



The Andhra Pradesh Milk Procurement (Protection of Farmers) and Enforcement of Safety of Milk Standards Act, 2023

Act No. 17 of 2023

Keywords:

Adulterant, Bulk Milk Cooling Unit, Calibration, Milk Analyzer, Milk Procurement, Seal, Stamp, Verification

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THE ANDHRA PRADESH GAZETTE
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No.17]

AMARAVATI,

MONDAY,

1st MAY, 2023.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 25th April, 2023 and the said assent is hereby first published on the 1st May, 2023 in the Andhra Pradesh Gazette for general information :

ACT No. 17 of 2023

**AN ACT TO REGULATE THE TRANSACTIONS DURING
PROCUREMENT OF MILK AND TO ENFORCE SAFETY STANDARDS IN
RESPECT OF MILK AND FOR THE PROTECTION OF THE INTEREST OF
THE DAIRY FARMERS AND FOR THE PROTECTION OF THE
CONSUMERS OF MILK AND THE MATTERS CONNECTED THERE WITH
ARE INCIDENTAL THERE TO.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy fourth year of the Republic of India as follows :

**CHAPTER - I
PRELIMINARY**

1. (1) This Act may be called the Andhra Pradesh Milk Procurement (protection of farmers) and Enforcement of Safety of Milk Standards Act, 2023.
- (2) It extends to the whole of the State of Andhra Pradesh.
- (3) It shall come into force on such date as the Government of Andhra Pradesh may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

Short title,
Extent and
commencement.

Definitions.

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

(1) **“Adulterant”** means any material which is or could be employed for making the milk unsafe or sub-standard or mis-branded or containing extraneous matter.

(2) **“Authorized Officer”** means any officer appointed by the Milk Commissioner and delegated with the specified powers of the Milk Commissioner;

(3) **“Bulk Milk Cooling Unit or Milk Chilling Centre”** means a premises where milk collected from different sources is cooled /chilling, storage.

(4) **“Buyer”** means a person who purchases milk for cash or deferred payment or any other valuable consideration;

(5) **“Calibration”** means the process of evaluating and adjusting the precision and accuracy of measuring equipment;

(6) **“Company”** means Company as defined in the Companies Act, 2013;

(7) **“Dealer”**, in relation to any Milk Analyzer, means a person, who carries on, directly or otherwise, the business of buying, selling, supplying or distributing any such 'Milk Analyzer, whether for cash or for deferred payment or for commission, remuneration or other valuable consideration, and includes a commission agent, an importer, a manufacturer, who sells, supplies, distributes or otherwise delivers any Milk analyzer manufactured by him to any person other than a dealer;

(8) **“Government”** means the State Government;

(9) **“Licence”** means licence granted under section 12

(10) **“Manufacturer”** in relation to milk analyzer, means a person who —

(i) manufactures milk analyzer,

(ii) manufactures one or more parts, and acquires other parts, of such milk analyzer and, after assembling those parts, claims the end product to be a milk analyzer manufactured by himself or itself, as the case may be,

(iii) does not manufacture any part of such milk analyzer but assembles parts thereof manufactured by others and claims the end product to be a milk analyzer manufactured by himself or itself, as the case maybe,

(iv) puts, or causes to be put, his own mark on any complete milk analyzer made or manufactured by any other person and claims such product to be a milk analyzer made or manufactured by himself or itself, as the case may be;

(11) **"MILK"** means lacteal secretion from cow or Buffalo, (derived from complete milking of healthy milch animal, without either addition there to or extraction there from, unless otherwise provided & it shall be free from colostrum)

(12) **"Milk Analyzer"** means an instrument which is used for determining the quality parameters specified by or under the ACT and includes Electronic Milko tester/ Gerber tester/ Lactoscan analyzer/ Ultrasonic Milk Analyzer/FTRI Analyzer;

(13) **"Milk Commissioner"** means the Milk Commissioner appointed under section 6;

(14) **"Milk Processing Plant or Dairy Plant"** means a premises where milk is received, chilling of Milk, storage of Milk, Processing of milk, standardization of milk and marketing of milk and milk products.

(15) **"Milk Procurement"** means collection of milk from the milk producers/pourers at Milk centres.

(16) **"Notification"** means a notification published in the Official Gazette;

(17) **"Non-Standard Milk Analyzer"** means a milk analyzer which does not comply with the standards prescribed in the Act and the rules made thereunder;

(18) **"Person"** includes,—

- i. Any individual,
- ii. Every department or office,
- iii. Every organization established or constituted by Government,
- iv. Every local authority within the territory of India,

- v. a company, firm and association of individuals,
- vi. trust constituted under an Act,
- vii. every co-operative society, constituted under an Act,
- viii. every other society registered under the Societies Registration Act, 1860 (21 of 1860);

Central Act
No.21 of 1860.

(19) **"Premises"** includes—

- i. A place where any business, industry, production or transaction is carried on by a person, whether by himself or through an agent, by whatever name called, including the person who carries on the business in such premises,
- ii. a ware house, godown or other place where any milk analyzer is stored or exhibited,
- iii. a place where any books of account or other documents pertaining to any trade or transaction are kept,
- iv. a dwelling house, if any part thereof is used for the purpose of carrying on any business, industry, production or trade,
- v. a vehicle or vessel or any other mobile device, with the help of which any transaction or business is carried on;

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

(21) **"Purchase"** with its grammatical variations and cognate expressions, means transfer of cash or deferred payment or any other valuable consideration for milk;

(22) **"Sale"** with its grammatical variations and cognate expressions, means transfer of milk by one person to another for cash or for deferred payment or for any other valuable consideration;

(23) **"Sample"** means a sample of milk taken under the provisions of this Act or any rules made there under;

(24) **"Seal"** means a device or process by which a stamp is made, and includes any wire or digital password or other accessories which is used for ensuring the integrity of any stamp;

(25) **"Seller"** means a person who sells milk for cash or deferred payment or any other valuable consideration;

(26) **“Stamp”** means a mark, made by impressing, casting, engraving, etching, branding, affixing pre-stressed paper seal or any other process in relation to any milk analyzer with a view to -

- i. Certifying such milk analyzers conforms to the standard specified by or under this ACT, or
- ii. Indicating that any mark which was previously made there are certifying that milk analyzer conforms to the standards specified by or under this Act, have been obliterated.

(27) **“Standard Milk Analyzer”** means a milk analyzer that complies with the standards prescribed in the Act and the rules made there under;

(28) **“Sub-standard”**: milk shall be deemed sub standard if it does not meet the specified standards but not so as to render the milk unsafe;

(29) **“Transaction”** means any contract, whether for sale, purchase, exchange or any other purpose;

(30) **“User”** means the person who uses the milk analyzer in a premises for the purpose of milk procurement, testing of milk quality at the milk chilling centre, Bulk Milk Cooling Units, Processing Plant, Dairy Plant;

(31) **“Unsafe milk”** means milk whose nature, substance or quality is so affected as to render it injurious to human health;

(32) **“Verification”** with its grammatical variations and cognate expression, includes, in relation to any milk analyzer, the process of comparing, checking, testing or adjusting such milk analyzer with a view to ensuring such milk analyzer conforms to the standards prescribed by the ACT and the rules made there under.

- (i) By milk itself, or its package thereof, which is composed, whether wholly or in part, of poisonous or deleterious substance; or
- (ii) By the article consisting wholly or in part, of any filthy, putrid, decomposed or diseased animal substance or vegetable substance; or
- (iii) By virtue of its unhygienic processing or the processing or presence in that milk of any harmful substance of; or
- (iv) By addition of a substance directly or as an ingredient which is not permitted; or

- (v) By the abstraction, wholly or in part, of any of its constituents; or
- (vi) By the presence of any coloring matter or preservatives other than the specified in respect thereof; or
- (vii) By the milk being infected or infested with worms, weevils, or insects; or
- (viii) By the virtue of its being packed or kept under insanitary conditions; or
- (ix) virtue of its being misbranded or sub-standard or food containing extraneous matter; or
- (x) By virtue of its containing pesticides and other contaminants in excess quantities specified by regulations.

Provisions of this Act to override provisions of any other law.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent there with contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER II STANDARD MILK ANALYZER

Standard Milk Analyzer.

4. The physical characteristics, configuration, constructional details, materials, working principle, performance, tolerances of a standard milk analyzer shall be as may be prescribed.

Calibration, Verification and Sealing of Milk Analyzers.

5. Every person having any Milk Analyzer in his possession, custody or control in circumstances indicating that such Milk Analyzer is being, or is intended, or is likely to be used by him in Milk procurement, shall, before putting such Milk analyzer into such use, have such Milk Analyzer calibrated, verified and sealed at such place and during such hours as a Milk Commissioner may, by general or special order, specify in this behalf, on payment of such fee as may be prescribed.

CHAPTER III

Appointment of Milk Commissioner, other authorized officers and Milk Inspector

Appointment of Milk Commissioner, other authorized officers and Milk Inspector.

6. (1) Government of Andhra Pradesh may, by notification, appoint Director of Animal Husbandry Department as Milk Commissioner.

(2) Milk Commissioner may appoint District Animal Husbandry Officer as the authorized officer and delegate such powers as deem fit and such

authorized officer will exercise such powers and discharge duties as conferred or imposed on him by or under this Act.

(3) The Milk Commissioner may, by notification, appoint Veterinary Assistant Surgeon as Milk inspectors for such local areas as he may assign to them for the purpose of performing functions, discharging duties and exercise powers under this Act and the rules made there under.

(4) Every authorized officer and the Milk Inspector appointed under sub-section (ii) & (iii) shall exercise powers and discharge duties under the general superintendence, direction and control of the Milk Commissioner.

(5) The Milk Commissioner, other authorized officers and Milk inspector are authorized to perform any duty by or under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central Act No. 45
of 1860.

(6) No suit, prosecution or other legal proceeding shall lie against the Milk Commissioner, other authorized officers and the Milk Inspector authorized to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule or order made there under.

(7) The authorized officers and the Milk Inspector shall exercise those powers vested or conferred on him by the Milk Commissioner in the same manner and with the same effect, as if they had been conferred on him directly by this Act and not by way of delegation.

7. The Milk Commissioner shall perform all or any of the following functions namely, -

Powers and
duties of the Milk
Commissioner.

- (i) Carry out the survey of the Milk procurement centres/ BMCUs/ Dairies engaged in the usage of Milk analyzers in the state to find out compliance by such units of the standards notified by this Act.
- (ii) Conduct or organize training programmes to the personnel of the office of the commissioner or any other personnel fit to.
- (iii) Ensure an efficient and uniform implementation of the standards and other requirements as specified and also ensure a high standard of objectivity, accountability, practicability, transparency and credibility;

- (iv) Sanction prosecution for offenses punishable with imprisonment under this Act.
- (v) Such other functions as the State Government may deem fit for effective implementation of the provisions of the Act and Rules.

Functions, Duties and Powers of the Authorized Officer.

8. The powers and duties of the Authorized Officer shall be as follows, namely,-

- (i) to issue or suspend or cancel licence of Milk procurement Centres, BMCUs and Dairies;
- (ii) to prohibit the procurement of milk which is in contravention of the provisions of this Act and rules made there under;
- (iii) to make recommendations to the Milk Commissioner for sanction to launch prosecutions in case of contraventions punishable with imprisonment;
- (iv) to sanction or launch prosecutions in cases of contraventions of non-compoundable offenses;
- (v) to supervise the functioning of Milk inspector and action taken by them in the performance of their duties;
- (vi) to investigate or get investigated any complaint which may be made in writing in respect of any contravention of the provisions of this Act and the rules made there under;
- (vii) to investigate any complaint which may be made in writing against the Milk inspector; and
- (viii) to perform such other duties as may be entrusted by the Milk Commissioner.

Functions, Duties and Powers of the Milk Inspector.

9. Functions, Duties and Powers of the Milk Inspector,-

- (i) The Milk Inspector shall calibrate, verify and seal any milk analyzer presented by the user if it conforms to the standards prescribed by the Rules.
- (ii) The Milk Inspector shall issue verification certificate to the user in the form as prescribed by the Rules and the validity of the verification certificate shall be as prescribed.
- (iii) The Milk Inspector may, if he has any reason to believe, whether

from any (i) information given to him by any person and taken down in writing or from personal knowledge or otherwise, that any violation of provisions in relation to procurement of milk has taken place or is intended to take place and in respect of which an offence punishable under this Act appears to have been, or is likely to be, committed in the course of milk procurement.

- (a) Enter at any reasonable time into any such premises and search for and inspect any milk analyzer used in the milk procurement centres/Automatic Milk Collection Unit/ BMCUs / Dairies in relation to which purchase/ sale has taken place, or is intended to take place and any record, register or other document relating thereto.
 - (b) Seize any milk analyzer, other equipment and any record, register or other document or article which he has reason to believe may furnish evidence indicating that an offence punishable under this Act has been, or is likely to be, committed in the course of, or in relation to, procurement of milk.
- (iv) The Milk Inspector may also require the production of every document or other record relating to the procurement of milk referred to in sub-section (i)
- and the person having the custody of such transaction shall comply with such requisition.
- (v) Every search made under this section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to searches and seizures.
 - (vi) The Milk inspector may also inspect the milk analyzer to check whether such milk analyzer prescribes to the standards laid by the Act and the rules made there under.
 - (vii) The Milk inspector may also check the quality parameters like fat, SNF and added water of the milk procured from the pourer with the help of calibrated analyzer carried by him with a view to compare the results obtained by the person in charge of the milk procurement centre as per the procedure prescribed.

- (viii) The milk inspector may also check the weighing instrument and the weights used by the milk procurement centre for the purpose of milk procurement.
- (ix) If the Milk Inspector suspects the quality of Milk either to be substandard or unsafe, he shall inform the Food Safety Officer of that local area in the prescribed manner and the Food Safety Officer shall act on the information provided by the Milk Inspector in accordance with the Food Safety & Standards Act 2006, Rules and Regulations made there under.
- (x) Where any books of account or other documents are seized under sub-section iii(b), the milk inspector shall, within a period not exceeding thirty days from the date of seizure, return the same to the person from whom they were seized after copies thereof or extracts there from as certified by that person in such manner as may be prescribed by the Government have been taken:

Forfeiture.

10. (1) Every non-standard milk analyzer and other equipment used for procurement of milk which is seized during inspection under section 9 shall be liable to be forfeited to the State Government:

Provided that non-standard milk analyzer shall not be forfeited to the State Government if the person from whom such milk analyzer was seized gets the same calibrated and verified within such time as may be prescribed.

(2) Every milk analyzer seized under section 9 but not forfeited under sub-section (i), shall be disposed of by such authority and in such manner as may be prescribed.

Liability of Milk inspector in certain cases.

11. Any milk inspector exercising powers under this Act or the rules made there under who -

- (i) Vexatiously and without any reasonable ground seizes Milk analyzer and other equipment;
- (ii) commits any other act to the injury of any person without having reason to believe that such act is necessary for the execution of his duty shall be guilty of an offence under this Act and shall be liable to pay a fine which may extend to five thousand rupees;

Provided that in case any false complaint is made against milk

inspector and it is proved so, the complainant shall be guilty of an offence under this Act and shall be punishable with fine which shall not be less than fifty thousand rupees but may extend to one lakh rupees.

12. No person shall use milk analyzer for procurement of milk unless he obtains a licence with the Authorized officer in such manner and on payment of such fees, as may be prescribed. An online platform will be made available for issue of license and other procedures of this Act through software application.

Licence for the use of Milk Analyzer.

13. (1) No person shall commence or carry on any milk procurement except under a license obtained for milk analyzer.

Licensing and regulation of Milk procurement Centres.

(2) Any person desirous to commence or carry on any milk procurement shall make an application or grant of a license to the authorized officer in such manner containing such particulars and fees as may be specified in rules.

(3) The Authorized officer on receipt of application under subsection (ii) may either grant the license or after giving the applicant the opportunity of being heard and for reasons to be recorded in writing, refuse to grant a license to any applicant, if he is satisfied that it is necessary so to do in the interest of public.

(4) Every licence shall be in such form and subject to such conditions as maybe specified by rules.

(5) An appeal against the order of rejection for the grant of license shall lie to the Milk Commissioner.

(6) A licence unless suspended or cancelled earlier shall be in force for such period as may be specified by rules: Provided that if an application for a renewal of licence is made before the expiry of the period of validity of the license, the licence shall continue to be in force until orders are passed on the application.

(7) The licence shall subsist for the benefit of the deceased's personal representative or any other member of his family, until the expiry of -

- (a) The period of three months beginning with his death; or
- (b) such longer period as the authorized officer may allow.

Licence for the
Manufacturer,
dealer and
other service
Personnel of
Milk Analyzer.

14. (1) Whoever manufactures or deals or attends to the servicing of any Milk analyzer used in the Milk Procurement Centre shall obtain Licence as prescribed in the Rules.

(2) Any person desires to manufacture and deal or deal or carry out the servicing of Milk Analyzer used in Milk Procurement Centres shall make an application for grant of licence to the Authorized Officer in such manner containing such particulars and fee as may specified in the Rules.

(3) The authorized Officer on receipt of Application under sub-section (2) may either grant the licence or after giving application reasonable opportunity of being heard and for the reasons recorded in writing refuse to grant licence to the applicant, in the interest of public.

(4) Every licence shall be in such form and subject to such conditions as may be specified by rules.

(5) An appeal against the order of rejection for the grant of license shall lie to the Milk Commissioner.

(6) A licence unless suspended or cancelled earlier shall be in force for such period as may be specified by rules;

Provided that if an application for a renewal of licence is made before the expiry of the period of validity of the licence, the licence shall continue to be in force until orders are passed on the application.

(7) The licence shall subsist for the benefit of the deceased's personal representative or any other member of his family, until the expiry of -

- (a) the period of three months beginning with his death; or
- (b) such longer period of not more than 6 months as the authorized officer may allow.

Payment to the
Milk Pourers.

15. The pourer shall be paid in accordance with the fat content or SNF or Fat content & SNF indicated by the Milk analyzer at the milk procurement centre and the receipt to that effect indicating the price to be paid shall also be given to the pourer with reference to rate chart announced by the Union/ Dairy.

CHAPTER IV OFFENCES AND PENALTIES

- 16.** Whoever uses or keeps for use any Milk Analyzer otherwise than in accordance with the standards prescribed by or under this Act at the Milk Procurement Centre shall be punished with fine which may extend up to fifty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to six months and also with fine.
- Penalty for use of non-standard Milk Analyzer at the Milk Procurement Centre.
- 17.** Whoever uses or keeps for use any Milk Analyzer otherwise than in accordance with the standards prescribed by or under this Act at the Milk Chilling Unit or at the Bulk Milk Cooling Unit shall be punished with fine which may extend to one Lakh rupees and for the second or subsequent offence, with imprisonment for a term which may extend to twelve months and also with fine.
- Penalty for use of non-standard Milk Analyzer at Milk Chilling Unit or Bulk milk cooling unit.
- 18.** Whoever uses or keeps for use any Milk Analyzer otherwise than in accordance with the standards prescribed by or under this Act at the Milk Processing Plant or Dairy Plant shall be punished with fine which may extend to five lakh rupees and for the second or subsequent offence, with imprisonment for a term which may extend to two years and also with fine.
- Penalty for use of non-standard Milk Analyzer at the Milk Processing plant or Dairy Plant.
- 19.** Whoever tampers with, or alters in anyway willfully to give wrong indications in the milk analyzer with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, shall be punished with fine which may extend to fifty thousand rupees and with imprisonment for a term which shall not be less than six months but which may extend to five years.
- Penalty for alteration of Milk Analyzer.
- 20.** Whoever being required to obtain license under this Act and the rules made there under procures milk without being in possession of valid license shall be punished with fine up to rupees fifty thousand and for the second and subsequent offence shall be punished with a fine up to one lakh rupees or imprisonment up to six months or both.
- Penalty for procuring milk without license.
- 21.** Whoever is required to obtain licence to Manufacture and deal or deal or attends to the servicing of Milk Analyzer used in the Milk Procurement under section 13 of this Act, fails to obtain the licence shall be punished with a fine upto Rs.25,000/- and, for second or subsequent offence with a fine up to Rs. 50,000/- or imprisonment for a term which may extend to one year or with fine or with both.
- Penalty for manufacturing or Dealing or attending to service of Milk Analyzer with out license.

Penalty for manipulation of fat content or solid not fat.

22. Whoever during milk procurement pays less price to the dairy farmer showing less values of fat content or solids not fat or fat content and SNF, than the results indicated by the standard milk analyzer shall be punished with a fine up to rupees fifty thousand and for the second and subsequent offence shall be punished fine up to one lakh or imprisonment up to six months or both.

Penalty for transactions in contravention of standard weight or measure.

23. Whoever in buying any article or thing by weight, measure or number, fraudulently receives, or causes to be received any quantity or number of that article or thing in excess of the quantity or number contracted for, or paid for, shall be punished with fine which may extend to ten thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with fine, or with both;

Penalty for non-production of documents, etc.

24. Whoever, being required by or under this Act or the rules made there under, to produce any document or register before him for inspection any document or register or other record relating there to, omits or fails without any reasonable excuse, so to do, shall be punished with fine which may extend to five thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine not be less than two thousand rupees but which may extend to fifty thousand rupees and, for the second or subsequent offence, with imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine, or with both.

Penalty for obstructing Milk Commissioner or Authorized Officer or Milk Inspector.

25. Whoever obstructs the Milk Commissioner or authorized officer or Milk Inspector with an intention to prevent or deter the Milk Commissioner or authorized officer or Milk Inspector from exercising his powers or discharging his duties, or in consequence of anything done or attempted to be done by the officer in the lawful exercise of his powers or discharge of his functions as such, or whoever obstructs the entry of the Milk Commissioner or authorized officer or Milk Inspector into any premises for inspection of any milk analyzer or any document or record relating thereto or for any other purpose shall be punished with imprisonment for a term which may extend to two years and for the second or subsequent offence, with imprisonment for a term which may extend to five years.

Penalty for giving false information.

26. (1) Whoever gives any information to the, Milk Commissioner or authorized officer which he may require or ask for in the course of his duty, and which such person either knows or has reason to believe to be false, shall be punished with fine which may extend to Fifty thousand rupees and for the second or subsequent offence with imprisonment for a term which may extend to six months and also with fine.

(2) However, being required by or under this Act so to do, submits a return or maintains any record or register which is false in material particulars, shall be punished with fine which may extend to fifty thousand rupees and for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

27. Whoever, uses or keeps for use any unverified Milk Analyzer shall be punished with fine which shall not be less than Rs. 10,000/- but which may extend to Rs. 50,000/- and, for second or subsequent offence with imprisonment for a term which may extend to one year and also with fine.

Penalty for
use of
Un-verified
Milk Analyzer.

28. Whoever, uses or keeps for use any unverified Weight or Measure for Milk Procurement shall be punished with fine which shall not be less than Rs. 2,000/- but which may extend to Rs. 10,000/- and, for second or subsequent offence with imprisonment for a term which may extend to one year and also with fine.

Penalty for
use of
Un-verified
Weight or
Measure.

29. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973,- no court shall take cognizance of an offence punishable under the Act and the Rules made there under, except upon a complaint, in writing, made by

Cognizance of
offences.

- (i) The Milk Commissioner;
- (ii) Any other Officer authorized in his or her behalf by the Milk Commissioner by General or Special order;
- (iii) Any person aggrieved;

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first Class shall try any offence punishable under the Act and the Rules made there under.

(30) (1) If an offence under this Act is committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by
companies and
power of Court
to publish
name, place of
business, etc.,
of companies
convicted.

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to the neglect on the part of, any director, manager, secretary or other officer, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(3) Where any company is convicted under this Act for contravention of any of the provisions thereof, it shall be competent for the Court convicting the company to cause the name and place of business of the company, nature of the contravention, the fact that the company has been so convicted and such other particulars as the Court may consider to be appropriate in the circumstances of the case, to be published at the expense of the company in such newspapers or in such other manner as the Court may direct.

(4) No publication under sub-section (3) shall be made until the period for preferring an appeal against the orders of the Court has expired without any appeal having been preferred, or such an appeal having been preferred, has been disposed of.

(5) The expenses of any publication under sub-section (3) shall be recoverable from the company as if it were a fine imposed by the Court.

Explanation: For the purposes of this section

- i. Company means anybody corporate and includes a firm/society/ union/Dairy or other association of individuals; and
- ii. Director, in relation to a firm, means a partner in the firm.

31. (1) Any offence punishable under Section 16 to 24, Section 27 and Section 28 or any rule made there under may, either before or after the institution of the prosecution, be compounded, on payment to the Government of such sum as maybe prescribed.

(2) The Milk Commissioner or the authorized officer as may be specially authorized by him in this behalf, may compound offences punishable under section 16 to 24, Section 27 and Section 28 or any rule made there under:

Provided that such sum shall not, in any case, exceed the maximum amount of the fine, which may be imposed under this Act for the offence so compounded.

(3) Nothing in sub-section (1) shall apply to person who commits the same or similar offence, within a period of three years from the date on which the first offence, committed by him, was compounded.

Explanation: (i) For the purposes of this sub-section, any second or subsequent offence committed after the expiry of a period of three years from the date on which the offence was previously compounded, shall be deemed to be a first offence.

(ii) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case maybe, shall be taken against the offender in respect of the offence so compounded.

(iii) No offence under this Act shall be compounded except as provided by this section.

32. (1) Subject to the provisions of sub-section(2), an appeal shall lie,—
- (a) from every decision or order made under the sections of the Act and Rules made there under by Milk Inspector to the Authorized officer of the concerned district;
 - (b) from every decision or order made by the Authorized officer to the Milk Commissioner;
 - (c) From every decision given by the Milk Commissioner to the Secretary/Principal Secretary/ Special Chief Secretary, AHDD&F Department.

appeals.

(2) Every such appeal shall be preferred within sixty days from the date on which the impugned order was made: Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to appeal, a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the decision or order appealed against or may send back the case with such direction as it may think fit for a fresh decision or order after taking additional evidence, if necessary.

(4) Every appeal shall be preferred on payment of such fees, as may be prescribed.

(5) The Secretary/ Principal Secretary/ Special Chief Secretary, may on its own motion or otherwise, call for and examine the record of any proceeding including a proceeding in appealing which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such orders there on as it may think fit: Provided that no decision or order shall be varied under this subsection so as to prejudicially affect any person unless such person has been given reasonable opportunity of showing cause against the proposed action.

Power of State
Government to
make rules

33 (1) The State Government may, by notification make rules to carry out the provisions of the Act.

(2) In particular and without prejudice to the generality of forgoing power such rules may provide for all or any of the following matters namely:-

- a) Licensing of Milk analyzers used in Milk procurement Centres, BMCUs and Dairies.
- b) Calibration or verification procedures of Milk Analyzers.
- c) Registers and records to be maintained by the Milk procurement Centres/ BMCUs and Dairies.
- d) Physical characteristics, construction details, equipment performances, tolerances, methods or procedure of test for the Milk Analyzers.
- e) The manner of disposal of Milk, Milk Analyzer and allied equipment.
- f) Any other matter/matters which is/ are required to be, or may be, prescribed or in respect of which provision is to be made by rules by the State Government.

(3) In making any rules under this section, the Government may provide that a breach there of shall be punishable with fine which may be extend up to One Lakh rupees.

(4) Every Rule made under this Act, shall, immediately after it is made, be laid down before the Legislature of the State, 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 of the State agrees 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.

CHAPTER -V
MISCELLANEOUS

- 34.** No suit, prosecution or other legal proceedings shall be instituted against any person for any act done in good faith or purported to have been done under this Act or any rules made there under. Protection for action taken in good faith
- 35.** Any person acting under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Persons acting under this Act to be public servants. Central Act No.45 of 1860.
- 36.** The authorized officer may, by order in writing direct any Milk Procurement centre / BMCU/ Dairies to maintain such books, accounts and records relating to his business and in such form as may be prescribed in the provisions of rules of this Act. Maintenance of registers and records.
- 37.** Every holder of valid license shall submit yearly returns as prescribed in duplicate in respect of any Milk Procurement centre/BMCU/ Dairies. Submission of returns.
- 38.** No additional staff shall be recruited for enforcement. The existing staff from Animal Husbandry Department, APDDCF, Food Controller & Legal Metrology are to be utilised.
- 39.** (a) All the receipts shall be remitted to the Government duly creating a separate Head of Account (HOA) under Animal Husbandry department.
- (b) The Director, Animal Husbandry shall seek budget from Government for equipment etc to enforce the Act.
- (c) The Milk Commissioner shall maintain books of accounts of income and expenditure and the annual audit of accounts of the Commissioner shall be done as per the Rules and Regulations in vogue.
- 40.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order published in the Andhra Pradesh Gazette, make such provision not in consistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty. Power to remove difficulties
- (2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

G. SATYA PRABHAKARA RAO,
Secretary to Government,
Legal and Legislative Affairs & Justice,
Law Department.