



78

The Arunachal Pradesh Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 9, Vol. XXI, Naharlagun, Thursday, January 23, 2014 Magha 3, 1935 (Saka)

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF AGRICULTURE
NAHARLAGUN

NOTIFICATION

The 22nd January, 2014

No. AGRI/TMOP- Oil Palm-02/2013-14.—WHEREAS, the Department of Agriculture and Cooperation, Ministry of Agriculture, Government of India has approved for implementation of Oil Palm Area Expansion (OPAE) programme under RKVY scheme from 2013-14. As per Government of India mandate, Oil Palm Area Expansion programme shall be implemented through private oil palm developers and processors.

AND WHEREAS, the Government of Arunachal Pradesh, realizing the special circumstances regarding the cultivation, gestation, sustainability, production, harvesting and processing of Oil Palm has decided to lay out regulations for its Production, processing and implementation of the same

NOW, THEREFORE, in exigencies of Administration and in the public interest to provide for the Regulation of Cultivation of Oil Palm and for orderly growth and processing thereof and for matters connected therewith the Government of Arunachal Pradesh is hereby pleased to make the following Regulations.

1. **Short title, extent and commencement :** (1) This regulation may be called "**the Arunachal Pradesh Oil Palm (Production and Processing) Regulation, 2014**".

- (2) It extends to whole of the State of Arunachal Pradesh.
- (3) It shall come into force from the date of their publication in the Official Gazette.

2. **Definition :** In this regulation, unless the context otherwise requires,

- (1) "Advisory Committee" means the Arunachal Pradesh Oil Palm Advisory Committee constitution under Clause 3;
- (2) "Factory" means any premises including the precincts thereof or any part of which any manufacturing process connected with the processing of Oil Palm FFB is carried on with the aid of mechanical power;
- (3) "Factory Zone" means an area assigned to a Factory under Clause 12;
- (4) "Government" means the State Government of Arunachal Pradesh;
- (5) "Occupier of the Factory" means the person who, or the authority which has the ultimate control over and where the said affairs are entrusted to a Secretary, Manager, Managing Director, Executive Director or Chief Executive Director, such Secretary, Manager, Managing Director, Executive Director or Chief Executive Director shall be deemed to be the occupier of the Factory;
- (6) "Oil Palm" means the palm of the genus, *Elaeis* and includes the species, *Elaeis guineensis*, *Malanococcea* or *Corozo oleifera* and hybrids of these species;
- (7) "State Oil Palm Officer (State Nodal Officer - Oil Palm)" means the State Oil Palm Officer appointed/ designated under Clause 8;
- (8) "Assistant State Oil Palm Officer (Assistant State Nodal Officer - Oil Palm)" means the State Oil Palm Officer appointed/ designated under Clause 9;
- (9) "Oil Palm FFB" Means the unprocessed Oil Palm Fresh Fruit Bunch and includes its loose form also;
- (10) "Oil Palm Grower" means a person who cultivates oil palm whether by himself or by his own servants or by hired labour or by members of his family or by his tenants and includes Oil Palm Growers Cooperative Society, but not a member thereof and a Company as defined in Clause 3 of the Companies Order, 1956 (Central Order 1 of 1956);
- (11) "Oil palm growers Cooperative Society" means a society registered under the Arunachal Pradesh Cooperative Societies Act, 1978, which has among its objects and functions the cultivation and sale of oil palm FFB by its members, and includes the Federation of any such Societies.

- (12) "Oil Palm Inspector" means the Oil Palm Inspector appointed under Clause 10 ;
- (13) "Oil Palm Products" means any products obtained directly from the Oil palm and it includes Palm Oil, Palm kernel, Palm kernel cake, palm fatty acid, oil palm seeds and oil palm seedlings.
- (14) "District Level Oil Palm Project Management Committee/ (Zonal Committee)" means a Zonal Committee constituted under Clause 5 :

3. Constitution of the Advisory Committee : (1) As soon as may be after the commencement of this Regulation, the Government shall, by notification, constitute a Committee for the State to be called "The Arunachal Pradesh Oil Palm Advisory Committee";

(2) The Committee shall consist of the following Ex-Officio members namely :-

- (a) The Minister in-charge of Agriculture — Chairman
- (b) Commissioner/ Secretaries to the Government in-charge of Agriculture ; Horticulture, Industries and Finance : — Member
- (c) The State Oil Palm Officer (State Nodal Officer – Oil Palm)/ Assistant State Oil Palm Officer (Assistant State Nodal Officer- Oil Palm) ; — Member
- (d) Heads of Departments of Horticulture and Industries ; — Member
- (e) Joint Director, ICAR Research Complex for NEH Region, Arunachal Pradesh Centre, Basar, Arunachal Pradesh or his representative ; — Member
- (f) Dean, CAU, CHF, Pasighat or his representative In-charge of AICRP on Oil Palm. — Member
- (g) A representative of the Department of Agriculture & Cooperation (OPAE) Government of India, — Member
- (h) One representative of the oil palm processing Factories from respective factory zones, as may be nominated by the Government ; — Member
- (i) Director, Departments of Agriculture, — Member Secretary

(3) The term of Office of the Committee shall be three years, but the Government may, for reasons to be recorded in writing, reconstitute the Committee at any time before the expiry of the term.

(4) The Power and Function of the Committee shall, pending its re-constitution, be exercised and performed by the Director of Agriculture of the Government subject to restriction as may be specified in the order in this regard.

4. Function of the advisory committee : It shall be the duty of the Advisory Committee to advise the Government on the following matters namely :

- (a) extension of the areas under cultivation of oil palm;
- (b) problems relating to the cultivation of oil palm;
- (c) problems faced by the oil palm processing industry;
- (d) co-ordination between the oil palm growers and industry and sorting out of all matters which may arise ;
- (e) to bring to the notice of the Government any measures that will suit the orderly development of the oil palm cultivation and industry ;
- (f) such other matters as may be deemed necessary ;

5. Constitution of District Level Oil Palm Project Management Committee/ (Zonal Committee) : (1) The State Government may, by notification declare each area specified therein attached to a processing factory as a Zone (herein after referred to as 'Factory Zone') constitute one **District Level Oil Palm Project Management Committee** for each such Zone :

Provided that the State Government may, constitute one **District Level Oil Palm Project Management Committee** for more than one Factory zone or more than one **District Level Oil Palm Project Management Committee** for each factory Zone, if it is deemed necessary in the interests of effectively carrying out the purposes of this Regulation.

(2) The Zonal Committee constituted under Sub-Clause (1) shall consist of the following Ex-Officio members, excepting members in sub-clause (v), namely :

- (i) Concerned Deputy Commissioner representing the district under the jurisdiction of Factory zone as the Chairman of the Committee ;
- (ii) Chairman- Zilla Parishad - As Member
- (iii) District Horticulture Officer- As Member ;
- (iv) One person representing the Oil Palm Developer/ Factory located in the Factory zone to be nominated by the Managing Director of the Factory concerned ; -As Member
- (v) Two members from among the oil palm growers to be nominated by the Deputy Commissioner of the concerned district ; - As Members ;
- (vi) the District Oil Palm Officer (District Nodal Officer- Oil Palm) representing the concerned district — As Member ;
- (vii) District Agriculture Officer — As Member Secretary.

The member at 5(v) shall have a term of three years in the committee.

6. Power and function of District Level Oil Palm Project Management Committee/ (Zonal Committee) : (1) The functions of the District Level Oil Palm Project Management Committee/ Zonal Committee shall be to :-

- (a) consider the programme of development of Oil Palm Cultivation in the Factory Zone ;
- (b) deliberate on the problems faced by the Factory or the growers in cultivation and transport of Oil Palm ;
- (c) devise plans for removal of such problems with the funds as may be available with the Committee and to recommend to the Government such action as is necessary for solving the problems ;
- (d) recommend to the local bodies, Public Works Department of the Government for proper improvement and upkeep of roads leading to the Factory Zone from the cultivating centres including feeder roads ;
- (e) take steps for prevention and control of Oil Palm diseases and pests affecting Oil Palm and render all possible help for the development of Oil Palm Cultivation ;
- (f) draw up, plans for training of the cultivators and for extension work in respect of Oil Palm with the funds as may be available with the Committee ;
- (g) Administer the funds as may be available.

7. Fund of District Level Project Management Committee/ (Zonal Committee) : (1) There shall be a fund at the disposal of the Zonal Committee for the performance of the various functions entrusted to it.

- (2) The funds of the Committee shall consist of :-
 - (a) Grants made by the State Government either for a general purpose or for any specific purpose for the performance of the functions of the Committee.
 - (b) Such contributions as may be made by the Factories, Oil Palm Grower, Oil Palm Growers' Cooperative Societies or such other organizations interested in the development of Oil Palm Cultivation and processing.

8. Appointment/designation of State Oil Palm Officer (State Nodal Officer-Oil Palm) : (1) The Government shall appoint or designate an Officer from the Directorate of Agriculture as State Oil Palm Officer to, exercise the powers and perform the functions of the Officer under this Regulation.

(2) the Government shall also designate an Officer of the rank of an Agriculture Officer or its higher from the department of Agriculture as Assistant State Oil Palm Officer (Assistant State Nodal Officer- Oil Palm) for such areas as may be specified under this Order to Assist in exercising the powers and perform the functions vested in State Oil Palm Officer under this Regulation.

9. Appointment/ designation of District Oil Palm Officer (District Nodal Officer-Oil Palm) : The Government shall also designate an Officer of the rank of an Agriculture Officer or its higher from the department of Agriculture as District Oil Palm Officer (District Nodal Officer- Oil palm) to, exercise the powers and perform the functions of the Officer under this Regulation.

10. Oil Palm Inspector : All Agriculture Development Officers/ Sub-Divisional Agriculture Officers shall act as Oil Palm Inspectors in their respective areas.

11. Register of Oil Palm Growers' and Oil Palm Growers ; Cooperative : The occupier of the Factory, in every Factory zone shall maintain in such form and in such manner as may be prescribed a Register of Oil Palm Growers in the Zone attached to the Factory in accordance with the provisions of Clause 11. The Register shall be updated every year and shall always be available in the office of the Factory for inspection by the Oil Palm Inspector or any other authority authorised by the Government or Oil Palm Growers Cooperative Societies in the concerned zone as in the Register, shall also be made available by the said occupier to the Zonal Committee. It shall be competent for the Oil Palm Officer, on the report submitted by the inspecting authority, to order such corrections as he deems fit in the registers maintained under this Clause.

12. Declaration of Factory Zone : (1) The Government shall have the power to declare by notification, any area as Factory zone for the purpose of supply of fresh oil palm fruit bunches to the Factory specified for the purpose or purchase of Oil Palm, FFB and any other Oil Palm product by the Factory.

(2) Where a particular area is declared as Factory Zone under sub-Clause (1) the Oil Palm growers in that area shall supply the fresh fruit bunches from the Oil Palm plantations grown in that area only to the Factory to whom the Factory zone is attached and to none else.

(3) Where a particular Factory zone is declared under this Clause the occupier of the Factory in the concerned Factory zone and for which the zone is declared, shall buy all the Oil Palm FFB produced by all the Oil Palm growers or their cooperative Societies in that Factory zone as are offered for sale by them at a price which shall not be less than the price fixed by the authority empowered to fix the price under this Regulation.

13. Failure to Buy : (1) In the event of failure on the part of the occupier of a factory to buy all the fresh fruit bunches from the growers in the Factory zone declared in relation to a Factory, without any valid reason, the occupier of Factory shall be liable to compensate the loss that may have been caused to the grower on account of non-purchase of the Oil Palm FFBs by the Factory in addition to the penalty specified in Clause 16.

(2) Where an occupier of a Factory refuses to buy particular consignment or consignments of Oil Palm FFBs from a grower, he shall assign reasons thereof in writing :

Provided that damage, inefficient running, breakdown of plant machinery, failure to use capacities and any other operational problems shall not be valid reasons for refusal of the consignment of Oil Palm FFBs and shall be treated as the failure on the part of the Factory to buy the oil palm FFBs for purposes of sub-Clause (1) :

Provided further that the State Oil Palm Officer shall be the authority to decide whether there are valid reasons for the failure to buy oil palm FFBs and his decision thereon shall be final.

14. Power to fix prices : (1) The Government may on their own fix the minimum price of oil palm FFBs or may authorise the State Oil Palm Officer to do so, subject to such guidelines as they may give in that regard from time to time.

(2) Where the state Oil Palm Officer is authorised to fix the Prices of oil palm FFBs to be purchased by the Factory, he shall declare at such intervals as may be directed by the Government the minimum price at which the oil palm FFBs be purchased by the Factories.

15. Maintenance of Record and Inspection : (1) Every occupier of the Factory shall maintain such records as are prescribed or as required by the State Oil Palm Officer/ District Oil Palm Officer with the approval of the Government.

(2) An Oil Palm Inspector may at any time inspect a Factory and verify such records, reports, statements and registers as may be required to be maintained in connection with due implementation of the provisions of this Regulation and may also direct the occupier of a Factory to produce them for his verification.

(3) The powers under sub-Clause (2) may be exercised by any Officer authorised in this behalf by the State Oil Palm Officer or the District Oil Palm Officer by a general or specific order.

(4) An occupier of the Factory who fails to maintain the record as required by this Clause or fails or refuses to produce the same when called for by authority, under this Regulation shall be punishable under Clause 16.

16. Penalties : (1) Every person or occupier of a Factory who contravenes the provisions of Clause 12 shall be punishable with the fine which may extend to rupees ten thousand and in the case of a continuing contravention of the provisions of the said Clause with a further fine not exceeding rupees one thousand for each day during which the contravention continues.

(2) Any person or occupier of a Factory contravening any of the provisions of this Regulation or of any rule made under this Regulation for which no penalty is provided in sub-Clause (1) shall be punishable with fine which may extend to rupees five thousand.

17. Institution of Proceedings : (1) No court shall take cognizance of an Offence punishable under this Regulation, except upon a complaint in writing made by the Oil Palm Officer or any authority or Officer authorized by him in this behalf.

(2) No court lower than the court of a Magistrate of the First Class shall take cognizance of, or try an offence under this Regulation.

18. Compounding of Offences : On the application of a person accused of an offence under this Regulation or any rule made there under the State Oil Palm Officer or any authority or Officer authorised by him in this behalf may, at any stage, compound such offence by levying a compounding fee not exceeding rupees ten thousand.

19. Protection of act done in good faith. : (1) No suit, prosecution or other legal proceeding shall lie against any person or anything which is in good faith done or intended to be done in pursuance of any provision of this Regulation.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any provision of this regulation.

20. Determination of occupier of Factory for the purposes of this regulation : (1) Where the occupier of an Oil Palm Factory is a firm or other association of Individuals anyone or more of the partners or members there of may be prosecuted and punished under this Regulation for any offence for which the occupier of the Factory or owner thereof is punishable :

Provided that the firm or association may give notice to the State Oil Palm Officer that it has nominated one of its partners or members to be occupier of the Factory for the purpose of this Regulation, and such individuals shall be deemed to be the occupier of Factory for the purpose of this Order, until further notice cancelling his nomination is received by the State Oil Palm Officer or until he ceases to be a partner or member of the firm or association as the case may be.

(2) Where the occupier of a Factory is a company or a Co-operative Society, anyone or more of the Directors thereof, or in the case of a private company, anyone or more of the shareholders thereof, may be prosecuted and punished under this Regulation, for any offence for which the occupier of the Factory is punishable :

Provided that the company or co-operative society may give notice to the State Oil Palm Officer that it has nominated a Director, and a private company may give notice to the said officer that it has nominated a shareholder, to be the occupier of the Factory for the purpose of this Regulation, until further notice cancelling his nomination is received by the Oil Palm Officer or until he ceases to be a Director or shareholder, as the case may be.

21. Payment of Oil Palm Price : (1) The occupier or owner of an Oil Palm Factory shall make suitable provision to the satisfaction of the State Oil Palm Officer for the payment of the price of oil palm FFB supplied to the Factory.

(2) Upon the delivery of oil palm FFB, the occupier or owner of a Factory shall be liable to pay within fourteen days from the date of such delivery the price of the oil palm FFB so supplied.

(3) The price of the oil palm FFB remaining un-paid on the expiration of the period specified in sub-Clause (2) shall carry interest at fifteen percent per annum from the date of delivery of oil palm FFB and it shall be recovered as if it were an arrear of land revenue.

(4) If any occupier or owner of a oil palm Factory fails to pay the price of the oil palm FFB sold to him in accordance with the provision of sub-Section (2) or the interest payable under the sub-Section (3), he shall, in addition to the said price or the interest being recovered from him as an arrear of land revenue, be liable to the penalty provided for under Clause (b) of sub-Section (4) of Section 3 of the Essential Commodities Order, 1955 (Central Order 10 of 1955) as if he has contravened a direction issued under that clause.

(5) Without prejudice to the provisions of the foregoing sub-Clauses, where the owner or occupier of a Factory or any other person competent in that behalf, enters into an agreement with a bank under which the bank agrees to give advance to him on the security of palm oil produced or to be produced in the Factory the said occupier, owner or other person, as the case may be shall provide in such agreement that such percentage, which shall not be less than fifty percent of the total amount of advance as may be prescribed, shall be set apart and be available only for payment to oil palm growers or other co-operatives societies on account of the quantity of oil palm FFB purchased or to be purchased for the Factory from those oil palm growers or from or through those societies and interest thereon and such societies commission in respect thereof.

(6) Every such occupier, owner or other person as aforesaid shall send a copy of every such agreement to the State Oil Palm Officer within a week from the date on which it is entered into.

22. Tax and excise duty : Tax and excise duties shall be as per existing relevant Acts and Rules applicable in the state of Arunachal Pradesh.

23. Power of Government to give direction : The Government may, subject to other provisions of this Regulation, by order, direct the State Oil Palm Officer or any other Officer to make an enquiry or to take appropriate proceeding under this Regulation, in respect of any matter specified in this order, and the State Oil Palm Officer or the other officer, as the case may be shall report to the Government in due course, the result of the enquiry made or the proceeding taken by him.

24. Delegation of Power of Government : The Government may, by notification, delegate all or any of their powers under this Order, except Clause 27 to any person or authority subordinate to them subject to such conditions and to such control and revision as may be specified in the notification; and they may in the like manner withdraw any powers so delegated.

25. Applicability of the Central Government guidelines, orders, instructions etc. : The central Government guidelines, orders, instructions etc., relating to schemes on oil palm shall be *mutatis mutandis* applicable in the state of Arunachal Pradesh.

26. Powers of the State Government to amend the Regulation : For implementation of the Central Government guidelines, orders, instructions etc., the State Government shall have the powers to amend all or any of the provisions of this regulation not in consistent with these regulation if deemed necessary.

27. Power to remove difficulties : If any difficulty arises in giving effect to the provisions to remove this Order, the State Government may, by order not in inconsistent with the provisions of this Order, remove such difficulty.

Hage Kojeen, IAS
Commissioner (Agri),
Government of Arunachal Pradesh,
Naharlagun.