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Directorate of Agricultural Marketing
Government of NCT of Delhi

Agricultural Produce (Grading and Marking) Act, 1937

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THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1937

ACT NO. 1 OF 1937

(as amended upto 1986)

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

Whereas it is expedient to provide for the grading and marking of agricultural and other produce it is here by enacted as follows:-

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

(2) It extends to the whole of India.

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;

(b) "counterfeit" has the meaning assigned to that word by Section 28 of the Indian 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;

- (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;
- (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.
- (j) an article is said to be misgraded if :-
 - (i) the article is not of the quality prescribed for the grade designation with which it is marked;
 - (ii) the composition of the article offered for grading is altered in any way after a sample has been drawn for analysis and determination of the grade designation of the article in accordance with the rules made under this Act
 - (iii) the article is tampered with in any manner; and
 - (iv) any false claim is made for the quality prescribed for its grade designation, upon the label or through advertisement or in any other manner.

3. Prescription of grade designations

- (1) The Central Government may, after previous publication by notification in the Official Gazette, make rules to carry out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:-
 - (a) fixing grade designation 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 marketing, 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 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.

(g) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark,

(h) any other matter which required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect 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.

3A. Powers of entry inspection and search

(1) Any officer of the Central Government or a State Government, or any authority, being an officer of a Gazetted rank or of equivalent rank, authorised by the Central Government, may, if he has reason to believe that any provision of this Act or the rules made thereunder has been, or is being, contravened, enter any premises at any reasonable time and make necessary inspection of, and search for, the agricultural produce in relation to which such contravention has been, or is being made.

(2) Every authorisation made under sub-section (1) shall be deemed to be a warrant referred to in section 93 of the code of Criminal Procedure, 1973.

3B. Powers of authorised officer to seize agricultural produce

(1) An officer authorised under sub-section (1) of Section 3-A may seize and detain any agricultural produce in relation to which an offence under this Act or the rules made thereunder is being, or appears to have been committed, or which is intended or likely to be used in the commission of such offence.

Provided that where any agricultural produce seized under this sub-section is subject to speedy or natural decay, the officer so authorised may dispose of such produce in such manner as may be prescribed.

(2) The provisions of Section 102 of the code of Criminal Procedure, 1973, shall apply to every seizure made under this section.

4. Penalty for un-authorised marking with grade designation mark

Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under Section 3, shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

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 for a term not exceeding three years and fine not exceeding five thousand rupees.

5A. Penalty for selling misgraded articles

Whoever sells any scheduled article which is misgraded shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

5B. Power to prescribe compulsory grade designations in respect of certain articles

(1) Where the Central Government is of the opinion that it is necessary in the public interest or for the protection of consumers that any scheduled article or class of articles shall not be sold or distributed except after such article or class of articles is marked with the grade designation mark, it may, by notification in the Official Gazette, make declaration to that effect.

(2) Any notification issued under sub-section (1) shall specify the area or areas in relation to which the notification shall have effect.

(3) Where a notification under sub-section (1) is issued in respect of any area or areas, no person shall sell or offer to sell or distribute or offer to distribute any scheduled article or class thereof in the area or areas except in accordance with the provisions of this Act or the rules made thereunder.

(4) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term not exceeding six months and fine not exceeding five thousand rupees.

5C. Institution of prosecution

No Court shall take cognizance of an offence punishable under this Act except upon a complaint in writing made by –

(a) the Central Government or the State Government or any officer authorised by it in writing; or

(b) the person aggrieved ; or

(c) a recognised consumer association, whether the person aggrieved is a member of that association or not.

Explanation - For the purpose of this section, "recognized consumer association" means a voluntary consumer association registered under the companies Act, 1956, or any other law for the time being in force.

6. Extension of application of Act

The Central Government, after such consultation as it thinks fit of the interests likely to be affected may by notification in the Official Gazette, declare that the provisions of this Act shall apply to an article of agricultural produce not included in the schedule 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.

1. The Agricultural Produce (Grading and Marking) act, 1937. (Act No. 1 of 1937)

2. The Agricultural Produce (Grading and Marking) Amendment Act, 1942 (Act No. XIII of 1942).
3. The Agricultural Produce (Grading and Marking) Amendment Act, 1943 (Act No. XX of 1943).
4. The delegated legislation Provisions (Amendment) Act, 1983.
5. The Agricultural Produce (Grading and Marking) Amendment Act, 1986 (No. 76 of 1986).

SCHEDULE APPENDED TO AP (G&M) ACT, 1937

(See Section 2)

1.	Fruits	
2.	Vegetables	
3.	Eggs	
4.	Dairy produce	
5.	Tobacco	
6.	Coffee	
7.	Hides and skins	
8.	Fruit products	Govt. of India, Deptt. of Education, Health and Lands Notifi 57-3/39-A, dated-23 rd March, 1939.
9.	Atta	
10.	Oil Seeds	
11.	Vegetable oils (including Hydrogenated oils and vegetable fats)	
12.	Cotton	
13.	Rice	

14.	Lac	Govt. of India, Deptt. of Education, Health & Lands Notificat 18/39-A, dated 10 th October, 1939.
15.	Wheat	Education, Health and Lands Deptt. Notification No. F. 3-9 (1) 17 th March, 1941.
16.	Sann Hemp	Education, Health and Lands Deptt. Notification No. F. 3-9 (3) 21 st April, 1941.
17.	Sugercane (Jaggery).....	Education, Health and lands Deptt. Notification No. F. 3-26(5) 16 th February, 1942.
18.	Myrobalans	Education, Health and Lands Deptt. Notification No. F. 4-3 11 th June, 1942.
19.	Bura	Education, Health and Lands Deptt. Notification No. F.3-26 5 th August, 1942.
20.	Wool and goat Hair.....	Ministry of Agriculture, Notification No. 5-18/48 Co., dated 6, 1948.
21.	Bristles	Ministry of Agriculture Notification No. F. 4-5/50 Marking November 1950.
22.	Rosin & Turpentine.....	Ministry of Food & Agriculture (Agri.) Notification No. F.4-3, dated 10 th May, 1951.
23.	Arecanuts	Ministry of Food & Agriculture (Agri.) Notification No. F. 4-4/5 dated 25 th May, 1951.
24.	Essential Oils	Ministry of Food & Agriculture (Agri.) Notification No.F.5-86/5 dated 22 nd January 1954.
25.	Cashew nuts	Ministry of Food & Agriculture (Agri.) Notification No. F. 25-1/ dated 22 nd April 1954.
26.	Cardamom	
27.	Pepper	
28.	Ginger	
29.	Honey.....	Ministry of Food & Agriculture (Agri.) Notification No.F. 5 dated 14 th September,1955.
30.	Curry Powder	Ministry of Food & Agriculture (Agri.) Notification No. F. 5 dated 19 th January, 1956.
31.	Kapok	Ministry of Food & Agriculture (Agri.) Notification No. F. 14 dated 31 st May, 1956.

32.	Raw Jute	Ministry of Food & Agriculture (Deptt. of Agri.) Notification 45/56-AM, dated 11 th Sept.,1957
33.	Paddy.....	Ministry of Food & Agriculture (Deptt. of Agri.) Notification No. 45/56-AM, dated 15 th May, 1958.
34.	Millets.....	
35.	Mesta.....	
36.	Chillies.....	
37.	Turmeric.....	
38.	Tapioca chips & Tapioca flour.....	Ministry of Food & Agriculture (Deptt. of Agri.) Notification 44/57-AM, dated 16 th June,1958
39.	Sisal and Aloe Fibres.....	Ministry of Food & Agriculture (Deptt. of Agri.) Notification 221/58-AM, dated 17 th March, 1959.
40.	Oil cakes.....	Ministry of Food & Agriculture (Deptt. of Agri.) Notification 44/57-AM, dated 20 th June,1959.
41.	Pulses.....	Ministry of Food & Agriculture (Deptt. of Agri.) Notification 134/60-AM, dated 9 th November, 1960
42.	Walnut.....	
43.	Animal Casings (cattle, buffaloes, sheep, goats and pigs).....	
44.	Guar Gum.....	
45.	Karaya Gum.....	
46.	Senna Leaves & Pods.....	
47.	Palmyra fibre.....	
48.	Catechu.....	
49.	Tendu leaves.....	
50.	Water chestnuts.....	Ministry of Food & Agriculture (Deptt. of Agri.) Notification 15/63-AM, dated 23 rd July, 1963.
51.	Edible Mushrooms.....	Ministry of Food & Agriculture, C.D. & Co-operative (Deptt. of Agri.) Notification No. F. 17-22/63-AM, dated 11 th September,

52.	Poppy Seed.....	Ministry of Food & Agriculture, (Deptt. of Agri.) Notification 27/63-AM, dated 3 rd October, 1963.
53.	Cashew Shell Oil (Liquid).....	Ministry of Food & Agriculture (Deptt. of Agri.) Notification 1 AM, dated 25 th February, 1964.
54.	Beeswax.....	Ministry of Food & Agriculture (Deptt. of Agri.) Notification 16/64-AM, dated 28 th Aug. 1964.
55.	Gram (Cicer arietinum L.).....	Ministry of Food & Agriculture (Deptt. of Agriculture) Notification 17/28/64-AM, dated 1 st May, 1965.
56.	Jowar (Sorghum vulgare Pers).....	
57.	Maize (Zea mays L).....	
58.	Barley (Hordeum vulgare L).....	
59.	Ragi (Eleusine coracana Gaertn.).....	
60.	Bajra (Pennisetum typhoides Stapf and Hubbard).....	
61.	Sheekakai Powder.....	Min. of Food and Agriculture (Deptt. of Agri.) Notification No. 15-7/66-AM, dated 4 th Sept., 1965
62.	Meat chicken and dressed chicken meat.....	Min. of Food & Agriculture C.D. & Cooperative (Deptt. of Agri.) Notification No. F. 15-7/66-AM, dt. 17 th January, 1967.
63.	Saffron.....	Ministry of Food & Agriculture, Community Development & Cooperative (Deptt. of Agri.), Notification No. 13-26/69-LA, dated 5/6 th November, 1969.
64.	Soybean.....	Min. of Food & Agriculture C.D. & Cooperative (Deptt. of Agri.) Notification No. F. 13-26/69-LA, dated 5/6 th November, 1969.
65.	Hay.....	Min. of Food & Agriculture C.D. & Cooperative (Deptt. of Agri.) Notification No. F. 13-18/69, dated 8 th November, 1969.
66.	Buffalo Hair.....	Min. of Food & Agriculture Community Development & Cooperative (Deptt. of Agri.) Notification No. F. 13-22/69, dated 11 th November, 1969.
67.	Tamarind & Tamarind Product.....	Min. of Food & Agriculture, Community Development & Cooperative (Deptt. of Agri.) Notification No. 13-30/69-LA, dated 14 th January, 1969.
68.	Compounded Asafoetida.....	Ministry of Food & Agriculture and Community Development & Cooperative (Deptt. of Agri.), Notification No. 13-3/70-LA, dated 14 th January, 1970.

		1970.
69.	Besan.....	Ministry of Food & Agriculture, Community Development (Deptt. of Agri.), Notification No. 13-12/71-LA February, 1972.
70.	Papain.....	Ministry of Agriculture (Deptt. of Agri.) Notification No. 13 dated 9 th September, 1972
71.	Coconut (including Copra).....	Ministry of Agriculture (Deptt. of Agriculture) Notification No. 13 C&M, dated 21 st October, 1972
72.	Suji & Maida.....	Ministry of Agriculture (Deptt. of Agriculture) Notification No. 13 AM, dated 31 st January, 1974
73	Tea.....	Ministry of Agriculture (Deptt. of Agriculture) Notification No. 13 AM, dated 5 th April, 1974
74	Agar Agar.....	Ministry of Agriculture (Deptt. of Agriculture) Notification No. 13 AM, dated 21 st June, 1974
75	Isubgol Husk.....	Ministry of Agriculture (Deptt. of Agriculture), Notification No. 13 AM, dated 29 th June, 1974
76	Carcass meat and products thereof.....	Ministry of Agriculture (Deptt. of Agriculture), Deptt. of R/D Notification No. 13-3/74-AM, 5 th March, 1975
77	Sago.....	Ministry of Agriculture & Irrigation (Deptt. of R/D), Notification No. 15/75-AM, dated 27/29 th November, 1976
78	Raw Meat (Chilled/ Frozen).....	S.O. 1225 dated 11 th April, 1977.
79	Cocoa beans & its powder.....	Ministry of Rural Reconstruction, Notification No. 10-16/81 dated 10 December, 1981
80	Coriander	Ministry of Rural Areas and Employment GSR 684 dated 10 November, 1998
81	Cumin	
82	Fennel	
83	Fenugreek	
84	Celery	
85	Aniseed	
86	Bishopweed	

87	Caraway	Ministry of Rural Areas and Employment GSR 684 (E November, 1998
88	Dill	
89	Cinnamon	
90	Cassia	
91	Garlic	
92	Curry Leaf	
93	Kokam	
94	Mint	
95	Mustard	
96	Parsley	
97	Pomegranate Seed	Ministry of Rural Areas and Employment GSR 684 (E November, 1998
98	Saffron	
99	Vanilla	
100	Tejpat	
101	Pepper Long	
102	Star Anise	
103	Sweet Flag	
104	Greater Galanga	
105	Horse- Raddish	
106	Caper	
107	Clove	Ministry of Rural Areas and Employment GSR 684 (E November, 1998
108	Asafoetida	
109	Cambodge	
110	Hyssop	
111	Juniper Berry	

112	Bay Leaf
113	Lovage
114	Marjoram
115	Nutmeg
116	Mace
117	Basil
118	Poppy Seed
119	All - Spice
120	Sage
121	Rosemary
122	Savory
123	Thyme
124	Oregano
125	Terragon
126	Tamarind
127	Edible Starch
128	Edible Common Salt
129	Amchoor
130	Sesame Seed
131	Vermicelli
132	Macaroni
133	Spaghetti
134	Makhana
135	Dates
136	Palm kernels

Ministry of Agriculture GSR No. 734(E) dated 10th O

137	Neem seed
138	Neem oil
139	Almond oil
140	Cut-Flowers
141	Palm jaggery
142	Cheese spread
143	Paneer
144	Garlic paste
145	Soy milk
146	Soy powder
147	Guar seeds
148	Henna and Henna powder
149	Flour of all Cereals and Millets
150	Instant Idli mix
151	Instant vada mix
152	Coffee powder
153	Chicori and Chicori powder
154	Chilgoza
155	Oleoresins of spices
156	Ginger paste
157	Onion paste
158	Wafers banana
159	Wafers potato
160	Pistachio
161	Roasted Bengal gram and powder

162	Olive oil	Ministry of Agriculture GSR No. 734(E) dated 10th October,20
163	Sattu	
164	Jatropha seed	
165	Puwad seed	
166	Wheat porridge (Dalia)	
167	Dehydrated vegetables	
168	Dehydrated fruits	
169	Khejri pods	
170	Tomato powder	
171	Berkut	
172	Mahua Flower	
173	Karanj seed	
174	Amla dried and powder	
175	Safed Musli	
176	Ashwagandha	
177	Sheekakai Pods	

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