

THE AGRICULTURAL PRODUCE MARKETS REGULATION ACT, 1964

(EAST PAKISTAN ACT NO. IX OF 1964).

[22nd February, 1964]

An Act to provide for the regulation of the purchase and sale of agricultural produce and of markets in which such produce is purchased and sold in Bangladesh. 1

WHEREAS it is expedient to provide for the regulation of the purchase and sale of agricultural produce and of markets in which such produce is purchased and sold in Bangladesh;

It is hereby enacted as follows:-

Short title, extent and commencement

1. (1) This Act may be called the 2[* * *] Agricultural Produce Markets Regulation Act, 1964.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force in such areas and on such dates as the Government may, by notification in the official Gazette, specify and appoint.

Definitions

2. In this Act, unless there is anything repugnant in the subject or context-

(1) "agricultural produce" means an agricultural produce specified in the Schedule appended to this Act, and includes a produce of horticulture, arboriculture and animal husbandry so specified;

(2) "Director" means the Director of Agricultural Marketing, Bangladesh, and includes such other officer or officers of the Agricultural Marketing 3[Department] as the Government may, be notification in the official Gazette, authorise in this behalf to exercise the powers and perform the functions of the Director under this Act;

(3) "grower" means a person who either by himself or by members of his family or by servants or by bargadars or by or with the aid of hired labourers or with the aid of partners grows or produces any agricultural produce, but does not include a wholesaler or aratdar or stockist in such produce;

Explanation.- A person who is a wholesaler or aratdar or stockist in respect of a notified market shall not be a grower in respect of the same market, even if he grows and produces an agricultural produce;

(4) "Market Advisory Committee" means a 4[District] Market Advisory Committee constituted under section 9 of this Act;

(5) "market charge" means any commission or fee realised by any market functionary in connection with the purchase or sale of, or negotiation of a purchase or sale of, any agricultural produce, or for rendering any services incidental to such purchase or sale, such as, storage, weighing, measuring, assorting, sampling and grading;

(6) "market functionary" means any person who operates as a middle-man in connection with the purchase or sale of, or negotiation of a purchase or sale of, any agricultural produce, or in connection with the rendering of any services incidental to such purchase or sale, and includes a wholesaler,

aratdar, stockist, weighman, measurer, sampler, jachandar, grader, commission agent, warehouse-man, broker and dalal; and

(7) “notified market” means any market declared to be a notified market under sub-section (1) of section 3 of this Act.

Declaration of notified markets and licensing of market functionaries

3. (1) The Government may, by notification in the official Gazette, declare any market to be a notified market in respect of such agricultural produce and with effect from such date as may be specified in the notification.

(2) On and from the date specified in the notification under sub-section (1), no person shall act as a market functionary in a notified market in respect of any agricultural produce specified in the notification except under a licence under this Act and except in accordance with the conditions specified in such licence:

Provided that the Government may, by any general or special order notified in the official Gazette, exempt any market functionary from the operation of this section.

Licences

4. (1) The Director 5[or any officer of the Agricultural Marketing Department authorised by him] shall issue licences in such form as may be prescribed by rules to the market functionaries for operating in a notified market under such terms and conditions as the Director may deem fit to fix.

(2) A licence issued under sub-section (1) may be either in general terms or in respect of such agricultural produce and such notified markets as may be specified therein.

(3) Such licences shall be valid for one year from the date of issue and may thereafter be renewed annually.

(4) A licence issued in the name of a firm may be used by any person or persons, not exceeding two, nominated by the firm.

Licence fee

5. For every licence issued under section 4 or for every renewal thereof, there shall be paid to the Government such fee as may be prescribed by rules.

Application for licences

6. (1) Application for licences or renewal of licences shall be made to the Director in such form and in such manner as may be prescribed by rules.

(2) Every application for licence or renewal of a licence shall be accompanied by the prescribed fee.

Production of licence for inspection

7. Every market functionary operating in any notified market under a licence under this Act shall, while conducting business in such market, be bound to produce such licence for inspection on demand by any member of the Market Advisory Committee or any officer of the Agricultural Marketing 6[Department] or other officer or officers authorised by the Government in this behalf.

Cancellation of licence

8. (1) A licence granted or renewed under section 4 may be suspended or cancelled by the Director on his own motion or on the recommendations of the Market Advisory Committee-

- (i) if there is any contravention of any of the provisions of this Act and the rules or any breach of the conditions subject to which the licence was granted or renewed, or
 - (ii) if the holder of the licence has ceased to carry on the business or has sold or otherwise transferred his interest in the business in respect of which the licence was granted or renewed.
- (2) The holder of a licence shall not be entitled to any compensation for any loss or damage suffered by him as a result of such suspension or cancellation of his licence under this section.

Constitution of Market Advisory Committee

7[9. The Government may, by notification in the official Gazette, constitute a District Market Advisory Committee for a district which shall consist of the following members, namely:-

- (a) the Deputy Commissioner or any other officer nominated by him who shall also be its Chairman;
- (b) a local officer of the Agricultural Marketing Department to be nominated by the Director who shall also be its Secretary;
- (c) one representative from among the elected members of the Zilla Parishad, if any, to be nominated by the Chairman of Zilla Parishad;
- (d) one representative from among the licensed market functionaries from each of the notified markets to be nominated by the Deputy Commissioner;
- (e) one representative of the public to be nominated by the Deputy Commissioner;
- (f) two representatives of the growers to be nominated by the Deputy Commissioner.] 8[

Term of the Committee, procedure, etc, for meetings to be prescribed by rules

10. The term and office of the Market Advisory Committee, the procedure to be followed at its meetings, the quorum for a meeting and the manner of filling casual vacancies, shall be such as may be prescribed by rules.

Functions of the Committee

11. The functions of the Market Advisory Committee shall be-

- (a) to advise the Director in the matter of regulation of market practices;
- (b) to advise the Director in the matter of fixation of market charges for different kinds of agricultural produce for different market functionaries operating in the notified markets;

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- (d) to make arrangements for settlement of disputes between purchasers and sellers arising in a notified market;
- (e) to undertake arbitration in respect of disputes between purchasers and sellers arising in a notified market;
- (f) to maintain a set of standard weights and measures referred in sub-section (1) of section 15; and
- (g) to perform such other duties as may be entrusted to it by the Director or as may be prescribed by rules.

Market charges

12. (1) The Director may, after consultation with the Market Advisory Committee concerned and with the approval of the Government, fix, by notification in the official Gazette, the maximum market charges payable by the purchasers or sellers to various market functionaries in connection with the purchase or sale of different kinds of agricultural produce in a notified market specified in such notification.

(2) No market charge in excess of the amount fixed under sub-section (1) shall be paid or received by any person in respect of any transaction in a notified market specified under sub-section (1).

Trade Allowance

13. No trade allowance other than an allowance prescribed by rules, shall be made or received by any person for any transaction of purchase or sale in a notified market.

Settlement of disputes

14. In case of a dispute arising between a purchaser and a seller on account of-

- (a) deviation from sample when the purchase is made by sample;
- (b) deviation from standard when the purchase is made by a reference to an accepted standard;
- (c) difference between the actual weight of a container and the standard weight;
- (d) payment of price;
- (e) delivery of goods;
- (f) damage of goods;
- (g) admixture of foreign matters;
- (h) the presence of moisture in excess of the natural moisture content; and
- (i) such other matters as may be prescribed by rules, the dispute will be referred to the Market Advisory Committee for amicable settlement or, if necessary, for arbitration.

Maintenance of standard weights and measures

15. (1) After such date as may be notified in the official Gazette by the Government in this behalf, every Market Advisory Committee shall maintain a set of standard weights specified in the Standards

of Weight Act, 1939, and a set of standard measures as may be prescribed by rules, and shall ensure that such sets of standard weights and measures are available free of charge to any purchaser or seller for taking any weighing or measurement in a notified market.

(2) After the date so notified, no person shall use for weighing or measuring in any notified market any weight or measure other than a standard weight or measure referred in sub-section (1).

(3) All weights and measures used in a notified market shall, from time to time, be verified by the members of the Market Advisory Committee or the officers of the Agricultural Marketing 10[Department] or other officer or officers authorised by the Government in this behalf.

Collection of information from a market functionary

16. (1) Any Officer of the Agricultural Marketing 11[Department] or other Officer authorised by the Government may require any market functionary operating in a notified market to furnish information in regard to any transaction of an agricultural produce in such notified market and to produce any document relating to price, supply position, stock position, movement and marketing cost of such produce and such other matter as he 12[may] consider necessary; and such market functionary shall be bound to furnish the information and produce the documents required by such officer.

(2) No market functionary shall, being required under sub-section (1) to furnish information or produce documents, refuse or wilfully omit to furnish information and produce documents required of him, or supply information knowing or having reason to believe such information to be false.

Penalty

17. Whoever contravenes any provision of this Act specified in the first column of the following table, shall be punished with fine or simple imprisonment, in default of fine, which may extend to the amount or period specified in the third column of the table.

Cognizance of offence

13[17A. No Court shall take cognizance of any offence under this Act except upon a written complaint made by the Director or any officer authorised by him, by general or special order, in this behalf.]

Power to make rules

18. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to amend the schedule

19. The Government may, by notification in the official Gazette, amend the schedule, and, in so amending the schedule, may add to, or omit from, the schedule any agricultural produce which was previously not included or included, as the case may be, in the Schedule.

1 Throughout this Ordinance words “Bangladesh” and “Government” were substituted for the words “East Pakistan” and “Provincial Government” by the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)

- 2 The words “East Pakistan” were omitted by section 3 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 3 The word “Department” was substituted for the word “Directorate” by section 4 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 4 The word “District” was substituted for the word “Subdivisional” by section 4 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 5 The words “or any officer of the Agricultural Marketing Department authorised by him” were inserted by section 6 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 6 The word “Department” was substituted for the word “Directorate” by section 8 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 7 Section 9 was substituted by section 9 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 8 Section 9 was substituted by section 9 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 9 Clause (c) was omitted by section 10 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 10 The word “Department” was substituted for the word “Directorate” by section 12 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 11 The word “Department” was substituted for the word “Directorate” by section 13 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 12 The word “may” was substituted for the word and comma “may,” by section 13 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)
- 13 Section 17A was inserted by section 15 of the Agricultural Produce Markets Regulation (Amendment) Ordinance, 1985 (Ordinance No. XIX of 1985)