

GENERAL (GRADING AND MARKING) RULES, 1937

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GENERAL (GRADING AND MARKING) RULES, 1937

In exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government is pleased to make the following rules which have already been published as required under the section mentioned above:-

1. 1 :-

These Rules may be called the General (Grading and Marking) Rules, 1937.

2. 2 :-

Any person or body of persons desirous of being authorised to mark any article with a grade designation mark shall apply to the Agricultural Marketing Adviser to the Government of India, Nagpur.

3. 3 :-

(1) If after due enquiry the Agricultural Marketing Adviser¹ (or any person duly authorised by him in this behalf) is satisfied that it is expedient in the interest of better marketing that the authorisation be granted and that the applicant is a fit and proper person to receive a Certificate of Authorisation, he shall issue such a Certificate to the applicant.

(2) Each certificate shall state-

(a) the name and address of the authorised person or body of persons ;

(b) the articles to which grade designation marks may, under the certificate, be applied;

(c) the period for which the certificate is valid ; and

(d) the premises at which alone the grade designation marks may be applied. "Shall" cannot be interpreted as "may". [See Spedra Engineering Corporation Engineers and Contractors Bhopal v. State of Madhya Pradesh, A.I.R. 1988 M.P. 111].

1. Subs. by No. F.M2(5)/41

4. 4 :-

It shall be a condition of every Certificate of Authorisation-

(a) that grade designation marks shall only be applied to the articles mentioned in the Certificate of Authorisation and at the premises therein mentioned ;

(b) that during the operation of the Certificate the holder thereof shall, at all reasonable times, give access to the premises named therein to any person duly authorised by the Agricultural Marketing Adviser or by the Central Government and shall afford him facilities for ascertaining that marking is being correctly performed;

(c) that the holder of the certificate will keep a record of the number of packages marked with each grade designation mark and will permit any person duly authorised by the Agricultural Marketing Adviser or by the Central Government to examine the record ;

(d) that the holder of the certificate will permit any duly authorised person to take samples of any graded produce or to open and inspect any package bearing a grade designation mark, provided that all samples shall be paid for;

(e) that any person authorised in this behalf by the Agricultural Marketing Adviser to the Government of India or by the Central Government may cancel or remove a grade designation mark from any produce¹(should such produce be found by such person not to comply with the definition of quality prescribed for that article: provided that whenever grade designation marks are removed from graded produce belonging to distributors, and not to authorised packers, the latter shall, when so directed by the Agricultural Marketing Adviser to the Government of India, make good to the former any loss sustained as a result of the removal of the grade designation mark, the loss being estimated on the basis of the additional value that the properly graded produce would have

obtained in the market over and above the current market value of the corresponding quantity of the ungraded product).

(f) that all rules made under the Agricultural Produce²(Grading and Marking) Act, 1937 (and all instructions regarding methods of sampling, analysis submission of periodical returns, etc., which may be issued, from time to time, by the Agricultural Marketing Adviser to the Government of India,) shall be observed;

(g) that any Certificate of Authorisation may be cancelled, revoked, modified or suspended by the Agricultural Marketing Adviser or by any other person authorised by the Central Government in that behalf provided that 14 days' notice in writing shall be given to the Certificate holder at the address stated on the Certificate and an opportunity given him for showing cause why his certificate should not be cancelled, revoked, modified or suspended ;

(h) that any holder of a Certificate of Authorisation may, with the written consent of the Agricultural Marketing Adviser, use a replica of the Agmark design on his business papers and catalogues ;

(i) that any stencil, rubber stamp, punch or other instrument or label required for marking produce in the prescribed manner shall only be obtained from

3 (j) that the issue or use of grade designation mark labels or any stencil, rubber stamp, punch or other instrument required for marking produce in the prescribed manner, may be withheld or withdrawn by the Agricultural Marketing Adviser to the Government of India or a person authorised by him in this behalf without any notice, for such period as he may consider expedient in the interest of better marketing if he is satisfied or has reasons to believe that the authorised packer is not applying or is not likely to apply grade designation marks correctly ; and

(k) that the holder of a Certificate of Authorisation shall pay such charges as may be prescribed by the Central Government, from time to time, towards the expenses incurred in connection with measures for enforcing the quality control of scheduled articles marked with grade designation marks including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles.

1. Ins. by the Government of India, Department of Education, Health and Lands Notification No. F. 4- 10/42A, dated the 6th May,

1943.

2. Ins. by the Government of India, Department of Education, Health and Lands Notification No, F. 18- 6-44-A, dated 23rd May 1945.

3. Ins. by the Government of India, Department of Education, Health and Lands Notification No. F. 18- 6-44 A, dated 23rd May, 1945.