

CHAPTER 198

AGRICULTURAL PRODUCE (GRADING AND MARKING)

Ordinance
No. 3 of 1940,
Acr
No. 32 of 1953.

AN ORDINANCE TO PROVIDE FOR THE GRADING AND MARKING OF AGRICULTURAL PRODUCE AND OF CERTAIN ARTICLES OF FOOD OR DRINK, AND FOR PURPOSES CONNECTED WITH THE MATTERS AFORESAID.

[26th April, 1940.]

Short title.

1. This Ordinance may be cited as the Agricultural Produce (Grading and Marking) Ordinance.

granted under this Ordinance, of any expenses incurred in connexion with the manufacture or use of any die, block, machine or other instrument requisite for the purpose of the reproduction of any grade designation mark, or in connexion with the manufacture or use of any covering or label marked with a grade designation mark ;

Regulations prescribing grade designations and marks, &c.

2. (1) The Minister may make regulations—

(a) prescribing such designations (hereinafter referred to as " grade designations ") as the Minister may consider appropriate to indicate the quality of any scheduled article, and defining the quality indicated by each designation so prescribed ;

(g) specifying the mode of marking articles with grade designation marks, the manner in which such articles shall be packed, the type of covering or label to be used, and the quantity of such articles to be included in each such covering ;

(b) specifying appropriate marks (hereinafter referred to as " grade designation marks ") to represent particular grade designations ;

(h) amending the Schedule to this Ordinance by the addition thereto of any article of agricultural produce ;

(c) prescribing the officers by whom, and the conditions upon which, certificates may be granted authorizing the marking with a grade designation mark of any article in respect of which such mark has been prescribed, or of any covering which contains, or label which is attached to, any such article ;

(i) providing for the detention and disposal of articles ordered to be forfeited to the State under this Ordinance ;

(d) prescribing the form of certificates granted under this Ordinance and the fees or scales of fees payable therefor ;

(j) providing for any matters incidental to or connected with the matters specifically referred to in this subsection.

(e) specifying the grounds upon which a prescribed officer may refuse to grant a certificate under this Ordinance, and providing for appeals to the Minister from such refusals and for the fees to be paid upon such appeals ;

(2) Every regulation shall be published in the Gazette and shall have effect from the date on which it is so published or from such later date as may be specified therein.

(f) providing for the recovery, from persons to whom certificates are

(3) Every regulation shall, as soon as possible after the date of its publication in the Gazette, be brought before Parliament by a motion that such regulation shall be approved.

(4) Any regulation which Parliament refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which a regulation shall be so deemed to be rescinded shall be the date on which Parliament refuses to approve it.

(5) Notification of the date on which any regulation is deemed to be rescinded shall be published in the Gazette.

Prohibition of unauthorized use of grade designation marks, and issue of certificates.

3. (1) No person shall, except under the authority of a certificate in that behalf granted by a prescribed officer under this Ordinance, mark with a grade designation mark any scheduled article, or any covering which contains, or label which is attached to, any such article.

(2) Every certificate granted under this Ordinance shall be in the prescribed form and shall be subject to such conditions as may be prescribed.

(3) A prescribed officer may, upon such grounds as may be specified by regulation, refuse to grant a certificate under this Ordinance to any person. An appeal shall lie to the Minister from such refusal, and the decision of the Minister on any such appeal shall be final and conclusive.

Penalty for contravention of Ordinance or regulations.

4. (1) Any person who acts in contravention of the provisions of section 3 (1) shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees.

(2) Any person who, being the holder of a certificate granted under this Ordinance, contravenes any condition attached to the certificate, or acts in contravention of any provision of any regulation, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred rupees ; and the court which convicts such person may, in addition to any other punishment which it may impose for the offence, make order cancelling the certificate granted to him.

5. Any person who—

- (a) forges or counterfeits any, grade designation mark ; or
- (b) uses, sells, offers for sale, disposes of, or has in his possession, any grade designation mark, knowing or having reason to believe the same to be forged or counterfeited ; or
- (c) makes any die, block, machine or other instrument for the purpose of forging or counterfeiting a grade designation mark ; or
- (d) uses, sells, offers for sale, disposes of, or has in his possession, any die, block, machine or instrument, knowing or having reason to believe the same to be intended for the purpose of forging or counterfeiting any grade designation mark ; or
- (e) uses in connexion with any article whatsoever any mark of such a character or in such manner as to be calculated by reason of its resemblance to a grade designation mark, to deceive,

Penalty for forgery of marks and for manufacture, &c., of instruments for forging marks.

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

6. The court which convicts any person of any offence under this Ordinance relating to the marking of any article with a grade designation mark may make order declaring that the article shall be forfeited to the State.

7. In this Ordinance, unless the context otherwise requires—

“ agricultural produce ” includes all produce of agriculture or horticulture, all articles of food or drink wholly or partly manufactured or derived from any such produce, and fleeces and skins of animals ;

" covering " includes any vessel, box, crate, wrapper, tray, or other container ;

" egg " means an egg laid by a domestic fowl or a domestic duck ;

" label " includes a band or ticket ;

" prescribed " means prescribed by regulation ;

" quality ", when used with reference to any article, includes the state and

condition of the article ;

" regulation " means a regulation made under section 2 ;

" scheduled article " means any article for the time being specified in the Schedule * to this Ordinance.

8. The provisions of this Ordinance shall be in addition to and not in substitution or derogation of the provisions of any other written law relating to or affecting merchandise marks or the sale of any scheduled article. Savings

* Schedule omitted See List of Enactments omitted from the Revised Edition.