

1[THE ANDHRA PRADESH MINOR FOREST PRODUCE (REGULATION OF TRADE) ACT, 1971]

The following Act of the Andhra Pradesh Legislature which was reserved by the Governor on the 2nd January, 1971 for the consideration and assent of the President, received the assent of the President on the 14th January, 1971 and the said assent is first published on the 16th January, 1971 in the Andhra Pradesh Gazette for general information:

Act No 4 of 1971

An Act to make provision for regulating in the public interest the trade of certain minor forest produce by creation of a State monopoly in such trade in the State of Andhra Pradesh.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Twenty-first year of the Republic of India as follows:

1. Short title, extent, commencement and application :- (1) This Act may be called the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act, 1971.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force in such area and on such date as the Government may, by notification specify and they may specify different dates for different areas.

(4) It shall apply to every minor forest produce specified in the Schedule.

CASELAW

Abnus Leaves Act, 1956 applies to beedi leaves, but beedi leaves are not excluded from the definition of 'forest produce' in A.P. Forest Act, 1967. As there is no repugnancy between the two enactments, the provisions of the two Acts supplement each other with regard to lease of beedi leaves (Abnus Leaves). *S.M. Hussain vs. Chief Conservator of Forests and Others*. 1970(2) APLJ 1 (SN).

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

- (1) "agent" means an agent appointed under Section 4;
- (2) "Committee" means an Advisory Committee constituted under sub-section (1) of Section 6;
- (3) "Government" means the State Government;
- (4) "grower" means —

1. Pub. in A.P. Gazette (Extraordinary), Part IV-B, dt. 16-1-1971.

- (i) in respect of any minor forest produce grown in any land constituted as reserved forest or in any forest or waste land declared as protected forest under the Andhra Pradesh Forest Act, (Act 1 of 1967), the Government ; and
- (ii) in respect of any minor forest produce grown in any other land ;
 - (a) the Government, where the minor forest produce is grown on unoccupied land which is the property of the Government or which is placed under their control and management,
 - (b) the owner, occupier, tenant, lessee or other person having right to the possession and enjoyment of the land included in a unit, on which the minor forest produce is grown and includes every person, who, from time to time, claims title to such produce through him ;
- (5) "*minor forest produce*" means any forest produce other than timber, trees, (excluding bamboos) and charcoal, specified in the schedule ;
- (6) "*notification*" means a notification published in the Andhra Pradesh Gazette ;
- (7) "*specified area*" means the area specified in the notification under sub-section (3) of Section 1 ;
- (8) "*unit*" means a sub-division of a specified area constituted into a unit under Section 3 ;
- (9) words and expressions used but not defined in this Act, and defined in the Andhra Pradesh Forest Act, 1967 (Act 1 of 1967) shall have meanings respectively assigned to them in that Act.

3. Constitution of units :- The Government may, from time to time, divide every specified area into such number of units as they may deem fit in respect of each minor forest produce.

4. Appointment of agents:- (1) The Government may, for the purposes of purchase of any trade in, any minor forest produce on their behalf appoint an agent for each unit :

Provided that nothing in this sub-section shall prevent the appointment of the same person as agent for more than one unit.

(2) The terms and conditions of, and the procedure for appointment of agents shall be, such as may be prescribed.

5. Restriction on purchase of transport of minor forest produce:-
 (1) Upon the issue of a notification under sub-section (3) of Section 1 in respect of an area no person other than

- (a) the Government, or
- (b) an officer of the Government authorised in writing by them in that behalf (hereafter in this Act referred to as the authorised officer), or
- (c) an agent appointed for a unit ;

¹[shall sell or purchase or cure or otherwise process or collect or store or transport] any minor forest produce to which this Act applies.

²[Explanation:- Any sale to or purchase from the Government, the authorised officer or the agent of a minor forest produce shall not be deemed to be a sale or purchase in contravention of the provisions of this section.]

(2) Notwithstanding anything in sub-section (1):—

³(a) a registered grower may collect any minor forest produce from any land belonging to him on which such produce is grown and may transport the minor forest produce so collected from such land to the nearest depot within the unit in which the said land is included ;] and

(b) minor forest produce purchased from the Government or from any authorised officer or agent by any person for manufacture of finished goods within the State using such produce or by any person for sale of such produce outside the State ⁴[may be cured or otherwise processed or stored or transported by such person within or outside the unit] in accordance with the terms and conditions of a permit to be issued in that behalf by such authority and in such manner as may be prescribed.

⁵[Explanation :- For the purpose of this clause, the expression "transport by such person within or outside the unit" means the transport of minor forest produce at all stages including the transport to any subsidiary distribution centre situated at a place of work or manufacture.]

⁶[(3) Any person desiring to sell any minor forest produce may sell the produce to the Government or the authorised officer or agent in such form and in such manner as may be prescribed.]

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1. Subs. for the words "shall purchase or transport" by A.P.Act No. 21 of 1974.
 2. Subs. by *ibid.*
 3. Subs. for sub-section (2)(a) by *ibid.*
 4. Substituted for the words "may be transported by such person outside the unit" in sub-section (2)(b) by *ibid.*
 5. Inserted by *ibid.*
 6. Subs. for sub-section (3) by *ibid.*

¹[(4) No grower shall carry on --

- (a) any trade or business in,
- (b) any industry with the use of,

the minor forest produce to which this Act applies except in accordance with the provisions of this Act or the rules made thereunder.

CASE LAW

The Government is empowered to deal with the Minor Forest Produce grown even on Government lands. No person other than Government can sell or purchase any Minor Forest Produce on the land to which the Act applies. The contention raised by the Learned Counsel for the Appellants that the Government has no power to sell the green abnus leaves to be collected from Government lands or purchased from the registered growers have no authority to sell under the 1971 Act, cannot be sustained. *K. Narasimha Reddy & Another vs. Govt. of Andhra Pradesh*, 1999 (2) ALD 336 = 1999 (2) ALT 453 (DB).

6. Constitution of Advisory Committee :- (1) The Government shall for each year commencing on the 1st day of July and ending on the 30th day of June next following, constitute, in respect of each minor forest produce an Advisory Committee for one or more forest divisions in the State consisting of such number of members not less than six but not more than nine as may be notified by the Government, from time to time, for the purpose of advising the Government in the matter of fixation from time to time, of a fair and reasonable price at which such produce, as is offered for sale in a division of divisions, may be purchased by the Government or their authorised officers or agent in accordance with the provisions of this Act :

Provided that two of the members shall be from amongst the traders of the respective minor forest produce, or manufacturers of finished goods using such produce; and four members shall be from amongst the growers of the respective minor forest produce other than the Government.

(2) It shall also be the duty of the Committee to advise the Government on such other matters as may be referred to it by the Government for carrying out the purposes of this Act.

(3) The business of the Committee shall be transacted in such manner as may be prescribed.

(4) The members of the Committee shall be entitled to such allowances as may be prescribed.

(5) The Committee shall tender its advice to the Government within such period as the Government may specify in this behalf.

7. Government to fix price in consultation with Committee: The Government shall, by notification and after consultation with the Committee, fix the price at which any particular minor forest produce shall be purchased by them or by any authorised officer or agent,

1. Sub-section (4) was added by A.P. Act No. 21 of 1974.

¹[from growers of that produce registered under Section 10] and the price so fixed shall also be published in such other manner as may be prescribed, not later than the 31st day of December ; and the price so fixed shall not be altered during the year to which the price relates:

Provided that if the Committee fails to tender its advice in regard to the fixation of such price within the period specified under sub-section(5) of Section 6, or such further period, not exceeding fifteen days, as the Government may allow, the Government may proceed to fix the price without further consultation with the Committee :

Provided further that different prices may be fixed in relation to different units, and in so doing regard shall be had amongst other things, to

- (a) price of the respective minor forest produce obtained or fixed under this Act, or any enactment during the preceding three years in respect of the area comprised in the unit,
- (b) the quality of the minor forest produce grown in the unit;
- (c) transport facilities available in the unit;
- (d) the cost of transport, and
- (e) the general level of wages for unskilled labour prevalent in the unit.

8. Opening of depots and publication of price list etc., at depots:- There shall be set up in each unit such number of depots and at such places, as the Government may, taking into consideration the convenience of the growers of the respective minor forest produce, direct. A price list of such produce fixed by the Government under Section 7 and the hours of business shall be prominently displayed on a notice board kept for the purpose at every such depot.

9. Government authorised officer or agent to purchase minor forest produce :- ²[(1) The Government or authorised officer or agent shall be bound to purchase the minor forest produce offered for sale at the depot during the hours of business in the raw form, from all the growers registered under Section 10 at the price fixed under Section 7:]

Provided that it shall be open to the Government or authorised officer or agent to refuse to purchase any minor forest produce which, in the opinion of the Government or authorised officer or agent, as the case may be, is not fit for the purpose of manufacture of finished goods using such produce or for any other commercial purpose.

(2) Any person aggrieved by the refusal to purchase the minor forest produce by any authorised officer or agent under the proviso to sub-section (1) may, within fifteen days therefrom, prefer an appeal to the Divisional Forest Officer, or such other officer as may be empowered by the Government in this behalf, having jurisdiction over the unit.

1. Subs. for "from growers of that produce" by A.P. Act No. 21 of 1974.

2. Subs. by A.P. Act No. 21 of 1974.

(3) On receipt of an appeal under sub-section (2), the Divisional Forest Officer or other officer, as the case may be, shall hold an inquiry, on the spot or at any convenient place, in the prescribed manner and after hearing the parties concerned or their representatives, shall pass such order as he may deem fit, and in case he finds the refusal to purchase the minor forest produce to be improper, he may –

- (a) where he considers the minor forest produce in question still suitable for the manufacture of finished goods or for any other commercial purpose, direct the authorised officer or agent, as the case may be, to purchase the same at the price fixed for it and may also award to the person aggrieved such further compensation not exceeding twenty per centum of the price of the produce payable to him, as he may deem fit ;
- (b) Where he considers that the minor forest produce in question has since become unsuitable for manufacture of finished goods or for any other commercial purpose, direct the payment to the person aggrieved of any amount not less than the price of such minor forest produce payable to him under sub-section (1) and such further compensation not exceeding twenty per centum of such price, as he may deem fit by way of damages for the loss suffered by such person.

(4) Nothing in this section shall be construed as to debar the appropriation of any minor forest produce offered for sale. If the Government or authorised officer or agent has reason to believe that such produce appertains to forest or lands belonging to or under the control of the Government, and paying only such collection charges, if any, as the Government may, from time to time, determine:

Provided that in the case of any dispute in the matter, the Divisional Forest Officer or other officer, as the case may be, shall hear and dispose of the same in the manner provided in sub-section (3).

(5) Any person aggrieved by the decision referred to in the proviso to sub-section (4) may; within a period of thirty days from the date of receipt of such decision, prefer an appeal to the Government; and the decision of the Government on such appeal shall be final.

10. Registration :-¹[(1)] Every grower, other than the Government, shall, if the quantity of the minor forest produce grown by him during a year is likely to exceed such quantity as may be prescribed, get himself registered in such manner as may be prescribed.

1. Sec. 10 renumbered as sub-sec. (1) by A.P. Act No. 21 of 1974.

¹[(2) As soon as may be after a grower applies for registration under sub-section (1) the Divisional Forest Officer, shall after making such enquiry and verification as he deems fit, issue a Certificate of Registration to the grower specifying the approximate quantity of the minor forest produce that would be available in a season from the lands of the grower :

Provided that a Certificate of Registration issued under the sub-section shall unless cancelled earlier by the Divisional Forest Officer for reasons to be recorded in writing be valid for a period of three years from the date of issue or until the grower is in possession of the land in respect of which the certificate has been issued whichever is earlier.

(3) An appeal shall lie to the Conservator of Forests concerned against the Certificate of Registration issued by the Divisional Forest Officer under sub-section (2) within 15 days from the date of the issue of the certificate and decision of the Conservator of Forests thereon shall be final and shall not be questioned in any Court of law.]

11. Registration of manufacturers of finished goods using minor forest produce and exporters of minor forest produce:— (1) Every manufacturer of finished goods using minor forest produce, and every exporter of minor forest produce shall get himself registered within such period, on payment of such fee, and in such manner, as may be prescribed.

(2) Every such manufacturer and exporter registered under sub-sec.(1) shall furnish a declaration in such form, by such date, and in such manner, as may be prescribed.

12. Disposal of minor forest produce:— Any minor forest produce purchased by the Government or authorised officer or agent under this Act shall be sold or otherwise disposed of in such manner as the Government may direct.

13. Delegation of powers:— The Government may, by notification, delegate any of their powers or functions under this Act, or the rules made thereunder to any officer not below the rank of an Assistant Conservator of Forests, or to any authority, who shall exercise or perform the same, subject to such conditions and restrictions as the Government may specify in the notification.

14. Power of entry, search seizure; etc.:— (1) Any forest officer or police officer not below the rank of a Sub-Inspector, or any other person authorised by the Government in this behalf may, with a view

1. Sub-secs. (2) & (3) were added by A.P. Act No. 21 of 1974.

to securing compliance with the provisions of this Act, or the rules made thereunder or to satisfying himself that the said provisions have been complied with—

- (i) stop and search any person, boat, vehicle or receptacle used or intended to be used for the transport of a minor forest produce;
- (ii) enter and search any place ; and
- (iii) where there is reason to believe that an offence punishable under this Act or any rule made thereunder has been committed in respect of any minor forest produce, seize such minor forest produce together with the receptacles, if any, in which it is contained and all tools, ropes, chains, boats, vehicles or cattle used in committing any such offence.

(2) Every officer seizing minor forest produce and other property under Clause(iii) of sub-section (1) shall place on such produce or other property a mark indicating that the same has been so seized and shall, except where the offender agrees in writing forthwith to get the offence compounded in the manner prescribed, make a report of seizure to the Magistrate.

(3) Any forest officer not below the rank of a Ranger who, or whose subordinate, has seized any property, other than the minor forest produce, under Clause (iii) of sub-section (1) may release the same on the execution by the owner thereof a bond for the production of the property so released, if and when so required, before the Magistrate.

(4) Upon the receipt of any report under sub-section (2), the Magistrate shall, except where the offence is compounded, take such measures as may be necessary for the trial of the accused and the disposal of the minor forest produce and other property according to law.

(5) The minor forest produce and other property seized under Clause (iii) of sub-section (1) shall be kept in the custody of the forest officer not below the rank of the forest guard or village headman until the compensation for compounding the offence is paid or until an order of the Magistrate directing its disposal is received.

(6) The provisions of Sections 102 and 103 of the Code of Criminal Procedure, 1898, (Act V of 1898) relating to search and seizure shall, so far as may be, apply to searches and seizures under this section.

15. Penalty:— If any person contravenes any of the provisions of this Act or the rules made thereunder—

- (a) he shall be punished with imprisonment which may extend to one year or with fine which may extend to two thousand rupees, or with both ;
- (b) the minor forest produce in respect of which such contravention has been made or such part thereof as the Court may deem fit, and any boat, vehicle other than a cart drawn by animals, vessel or other conveyance or any other articles used in committing such offence, shall be liable to confiscation :

Provided that if the Court is of the opinion that it is not necessary to direct confiscation in respect of the whole, or as the case may be, any of the minor forest produce or other property, it may for reasons to be recorded, refrain from doing so.

16. Attempts and abetment:— Any person who attempts to contravene, or abets the contravention of, any provision of this Act or the rules made thereunder shall be deemed to have contravened such provisions.

17. Cognizance of offences:— No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by any forest officer, not below the rank of a Divisional Forest Officer or such other officer as may be authorised by the Government in this behalf.

18. Savings in respect of acts done in good faith:— (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of the provisions of this Act or by anything which is in good faith done or intended to be so done in pursuance of this Act or the rules made thereunder.

19. Power to make rules:— (1) The Government may, by notification and subject to the condition of previous publication, make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely:—

- (a) the terms and conditions of, and the procedure to be followed in making appointment of agents ;
- (b) the manner of selling the minor forest produce to the authorised officer or agent at a depot ;

- (c) the authority by whom, the manner in which and the conditions subject to which, permits may be issued or, the transport within the State of the minor forest produce to be brought from outside the State may be regulated ;
- (d) the manner of transacting the business of the Committee and the allowances to which the members thereof are entitled to ;
- (e) the publication of the price lists of minor forest produce ;
- (f) the manner of holding inquiries under this Act ;
- (g) the manner of registration under Section 10 ;
- (h)
 - (i) the manner of registration, the period within which such registration shall be made and the fee payable therefor, under sub-section (1) of Section 11 ;
 - (ii) the form of declaration, the authority to whom, the date by which and the manner in which, the declaration shall be furnished under sub-section (2) of Section 11 ;
- (i) the manner in which an offence punishable under this Act may be compounded;
- (j) any other matter which is either expressly or impliedly required to be prescribed under this Act.

(3) Every rule made under this Act shall, immediately after it is made, be laid before each House of the State Legislature 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, both Houses agree 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.

20. Act 1 of 1967 not to apply to minor forest produce :- Nothing in the Andhra Pradesh Forest Act, 1967, shall apply to minor forest produce in respect of the matters for which provisions are contained in this Act.

21. Power to remove difficulty :- If any difficulty arises in giving effect to the provisions of this Act, the Government may, subject to the provisions of Section 23, by notification, make such provisions, not inconsistent with the provisions of this Act as appear to them to be necessary or expedient for the purpose of removing the difficulty.

22. Power to amend the schedule:— The Government may, subject to the provisions of Section 23, from time to time, by notification, add to, or modify the schedule after considering the necessity in the public interest of regulating the trade of any minor forest produce and on any such notification being issued, the schedule shall be deemed to be amended accordingly.

23. Application of Section 19(3) to notifications under Sections 21 and 22 :— The provisions of sub-section (3) of Section 19 shall apply in relation to a notification issued under Section 21 or under Section 22, as they apply in relation to a rule made under Section 19 with the substitution of references to the "notification" for references to the "rule".

24. Repeal and Saving Act XLIX of 1956, Ordinance 5 of 1970:—
(1) The Andhra Pradesh Abnus Leaves Act, 1956 and the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Ordinance, 1970 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Ordinance, 1970 shall be deemed to have been done or taken under the corresponding provisions of this Act as if this Act had come into force on the 6th October, 1970.

THE SCHEDULE

[See Sections 1(4) and 2(5)]

Abnus (or Tuniki or Beedi) Leaves.

NOTIFICATIONS UNDER ANDHRA PRADESH MINOR FOREST PRODUCE (REGULATION OF TRADE) ACT, 1971

Specification of date on which the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Ordinance, 1970 shall come into force in certain Districts of Andhra Pradesh State.

[G.O.Ms.No. 2127, Food & Agriculture (For. III) 7th November, 1970, published in A.P. Gazette, Part II (Extraordinary) Dt. 7-11-1970 (Issue No. 36) and as amended by G.O.Ms.No. 961 F & RD (For. III) Dept., Dated 28-10-1976.]

NOTIFICATION

In exercise of the powers conferred by sub-section (3) of Section 1 of the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Ordinance, 1970 (Andhra Pradesh Ordinance 5 of 1970), the Governor of Andhra Pradesh hereby specifies the 9th day of November, 1970 as the date on which the said ordinance shall come into force in the districts of Adilabad, Karimnagar, Warangal, Nalgonda, Mahbubnagar, Medak, Nizamabad, Hyderabad and Khammam (and in the Village of Chimalpad, Murusumilli and Pullur of Vijayawada taluk and Tiruvur taluk of Krishna District) comprising forest divisions of Adilabad, Nirmal, Jannaram, Mancherial, Bellampally, Sirpur-Kaghaznagar, Karimnagar (East), Karimnagar (West), Warangal, Mahabubabad, Kothagudem, Paloncha, Nalgonda, Nagarkurnool, Mahaboobnagar, Medak, Kamareddy, Nizamabad, Hyderabad, Khammam, Bhadrachalam (North) and Bhadrachalam (South).

Delegation of Powers and Functions of Chief Conservator of Forests (M) to the Additional Chief Conservator of Forests (WL and Acct) Under the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act, 1971.

[G.O.Ms.No. 279, Forests, Animal Husbandry and Fisheries (For. III), dt. 11th July, 1986, published in A.P. Gazette Part-I (Extraordinary), dt. 11-7-1986.]

In exercise of the powers conferred by Section 13 of the Andhra Pradesh Minor Forest Produce (Regulation of Trade) Act, 1971 (Act No. 4 of 1971) the Governor of Andhra Pradesh in supersession of the orders issued in G.O.Ms.No. 341 Forest and Rural Development (For. III) Department, dated the 5th November, 1985 hereby delegates to the Additional Chief Conservator of Forests (Wild Life and Accounts), in-charge of State Trading in Abnus Leaves, the powers and functions of the Government under the said Act and the Rules made thereunder as noted below hitherto exercised by the Chief Conservator of Forests, (Management) in-charge of State Trading in Abnus Leaves.

S.No.	Sections and Rules	Powers and functions delegated
1.	Section 3	Division of the specified area into units and reorganisation of the units.
2.	Section 7	Publication of prices of minor forest produce fixed by the Government in the manner specified in Rule 6.
3.	Section 12	To issue supplementary tender notice.
4.	Section 13	To issue main tender notice and also to make suitable changes in the terms and conditions in the tender notice and purchasers agreement.
5.	Rule 3 (1)	(1) Publication of notices ; inviting applications for appointment of agents, specifying the terms and conditions of appointment of agents. (2) Specification of details.
6.	Rule 3 (14)	Directions regarding the maintenance of accounts and submission of returns.
7.	Rule 8 (6)	Details regarding the manner of furnishing information.

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