

রেজিস্টার্ড নং ডি এ-১ “জাতির পিতা বঙ্গবন্ধু শেখ মুজিবুর রহমানের
জন্মশতবার্ষিকী উদ্‌যাপন সফল হোক”



অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

বুধবার, সেপ্টেম্বর ২, ২০২০

Government of the People's Republic of Bangladesh
Legislative and Parliamentary Affairs Division
Ministry of Law, Justice and Parliamentary Affairs

NOTIFICATION

Dated : 27 August, 2020

S.R.O. No. 243-Law/2020.—In exercise of the power conferred by section 32 of the Agricultural Marketing Act, 2018, the Government is pleased to publish the following Authentic English Text of the Act :

Agricultural Marketing Act, 2018

(Act No. 44 of 2018)

An Act to make provisions for the development and extension of agricultural marketing system conducive to farmers, producers, agro-businessmen and consumers with a view to strengthening the national economy

WHEREAS it is expedient and necessary to make provisions for the development and extension of agricultural marketing system conducive to farmers, producers agro-businessmen and consumers with a view to strengthening the national economy;

It is hereby enacted as follows :—

(৮৫০৫)

মূল্য : টাকা ১৬.০০

Chapter-I

Preliminary

1. **Short title and commencement.**—(1) This Act may be called the Agricultural Marketing Act, 2018.

(2) It shall come into force at once.

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

- (1) **“employee”** means the employee of the Department of Agricultural Marketing;
- (2) **“cool chamber”** means the place or establishment used temporarily for preserving agricultural produce in cool-condition;
- (3) **“agricultural materials”** means the agricultural materials specified in Schedule-2;
- (4) **“agricultural produce”** means the agricultural produce and processed agricultural produce specified in Schedule-1;
- (5) **“agricultural marketing”** means the functions relating to transport, preservation, classification, standardization, processing and purchasing and selling of the agricultural produce and agricultural materials from producer level to consumer level;
- (6) **“Department of Agricultural Marketing”** means the Department of Agricultural Marketing under the Ministry of Agriculture;
- (7) **“agricultural businessman”** means a person to whom a licence is issued under section 7;
- (8) **“agro-based industrial entrepreneur”** means a person or institution operating any agro-based industry;
- (9) **“warehouse”** means any building, establishment or any part thereof for preserving the agricultural produce and agricultural materials;
- (10) **“Schedule”** means the Schedule of this Act;
- (11) **“notified market”** means a market declared under section 5;
- (12) **“notified grains”** means the grains declared under section 15;

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- (13) “**regulations**” means regulations made under this Act;
- (14) “**Code of Criminal Procedure**” means the Code of Criminal Procedure, 1898 (Act No. V of 1898);
- (15) “**market**” means the 'hat' or 'bazar' as defined in section 2(12) of the State Acquisition and Tenancy Act, 1950 and also includes such place, super shop, shop or web-based shop where agricultural produce, agricultural materials and processed agricultural produce are purchased and sold;
- (16) “**market functionary**” means the mediator of sale or purchase of any agricultural produce and agricultural material or the wholesaler, *aratdar*, stockist, commission agent or broker, weighman, sampler, *foria* or *bepari* providing services relating thereto;
- (17) “**rules**” means rules made under this Act;
- (18) “**person**” includes any person, institution, organisation, whether registered or not, market functionary, warehouse owner, cold storage owner and agricultural trader;
- (19) “**consumer**” means any person who, without intending to resell or do business, purchases and uses any agricultural produce, agricultural material or service on making payment, fully or partly, or on credit, higher purchase or installment;
- (20) “**storage**” or “**warehousing**” means preservation of agricultural produce or agricultural materials in any warehouse, own or hired, or in any cold storage for a specific period;
- (21) “**stockist**” means any person who has stocked agricultural produce in a warehouse or cold storage, or transferred to the owner of a warehouse or cold storage, and any person legally appointed and replaced by the stockist or the person holding the acknowledgement letter issued against the said produce by the owner of the warehouse or cold storage;
- (22) “**Director General**” means the Director General of the Department of Agricultural Marketing;

- (23) **“market charge”** means the commissions or fees specified by the Government under section 16 which shall have to be paid to the market functionary by the purchaser or seller against the service related to purchase or sale of, or negotiation of purchase or sale of, any agricultural produce in any notified market, or for rendering any services incidental to such purchase or sale, such as, weighing, measuring, assorting, sampling etc;
- (24) **“licence”** means licence issued under this Act;
- (25) **“supplier”** means any person or institution supplying agricultural materials or agricultural produce;
- (26) **“super shop”** means a large retail sale centre where various products including agricultural produce are purchased and sold;
- (27) **“cold storage”** means a place or establishment where agricultural produce is preserved mechanically in artificial cooling condition for comparatively a long time.

3. **Act to override any other law.**—Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall have effect.

4. **Functions of the Department of Agricultural Marketing.**—For carrying out the purposes of this Act, the functions of the Department of Agricultural Marketing shall be as follows, namely :—

- (a) management of information on agricultural marketing;
- (b) formulation and implementation of the principles of the price of agricultural produce;
- (c) taking effective measures for the development of agricultural marketing and commerce;
- (d) providing necessary supports for creating linkages between the agricultural produce market and farmers for proper supplying agricultural produce;
- (e) conducting economic research on the production, marketing and trade of agricultural produce;

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- (f) extension of modern marketing system of agricultural produce through close connection with the farmers engaged in the production of agricultural produce and trade, agricultural traders, processors, exporters and traders associations;
 - (g) construction of the market infrastructure, warehouse, cold storage, coolchamber etc. in the production area of agricultural produce and strengthening management thereof for proper marketing;
 - (h) monitoring the activities relating to storing or warehousing of agricultural produce and agricultural materials, quality of produce, expiration, package, and purchase and sale by proper weighing;
 - (i) determination and implementation of the lowest and reasonable price of agricultural produce;
 - (j) providing assistance to the activities relating to addition of price to the agricultural produce, and processing of agricultural produce;
 - (k) providing price support to agricultural produce;
 - (l) growth of domestic and export markets of agricultural produce;
 - (m) taking necessary measures for the development of agro-based industry and trade, and for promotion, extension and development of the contract based marketing system;
 - (n) enrollment of the market traders or the agricultural traders institutions, associations, organisations, agro-based institutions and cooperative societies in such manner as may be prescribed by rules, and if necessary, constitution of federation and consortium of the agro-based institutions in national and district levels;
 - (o) inspection and monitoring of the quality of agricultural produce stored for sale at super shops, price fixed and marketing activities and giving advice to the persons concerned;
 - (p) maintaining the standard of marketing activities of agricultural produce and agricultural materials, and inspection and monitoring thereof; and
 - (q) performing such other duties as may be assigned by the Government.

Chapter-II

Declaration of Notified Market, Licence, Management, etc.

5. **Notified Market.**—(1) The Government may, by notification in the official Gazette, declare any market to be a notified market with effect from such date as may be specified in the notification for purchase and sale of the agricultural produce and agricultural materials.

(2) No person shall act as a market functionary in a notified market without securing a licence.

(3) For securing a licence under sub-section (2) an application shall be made to the Director General, in such manner and form and subject to payment of such fee as may be prescribed by rules.

(4) After receiving any application under sub-section (3), the Director General or any employee authorised by him may, in such manner and conditions as may be prescribed by rules, issue a licence for operating activities as a market functionary in any specific notified market.

(5) The notified market shall be controlled and operated in such manner as may be prescribed by rules.

6. **Licence for warehouse and cold storage.**—(1) No person shall operate any warehouse or cold storage for business purpose without securing a licence under this Act.

(2) If any person desires to operate any warehouse or cold storage, he shall apply to the Director General for the licence in such manner and form, and subject to payment of such fees, as may be prescribed by rules.

(3) Upon receiving any application under sub-section (2), the Director General or any employee authorised by him may, if satisfied after verifying, issue a licence for operating warehouse or cold storage in such manner and conditions as may be prescribed by rules.

7. **Securing licence by the exporter, importer etc.**—(1) The exporter, importer, dealer, miller, supplier and processor of agricultural produce and agricultural materials and any person related to contractual cultivation system shall secure a licence for conducting functions as such.

(2) For securing a licence under sub-section (1), an application shall be made to the Director General, in such manner and form, and subject to payment of such fees, as may be prescribed by rules.

(3) Upon receiving any application under sub-section (2), the Director General or any employee authorised by him may issue a licence in such manner and conditions as may be prescribed by rules.

Explanation.—For carrying out the purposes of this section, “miller” and “processor” means any person under whom not less than 10 (ten) workers are employed.

8. Tenure of licence, renewal and fees.—Subject to the Provisions of this Act, the tenure of licence, renewal and fees shall be prescribed by rules.

9. Handover of licence to be prohibited.—No person shall handover his licence to any other person.

10. Suspension and cancellation of licence.—If any person breaches the terms and conditions of licence, the Director General or any employee authorised by him, may suspend or cancel the licence in such manner as may be prescribed by rules.

11. Preservation and management of the produce stored.—The preservation and management of the produce stored in any warehouse or cold storage shall be controlled and conducted in such manner as may be prescribed by rules.

12. Supply of produce in emergency.—The owner of a warehouse or cold storage and the stocker shall be bound to supply the produce stoked in the warehouse or cold storage as per the demand and direction of the Government to deal with any emergency or crisis.

13. Showing licence during inspection.—(1) The Director General or any employee authorised by him may inspect and examine the licence, machinery, equipments, agricultural produce stored, books of accounts and records of any warehouse or cold storage.

(2) Any member of the District or Upazila Agricultural Marketing Co-ordination Committee or the Director General or any employee authorised by him may inspect any market, notified market, warehouse or cold storage, and during such inspection, each market functionary, agricultural trader, the owner of warehouse or cold storage shall be bound to show the licence.

Chapter III

Constitution of Committees and Functions thereof

14. Committees.—(1) For carrying out the purposes of this Act, the Government may constitute the ‘National Agricultural Marketing Co-ordination Committee’, the ‘District Agricultural Marketing Co-ordination Committee’, the ‘Upazila Agricultural Marketing Co-ordination Committee’, and the ‘Market Based Management Committee’.

(2) The constitution and functions of the committees specified in sub-section (1) shall be prescribed by rules.

Chapter IV

Notified Grains, Market Charge, etc.

15. Declaration of notified grains.—(1) For dealing with any emergency or crisis, the Government may, by notification in the official Gazette, declare one or more agricultural produce as notified grains for the whole of the country or any specific area for such period as may be specified in notification.

(2) The Government may, if necessary, determine the price of grains notified under sub-section (1) on area basis and for a specific period.

16. Determination of market charge and fare.—The Government may, in consultation with the Director General, by notification in the official Gazette, determine—

- (a) the market charge for a notified market;
- (b) the rate of fare chargeable to the stockist by the owner of a warehouse or cold storage for storing or warehousing agricultural produce or agricultural materials.

17. Market information.—The Director General or any employee authorised by him, or any member of the District or Upazila Agricultural Marketing Coordination Committee may require any information, including information on market, from the market functionary, agricultural trader, the owner of warehouse or cold storage, the entrepreneur of super shop and agro-based industry, and they shall be bound to provide such information.

18. **Taking assistance of other authorities.**—The Director General may, if necessary, for exercising any power or discharging any function under this Act, take assistance of the law enforcing agency, or any other governmental or statutory authority.

Chapter V

Offence and punishment

19. **Offence and punishment.**—(1) If any person—

- (a) operates any function without securing a licence under sections 5, 6 and 7;
- (b) hands over licence;
- (c) collects extra charge or fare other than the market charge or fare specified in section 16;
- (d) interrupts the Department of Agricultural Marketing or any employee thereof in performing functions under this Act, or does not provide required information;
- (e) does not exhibit the wholesale and retail price of the agricultural materials and agricultural produce of his own in any conspicuous place or on the package of the produce in such manner as it may be easily visible;
- (f) does not mention the percentage of nutrients and ingredients, the date of production and expiration and highest retail price of production of the package of the agricultural produce, or sells or preserves it to sell after expiry date;
- (g) uses any chemical or any other material harmful to public health in the agricultural produce;
- (h) gives less in amount than the actual weight while selling agricultural produce and agricultural materials;
- (i) contravenes the provisions of section 12;
- (j) does not preserve the original receipt of the produce purchased in the shop or commercial institution;

- (k) obstructs to purchase and sell any agricultural produce, wholesale or retail, in the market leased or approved by the Government;
- (l) obstructs to supply agricultural materials or agricultural produce, or creates artificial crisis by any means in the market, or denies to sell the produce to the retailers or consumers from his warehouse or cold-storage in spite of demand in the market;
- (m) creates artificial crisis of agricultural produce, agricultural materials and daily essential commodities, or gains profit at the rate higher than the rate determined by the Government;

it shall be deemed to be an offence under this Act, and for that offence, he shall be punished with imprisonment for a term not exceeding 1 (one) year, or with fine not exceeding taka 1 (one) lac, or with both.

(2) If any person, after being convicted of an offence under this Act, commits the offence again, he shall be punished on a subsequent conviction with twice the punishment provided for that offence.

Chapter-VI

Cognizance of Offence, Trial, Appeal, etc.

20. **Committing offence by an institution.**—If any offence is committed by an institution under this Act, every Director, Partner, Chief Executive, Manager, Secretary or any other officer or employee or representative of the institution having direct involvement in such offence shall be deemed to have committed such offence unless he proves that such offence was committed without his knowledge or he exercised all due diligence to prevent such offence.

Explanation.—In this section—

- (a) “institution” means any company, statutory body, commercial institution, partnership business, society or any organisation consisting of more than one person; and
- (b) “Director” in case of commercial institution, includes any Partner thereof or any Member of the Board of Directors.

21. **Cognizance of offence.**—No court shall take cognizance of any offence under this Act, except upon a written complaint made by the Director General or any employee authorised by him.

22. **Offences to be non-cognizance and bailable.**—The offence under this Act shall be non-cognizance and bailable.

23. **Investigation, procedure of trial, etc.**—The provisions of the Code of Criminal procedure shall be applicable to the investigation, trial and appeal of the offence committed under this Act and the matters incidental thereto.

24. **Trial of offences by a Magistrate.**—The offences under this Act shall be triable by the Judicial Magistrate of the first class or the Metropolitan Magistrate.

25. **Special power of the Magistrate in imposing punishment.**—Notwithstanding anything contained in the Code of Criminal Procedure, any Judicial Magistrate of the first class or the Metropolitan Magistrate may impose punishment under this Act.

26. **Jurisdiction of the Mobile Court.**—Notwithstanding anything contrary contained in this Act, for carrying out the purposes of the Mobile Court Act, 2009 (Act No. 59 of 2009), the Mobile Court may impose punishment for the offences committed under this Act, subject to being included in the schedule of the said Act, in accordance with the provisions of section 21.

Chapter- VII

Miscellaneous

27. **Settlement of disputes.**—(1) The Director General or any employee authorised by him may, on an application made by the concerned person, settle the disputes arising among the market functionaries, agro-traders, farmers, purchasers and sellers, the owners of warehouse and cold storage, stockists, weighmen of produce, parties of contracted farming or any other party.

(2) In case of settlement of disputes under sub-section (1), if any party is aggrieved by the decision of the Director General or any employee authorised by him, he may prefer an appeal, within 7 (seven) days of giving such decision,—

- (a) to the Director General, against the decision of the employee authorised by the Director General; and

- (b) to the Government, against the decision of the Director General; and the decision of the appellate authority shall be deemed to be final.

28. **Power to make rules.**— For carrying out the purposes of this Act, the Government may, by notification in the official Gazette, make rules.

29. **Power to make regulations.**— For carrying out the purposes of this Act, the Director General may, with the prior approval of the Government, by notification in the official Gazette, make regulations not inconsistent with the provisions of this Act or rules.

30. **Amendment to Schedule.**—The Government may, by notification in the official Gazette, amend the Schedule.

31. **Repeal and savings.**— (1) The Agricultural Produce Markets Regulation Act, 1964 (East Pakistan Act No. IX of 1964) and the Warehouse Ordinance, 1959 (East Pakistan Ordinance No. LXVI of 1959), hereinafter referred to as the said Act and Ordinance, respectively is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1)—

- (a) any act done or any action taken or licence issued or any proceeding continuing under the said Act and Ordinance, shall be deemed to have been done, taken, issued and continued under this Act;
- (b) rules made under the said Act and Ordinance shall, subject to being consistent with the provisions of this Act, be deemed to have been made under this Act; and
- (c) any case, pending under the said Act and Ordinance, shall be disposed of in such way as if the said Act and Ordinance had not been repealed.

32. **Publication of English text.**—(1) After the commencement of this Act, the Government shall, by notification in the official Gazette, publish an authentic English text of this Act.

(2) In the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

Schedule-1

[See section 2 (4)]

- (a) **Cereals:** 1. Paddy, 2. Rice, 3. Wheat, 4. Potato, 5. Maize, 6. Foxtail millet (*kaun*), 7. *Chana* 8. Barley;
- (b) **Cash crops:** 1. Jute, 2. Tea, 3. Cotton, 4. Tobacco;
- (c) **Pulses and Plaids** All kinds of pulses and plaids (with husk and without husk);
- (d) **Oil seeds and oil:** 1. Rye and Mustard, 2. Sesames (*til*), 3. Linseed, 4. Ground nuts, 5. Coconut, 6. Castor seed, 7. Sunflower, 8. All kinds of edible oil, including Soya Beans;
- (e) **Sugarcane and Molasses:** 1. Sugarcane, 2. All kinds of molasses;
- (f) **Fruits:** All kinds of fresh and dried fruits;
- (g) **Flowers:** All kinds of fresh and dried flowers, Cactus, Deciduous tree;
- (h) **Vegetables:** All kinds of vegetables;
- (i) **Animals and livestock products:** 1. Cows and cow meat, 2. Buffalos and buffalo meat, 3. Camels and camel meat, 4. Goats and goat meat, 5. Lamb and mutton, 6. Duck, hen, quail and pigeon meat, 7. Egg, 8. Dairy and dairy products, 9. Fur, 10. Raw and semi-processed leather, 11. Bone and bone dust;
- (j) **Fish:** 1. All kinds of fish (Fresh, dried, salted and frozen), 2. Shrimp, 3. Crabs, 4. Tortoise, 5. Crocodiles and other aquatic plants and animals;
- (k) **Spices:** 1. Onion, 2. Turmeric, 3. Ginger, 4. Garlic, 5. Cumin and Black-cumin, 6. Coriander, 7. Chili (raw and dried), 8. Black pepper, 9. All kinds of other spices;

- (l) **Other agricultural produce:** 1. Betel-nut, 2. Betel leaf, 3. Swan wood, 4. Fuel wood, 5. Bamboo, 6. Salt, 7. Sugar, 8. Foul, 9. Jute products, 10. Coconut stew and stew products, 11. Tamarind and tamarind seeds, 12. All kinds of husk, 13. *Golpata*, 14. Cane, 15. Wooden furniture, 16. Honey, 17. Green coconut and Coconut, 18. Wax.
- (m) **Processed agricultural produce:** 1. *Chira*, 2. *Muri* (puffed rice), 3. Semolina, 4. *Semai*, 5. Flour, 6. Corn-flour, 7. Liquid or Juice of all kinds of agricultural produce, 8. Pickles, 9. *Bason* (flour of pulses), 10. Chips, 11. Any other processed agricultural produce.

Schedule-2

[See section 2 (3)]

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| (a) Seeds: | All types of seeds; |
| (b) Fertilizer: | All types of chemical, organic and mixed fertilizers; |
| (c) Pesticide: | All types of pesticide and natural and organic pesticide; |
| (d) Babies: | Larvae, Fry, Baby animals rearing up for business puposes, Chicken, Calves, Kids, Lambs, Young quails; |
| (e) Food materials: | All kinds of food materials which are necessary for producing poultry, cattle and fish. All kinds of food materials used in producing poultry, cattle and fish; and |
| (f) Machinery or tools used in agricultural work and agricultural processing: | All kinds of machinery or tools used in agricultural work. |

By order of the President

মুহঃ জাকির হোসেন
যুগ্মসচিব (লে. অ.)।