK) MARKETS RULES, 1969.

[G.O.Ms.No.38, Agriculture and Co-operation (MKTG-I), 10th May, 2016.]

FINAL NOTIFICATION

In exercise of the powers conferred under sub-section (1) of section 33 of the Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966, the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh (Agricultural Produce & Livestock) Markets Rules, 1969. The intention of making such amendment having been previously published as required under sub-section (4) of section 33 of the said Act, vide G.O.Ms.No.9, Agriculture & Cooperation (Mktg-I) Department, dated 28-01-2016 and published in the extraordinary issue of the Andhra Pradesh Gazette No.12, dated 30-01-2016 as no objections and suggestions were received in the matter.

AMENDMENTS

In the said rules :-

1. after clause (xxvi) of rule 2, the following shall be added, namely,-

- (xxvii) 'Assaying' means the qualitative and/or quantitative analysis of notified agricultural produce against a set of parameters specified by the Director of Marketing.
- (xxviii) 'Clearing and Forwarding Agent' means any person engaged in providing any service, either directly or indirectly, in connection with clearing and forwarding operations, in any manner to any other person and registered with Agricultural Market Committee as a Clearing and Forwarding Agent.

- (xxix) 'E-transport permit' means transport permit generated through electronic means for transportation of Agricultural Produce, Livestock and Products of Livestock purchased by the trader.
- (xxx) 'Sampling' means an act of drawing a representative sample from the produce offered for sale, by following the prescribed procedure;
- (xxxi) 'Transaction charges' means the charges as notified by the Director of Marketing and payable by the buyer on the value of commodities purchased through the electronic platform."

2. after rule 3, the following shall be inserted, namely,-

"3.A The market committee may, on receipt of an application in the prescribed form from the operator of any warehouse / cold storage / processing unit or any other place, after satisfying itself that such warehouse / cold storage / processing unit or the place has the required infrastructure for scientific storage and handling of the notified Agricultural Produce/Livestock or products of livestock, declare it as a market.

The market committee, within 15 days of such declaration, shall forward a proposal to the Government for notifying such warehouse / cold storage / processing unit as a notified market area under section (4)(3)(c) of the Act."

3. after sub-rule (3) of rule 33, the following shall be added, namely,-

"(4) (i): Quality related disputes of assayed produce traded through online marketing shall be settled by the Secretary or his nominee and one of the members of the disputes sub-committee, on the same day of the transaction.

(ii) If either party to the dispute is not satisfied with the resolution through the clause (i) above or no resolution can be found under clause (i) above, the dispute sub-committee shall settle the dispute.

(iii) The Director of Marketing may issue directions specifying the method of settlement of disputes arising out of online marketing of the notified commodities, under this rule."

4. for rule 48, the following shall be substituted, namely,-

Rule=48 "48 Grant or renewal of trader licence under sub-section (1)(a) of section 7 and Fees Chargeable there of:-

- (1) Any person desiring for grant or renewal of a Trader licence under sub-section (1-A) of section 7 shall make an application in Form 5-A along with application fees of Rs.100/- to the Director of Marketing or the officer authorized by him. The Director of Marketing or officer authorized by him, on receipt of such application, shall examine in all aspects and may grant and issue a licence in Form 8-A to the applicant, after collecting the licence fee of Rs.5000/-, within 7 working days, to carry out the trade in any market in the state. The Director of Marketing or officer authorized by him may reject the application duly mentioning the reasons for such refusal.
- (2) Licence fee amount of Rs.5,000/- shall be deposited in a separate account maintained in nationalized bank situated in the Head Quarters of the officer issuing the licence.
- (3) Traders having turnover not exceeding Rs.5,000/- (Rupees Five thousand only) per day are exempted from obtaining licence.

(4) Every application for renewal of licence shall be made one month before the expiry of its period. The licencing authority shall either renew or reject the request before expiry of the licence period.

(5) A licence granted under this rule shall be valid for 5 (Five) years from the date of issue.

4-A. Grant or renewal of licence for Direct Purchase Centre under sub-section (1-E) of section 7 and fees chargeable therefor :-

- (1) Any person desiring to purchase agricultural produce directly from the agriculturists or producer-sellers in one or more market areas may submit an application in writing, to the Director of Agricultural Marketing in Form 5-B along with application fee of Rs. 500/- for grant of licence, as Direct Purchase Centre, along with the documents specified in the form subject to the following conditions, namely,-
- (i) The applicant shall furnish in Form 5-B, the details of direct purchase centers proposed to be initially opened.
 - (ii) The applicant shall submit details of financial status supported by Audited statement of accounts for the past three years along with Memorandum and Articles of Association if it is a company and other documents showing the credibility of the applicant for direct purchase of notified agricultural produce from agriculturists / producer-sellers.
 - (iii) The applicant shall provide necessary infrastructure listed in Form 5-B, including the IT enabled environment for weighing, billing etc., at the direct purchase center and for conducting the purchases through the designated online marketing platform.
 - (iv) The direct purchase centre may be established on the land owned by the applicant or on the land taken on a lease for a period of not less than five years with possession. The applicant shall furnish supporting documents and layout plan of the centre indicating the facilities provided along with the application.
 - (v) The licensee shall prominently display through electronic media, the prices of selected commodities prevailing in the neighboring markets on the last day of trading and as disseminated by the Director of Marketing.
 - (vi) The licensee shall purchase the produce from farmers or producer-sellers through the designated online marketing platform as per the Minimum Support Price (MSP) norms notified by the Government or the prices prevailing in the neighboring markets whichever is higher.
 - (vii) The licensee shall pay the market fee on-line to the designated account on daily basis, in respect of each centre and furnish the centre-wise statement of daily transactions, on line, to the Director of Marketing.
- (2) The licence fee for grant or renewal of licence for establishment of a direct purchase centre shall be Rupees Fifty Thousand payable by demand draft in favour of the Director of Marketing, Govt. of Andhra Pradesh. Provided that the licence fee paid by the applicant shall be refunded if the grant or renewal of the licence is refused, within 15 days of such refusal, after deducting ten per cent of the fees towards processing charges.

FORM 5-A
[See Rule 48]

Application for grant / Renewal of trader License for operating under Section 7(1-A) of Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966.

PHOTO

2.

To,
The Director of Marketing,
Govt. of A.P., Hyderabad.

Sir,

1. I/We (Name)
..... (Address)

3.

(Phone No.), under signed here by apply along with application fee of Rs.100/- for issue / renewal of a license for a period of 5 years, under Sec 7(1-A) of Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966 for operating as trader for notified agricultural produce, livestock and products of livestock. I/we agree to pay the necessary license fee of Rs. 5000.00 as per rules.

2. Along with this application I am enclosing the following documents.

- a. A solemn declaration regarding solvency.
- b. Bank Guarantee
- c. PAN
- d. CST Registration
- e. VAT Registration
- f. Proof of Address : AADHAAR
- g. Document of Incorporation of Partnership firm / Company (where applicable)

4.

3. I/We agree to abide by the Andhra Pradesh (Agricultural Produce & Live Stock) Markets Act, 1966 and Rules 1969 and bye-laws made there under and amendments made to it from time to time and the directions or orders issued by the Director of Marketing, from time to time.

4. I/We agree to keep all the necessary records and information about the functioning of our business and to co-operate to produce whatever information and documents will be asked for inspection by appropriate authority.
5. I/We agree to pay whatever charges of fees or amounts liable and due from me legally.
6. I/We agree to avoid business with the persons doing illegal business and will co-operate in taking legal action against such persons.
7. I/We have not been guilty of any offence or misconduct in any of the market committees in the state.
8. I am / We are not partners with any person to whom a license has been refused.
9. I / We have not applied for this license just to avail of advantages accruing there from.
10. I/We have not caused any disturbance hither to for the smooth and healthy functioning of any market committee or entered into any disreputable or fraudulent transaction with any person in the State.

Signature of the Applicant _____

Name: _____

Address: _____

May 12, 2016]

ANDHRA PRADESH GAZETTE EXTRAORDINARY

FORM 8-A

[See Rule 48]

Single State wide Trader License for operating as Trader under Section 7(1A) of
Andhra Pradesh (Agricultural Produce & Livestock) Markets Act, 1966

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ORIGINAL LICENSE / RENEWED LICENSE

No.

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The Agricultural Market Committee,

Single State wide Trader License is hereby granted to (Name)

..... (Address)
..... (Contact No.), hereinafter referred to as the licensee on payment of fee of Rs. 5000/- for operating as trader for purchase / sale of notified agricultural produce livestock and products of livestock in the entire state of Andhra Pradesh. The license is valid upto (Date), subject to the provisions of the Andhra Pradesh (Agricultural Produce & Live Stock) Markets Act, 1966 and Rules 1969, on the following conditions, namely:-

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1. The licensee shall abide by the provisions of the Andhra Pradesh Markets Act, 1966 and the Rules made thereunder.
2. This license shall not be transferable. In case of any change in the composition of the partners or Directors of the firm, the same shall be notified / updated to the Director of Marketing within 15 days of such change coming into effect.
3. This license may be suspended or cancelled for violation of the provisions of the Andhra Pradesh (Agricultural Produce & Live Stock) Markets Act, 1966 and the Rules made thereunder and conditions of this license.
4. In the event of suspension or cancellation of this license, it shall be surrendered to the Director of Marketing.
5. This license permits the licensee to participate in the trade in any notified market area in the state.
6. Licensee shall equip himself to be able to participate in the online trading platform provided by the Government.
7. The licensee shall make all payments relating to the trade settlement, within the stipulated time limits established through the procedures notified in this regard.
8. For violation of any of the procedures stipulated for participation on the online marketing platform provided by the Government, the licensee shall be liable to be disabled from further participation on the platform.
9. The licensee shall at all times transport the purchased notified commodities only under the authority of an e-transport permit obtained from the online marketing platform provided by the Government.

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10. The licensee shall during business hours on any day allow access to an employee of the Market Committee concerned authorized by the said committee and the person authorized by the Director of Marketing to inspect the business premises and all his books of accounts and produce or cause to be produced the same.
11. The licensee shall pay market fees as prescribed, to the concerned Market Committee, in the manner laid down from time to time.
12. The licensee shall not adulterate or cause adulteration of any notified agricultural produce.
13. The licensee shall maintain books, registers and records in the manner required by the Director and shall make them available for inspection to the Director of Marketing or any person authorized by him.
14. The licensee shall furnish monthly returns to the respective Agricultural Market Committees and licensing authority and any information relating to the trade as may be required by the licensing authority from time to time.
15. The licensee shall livestock and products of livestock refer all his disputes in relation to the marketing of the notified agricultural produce, in the manner provided under the Andhra Pradesh (Agricultural Produce & Live Stock) Markets Act, 1966 and Rules 1969.
16. In case, the license issued is defaced, misplaced, torn, lost or accidentally destroyed ,etc., a duplicate license on payment of Rs.100.00 may be issued.

Place:

Date :

Licensing Authority
Seal