MINISTRY OF AGRICULTURE
(DEPARTMENT OF AGRICULTURE AND CO-OPERATION)

NOTIFICATION

New Delhi, dated, the 18th July, 2009

G.S.R. 534(E) Whereas the draft of Organic Agricultural Produce Grading and Marking Rules, 2009, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.48 (E), dated the 19th January, 2009, inviting objections and suggestions from all persons likely to be affected thereby within forty-five days from the date on which copies of the said notification published in the Gazette of India were made available to the public;

And whereas the copies of the said notification were made available to the public on the 2nd February, 2009, and whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered;

Now, therefore, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937, the Central Government hereby makes the following rules, namely:-

RULES

1. Short title and commencement. - (1) These rules may be called the Organic Agricultural Produce Grading and Marking Rules, 2009.

(2)They shall come into force on the date of their final publication in the Official Gazette.

(3)They shall apply to all kinds of Agricultural Produce included in the Schedule under the Agricultural Produce (Grading and Marking) Act, 1937.

2. Definitions. - In these rules, unless the context otherwise requires,-

(a) "Act" means the Agricultural Produce (Grading and Marking) Act, 1937 (Act No. 1 of 1937);

(b) " General Grading and Marking Rules" means the General Grading and Marking Rules, 1988 made under section 3 of the Agricultural Produce (Grading and Marking) Act, 1937(1 of 1937);

(c) "Agricultural Marketing Adviser" means the Agricultural Marketing Adviser to the Government of India;

(d) "annual report" means any report on licensed operators, products and processors submitted annually to the Agricultural Marketing Adviser by the Authorised Inspection and Certification Agencies;

(e) "appeal" means the act or fact of challenging by which an Authorised Inspection and Certification Agency can request for reconsideration of an order passed by the Agricultural Marketing Adviser under these rules;

(f) "applicant" means an Inspection and Certification Agency that has applied for Certificate of Authorisation to the Agricultural Marketing Adviser;

(g) "Authorised Inspection and Certification Agency" means an agency which has been authorised for Inspection and Certification by issuing a Certificate of Authorisation under these rules;

(h) "certificate" means a document issued by an Authorised Inspection and Certification Agency declaring that the licensed operator is carrying out the activities or that the stated products have been produced in accordance with the specified requirements under these rules;

(i) "certificate of authorisation" means a certificate issued by the Agricultural Marketing Adviser under these rules authorising an Inspection and certification

agency for certifying organic farms, products and process, to grade and mark organic agricultural produce;

(j) “certification” means the procedure by which a written assurance is given by the Authorised Inspection and Certification Agency that a clearly identified production or processing system has been methodically assessed and it conforms to the specified requirements as mentioned in the National Programme for Organic Production notified by the Director General of Foreign Trade, Ministry of Commerce and Industry, Government of India, vide notification No. 72(RE-2003) / 2002-2007 dated the 21st July,2004;

(k) “certification mark” means the grade designation mark as specified in the Schedule;

(l) “certification process” means the system followed by an Authorised Inspection and Certification Agency in accordance with the criteria for carrying out certification of conformity;

(m) “certified organic agricultural produce” means such agricultural produce which has been produced through organic agriculture and certified under these rules;

(n) “conversion” means the process of changing an agricultural farm from conventional to organic farm;

(o) “license” means the authorisation given by an Authorised Inspection and Certification Agency to a licensed operator that grants him the rights of certification under these rules;

(p) “licensed operator” means an individual or a group of persons or a business enterprise practicing organic farming or organic processing which has been given a license by the Authorised Inspection and Certification Agency under these rules;

(q) “National Accreditation Body” means the agency set up by the Central Government under the National Programme for Organic Production notified by the Director General of Foreign Trade, Ministry of Commerce and Industry, Government of India, vide notification No.72(RE-2003)/2002-2007 dated the 21st July,2004 and as revised from time to time;

(r) “organic” means a particular farming system as mentioned in the National Programme for Organic Production notified by the Director General of Foreign Trade, Ministry of Commerce and Industry, Government of India, vide notification No.72(RE-2003)/2002-2007 dated the 21st July,2004 and as revised from time to time and not the term used in chemistry;

(s) “Schedule” means the Schedule appended to these rules;

(t) “standards” means the standards for organic products prescribed under these rules;

(u) “transaction / import certificate” means a document issued by an Authorised Inspection and Certification Agency declaring that the specified lot or consignment of goods are derived from production or processing system that has been certified by them.

3. Grade designation. - For the purpose of these rules, the grade designation shall be written or stated as “Agmark India Organic”.

4. Grade Designation Mark. - The grade designation mark shall consist of Agmark India Organic Insignia consisting of a design incorporating the certificate of authorisation number, name of the commodity and grade designation (Agmark India Organic), resembling the design as set out in Schedule, and wherever required, any other grade designation, as provided under any Specific Commodity Grading and Marking Rules notified under the Act, shall also be included in it.

5. Quality. - The quality indicated by the grade designation shall be as mentioned in the National Programme for Organic Production notified by the Director General of Foreign Trade, Ministry of Commerce and Industry, Government of India, vide notification No.72(RE-2003)/2002-2007 dated the 21st July,2004 and as revised from time to time (hereinafter referred to as the said notification) for the purpose of these rules and wherever any other grade designation, as provided under any Specific Commodity Grading and Marking Rules notified under the said Act has also been marked, it shall also indicate the respective grade’s quality prescribed under such rules.

6. Method of packing.- (1) Certified organic agricultural produce shall be packed in accordance with the provisions made in the National Programme for Organic Production as published in the said notification and such packing may be done in gunny bags or jute bags, cloth bags or other suitable eco-friendly packages which shall be clean, sound, free from insects, fungal infestation and the packing material shall be of food grade quality as permitted under the Prevention of Food Adulteration Rules, 1955 made under section 23 of the Prevention of Food Adulteration Act, 1954 (37 of 1954).

(2) Only approved additives under the National Programme for Organic Production as published in the said notification shall be used in manufacturing the packaging films used for packaging of organic foodstuff.

(3) The materials used shall not affect the organoleptic character of the product or transmit to it any substances in quantities that may be harmful to human health.

(4) Containers and packaging material shall be made of substances which are safe and suitable for their intended use and they should not impart any toxic substance or undesirable odour or flavour to the produce.

(5) Certified Organic Agricultural Produce shall be packed in pack sizes as per the instructions issued by the Agricultural Marketing Adviser from time to time.

(6) Each package shall contain Certified Organic Agricultural Produce of the same type and of the same grade designation or standards.

(7) Graded material of small pack sizes of the same lot or batch and grade may be packed in a master container with complete details thereon along with grade designation mark.

(8) Each package shall be securely closed and sealed in a manner approved by the Agricultural Marketing Adviser.

7. Method of Marking and Labeling. - (1) The person or company legally responsible for the production or processing of the product shall be identifiable.

(2) The method of marking and labeling to be followed for certified Agmark India Organic products shall be in accordance with the provisions of the National Programme for Organic Production as published in the said notification.

(3) The grade designation mark shall be securely affixed to or printed on each package in a manner approved by the Agricultural Marketing Adviser or an officer authorised by him in this behalf in accordance with these rules.

(4) In addition to the grade designation mark the following particulars shall be clearly and indelibly marked on each package:-

(a) Name and address of the packer
(b) Place of packing or manufacturing
(c) Date of packing
(d) Lot or batch No.
(e) Grade
(f) Season of harvest
(g) Net weight
(h) Maximum retail price
(i) Best before ……Month……Year

(5) The ink used for marking on the packages shall be of such quality which may not contaminate the produce.

(6) The licensed operator may, after obtaining prior approval of the Agricultural Marketing Adviser through the concerned Authorised Inspection and Certification Agency, mark his private trade mark or trade brand on the graded packages provided that the same do not indicate quality other than that indicated on the grade designation mark affixed to the graded packages in accordance with these rules.

8. Certified Organic Agricultural Produce.- The Certified Organic Agricultural Produce shall, besides complying with the provisions of the National Programme for Organic Production as published in the said notification, shall also comply with the residue levels of heavy metals, pesticides, aflatoxin and other Food Safety parameters as prescribed in Prevention of Food Adulteration Rules,1955.

9. Certificate of Authorisation to Accredited Inspection and Certification Agencies.- (1) Any accredited Inspection and Certification Agency under the National Programme for Organic Production as published in the said notification, shall be eligible to apply for seeking Certificate of Authorisation under these rules or a renewal thereof by filing an application in Form-1 to an officer of the Directorate of Marketing and Inspection authorised by the Agricultural Marketing Adviser along with the specified fee and the following documents:

(a) Documentary evidence of the organisation, financial status (turnover), annual report and number of employees along with their bio-data.

(b) Details of the certification committees, standards committees, inspectors etc,

(c) A copy of the operating manual and the quality manual.

(d) Tariff proposed.

(e) Documentary evidence of authorisation by any other country or agency.

(f) Affidavit in Form - 2.

(g) The applications shall be signed by the head of the organisation, partner, director, managing trustee, duly authorised for the purpose and the documentary evidence or power of attorney or copy of the resolution, as the case may be.

(2) The Authorised Inspection and Certification Agency shall pay such charges or fee as may be specified by the Central Government from time to time towards the expenses incurred in connection with the -

(a) grant and periodical renewal of Certificate of Authorisation;

(b) issue of duplicate Certificate of Authorisation;

(c) training of Chemists employed by the authorised packer;

(d) measures for enforcing the quality control of scheduled articles marked with grade designation mark including testing of samples and inspection of such articles;
(e) with any publicity work carried out to promote the sale of any class of articles.

(3) An Authorised Inspection and Certification Agency shall be granted a certificate of authorisation under these rules, which shall be non-transferable.

(4) Updation and renewal of authorisation - The Authorised Inspection and Certification Agency shall undergo an updating procedure on the lines similar to the initial authorisation procedure for renewal of certificate of authorisation:

(a) The Agricultural Marketing Adviser shall renew the certificate for a block of three years on payment of a specified fee to be paid along with the application for renewal, which shall be filed by the Inspection and Certification Agency at least thirty days before the expiry of the validity period of the certificate of authorisation.
(b) Application for renewal of authorisation along with the fees shall be submitted by the Inspection and Certification Agency to reach the Officer authorised by Agricultural Marketing Adviser for this purpose, thirty days before the expiry of authorisation period.
(c) The Agricultural Marketing Adviser shall, however, have the power to condone any delay in submitting the said renewal application, in the event of a reasonable cause shown for the same.
(d) The renewal of the Certificate for Authorisation shall be based on the past performance of the accredited Inspection and Certification Agency and the Agricultural Marketing Adviser shall have the right to reject such applications.
(e) In the event of rejection of an application for renewal, the Agricultural Marketing Adviser shall furnish the reasons for such rejections, in writing.
(f) The Appeal Committee constituted under sub-rule (1) of rule 14 shall be the appellate authority for deciding any appeal filed on account of any such rejection and the decision of Appeal Committee on an appeal shall be final and binding on all concerned.
(g) The Agricultural Marketing Adviser shall be the Competent Authority for receiving and processing all appeals and submitting the same before the Appeal Committee for appropriate decisions.

(5) Power to Issue Guidelines - The Agricultural Marketing Adviser, shall have the powers to issue necessary guidelines to the certification agencies for inspection and certification process, from time to time.

(6) The Agricultural Marketing Adviser will issue a Certificate of Authorisation, containing the following details:

(a) Certificate of Authorisation Number;
(b) the name and address of the Inspection and Certification Agency;
(c) the nature of the activities covered;
(d) the date of issue and date of expiry.

(7) The Authorised Inspection and Certification Agencies shall ensure compliance of the standards for Organic Production and various other procedures including the procedure of inspections, certification, implementation of Internal Control System, external inspections, evaluation of Internal Control System, grant of license etc., prescribed under the National Programme for Organic Production as published in the said notification.

(8) In addition to the conditions specified in sub-rule (8) of rule 3 of the General Grading and Marking Rules, 1988 and Organic Agricultural Produce Grading and Marking Rules, 2009, every authorised packer shall follow the instructions issued by Agricultural Marketing Adviser from time to time.

10. Annual Reports by Authorised Inspection and Certification Agencies.- (1) The Authorised Inspection and Certification Agency shall submit an annual report containing the turnover, financial, staff, number of projects certified, under certification and products exported in terms of quantity and value to the Agricultural Marketing Adviser.

(2) The annual report shall contain an updated report on recent developments in the Inspection and Certification Agency's Process, such as, the number of licensed operators certified, under conversion, geographical area of operation and changes in personnel, and a compliance report in which compliance with imposed conditions are reported, supported by documentary evidence and the report shall also mention any irregularities or infringements found with the licensed operators related to the application of the standards.

(3) Depending upon whether the Authorised Inspection and Certification Agency has complied with conditions imposed by the Agricultural Marketing Adviser, and the extent and nature of changes made in the authorised inspection and certification agency's process, the Agricultural Marketing Adviser may take any of the following courses of action, namely:-

(a) Renew the Authorisation period if the period has expired;
(b) impose new conditions requiring corrective action according to an agreed timetable;
(c) impose any of the sanctions listed in rule 12.

11. Complaints.- (1) Complaints regarding the functioning of an authorised inspection and certification agency shall, in the first instance, be directed to the Authorised Inspection and Certification Agency in question and in cases where

the complainant feels that the complaint has not been handled satisfactorily by the Authorised Inspection and Certification Agency, the complaint be lodged with the Agricultural Marketing Adviser in such a manner that confidentiality regarding the source of such a complaint is maintained.

(2) The Agricultural Marketing Adviser may refer such complaints for suitable action to the National Accreditation Body constituted under the National Programme for Organic Production as published in the said notification, if required.

(3) The National Accreditation Body may take action or impose any sanctions against the Authorised Inspection and Certification Agency on the basis of any such complaint, and the Agricultural Marketing Adviser shall take appropriate action with regard to the certificate of authorisation of concerned agency.

12. Sanctions.- (1) In the event of non-compliance or failure to fulfill the conditions by the Authorised Inspection and Certification Agency, the Agricultural Marketing Adviser may apply one or more of the following sanctions, namely:-

(a) Issue a warning letter or letter of reprimand;
(b) impose additional conditions and insist for rectification within a specified time limit;
(c) impose penalty, not only for non-compliance with conditions but also for being late or filing a deficient annual report;
(d) suspend the authorisation;
(e) refer the matter to the National Accreditation Body and based action taken by the National Accreditation Body, take further appropriate action against the concerned agency.

(2) In the event of suspension of authorisation, the Agricultural Marketing Adviser shall have the powers to nominate any other Authorised Inspection and Certification Agency to continue the work of certification in order to protect the interest of the licensed operators.

13. Termination of Authorisation.-(1) The Agricultural Marketing Adviser may terminate the authorisation status of an Inspection and Certification Agency if the performance and conduct of the said agency is not in accordance with the Authorisation criteria or the conditions laid down for the authorisation.

(2) When a certificate of authorisation is withdrawn, the Agricultural Marketing Adviser shall publish the name of the Inspection and Certification Agency on the Directorate of Marketing and Inspection's website and may release a public statement.

(3) Conditions where the authorisation status may be terminated include, but are not limited to:

(a) Non-compliance with the authorisation criteria or the Organic Agricultural Produce Grading and Marking Rules by the Inspection and Certification Agency;
(b) misuse of authorisation status;
(c) failure to pay fees and charges on time;
(d) failure to comply with any sanctions imposed.

14. Appeals.- (1) The applicant or an Authorised Inspection and Certification Agency may appeal against the decisions regarding authorization or sanctions imposed upon including the termination order, as the case may be, before the Appeal Committee, constituted by the Central Government for this purpose, consisting of three representatives, not below the rank of Additional Secretary to the Government of India, one each from the Department of Agriculture and Co-operation, Department of Commerce and the Department of Consumer Affairs.

(2) The representative of the Department of Agriculture and Co-operation shall be the Chairman of the Appeal Committee.

(3) The appeals shall be filed within thirty days of the decision or order of the Agricultural Marketing Adviser.

(4) The decision of the Appeal Committee on an appeal shall be final and binding on all concerned.

(5) The delay in filing an appeal may be condoned by the respective appellate Authority in the event of a reasonable cause being shown by the applicant.

15. Reciprocity.- (1) Agricultural products certified as Agmark India Organic by any Authorised Inspection and Certification Agency under these rules shall be accepted as organic by the other Certification Agencies within any part of the country.

(2) Organic Agricultural products certified under the exporting countries' organic standards by the Inspection and Certification Agencies notified for this purpose under National Programme for Organic Production shall not be required to be re-certified on import into India, if the import is taking place under a bilateral equivalence agreement and the consignment of the organic produce is accompanied by a transaction certificate issued by an Authorised Inspection and Certification Agency under these rules.

16. Functions of the Authorised Inspection and Certification Agencies.- (1) The Directorate of Marketing and Inspection shall be informed by the Authorised Inspection and Certification Agency about the action taken by them on the licensed operators.

(2) In case the Directorate of Marketing and Inspection, finds irregularities or infringements relating to the application of the provisions of the National Programme for Organic Production as published in the said notification, by the inspection and certification agencies, it shall take further action under these rules.

(3) After evaluation of the willing laboratories, the Agricultural Marketing Adviser shall authorise them for residue testing of the soil, organic products and organic inputs.

(4) The Authorised Inspection and Certification Agencies shall utilise the services of only approved laboratories for the purposes of testing to comply with various criteria under the National Programme for Organic Production as published in the said notification.

17. Certification.- (1) The Authorised Inspection and Certification Agencies shall comply with the procedure prescribed for certification under the National Programme for Organic Production as published in the said notification.

(2) Where an infringement which affects the organic integrity is found, the Authorised Inspection and Certification Agencies shall ensure that the indication of certification is removed from the entire lot of the production run which is affected by the infringement concerned and where a violation is made by the licensed operator, the Authorised Inspection and Certification Agencies shall withdraw certification from the licensed operator for a specified period and inform about their decision to the Agricultural Marketing Adviser.

18. Sanctions by the Authorised Inspection and Certification Agencies.- (1) The Authorised Inspection and Certification Agency shall have a clear policy for sanctions in the event of non-compliances by the group or by individual licensed operators.

(2) The Authorised Inspection and Certification Agency on detection of non-compliance by the group or its individual licensed operators and failure of the internal control system, shall invoke sanctions on the group or individual licensed operators.

(3) The sanction includes withdrawal of certification of the whole group.

19. Certification Fee.- (1) The charges shall be set by the Authorised Inspection and Certification Agencies to cover the operating cost of the Authorised Inspection and certification agency and the charges shall be fixed in the following categories annually, namely:-

i) Grower groups (small and marginal farmers);

ii) co-operatives and cottage industries;
iii) large farmers, estates and exporters;
iv) medium and large sized processors.

(2) The components of the fee would cover the following -

i) Application fee
ii) Travel and inspection
iii) Assessment and report preparation (man-day cost)
iv) Issue of certificates (Scope Certificate, Product certificate and Transaction certificate)

(3) The Authorised Inspection and Certification Agencies shall, besides the fee prescribed in sub-rule (1) above, collect and deposit with the Directorate of Marketing and Inspection such charges as may be specified by the Central Government from time to time towards the expenses incurred in connection with the -

(a) grant and periodical renewal of Certificate of Authorisation;
(b) issue of duplicate Certificate of Authorisation;
(c) training of chemists employed by the Authorised Inspection and certification Agencies, if any required to be undertaken in the laboratories of the Directorate of Marketing and Inspection;
(d) measures for enforcing the quality control of scheduled articles marked with grade designation mark including testing of samples and inspection of such articles; or
(e) publicity work carried out to promote the sale of any class of articles.

20. Responsibilities of Licensed Operators and Grower Groups.- (1) Any application for grant of a license to be made to the Authorised Inspection and Certification Agency shall be in Form-3, which shall be processed and license be granted as per provisions of the National Programme for Organic Production as published in the said notification.

(2) The license to be granted by the Authorised Inspection and Certification Agency under sub-rule (1) above shall be in Form-4 and the declaration to be filed by the licensed operator shall be in Form-5.

(3) The licensed operators and grower groups shall be entitled to use the certification or grade designation mark as provided under these rules and restrict its use thereof to goods or services, which will meet the norms and standard specification of the products.
(4) The certification mark may be affixed to the products or used on packaging or promotional material or in the context of advertising activities.

(5) In the event of a withdrawal of the right to use the aforesaid mark, the license shall be returned to the Authorised Inspection and Certification Agency.

(6) The right to use the grade designation mark expires at the same time without giving rise to any indemnification claim against the Agricultural Marketing Adviser or Authorised Inspection and Certification Agency.

(7) The licensed operators and grower groups shall be entitled to use the aforesaid mark and they shall be answerable for the safety of their products themselves.

(8) The licensed operators shall furnish proof of holding sufficient product liability insurance in respect thereof, if required by the Authorised Inspection and Certification Agency and no liability, whatsoever, will be accepted by the Authorised Inspection and Certification Agency or the Agricultural Marketing Adviser in this regard.

(9) The product certificate shall be issued to the buyer in Form-6 by the certifier of the Authorised Inspection and Certification Agency on the request of the licensed operators.

Schedule

(see rule 4)

DESIGN OF THE AGMARK INDIA ORGANIC INSIGNIA



AGMARK
C.A. NO. :

Name of the Commodity……

Grade: - Agmark India Organic [Add other grades herein, if any as per specific Commodity Grading and Marking Rules notified under the Agricultural Produce (Grading and Marking) Act, 1937]

FORM-1

[see rule 9(1)]

APPLICATION FORM FOR GRANT OF CERTIFICATE OF AUTHORISATION

1. Organisation/Address — Phone No :
   Fax No :
   Email address :
2. Contact person:
3. Year of accreditation under National Programme for Organic Production and date till which the accreditation is valid:
4. Scope of Certification:
5. Organisation and Structure : No. of employees with curriculum vitae. (Please draw up an organisation chart)
6. Organisation Policy : Details of certification committee and curriculum vitae of members.
7. Performance / Turnover of last three years
8. Background
9. Do you conduct inspectors' training?
10. Please describe your record system (about growers, processors, wholesalers, retailers).
11. Please describe your certification procedures.
12. Which laboratory are you using for getting the samples tested?
13. Which are the products you plan to certify or are certifying?
14. Please indicate your tariff structures for various services along with the terms and conditions
15. List of Annexures (please attach a copy of all relevant documents with respect to above including the affidavit in prescribed Form- 2).

Declaration

The whole information stated above are true and correct to the best of my /our knowledge.

NAME / DESIGNATION

DATE / SIGNATURE

FORM -2
[see rule 9(1)(f)]
Affidavit

I/We---------- s/o---------- aged---------- years and resident of ---------- do hereby solemnly affirm and state as follows:

1. That I am the sole Proprietor/Partner/Director of the firm namely M/s ---------- situated at ----------
   for carrying out inspection and certification of organic products of Indian projects.

2. M/s.---------- shall provide all necessary information for evaluation by the Evaluation Committee of its certification performance as well as all documentation of the certified operations.

3. M/s.---------- shall provide co-operation during the process of evaluation to the Evaluation Committee.

4. M/s.---------- shall make all necessary arrangements and provide all means of information for evaluation during the field evaluation.

5. M/s.---------- shall fulfill its inspection, evaluation and certification according to the criteria set in the Organic Agricultural Produce Grading and Marking Rules, 2009. In addition hereto, M/s.---------- may render such other services that are not in contravention with the Organic Agricultural Produce Grading and Marking Rules.

6. M/s.----------shall pay the grading charges as per rule 19 of the Organic Agricultural Produce Grading and Marking Rules, 2009to the Directorate of Marketing and Inspection and submit periodical returns in the prescribed manner as may be specified by the Agricultural Marketing Adviser from time to time.

7. M/s.----------shall be responsible for safe custody and proper accounting of Agmark labels, if any issued, Agmark replica bearing containers, sealing pliers, etc., and for realisation and timely remittance of Government dues.

8. M/s.----------shall strictly follow the instructions issued for inspection, sampling analysis, packing, marking and sealing of the articles.

9. M/s.----------shall furnish on demand to the Agricultural Marketing Adviser or any other duly authorised officer such information, return or repot in respect of any of the scheduled articles which the authority may consider necessary for carrying out the provisions of the Agricultural Produce (Grading and Marking) Act, 1937.

10. M/s.---------- shall submit an annual report to Directorate of Marketing and Inspection by 30th April every year containing updated developments in the certification process such as number of licensed operators certified (under conversion / converted) geographical area of operations, financial turnover, change in personnel, irregularities or infringements found with the licensed operators related to the application of standards, products exported in terms of quantity and value and country of destination for the preceding financial year ending 31st of March of the year concerned.

(Signature of the deponent)

DD/MM/YY
For M/s.----------

VERIFICATION

I/We ---------- solemnly state and verify that the contents of the above affidavit are true and correct.

(Signature of deponent)

Attested by NOTARY

FORM- 3
[see rule 20(1)]

Application for Grant of License to use the Certification Mark under the Organic Agricultural Produce Grading and Marking Rules……..

1. I/We carrying on business at
   _____

   Under the style of
_____

   Hereby apply for a license to use the “Agmark India Organic” logo Certification in respect of the product/process which conforms to the Standards for Organic Produce norms and procedures listed below:

   a) **Product
      _____
      Type
   _____
      Size
   _____
      Grade
   _____
      Related norms of Standards for Organic Products

   b) **Process
      _____
      Related norms of Standards for Organic Products.

2. **The above product is manufactured by**
   _____ **process is carried out**

   _____ name of location (address)

   ** Only one of the two items under (a), (b) may be covered by one application.
   Strike out the other.

3. a) The composition of the top management of my/our firm is as follows:

   S. No. Name Designation

b) I/we undertake to intimate to the Inspection and Certification Agency any change in the above composition as soon as it takes place.

4. I/We hereby enclose an attested copy/photocopy of the certificate of incorporation issued by the Registrar of firms or Societies/Companies/director of Industries (In case of Small Scale Units) or other similar authorities authenticating the name of the firm and its producing location.

5. I/We have testing arrangements as per enclosed list and as per norms and procedures of Standards for Organic Products.

OR

The following testing arrangements as per norms and procedures of Standards for Organic Products are still to be made:

Details of Accredited/ Approved Laboratory

Name Job

6. a) Trade-Mark (s)/Brand Name (s) used by us as follows:

b) I/We intend to apply for the “Agmark India Organic” logo Certification with our following Trade-Mark (s)/Brand Name (s):

c) Registration No. and Date of the trade-Mark (s)/Brand Name (s) proposed to be used with the Agmark India Organic Certification Mark.

OR

In case of non-registration, I/We enclose documentary evidence in the form of publicity/packing material, etc. in support of the Trade-Mark(s) Brand Name(s)

7. Production figures of the said product/process and the value thereof to the best of my/our knowledge and estimates are as follows:

Year	Production	Unit	Value Rs.

Last year from

_____

to

_____

Current year from

_____

to

_____

(estimate)

8. In order to ensure conformity of the said product/process to the related norms and procedures of the Standard for Organic Products:

(a) I/We have in use or propose to use the scheme of Inspection and Testing described in the Statement attached hereto. Routine records of all the inspections and tests are being/will be kept in the form detailed in the Statement. I/We further undertake to modify, amend or alter my/our Scheme of Inspection and Testing to bring it in line with that which may be specified by you from time to time.

OR

(b) I/We have at present no scheme of Inspection and Testing in operation. I/We, however, undertake to put in operation any such as recommended by the Inspection and Certification Agency.

9. In case of any initial enquiry by the Inspection and Certification Agency, I/We agree to extend to the Inspection and Certification Agency all reasonable facilities at my/our command and I/We also agree to pay all expenses of the said enquiry, including charges for a testing, as and when required by the Inspection and Certification Agency.

I/We request that the preliminary inspection of location may be carried out by _____ (indicate date)

OR

I/We shall intimate the time, date etc. suitable for carrying out the preliminary Inspection as soon as production of the product applied for is undertaken and I am/We are ready for drawl of samples.

10. a) Certified that earlier I/we had applied and the application No. was------ It did not mature into a license because of _____

b) Certified that earlier I/We held CMS/T, No. _____ which was lapsed/cancelled because of _____ vide letter No. _____ dated _____ from Inspection and Certification Agency

c) I/We have never been warned/advised by the Inspection and Certification Agency for any of our actions violative of the norms and procedures of the Standards for Organic Products.

OR

The details of warning/advice received by me/us for violating the norms and procedures of the Standards for Organic Products are as under:

_____

_____

11. I/We undertake that, if any information supplied above in the application form is found to be wrong, the application may be rejected forthwith.

12. If the License granted and as long as it remains operative, I/We hereby undertake to abide by all the terms and conditions of the License and the prescribed rules. In the event of the License being suspended or cancelled, I/we also undertake to cease with immediate effect to use the Certification Mark on any product covered by the License and to withdraw all relevant advertising matters and to take such other steps as may be necessary to fulfill the provisions of the aforesaid rules with immediate effect. We also undertake to comply with each and every provision contained in the aforesaid rules, where a License is granted to us.

Date

this day of

Signature _____

Name _____

Designation _____

For and on behalf of _____

_____

(Name of the firm)

FORM- 4

[see rule 20(2)]

License for the use of “Agmark India Organic” Insignia

License No:

1. By virtue of the powers conferred on it by the Organic Agricultural Produce Grading and Marking Rules pertaining to Certification Mark of Agmark India Organic Logo, the Inspection and Certification Agency hereby grants to_____

   (hereinafter called ‘the Licensed Operator’) this License to use Agmark India Organic Insignia set out in the Schedule of these rules, upon or in respect of any kind of Agricultural Produce included in the Schedule under the Agricultural Produce (Grading and Marking) Act, 1937, which is produced in accordance with/conforms to the related norms and procedures of Standards for Organic Products prescribed under the above said rules and the National programme for Organic Production notified by the Director General of Foreign Trade, Ministry of Commerce and Industry, Government of India, vide Notification No. 72(RE-2003)/2002-2007 dated the 21st July-2004 and as revised from time to time and based action taken by the National Accreditation Body, take further appropriate action against the concerned agency.

2. This License carries the rights and obligations stipulated in the above said rules.

3. This License shall be valid from_____ to_____

4. This License is being granted to _____

   subject to the condition that _____

   has agreed subject to the provisions contained in the Organic Agricultural Produce Grading and Marking Rules and various provisions of the National programme for Organic Production notified by the Director General of Foreign Trade, Ministry of Commerce and Industry, Government of India, vide Notification No. 72(RE-2003)/2002-2007 dated the 21st July-2004 and as revised from time to time and based action taken by the National Accreditation Body, take further appropriate action against the concerned agency.

Sign

Seal

Dated this day of

For Authorised Inspection and
Certification Agency

FORM- 5
[see rule 20(2)]

Declaration

To,

The Agricultural Marketing Adviser

to the Government of India

I/We, …….. of ……. declare that we have been granted License no. ……. dated …….. to use of the “AGMARK INDIA ORGANIC” Insignia, and we undertake to be subjected to the Rules for “AGMARK INDIA ORGANIC” Grade Designation Mark under Organic Agricultural Produce Grading and Marking Rules.

Signature----------

Dated ----------

FORM- 6

[see rule 20(9)]

Product Certificate of Agmark India Organic Grading

No.

Product:

Quality:

Harvest:

Origin:

Packing Units:

Net Weight:

Invoice No. :

Name and address of the seller

Name and address of the buyer:

Declaration:

This is to certify that the products designated above have been obtained in accordance with the guidelines of production and inspection of the organic production and operation of the organic production method and monitored by _____ (Name of the certifier).

Remark:

Date_____ Signature

Place_____ Seal

Period of Validity:

File No. 18011/1/2007-M.II

(RAJENDRA KUMAR TIWARI)
Joint Secretary (Marketing)

[PUBLISHED IN THE GAZETTE OF INDIA (EXTRAORDINARY), PART II, SECTION 3, SUB-SECTION (i)]

MINISTRY OF AGRICULTURE
DEPARTMENT OF AGRICULTURE AND CO-OPERATION

Notification

New Delhi, Dated: the 20th May, 2011

G.S.R. 394(E).- Whereas the draft of Organic Agricultural Produce Grading and Marking (Amendment) Rules, 2011, was published as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937) in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide notification number G.S.R.54 (E) dated the 31st January,2011 inviting objections and suggestions from all persons likely to be affected thereby within forty-five days from the date on which copies of the said notification published in the Gazette of India were made available to the public;

And whereas copies of the said notification were made available to the public on the 5th February, 2011;

And whereas the objections and suggestions received from the public in respect of the said draft rules have been duly considered.

2. Now, therefore, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), the Central Government hereby makes the following rules, namely:-

RULES

1. (1)These rules may be called the Organic Agricultural Produce Grading and Marking (Amendment) Rules, 2011.

   (2)They shall come into force on the date of their publication in the Official Gazette.

2. In the Organic Agricultural Produce Grading and Marking Rules,2009, in rule 14,- (i) in sub-rule (1), for the words “Additional Secretary” the words “Joint Secretary” shall be substituted;

   (ii) in sub-rule (2), for the word “representative” the words “Additional Secretary” shall be substituted.

[F.No18011/1/2007-M.II]

RAJENDRA KUMAR TIWARI

Joint Secretary (Marketing)

Note: The principal rules were published in the Gazette of India (Extraordinary), vide G.S.R. No. 534 (E), dated 18th July, 2009.