

THE ANDHRA PRADESH STATE AGRICULTURAL COUNCIL ACT, 2020

ACT No. 38 of 2020

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THE ANDHRA PRADESH STATE AGRICULTURAL COUNCIL ACT, 2020
ACT No. 38 of 2020

(28th December, 2020)

AN ACT TO PROVIDE FOR THE CONSTITUTION OF THE ANDHRA PRADESH STATE AGRICULTURAL COUNCIL FOR THE PURPOSE OF CO-ORDINATION AND DETERMINATION OF STANDARDS OF EDUCATION IN THE FIELD OF AGRICULTURE/HORTICULTURE, TO REGULATE THE AGRICULTURAL/HORTICULTURAL PROFESSIONAL PRACTICES AND FOR THE MAINTENANCE OF REGISTER OF QUALIFIED PERSONS ENGAGED IN AGRICULTURE AND HORTICULTURE IN THE STATE OF ANDHRA PRADESH AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERE TO.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy First 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 State Agricultural Council Act, 2020.

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

(3) It shall come into force on such date as the Government may, by notification, in the Andhra Pradesh Gazette, appoint.

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

(1) “Agricultural/Horticulture Institution” means any institution recognized by an University or accredited by Indian Council for Agriculture Research;

(2) “Agricultural/Horticulture Practitioner” means a person possessing the qualification as specified in the Schedule;

(3) “Agricultural/Horticulture Profession” means a person whose occupation directly or indirectly related to Agriculture/Horticulture;

(4) “Agricultural/ Horticultural Project” means specific programme of work pertaining to agriculture or horticulture with well-defined objectives and programme of action with time-frame, along with financial implication;

(5) “Agricultural/ Horticulture Qualification” means any of the qualifications specified in the Schedule which is granted by the Universities/Institutions specified therein and the qualifications declared by Government under section 17 and 18.

(6) "Agricultural / Horticulture Research" means carrying out research in any branch/aspect of Agriculture/Horticulture;

(7) "Committee" means the executive committee or other committees constituted by the Council under section 13 and 15;

(8) "Council" means the Andhra Pradesh State Agricultural Council established under section 3 of this Act;

(9) "Ethics" means moral principles binding under given circumstances;

(10) "Etiquette" means certain dignity attached to the post or person;

(11) "Extension" means the process of channeling research results to the farm and complying its execution;

(12) "Government" means Government of Andhra Pradesh;

(13) "Member" means the member of the Council;

(14) "Plant Doctor" means an Agricultural/Horticultural practitioner registered under this Act;

(15) "Prescribed" means prescribed by rules made under this Act;

(16) "President" means a person elected as such by the members of the council;

(17) "Private Consultancy" means consultancy services offered by registered Agricultural/Horticultural Practitioners on self-employment basis;

(18) "Register" means the Andhra Pradesh State Agricultural /Horticultural Practitioners Register maintained under section 24;

(19) "Regulation" means a regulation made under section 47 of this Act;

(20) "Research" means any activity connected to agriculture/horticulture for improving crop productivity;

(21) "Rules" means rules made under section 46 of this Act;

(22) "Schedule" means Schedule appended to this Act;

(23) "Secretary" means a person appointed by the Executive Committee under section 14;

(24) "Standing Committee" means the Committee appointed by the Executive Committee conferring certain responsibilities to be carried out on behalf of the Council;

(25) "Teaching" means imparting knowledge to the concerned persons in the field of Agriculture/ Horticulture;

(26) "Training Institute" means the institution imparting knowledge to the concerned person in any aspect in the field of Agriculture / Horticulture;

(27) "Vice-President" means a person elected as such by the Members of the Council.

CHAPTER-II ANDHRA PRADESH STATE AGRICULTURAL COUNCIL

3. Establishment and composition of the Council - (1) The Government may, by notification, establish a Council to be called the Andhra Pradesh State Agricultural Council.

(2) The Council shall consist of the following Members, namely :-

(i) President

(ii) Vice-President

(iii) Twenty members to be elected from among the Agricultural/Horticulture practitioners registered in the State.

(iv) Registrars/Deans of Faculty of Agriculture/Horticulture from Acharya N.G Ranga Agricultural University, LAM, Guntur and Y.S.R. Horticulture University, Venkataramannagudem, West Godavari District respectively, shall be the Ex-officio members.

(v) One Officer from the Agricultural Department not below the rank of Joint Director of Agriculture and one representative from the Andhra Pradesh Agricultural Officers Association and one Officer from Horticulture Department not below the rank of Deputy Director of Horticulture and one representative from Andhra Pradesh Horticulture Officers Association to be nominated by the concerned departments - Ex-officio members.

(vi) Representative from the Indian Council of Agriculture Research (ICAR)-DDG (Education) – Ex-officio;

(vii) Representative from the National Institute of Agriculture Extension Management (MANAGE) Hyderabad (DG or his nominee not below the rank of Joint Director)-Ex-Officio;

(viii) One leading Agricultural Entrepreneur with basic degree in Agriculture/Horticulture to be nominated by the Executive Committee-Ex-officio;

(ix) Secretary of the State Agricultural Council – Ex-officio.

(3) The President and Vice-President of the Council shall be elected by the members of the Council from among themselves.

(4) The names of persons nominated or elected as members of the Council including the President and Vice-President shall be notified by the Government in the Andhra Pradesh Gazette.

(5) Whenever there is vacancy in the office of the President, the Vice-President shall discharge the functions of the President.

4. Incorporation of the Council – The Council shall be a body corporate by the name of the Andhra Pradesh State Agricultural Council, having perpetual succession and a 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 or be sued.

5. Mode of Election – The elections provided for under Section 3 shall be conducted in the prescribed manner.

6. Term of office of President, Vice-President and members – (1) The President or Vice-President shall hold office for a term not exceeding four years and not extending beyond the expiry of his term as a member.

(2) Subject to the provisions of sub-section (1), a member shall hold office for a term of four years from the date of his election or nomination as the case may be, to the Council:

Provided that such a member shall notwithstanding the expiry of the said period of four years continue to hold office until his successor is elected or nominated.

(3) Member of the Council shall be eligible for re-nomination or re-election.

(4) Where the term of four years in respect of any member of the Council is about to expire, a successor may be nominated or elected at any time within one month before the said term expires, but he shall not assume office until the said term has expired.

7. Cessation of Membership - (1) An elected or nominated member shall be deemed to have vacated his office: -

(a) if he/she is absent without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council. However, the executive committee may condone the absence of the member for three consecutive meetings, if the member gives in writing the reasons for such absence and provided the Executive committee accepts the reasons as valid.

(b) in the case of the member elected or nominated, if he ceases to be a person enrolled in the register;

(c) if he/ she has been convicted of an offence involving moral turpitude and punishable with imprisonment;

(d) if he/she is an un-discharged insolvent;

(e) if he/she is of unsound mind and stands so declared by competent court.

(2) On the occurrence of a vacancy referred to in clauses(iv), (v),(vi) and(vii) of sub-section (2) of section 3 of this Act, the President shall forthwith report the fact of such vacancy to the concerned and thereafter it may take necessary steps to nominate candidates to such vacancy.

8. Casual Vacancy - A casual vacancy in the Council shall be filled by nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes, was nominated or elected:

Provided that no such casual vacancy occurring within six months on the date of expiry of the term of office of a nominated or an elected member need be filled under this section.

9. Resignation - (1) The President or Vice-President of the Council may at any time resign his/her office by notice in writing, addressed to the Council and delivered to the Secretary and the resignation shall take effect from the date on which it is accepted by the Council or on the expiry of ninety days from the date of receipt of the resignation by the Secretary whichever is earlier

(2) A member may at any time resign his/her office by notice in writing addressed to the President and every such resignation shall take effect from the date on which it is accepted by the President or on the expiry of ninety days from the date of receipt of the resignation by the President, whichever is earlier.

10. Meetings of the Council - (1) The Council shall meet every quarter in a year at such time and place as may be appointed by the Council.

(2) The quorum necessary for the transaction of business at a meeting of the Council shall be nine.

(3) The President when present shall preside at the meeting of the Council and in his absence, the Vice-President, and the absence of both, any other member elected by the members present from amongst themselves shall preside at such meeting.

(4) Save as otherwise provided in this Act, all questions which come up before any meeting of the Council shall be decided by a majority of the members present and voting.

(5) In the case of an equality of votes, the President of the Council or the member who presides the meeting shall have a casting vote.

(6) Subject to the provisions of sub-sections (1) to (5), the Council shall exercise and discharge such powers and duties as may be prescribed.

11. Meetings of the General Body of the Council - (1) The general body consisting of all the members on the rolls of the Council shall meet once in a year, to conduct the business of the Council in respect of passing of Annual

reports, Financial budget, Audited report and other matters connected with functioning of the Council.

(2) The General body meeting shall be conducted during any day in the month of February every year. The meetings shall be conducted at a place and time as decided by the Executive Committee of the Council with an advance notice of minimum of twenty one (21) days.

(3) A minimum number of 100 Registered members attending the meeting shall form the quorum. In the event of shortfall, the quorum in the Executive Committee shall adjourn for a short period and reconvene the meetings. The proceedings of such a reconvened meeting shall be considered fully valid.

12. Vacancies in the Council not to invalidate acts, etc. –No act or proceeding of the Council shall be invalid by reason of the existence of a vacancy in the Council or on account of any defect or irregularity in its constitution.

13. Executive Committee – (1) The Council shall constitute from among its members an executive committee.

(2) The Executive Committee shall be a State level committee functioning with State headquarters as its Headquarter.

(3) A person shall not be qualified as a member of the Executive Committee unless he holds a basic degree in Agriculture/Horticulture and has registered himself/herself in the register.

(4) The Executive Committee shall have power to nominate the additional members to the Executive Committee up to a maximum of Four. Such nominations shall be made to bring representative from different sectors of Agriculture/Horticulture not covered by earlier nominations.

(5) The Executive Committee shall exercise such powers and discharge such duties as may be prescribed.

14. Appointment of Secretary and other officers and employees - (1) The Executive Committee with the previous sanction of the Government may appoint a Secretary with basic degree in Agriculture/Horticulture (Who shall also act as Treasurer unless the Executive Committee appoints any other person as Treasurer) and may appoint such other officers and supporting staff as it may deem necessary to carry out the purposes of this Act.

(2) The terms and conditions of service of the Secretary, other officers and supporting staff appointed by the Executive Committee shall be such as may be prescribed.

(3) All orders and decisions and other instruments of the Executive Committee shall be authenticated by the signature of the Secretary or any other officer of the Executive Committee duly authorized by it in this behalf.

15. Other committees - (1) The Council may constitute such other committees for such general or specific purposes as the Council considers necessary and may co-opt any person or persons specifically qualified to advise on any matter to any committee other than executive committee. The composition and functions of such committee shall be such as may be prescribed.

(2) A committee constituted under this section shall meet at such time and at such place as may be prescribed.

16. Fees and Allowances - The President, Vice-President and other members of the Council and also the members of the committees shall be paid such fees and allowances for attending the meetings of the Council or as the case may be, the committees, as may be prescribed.

17. Recognition of Agricultural/Horticultural Qualifications - (1) The Agricultural/Horticultural qualification granted by the Agricultural/Horticultural Universities or institutions in the State of Andhra Pradesh which are included in the Schedule shall be recognized Agricultural/Horticultural qualification for the purposes of this Act.

(2) Any Agricultural/Horticultural Institution in the State of Andhra Pradesh which grants an Agricultural/Horticultural qualification not included in the Schedule may apply to the Government to have such qualification recognized and the Government, after consulting the Council, may by notification, amend the Schedule, so as to include such institution and such qualification therein when granted after a specified date.

18. Recognition of agricultural/Horticultural qualifications when there is scheme of reciprocity - (1) The Agricultural/Horticultural qualification granted by Agricultural /Horticultural Institutions outside the State of Andhra Pradesh or outside India with which there is a scheme of reciprocity shall be recognized qualification for the purposes of this Act.

(2) The Council may enter into negotiations with the authority in any State outside the State of Andhra Pradesh or in any Country which by the law of such State or Country is entrusted with the maintenance of a register similar to the register referred to in section 24 and for the setting up of a scheme of reciprocity for the recognition of Agricultural/Horticultural qualification, and in pursuance of any such negotiation and on the recommendation of the Council, the Government may, by notification, declare that it shall be recognized only when granted after a specified date.

(3) Where the Council has refused to recommend any Agricultural/Horticultural qualification which has been proposed for recognition by any authority referred to in sub-section (2) and such authority applies to the Government, the Government after considering such application

and after obtaining from the Council a report, if any, as to the reasons for any such refusal may, by notification, declare that it shall be recognized only when granted after a specified date.

19. Recognition of agricultural/Horticultural qualifications when there is no scheme of reciprocity – (1) The Government after consultation with the Council may, by notification, direct that the Agricultural/Horticultural qualification granted by Agricultural/Horticultural Institution in any other State or in any Country in respect of which a scheme of reciprocity for the recognition of Agricultural/Horticultural qualifications is not in force, shall be recognized Agricultural/Horticultural qualification for the purposes specified in the sub-section (2) and shall be so only when granted after a specified date or before a specified date.

(2) The Agricultural/Horticultural practice by person possessing such qualification:-

- (a) shall be permitted only if such persons are enrolled as Agricultural /Horticultural practitioner in accordance with the law regulating the registration of such persons for the time being in force in that State or Country;
- (b) shall be limited to the institution to which they are attached for the time being for the purpose of teaching and research work; and
- (c) shall be limited to the period specified in this behalf by the Government by general or special order.

20. Power to require information as to courses of study and examinations – Every Agricultural/Horticultural Institution which grants a recognized Agricultural /Horticultural qualification shall furnish such information as the Council may from time to time require as to the courses of study and examinations to be undergone in order to obtain such qualification, as to the duration such courses of study and examinations are required to be undergone and such qualification is conferred and generally as to the requisites for obtaining such qualification.

21. Inspection of agricultural institutions and examinations – (1) The Council may, subject to regulations, if any, made by it, authorize such number of members as it may deem requisite to inspect any Agricultural/Horticultural Institution where Agricultural/Horticultural education is imparted or to attend any examination held by any Agricultural/Horticultural Institution for the purpose of recommending to the Government for recognition of Agricultural/Horticultural qualification granted by such Agricultural/Horticultural Institution.

(2) The members so authorized shall not interfere with the conduct of any training or examination, but shall report to the Council on the adequacy of the standards of Agricultural/Horticultural education including staff, equipment,

accommodation, training and other facilities as may be prescribed for giving Agricultural/Horticultural education or on the sufficiency of every examination which they attend.

(3) The Council shall forward a copy of any such report to the Agricultural/Horticultural Institution concerned and shall also forward a copy with remarks, if any, of the said institution thereon, to the Government.

22. Withdrawal of recognition – (1) When upon report by the members so authorized, it appears to the Council,-

(a) that the courses of study and examinations to be undergone or the proficiency required from candidates at any examination held by any Agricultural/Horticultural Institution in order to obtain the Agricultural/Horticultural qualification are not in conformity with the regulation made under this Act or fall short of the standards required thereby, or

(b) that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such Agricultural/Horticultural Institution do not conform to the standards as may be prescribed, the Council shall send a statement to that effect to the Government.

(2) After considering such a statement, the Government shall forward it alongwith such remarks as it may choose to make to the Agricultural/Horticultural Institution, with an intimation of the period within which that institution may submit its explanation to the Government.

(3) The Government, on receipt of the explanation and after making such inquiry, if any, as it deems fit, may, by notification, withdraw recognition and direct that an entry shall be made in the Schedule against the said Agricultural/Horticultural qualification granted by such Agricultural/Horticultural Institution declaring that it shall be recognized Agricultural/Horticultural qualification only when granted before a specified date or after a specified date:

Provided that before issuing such notification, the Government may consult the Indian Council of Agricultural Research.

23. Minimum standards of agricultural/Horticultural education - (1) The Council may by regulations specify the minimum standards of education required for granting Agricultural / Horticultural qualification by the Agricultural/Horticultural Institutions.

(2) A committee, if any, constituted under section 15 for this purpose shall, from time to time, report to the Council on the efficacy of the regulation and may recommend to the Council such amendments thereof as it may think fit.

CHAPTER-III ANDHRA PRADESH STATE AGRICULTURAL/HORTICULTURAL PRACTITIONERS REGISTER

24. Andhra Pradesh State Agricultural/Horticultural Practitioners Register – (1) The Council shall cause to be maintained in the prescribed manner a Register to be known as the Andhra Pradesh State Agricultural/Horticultural Practitioners Register which shall contain the names of all persons who possess the Agricultural/Horticultural qualification and registered his/her name in the said register.

(2) Upon registration, the member will be recognized as "Plant Doctor".

(3) It shall be the duty of the Secretary of the Council,-

(a) to keep the Register in accordance with the provisions of this Act;

(b) to keep any orders made by the Council;

(c) to revise the Register from time to time; and

(d) to publish the Register in the Andhra Pradesh Gazette in such manner as may be prescribed.

(4) Such Register shall be deemed to be a public document within the meaning of section 74 of the Indian Evidence Act, 1872 (Central Act No.1 of 1872).

25. Preparation of the first register – (1) For the purposes of preparing the first Andhra Pradesh State Agricultural/Horticultural Practitioners Register, the Government shall, by notification, constitute a Registration Committee consisting of three persons holding Agricultural/Horticultural qualification and also appoint a person holding Agricultural/Horticultural qualification who shall act as Secretary of the Committee.

(2) The Government may also, by notification, appoint a date on or before which application for registration shall be made in such form and in such manner as may be prescribed, to the Registration Committee. The application for registration shall be accompanied by such fee, as may be prescribed.

(3) The Registration Committee shall examine every application received on or before the appointed date, and if it is satisfied that the applicant is qualified for registration, shall direct the entry of the name of the applicant in the Register.

(4) The Register so prepared shall thereafter be published in such manner as may be prescribed. Any person aggrieved by any entry in the register as so published may, within sixty days from the date of such

publication, appeal to an authority appointed by the Government in this behalf by notification.

(5) The Secretary shall amend the Register in accordance with the decision of the authority appointed under sub-section (4) and shall thereupon issue to every person whose name is entered in the Register, a certificate of registration in such form as may be prescribed.

(6) Upon the establishment of the Council, the Register shall be given to its custody and all the application fees collected for registration in the first register shall be paid to the credit of the Council.

26. Registration in the register and issue of certificate - After the establishment of the Council, the Secretary of the Council may on an application made in such form and in such manner, as may be prescribed, by any such person, if satisfied that the person concerned possesses Agricultural/Horticultural qualification, enter his name in the Register.

(2) Any person whose name has been entered in the Register shall on an application made in this behalf in such form and in such manner and on payment of such fee as may be prescribed be entitled to a certificate of registration and the Council shall grant to the applicant a certificate of registration in such form as may be prescribed:

Provided that on the removal of his name from the Register, such certificate shall cease to be valid

(3) Any person who acquired Agricultural/Horticultural qualification from outside the State of Andhra Pradesh and migrated into the State of Andhra Pradesh shall also register with the Council within a period of ninety days of his entry in the State of Andhra Pradesh.

(4) Where it is shown to the satisfaction of the Secretary that a certificate of registration has been lost or destroyed, the Secretary may, on payment of such fee as may be prescribed issue a duplicate certificate in such form as may be prescribed.

27. Registration of additional qualification - If any person whose name is entered in the Register obtains any post-graduate degree or diploma in addition to his Agricultural/Horticultural qualification, he shall, on an application made in this behalf in such form and in such manner and on payment of such fee, as may be prescribed be entitled to have an entry stating such degree or diploma made against his name in the Register in addition to any entry previously made.

28. Renewal of registration - (1) For retention of a name in the register a renewal fee as may be prescribed shall be paid every ten years to the Council, and such renewal fee shall be paid before the first day of April of the year to which it relates.

(2) Where a renewal fee is not paid within the said date, the Secretary shall remove the name of the defaulter from the Register after giving a notice in such manner as may be prescribed:

Provided that the name so removed may be restored to the Register on payment of such fee in such manner as may be prescribed.

(3) On payment of the renewal fee, the Secretary shall issue a certificate of renewal and such certificate shall be proof of renewal of registration.

29. Removal of name from the register – (1) Subject to the provisions of this section, the Council may by direct order that the name of any person shall be removed from the Register where it is satisfied, after giving to him reasonable opportunity of being heard and after such further inquiry, if any, as it may think fit,--

(a) that his name has been entered in the Register by an error on account of mis-representation or suppression of a material fact; or

(b) that he has been convicted of an offence involving moral turpitude and punishable with imprisonment or has been guilty of any infamous conduct and etiquette or the code of ethics which in the opinion of the Council renders him unfit to be kept in the said Register.

(2) An order under sub-section (1) may direct that any person whose name is ordered to be removed from the Register shall be ineligible for registration under this Act, either permanently or for such period as may be specified in that order.

(3) An order under sub-section (1) shall not take effect until the expiry of three months from the date thereof or until an appeal, if any, on such order is finally disposed of, whichever date is later.

(4) A person aggrieved by an order under sub-section (1) may, within sixty days from the communication to him of such order, appeal to the Government and the decision of the Government shall be final.

(5) A person whose name has been removed by an order under sub-section (1) which has become final shall within such period as may be prescribed surrender his certificate of registration and certificate of renewal, if any, to the Secretary and the name so removed shall be published in the Andhra Pradesh Gazette.

30. Person enrolled on the register to inform change of place of residence or practice – Every person whose name is entered in the Register shall inform any transfer of the place of his residence or practice to the Council within ninety days of such transfer, failing which his right to participate in the election of members of the Council shall be liable to be forfeited by order of the Council, either permanently or for such period as may be prescribed.

CHAPTER-IV PRIVILEGES OF REGISTERED AGRICULTURAL/HORTICULTURAL PRACTITIONERS

31. Privileges of person whose name is entered in the register - Subject to the conditions and restrictions laid down in this Act, every person whose name is borne on the Register shall be entitled according to his qualification to practice as an Agricultural/Horticultural practitioner and to receive in respect of such practice, any expenses, charges and fees to which he may be entitled.

32. Right of person whose name is entered in the register - No person other than a person whose name is borne on the Register shall practice as Agricultural/Horticultural Consultant within the State of Andhra Pradesh or render Agricultural/Horticultural Service.

Explanation. —“Agricultural / Horticultural Service ” means—

- (a) rendering agricultural/horticultural services in crop husbandry, pre-harvest technology, seed technology, soil testing, water testing, prescription for fertilizer, plant growth regulators, weedicides and plant protection materials, post-harvest technology, seed production technology and agricultural bio-technology;
- (b) preparing agricultural/horticultural projects for private or public sector enterprises and sign or authenticate agricultural/horticultural projects and issue valuation certificate required by any law to be signed or authenticated by a duly qualified Agricultural/Horticultural Practitioner;
- (c) organizing and running Agricultural/Horticultural Clinics and laboratories to help farmers, in assessing soil and water qualities, quantity of organic manorial substances and fertilizers, identifying pests and diseases of crops and prescribing remedial measures, formulating and helping implementation of cropping programs suited to different soil conditions and agro-climatic factors, adopting Hi-tech farming systems in kitchen gardening, floriculture and in development of perennial plantations;
- (d) rendering services of import, multiplication & certification of quality plant material, suggest crop planning.

CHAPTER-V DISCIPLINE

33. Professional conduct - (1) The Council may, make regulations, prescribing the standards of professional conduct and etiquette and a code of ethics for the Agricultural/Horticultural Practitioners.

(2) The regulations made by the Council under sub-section (1) may specify which violations there of shall constitute infamous conduct in any professional respect, that is to say, professional misconduct and such provisions shall have effect notwithstanding anything contained in any other law for the time being in force.

CHAPTER-VI PENALTIES

34. Penalty for falsely claiming to be registered – If any person whose name is not for the time being entered in the Register falsely represents that it is so entered or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered in the Register, shall be punishable on first conviction with fine, which may extend to rupees five thousand and on any subsequent conviction, with imprisonment which may extend to six months, or with fine not exceeding rupees ten thousand, or with both.

35. Misuse of Titles – If any person,--

(a) not being a person registered in the Register, makes or uses the description as Agricultural/Horticultural Practitioner, or

(b) not possessing an Agricultural/Horticultural qualifications, uses a degree or an abbreviation indicating or implying such qualification, he shall be punishable on first conviction with fine which may extend to rupees five thousand, and on any subsequent conviction with imprisonment, which may extend to six months, or with fine not exceeding rupees ten thousand or with both.

36. Failure to surrender certificate of registration – If any person whose name has been removed from the Register fails without sufficient cause to surrender his certificate of registration shall on conviction be punishable with fine which may extend to rupees five hundred and in case of continuing offence with an additional fine which may extend upto rupees one hundred per month, or part thereof, after the first day during which the offence continues.

37. Cognizance of offence – Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act No.2. of 1974) no court shall take cognizance of any offence punishable under this Act, except upon a complaint made by an order of the Government or the Council.

CHAPTER – VII FINANCE, ACCOUNTS, AUDIT AND RETURNS

38. Finance, Accounts, Audit and Returns – (1) The source of funds for the Council will be by way of membership fee from the members and Grants received if any, from the Government.

(2) The accounts of the Council shall be maintain in such manner and in such form as may be prescribed. The Council shall prepare an annual statement of accounts in such form as may be prescribed.

(3) The accounts of the Council shall be audited once in a year by the Director of State Audit as per the provisions of the Andhra Pradesh State Audit Act, 1989 (A.P.Act No.9 of 1989) or any such auditor as the Government may appoint in this behalf.

(4) The auditor appointed under sub-section (3) shall, in connection with such audit, have such rights, privileges and authority as may be prescribed and in particular, the right to demand the production of books, accounts, connected vouchers and other documents and to inspect any of the offices of the Council.

(5) The Secretary shall cause the report of the auditor to be printed and shall bring such report before the Council for consideration as its next meeting.

(6) The Council shall remedy forthwith, any defects or irregularities that are pointed out by the auditor and submit a report thereon to the Government as may be prescribed.

(7) The accounts of the Council as certified by the Auditor with the audit report shall be forwarded annually to the State Government and State Government shall cause the same, to be laid before the State Legislature.

39. Information to be furnished by the Council and Publication thereof -

(1) The Council shall furnish such other reports, copies of its minutes, abstract of its accounts and other information to the Government as it may require.

(2) The Government may publish, in such manner as it thinks fit, any report, copy, abstract or other information furnished to it under this section.

CHAPTER-VIII MISCELLANEOUS

40. Bar of Jurisdiction - No order refusing to enter a name in a Register or removing a name from the Register shall be called in question in any court of law.

41. Protection of action taken in good faith - No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act, any rule, regulation or order made there under.

42. Power to remove difficulties - If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order, published in the Andhra Pradesh Gazette, make such provisions not inconsistent with the provisions of this Act as appears to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

43. Power of Government to give directions - The Government may, from time to time, issue such directions not inconsistent with the provisions of this Act, to the Council as it may deem fit for giving effect to the provisions of this Act and the Council shall comply with such directions.

44. Officers to be public servants - The members of the Council and other officers and employees appointed under this Act shall be deemed to be the public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

45. Appointment of Commission - (1) Whenever it appears to the Government that the Council is not complying with any of the provisions of this Act, the Government may appoint a Commission consisting of three persons, two of whom shall be appointed by the Government, one being the Judge or retired Judge of High Court or District Judge and one named by the Council and refer to the Commission, the matter on which the enquiry is to be made.

(2) The Commission shall proceed to enquire in a summary manner and report to the Government on the matters referred to it together with such remedies, if any, as the Commission may like to recommend.

(3) The Government may accept the report or remit the same to the Commission for modification or reconsideration. After the report is finally accepted, the Government may order the Council to adopt the remedies so recommended within such time as may be specified in the order and if the Council fails to comply within the time so specified, the Government may pass

such order or take such action as may be necessary to give effect to the recommendations of the Commission.

46. Power to make rules – (1) The Government may by notification make rules, for carrying out all or any of the purposes of this Act.

(2) (a) All rules made under this Act shall be published in the Andhra Pradesh Gazette and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

(b) All notifications issued under this Act, shall, unless they are expressed to come into force on a particular day, come into force on the date on which they are so published.

(3) Every rule made under this Act shall immediately after it is made, be laid before 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, the Legislature agree in making any modifications in the rule or in the annulment of the rule, the rule shall, with effect from the date of notification of such modification or annulment in the Andhra Pradesh Gazette 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.

47. Power to make regulations – (1) The Council may, with the previous approval of the Government, make regulations, not inconsistent with the provisions of this Act and the rules made under section 46, to carry out the purposes of this Act.

(2) No regulation or its cancellation or modification shall have effect until the same have been approved by the Government.

(3) The Government may, by notification, rescind any regulation made under this section and thereupon, the regulation shall cease to have effect.

(4) All regulations made under this Act shall be published in the Andhra Pradesh Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

THE SCHEDULE

[See sections 2(5) and 17(1)]

Recognized Agricultural/Horticultural Qualification

S.L.No.	Institution	Qualification	Abbreviation for Registration
(1)	(2)	(3)	(4)
1.	Acharya N.G.Ranga Agricultural University, LAM, Guntur.	Bachelor of Science (Agriculture)	B.Sc.(Agriculture)
2.	Y.S.R. Horticultural University, Venkataramannagudem, West Godavari District	Bachelor of Science (Horticulture)	B.Sc. (Horticulture)