

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1937.

¹ACT NO. I OF 1937

[24th February, 1937]

An Act to provide for the grading and marking of agricultural ²[and other] produce.

WHEREAS it is expedient to provide for the grading and marking of Agricultural ²[and other] produce ; It is hereby enacted as follows :—

1. Short title and extent.—(1) This Act may be called the Agricultural Produce (Grading and Marking) Act, 1937.

³[(2) It extends to the whole of Pakistan.]

2. Explanations. In this Act, unless the contrary appears from the subject or context,—

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

⁴[(aa) “appropriate Government” means, in relation to the grading marking of agricultural procedure intended for consumption within a Province, the Provincial Government, and in relation to the grading and marking of agricultural produce intended for export or for trade between the Province, the Federal Government;]

(b) “counterfeit” has the meaning assigned to that word by section 28 of the Pakistan Penal Code (XLV of 1860);

(c) “covering” includes any vessel, box, crate, wrapper, tray or other container ;

(d) “grade designation” means a designation prescribed as indicative of the quality of any scheduled article ;

(e) “grade designation mark” means a mark prescribed as representing a particular grade designation ;

¹For Statement of Objects and Reasons, see Gazette of India, Extraordinary, dated the 13th February, 1937, p. 71.

The Act has been extended to the Leased Areas of Balochistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950) ; and applied in the Federated Areas of Balochistan, see Gazette of India, 1937. Pt. I., p. 1499.

It has also been extended to the State of Bahawalpur by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953), as amended.

²Ins. by the Agricultural Produce (Grading and Marking) Amendment Act, 1942 (13 of 1942), s. 2.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for sub-section (2), as amended by A. O., 1949, and the Federal Laws (Revision and Declaration), Act, 1951 (26 of 1951), s. 8.

⁴Ins. by the Agricultural Produce (Grading and Marking) (Amdt.) Act, 1972, (20 of 1972), s. 3.

- (f) “quality”, in relation to any article, includes the state and condition of the article ;
- (g) “prescribed” means prescribed by rules made under this Act ;
- (h) “scheduled article” means an article included in the Schedule ; and
- (i) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

3. Prescription of grade designations. The ¹[appropriate Government] may, after previous publication by notification in the ²[official Gazette], make rules ³—

- (a) fixing grade designations to indicate the quality of any scheduled article ;
- (b) defining the quality indicated by every grade designation ;
- (c) specifying grade designation marks to represent particular grade designations ;
- (d) authorising a person or a body of persons, subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark has been prescribed or any covering containing or label attached to any such article ;
- (e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;
- (f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark ⁴[or with measures for the control of the quality of 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] ; and
- (g) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

¹Subs. by the Agricultural Produce (Grading and Marking) (Amdt.) Act, 1972 (20 of 1972) s.,2 for “Central Government”, which was subs. by A. O., 1937, for “G.G. in C.”.

²Subs. by A. O., 1937 for “Gazette of India”.

³For such rules, see Gazette of India, 1937, Pt.I, pp.547-564.

For Grapes Grading and Marking Rules, 1952, see Gaz. of P., 1952, Pt. I, pp. 63-66.

For the Wool Grading and Marking Rules, 1953, see Gaz. of P., 1953, pp. 293-297.

For the Spices Grading and Marking Rules, see Gaz. of P., 1959, Pt. I, pp. 178-179 ; and for the Malta Oranges Grading and Marking Rules, 1961, see Gaz. of P., 1961, pp 53-54.

For the Animal Hair (Grading and Marking) Rules, 1961, see Gazette of P., 1961, Pt. I, pp. 148-151.

For the Coriander Seed Grading and Marking Rules, 1962, see Gaz. of P., 1963; Pt. I, pp.301-302.

For Lamb skins Grading and Marking Rules, 1971, Pt. I, pp.207-301.

⁴Ins. by the Agricultural Produce (Grading and Marking) (Amdt.) Act, 1943 (20 of 1943), s. 2.

4. Penalty for unauthorized or incorrect marking with grade designation mark.

¹[Whoever marks any article with a grade designation mark, not being authorised to do so by rule made under section 3, or being so authorized marks any scheduled article with a grade designation mark which does not indicate the grade designation of the article correctly, shall be punishable with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.]

5. Penalty for counterfeiting grade designation mark. Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

6. Extension of application of Act. The ²[appropriate Government], after such consultation as ³[it] thinks fit of the interests likely to be affected, may by notification in the ⁴[official Gazette] declare⁵ that the provisions of this Act shall apply to an article of agriculture produce not included in the Schedule ⁶ [or to an article other than an article of agricultural produce], and on the publication of such notification such article shall be deemed to be included in the Schedule.

¹Subs. by the Agricultural Produce (Grading and Marking) (Amdt.) Act, 1972 (20 of 1972), s. 3, for section 4.

²Subs. by *ibid.*, s. 2, for “Central Government”, which was subs. by A.O., 1937, for “G. G. in C.”.

³Subs. by A. O., 1937 for “he”.

⁴Subs. *ibid.*, for “Gazette of India”.

⁵The provisions of this Act have been applied to wool, *see* Gaz. of P., 1953, Pt. I, p. 252 ; “Animal Hairs”, *see ibid.*, 1959, Pt. I, p. 275; and also “Coriander-Seed” (Whole), *see ibid.*, 1962, Pt. I, p. 548.

⁶Ins. by the Agricultural Produce (Grading and Marking) (Amdt.) Act, 1942 (13 of 1942), s. 3 (*with effect from the 24th February, 1937*).

THE SCHEDULE

(See section 2)

1. Fruit.
 2. Vegetables.
 3. Eggs.
 4. Dairy Produce.
 5. Tobacco.
 6. Coffee.
 7. Hides and Skins.
 - ¹[8. Fruit Products.
 9. Atta.
 10. Oilseeds.
 11. Vegetable Oil (including hydrogenated Oils and Vegetable fats).
 12. Cotton.
 13. Rice].
 - ²[14.Lac].
 - ³[15.Wheat].
 - ⁴[16.Sann Hemp].
 - ⁵[17.Sugarcane gur (jaggery)].
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¹ Added by Govt. of I., Deptt. Of Edn. Health and Lands Notifin. No. F. 357-3/39-A, dated the 23rd March, 1939.)

² Added by Govt. of I, Deptt. Of Edn., Health and Lands Notifin. No. F. 57-18/59-A, dated the 10th October, 1939.)

³ Added by Govt. of I., Deptt. Of Edn. Health and Lands Notifin. F. 3-9(1) 41-A, dated the 17th March, 1941.)

⁴ Added by Govt. of I., Deptt. Of Edn., Health and Lands Notifin.No. F.3-9(3)/41-A, dated 21st April, 1941.

⁵ Added by Govt. of I, Deptt. Of Edn., Health and Lands Notifin.No. F.3-26(5)/41-A, dated 16th February, 1942.

¹[18.Myrobalans.]

²[19. Bura.]

³[20. Wool.]

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⁵[24.Animal Hair.]

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⁶[26.Oilcakes.]

27. Bones.

28. Bloods.

29. Casings.

⁷[30.Fish and fish products.]

⁸[31. All spices and condiments.]

¹Added by Govt. of I., Deptt. Of Edn., Health and Lands Notifin.No. F.3-26(5)/41-A, dated 16th February, 1962.)

² Added by Govt. of I., Deptt. Of Edn., Health and Lands Notifin.No. F.3-26/41-A, dated 5th June, 1942.)

³ Added by Notification. No. F.11-3/53-CS, dated 12th Nov., 1953. see Gaz. Of P, 1953, Pt.I, p.252.)

⁴ The entries "21. Chillies (Powdered form), 22. Turmeric (Powdered form) and 23. Cooriander-seed (Powdered form)" added by Notification No.4-2/58 C&M dated 9th January, 1959 and "25. Corriander Seed (Whole)" added by Notification. S.R.O. 1275 (K)/62, dated 29th November, 1962 superseded by entry 31, see S.R.O. 104(I)/69, dated 25th June, 1969, Gaz. Of P., 1969, Ext. P. 395.)

⁵ Added by Notification No.4-17/50-MPP, dated 10th June, 1959. see Gaz. Of P., 1959, Pt.I, p.275.)

⁶ Added by Notification No. S.R.O. 490(K)/66, dated 24th May, 1966, see Gaz. of P., 1959, Pt.I, p.255.)

⁷Added by Notification No. S.R.O 84(K)/68, dated 13th Jan., 1968, see, Gaz., of P.,1968, Pt.I.,p.55.)

⁸ Added by Notification No.S.R.O. 104(I)/69, dated 25th June, 1969, see, Gaz., of P., 1969, Ext., p.395.)[31.All