Doctoral Thesis

STUDIES ON THE AGRICULTURAL IEGISLATION AND TECHNICAL PRESCRIPTION SERVICES IN BANGLADESH

For the degree of
Doctor of Philosophy (Ph. D)
Discipline: **Agricultural Legislative Administration**

Prepared

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A Doctoral Thesis
On

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"Studies on the Agricultural Legislation and Technical Prescription Service in Bangladesh"

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A Doctoral Thesis
On

"Studies on the Agricultural Legislation and Technical Prescription Service in Bangladesh"

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Thesis Titled

"Studies on the Agricultural Legislation and Technical Prescription Service in Bangladesh"

is approved and acceptable in quality and form.

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Letter of Transmittal

Sub: Submission of the Thesis ***Studies on the Agricultural Legislation and Technical Prescription Service in Bangladesh***

Dear Sir,

Thank you for giving me the authorization to prepare the thesis on the topic which ***Studies on the Agricultural Legislation and Technical Prescription Service in Bangladesh*** I have prepared for the partial fulfillment of the requirement for the Degree of Doctor of Philosophy (Ph.D).

This was an exciting work even though it was not easy to do. I appreciate your counseling and help in this regard.

Yours faithfully,

Md. Abul Kalam Azad
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DECLARATION BY STUDENT

I do hereby declare that the thesis entitled

"Studies on the Agricultural Legislation and Technical Prescription Service in Bangladesh"

submitted as partial fulfillment of the requirement for the Degree of

Doctor of Philosophy (Ph.D)

to Department of Agricultural Administration

American World University, USA, as my original work and have not submitted for the award of any other Degree, Diploma, Fellowship or other similar title or prizes.

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CERTIFICATE

This is to certify that the thesis entitled

"Studies on the Agricultural Legislation and Technical Prescription Service in Bangladesh"

submitted in partial fulfillment of the requirement for the Degree of

Doctor of Philosophy (Ph.D)

by

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under my supervision and guidance and that no part of this report has been submitted for the award of any other Degree, Diploma, Fellowship or similar other title of prizes and that the work has not been published in any journal or magazine.

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Md. Abul Kalam Azad
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ABSTRACT

A series of studies were conducted to identify different aspects of Studies on the Agricultural Legislation and Prescription Services Technology Requirements in Bangladesh in the way of modernizing the agricultural systems. It covered most of the legal, administrative, scientific and technical aspects in the viewpoint of an practitioner in the field of agriculture specially of Crops Science consisting Soils, Plant Protection, Biotechnology and Environment. The other issues and documents of Fisheries, Livestock, Forestry and Machineries were interpreted as related to these studies. The study works were done mostly through collection, classification, processing, compilation and interpretation of documents as far as available.

The results show that there were about 63 Statues, Acts, Ordinances, Regulatory Notifications, Policies, Principles, Commission recommendations, emergency orders etc. in Bangladesh on broad agricultural sectors. It has been found that the proportion of Acts among all statues is only 6%, while temporary orders and very old documents of Indian regime covered about 68% those were found to be effective for the modern agriculture in Bangladesh. The acts so far found were also have practical limitations. The Acts relating to give prescription through agriculturist practitioners were found to be very inadequate. The specific formats for legal prescription were not worked out and approved as USA and other developed European countries have done it by 30's.

It has been recommended from the studies that the scientific and technological formats for prescribing materials and methods to be followed in Bangladesh should be done immediately to control prices, access and quality of the deliverables. In the way several formats to be used by an agriculturist practitioner is prepared, tested and finalized. It is recommended that successful fulfilling of these formats validated by examiners for soil, plant protection, seed and machineries covering 60 cases make an agricultural graduate a legal practitioner for Agricultural Services.

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CHAPTER-ONE

1. Introduction

1. Introduction

A series of studies are proposed to be conducted to identify different aspects of the Agricultural Legislation and Prescription Services Technology Requirements in Bangladesh in the way of modernizing the agricultural systems. It will cover most of the legal, administrative, scientific and technical aspects in the viewpoint of an practitioner in the field of agriculture specially of Crops Science consisting Soils, Plant Protection, Biotechnology and environment. The other issues and documents of Fisheries, Livestock, Forestry, Machineries, Socioeconomic factors will also be interpreted as related to these studies. The study works will be done mostly through collection, classification, processing, compilation and interpretation of documents as far as available and practicable machineries covering 10 cases make an agricultural graduate a legal practitioner for agricultural Services.

The statement of the hypothesis

A brief look in to the different sectors of agricultural administration reveal that there are so many agricultural statutes which were enacted for compliance at varying degree of legal strength from just a policy paper to a regular Act passed through the Parliament, which are readily used by the Govt at the field level. In the situation hypothesis has been taken that Regular Acts in case of agricultural legislation is very few and full of limitations for which it can not be used by the concerned persons specially of fertilizer and pesticide prescription. It is assumed that the Planning commission take care of all legislative point while developing and finalizing a plan and ensure the compliance of those regulations during project implementation. Thus attempt has been taken to collect all the legal and administrative documents and classify and interpret it for its use in developmental planning, prescribing technical commodities for increasing agricultural production, to keep the environment safe from toxic elements and finally to give appropriate recommendations to improve the situation.

Background

Agriculture is considered as the science, or practice of cultivating the soil, producing crops, and raising lives and in varying degrees the preparation and marketing of the products. In Bangladesh the term *Agriculture* includes production and processing of Crops, Livestock, Fisheries and Forestry. The role of agriculture is vital in enhancing productivity and employment for improving the wellbeing of the people. Presently massive endeavor was taken to enact laws, made rules and formulate policies foe all the sectors namely Crop including Soils, Fertilizer, Pest control, irrigation, seed, etc, Live-stock, Fisheries, and Forestry. The term *'Agricultural Statues'* in general covers Acts, Ordinances, rules, regulations, notifications, policies, principles, emergency orders Subsidiary regulatory orders and other legal instruments. There is a tendency among the present administrators to ignore the detailed provisions of law/sub-laws in making

development planning and executive decisions and implementation process particularly in the agriculture sectors. Hence we see one kind of lawlessness and indiscipline in the agriculture sector destroying the interest of growers. On the other hand lack of technical knowledge about fertilizers and pesticides growers are unknowingly causing harm to national environment. As such environmental degradation is spreading fast, soils are destroyed, water is polluted, and foods are being poisoned. Over use of Fertilizers and pesticides and fertilizer for more crops are not only degrading the soil, but also damaging the overall environment. Still now there is no to technically prescribe the toxic agricultural inputs under law, and the agro-technical graduates are still not oriented with clinic service as per law. Thus It is thought most important to make a documentation of statutes and examine it as to identify the limitations and relate it to prescription practitioning by plant doctor (as done by doctors and veterinary doctors in the country in a techno-legal mechanism.

Rationale for the Review of Agricultural Laws

Law Reform Commission has prioritized this project on the Agricultural laws because of of the potential of agriculture to the contribution to food security, creation of employment through its linkage with industry and the overall environmental improvement of the country on similar lines as recognized by the Peoples Republic of China, India and other countries in its pursuit of its recent huge economic progress. Importance of Agriculture has been underscored in Tanzania's Development Vision 2025. These factors have demonstrably been signified by the following quotes from Deng Xiao Ping and the Vision 2025: "*.....We should establish the concept that agriculture is the foundation of the nation and that industry must serve it. A major task for agriculture is to support industry and promote its modernization.*

The Objectives and the Outputs

The agricultural clinic nature commodity related statues required to be analyzed for determining if these are enacted in accordance with the necessity of present time and whether the provisions of laws are pertinent to achieve the desired goal. Thus, the main objectives of this research work are :

i. Collecting all Agricultural legislative and Administrative documents
ii. Classifying processing the documents
iii. Analysis of the pertinent content of the documents particularly the fertilizer and pesticide statutes.
iv. Recommendations for developing a format legally acceptable for technical commodity prescription by Crop Agriculture Scientist as practitioners.

Results and outputs

i. Physical collection of all documents
i. Processing all document for developing a prescription format
ii. Testing and finalizing the format for field use.

CHAPTER–TWO

2. Review of Literature

2. *Review of Literature*

Agricultural law Reforms in Bangladesh

Bangladesh is situated in the centre of the South Asian Region. She exists in the world map as an independent & sovereign nation since 26th March 1971. She came into being through people's arms struggle & won her victory over the Pakistani occupation army on 16th of December 1971. Bangladesh has a population of about 132 million of whom about 87% are Muslims, 12% Hindus, the rest are Buddhists, Christians & Indigenous People. The total Geographical area of Bangladesh is about 56,000 square miles. (143,998 square kilometer) Out of which about 9 million hectares are cultivable land. But every year the cropland is shrinking for human settlement. It is estimated that the growing population pressure will use up 50 per cent of the country's cultivable land by 2025. Urbanization, industrialization and acquisition of land by the government for different purposes have been causing negative impact on the life and conditions of the peasants as well as socio-economic scenario of the country. Vast areas of land also devoured by the mighty rivers of Bangladesh. Moreover, land is fragmented every year in rural and urban areas due to growing population and the law of inheritance. A studies conducted by UNDP & World Bank-WB calculated that due to fragmentation of 1.42 hectares into 10 holdings of 0.15 hectares each the effectiveness of net cropped are area by about 1.5 per cent to a land owner. Moreover, per capita land that would support the basic needs of the population is fast decreasing. Every person working in the agriculture sector now owns only an average of 0.12 hectares of cropland. According to the classification of land, out of the total area, 63 per cent are being used for cultivation while 4.38 per cent for rural and urban housing and the rest includes forest & cultivable waste land. Bangladesh is one of the most densely populated countries of the world where 798 persons live in one square kilometer.

About 85% people, out of132 million live in the rural areas of Bangladesh. Agriculture is their main occupation & means of livelihood. According to government report 57% people of Bangladesh are landless poor & they live below poverty level. But Non-Government sources say that the numbers of landless people in Bangladesh are more than 68%. They live in perpetual poverty, hunger, disease and deprivation. The percentages of landless people over the last few decades are as follows:

1947 : 14.3%
1970 : 19.8%
1975 : 32%
1984 : 46%
2001 : 68.8%

10% absentee land owners own 50.6% of the total cultivable land of Bangladesh.

According to Dr. Mahboob Hossain & Prof. Abdul Byes, 45% of the landless & poor marginalized peasants in the rural areas own only 5% of the total cultivable land of Bangladesh and receives 10% needed credit from institutional sources. They further said that 22% of the rich & middle farmers of rural areas of Bangladesh own 71% of the total land & receive 31% institutional credit.

Roughly about 15% of the people live in the urban areas of Bangladesh. According to the UNDP report 56% people in the urban areas are poor and live below poverty level. Some people contradict with the above statement & say that 40% people in the urban areas are poor & poverty stricken and they live in slums and shanties without any basic amenities of life. The monthly family income of the urban poor is about TK. 3000/= ($60/=) and most of their income goes for paying house rent, food, medicine etc. and govt. does not shoulder responsibility for providing them with housing and other basic necessities. A study conducted jointly by the Asian Development Bank- ADB & the Govt. of Bangladesh shows that if the present trend of urban population growth continues, by 2020 the number of people living in the urban areas would be about 60 million.

Dhaka is the capital of the People's Republic of Bangladesh which was founded about 400 years ago. It began its Journey as a capital of free & independent Bangladesh since 16th of December 1971 with a population of about 1.6 million. Now more than 10 million people live in Dhaka metropolis and its periphery. Dhaka is one of the most densely populated metropolis in the world. Total geographical area of Dhaka is about 480 square kilometer. Out of 10 million people about 3.5 million people live in the slums and shanties. Slums and shanties are mostly built on the government lands. Many owners of land also build slums and shanties on their lands & rent out those slum houses to the urban poor.

Slum dwellers are almost self-employed. A large number of them are rickshaw pullers, push cart-drivers, garments workers, domestic workers, vendors, construction workers & labours, cleaners, sweepers, rug pickers, garbage collectors, helpers in the transport sectors and shop keepers etc.

About 15% of the land in Dhaka is owned by 2% of the upper class elite of this metropolis, 28% middle class families own 65% of the residential areas and 70% poor families own only 20% of the residential areas. Most of the lands owned by the poor families are of poor quality in the outskirts & depressed areas.

The slum dwelling people have no land on their own. They live on the mercy of the government, landlords, slum lords, musclemen, extortionist and terrorists. The monthly house rent they pay is much higher than what is paid by the tenants of the posh residential

areas of Dhaka. They pay also much more higher amount for water, electricity, gas etc. than the people living in the posh residential areas. But the money given for house rent, water, gas, electricity etc. does not go to the govt. exchequer. It is eaten up by the thugs, goons, slum lords & middle men.

The living conditions of the slum dwellers are very poor. Unfortunately they are conditioned to live & work in most hazardous & insecure situation. Sewerage system is absent and hygiene conditions are extremely poor in the slums. Schools, hospitals and other basic services are absent in the slums. Dhaka is stated to be one of the crowded & polluted city of the world and the most victims of this pollutions are the slum dwelling poor, men, women & children.

Unfortunately rural development policies and services pursued, practiced and provided to the rural areas of Bangladesh over the last three decades both by the government & non-government organizations failed to a large extent to stop the rural-urban migration. Ruthless exploitation, deprivation, poverty & hunger, non-execution of land reform policy, centralized power & authority of the bureaucracy, corruption, nepotism & favoritism, misrule, mal-development, absence of rule of law, natural calamities, river erosion, absence of employment opportunities etc. forced the rural poor to migrate to the urban areas for food and shelter. Moreover, unplanned development policies, industrializations and urbanizations are also responsible for rural-urban migration. It is very unfortunate that although government spends 67% of the total government annual expenditure for the wellbeing of the people in and around Dhaka city, it does not help the slum dwellers for improvement of their living condition instead it widens the disparity between urban and rural people and between the urban rich and the urban poor. The uprooted, restituted, internally displaced and poverty ridden people live in the slums are like refugees without state & status.

Porf. Abul Barakat of Dhaka University says, "both the Government and the NGOs could not bring any significant change in the fate of the common people. About nine crore (90 million) people were deprived of sanitation facility, six crore (60 million) people had no access to primary health care services, five crore (50 million) adult were illiterate, about 2 crore (20 million) primary & secondary level students could not enrolled. Since 1971, Government and NGOs received TK. one lakh 80 thousand crore ($ 31,088/= million) as foreign aid but only TK. 40 thousand crore ($ 6,908 million) of the amount had been spent for the welfare of the poor people & the rest were drained out due to corrupt Government officials & NGO men". The Human Development Index-HDI of the UNDP (2001) says that Human Poverty Index-HPI of Bangladesh remained stagnant as the country continued to lag behind even the South Asian average in terms of life expectancy, percentage of under nourished people, percentage of under-height children, infant and

under five mortality rates, literacy rates and percapita GDP. It said technological achievement was amongst the lowest in the world, in terms of electricity consumption which is only 20 per cent of South Asian average and with only five telephones per 1000 people.

According to World Health Organization-WHO report (2001) Bangladesh ranks 131st out of 191 member states in terms of overall health system. Health indicators paint a grim picture of the situation due to high rates of infant & child mortality, at 79.6 and 4.3 per thousand respectively which are unexpectedly high. Almost two-thirds of the birth do not receive any antenatal care. Only six per cent of deliveries receive health care facilities and trained personnel assist only 22 per cent of the deliveries. Only 50 per cent of the children receive complete immunization. Malnutrition continues to be a severe health problem for both mother and children. There are only 18 doctors and five nurses for every 100,000 people.

Mr. Richard Daley, (London) visited Bangladesh recently under Young Workers Exchange Project (UK). He says, "The wealth gap in Bangladesh is very conspicuous, one moment you might see crowd of women and children breaking bricks into aggregate by hands, whilst in another you'll see a Chauffeur driven, airconditioned Mercedes speeding past. The local poverty gap has been difficult to swallow".

Constitutional Commitment

It shall be a fundamental responsibility of the State to emancipate the toiling masses the peasants and workers - and backward sections of the people from all forms of exploitation. It shall be a fundamental responsibility of the State to attain, through planned economic growth, a constant increase of productive forces and a steady improvement in the material and cultural standard of living of the people, with a view to securing to its citizens –

(a) the provision of the basis necessities of life, including food, clothing, shelter, education and medical care;

(b) the right to work, that is the right to guaranteed employment at a reasonable wage having regard to the quantity and quality of work;

(c) the right to reasonable rest, recreation and leisure; and

(d) the right to social security, that is to say, to public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases.

(From the Constitution of the People's Republic of Bangladesh).

Global Commitment

"Within a decade, no man, woman or child will go to bed hungry " Dr. Henry Kissinger, World Food Conference, 1974 in Rome. After two and half decades of Kissinger's pronouncement we see that more than 800 million unfortunate men, women & children of this earth are going to bed hungry, malnourished and starving. The declaration of kissinger's remained unfulfilled. There were no change in the reality. Similarly at our national level the successive governments over the last 30 years, the professional bodies and the non-govt. organizations are collectively responsible for failing to translate the constitutional obligation into reality. As a result 69% of our people are landless, labourers, workers, slum dwellers and are forced to live in perpetual poverty, hunger, malnutrition & deprivation. We have over the past three decades, created two Bangladesh; one Bangladesh for the powerful minority and the other Bangladesh for the poor & powerless majority who owns nothing but create everything and keeps the wheel of the nation's economy moving for the consumption & comfort of the minority.

Time has come for us to take all out initiatives to build & strengthen the organization of the poor & powerless people in the grassroots both at different levels in the rural-urban areas with specific objectives of realizing their fundamental & basic rights including the right to have access to land. As it is well known to many that in the developing countries land represents wealth, power, prestige and security in society. It is the most scare of all resources and it forms the basis of our power structure.

Therefore, the vested interest groups both within & outside of government machine keep land reform well off the development & political agenda. Some NGOs in the 70's & mid 80's fought for land reform along with the progressive forces of Bangladesh. But over the last fifteen years most of the NGOs are implementing micro-credit & other service giving projects for poverty alleviation & development in Bangladesh. Many researchers, academics, social scientists, politicians, professionals & NGO persons prefer to call Bangladesh as one of the poorest country of the world. But in reality Bangladesh is not a resource poor country. Bangladesh is blessed with hard working adaptive, creative, innovative and resilient people. She is very rich interims of her natural gifts of soil, product varieties, rivers, sea, forest, gas and mineral resources. A large number of hard working people of Bangladesh live & work in many of the countries in East Asia, Middle-East, Europe, North America, Australia, New Zeeland and other countries. They also contribute enormously to our national exchequer. Moreover, per-capita cultivable land is still higher than many of the Asian countries. But still without land & agrarian reform eradication of hunger, poverty, disparities & development of the poor in Bangladesh is not possible. ARBAN also believe that pro-poor and progressive land & agrarian reform can contribute to a great extent eradication of hunger and poverty of the toiling masses of Bangladesh. According to the "Political Economy of Khas Land in Bangladesh" a book

written by Abul Barakat and others, "identification and management of khas land (state owned land) and water bodies, distribution of the same to the landless and poor people, retention of such land and water-bodies by the landless, and pertinent rules and practices within the prevailing social-political context of Bangladesh constitute prime issues of agrarian reform". It may be mentioned here that there are about 3.3 million acres of khas land in Bangladesh. Out of this 3.3 million acres 0.8

Million acres are agricultural land, 1.7 million acres are non-agricultural land and 0.8 million acres are water-bodies. Moreover, there are state owned lands under Water Development Board, Railways, Roads & Highways, Fisheries, Forest etc. ministries of the Government of Bangladesh. There are also hundreds & thousands acres of new lands surface every year from the rivers and sea in the coastal areas because of massive siltation. There were no statistics of the ceiling (20 acres) surplus lands in Bangladesh. More or less all state owned lands including 3.3 million acres of Khas lands & new lands surfaced from the rivers & sea are occupied by the land grabbers, land mafias & terrorists under the patronage of government in power living in both rural & urban areas of Bangladesh. Large amounts of ceiling surplus lands were kept under the ownership and possession of the landlords/landowners against fake names. These lands, as per government rules, should be surrendered to the govt. & all types of state owned land should be distributed to the landless poor peasants. But unfortunately most of these land are illegally owned & occupied by those who are very rich & have more than enough lands, properties, industries, business

Establishments and secure high salaried jobs for their comfortable living. Barakat and others say, "out of the total amount of identified khas land of 3.3 million acres, only a tiny portion has so far been distributed to the poor who faced multifaceted difficulties in both obtaining and retaining land. Most khas lands identified or un-identified are illegally occupied by the rich segments of the society who are integral part of the power structure". In order to crawl out of the abject poverty and to ensure socio-economic development of the majority of the landless & powerless poor in Bangladesh, land and agrarian reform both in rural and urban areas is a must. In order to realize this goal, people's ownership of and access to land and water bodies including those of the indigenous people & minority community should be broadened. To materialize this into reality needs strong political commitment this can be achieved through people's involvement.

The Popular Coalition to Eradicate Hunger & Poverty / IFAD and the Association for Realization of Basic Needs-ARBAN from the middle of 2000 went for collaborative actions to ensure people's involvement in adopting & implementing land and agrarian reform in Bangladesh. ARBAN worked with the moral & material support from the Coalition to achieve two broad objectives. 1stly to bring back the land and agrarian

reform issues in the actions agenda of the NGOs, peasant organizations, political parties & other progressive forces and secondly to organize & mobilize the rural-urban poor for strengthening their organizational capability to exert pressure on the government machinery for adopting & implementing pro-poor land reform both in rural and urban areas of Bangladesh. Accordingly, four regional workshops were held and more than two hundred participants representing NGOs, professional bodies, peasants organizations, political parties & indigenous people attended these workshops. There were unanimous decisions that organizations of peasants &landless, slum dwellers, indigenous people & minorities in the rural and urban areas should be built & strengthened to adopt & execute pro-poor land and agrarian reform & tenurial security for eradicating hunger & poverty. It was felt that land and agrarian

reform was urgently needed for balanced development, increased production, effective use of land, forest, fisheries & water bodies, peace, justice, equality and communal harmony. With this end in view, NGOs, peasant's organizations progressive political forces and one networking organization called the Association For Land Reform and Development-ALRD including ARBAN are working effectively in this regard. Meanwhile, ARBAN already mobilized more than 60,000 slum dwellers of greater Dhaka to have access to land for housing and security. In the meantime about one thousand slum dwellers of Dhaka metropolis & its periphery have joined ARBAN, housing project. They accumulated TK. 5.5 million from their income & saving. They already bought a piece of land from the open market. On the other hand they continue collective struggle for getting government land for housing although they live in utter fear of eviction, loot, fire, torture, rape & killing by the agents of the power structure.

ARBAN, in collaboration with the slum dweller's association formulated a long term (July, 2002-June, 2017) housing project for slum dwellers of Dhaka & its peripheral areas. ARBAN hopes that abut 17400 slum dwellers will join this project. The total savings of the housing group members will be TK. 756,100,000/= and ARBAN will build 5,214 flats (size 450 square feet) with an estimated cost of TK. 1,564,500,000/=. (each flat will cost TK. 300,000/=). The members will pay back the cost in 15 years by paying a monthly installment of TK. 1,600/=. In order to materialize this project ARBAN need a revolving capital of TK. 240,000,000/= Details of the plan is enclosed.

The struggle for land for livelihood & housing is a uphill struggle. Strong political commitment is a pre-condition to adopt & implement agrarian & land reform for those millions who are conditioned to live in slums, poverty, deprivation & destitutions. Lack and absence of commitment on the part of the people at the top, the politicians, the bureaucrats & the vested interest groups obstruct the adoption and implementation of land and agrarian reform in Bangladesh. They run the country according to their ideologies to

serve their own clan interest. Therefore, if we are to progress and fulfill the constitutional obligation made to the people of the Republic of Bangladesh in 1972, fundamental changes have to be brought in the thinking process and mindset of the people in the top.

Review of Agricultural Laws in different countries: Example Africa and Tanzania

REVIEW OF AGRICULTURAL LAWS is one of the Projects the Law Reform Commission will be undertaking during 2008/2009 Financial Year. The review will lead to the preparation of appropriate law reform recommendations to the Minister of Constitutional Affairs and Justice. Members of the public are invited to write their comments, suggestions or submissions to the Commission on how best to carry forward the proposed project to review the agricultural laws of Tanzania. This invitation is designed to involve the public in the process of law reform from the very initial stages. This invitation will be distributed widely to the Ministries and Government Departments, research institutions, lawyers, academics, organizations, individuals and the media. The invitation shall also be available on the Commission's pages on the World Wide Mandate of the Law Reform Commission of Tanzania This review of Agricultural laws of Tanzania falls within the mandate of the Commission under the Law Reform Commission of Tanzania Act, Cap. 171. The Commission is generally mandated to take and keep under review all the laws of the United Republic with a view to its systematic development and reform. The Commission is required-

i. to review any law or branch of law and propose measures necessary for bringing that law or branch of the law into accord with current circumstances of Tanzania;
ii. to eliminate anomalies or other defects in any law, recommend repealing of obsolete or unnecessary laws or suggesting a reduction of the number of separate enactments;
iii. to recommend proper codification and simplification of any law or branch of law where appropriate;
iv. to consider and advise on proposals for the adoption of new or more effective methods for the administration of the law and the dispensation of justice;

Agricultural law Reforms Example India

While the land-reform measures, such as the abolition of the intermediaries, the regulation of tenancy relationship and the ceiling on holdings attempt to rationalize the agrarian structure and the land-man relationship, a dynamic approach towards the reorganization of agricultural operations is essential for agricultural progress. A number

of legislative measures have been taken to facilitate proper land use and land management. The consolidation of holdings is probably one of the major steps in this direction. The Jammu and Kashmir land Act has since been suspended pending revision thereof. Consolidations of holdings. Owing to various socioeconomic factors that have operated over a long period, agricultural holdings in the country have become greatly fragmented and dispersed, with the result that an average farmer has to spend much time and resources without realizing even the economy obtainable from a small holding. The fragmentation of a holding aggravates the already-acute problem of small holdings in the country. The consolidation of holdings offers a solution to the problem of fragmentation by regrouping the scattered plots within a holding into a minimum number of blocks. Originally the consolidation of holdings was tried on a voluntary basis with legislative backing. These earlier measures were started as early as the 1920s. But as the consolidation made slow progress under voluntary participation by the land-holders, it was thought necessary that some element of compulsion should be employed.

Recent legislative measures on the consolidation of holdings rely on some degree of compulsion, as can be seen in the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1948, the Punjab Holdings (Consolidation and prevention of Fragmentation) Act, 1949 and in the U.P. Consolidation of Holdings Act, 1953. Under these Acts, a state government declares by a notification its intention to make a scheme for the consolidation of holdings in a specified village or villages or parts thereof. The scheme prepared by a consolidation officer is modified, if necessary, in the light of objections received. After finalization, the scheme is published by the Governor, and the action to consolidate land is taken thereafter. Once the land is consolidated, it cannot be partitioned without the permission of the Collector. The consolidation laws, besides providing for the consolidation of small and scattered holdings, foster an overall rational management of land in a village by making suitable allocations for social requirements. The Uttar Pradesh Consolidation of Holdings Act, 1963, the Rajasthan Holdings (Consolidation and prevention of Fragmentation) Act, 1954, the Madhya Pradesh Land Revenue Code, 1959, the Jammu and Kashmir Consolidation of Holdings Act, 1960, the Bihar Consolidation Holdings and Prevention of Fragmentation Act, 1966, the Assam Consolidation of Holdings Act, 1960, the Andhra Pradesh Prevention of Fragmentation and Consolidation Act , the Himachal Pradesh Consolidation of Holdings Act are some of the main legislative measures that have gone into the statute book. Up to the end of 1973-74 the total area of 35,622 thousand hectares has been consolidated. This work has been practically completed in Punjab and Haryana and is expected to be completed in UP in the Fifth Plan. The first attempt to prevent further fragmentation was made in Maharashtra in 1947. The Bombay Prevention of Fragmentation and Consolidation of Holdings Act authorized the government to fix the area that could be profitably cultivated in a separate block called 'standard area' and any piece of land below this is called a

fragment. The transfer or partition of land which will result in fragmentation is prohibited. Similar legislative measures for prevention of fragmentation are prohibited. Similar measures have been enacted in Andhra Pradesh, Assam, Bihar, Madhya Pradesh, Maharashtra, Manipur, Karnataka, Orissa, Punjab, Rajasthan, Tripura, Uttar Pradesh, West Bengal, and the union territory of Delhi.

The legislation activity has not been made in force in some of the States of India.

Improvement of Agriculture Production: Cultivation of fallow and wasteland: It is important to bring under cultivation the extensive areas of land shown as cultivable waste for increasing agricultural production. Extensive areas of land require substantial investment for reclamation before it is made really cultivable. Some states have enacted laws for the reclamation of wasteland. Bihar, Punjab, Delhi, Madhya Pradesh, Rajasthan (Ajmer area) had provisions for this purpose. Under the provisions of such Acts, the state, Governments can declare any area as "reclamation area" and acquire it for reclamation and improvement. Some of the Acts also provide for the establishment of Land Development Boards. In Maharashtra, Boards have been established for the reclamation of khar and khojan land. In Madhya Pradesh, the Madhya Pradesh Reclamation of Land (Eradication of Kans) Act, 1948; Eradication Act; and Bhopal State Kans Eradication Act were enforced in Mahakaushal, Madhya Bharat and Bhopal regions, respectively for the reclamation of lands infested with kans by the Tractor Units for the Central Tractor Organization so long as the Central Tractor Organization was engaged in this operation. The above Acts have since been repeated and the Madhya Pradesh Tractor dwara Tori Gai Bhoomian pur Asudhorslulka Adhiniam, 1972 has been introduced only for the recovery of these tractorization charges by way of betterment levy from the cultivators for whom the Central Tractor Organization worked till 1958. The East Punjab Agricultural Pests, Diseases and Noxious Weeds Act, 1949, was amended in 1951, and again in 1969. Under this Act, the cost of measures carried out shall be recoverable from each occupier of such area in such proportion as may be determined by the state Government on demand of such payment or it shall be recoverable as arrears of land revenue. The Bihar soil and Water Conservation and Land Development Ordinance was promulgated in 1970 for the preparation and execution of soil and water-conservation plans, including the plan for land development allocation of damage by floods and drought, control of grazing for prevention of soil erosion, reclamation of waste land and protection of reservoirs against sedimentation. To promote agricultural production, the Kerala Land Development Act, 1964, and the Kerala Land Utilization Order, 1987, and the Kerala Irrigation Works (Execution by Joint Labour) Act, 1967, were brought forward. The Kerala Land Development Act, 1964 deals with the problems of the preparation and execution of land development and soil-improvement measures and the prevention of soil erosion and reclamation of wasteland. The Kerala Land Utilization Order, 1967, besides providing for the cultivation of specified crops by a land-holder, makes provisions to prevent land from

being kept fallow. The Kerala Irrigation Works (Execution by Joint labour) Act, 1967, provided for works connected with irrigation, flood control, drainage, etc. to be done by joint effort. There is provision for directing the defaulting proposition, if any, to execute any portion of the work or to pay for any portion of the cost of work. The application of the Act is primarily to get cultivation in Kuttard and other Padasikhauram when dewatering can be done only as a joint effort. For the promotion of agricultural production, the Karnataka Government have given statistics in their work.

i. The Insecticides Act, 1968 and the Insecticides Rules, 1971.
ii. The Kamataka Cotton Control Act, 1974, and Rules and Notifications thereunder.
iii. The Seeds Act, 1966 and the Seed.nules, 1968.
iv. The Kamataka Land Improvement Act, 1966 under the Karnataka Land Improvement Rules, 1962.
v. The Land Utilization (Control Order, 1957) with the state Government's notification.
vi. The Kamataka Agricultural Pests and Diseases Act, 1968 and the Kamataka Agricultural Pests and Diseases Rules, 1971.

In 1969, the West Bengal Government enacted the West Bengal 'Utilization of Land for the Production of Food Crops Act, 1969, to provide for the requisitioning of land with a view to utilizing it better for the production of good crops in the state. In order to provide for the development of the state through the area-based development program for increasing agril prod, the West Bengal Comprehensive Devt Act, 1974 was enacted.

Use of improved seeds and manures. The West Bengal State had improvingly enacted legislation for promoting the use of improved seeds and for regulating the quality of seeds that are used. It suggested to use only improved varieties of seeds stored by authorized agents. A legislation on similar lines is in operation in Act, 1974 also aims at 1969. Crops, grass crops and comprehensive seed certification of improved varieties and the enforcement of seed-control programme of all seeds sold through the commercial channel for sowing purposes. Under Section 3 of the Act, the Central government has constituted a Central Seeds Committee to advise the central aud State government on matters arising from the administration of this Act and to carry out other functions associated to it by or under the Act. This Committee is assisted by the various subcommittees at the Central level and a State sub-committee at a state level in the discharge of its functions. The seeds Act of 1966 was further amended in 1972 by the Seeds (Amendment) Act, 1972 to bring jute seed within the purview of the Act and also to provide for the establishment of a central Seeds Certification Board to advise the Central Government and the State Governments on all matters relating to seed Certification. Since the inception of the Act, the Central Government bulbs, rhizomes, roots, edible oilseeds and seeds. In consultation

with the Central Seeds Committee have notified in the official gazette under Section 5 of the Act, 322 varieties of more than 50 Crops by the end of June 1975 for various regions of the country and have prescribed the minimum limits of germination and purity of seeds of notified kinds and varieties. Legislative measures to rectify the various malpractices in marketing such as the mixing of different varieties of cotton and the mixing of foreign substances in cotton were taken up as early as 1329.

The legislation has undergone several changes over the century and has become more comprehensive. The Cotton Transport Act was passed by the Government of India in 1923 and it empowered the state governments to restrict the import of inferior cotton with seed and cotton waste into the areas growing, superior cotton and to maintain the quality and the reputation of the latter. The Act covers the major cotton-growing states, such as Gujarat, Maharashtra, Karnataka, Andhra Pradesh, and the main cotton-growing areas, within the states are declared as protected . Cotton Ginning and Pressing Factories Act, 1925 was complementary to the Cotton Transport Act. To prevent malpractices, the 1925, Act makes it obligatory on the part of the ginning and pressing factories to maintain a record of cotton ginned in the factories. The Act, however, did not provide for the licensing of cotton ginning and pressing factories. The governments of Gujarat, Maharashtra and Madhya Pradesh have amended the Central Acts applicable to their states, making the licensing of ginning and pressing factories obligatory. Similarly, suitable measures have been taken by almost all the cotton-growing states. In actual practice, the Cotton Transport Act and the Cotton Ginning and Pressing Factories Act were aimed more at maintaining the purity of cotton seeds in the cultivators field. Therefore, the supplementary legislation was found necessary. The governments of Gujarat, Maharashtra and Karnataka have passed the Cotton Control Act which specifies the types of cotton to be grown in controlled areas and prohibited the cultivation of any other variety or varieties of cotton or the mixing of one variety with another or trading in prohibited areas, so controlled. In Punjab, the same objective was achieved through the Punjab Improvement of Seeds and Seedlings Act. In Andhra Pradesh, the object of Cotton Control Act was secured by notifying the orders under the Hyderabad Cotton Control and Transport Act. To protect a very large number of illiterate farmers against the malpractices of the trades in fertilizers, it was considered essential by the Government of India to regulate the trade in fertilizers and to enforce quality control. The Central government promulgated in May 1957 a fertilizers (Control) Order, 1957, under Clause 111 of the Essential Commodities Act, 1955. The law envisaged the statutory control of the prices of three fertilizers, namely ammonium sulphate, urea and calcium ammonium nitrate; provided for the registration of dealers in fertilizers; and for restrictions on the specifications of fertilizers in relation to the maximum and minimum of various important constituents. Under the provisions of the fertilizers (Control) Order, 1957, powers for fixing the prices of fertilizers vest with the Government of India and the State

Governments have been authorized to fix the price at which the fertilizers mixture may be sold by a manufacturer or a dealer. The Central Government also promulgated the fertilizers Movement Control Order, 1973, in May 1973 under Clause IV of the Essential Commodities Act, 1955, to ensure the equitable distribution of fertilizers in various states and to stop the unauthorized inter-state movement of fertilizers. This Order prohibits the inter-state movement of fertilizers, except by manufacturers listed in the schedule to the Order, by the Food Corporation of India, central housing Corporation, State Warehousing Corporation or in accordance with the authority of the Central Government or the states. Apart from these positions, most of the states, viz., Bihar, Karnataka, Maharashtra, Gujarat, Assam, Haryana, Punjab, Orissa, Madhya Pradesh, Andhra Pradesh have amended their Municipal Acts making obligatory on the part of the Municipal committees to adopt competing as a method of refuse disposal. Soil and water conservation, in order to prevent soil deterioration owing to erosion, most of the states have enacted legislation, empowering their Gov to take up early anti soil-erosion measures. Legislative measures dealing with soil and water conservation have been passed in all the states, except Assam, Manipur, Meghalaya, Nagaland and Tripura. Among the Union Territories, the Land Development Schemes Regulations, 1963, is in force in the Andaman and Nicobar Islands. In other Union Territories, the question of enacting suitable legislation is in various stages of consideration. In many states, there are r Acts which have an bearing on the subject of soil and water conservation dealing with the preservation of forests, etc.

Command and Development Program: An integrated area development program is being taken up in selected irrigation commands in various states. The program inter alia includes on-farm developments including the consolidation of holdings, boundary alignment, land- leveling, construction of field channels, field drains, etc. in command area of irrigation projects. It will he necessary for the state governments to provide legislative support for the implementation of the program to cover the difficulties which may arise. The Rajasthan government has already enacted the Rajasthan Colonization Amendment Act, 1974 (Act No. XXHI of 1974) under which the allottees and the tenants can be directed to carry out land development work at their own cost as per plans and specifications approved by the Project Officer. The Government of Madbya Pradesh is also considering the issue of Madhya Pradesh Bhoomi Sudhar Yojna (Sanshodhan Adhyadesh, The approval of the President has been conveyed by the Ministry of Home affairs to the state govt 1975. Similar enactment may come up in other states also.

Irrigation. **Provision has been made in a number of ,states for constructing, improving** irrigation works. The legislative measures passed in Assam, Bihar, Karnataka, Orissa Madhya Pradesh and Maharashtra provide for the irrigation works. The policy of entrusting the maintenance of small irrigation works to the Panchayati Raj organizations has been accepted by the states of Assam, Andhra Pradesh, Bihar, Gujarat, Jammu and

Kashmir, Tamil Nadu, Madhya Pradesh, Orissa, Karnataka, Kerala, Punjab, Rajasthan and Uttar Pradesh, and in some other states, the implementation is under way.

The Kerala Irrigation Works (Execution by Joint Labour) Act, 1967, is meant to facilitate the execution of certain works connected with irrigation, flood control and drainage under the Act. The officer authorized by the government is empowered to deviate from any Padasikbaram for paddy cultivation on the application of one or two proprietors and to recover the cost thereof from all the proprietors. With the increasing exploitation of ground-water resources for irrigation, the need for regulating such exploitation within the limit of annual ground-water recharge in different regions of the country was felt. As there existed no enactment on the subject, a Model Bill, namely, the Ground-Water (Control of Regulation Bill) was formulated by the, Gov 1970, and was circulated to all states for guidance in introducing respective enactment. The formulation of such enactments is in an advanced stage in Gujarat, and Rajasthan. With the instance of the Irrigation Commission, a commission of experts went into the enactments on irrigation and examined the Question of unification and simplification of the existing laws. This Commission since prepared a draft Irrigation Bill which would be circulated to the states for enacting uniform irrigation Acts. As regards the state tube-wells, it was felt that the present enactments governing their manufacture, develop, and operation, to make them conducive to effective functioning and utilization. The Ministry of Agriculture and Irrigation is considering to undertake a study of all the existing enactments on state tube-well in the various states with uniform model circulating it to the states of entrusting the main- works to the Panchayati Raj has been accepted by the states of Assam, Andhra Pradesh, Bihar, Gujarat, Jammu and Kashmir, Tamil Nadu, Maharashtra, Madhya Pradesh, Karnataka, Orissa, Kerala, Punjab, Rajasthan and Uttar Pradesh. The ministry of Agriculture and Irrigation has impressed upon the state governments the need for introducing legislation on ground-water and has circulated a draft model Bill for the purpose. The purpose of the Bill is to regulate and control the development of ground-water to Prevent over-exploitation and deterioration in water quality. It has been suggested to the state governments to introduce legislation authorizing them to notify the areas for controlling and regulating ground-water development, granting permits for lifting and using water and for registering the existing users in such areas. Laws for this purpose are under consideration in the states of Andhra Pradesh, Bihar, Gujarat, Haryana, Jammu and Kashmir, Karnataka, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal and Goa.

China: General Provisions

Article 1 This Law is enacted with a view to consolidating and strengthening the position of agriculture as the foundation of the national economy, deepening the reform in rural areas, developing the productive forces of agriculture, pushing forward the

modernization of agriculture, safeguarding the legitimate rights and interests of farmers and agricultural production and operation organizations, increasing the income of farmers, enhancing their scientific and cultural qualification, promoting the sustained, steady and sound growth of agriculture and the rural economy, and attaining the objectives of building a well-off society in an all-round way.

Article 2 For the purpose of this Law, agriculture consists of the industries of crop-planting, forestry, animal husbandry and fishery, including the services before, during and after the production process directly related with the above. The agricultural production and operation organizations as mentioned in this Law include the rural collective economic organizations, specialized cooperative economic organizations of farmers, agricultural enterprises and other organizations engaged in agricultural production and operation.

Article 3 The State gives first priority to agriculture in the development of the national economy. The main objectives in developing agriculture and the rural economy are to establish a rural economic system that meets the demand for the development of the socialist market economy, to continuously emancipate and develop the productive forces in the countryside, to enhance the quality and efficiency of agriculture as a whole, to ensure the supply and quality of agricultural products, to satisfy the need of developing the national economy, of an increased population and of enhancing people's lives, to increase the income of farmers and raise their living standards, to promote the transfer of the surplus rural labor to non-agricultural industries and to cities and towns, to narrow the difference between town and country and between regions, to build a prosperous, democratic and culturally advanced new socialist countryside, and to gradually bring about the modernization of agriculture and the countryside.

Article 4 The State adopts measures to ensure that agriculture plays a better role in many fields such as in the supply of food, industrial raw materials and other farm products, in the maintenance and improvement of the ecological environment and in the promotion of the rural economic and social development.

Article 5 The State upholds and improves the basic economic system under which public ownership is the mainstay of the economy, while the economic sectors of diversified ownerships develop jointly, in order to invigorate the rural economy. The State, for a long time to come, within a long period, stabilizes the two-tier management system that combines unified with separate management on the basis of household contractual management, develop systems for commercialized services, expand the actual strength of collective economy, and guide the farmers onto the road of common prosperity. The State upholds and improves the distribution system under which to

each according to his work is the predominant mode of distribution, while diversified modes of distribution coexist.

Article 6 The State upholds the principles of invigoration of agriculture through science and education and of sustainable development of agriculture. The State takes measures to strengthen agriculture and the construction of infrastructure in rural areas, to readjust and optimize agriculture and the rural economic structure, to push forward the industrialized operation of agriculture, to develop the undertakings of agricultural science, technology and education, to protect the agricultural ecological environment, to promote mechanization of agriculture and application of the technology information and to raise the comprehensive production capacity of agriculture.

Article 7 The State protects the property and other legitimate rights and interests of farmers and agricultural production and operation organizations from infringement. People's governments at all levels and the relevant departments under them shall take measures to increase the income of farmers and effectively reduce the burdens on them.

Article 8 All sectors of society shall attach great importance to agriculture and support agricultural development. The State awards the units and individuals that have made remarkable achievements in the development of agriculture and the rural economy.

Article 9 People's governments at all levels shall assume unified responsibility for work in respect of agriculture and development of the rural economy and make arrangements for the relevant departments and all sectors of society to do a good job in all fields of endeavor for the development of agriculture and for provision of services to the development of agriculture. The competent administrative department for agriculture under the State Council shall be in charge of work of agriculture and economic development in the rural areas throughout the country. The competent administrative department for forestry under the State Council and relevant departments shall, within the scope of their respective duties, be in charge of work related to agriculture and development of the rural economy. The competent administrative department for agriculture under the local people's governments at or above the county level shall be in charge of work related to agriculture and development of the rural economy including crop-planting, animal husbandry and fishery, within their own administrative regions, while the competent administrative departments for forestry shall be in charge of forest work within their own administrative regions. The relevant departments under the local people's governments at or above the county level shall, within the scope of their respective duties, be responsible for work related to services for agricultural production and operation within their own administrative regions.

System of Agricultural Production and Operation

Article 10 The State applies the contractual management system in respect of land in rural areas, protects, in accordance with law, the long-term stability of the relationship of land contract in rural areas, and protects the right of farmers to use their contracted land. The Land Administration Law of the People's Republic of China and the Law of the People's Republic of China on Land Contract in Rural Areas shall be applicable to matters such as the mode and term of contractual management of rural land, the rights and obligations of the party giving out the contract and the contractor, and protection and transfer of the right to land contractual management. The rural collective economic organizations shall, on the basis the household contractual management and in accordance with law, manage the collective assets, provide their members with services in respect of production, technology, information, etc., make arrangements for rational development and use of collective resources and build up the economic strength.

Article 11 The State encourages farmers to voluntarily organize themselves into various kinds of specialized cooperative economic organizations on the basis of household contractual management. Specialized cooperative economic organizations of farmers shall adhere to the aim of serving their members and in accordance with the principles of voluntary participation, free withdrawal, democratic management and return of the surplus and in accordance with law, engage in agricultural production and operation and provide services within the scope prescribed by their articles of association. Specialized cooperative economic organizations of farmers may take diversified forms and shall be established and registered in accordance with law. No organizations or individuals may infringe upon the property of such organizations or their right of decision-making in management.

Article 12 Farmers and agricultural production and operation organizations may, on a voluntary basis and in accordance with the principles of democratic management, and distribution according to work combined with dividends on shares, buy shares by pooling funds, technologies or material objects to establish different types of enterprises according to law.

Article 13 The State takes measures to develop industrial management of agriculture in various forms, and encourages and supports farmers and agricultural production and operation organizations in their efforts to develop integrated operation of production, processing and marketing. The State provides guidance and support to enterprises, scientific research institutions and other organizations which are in the service of production, processing and circulation of agricultural products through concluding contracts or establishing different kinds of enterprises with farmers or farmers' specialized

cooperative economic organizations, in their efforts to form benefit communities that jointly share profits and undertake risks, in order to push forward the industrial management of agriculture and give impetus to the development of agriculture.

Article 14 Farmers and agricultural production and operation organizations may, in accordance with law and administrative regulations, establish trade associations of different kinds of agricultural products in order to provide their members with services related to production, marketing, information, technology, training, etc., to play the role of coordination and self-discipline, to submit applications for relief measures for trade in agricultural products and to safeguard the interests of their members and trade.

Agricultural Production

Article 15 People's governments at or above the county level shall, on the basis of the medium and long-term national economic and social development plans, the basic objective for agriculture and rural economic development and the regional division of agricultural resources, work out their plans for agricultural development. The competent administrative department for agriculture under the people's governments at or above the provincial level shall, on the basis of their plans for agricultural development, take measures to give play to the advantages of their regions, in order to promote the formation of a rational regional distribution of agricultural production and to guide and coordinate the restructuring of agriculture and the rural economy.

Article 16 The State guides and supports farmers and agricultural production and operation organizations in their efforts to readjust and optimize the structure of agricultural production according to market demand and in light of the actual local conditions, to coordinate the development of crop-planting, forestry, animal husbandry and fishery, and to develop an agriculture with high quality, yields and returns in order to enhance the competitiveness of agricultural products in the world. In crop-planting, the mix of crops, varieties and quality shall be readjusted, centering around the optimization of varieties, improvement of quality and increase of returns. Efforts shall be made to improve forest ecology, carry into execution the projects designed to protect natural forests, restore reclaimed land to forests and prevent and control sand encroachment, and shelter forests shall be expanded and the cultivation of fast-growing and high yielding timber forests, forests for industrial raw materials and charcoal forests shall be speeded up. Grasslands shall be better protected and cultivated, the development of animal husbandry speeded up, the rearing of livestock in pens and folds popularized, the breeds of livestock and poultry improved, and the feed industry and the processing industry of livestock and poultry products developed. In fisheries, attention shall be paid to protection and rational use of fishery resources, readjustment of the mix

of fishing, and active development of aquatic farming, deep-sea fishing and the processing of aquatic products. People's governments at or above the county level shall frame their policies, allocate funds, guide and support the structural readjustment of agriculture.

Article 17 People's governments at all levels shall take measures to strengthen all-round agricultural development and the construction of infrastructures for agriculture and the rural areas, such as irrigation and water conservancy, protection of agricultural ecological environment, rural roads, rural energy and electric networks, storage and circulation of agricultural products, fishing ports, grassland enclosures and bases of original and fine breeds and improved strains of animals and plants, improve the conditions for agricultural production, and protect and increase the comprehensive production capacity of agriculture.

Article 18 The State supports the breeding, production and updating of animal breeds and plant varieties and the wide use of the improved strains and fine breeds, encourages the combination of variety breeding with production and operation, and sees that the seed project and the fine livestock and poultry breed project are carried into execution. The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall set up special funds in support of the breeding and wide use of fine breeds and improved strains of animals and plants.

Article 19 People's governments at all levels and agricultural production and operation organizations shall strengthen the construction of irrigation and water conservancy facilities, establish a sound system for the management of such works, economize on the use of water, develop a water-saving agriculture, control strictly in accordance with law the use of irrigation water resources by non-agricultural construction projects and prohibit all organizations and individuals from unlawfully occupying or damaging irrigation and water conservancy facilities. The State gives priority to water-deficient regions in supporting the development of a water-saving agriculture.

Article 20 The State encourages and supports farmers and agricultural production and operation organizations to use advanced, applicable farm machines and improves the safety control over such machines for the purpose of raising the level of agricultural mechanization. The State gives support to farmers and agricultural production and operation organizations in purchasing advanced farm machines.

Article 21 People's governments at all levels shall support the development of the meteorological undertakings in the service of agriculture and enhance the abilities of monitoring and forecasting meteorological calamities.

Article 22 The State takes measures to enhance the quality of agricultural products, establish a sound system for quality standards of agricultural products and supervisory system for quality inspection and testing, and, in accordance with relevant technical regulations, operational rules and quality, hygiene and safety standards, make arrangements for production and management of agricultural products and ensure the quality and safety of agricultural products.

Article 23 The State supports the establishment, according to law, of a sound certification and mark system for quality agricultural products. The State encourages and supports the production of quality agricultural products. Local people's governments at or above the county level shall, in light of their local conditions and in accordance with relevant State regulations, take measures to develop the production of quality agricultural products. For quality agricultural products that are up to the standards prescribed by the State, an application may, in accordance with the provisions of laws or administrative regulations, be made for the use of relevant marks. For agricultural products that meet the requirements of the prescribed places of origin or production specifications, an application may, in accordance with the provisions of relevant laws or administrative regulations, be made for the use of geographic marks for agricultural products.

Article 24 The State applies the system of animal and plant epidemic prevention and quarantine, improves the setup for such prevention and quarantine, strengthens the monitoring, early warning, and prevention and control of animal epidemic diseases and plant diseases, insect pests, weeds, and damages caused by rats, sets up a rapid elimination mechanism for major animal epidemic diseases, plant diseases and insect pests, builds random animal epidemic disease zones and carries into execution the plant protection project.

Article 25 The system of registration or license shall, in accordance with the provisions of relevant laws and administrative regulations, be applied in respect of the production and operation of such means of agricultural production as pesticides, veterinary medicines, fodder and feed additives, fertilizers, seeds and farm machines, which may endanger the safety of human beings and or livestock.

People's governments at all levels shall establish a sound system for the safe use of the means of agricultural production. No farmers or agricultural production and operation organizations may use such means of agricultural production as the pesticides, veterinary medicines and feed additives which are eliminated or the use of which is banned by State decree, or use other products the use of which is banned. Manufactures and sellers of the means of agricultural production shall be responsible for the quality of the products

they manufacture and sell. They are prohibited from passing off inferior products as good ones, or fake products as genuine ones, or substandard products as standard ones; and they are prohibited from manufacturing and selling such agricultural means of production as pesticides, veterinary medicines, feed additives and farm machines, which are eliminated by State decree.

Circulation and Processing of Agricultural Products

Article 26 The purchase and sale of agricultural products shall be regulated by market forces. The State exercises the necessary macro-economic control over in the purchase and sale of key agricultural products which have a bearing on the national economy and the people's livelihood, establishes a system for storage regulation at the central and local levels and improves the storage and transportation system, in order to guarantee supply and stabilize the market.

Article 27 The State gradually establishes a unified, open, competitive and orderly market system for agricultural products and formulates plans for the development of a wholesale market for agricultural products. The State gives support to the rural collective economic organizations and specialized cooperative economic organizations of farmers in their efforts to build up wholesale markets and rural fairs for agricultural products. Administrative departments for industry and commerce under the people's governments at or above the county level and the relevant departments shall, in compliance with their respective duties and in accordance with law, administer the wholesale markets for agricultural products, standardize the order of trade and prevent local protectionism and unfair competition.

Article 28 The State encourages and supports the circulation of agricultural products in various forms. It supports the farmers and the specialized cooperative economic organizations of farmers to engage in purchase, wholesale, storage, transportation and retail of agricultural products and other intermediary activities in accordance with the relevant regulations of the State. It encourages the supply and marketing cooperatives and other agricultural production and operation organizations engaged in purchase and sale of agricultural products to provide market information and open up circulation channels for agricultural products in the service of the purchase and sale of such products. People's governments at or above the county level shall take measures and urge the relevant departments to ensure unblocked transportation of agricultural products and to reduce the circulation costs for such products. The relevant administrative departments shall simplify formalities to facilitate the transportation of fresh and live farm products, they are not allowed to detain the means of transport for fresh and live farm products except where otherwise provided for in laws and administrative regulations.

Article 29 The State supports the development of the processing of agricultural products and the food industry in order to increase the added value of the products. People's governments at or above the county level shall formulate plans for the development of the processing of agricultural products and the food industry, provide guidance to the enterprises engaged in the processing of agricultural products, helping them form a rational regional layout and structure of scale, and support the specialized cooperative economic organizations of farmers and enterprises town and township enterprises in their efforts to engage in processing and comprehensive development and utilization of agricultural products. The State establishes a well-defined quality standards for processed agricultural products, improves the means of inspection and testing and tightens control and supervision over quality safety during the processing of agricultural products, in order to guarantee food safety.

Article 30 The State encourages the development of import and export trade of agricultural products. The State takes measures for improving research in international markets and providing information and marketing services in order to promote the export of agricultural products. An early warning system for the import of agricultural products shall be established for maintaining the order of production and marketing of and fair trade in agricultural products, so that the State may take the necessary measures when the import of certain agricultural products has already occasioned or is likely to occasion serious effect detrimental to the production of relevant agricultural products at home.

Grain Safety

Article 31 The State takes measures to protect and enhance the comprehensive capacity for grain production, steadily to raise grain production level and to ensure gain safety. The State establishes the system of protection for arable land and provides special protection to capital farm land according to law.

Article 32 The State gives major assistance in terms of policy, funds and technology to the main grain producing areas, in order to build up stable bases for the production of commodity grains, improve grain storage and processing facilities and raise the grain production and processing level and increase the economic returns in the main grain producing areas. The State supports the establishment of a stable cooperative relationship of purchase and sale between the main grain producing areas and the main grain marketing areas.

Article 33 When the market price of grain is too low, the State Council may decide to introduce the protective price system for some varieties of grain. Protective prices shall be

determined on the principle that they are conducive to the protection of the farmers' interests and to stable production of grain. When farmers sell their grains in accordance with the protective price system, no purchasing units entrusted by the State may refuse to purchase them. People's governments at or above the county level shall make arrangements for departments of finance, banking, etc. as well as purchasing units entrusted by the State to raise enough funds in time for the purchase of grain. No departments, units or individuals may withhold or misappropriate such funds.

Article 34 The State establishes an early warning system for grain safety and takes measures to guarantee the supply of grain. The State Council shall design the objective for ensuring grain safety and the quantity index for grain storage and, when necessary, make arrangements for the relevant competent departments to verify the fields cultivated and the grain stored. The State applies a system for the regulation of grain storage at central and local levels and establishes a network for storage and transportation of grain. Enterprises to which the State assigns the task of grain storage shall, in accordance with the regulations of the State, guarantee the quantity and quality of the grain stored.

Article 35 The State establishes a risk fund for grain, which shall be used to support grain storage, stabilize grain markets and protect the interests of farmers.

Article 36 The State encourages people to cherish and economize on the use of grain, and takes measures to improve people's food nutrition patterns.

Input to and Support and Protection of Agriculture

Article 37 The State establishes a sound network for support and protection of agriculture, and takes such measures as financial investment, preferential taxation and banking assistance to support, in terms of fund input, scientific research and popularization of technology, education and training, supply of the means of agricultural production, market information, quality standard, test and quarantine, commercialized services and disaster relief, farmers and agricultural production and operation organizations in their efforts to develop agricultural production, in order to help increase the income of farmers. On condition that the relevant international treaties which China has concluded or has acceded to are not contravened, the State pursues a policy in support of the income of farmers, and the specific measures thereof shall be worked out by the State Council.

Article 38 The State gradually increases the overall input to agriculture. The annual overall input to agriculture by the Central Government and the local governments at or above the county level shall be increased by a broader margin than their regular revenues

respectively. The various funds earmarked for agriculture in the financial budgets of the people's governments at all levels shall chiefly be used for the following: strengthening the construction of agricultural infrastructure; supporting readjustment of the agricultural structure and promoting industrial management of agriculture; protecting the comprehensive production capacity of grain and ensuring safety of State grains; improving the system for animal and plant quarantine and epidemic prevention and prevention and control of animal epidemic diseases and plant diseases, insect pests, weeds and damage caused by rats; establishing a sound system for quality standards of agricultural products and supervisory system for quality inspection as well as networks for agricultural product markets and information service; supporting scientific research and education in agricultural, popularization of agricultural technology and training of farmers; strengthening the construction of projects for protection of agricultural ecological environment; supporting the development of poverty-stricken areas; ensuring the income level of farmers; and so on. The investment made by the governments at or above the county level in capital construction in agriculture including crop-planting, forestry, animal husbandry, fishery and irrigation and water conservancy shall be given overall consideration and increased in a coordinated manner. The State increases its investment in agricultural development and protection of the ecological environment in the western region in order to speed up the development of the region.

Article 39 The various funds earmarked for agriculture in the annual financial budgets of the people's governments at or above the county level shall be appropriated in time and in full. People's governments at all levels shall tighten supervision over the allocation and use of the various funds earmarked by the State for agriculture, in order to guarantee safety of the funds and to raise their efficiency of use. No units or individuals may withhold or misappropriate the financial credit and funds to be used for agriculture. The audit authorities shall, in accordance with law, exercise strict supervision over such funds through auditing.

Article 40 The State, through taxation, pricing, credit and other means, encourages and guides farmers and agricultural production and operation organizations to increase investment in agricultural production and operation and in capital construction such as small irrigation and water conservancy projects. The State encourages and supports farmers and agricultural production and operation organizations to raise agricultural funds in various forms on a voluntary basis and in accordance with law.

Article 41 The State encourages investment of public funds in agriculture and encourages enterprises and institutions, public organizations and individuals to donate money for setting up various funds for agricultural development, agricultural science and

technology as well as education in agriculture. The State takes measures to promote increased use of foreign funds in agriculture.

Article 42 People's governments at all levels shall encourage and support enterprises, institutions and other economic organizations of different types to provide information services to agriculture. The competent administrative department for agriculture and the relevant departments under the people's governments at or above the county level shall establish a system for collecting, sorting out and publishing agricultural information, in order to provide timely services such as market information to farmers and agricultural production and operation organizations.

Article 43 The State encourages and supports the development of agro-industry. The State, by such means as taxation and credit, encourages and supports the manufacture of and trade in the means of agricultural production in order to provide the material guaranteed for stable growth of agricultural production. The State takes macro-regulation and -control measures to maintain a reasonable price ratio between agricultural products and the principal means of agricultural production such as chemical fertilizers, pesticides, agricultural plastic films, farm machines and diesel oil for agricultural use.

Article 44 The State encourages the supply and marketing cooperatives, rural collective economic organizations, specialized cooperative economic organizations of farmers, other organizations and individuals to develop diversified forms of undertakings that provide commercialized services before, during and after the process of agricultural production. People's governments at or above the county level and the relevant departments under them shall take measures to provide support to undertakings that render commercialized services to agriculture. The departments for agriculture, industry and commerce, transportation and public security and other relevant departments shall take measures to give support to units that provide trans-regional commercialized services to agriculture.

Article 45 The State establishes a sound rural financial network, improves the rural credit system and tightens supervision over rural finance. The financial institutions concerned shall take measures to increase input to credit, improve financial services in the countryside and extend credit in support of agricultural production and operation conducted by farmers and agricultural production and operation organizations. Rural credit cooperatives shall adhere to their aims of serving agriculture, the farmers and economic development in rural areas and, in providing credit services, give priority to production and operation conducted by local farmers. The State, by taking such measures as discount, encourages financial institutions to provide credit to the farmers

and agricultural production and operation organizations engaged in agricultural production and operation.

Article 46 The State establishes a sound insurance system for agriculture. The State gradually establishes a sound policy-related insurance system for agriculture. It encourages and supports farmers and agricultural production and operation organizations to form mutual-aid cooperative insurance organizations in the service of agricultural production and operation, and encourages commercial insurance companies to conduct insurance business in agriculture. The principle of voluntariness shall be practiced in agricultural insurance. No organizations or individuals may compel farmers or agricultural production and operation organizations to buy agricultural insurance.

Article 47 People's governments at all levels shall take measures to increase the capabilities of fighting against natural disasters in agriculture, do a good job of preventing and fighting against disasters and providing disaster relief, help victims to restore production, and encourage them to support themselves by engaging in production and give each other assistance; and they shall give relief and help to the victims who lack the basic living guarantee.

Agricultural Science and Technology and Education in Agriculture

Article 48 The State Council and the people's governments at the provincial level shall make plans for the development of agricultural science and technology and education in agriculture to promote the undertakings of agricultural science and technology and education in agriculture. People's governments at or above the county level shall, in accordance with the relevant regulations of the State, steadily increase funds for agricultural science and technology and for education in agriculture. The State encourages enterprises and other sectors of society to increase investment in agricultural science and technology and draws their attention to that direction, and encourages farmers, agricultural production and operation organizations, enterprises and institutions to sponsor agricultural science and technology and education undertakings in accordance with law.

Article 49 The State protects such intellectual property rights as new varieties of plants and geographic marks of agricultural products, encourages and guides agricultural scientific research and education units to improve the basic research and application studies in agricultural science and technology, disseminate and popularize knowledge about agricultural science and technology, speed up the transformation and industrialization of scientific and technological results, and promote progress of agricultural science and technology. The relevant departments under the State Council

shall take charge of the tackling of key agricultural technologies. The State takes measures to promote international cooperation and exchange in agricultural science, technology and education, encourages the introduction of advanced foreign technologies.

Article 50 The State supports the popularization of agricultural techniques, and establishes the network for popularizing agricultural techniques, under which government support is combined with guidance by market forces, compensatory services are combined with gratuitous services and government setups for popularizing agricultural techniques are combined with different sectors of society in order that advanced agricultural techniques may be applied to agricultural production as soon as possible.

Article 51 Setups for popularizing agricultural techniques established by the State shall, relying on the pilot and demonstration bases for agricultural techniques, be in charge of popularizing and demonstrating key techniques, which are needed by the public, and provide public welfare services in respect of agricultural techniques to farmers and agricultural production and operation organizations. People's governments at or above the county level shall, in light of the need for the development of agricultural production, stabilize and strengthen the contingent for popularization of agricultural techniques, and guarantee funds for the setups working for popularization of such techniques. People's governments at all levels shall, in accordance with relevant State regulations, take measures to ensure and improve the working conditions, salaries and other benefits, and the living conditions of the scientific and technological professionals engaged in popularization of agricultural techniques, in order to encourage them to contribute their services to agriculture.

Article 52 Units of agricultural scientific research, relevant schools, setups for popularization of agricultural techniques and scientists and technicians may, on the basis of the need of farmers and agricultural production and operation organizations, provide gratuitous services, or provide compensatory services for legitimate earnings through transfer of technologies, technical services, technological contract, buying shares with technologies, etc. They shall raise the level of their services and guarantee the quality of the services. The State affords preferential treatment in terms of taxation and credit to enterprises sponsored in the service of agriculture by units of agricultural scientific research, relevant schools and setups for popularization of agricultural techniques. The State encourages farmers, specialized cooperative economic organizations of farmers, supply and marketing cooperatives, enterprises and institutions to participate in popularization of agricultural techniques.

Article 53 The State establishes the system of continuing education for agricultural professional technicians. The competent administrative department for agriculture under

the people's governments at or above the county level shall, in conjunction with the relevant departments of education and personnel, work out plans for continuing education for agricultural professional technicians, and make arrangements to carry them out.

Article 54 The State sees that compulsory education is conducted in rural areas according to law, and guarantees the funds for such education. The salaries of the teaching and administrative staff of regular primary and secondary schools run by the State shall be distributed in a unified manner by people's governments at the county level according to the regulations of the State, and the funds for building and maintaining teaching facilities, including schoolhouses, shall be arranged in a unified manner by the said people's government according to the said regulations.

Article 55 The State develops vocational education in agriculture. The relevant departments under the State Council shall, in accordance with the unified regulations of the State on the professional qualification certificate system, classify the professions and verify professional competence in agriculture, and administer professional qualification certificates in agriculture.

Article 56 The State takes measures to encourage farmers to apply advanced agricultural techniques, support them to form various kinds of scientific and technological organizations, and conduct training in applied agricultural technology, training among farmers for green certificates and training for employment, in order to enhance the cultural and technical qualifications of farmers.

Agricultural Resources and Protection of Agricultural Environment

Article 57 In the development of agriculture and the rural economy, attention shall be paid to the rational use and protection of the natural resources, such as the land, water, forests, grasslands and wild animals and plants, to the rational development and use of renewable and clean sources of energy such as hydro-energy, marsh gas, solar energy and wind energy, to the development of ecological agriculture, and to the protection and improvement of the ecological environment. People's governments at or above the county level shall work out regional division for agricultural resources or for regional rational use and protection of agricultural resources, and establish a monitoring system for agricultural resources.

Article 58 Farmers and agricultural production and operation organizations shall keep their arable land well-maintained, make rational use of chemical fertilizers, pesticides and agricultural plastic films, increase the application of organic fertilizers and apply advanced techniques, in order to protect and improve soil fertility and prevent the

land for agriculture from pollution, destruction and soil fertility declination. The competent administrative departments for agriculture under the people's governments at or above the county level shall take measures to support farmers and agricultural production and operation organizations in their efforts to improve the quality of the arable land, and regularly monitor the quality of such land.

Article 59 People's governments at all levels shall take measures to improve the comprehensive rehabilitation of small river basins, and to prevent and control soil erosion. Units and individuals engaged in production or construction which may cause soil erosion shall take preventive measures, and shall be responsible for the control of soil erosion caused by production or construction. People's governments at all levels shall take measures to prevent and control sand encroachment upon land. The State Council and the local people's governments at or above the county level in the places where land is encroached upon by sand shall, in accordance with the provisions of laws, draw up plans for prevention and control of sand encroachment, and make arrangements to carry them out.

Article 60 The State applies the system of compulsory tree planting by the whole nation. People's governments at all levels shall take measures and make arrangements for the masses to plant trees, to protect forestland and forests, to prevent forest fires, to prevent and control plant diseases and insect pests in forests, to put a stop to denudation and illegal felling of trees, and to increase forest coverage. The State applies in the natural forests preservation zones the system under which felling of trees is prohibited or restricted, and improves afforestation and the protection of forests.

Article 61 The local people's governments concerned shall strengthen protection, development and management of grasslands, guide and make arrangements for farmers (herdsmen) and agricultural (animal husbandry) production and operation organizations to build artificial pastures, bases of forage grass and fodder and improve natural grasslands, carry out the principle of basing the number of animal raised on the grass available, keep the number of animals fed under control, introduce the system of regional rotation grazing, closed grazing and prohibition against grazing, protect the vegetation of grasslands and prevent the grasslands from degeneration, encroachment by sand, and salinization.

Article 62 Destruction of forests and grass and burning of mountain vegetation for land reclamation and reclaiming of slopes banned by the State are prohibited; and where such land has already been reclaimed, it shall gradually be restored to forests or grasslands. Reclaiming land from a lake and reclaiming land from wetland which is banned by the State are prohibited; and where such land has already been reclaimed, it

shall gradually be restored to the lakes and wetland. Farmers who restore reclaimed land within the scope of plans approved by the State Council shall be given subsidies in accordance with the regulations of the State.

Article 63 People's governments at all levels shall take measures to implement, in accordance with law, the system of fishing norms, fishing prohibition and closed fishing, in order to propagate fishery resources and protect ecological environment of fishery waters. The State provided guidance to and supports farmers (fishermen) and the agricultural (fishery) production and operation organizations engaged in fishing to take up aquaculture or other occupations; and the farmers (fishermen) who change the line of production or are transferred to other jobs on the basis of unified plans of the local people's governments shall be given subsidies in accordance with the regulations of the State.

Article 64 The State establishes the system of protection for the resources of biological species related to agricultural production in order to protect the variety of organisms, laying emphasis on the resources of organisms which are rare, endangered, or precious, and on their origins. Resources of biological species introduced from abroad shall, according to law, be registered or be subject to examination and approval, and appropriate safety and control measures shall be taken. With respect to research, experiment, production, processing, operation and other application of agricultural transgenic organisms, all the safety and control measures shall be enforced strictly in accordance with the regulations of the State.

Article 65 The competent administrative departments for agriculture at all levels shall provide guidance to farmers and agricultural production and operation organizations in their adoption of biological measures or use of highly effective, low-toxic and low-residual pesticides and veterinary medicines to prevent and control animal and plant diseases, insect pests, weeds and damage by rats. Straws and other residual materials after the reaping of agricultural products shall comprehensively be utilized and properly disposed of in order to prevent environmental pollution and ecological destruction. Units and individuals engaged in raising livestock and poultry in scale shall conduct decontamination or make comprehensive utilization of their excrements and urines, waste water and other waste materials; and units and individuals engaged in aquaculture shall rationally use feedings, fertilizers and medicines in order to prevent environmental pollution and ecological destruction.

Article 66 People's governments at or above the county level shall take measures to urge the relevant units to prevent and control pollution of the agricultural ecological environment by waste water and gas and solid waste materials. Where a unit discharges

waste water or gas or solid waste materials and thus causes pollution of the agricultural ecological environment, the competent department of environment protection administration or for agriculture shall, in accordance with laws, investigate the matter and handle it; and if losses are caused to farmers or agricultural production and operation organizations, the person responsible for such losses shall pay compensation according to law.

Protection of the Rights and Interests of Farmers

Article 67 Any government department or unit that collects administrative or operating charges from farmers or agricultural production and operation organizations shall do so in accordance with the provisions of laws and regulations. All the items, scopes and rates of such charges shall be made public. Farmers and agricultural production and operation organizations shall have the right to refuse to pay any charges for which there are no laws or regulations to go by. Any government department or unit that is to impose fines on farmers or agricultural production and operation organizations shall do so in accordance with the provisions of laws, rule and regulations. Farmers or agricultural production and operation organizations shall have the right to refuse to pay any fines for which there are no laws, rules or regulations to go by. No government department or unit may, by any means, make apportionment among farmers or agricultural production and operation organizations. Any demand made by any government department or unit, by any means, on farmers or agricultural production or operation organizations for manpower, financial or material resources shall be regarded as an apportionment, except where otherwise provided for in laws or regulations. Farmers or agricultural production and operation organizations shall have the right to refuse any apportionment made by any means.

Article 68 No people's government at any level or the relevant departments or unit under it may, by any means, raise funds from among farmers or agricultural production and operation organizations. No government departments or unit may conduct, without laws or regulations to go by or without approval by the State Council, conduct any form of activities in the countryside for reaching a certain standard, for upgrading or for accepting a project after inspection.

Article 69 Farmers and agricultural production and operation organizations shall, in accordance with the provisions of laws and administrative regulations, have the obligation to pay taxes. Taxation departments and the units that withhold or collect taxes on behalf of the said governments shall levy taxes according to law and are not allowed to apportion taxes in violation of law or levy taxes by other illegal means.

Article 70 With respect to compulsory education in rural areas, except for fees collected in accordance with the regulations of the State Council, no other fees may be collected from farmers and students. Government departments and units are prohibited from collecting fees from farmers through rural primary and secondary schools.

Article 71 When, in accordance with law, requisitioning land collectively owned by farmers, the State protects the legitimate rights and interests of the farmers and rural collective economic organizations and, in accordance with law, give them compensation for the land requisitioned, which no unit or individual may withhold or misappropriate.

Article 72 In the course of the agricultural and rural economic restructuring, the industrialization of agricultural operation and the transfer of the right to land contractual management, no people's government at any level, rural collective economic organization or villagers committee may infringe upon the farmers' right to land contractual management, interfere with the items of production and operation arranged by the farmers themselves, or compel the farmers to buy the means of production designated by it or to sell their agricultural products through the channels designated by it.

Article 73 Where rural collective economic organizations or villagers committees need to obtain funds or manpower from their members (villagers) for the development of production or establishment of public welfare undertakings, the matter shall be subject to adoption the majority of the participants of the members (villagers) assembly or representative assembly. Where rural collective economic organizations or villagers committees raise funds or obtain manpower in accordance with the provisions of the preceding paragraph, they are not allowed to exceed the ceiling of the control norm fixed by the people's governments at or above the provincial level, and compulsory substitution of funds for manpower is prohibited. Rural collective economic organizations and villagers committees shall make known to farmers important matters that have a bearing on the interests of the farmers and regularly publish their financial accounts to accept supervision by the farmers.

Article 74 Any unit or individual that provided compensatory services in respect of production, technology, information, culture, insurance, etc. to farmers or agricultural production and operation organizations shall adhere to the principle of voluntariness, and is not allowed to compel farmers or agricultural production and operation organizations to accept such services.

Article 75 When purchasing agricultural products, no purchasing units may force down the grade or price or withhold any fees from the money paid. Where taxes are to be withheld or collected by an agent, as provided for by laws and administrative regulations, the provisions of the said laws and regulations shall be abide by. Where a dispute arises

over the grade of quality of agricultural products between the unit purchasing the agricultural products and the seller of the products, they may entrust a statutory qualified authority for quality inspection of agricultural products with the inspection of the products.

Article 76 Where a user of the means of agricultural production suffers losses due to the dubious quality of the means of production, sellor of such means of production shall make the user compensation, and the amount of compensation shall include the purchasing price, the relevant expenses and the losses of the benefits available.

Article 77 Farmers and agricultural production and operation organizations shall, for the purpose of safeguarding their own legitimate rights and interests, have the right to report what happens and put forth their lawful requests to people's governments at different levels and the relevant departments, and the people's governments and the relevant departments shall, in accordance with the regulations of the State and without delay, give replies to the reasonable requests put forth by the farmers or agricultural production and operation organizations.

Article 78 Where the rights and interests of farmers are infringed upon in violation of the provisions of laws, the farmers or agricultural production and operation organizations may, according to law, apply for administrative reconsideration or bring a lawsuit in the People's Court; and the relevant people's governments and departments or the People's Court shall accept the case according to law. People's Courts and the competent administrative organs of justice shall provide legal assistance to farmers in accordance with relevant regulations.

Article 79 The State upholds the principle of coordinated development of town and country, supports and helps the development of the secondary and tertiary industries in the rural areas, and readjusts and optimizes the rural economic structure, in order to help increase the income of farmers, promote the all-round development of the rural economy and gradually narrow the difference between town and country.

Article 80 People's governments at all levels shall take measures to develop enterprises in townships and towns, support agricultural development and transfer the surplus labor force in agriculture to other fields of endeavor. The State improves the supporting measures for the development of town and township enterprises, and guide the enterprises to optimize their structure, update their technologies and enhance their qualification.

Article 81 Local people's governments at or above the county level shall, in light of the level of local economic development, the advantages of their location and the conditions of resources, promote the building of small rural cities and towns, giving priority to selected ones and acting on the principles of rational geographic distribution, scientific planning and economy in the use land. Local people's governments at all levels shall attach importance to the application of the market mechanism, improve the relevant policies, attract investment by farmers and public funds in the development and building of small cities and towns and the development of the secondary and tertiary industries, and provide guidance to town and township enterprises in order that they develop in a relatively concentrated manner.

Article 82 The State takes measures to guide the rational and orderly flow of the surplus rural labor force between cities and the countryside and among different regions. Local people's governments at all levels shall, according to law, protect the legitimate rights and interests of the rural workers who get employed in cities and towns, and they are not allowed to establish unreasonable restrictions, and they shall remove such restrictions, if established.

Article 83 The State gradually improves the public relief system in the rural areas and guarantees the basic living standards among the households of infirm and childless old people enjoying the five guarantees (namely, food, clothing, medical care, housing and burial expenses), poor disabled farmers, poor aged farmers and other farmers who have lost the ability to work.

Article 84 The State encourages and supports farmers to consolidate and expand rural cooperative medical service and other medical guarantee forms in order to foster farmers' health.

Article 85 The State supports and helps poverty-stricken areas to improve the conditions of their economic development and assists them to develop their economy. People's governments at the provincial level shall, on the basis of the State's overall objective of and requirements for supporting and helping the poverty-stricken areas, draw up plans for alleviating poverty through development, and make arrangements for their implementation. People's government at all levels shall adhere to the developmental principle in helping alleviate poverty, making arrangements for farmers and agricultural production and operation organizations in poverty-stricken areas to rationally use the funds for fighting poverty and lift themselves from poverty and backwardness by relying on their own efforts, and guide farmers in poverty-stricken areas to readjust their economic structure and develop their local resources. In alleviating poverty through development, they shall uphold the principle of combining with the protection of

resources and ecological development and promote the coordinated economic development and all-round social progress in the poverty-stricken areas.

Article 86 The Central and provincial governments shall include their input to the fight against poverty throw development in their fiscal financial budgets, and keep increasing such input year by year, and increase the transfer of payments and the input of construction funds for the poverty-stricken areas. The State encourages and supports financial institutions, other enterprises and institutions and individuals to invest funds in support of the development and construction of the poverty-stricken areas. All units and individuals are prohibited from withholding and misappropriating the funds earmarked for the fight against poverty. Audit authorities shall tighten supervision over such funds through auditing.

Law Enforcement and Supervision

Article 87 People's governments at or above the county level shall take measures to gradually improve the agricultural administration system to meet the requirements for the development of the socialist market economy. The competent administrative departments for agriculture under the people's governments at or above the county level and the relevant competent administrative departments shall rigorously perform their duties of planning, guidance, administration, coordination, supervision and service, exercise their functions according to law and enforce laws impartially. The competent administrative departments for agriculture under the local people's governments at or above the county level shall, within the limits of their duties, build up the contingent of personnel for administrative enforcement of laws and carry out comprehensive law-enforcement, in order to enhance the efficiency and level of law-enforcement.

Article 88 The competent administrative departments for agriculture under the local people's governments at or above the county level and their law enforcement officials shall have the right to take the following measures when performing their duties of law enforcement, supervision and inspection: (1) requesting the units or individuals under inspection to make explanations and provide relevant documents, certificates or license and materials; and (2) ordering the units or individuals under inspection to desist from violating this Law and to perform their statutory obligations. When performing their duties of supervision and inspection, law enforcement officials in charge of agricultural administration shall show their papers of administrative law enforcement to the units or individuals under inspection and observe the procedure for law enforcement. The units or individuals concerned shall cooperate with the law enforcement officials in charge of agricultural administration who are performing their duties according to law, and they are not allowed to refuse to do so or obstruct such performance.

Article 89 The competent departments of agricultural administration shall completely be separated from agricultural production or management units in terms of organization, personnel and finance. The competent administrative departments for agriculture and their personnel are not allowed to participate or be engaged in agricultural production or operation.

Legal Responsibility

Article 90 Anyone who, in violation of the provisions of this Law, infringes upon such property rights of farmers or agricultural production and operation organizations as the right to land contractual management or other legitimate rights and interests of theirs shall cease such infringement and restore the original state; and if losses or damages are caused, he shall bear the responsibility to pay compensation according to law. Any State functionary who, taking advantage of his position or under other guise, infringes upon the legitimate rights and interests of farmers or agricultural production and operation organizations shall make compensation for losses, and shall be given administrative sanctions by the unit he belongs to or the competent authority at a higher level.

Article 91 Any unit or individual that violates the provisions in Articles 19, 25, 62 and 71 of this Law shall be punished in accordance with the provisions of relevant laws and administrative regulations.

Article 92 Any unit or individual that commits one of the following acts shall be ordered by the competent authority at a higher level to return the funds withheld or misappropriated within a time limit, its/his illegal gains shall be confiscated, and the persons directly in charge and the other persons directly responsible shall be given administrative sanctions by the competent authority at a higher level or by the unit they belong to; and if a crime is constituted, criminal responsibility shall be investigated according to law: (1) in violation of the provisions in the third paragraph of Article 33 of this Law, withholding or misappropriating funds for purchasing grains; (2) in violation of the provisions in the second paragraph of Article 39 of this Law, withholding or misappropriating financial or credit funds to be used for agriculture; or (3) in violation of the provisions in the third paragraph of Article 86 of this Law, withholding or misappropriating funds for the fight against poverty.

Article 93 Any government department or unit that, in violation of the provisions in Article 67 of this Law, collects fees from, inflicts fines or imposes apportionments upon farmers or agricultural production and operation organizations shall be stopped by the competent authority at a higher level and be made known to the public; where money

has already been collected, or human or material resources have already been used, the said authority shall order it to return, within a time limit, the money collected or pay compensation at market price for the human or material resources used, and the persons directly in charge and the other persons directly responsible shall be given administrative sanctions by the competent authority at a higher level or the unit they belong to; and if the circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated according to law.

Article 94 Any government department or unit that commits one of the following acts shall be ordered by the competent authority at a higher level to cease the unlawful act, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions, and the department or unit shall be ordered to return the funds raised, the taxes paid or the fees collected illegally: (1) in violation of the provisions in Article 68 of this Law, raising funds, conducting activities for reaching a certain standard, for upgrading, or for accepting a project after inspection in the countryside; (2) in violation of the provisions in Article 69 of this Law, levying taxes on farmers by illegitimate means; or (3) in violation of the provisions in Article 70 of this Law, collecting fees from farmers in excess of the quotas and items through rural primary and secondary schools.

Article 95 Any rural collective economic organization or villagers committee that, in violation of the provisions in the second paragraph of Article 73 of this Law, compels farmers to substitute funds for manpower shall be ordered by the people's government of the township (town) concerned to rectify, and return the funds illegitimately collected.

Article 96 Any unit or individual that, in violation of the provisions in Article 74 of this Law, compels farmers or agricultural production and operation organizations to accept compensatory services shall be ordered by the people's government concerned to rectify and return the fees illegitimately collected; if the circumstances are serious, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions; and if losses are caused to the farmers or agricultural production and operation organizations, it/he shall bear the responsibility to pay compensation according to law.

Article 97 Any staff member of the competent administrative department for agriculture under the people's government at or above the county level, in violation of the provisions of this Law, participates or engages in activities of agricultural production and operation shall be given administrative sanctions; and if a crime is constituted, he shall be investigated for criminal responsibility according to law.

Supplementary Provisions

Article 98 The provisions of this Law concerning farmers shall be applicable to the staff members and workers who carry out contractual operations in such enterprises and institutions as State-owned farms, livestock farms, tree farms and fish farms.

Article 99 This Law shall go into effect as of March 1, 2003.

India'sTenancy Reforms : Whereas only about 40 per cent of the area of the country was under different intermediary tenurial systems, a major part was under the Rayatwari System with no intermediary between the State and the land-holder. The Rayatwari System was prevalent in Andhra Pradesh, Gujarat, Maharashtra, Tamil Nadu and Karnataka. In the Rayatwari, also different layers of intermediary interests began to emerge consequently as the right of ownership was recognized in these areas. The fact that land could be held even if not cultivated by a person and that the land in itself was becoming a valuable economic asset with the increasing economic and political stability, encouraged the land- owners in the Rayatwari areas to lease out their land. Unlimited rights for acquisition and the opportunity to lease out the land resulted in large areas being held on lease by a section of the society. The land owners acted as money-lenders also, leading to cumulative increase in the indebtedness of the tenants who ultimately lost their property in lieu of loans they could not repay. Thus the tenancy relationship that, arose between the landlord and the tenant in the Rayatwari areas was in no way less exploitable than the tenure that prevailed in the Zamindari areas. This sort of situation called for necessary legislation to protect the interests of the weaker sections. The intermediary system included various types of interests between the state and the actual cultivator. It varied from the absolute owner of the land that was the Zamindar in Bengal and other permanently settled areas to the land holder, having a grant of revenue or a portion of it in respect of a plot of land. These intermediary interests took too little interest in the development of agriculture through sustained investment and organized production, with the result that agriculture became stagnant and productivity deteriorated. All the measures taken for the protection of the actual cultivators were ineffective and often went against their interests. Therefore the main step in the agrarian legislation in the country that followed 1947 was to prepare the ground for the abolition of the intermediary tenures to bring the actual cultivator into direct relationship, with the State. In pursuance of this policy, the state formulated legislative measures for the abolition of such tenures and by 1955, necessary steps were taken in all the states. The implementation of these measures has since been completed practically all over the country. The security of tenure is one of the basic problems that, cover the landlord-tenant relationship. In the Zamindar areas, the erosion of the rights of the actual cultivator was an immediate process following the permanent settlement. The actual cultivators were treated as tenants and

more often at will. In the Rayatwari areas the weakness of the tenants was enhanced by their indebtedness to the landlord in most of the cases, with the result that the tenants became too weak and their position became very insecure. To ensure the security of tenure to the tenants, the early steps taken were to give them occupancy status on the condition of completing a given number of years stay on the same land. This approach resulted in a greater insecurity in the beginning, as the landlords tried to ensure that no tenant could claim such continuity on the same plot of land for the given period. In the Rayatwari areas, the concept of protection to the tenants came rather slowly, with the Malabar Tenancy Act, and the Bombay Tenancy Act (later replaced by the Bombay Tenancy and Agricuitural Lands Act, 1949). However, after Independence, the principles contained in these early legislative measures ,were widely adopted with greater emphasis on the security of tenure. The security of tenure has three essential elements

- That the ejectment of a tenant should not take place except in accordance with the provisions of the law
- That the land may be resumed by the owner, if at all for personal cultivation only and
- That in the event of resumption, the tenant is to be assured of a minimum tenanted area in his possession

Under the tenancy reform measures the law provides for conferment of the ownership right on the tenants in respect of the non-resumable areas in Andhra Pradesh (Telangana area), Assam, Gujarat, Maharashtra, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Manipur, Orissa and Tripura. The right of pre-emption is given to the tenants in Andhra Pradesh (Andhra area). In Haryana and Punjab, the tenants of landlords other than small landlords, who have a minimum period of six years continuous possessions of the tenanted land can purchase ownership rights for such, land subject to the 'permissible limit'. In Rajasthan, the tenant of khudkashi or a sub-tenant in respect of the land other than certain specified categories, can purchase ownership rights for which an application has to be made within a specified period from the commencement of the law. In Uttar Pradesh all Assamis and Adivasis have been admitted to sirdari rights with the right to acquire bhoomidari right on the payment of an amount to the state or to the Gaon Sabha, as the case may be.

There are no provisions for enabling the tenants to purchase the land or for conferring ownership on them ,in the States of Bihar and Tamil Nadu.

Homestead Tenancy: Broadly speaking, homesteads under two categories organizationally. . In most parts of India, the village system with conglomerated housing of all the people of the village exists. In some areas, specially on the western coast and in the eastern parts of India, houses are often built on the cultivated land and people live scattered. Homestead-tenancy problems arise mostly in the case of the latter type.

Protection against eviction of a homestead tenant has been a basic provision in most of the tenancy laws, with the right of pre-emption given to the homestead-dweller in case the land-owner wants to sell the land. The legislative provisions in the Vidarbha and Marathwada regions of Maharashtra and in the Kutch area of Gujarat are on these lines. Some states have gone a step further and have provided for the optional right to purchase the house sites by the homestead-dwellers. The Karnataka Land Reforms Act and the Kerala Land Reforms Act are examples. The West Bengal Acquisition and Settlement of homestead Land Act also provides the homestead-dwellers with the optional right to purchase homesteads. In the states of Bihar, Gujarat, Jammu and Kashmir, Tamil Nadu, Orissa and in Pondicherry and Dadra and Nagar Haveli the law provides for thw outright ownership to the homestead -dwellers, providing them with the status of tenants and this is indistinguishable from ownership rights. Andhra Pradesh has recently promulgated an ordinance conferring ownership to homestead dwellers. This was later replaced by an Act. Though homesteads are largely in the abadi adequate protection to individual owners has been given in the laws of Madhya Pradesh, Haryana, Rajasthan, Uttar Pradesh and Saurashtra area of Gujarat.

Bhoomdan and Gramdan Acts: The Bhoomdan Movement started in the early 1960s spread all over the country as a movement to collect the donations of land for distribution among the landless. Acharya, Vinobha Bhave initiated this movement to meet the challenge posed by the requirements of the landless people through the willing cooperation of the rich land-owners in the true Gandhian spirit. For the collection of land that was donated and for distribution among the eligible categories of persons, the movement had to get legislative sanction and approval of the State and a series of legislative measures followed on the principles laid down in the movement. Most of the states have enacted legislation and framed necessary rules to facilitate the movement. Often, committees are set up for acquiring holdings, administering and transferring property, both movable and immovable, and for entering into contracts. The land vested in the Committee is not liable to be attached or to be bold in the execution of a decree or order of a civil court. Bhoomdan lands held by the committees are exempted from the ceiling laws. Over 18,00,000 hectares of land was collected in Bhoomdan in various states, but a major part of the land, so collected, remains undistributed owing to reasons, including legal difficulties, poor quality of the land, etc.

American Farmland Trust

Overall, the research suggests that while the legislation would challenge the agriculture sector in these states, there are improved revenues from higher crop prices, new bio-fuel markets, carbon-sequestration and offsets," says Dr. Brian Hurd, New Mexico State University, and co- author of the study. And co-author Dr George Frisvold of the

University of Arizona notes further that "only small changes are expected in regional land use as some farmers can benefit from reducing tillage and putting land into conservation reserve and grass." "It's clear that there will be a relative rise in energy and fertilizer costs. But we were surprised to learn that provisions in the legislation would likely limit fertilizer cost increases to between 0.3 % and 2% by 2020, and that estimates from a variety of studies show energy cost increases of between 4% and 13% in 2020. Although modest increases, it's always a factor for farmers who operate on thin profit margins," adds Dr. Chris Goemans a co-author from Colorado State University. "However, in many cases, the higher commodity prices that are estimated by many studies will contribute to farm revenues and could largely offset these projected cost increases." "The Rocky Mountain region is quite diverse and has unique agricultural characteristics," says Anita Zurbrugg, Assistant Director of AFT's Center for Agriculture in the Environment. "We wanted to learn how the agriculture sector might fare economically under various legislative proposals to limit greenhouse gasses, and to learn more about the potential for agriculture to earn new sources of income for providing carbon offsets or renewable energy.

In the western states, cattle and dairies are important segments of the agricultural economy. Higher feed and energy prices will pose challenges, Zurbrugg added. Traditional ranchers, or those with significant feeding costs, could be the hardest hit? while dairies and concentrated feeding operations may be able to use methane digester technologies to generate income two ways: through carbon offsets and electricity generation. Zurbrugg noted that many producers perceive cost increases to be much more certain than revenue increases. "The study shows that the expected cost increases are well within the range of recent energy-price variability. I think this may give farmers some measure of confidence that we're looking at a timeframe that should allow them time to adjust to the increases." A team of researchers from New Mexico State University, the University of Arizona and Colorado State University conducted the analysis collaboratively. They assessed eight existing studies and relevant reports to consider the implications of climate change legislation, such as the American Clean Energy and Security Act of 2009 (ACES), on the region's agricultural producers, and also looked at potential land use changes and carbon offset potential.

The key findings of the analysis include:

1. Improved revenues are expected from higher crop prices, new bio-fuel crop markets and opportunities to sequester carbon and gain offset revenue.
2. Energy costs are expected to rise by as little as 4% or as much as 13% by 2020 while fertilizer cost increases range only between 0.3% and 2% because of rebates to manufacturers of Energy Intensive Trade Exposed Entities (EITEs) and projected decreases in natural gas prices.

3. On balance, preliminary findings suggest the possibility for increases in state-level, net farm income of 1.2% in Arizona, 2.9% in Colorado and 4.1 % in New Mexico in 2020, based on expected patterns of cost and price changes.
4. While higher commodity prices along with new production and revenue opportunities will generally benefit farmers and possibly more than offset rising costs in this region, resulting feed price increases could adversely affect many livestock and dairy producers.
5. Dairy producers and concentrated livestock feeding operations may be able to generate additional income by capturing and converting methane to electricity, thus providing not only revenue through carbon-offset markets but also through electricity sales.
6. Even in cases where cost increases are not offset, expected increases are within the range of recent energy-price variability.
7. Evidence suggests only small and limited changes in land use with some potential to sequester carbon from reduced tillage and conversion of cropland to grassland, as well as some limited capacity for aforestation by converting irrigated cropland to fruit and nut orchards.

Climate and clean energy legislation has waxed and waned and there have been a number of economic studies," adds Zurbrugg. "We believe it is important to have a well respected third-party like this team to review the studies and look at the various legislative and economic scenarios. Then we can better understand costs and opportunities and find good policy options. Farmers and ranchers have a great deal at stake in federal legislation," says Jon Scholl, AFT President. "Agriculture can play an important role in helping reduce and mitigate GHG, and if no clean energy bill is passed, the EPA is mandated by the Supreme Court to enact regulations under the Clean Air Act, which will affect agriculture. And they are implementing those regulations now. Regulations without opportunities only brings costs to producers. Scholl also points out that the impacts of climate change—changes in weather, some extreme and volatile—on agriculture are projected to be significant. "AFT will continue to work with agriculture groups and policy makers to develop policy options that maximize the reduction and mitigation of GHG emissions by maximizing economic opportunities for farmers and ranchers to sequester carbon, reduce GHG emissions, and produce low carbon, renewable energy," says Scholl.

Agriculture laws -US

ABA - Environment, Energy, and Resources Section

The Section of Environment, Energy, and Resources is the premier forum for lawyers working in areas related to environmental law, natural resources law, and energy law. The Section is committed to providing members with opportunities to enhance professional

skills, stay on top of current developments, and dialogue in these substantive areas. Section membership will add to your professional skill set and broaden your knowledge.

Agriculture Law - Title 7 - US Code

Agriculture includes soil preparation, seed planting, crop harvesting, gardening, horticulture, viticulture, apiculture (bee-raising), dairying, poultry, and ranching. Generally, laws grouped under the heading "agricultural law" relate to the production of the fruits of these activities as they are carried out in a commercial setting.

Migrant and Seasonal Agricultural Worker Protection Act

The Federal Migrant and Seasonal Agricultural Worker Protection Act provides protection for migrant and seasonal agricultural workers

Senate Committee on Agriculture, Nutrition and Forestry

Agriculture is at the heart of so many issues that impact our lives each day – from producing food and fiber and the fuel that supplies our vehicles to the conservation of our natural resources and the economic growth and jobs in rural areas. The responsibilities and goals of the Senate Agriculture Committee are as diverse as the needs of American agriculture. The policies developed by this committee will support efforts to move our country forward, help rural communities grow and succeed and help boost the rural economy to preserve opportunities for the next generation for states like Iowa.

Slum Clearance, Urban Renewal, and Farm Housing - Chapter 8A

This chapter provides for financial assistance to farmers and others for the construction or improvement of farm housing and other agriculturally related purposes.

US Department of Agriculture (USDA)

The United States Department of Agriculture (informally the Agriculture Department or USDA) is the United States federal executive department responsible for developing and executing U.S. federal government policy on farming, agriculture, and food. It aims to meet the needs of farmers and ranchers, promote agricultural trade and production, work to assure food safety, protect natural resources, foster rural communities and end hunger in the United States and abroad.

Agricultural laws : Europe

EU Agricultural Law - Simplifying the Common Agricultural Policy (CAP)

The 2009 Communication highlights the activities that have been carried out since 2005, and provides indications of the resulting reduction in administrative burden for farmers and administrations. Special attention is given to the activities carried out in the context of the rolling Simplification Action Plan as well as the single CMO, the 2007 study on administrative burden for farms and the results of the Health Check process. To conclude, the communication explores paths to further simplification actions in the future.

The European Council for Agricultural Law (CEDR)

Welcome to the European Council for Agricultural Law, more usually known as the "CEDR" from its French name **"Comité Européen de Droit Rural".** The CEDR is the only pan-European organization which represents lawyers interested in agricultural and rural law, in all its aspects.

CHAPTER–THREE

3. Methods and Materials

3. The Methods and Materials

The methodology of this research work is formulated to attain the objectives. Collection of statues, ordinance, rules, policy and other documents from the ministries, departments through physical office visits, internet, academic library studies along with discussions. The collected documents were classified, processed, analyzed, interpreted. The very word 'Agricultural Statues' is very important in the study of law. It includes Acts, Ordinances, rules, regulations, notifications, policies, principles emergency orders Subsidiary regulatory orders and other legal instruments. There is a tendency among the government to ignore the provisions of law in making decision and implementation process. Hence we see one kind of lawlessness and indiscipline in agriculture sector.

It is worth mentioning that, a critical analysis of agricultural statues has not been taken out, to determine if these are enacted in accordance with the necessity of present time and whether the provisions of laws are pertinent to achieve the desired goal. As such the main objectives of this research work are: Collection of all Agricultural legislative and Administrative documents Analysis of the pertinent content of the documents Recommendations for Legal Reforms need in Bangladesh Agriculture

In many Ministries, hand books are available as legal guide. But there is no hand book comprised of Laws related to Agriculture. Laws related to Agriculture have been enacted since colonial period. But there is no comprehensive collection of agricultural statutes in any ministry of Agriculture sector. If such a collection and compilation is done, it will help the policy makers to take legal decisions. From such a collection a guide book may be composed, from which the people will be benefited.

The target of document collection was about 60 including Acts, Ordinances, Regulatory Notifications, Policies, Principles, Commission recommendations, emergency orders etc. in Bangladesh on broad agricultural sectors.

The collected documents were studied in general and grouped were as follows:

1. National Policies and strategies
2. Ordinances
3. Notifications
4. Acts
5. Others.

The Crop based documents were studied semi-detailed highlighting the advantages and disadvantages. These were

1. Seed Act

2. Irrigation Act
3. Soil Conservation Act Abroad
4. Environmental Act.
5. Seed Certification Regulations
6. Export and Import Policies
7. Others

The following Acts were studied in detail :

1. Fertilizer Act
2. Pesticide Act

Acts relating to give prescription through agriculturist practitioners were found to be very inadequate. The specific formats for legal prescription were not worked out and approved as USA and other developed European countries have done it by 30's.

It has been recommended from the studies that the scientific and technological formats for prescribing materials and methods to be followed in Bangladesh should be done immediately to control prices, access and quality of the deliverables. In the way, several formats to be used by a agriculturist practitioner is prepared, tested and finalized. It is recommended that successful fulfilling of these formats validated by examiners for soil, plant protection, seed and environment. The practitioner prescription format were tested and finally developed and tested at the field level.

Example of the prescription format (pad)

Eg. Dr. Md. Abul K alam Azad

M.Sc. Ag, MBA, LLM

Registration No…….. License No…….

Diagnosis

Date……Referred by……

	[redacted]
1 Personnel	Name……Age…….. Sex……. District……
2 Address	Upazila…… …… ..Union……Village…….. Local site……....
3 Land	AEZ…….....…Sub-Zone..... Land type……..PU.....…….
4 Soil	GST..... Texture.....Reaction.....Colour.....
5 Crop	**Species……..…Variety……..…Yield group…….Age/stage…….Season….**
6 Problem	Plant…….leaf…..…..flower……....fruit……..……stem…….ear…….. root…….
7 Symptom	Lesion…….blight……rot……chlorosis…….eaten……bores……o ozing …..
8 Identity	Soil Stress…….disease……insect…….mite……nutrient def……
9 Testing	Soil……..leaf……..fruit……stem……..root……o thers……

10 Statement of the problem	
11. Test results, if any	
12. Final Diagnosis	
13. Other comments	

Signature with seal..... Date.....

Example of the prescription format (pad)

Eg. Dr. Md. Abul K alam Azad

M.Sc. Ag, MBA, LLM

Registration No..... License No.....

Diagnosis

Date.....Referred by.....

Prescription

1. Identified	

problem	
2. Prescripts	1. Material……..…… Dose……..Formulation…….. Times & interval …… Other directions……..
	1. Material……..…… Dose……..Formulation…….. Times & interval …… Other directions……..
3. Technical directions	Liming ……..……..…… OM application……..…… Irrigation……Hygienic…… ……
4. Others	

Signature with seal…….. **Date……..**

Time schedule of the work

A. Course preparation

B. Active Research Period

1. Preparing the formats:: 2 months

2. Collection of documents: 12 months

3. Taking feed back on documents: 4 months

4. Processing and compilation: 6 months

5. Interpretation and writing thesis: 6 months

6. Finalizing the thesis: 6 months

C. Tests and presentations

							M	o	n	t	h	s												
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
1. Preparing the formats: 2 months																								
2. Collection of documents: 12 months																								
3. Taking feed back on document: 4 month																								

4. Processing & compilation: 6 months																							
5.Interpretation and writing thesis: 6 months																							
6. Finalizing the thesis: 6 months																							

CHAPTER–FOUR

4. Results and Discussion

4 RESULTS AND DISCUSSION

Several Golden Rules for safe use of Agrochemicals found to be effective in diagnosing and preparing prescriptions were finalized as mentioned here.

1. Exercise caution at all times.
2. Diagnose the problem as per format developed and given here
3. Make the prescription as per format developed and given here
4. Fill up the declaration point scientifically taking all the responsibility of the statement as an B Sc (Ag)/ M Sc (Ag) Technical graduate in addition to further degrees or certificates obtained.
5. Read and understand the product label.
6. Practice good personal hygiene.
7. Take care of and maintain application equipment.
8. Wear appropriate Personal Protective clothing and Equipment (PPE).

Exercise caution at all times

- Always keep products under lock and key, out of the reach of children and animals.
- Handle and transport products with caution. Transport crop protection products separately from foodstuff or animals.
- Always triple rinse emptied product containers and dispose by following local best practice.
- Wear a hat and do not spray during the hottest part of the day.
- Carry an adequate supply of drinking water to avoid dehydration. Always wash before drinking.

Read and understand the product label

The product label contains important information on product features and on risks relating to product use, together with correct measures to take in the case of an emergency.

- Always follow the label instructions for use (crops, targets application rates and water volumes per unit area).
- If you cannot understand the label then have it read and explained to you
- Understand the meaning of the pictograms if used.
- Read the emergency procedures.
- Check that the product has not expired.

- Check when purchasing products that the WHO hazard classification colour coding band and select the least hazardous.

Example of the prescription format (pad)

Eg. Dr. Md. Abul K alam Azad

M.Sc. Ag, MBA, LLM

Registration No…….. License No……

Diagnosis

Date……Referred by……

	[redacted]
1 Personnel	Name……Age……..… Sex…….…. District……
2 Address	Upazila…… …… ..Union…… Village…….….. Local site…….. .
3 Land	AEZ…….…….Sub-Zone……

	Land type……PU……
4 Soil	GST…… Texture…… Reaction……Colour……
5 Crop	Species……Variety…… Yield group……Age/stage…… Season……
6 Problem	Plant……leaf……flower…… fruit……stem…… ear……root……
7 Symptom	Lesion……blight……rot……

	chlorosis.....eaten..... bores.....oozing ..... wilting.....Others.....
8 Identity	Soil Stress.....disease..... ..... insect.....mite..... ..... nutrient def.....
9 Testing	Soil.....leaf.....fruit..... ..... stem.....root..... others.....
10 Statement of the problem	
11. Test	

results, if any	
12. Final Diagnosis	
13. Other Comments	

Signature with seal……..… Date……..

Example of the prescription format (pad)

Eg. Dr. Md. Abul K alam Azad

M.Sc. Ag, MBA, LLM

Registration No..... License No.....

Diagnosis

Date.....Referred by.....

Prescription

1. Identified Problem	
2. Prescripts	1. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
	1. Material..... Dose.....

	Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic..... .....
4. Others	

Signature with seal..... **Date.....**

Fertilizer: mIntroduction to Prescription Maps for Variable-rate Application

Variable-rate application (VRA) of fertilizer allows a prescribed rate of fertilizer or lime to be applied at each location within the field, based on soil test results. Generally, agribusinesses charge a higher fee for VRA of fertilizer or lime over traditional uniform application (to recoup the costs of their equipment). Research has suggested VRA of lime has been economically justified, but with recent increases in fertilizer costs, P and K may

also be viable candidates for VRA. Depending on the variability within each field, a decision will need to be made as to whether variable rate or a uniform rate is the economically optimum choice.

This publication addresses the process of connecting the geographic information to the soil test results and the process of generating a prescription map. For more information on soil sampling, refer to Precision Soil Sampling for Alabama Farms (Timely Information Sheet, January 2007) and additional information on VRT, Overview of Variable-Rate Technology (Timely Information Sheet, January 2009).

Equipment

Variable-rate application of fertilizer and lime requires several steps. Often, the last step in the process is the step that should be addressed first: How is the fertilizer going to be applied? Once the application equipment has been identified, the process that takes you from soil sampling to the actual fertilizer application can be completed.

There are numerous ways to set up fertilizer equipment to vary the application rate of products. There are four basic components of variable-rate technology: computer and/or controller (can be integrated into one product); Differential GPS (DGPS—receiving a correction signal such as WAAS, StarFire 1 or 2, or OmniStar); hydraulic valve and motor; and metering device. Many of these devices are multipurpose; for example, both the Ag Leader 3000Pro and the John Deere 2600 display may be used as part of a yield monitoring system in addition to serving as a computer for a variable-rate application. The following are examples of typical setups:

- John Deere Greenstar 2600 display with a Raven 440/660 controller and appropriate valve on a spreader buggy
- Raven Viper with appropriate valve/hydraulics on a spreader buggy
- IPAQ with FarmWorks Site Mate and Rawson Accu-Rate on a sidedress nitrogen applicator

Note that all setups would require a DGPS receiver. Once the appropriate equipment to apply fertilizer or lime has been selected, you will know which format the prescription map should be written in and the type of data card needed.

Prescription Map

A prescription map tells the controller how much product to apply based on the location of the equipment in the field. One must know what computer and/or controller will be used to create a prescription map in the appropriate format. For example, a prescription map written for an Ag Leader PF3000 Pro requires the format, and a Raven Viper can read the format. Most agricultural GIS packages can create prescription maps in multiple formats. Other factors to note are equipment limitations (minimum and maximum rates) and application width. Some controllers, such as John Deere controllers, require that a boundary file of the field be included in addition to the prescription map. The prescription is written to a compact flash (CF), PCMCIA card (depending on equipment selections), or other type of data card, which is then uploaded to the computer within the machine cab. For prescriptions to be based on zones, the first step is to delineate the zones. This step can be completed using several methods. Visit www.aces.edu/waterquality/gis_data/index.php for free Alabama GIS data that can be used for zone delineation. Data available on this Web site include Digital Ortho Quarter Quads (DOQQ), a form of aerial imagery that can be used in the creation of boundaries and zones, and Soils Data, which includes county soil surveys in both spatial and tabular form. The spatial form can be imported into the GIS packages and clipped to field boundaries. Farmer knowledge and yield data are also excellent tools for creating management zones.

When zone maps are created, each zone within the field is automatically assigned a number (see figure 1). The soil sample is usually named in the following format:
Farm Name-Field Name-Zone Name When soil analysis data is returned from the lab, the same naming convention is used, which allows the GIS to match the data to the appropriate zone (figure 1). Zones can be used for numerous applications, such as variable rate fertilizer (broadcast and sidedress), plant growth regulators, cotton defoliants, and seeding rates.

For grid sampling, the boundary is typically divided into 2 ½ acre grids, using a desktop GIS or a PDA (handheld computer) loaded with an agricultural GIS software package. Grids are usually arbitrary and do not account for any past or current knowledge of the field. Each grid is assigned a number, sometimes referred to as Feature ID. Feature ID is comparable to the "zone" column in figure 1; this is how the GIS package links the soil test results back to the geographical location.

Agricultural GIS Packages

Agricultural GIS (Geographic Information System) software packages are used to create prescription maps (table 1). They are also used to generate zones or grids for soil sampling. When considering the purchase of a GIS, keep in mind the equipment the GIS will need to be compatible with and the type of record keeping needs you have. Many of the programs provide in-depth analysis features that will allow you to analyze multiple years of data, average yields across crops, import and clip soil type data to field boundaries, along with other analysis functions.

If you plan to import soil test results, find out what type of electronic formats your soil test lab will provide and how that information will be returned to you (e.g., e-mail, downloaded from the Web site)

Example of exercise with coding

	Field name	**Zone**	**code**	**N rate**	**P2O5**	**K2O**	
1	**s**	**1**	**0**	**60**			**40**
2	**d**	**2**	**0**	**60**	**40**		**40**
3	**d**	**3**	**0**	**60**	**40**	**40**	**40**
4	**f**	**4**	**0**	**60**		**40**	**40**
5	**g**	**5**	**0**	**60**		**40**	**40**
6	**c**	**6**	**0**	**60**		**40**	
7	**v**	**7**	**0**	**60**		**40**	
8	**t**	**8**	**0**	**60**			

Example of a prescription map with seven defined zones. The spreadsheet on the right contains the soil test data with arrows indicating how zones are linked to the soil test results. Desktop GIS Packages Tailored for Agriculture

Company	Desktop Product	PDA Companion Program	Web site
Easi Suite	MapShots	Pocket Crops	www.mapshots.com
SST Development Group, Inc.	SSToolbox® SSToolbox Lite® SSToolkit®	SST Stratus	www.sstsoftware.com
Ag Leader	SMS Basic SMS Advanced	SMS Mobile	sms.agleader.com
Farm Works	Farm Site Site Pro	Farm Site Mate	www.farmworks.com
John Deere	Apex	NA	Stellar support. deere.com/en_US/

CHAPTER – Five

5. Summary Format

Example of the prescription format (pad)

Eg. Dr. Md. Abul K alam Azad

M.Sc. Ag, MBA, LLM

Registration No..... License No.....

Diagnosis

Date.....Referred by.....

	[redacted]
1 Personnel	Name.....Age..... Sex..... District.....
2 Address	Upazila..... ....Union..... Village..... Local site..... .
3 Land	AEZ.....Sub-Zone..... Land type.....PU.....
4 Soil	GST..... Texture..... Reaction.....Colour..... ...
5 Crop	Species.....Variety..... .....

	Yield group……Age/stage…… …. Season……..
6 Problem	Plant……leaf……..flower…… …….. fruit……stem…… …….. ear……root……..… .
7 Symptom	Lesion……blight……rot…… …… chlorosis……eaten……..… bores……oozing …… wilting……Others……
8 Identity	Soil Stress……disease…… …… insect……mite…… …… nutrient def…….…
9 Testing	Soil……leaf……fruit…… …… stem……root…… others…….…

10 Statement of the problem	
11. Test results, if any	
12. Final Diagnosis	
13. Other Comments	

Signature with seal…….. **Date……..**

Example of the prescription format (pad)

Eg. Dr. Md. Abul K alam Azad

M.Sc. Ag, MBA, LLM

Registration No…….. License No…….

Diagnosis

Date.....Referred by.....

Prescription

	.....
1. Identified Problem	
2. Prescripts	1. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
	1. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic..... .....

4. Others	

Signature with seal…….. **Date……..**

CHAPTER–SIX

6. Literature Cited

6 *LITERATURE CITED*

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Coffee Industry Act, 2001CAP. 347 R.E. 2002.

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CHAPTER-SEVEN

7. Appendices

APPENDICES

The Pesticides Ordinance, 1971

The Pesticides Ordinance, 1971 440 (k) " insect " means any of the small invertebrate animals commonly known as insects and includes such forms of animal life as may be prescribed; (l) " label " means the written, printed or graphic matter on, or attached to, a pesticide or the immediate container thereof, and the outside container or wrapper of the retail package, if any, of the pesticide; (m) " package " includes every container; (n) " pesticide " means any substance or mixture of substances used or represented as a means for preventing, destroying, repelling, mitigating or controlling, directly or indirectly, any insect, fungus, bacterial organism, nematodes, virus, weed, rodent, or other plant or animal pest; but does not include a substance which is a ' drug ' within the meaning of the Drugs Act, 1940; (o) " prescribed " means prescribed by rules made under this Ordinance; (p) " registered " means registered under this Ordinance; (q) " registration number " means a specific number assigned by the Government to each registered brand of pesticide; (r) " rules " means rules made under this Ordinance; and (s) " weed " means any plant which grows where not wanted. CHAPTER II IMPORT, MANUFACTURE, FORMULATION, 1 [REPACKING,] SALE, DISTRIBUTION AND USE OF PESTICIDES Pesticides to be registered 4. No person shall import, manufacture, formulate, 2 [repack,] sell, offer for sale, hold in stock for sale or in any manner advertise any brand of pesticide which has not been registered in the manner hereinafter provided. 1 The word and comma " REPACKING , " were inserted by section 4 of the Agricultural Pesticides (Amendment) Act, 1980 (Act No. V of 1980). 2 The word and comma " repack, " were inserted by section 5 of the Agricultural Pesticides (Amendment) Act, 1980 (Act No. V of 1980).

The Pesticides Ordinance, 1971 441 5. (1) Any person intending to import, manufacture, formulate, 1 [repack,] sell, offer for sale, hold in stock for sale or advertise any brand of a pesticide may apply to the Government for the registration of the brand under such name as he may indicate in the application. Application for registration of pesticide (2) An application under sub-section (1) shall be in such form, be accompanied by such fee and contain such statements and information as may be prescribed. (3) Where the person making an application under sub- section (1) is not domiciled in Bangladesh, the application shall, besides such person, be signed by his agent or representative in Bangladesh. (4) Upon the receipt of an application under sub-section (1), the Government may register a brand of a pesticide by the name indicated in the application, if it is satisfied that- (a) the brand is not such as would tend to deceive or mislead the purchaser with respect to the guarantee relating to the pesticide or its ingredients or the method of its preparation; or (b) the guarantee relating to the pesticide or its ingredients is not the same as that of another registered brand or is not so similar thereto as to be likely to

deceive; or (c) it is effective for the purpose for which it is sold or represented to be effective; or (d) it is not generally detrimental or injurious to vegetation, except weeds, or to human or animal health, even when applied according to directions. (5) When it registers a brand of a pesticide on the application of any person, the Government shall grant to him a certificate of registration in such form as may be prescribed. 1 The word and comma " repack, " were inserted by section 6 of the Agricultural Pesticides (Amendment) Act, 1980 (Act No. V of 1980).

The Pesticides Ordinance, 1971 442 Period for which registration shall be effective 6. The registration of a brand of a pesticide shall be effective from the date of its registration until the thirtieth day of June of the third year following the year of registration. Cancellation of registration 7. If, at any time after the registration of the brand of a pesticide, the Government is of opinion that the registration has been secured in violation of any of the provisions of this Ordinance or the rules or that the pesticide is ineffective against pests or hazardous to vegetation, other than weeds, or to human or animal life, the Government may, after giving to the person on whose application it had been registered an opportunity of being heard, cancel the registration. Renewal of registration 8. (1) The Government may, on the application of the importer, manufacturer, formulator, 1 [re-packer,] vendor or stock-holder of a registered brand of a pesticide in the guarantee or ingredients of which no change has taken place since the date of its registration, renew the registration of the brand for a further period of three years. (2) An application under sub-section (1) shall be in such form and be accompanied by such fee as may be prescribed and shall be made before the expiration of the period for which the registration of the brand to which it relates is effective. Requirement of licence 2 [8A. (1) Any person may, after obtaining a licence granted by the licensing authority, import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale, involve in pest control operation on commercial basis or advertise in any manner any brand of registered pesticide. (2) Any person intending to import, manufacture, formulate, repack, sell, offer for sale, hold in stock for sale, involve in pest control operation on commercial basis or advertise any brand of registered pesticide may apply for a licence to the licensing authority. 1 The word and comma " re-packer, " were inserted by section 7 of the Agricultural Pesticides (Amendment) Act, 1980 (Act No. V of 1980). 2 Section 8A was inserted by section 8 of the Agricultural Pesticides (Amendment) Act, 1980 (Act No. V of 1980).

The Pesticides Ordinance, 1971 443 (3) An application under sub-section (2) shall be in such form, be accompanied by such fee and contain such statements and information as may be prescribed. (4) A licence granted under this section shall be in such form and subject to such conditions as may be prescribed. (5) A licence granted under this section shall, unless suspended or cancelled under sub-section (6), remain valid for a period of

two years from the date of issue of the licence and may, on payment of such fees as may be prescribed, be renewed for a like term. (6) The licensing authority shall have power to suspend or cancel the licence: Provided that no licence shall be suspended or cancelled without giving the licensee an opportunity of showing cause and of being heard in person. (7) Any licensee aggrieved by an order of the licensing authority under sub-section (6) may, within sixty days from the date of the order and on payment of such fee as may be prescribed prefer an appeal to the Government whose decision in the matter shall be final. (8) In this section, the expression " licensing authority " shall mean such authority as may be prescribed.] 9. If any pesticide imported into Bangladesh is found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if its sale in any way contravenes any of the provisions of this Ordinance, the Government may, by notification in the official Gazette, prohibit the further import of the pesticide into Bangladesh. Importation may be prohibited 10. No person shall sell or offer or expose for sale, or advertise or hold in stock for sale any pesticide unless each package containing the pesticide, and every tag or label durably attached thereto, is branded or marked in printed characters in such form and in such manner as may be prescribed. Labelling of packages The Pesticides Ordinance, 1971 443 (3) An application under sub-section (2) shall be in such form, be accompanied by such fee and contain such statements and information as may be prescribed. (4) A licence granted under this section shall be in such form and subject to such conditions as may be prescribed. (5) A licence granted under this section shall, unless suspended or cancelled under sub-section (6), remain valid for a period of two years from the date of issue of the licence and may, on payment of such fees as may be prescribed, be renewed for a like term. (6) The licensing authority shall have power to suspend or cancel the licence: Provided that no licence shall be suspended or cancelled without giving the licensee an opportunity of showing cause and of being heard in person. (7) Any licensee aggrieved by an order of the licensing authority under sub-section (6) may, within sixty days from the date of the order and on payment of such fee as may be prescribed prefer an appeal to the Government whose decision in the matter shall be final. (8) In this section, the expression " licensing authority " shall mean such authority as may be prescribed.] 9. If any pesticide imported into Bangladesh is found to be adulterated or incorrectly or misleadingly tagged, labelled or named, or if its sale in any way contravenes any of the provisions of this Ordinance, the Government may, by notification in the official Gazette, prohibit the further import of the pesticide into Bangladesh. Importation may be prohibited 10. No person shall sell or offer or expose for sale, or advertise or hold in stock for sale any pesticide unless each package containing the pesticide, and every tag or label durably attached thereto, is branded or marked in printed characters in such form and in such manner as may be prescribed.

Labelling of packages

The Pesticides Ordinance, 1971 444 1 [10A. (1) The Government may, by notification in the official Gazette, fix- Power to fix maximum price of pesticides, etc. (a) the maximum price at which any pesticide specified in the notification may be sold; (b) the maximum rate of commission that may be allowed to a wholesaler or retailer for distribution or sale of pesticide. (2) The Government may, for the purpose of sub-section (1), require a licensee to furnish such information as may be necessary.] Storage and use of pesticides 11. No person shall store or use any pesticide save in accordance with rules made under this Ordinance. CHAPTER III THE 2 [* * *] PESTICIDE TECHNICAL ADVISORY COMMITTEE, ETC. The agriculture Pesticide Technical Advisory Committee 12. (1) As soon as may be after the commencement of this Ordinance, the Government shall constitute a committee, to be called the 3 [* * *] Pesticide Technical Advisory Committee, to advise the Government on technical matters arising out of the administration of this Ordinance and to perform any other functions assigned to it by or under this Ordinance. (2) The Committee shall consist of a Chairman and such number of Vice-Chairmen and other members, being officers of the 4 [Government and] persons representing trade and industry engaged in pesticide business, as the Government may appoint: 1 Section 10A was inserted by section 9 of the Agricultural Pesticides (Amendment) Act, 1980 (Act No. V of 1980). 2 The word " AGRICULTURE " was omitted by section 4 of the Agricultural Pesticides (Amendment) Ordinance, 1983 (Ordinance No. XXV of 1983). 3 The word " Agriculture " was omitted by section 5 of the Agricultural Pesticides (Amendment) Ordinance, 1983 (Ordinance No. XXV of 1983). 4 The words " Government and " were substituted for the words " Central Government or a Provincial Government or " by section 10 of the Agricultural Pesticides (Amendment) Act, 1980 (Act No. V of 1980).

China : General Provisions

Article 1 This Law is enacted with a view to consolidating and strengthening the position of agriculture as the foundation of the national economy, deepening the reform in rural areas, developing the productive forces of agriculture, pushing forward the modernization of agriculture, safeguarding the legitimate rights and interests of farmers and agricultural production and operation organizations, increasing the income of farmers, enhancing their scientific and cultural qualification, promoting the sustained, steady and sound growth of agriculture and the rural economy, and attaining the objectives of building a well-off society in an all-round way.

Article 2 For the purpose of this Law, agriculture consists of the industries of crop-planting, forestry, animal husbandry and fishery, including the services before, during and after the production process directly related with the above. The agricultural production and operation organizations as mentioned in this Law include the rural collective

economic organizations, specialized cooperative economic organizations of farmers, agricultural enterprises and other organizations engaged in agricultural production and operation.

Article 3 The State gives first priority to agriculture in the development of the national economy. The main objectives in developing agriculture and the rural economy are to establish a rural economic system that meets the demand for the development of the socialist market economy, to continuously emancipate and develop the productive forces in the countryside, to enhance the quality and efficiency of agriculture as a whole, to ensure the supply and quality of agricultural products, to satisfy the need of developing the national economy, of an increased population and of enhancing people's lives, to increase the income of farmers and raise their living standards, to promote the transfer of the surplus rural labor to non-agricultural industries and to cities and towns, to narrow the difference between town and country and between regions, to build a prosperous, democratic and culturally advanced new socialist countryside, and to gradually bring about the modernization of agriculture and the countryside.

Article 4 The State adopts measures to ensure that agriculture plays a better role in many fields such as in the supply of food, industrial raw materials and other farm products, in the maintenance and improvement of the ecological environment and in the promotion of the rural economic and social development.

Article 5 The State upholds and improves the basic economic system under which public ownership is the mainstay of the economy, while the economic sectors of diversified ownerships develop jointly, in order to invigorate the rural economy. The State, for a long time to come, within a long period, stabilizes the two-tier management system that combines unified with separate management on the basis of household contractual management, develop systems for commercialized services, expand the actual strength of collective economy, and guide the farmers onto the road of common prosperity. The State upholds and improves the distribution system under which to each according to his work is the predominant mode of distribution, while diversified modes of distribution coexist.

Article 6 The State upholds the principles of invigoration of agriculture through science and education and of sustainable development of agriculture. The State takes measures to strengthen agriculture and the construction of infrastructure in rural areas, to readjust and optimize agriculture and the rural economic structure, to push forward the industrialized operation of agriculture, to develop the undertakings of agricultural science, technology and education, to protect the agricultural ecological environment, to promote

mechanization of agriculture and application of the technology information and to raise the comprehensive production capacity of agriculture.

Article 7 The State protects the property and other legitimate rights and interests of farmers and agricultural production and operation organizations from infringement. People's governments at all levels and the relevant departments under them shall take measures to increase the income of farmers and effectively reduce the burdens on them.

Article 8 All sectors of society shall attach great importance to agriculture and support agricultural development. The State awards the units and individuals that have made remarkable achievements in the development of agriculture and the rural economy.

Article 9 People's governments at all levels shall assume unified responsibility for work in respect of agriculture and development of the rural economy and make arrangements for the relevant departments and all sectors of society to do a good job in all fields of endeavor for the development of agriculture and for provision of services to the development of agriculture. The competent administrative department for agriculture under the State Council shall be in charge of work of agriculture and economic development in the rural areas throughout the country. The competent administrative department for forestry under the State Council and relevant departments shall, within the scope of their respective duties, be in charge of work related to agriculture and development of the rural economy. The competent administrative department for agriculture under the local people's governments at or above the county level shall be in charge of work related to agriculture and development of the rural economy including crop-planting, animal husbandry and fishery, within their own administrative regions, while the competent administrative departments for forestry shall be in charge of forest work within their own administrative regions. The relevant departments under the local people's governments at or above the county level shall, within the scope of their respective duties, be responsible for work related to services for agricultural production and operation within their own administrative regions.

System of Agricultural Production and Operation

Article 10 The State applies the contractual management system in respect of land in rural areas, protects, in accordance with law, the long-term stability of the relationship of land contract in rural areas, and protects the right of farmers to use their contracted land. The Land Administration Law of the People's Republic of China and the Law of the People's Republic of China on Land Contract in Rural Areas shall be applicable to matters such as the mode and term of contractual management of rural land, the rights and obligations of the party giving out the contract and the contractor, and protection and

transfer of the right to land contractual management. The rural collective economic organizations shall, on the basis the household contractual management and in accordance with law, manage the collective assets, provide their members with services in respect of production, technology, information, etc., make arrangements for rational development and use of collective resources and build up the economic strength.

Article 11 The State encourages farmers to voluntarily organize themselves into various kinds of specialized cooperative economic organizations on the basis of household contractual management. Specialized cooperative economic organizations of farmers shall adhere to the aim of serving their members and in accordance with the principles of voluntary participation, free withdrawal, democratic management and return of the surplus and in accordance with law, engage in agricultural production and operation and provide services within the scope prescribed by their articles of association. Specialized cooperative economic organizations of farmers may take diversified forms and shall be established and registered in accordance with law. No organizations or individuals may infringe upon the property of such organizations or their right of decision-making in management.

Article 12 Farmers and agricultural production and operation organizations may, on a voluntary basis and in accordance with the principles of democratic management, and distribution according to work combined with dividends on shares, buy shares by pooling funds, technologies or material objects to establish different types of enterprises according to law.

Article 13 The State takes measures to develop industrial management of agriculture in various forms, and encourages and supports farmers and agricultural production and operation organizations in their efforts to develop integrated operation of production, processing and marketing. The State provides guidance and support to enterprises, scientific research institutions and other organizations which are in the service of production, processing and circulation of agricultural products through concluding contracts or establishing different kinds of enterprises with farmers or farmers' specialized cooperative economic organizations, in their efforts to form benefit communities that jointly share profits and undertake risks, in order to push forward the industrial management of agriculture and give impetus to the development of agriculture.

Article 14 Farmers and agricultural production and operation organizations may, in accordance with law and administrative regulations, establish trade associations of different kinds of agricultural products in order to provide their members with services related to production, marketing, information, technology, training, etc., to play the role

of coordination and self-discipline, to submit applications for relief measures for trade in agricultural products and to safeguard the interests of their members and trade.

Agricultural Production

Article 15 People's governments at or above the county level shall, on the basis of the medium and long-term national economic and social development plans, the basic objective for agriculture and rural economic development and the regional division of agricultural resources, work out their plans for agricultural development. The competent administrative department for agriculture under the people's governments at or above the provincial level shall, on the basis of their plans for agricultural development, take measures to give play to the advantages of their regions, in order to promote the formation of a rational regional distribution of agricultural production and to guide and coordinate the restructuring of agriculture and the rural economy.

Article 16 The State guides and supports farmers and agricultural production and operation organizations in their efforts to readjust and optimize the structure of agricultural production according to market demand and in light of the actual local conditions, to coordinate the development of crop-planting, forestry, animal husbandry and fishery, and to develop an agriculture with high quality, yields and returns in order to enhance the competitiveness of agricultural products in the world. In crop-planting, the mix of crops, varieties and quality shall be readjusted, centering around the optimization of varieties, improvement of quality and increase of returns. Efforts shall be made to improve forest ecology, carry into execution the projects designed to protect natural forests, restore reclaimed land to forests and prevent and control sand encroachment, and shelter forests shall be expanded and the cultivation of fast-growing and high yielding timber forests, forests for industrial raw materials and charcoal forests shall be speeded up. Grasslands shall be better protected and cultivated, the development of animal husbandry speeded up, the rearing of livestock in pens and folds popularized, the breeds of livestock and poultry improved, and the feed industry and the processing industry of livestock and poultry products developed. In fisheries, attention shall be paid to protection and rational use of fishery resources, readjustment of the mix of fishing, and active development of aquatic farming, deep-sea fishing and the processing of aquatic products. People's governments at or above the county level shall frame their policies, allocate funds, guide and support the structural readjustment of agriculture.

Article 17 People's governments at all levels shall take measures to strengthen all-round agricultural development and the construction of infrastructures for agriculture and

the rural areas, such as irrigation and water conservancy, protection of agricultural ecological environment, rural roads, rural energy and electric networks, storage and circulation of agricultural products, fishing ports, grassland enclosures and bases of original and fine breeds and improved strains of animals and plants, improve the conditions for agricultural production, and protect and increase the comprehensive production capacity of agriculture.

Article 18 The State supports the breeding, production and updating of animal breeds and plant varieties and the wide use of the improved strains and fine breeds, encourages the combination of variety breeding with production and operation, and sees that the seed project and the fine livestock and poultry breed project are carried into execution. The State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall set up special funds in support of the breeding and wide use of fine breeds and improved strains of animals and plants.

Article 19 People's governments at all levels and agricultural production and operation organizations shall strengthen the construction of irrigation and water conservancy facilities, establish a sound system for the management of such works, economize on the use of water, develop a water-saving agriculture, control strictly in accordance with law the use of irrigation water resources by non-agricultural construction projects and prohibit all organizations and individuals from unlawfully occupying or damaging irrigation and water conservancy facilities. The State gives priority to water-deficient regions in supporting the development of a water-saving agriculture.

Article 20 The State encourages and supports farmers and agricultural production and operation organizations to use advanced, applicable farm machines and improves the safety control over such machines for the purpose of raising the level of agricultural mechanization. The State gives support to farmers and agricultural production and operation organizations in purchasing advanced farm machines.

Article 21 People's governments at all levels shall support the development of the meteorological undertakings in the service of agriculture and enhance the abilities of monitoring and forecasting meteorological calamities.

Article 22 The State takes measures to enhance the quality of agricultural products, establish a sound system for quality standards of agricultural products and supervisory system for quality inspection and testing, and, in accordance with relevant technical regulations, operational rules and quality, hygiene and safety standards, make arrangements for production and management of agricultural products and ensure the quality and safety of agricultural products.

Article 23 The State supports the establishment, according to law, of a sound certification and mark system for quality agricultural products. The State encourages and supports the production of quality agricultural products. Local people's governments at or above the county level shall, in light of their local conditions and in accordance with relevant State regulations, take measures to develop the production of quality agricultural products. For quality agricultural products that are up to the standards prescribed by the State, an application may, in accordance with the provisions of laws or administrative regulations, be made for the use of relevant marks. For agricultural products that meet the requirements of the prescribed places of origin or production specifications, an application may, in accordance with the provisions of relevant laws or administrative regulations, be made for the use of geographic marks for agricultural products.

Article 24 The State applies the system of animal and plant epidemic prevention and quarantine, improves the setup for such prevention and quarantine, strengthens the monitoring, early warning, and prevention and control of animal epidemic diseases and plant diseases, insect pests, weeds, and damages caused by rats, sets up a rapid elimination mechanism for major animal epidemic diseases, plant diseases and insect pests, builds random animal epidemic disease zones and carries into execution the plant protection project.

Article 25 The system of registration or license shall, in accordance with the provisions of relevant laws and administrative regulations, be applied in respect of the production and operation of such means of agricultural production as pesticides, veterinary medicines, fodder and feed additives, fertilizers, seeds and farm machines, which may endanger the safety of human beings and or livestock. People's governments at all levels shall establish a sound system for the safe use of the means of agricultural production. No farmers or agricultural production and operation organizations may use such means of agricultural production as the pesticides, veterinary medicines and feed additives which are eliminated or the use of which is banned by State decree, or use other products the use of which is banned. Manufactures and sellers of the means of agricultural production shall be responsible for the quality of the products they manufacture and sell. They are prohibited from passing off inferior products as good ones, or fake products as genuine ones, or substandard products as standard ones; and they are prohibited from manufacturing and selling such agricultural means of production as pesticides, veterinary medicines, feed additives and farm machines, which are eliminated by State decree.

Circulation and Processing of Agricultural Products

Article 26 The purchase and sale of agricultural products shall be regulated by market forces. The State exercises the necessary macro-economic control over in the purchase

and sale of key agricultural products which have a bearing on the national economy and the people's livelihood, establishes a system for storage regulation at the central and local levels and improves the storage and transportation system, in order to guarantee supply and stabilize the market.

Article 27 The State gradually establishes a unified, open, competitive and orderly market system for agricultural products and formulates plans for the development of a wholesale market for agricultural products. The State gives support to the rural collective economic organizations and specialized cooperative economic organizations of farmers in their efforts to build up wholesale markets and rural fairs for agricultural products. Administrative departments for industry and commerce under the people's governments at or above the county level and the relevant departments shall, in compliance with their respective duties and in accordance with law, administer the wholesale markets for agricultural products, standardize the order of trade and prevent local protectionism and unfair competition.

Article 28 The State encourages and supports the circulation of agricultural products in various forms. It supports the farmers and the specialized cooperative economic organizations of farmers to engage in purchase, wholesale, storage, transportation and retail of agricultural products and other intermediary activities in accordance with the relevant regulations of the State. It encourages the supply and marketing cooperatives and other agricultural production and operation organizations engaged in purchase and sale of agricultural products to provide market information and open up circulation channels for agricultural products in the service of the purchase and sale of such products. People's governments at or above the county level shall take measures and urge the relevant departments to ensure unblocked transportation of agricultural products and to reduce the circulation costs for such products. The relevant administrative departments shall simplify formalities to facilitate the transportation of fresh and live farm products, they are not allowed to detain the means of transport for fresh and live farm products except where otherwise provided for in laws and administrative regulations.

Article 29 The State supports the development of the processing of agricultural products and the food industry in order to increase the added value of the products. People's governments at or above the county level shall formulate plans for the development of the processing of agricultural products and the food industry, provide guidance to the enterprises engaged in the processing of agricultural products, helping them form a rational regional layout and structure of scale, and support the specialized cooperative economic organizations of farmers and enterprises town and township enterprises in their efforts to engage in processing and comprehensive development and utilization of agricultural products. The State establishes a well-defined quality

standards for processed agricultural products, improves the means of inspection and testing and tightens control and supervision over quality safety during the processing of agricultural products, in order to guarantee food safety.

Article 30 The State encourages the development of import and export trade of agricultural products. The State takes measures for improving research in international markets and providing information and marketing services in order to promote the export of agricultural products. An early warning system for the import of agricultural products shall be established for maintaining the order of production and marketing of and fair trade in agricultural products, so that the State may take the necessary measures when the import of certain agricultural products has already occasioned or is likely to occasion serious effect detrimental to the production of relevant agricultural products at home.

Grain Safety

Article 31 The State takes measures to protect and enhance the comprehensive capacity for grain production, steadily to raise grain production level and to ensure gain safety. The State establishes the system of protection for arable land and provides special protection to capital farm land according to law.

Article 32 The State gives major assistance in terms of policy, funds and technology to the main grain producing areas, in order to build up stable bases for the production of commodity grains, improve grain storage and processing facilities and raise the grain production and processing level and increase the economic returns in the main grain producing areas. The State supports the establishment of a stable cooperative relationship of purchase and sale between the main grain producing areas and the main grain marketing areas.

Article 33 When the market price of grain is too low, the State Council may decide to introduce the protective price system for some varieties of grain. Protective prices shall be determined on the principle that they are conducive to the protection of the farmers' interests and to stable production of grain. When farmers sell their grains in accordance with the protective price system, no purchasing units entrusted by the State may refuse to purchase them. People's governments at or above the county level shall make arrangements for departments of finance, banking, etc. as well as purchasing units entrusted by the State to raise enough funds in time for the purchase of grain. No departments, units or individuals may withhold or misappropriate such funds.

Article 34 The State establishes an early warning system for grain safety and takes measures to guarantee the supply of grain. The State Council shall design the objective

for ensuring grain safety and the quantity index for grain storage and, when necessary, make arrangements for the relevant competent departments to verify the fields cultivated and the grain stored. The State applies a system for the regulation of grain storage at central and local levels and establishes a network for storage and transportation of grain. Enterprises to which the State assigns the task of grain storage shall, in accordance with the regulations of the State, guarantee the quantity and quality of the grain stored.

Article 35 The State establishes a risk fund for grain, which shall be used to support grain storage, stabilize grain markets and protect the interests of farmers.

Article 36 The State encourages people to cherish and economize on the use of grain, and takes measures to improve people's food nutrition patterns.

Input to and Support and Protection of Agriculture

Article 37 The State establishes a sound network for support and protection of agriculture, and takes such measures as financial investment, preferential taxation and banking assistance to support, in terms of fund input, scientific research and popularization of technology, education and training, supply of the means of agricultural production, market information, quality standard, test and quarantine, commercialized services and disaster relief, farmers and agricultural production and operation organizations in their efforts to develop agricultural production, in order to help increase the income of farmers. On condition that the relevant international treaties which China has concluded or has acceded to are not contravened, the State pursues a policy in support of the income of farmers, and the specific measures thereof shall be worked out by the State Council.

Article 38 The State gradually increases the overall input to agriculture. The annual overall input to agriculture by the Central Government and the local governments at or above the county level shall be increased by a broader margin than their regular revenues respectively. The various funds earmarked for agriculture in the financial budgets of the people's governments at all levels shall chiefly be used for the following: strengthening the construction of agricultural infrastructure; supporting readjustment of the agricultural structure and promoting industrial management of agriculture; protecting the comprehensive production capacity of grain and ensuring safety of State grains; improving the system for animal and plant quarantine and epidemic prevention and prevention and control of animal epidemic diseases and plant diseases, insect pests, weeds and damage caused by rats; establishing a sound system for quality standards of agricultural products and supervisory system for quality inspection as well as networks for agricultural product markets and information service; supporting scientific research

and education in agricultural, popularization of agricultural technology and training of farmers; strengthening the construction of projects for protection of agricultural ecological environment; supporting the development of poverty-stricken areas; ensuring the income level of farmers; and so on. The investment made by the governments at or above the county level in capital construction in agriculture including crop-planting, forestry, animal husbandry, fishery and irrigation and water conservancy shall be given overall consideration and increased in a coordinated manner. The State increases its investment in agricultural development and protection of the ecological environment in the western region in order to speed up the development of the region.

Article 39 The various funds earmarked for agriculture in the annual financial budgets of the people's governments at or above the county level shall be appropriated in time and in full. People's governments at all levels shall tighten supervision over the allocation and use of the various funds earmarked by the State for agriculture, in order to guarantee safety of the funds and to raise their efficiency of use. No units or individuals may withhold or misappropriate the financial credit and funds to be used for agriculture. The audit authorities shall, in accordance with law, exercise strict supervision over such funds through auditing.

Article 40 The State, through taxation, pricing, credit and other means, encourages and guides farmers and agricultural production and operation organizations to increase investment in agricultural production and operation and in capital construction such as small irrigation and water conservancy projects. The State encourages and supports farmers and agricultural production and operation organizations to raise agricultural funds in various forms on a voluntary basis and in accordance with law.

Article 41 The State encourages investment of public funds in agriculture and encourages enterprises and institutions, public organizations and individuals to donate money for setting up various funds for agricultural development, agricultural science and technology as well as education in agriculture. The State takes measures to promote increased use of foreign funds in agriculture.

Article 42 People's governments at all levels shall encourage and support enterprises, institutions and other economic organizations of different types to provide information services to agriculture. The competent administrative department for agriculture and the relevant departments under the people's governments at or above the county level shall establish a system for collecting, sorting out and publishing agricultural information, in order to provide timely services such as market information to farmers and agricultural production and operation organizations.

Article 43 The State encourages and supports the development of agro-industry.

The State, by such means as taxation and credit, encourages and supports the manufacture of and trade in the means of agricultural production in order to provide the material guaranteed for stable growth of agricultural production. The State takes macro-regulation and -control measures to maintain a reasonable price ratio between agricultural products and the principal means of agricultural production such as chemical fertilizers, pesticides, agricultural plastic films, farm machines and diesel oil for agricultural use.

Article 44 The State encourages the supply and marketing cooperatives, rural collective economic organizations, specialized cooperative economic organizations of farmers, other organizations and individuals to develop diversified forms of undertakings that provide commercialized services before, during and after the process of agricultural production. People's governments at or above the county level and the relevant departments under them shall take measures to provide support to undertakings that render commercialized services to agriculture. The departments for agriculture, industry and commerce, transportation and public security and other relevant departments shall take measures to give support to units that provide trans-regional commercialized services to agriculture.

Article 45 The State establishes a sound rural financial network, improves the rural credit system and tightens supervision over rural finance. The financial institutions concerned shall take measures to increase input to credit, improve financial services in the countryside and extend credit in support of agricultural production and operation conducted by farmers and agricultural production and operation organizations. Rural credit cooperatives shall adhere to their aims of serving agriculture, the farmers and economic development in rural areas and, in providing credit services, give priority to production and operation conducted by local farmers. The State, by taking such measures as discount, encourages financial institutions to provide credit to the farmers and agricultural production and operation organizations engaged in agricultural production and operation.

Article 46 The State establishes a sound insurance system for agriculture. The State gradually establishes a sound policy-related insurance system for agriculture. It encourages and supports farmers and agricultural production and operation organizations to form mutual-aid cooperative insurance organizations in the service of agricultural production and operation, and encourages commercial insurance companies to conduct insurance business in agriculture. The principle of voluntariness shall be practised in agricultural insurance. No organizations or individuals may compel farmers or agricultural production and operation organizations to buy agricultural insurance.

Article 47 People's governments at all levels shall take measures to increase the capabilities of fighting against natural disasters in agriculture, do a good job of preventing and fighting against disasters and providing disaster relief, help victims to restore production, and encourage them to support themselves by engaging in production and give each other assistance; and they shall give relief and help to the victims who lack the basic living guarantee.

Agricultural Science and Technology and Education in Agriculture

Article 48 The State Council and the people's governments at the provincial level shall make plans for the development of agricultural science and technology and education in agriculture to promote the undertakings of agricultural science and technology and education in agriculture. People's governments at or above the county level shall, in accordance with the relevant regulations of the State, steadily increase funds for agricultural science and technology and for education in agriculture. The State encourages enterprises and other sectors of society to increase investment in agricultural science and technology and draws their attention to that direction, and encourages farmers, agricultural production and operation organizations, enterprises and institutions to sponsor agricultural science and technology and education undertakings in accordance with law.

Article 49 The State protects such intellectual property rights as new varieties of plants and geographic marks of agricultural products, encourages and guides agricultural scientific research and education units to improve the basic research and application studies in agricultural science and technology, disseminate and popularize knowledge about agricultural science and technology, speed up the transformation and industrialization of scientific and technological results, and promote progress of agricultural science and technology. The relevant departments under the State Council shall take charge of the tackling of key agricultural technologies. The State takes measures to promote international cooperation and exchange in agricultural science, technology and education, encourages the introduction of advanced foreign technologies.

Article 50 The State supports the popularization of agricultural techniques, and establishes the network for popularizing agricultural techniques, under which government support is combined with guidance by market forces, compensatory services are combined with gratuitous services and government setups for popularizing agricultural techniques are combined with different sectors of society in order that advanced agricultural techniques may be applied to agricultural production as soon as possible.

Article 51 Setups for popularizing agricultural techniques established by the State shall, relying on the pilot and demonstration bases for agricultural techniques, be in

charge of popularizing and demonstrating key techniques, which are needed by the public, and provide public welfare services in respect of agricultural techniques to farmers and agricultural production and operation organizations. People's governments at or above the county level shall, in light of the need for the development of agricultural production, stabilize and strengthen the contingent for popularization of agricultural techniques, and guarantee funds for the setups working for popularization of such techniques. People's governments at all levels shall, in accordance with relevant State regulations, take measures to ensure and improve the working conditions, salaries and other benefits, and the living conditions of the scientific and technological professionals engaged in popularization of agricultural techniques, in order to encourage them to contribute their services to agriculture.

Article 52 Units of agricultural scientific research, relevant schools, setups for popularization of agricultural techniques and scientists and technicians may, on the basis of the need of farmers and agricultural production and operation organizations, provide gratuitous services, or provide compensatory services for legitimate earnings through transfer of technologies, technical services, technological contract, buying shares with technologies, etc. They shall raise the level of their services and guarantee the quality of the services. The State affords preferential treatment in terms of taxation and credit to enterprises sponsored in the service of agriculture by units of agricultural scientific research, relevant schools and setups for popularization of agricultural techniques. The State encourages farmers, specialized cooperative economic organizations of farmers, supply and marketing cooperatives, enterprises and institutions to participate in popularization of agricultural techniques.

Article 53 The State establishes the system of continuing education for agricultural professional technicians. The competent administrative department for agriculture under the people's governments at or above the county level shall, in conjunction with the relevant departments of education and personnel, work out plans for continuing education for agricultural professional technicians, and make arrangements to carry them out.

Article 54 The State sees that compulsory education is conducted in rural areas according to law, and guarantees the funds for such education. The salaries of the teaching and administrative staff of regular primary and secondary schools run by the State shall be distributed in a unified manner by people's governments at the county level according to the regulations of the State, and the funds for building and maintaining teaching facilities, including schoolhouses, shall be arranged in a unified manner by the said people's government according to the said regulations.

Article 55 The State develops vocational education in agriculture. The relevant departments under the State Council shall, in accordance with the unified regulations of the State on the professional qualification certificate system, classify the professions and verify professional competence in agriculture, and administer professional qualification certificates in agriculture.

Article 56 The State takes measures to encourage farmers to apply advanced agricultural techniques, support them to form various kinds of scientific and technological organizations, and conduct training in applied agricultural technology, training among farmers for green certificates and training for employment, in order to enhance the cultural and technical qualifications of farmers.

Agricultural Resources and Protection of Agricultural Environment

Article 57 In the development of agriculture and the rural economy, attention shall be paid to the rational use and protection of the natural resources, such as the land, water, forests, grasslands and wild animals and plants, to the rational development and use of renewable and clean sources of energy such as hydro-energy, marsh gas, solar energy and wind energy, to the development of ecological agriculture, and to the protection and improvement of the ecological environment. People's governments at or above the county level shall work out regional division for agricultural resources or for regional rational use and protection of agricultural resources, and establish a monitoring system for agricultural resources.

Article 58 Farmers and agricultural production and operation organizations shall keep their arable land well-maintained, make rational use of chemical fertilizers, pesticides and agricultural plastic films, increase the application of organic fertilizers and apply advanced techniques, in order to protect and improve soil fertility and prevent the land for agriculture from pollution, destruction and soil fertility declination. The competent administrative departments for agriculture under the people's governments at or above the county level shall take measures to support farmers and agricultural production and operation organizations in their efforts to improve the quality of the arable land, and regularly monitor the quality of such land.

Article 59 People's governments at all levels shall take measures to improve the comprehensive rehabilitation of small river basins, and to prevent and control soil erosion. Units and individuals engaged in production or construction which may cause soil erosion shall take preventive measures, and shall be responsible for the control of soil erosion caused by production or construction. People's governments at all levels shall take measures to prevent and control sand encroachment upon land. The State Council and the local people's governments at or above the county level in the places where land is encroached upon by sand shall, in accordance with the provisions of laws, draw up plans

for prevention and control of sand encroachment, and make arrangements to carry them out.

Article 60 The State applies the system of compulsory tree planting by the whole nation. People's governments at all levels shall take measures and make arrangements for the masses to plant trees, to protect forestland and forests, to prevent forest fires, to prevent and control plant diseases and insect pests in forests, to put a stop to denudation and illegal felling of trees, and to increase forest coverage. The State applies in the natural forests preservation zones the system under which felling of trees is prohibited or restricted, and improves afforestation and the protection of forests.

Article 61 The local people's governments concerned shall strengthen protection, development and management of grasslands, guide and make arrangements for farmers (herdsmen) and agricultural (animal husbandry) production and operation organizations to build artificial pastures, bases of forage grass and fodder and improve natural grasslands, carry out the principle of basing the number of animal raised on the grass available, keep the number of animals fed under control, introduce the system of regional rotation grazing, closed grazing and prohibition against grazing, protect the vegetation of grasslands and prevent the grasslands from degeneration, encroachment by sand, and salinization.

Article 62 Destruction of forests and grass and burning of mountain vegetation for land reclamation and reclaiming of slopes banned by the State are prohibited; and where such land has already been reclaimed, it shall gradually be restored to forests or grasslands. Reclaiming land from a lake and reclaiming land from wetland which is banned by the State are prohibited; and where such land has already been reclaimed, it shall gradually be restored to the lakes and wetland. Farmers who restore reclaimed land within the scope of plans approved by the State Council shall be given subsidies in accordance with the regulations of the State.

Article 63 People's governments at all levels shall take measures to implement, in accordance with law, the system of fishing norms, fishing prohibition and closed fishing, in order to propagate fishery resources and protect ecological environment of fishery waters. The State provided guidance to and supports farmers (fishermen) and the agricultural (fishery) production and operation organizations engaged in fishing to take up aquaculture or other occupations; and the farmers (fishermen) who change the line of production or are transferred to other jobs on the basis of unified plans of the local people's governments shall be given subsidies in accordance with the regulations of the State.

Article 64 The State establishes the system of protection for the resources of biological species related to agricultural production in order to protect the variety of organisms, laying emphasis on the resources of organisms which are rare, endangered, or precious, and on their origins. Resources of biological species introduced from abroad shall, according to law, be registered or be subject to examination and approval, and appropriate safety and control measures shall be taken. With respect to research, experiment, production, processing, operation and other application of agricultural transgenic organisms, all the safety and control measures shall be enforced strictly in accordance with the regulations of the State.

Article 65 The competent administrative departments for agriculture at all levels shall provide guidance to farmers and agricultural production and operation organizations in their adoption of biological measures or use of highly effective, low-toxic and low-residual pesticides and veterinary medicines to prevent and control animal and plant diseases, insect pests, weeds and damage by rats. Straws and other residual materials after the reaping of agricultural products shall comprehensively be utilized and properly disposed of in order to prevent environmental pollution and ecological destruction. Units and individuals engaged in raising livestock and poultry in scale shall conduct decontamination or make comprehensive utilization of their excrements and urines, waste water and other waste materials; and units and individuals engaged in aquaculture shall rationally use feedings, fertilizers and medicines in order to prevent environmental pollution and ecological destruction.

Article 66 People's governments at or above the county level shall take measures to urge the relevant units to prevent and control pollution of the agricultural ecological environment by waste water and gas and solid waste materials. Where a unit discharges waste water or gas or solid waste materials and thus causes pollution of the agricultural ecological environment, the competent department of environment protection administration or for agriculture shall, in accordance with laws, investigate the matter and handle it; and if losses are caused to farmers or agricultural production and operation organizations, the person responsible for such losses shall pay compensation according to law.

Protection of the Rights and Interests of Farmers

Article 67 Any government department or unit that collects administrative or operating charges from farmers or agricultural production and operation organizations shall do so in accordance with the provisions of laws and regulations. All the items, scopes and rates of such charges shall be made public. Farmers and agricultural production and operation organizations shall have the right to refuse to pay any charges for which there are no laws or regulations to go by. Any government department or unit

that is to impose fines on farmers or agricultural production and operation organizations shall do so in accordance with the provisions of laws, rule and regulations. Farmers or agricultural production and operation organizations shall have the right to refuse to pay any fines for which there are no laws, rules or regulations to go by. No government department or unit may, by any means, make apportionment among farmers or agricultural production and operation organizations. Any demand made by any government department or unit, by any means, on farmers or agricultural production or operation organizations for manpower, financial or material resources shall be regarded as an apportionment, except where otherwise provided for in laws or regulations. Farmers or agricultural production and operation organizations shall have the right to refuse any apportionment made by any means.

Article 68 No people's government at any level or the relevant departments or unit under it may, by any means, raise funds from among farmers or agricultural production and operation organizations. No government departments or unit may conduct, without laws or regulations to go by or without approval by the State Council, conduct any form of activities in the countryside for reaching a certain standard, for upgrading or for accepting a project after inspection.

Article 69 Farmers and agricultural production and operation organizations shall, in accordance with the provisions of laws and administrative regulations, have the obligation to pay taxes. Taxation departments and the units that withhold or collect taxes on behalf of the said governments shall levy taxes according to law and are not allowed to apportion taxes in violation of law or levy taxes by other illegal means.

Article 70 With respect to compulsory education in rural areas, except for fees collected in accordance with the regulations of the State Council, no other fees may be collected from farmers and students. Government departments and units are prohibited from collecting fees from farmers through rural primary and secondary schools.

Article 71 When, in accordance with law, requisitioning land collectively owned by farmers, the State protects the legitimate rights and interests of the farmers and rural collective economic organizations and, in accordance with law, give them compensation for the land requisitioned, which no unit or individual may withhold or misappropriate.

Article 72 In the course of the agricultural and rural economic restructuring, the industrialization of agricultural operation and the transfer of the right to land contractual management, no people's government at any level, rural collective economic organization or villagers committee may infringe upon the farmers' right to land contractual management, interfere with the items of production and operation arranged by the farmers

themselves, or compel the farmers to buy the means of production designated by it or to sell their agricultural products through the channels designated by it.

Article 73 Where rural collective economic organizations or villagers committees need to obtain funds or manpower from their members (villagers) for the development of production or establishment of public welfare undertakings, the matter shall be subject to adoption the majority of the participants of the members (villagers) assembly or representative assembly. Where rural collective economic organizations or villagers committees raise funds or obtain manpower in accordance with the provisions of the preceding paragraph, they are not allowed to exceed the ceiling of the control norm fixed by the people's governments at or above the provincial level, and compulsory substitution of funds for manpower is prohibited. Rural collective economic organizations and villagers committees shall make known to farmers important matters that have a bearing on the interests of the farmers and regularly publish their financial accounts to accept supervision by the farmers.

Article 74 Any unit or individual that provided compensatory services in respect of production, technology, information, culture, insurance, etc. to farmers or agricultural production and operation organizations shall adhere to the principle of voluntariness, and is not allowed to compel farmers or agricultural production and operation organizations to accept such services.

Article 75 When purchasing agricultural products, no purchasing units may force down the grade or price or withhold any fees from the money paid. Where taxes are to be withheld or collected by an agent, as provided for by laws and administrative regulations, the provisions of the said laws and regulations shall be abide by. Where a dispute arises over the grade of quality of agricultural products between the unit purchasing the agricultural products and the seller of the products, they may entrust a statutory qualified authority for quality inspection of agricultural products with the inspection of the products.

Article 76 Where a user of the means of agricultural production suffers losses due to the dubious quality of the means of production, sellor of such means of production shall make the user compensation, and the amount of compensation shall include the purchasing price, the relevant expenses and the losses of the benefits available.

Article 77 Farmers and agricultural production and operation organizations shall, for the purpose of safeguarding their own legitimate rights and interests, have the right to report what happens and put forth their lawful requests to people's governments at different levels and the relevant departments, and the people's governments and the

relevant departments shall, in accordance with the regulations of the State and without delay, give replies to the reasonable requests put forth by the farmers or agricultural production and operation organizations.

Article 78 Where the rights and interests of farmers are infringed upon in violation of the provisions of laws, the farmers or agricultural production and operation organizations may, according to law, apply for administrative reconsideration or bring a lawsuit in the People's Court; and the relevant people's governments and departments or the People's Court shall accept the case according to law. People's Courts and the competent administrative organs of justice shall provide legal assistance to farmers in accordance with relevant regulations.

Article 79 The State upholds the principle of coordinated development of town and country, supports and helps the development of the secondary and tertiary industries in the rural areas, and readjusts and optimizes the rural economic structure, in order to help increase the income of farmers, promote the all-round development of the rural economy and gradually narrow the difference between town and country.

Article 80 People's governments at all levels shall take measures to develop enterprises in townships and towns, support agricultural development and transfer the surplus labor force in agriculture to other fields of endeavor. The State improves the supporting measures for the development of town and township enterprises, and guide the enterprises to optimize their structure, update their technologies and enhance their qualification.

Article 81 Local people's governments at or above the county level shall, in light of the level of local economic development, the advantages of their location and the conditions of resources, promote the building of small rural cities and towns, giving priority to selected ones and acting on the principles of rational geographic distribution, scientific planning and economy in the use land. Local people's governments at all levels shall attach importance to the application of the market mechanism, improve the relevant policies, attract investment by farmers and public funds in the development and building of small cities and towns and the development of the secondary and tertiary industries, and provide guidance to town and township enterprises in order that they develop in a relatively concentrated manner.

Article 82 The State takes measures to guide the rational and orderly flow of the surplus rural labor force between cities and the countryside and among different regions. Local people's governments at all levels shall, according to law, protect the legitimate rights and interests of the rural workers who get employed in cities and towns, and they

are not allowed to establish unreasonable restrictions, and they shall remove such restrictions, if established.

Article 83 The State gradually improves the public relief system in the rural areas and guarantees the basic living standards among the households of infirm and childless old people enjoying the five guarantees (namely, food, clothing, medical care, housing and burial expenses), poor disabled farmers, poor aged farmers and other farmers who have lost the ability to work.

Article 84 The State encourages and supports farmers to consolidate and expand rural cooperative medical service and other medical guarantee forms in order to foster farmers' health.

Article 85 The State supports and helps poverty-stricken areas to improve the conditions of their economic development and assists them to develop their economy. People's governments at the provincial level shall, on the basis of the State's overall objective of and requirements for supporting and helping the poverty-stricken areas, draw up plans for alleviating poverty through development, and make arrangements for their implementation. People's government at all levels shall adhere to the developmental principle in helping alleviate poverty, making arrangements for farmers and agricultural production and operation organizations in poverty-stricken areas to rationally use the funds for fighting poverty and lift themselves from poverty and backwardness by relying on their own efforts, and guide farmers in poverty-stricken areas to readjust their economic structure and develop their local resources. In alleviating poverty through development, they shall uphold the principle of combining with the protection of resources and ecological development and promote the coordinated economic development and all-round social progress in the poverty-stricken areas.

Article 86 The Central and provincial governments shall include their input to the fight against poverty throw development in their fiscal financial budgets, and keep increasing such input year by year, and increase the transfer of payments and the input of construction funds for the poverty-stricken areas. The State encourages and supports financial institutions, other enterprises and institutions and individuals to invest funds in support of the development and construction of the poverty-stricken areas. All units and individuals are prohibited from withholding and misappropriating the funds earmarked for the fight against poverty. Audit authorities shall tighten supervision over such funds through auditing.

Law Enforcement and Supervision

Article 87 People's governments at or above the county level shall take measures to gradually improve the agricultural administration system to meet the requirements for the development of the socialist market economy. The competent administrative departments for agriculture under the people's governments at or above the county level and the relevant competent administrative departments shall rigorously perform their duties of planning, guidance, administration, coordination, supervision and service, exercise their functions according to law and enforce laws impartially. The competent administrative departments for agriculture under the local people's governments at or above the county level shall, within the limits of their duties, build up the contingent of personnel for administrative enforcement of laws and carry out comprehensive law-enforcement, in order to enhance the efficiency and level of law-enforcement.

Article 88 The competent administrative departments for agriculture under the local people's governments at or above the county level and their law enforcement officials shall have the right to take the following measures when performing their duties of law enforcement, supervision and inspection: (1) requesting the units or individuals under inspection to make explanations and provide relevant documents, certificates or license and materials; and (2) ordering the units or individuals under inspection to desist from violating this Law and to perform their statutory obligations. When performing their duties of supervision and inspection, law enforcement officials in charge of agricultural administration shall show their papers of administrative law enforcement to the units or individuals under inspection and observe the procedure for law enforcement. The units or individuals concerned shall cooperate with the law enforcement officials in charge of agricultural administration who are performing their duties according to law, and they are not allowed to refuse to do so or obstruct such performance.

Article 89 The competent departments of agricultural administration shall completely be separated from agricultural production or management units in terms of organization, personnel and finance. The competent administrative departments for agriculture and their personnel are not allowed to participate or be engaged in agricultural production or operation.

Legal Responsibility

Article 90 Anyone who, in violation of the provisions of this Law, infringes upon such property rights of farmers or agricultural production and operation organizations as the right to land contractual management or other legitimate rights and interests of theirs shall cease such infringement and restore the original state; and if losses or damages are caused, he shall bear the responsibility to pay compensation according to law. Any State functionary who, taking advantage of his position or under other guise, infringes

upon the legitimate rights and interests of farmers or agricultural production and operation organizations shall make compensation for losses, and shall be given administrative sanctions by the unit he belongs to or the competent authority at a higher level.

Article 91 Any unit or individual that violates the provisions in Articles 19, 25, 62 and 71 of this Law shall be punished in accordance with the provisions of relevant laws and administrative regulations.

Article 92 Any unit or individual that commits one of the following acts shall be ordered by the competent authority at a higher level to return the funds withheld or misappropriated within a time limit, its/his illegal gains shall be confiscated, and the persons directly in charge and the other persons directly responsible shall be given administrative sanctions by the competent authority at a higher level or by the unit they belong to; and if a crime is constituted, criminal responsibility shall be investigated according to law: (1) in violation of the provisions in the third paragraph of Article 33 of this Law, withholding or misappropriating funds for purchasing grains; (2) in violation of the provisions in the second paragraph of Article 39 of this Law, withholding or misappropriating financial or credit funds to be used for agriculture; or (3) in violation of the provisions in the third paragraph of Article 86 of this Law, withholding or misappropriating funds for the fight against poverty.

Article 93 Any government department or unit that, in violation of the provisions in Article 67 of this Law, collects fees from, inflicts fines or imposes apportionments upon farmers or agricultural production and operation organizations shall be stopped by the competent authority at a higher level and be made known to the public; where money has already been collected, or human or material resources have already been used, the said authority shall order it to return, within a time limit, the money collected or pay compensation at market price for the human or material resources used, and the persons directly in charge and the other persons directly responsible shall be given administrative sanctions by the competent authority at a higher level or the unit they belong to; and if the circumstances are serious enough to constitute a crime, criminal responsibility shall be investigated according to law.

Article 94 Any government department or unit that commits one of the following acts shall be ordered by the competent authority at a higher level to cease the unlawful act, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions, and the department or unit shall be ordered to return the funds raised, the taxes paid or the fees collected illegally: (1) in violation of the provisions in Article 68 of this Law, raising funds, conducting activities for reaching a certain

standard, for upgrading, or for accepting a project after inspection in the countryside; (2) in violation of the provisions in Article 69 of this Law, levying taxes on farmers by illegitimate means; or (3) in violation of the provisions in Article 70 of this Law, collecting fees from farmers in excess of the quotas and items through rural primary and secondary schools.

Article 95 Any rural collective economic organization or villagers committee that, in violation of the provisions in the second paragraph of Article 73 of this Law, compels farmers to substitute funds for manpower shall be ordered by the people's government of the township (town) concerned to rectify, and return the funds illegitimately collected.

Article 96 Any unit or individual that, in violation of the provisions in Article 74 of this Law, compels farmers or agricultural production and operation organizations to accept compensatory services shall be ordered by the people's government concerned to rectify and return the fees illegitimately collected; if the circumstances are serious, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions; and if losses are caused to the farmers or agricultural production and operation organizations, it/he shall bear the responsibility to pay compensation according to law.

Article 97 Any staff member of the competent administrative department for agriculture under the people's government at or above the county level, in violation of the provisions of this Law, participates or engages in activities of agricultural production and operation shall be given administrative sanctions; and if a crime is constituted, he shall be investigated for criminal responsibility according to law.

Supplementary Provisions

Article 98 The provisions of this Law concerning farmers shall be applicable to the staff members and workers who carry out contractual operations in such enterprises and institutions as State-owned farms, livestock farms, tree farms and fish farms.

Article 99 This Law shall go into effect as of March 1, 2003.

Appendices –India: Tenancy Reforms

Whereas only about 40 per cent of the area of the country was under different intermediary tenurial systems, a major part was under the Rayatwari System with no intermediary between the State and the land-holder. The Rayatwari System was prevalent in Andhra Pradesh, Gujarat, Maharashtra, Tamil Nadu and Karnataka. In the Rayatwari, also different layers of intermediary interests began to emerge consequently as the right of ownership was recognized in these areas. The fact that land could be held even if not

cultivated by a person and that the land in itself was becoming a valuable economic asset with the increasing economic and political stability, encouraged the land- owners in the Rayatwari areas to lease out their land. Unlimited rights for acquisition and the opportunity to lease out the land resulted in large areas being held on lease by a section of the society. The land owners acted as money-lenders also, leading to cumulative increase in the indebtedness of the tenants who ultimately lost their property in lieu of loans they could not repay. Thus the tenancy relationship that, arose between the landlord and the tenant in the Rayatwari areas was in no way less exploitable than the tenure that prevailed in the Zamindari areas. This sort of situation called for necessary legislation to protect the interests of the weaker sections. The intermediary system included various types of interests between the state and the actual cultivator. It varied from the absolute owner of the land that was the Zamindar in Bengal and other permanently settled areas to the land holder, having a grant of revenue or a portion of it in respect of a plot of land. These intermediary interests took too little interest in the development of agriculture through sustained investment and organized production, with the result that agriculture became stagnant and productivity deteriorated. All the measures taken for the protection of the actual cultivators were ineffective and often went against their interests. Therefore the main step in the agrarian legislation in the country that followed 1947 was to prepare the ground for the abolition of the intermediary tenures to bring the actual cultivator into direct relationship, with the State. In pursuance of this policy, the state formulated legislative measures for the abolition of such tenures and by 1955, necessary steps were taken in all the states. The implementation of these measures has since been completed practically all over the country. The security of tenure is one of the basic problems that, cover the landlord-tenant relationship. In the Zamindar areas, the erosion of the rights of the actual cultivator was an immediate process following the permanent settlement. The actual cultivators were treated as tenants and more often at will. In the Rayatwari areas the weakness of the tenants was enhanced by their indebtedness to the landlord in most of the cases, with the result that the tenants became too weak and their position became very insecure. To ensure the security of tenure to the tenants, the early steps taken were to give them occupancy status on the condition of completing a given number of years stay on the same land. This approach resulted in a greater insecurity in the beginning, as the landlords tried to ensure that no tenant could claim such continuity on the same plot of land for the given period. In the Rayatwari areas, the concept of protection to the tenants came rather slowly, with the Malabar Tenancy Act, and the Bombay Tenancy Act (later replaced by the Bombay Tenancy and Agricuitural Lands Act, 1949). However, after Independence, the principles contained in these early legislative measures ,were widely adopted with greater emphasis on the security of tenure. The security of tenure has three essential elements

- That the ejectment of a tenant should not take place except in accordance with the provisions of the law

- That the land may be resumed by the owner, if at all for personal cultivation only and
- That in the event of resumption, the tenant is to be assured of a minimum tenanted area in his possession

Under the tenancy reform measures the law provides for conferment of the ownership right on the tenants in respect of the non-resumable areas in Andhra Pradesh (Telangana area), Assam, Gujarat, Maharashtra, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Manipur, Orissa and Tripura. The right of pre-emption is given to the tenants in Andhra Pradesh (Andhra area). In Haryana and Punjab, the tenants of landlords other than small landlords, who have a minimum period of six years continuous possessions of the tenanted land can purchase ownership rights for such, land subject to the 'permissible limit'. In Rajasthan, the tenant of khudkashi or a sub-tenant in respect of the land other than certain specified categories, can purchase ownership rights for which an application has to be made within a specified period from the commencement of the law. In Uttar Pradesh all Assamis and Adivasis have been admitted to sirdari rights with the right to acquire bhoomidari right on the payment of an amount to the state or to the Gaon Sabha, as the case may be. There are no provisions for enabling the tenants to purchase the land or for conferring ownership on them ,in the States of Bihar and Tamil Nadu.

Homestead Tenancy: Broadly speaking, homesteads under two categories organizationally. . In most parts of India, the village system with conglomerated housing of all the people of the village exists. In some areas, specially on the western coast and in the eastern parts of India, houses are often built on the cultivated land and people live scattered. Homestead-tenancy problems arise mostly in the case of the latter type. Protection against eviction of a homestead tenant has been a basic provision in most of the tenancy laws, with the right of pre-emption given to the homestead-dweller in case the land-owner wants to sell the land. The legislative provisions in the Vidarbha and Marathwada regions of Maharashtra and in the Kutch area of Gujarat are on these lines. Some states have gone a step further and have provided for the optional right to purchase the house sites by the homestead-dwellers. The Karnataka Land Reforms Act and the Kerala Land Reforms Act are examples. The West Bengal Acquisition and Settlement of homestead Land Act also provides the homestead-dwellers with the optional right to purchase homesteads. In the states of Bihar, Gujarat, Jammu and Kashmir, Tamil Nadu, Orissa and in Pondicherry and Dadra and Nagar Haveli the law provides for thw outright ownership to the homestead -dwellers, providing them with the status of tenants and this is indistinguishable from ownership rights. Andhra Pradesh has recently promulgated an ordinance conferring ownership to homestead dwellers. This was later replaced by an Act. Though homesteads are largely in the abadi adequate protection to individual owners has been given in the laws of Madhya Pradesh, Haryana, Rajasthan, Uttar Pradesh and Saurashtra area of Gujarat.

Bhoomdan and Gramdan Acts: The Bhoomdan Movement started in the early 1960s spread all over the country as a movement to collect the donations of land for distribution among the landless. Acharya, Vinobha Bhave initiated this movement to meet the challenge posed by the requirements of the landless people through the willing cooperation of the rich land-owners in the true Gandhian spirit. For the collection of land that was donated and for distribution among the eligible categories of persons, the movement had to get legislative sanction and approval of the State and a series of legislative measures followed on the principles laid down in the movement. Most of the states have enacted legislation and framed necessary rules to facilitate the movement. Often, committees are set up for acquiring holdings, administering and transferring property, both movable and immovable, and for entering into contracts. The land vested in the Committee is not liable to be attached or to be bold in the execution of a decree or order of a civil court. Bhoomdan lands held by the committees are exempted from the ceiling laws. Over 18,00,000 hectares of land was collected in Bhoomdan in various states, but a major part of the land, so collected, remains undistributed owing to reasons, including legal difficulties, poor quality of the land, etc.

American Farmland Trust

Overall, the research suggests that while the legislation would challenge the agriculture sector in these states, there are improved revenues from higher crop prices, new bio-fuel markets, carbon-sequestration and offsets," says Dr. Brian Hurd, New Mexico State University, and co- author of the study. And co-author Dr George Frisvold of the University of Arizona notes further that "only small changes are expected in regional land use as some farmers can benefit from reducing tillage and putting land into conservation reserve and grass." "It's clear that there will be a relative rise in energy and fertilizer costs. But we were surprised to learn that provisions in the legislation would likely limit fertilizer cost increases to between 0.3 % and 2% by 2020, and that estimates from a variety of studies show energy cost increases of between 4% and 13% in 2020. Although modest increases, it's always a factor for farmers who operate on thin profit margins," adds Dr. Chris Goemans a co-author from Colorado State University. "However, in many cases, the higher commodity prices that are estimated by many studies will contribute to farm revenues and could largely offset these projected cost increases." "The Rocky Mountain region is quite diverse and has unique agricultural characteristics," says Anita Zurbrugg, Assistant Director of AFT's Center for Agriculture in the Environment. "We wanted to learn how the agriculture sector might fare economically under various legislative proposals to limit greenhouse gasses, and to learn more about the potential for agriculture to earn new sources of income for providing carbon offsets or renewable energy.

In the western states, cattle and dairies are important segments of the agricultural economy. Higher feed and energy prices will pose challenges, Zurbrugg added.

Traditional ranchers, or those with significant feeding costs, could be the hardest hit? while dairies and concentrated feeding operations may be able to use methane digester technologies to generate income two ways: through carbon offsets and electricity generation. Zurbrugg noted that many producers perceive cost increases to be much more certain than revenue increases. "The study shows that the expected cost increases are well within the range of recent energy-price variability. I think this may give farmers some measure of confidence that we're looking at a timeframe that should allow them time to adjust to the increases." A team of researchers from New Mexico State University, the University of Arizona and Colorado State University conducted the analysis collaboratively. They assessed eight existing studies and relevant reports to consider the implications of climate change legislation, such as the American Clean Energy and Security Act of 2009 (ACES), on the region's agricultural producers, and also looked at potential land use changes and carbon offset potential.

The key findings of the analysis include:

1. Improved revenues are expected from higher crop prices, new bio-fuel crop markets and opportunities to sequester carbon and gain offset revenue.
2. Energy costs are expected to rise by as little as 4% or as much as 13% by 2020 while fertilizer cost increases range only between 0.3% and 2% because of rebates to manufacturers of Energy Intensive Trade Exposed Entities (EITEs) and projected decreases in natural gas prices.
3. On balance, preliminary findings suggest the possibility for increases in state-level, net farm income of 1.2% in Arizona, 2.9% in Colorado and 4.1 % in New Mexico in 2020, based on expected patterns of cost and price changes.
4. While higher commodity prices along with new production and revenue opportunities will generally benefit farmers and possibly more than offset rising costs in this region, resulting feed price increases could adversely affect many livestock and dairy producers.
5. Dairy producers and concentrated livestock feeding operations may be able to generate additional income by capturing and converting methane to electricity, thus providing not only revenue through carbon-offset markets but also through electricity sales.
6. Even in cases where cost increases are not offset, expected increases are within the range of recent energy-price variability.
7. Evidence suggests only small and limited changes in land use with some potential to sequester carbon from reduced tillage and conversion of cropland to grassland, as well as some limited capacity for aforestation by converting irrigated cropland to fruit and nut orchards.

Climate and clean energy legislation has waxed and waned and there have been a number of economic studies," adds Zurbrugg. "We believe it is important to have a well respected third-party like this team to review the studies and look at the various legislative and economic scenarios. Then we can better understand costs and opportunities and find good policy options. Farmers and ranchers have a great deal at stake in federal legislation," says Jon Scholl, AFT President. "Agriculture can play an important role in helping reduce and mitigate GHG, and if no clean energy bill is passed, the EPA is mandated by the Supreme Court to enact regulations under the Clean Air Act, which will affect agriculture. And they are implementing those regulations now. Regulations without opportunities only brings costs to producers. Scholl also points out that the impacts of climate change—changes in weather, some extreme and volatile—on agriculture are projected to be significant. "AFT will continue to work with agriculture groups and policy makers to develop policy options that maximize the reduction and mitigation of GHG emissions by maximizing economic opportunities for farmers and ranchers to sequester carbon, reduce GHG emissions, and produce low carbon, renewable energy," says Scholl.

Agriculture laws -US

ABA - Environment, Energy, and Resources Section

The Section of Environment, Energy, and Resources is the premier forum for lawyers working in areas related to environmental law, natural resources law, and energy law. The Section is committed to providing members with opportunities to enhance professional skills, stay on top of current developments, and dialogue in these substantive areas. Section membership will add to your professional skill set and broaden your knowledge.

Agriculture Law - Title 7 - US Code

Agriculture includes soil preparation, seed planting, crop harvesting, gardening, horticulture, viticulture, apiculture (bee-raising), dairying, poultry, and ranching. Generally, laws grouped under the heading "agricultural law" relate to the production of the fruits of these activities as they are carried out in a commercial setting.

Migrant and Seasonal Agricultural Worker Protection Act

The Federal Migrant and Seasonal Agricultural Worker Protection Act provides protection for migrant and seasonal agricultural workers

Senate Committee on Agriculture, Nutrition and Forestry

Agriculture is at the heart of so many issues that impact our lives each day – from producing food and fiber and the fuel that supplies our vehicles to the conservation of our

natural resources and the economic growth and jobs in rural areas. The responsibilities and goals of the Senate Agriculture Committee are as diverse as the needs of American agriculture. The policies developed by this committee will support efforts to move our country forward, help rural communities grow and succeed and help boost the rural economy to preserve opportunities for the next generation for states like Iowa.

Slum Clearance, Urban Renewal, and Farm Housing - Chapter 8A

This chapter provides for financial assistance to farmers and others for the construction or improvement of farm housing and other agriculturally related purposes.

US Department of Agriculture (USDA)

The United States Department of Agriculture (informally the Agriculture Department or USDA) is the United States federal executive department responsible for developing and executing U.S. federal government policy on farming, agriculture, and food. It aims to meet the needs of farmers and ranchers, promote agricultural trade and production, work to assure food safety, protect natural resources, foster rural communities and end hunger in the United States and abroad.

Agricultural laws : Europe

EU Agricultural Law - Simplifying the Common Agricultural Policy (CAP)

The 2009 Communication highlights the activities that have been carried out since 2005, and provides indications of the resulting reduction in administrative burden for farmers and administrations. Special attention is given to the activities carried out in the context of the rolling Simplification Action Plan as well as the single CMO, the 2007 study on administrative burden for farms and the results of the Health Check process. To conclude, the communication explores paths to further simplification actions in the future.

The European Council for Agricultural Law (CEDR)

Welcome to the European Council for Agricultural Law, more usually known as the "CEDR" from its French name **"Comité Européen de Droit Rural".** The CEDR is the only pan-European organization which represents lawyers interested in agricultural and rural law, in all its aspects.

Prescription form 1 1

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ...Self...

Diagnosis

1 Personnel	Name.....Abdulla.....Age...45.. Sex..M District....Dinajpur
2 Address	Upazila...Sadar... ..Union..6...Village...Hazimpur Local site.....Hazimpur
3 Land	AEZ.....1.....Sub-Zone....1(a) Land type....MLH PU.....2.....
4 Soil	GST....BTS... Texture....Loam..Reaction....Acidic Colour...Dark gray
5 Crop	Species...Maize.....Variety..Pacific 11 Yield group.....HYV..... Age.....55 day...Stage.....Season....Kharif-1
6 Problem	Plant.....Leaf.....Flower..... Fruit...✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis.....Eaten.....Bores..✓.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect...✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit..✓..... Stem.....Root.....Others.....
10 Statement of the problem	Cob worm of Maize
11. Test results, if any	
12. Final Diagnosis	Cob worm of Maize
13. Other comments	Bird setting without parasit.

Signature with seal.....Date...6.6.09

Ref:.....

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ...Self.....

Prescription

1. Identified problem	Cob worm of Maize
2. Prescripts	1. Material...Saithm 50E Dose...3ml/L Formulation...EC Times & interval ...2/15 Other directions...Spray
	2. Material...Ripcord 60EC Dose...3ml/L Formulation...EC Times & interval ...2/15 Other directions...Do
	3. Material...Decis-25EC Dose...3ml/L Formulation...EC Times & interval ...2/15 Other directions...Do
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....✓
4. Others	

Signature with seal..... Date....6-6-09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1 2

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Selb.....

Diagnosis

1 Personnel	Name.....Harun.....Age...35.. Sex.M.. District...Dinajpur
2 Address	Upazila...Sadar.....Union...bor...Village..Aulipur Local site...Manipur
3 Land	AEZ.....1.....Sub-Zone...1(C) Land type....M.HL.PU.....2....
4 Soil	GST....B.T.S... Texture....Loam.Reaction....Acid(Colour....Dark gray
5 Crop	Species...Maize.....Variety...Spectrum 10 Yield group.....HY..... Age.....Stage....Phast hewest Season.....Kharif-1
6 Problem	Plant.....Leaf.....Flower..... Fruit....✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot...✓..... Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease..✓.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit...✓..... Stem.....Root.....Others.....
10 Statement of the problem	Cob Rot of Maize
11. Test results, if any	
12. Final Diagnosis	Cob Rot of Maize.
13. Other comments	

Signature with seal.....Date....6/6/09

Ref:.....

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.
Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Prescription

1. Identified problem	Cob Rot of Maize
2. Prescripts	1. Material Cupr oxi chloride Dose 1g/10 l Formulation Power Times & interval 1 Other directions Sunning
	2. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic Use Balanced Nutrition
4. Others	Sunning. less Harvesting during Harvest

Signature with seal..... Date 6-6-09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

3

Prescription form 1

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Diagnosis

1 Personnel	Name....Sk.Sakil.....Age...35.. Sex..M. District....Dinajpur
2 Address	Upazila...Sadar.. ..Union..6No...Village..Alilupur..Local site...Ramsagar
3 Land	AEZ.....01.....Sub-Zone.....1(c)Land type....HL....PU.....2.....
4 Soil	GST...BTS..... Texture...loam...Reaction...Acidic...Colour...Dark gray
5 Crop	Species....Tobacco....Variety...Motihar...Yield group.....Medium Age.....60days.Stage....Vegetative.Season....winter..
6 Problem	Plant.....Leaf.....✓.....Flower..... Fruit.....Stem...✓.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot....wilting. Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect....✓..... Mite.....Nutrient def.....
9 Testing	Soil.....Leaf...✓.....Fruit..... Stem.....✓.....Root.....Others.....
10 Statement of the problem	Aphids of Tobacco
11. Test results, if any	
12. Final Diagnosis	Aphids of Tobacco.
13. Other comments	

Signature with seal.....Date....7.7.09

Ref:.....

Prescription form 2

3B

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Prescription

1. Identified problem	Aphids of Tobacco
2. Prescripts	1. Material Sumithion 60EC Dose 2ml/L Formulation EC Times & interval 3/15 Other directions Spray
	2. Material Malathion 50EC Dose 2ml/L Formulation EC Times & interval 3/15 Other directions Spray
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic.....
4. Others	

Signature with seal..... Date 7.7.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Diagnosis

1 Personnel	Name....Saidur.....Age....55. Sex...M District.....Dinajpur
2 Address	Upazila...Sadar.....Union..6N.....Village...Aliyp Local site...Rangpur
3 Land	AEZ....01.....Sub-Zone...1..... Land type...M.H.L PU.....2.....
4 Soil	GST...B.T.S.... Texture...Loam Reaction...Acidic Colour...Dark Grey
5 Crop	Species...Sweet potato Variety...Tripti.....Yield group...H.Y.V..... Age.....60 days Stage.....Vegetative Season...Late winter
6 Problem	Plant.....✓.....Leaf.....✓.....Flower..... Fruit.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis...✓.....Eaten.....Bores.....Oozing ..... (uneven growth)
8 Identity	Soil Stress.....Disease.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....✓.....Fruit..... Stem.....✓.....Root.....Others.....
10 Statement of the problem	Zn Differency
11. Test results, if any	
12. Final Diagnosis	Zn Differiency
13. Other comments	

Signature with seal.....Date....02-02-09

Ref:.....

Prescription form 2

40

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..... Self.

Prescription

1. Identified problem	Zn Defficiency,
2. Prescripts	1. Material ZnO Dose 2g/L Formulation Crystal Times & interval 1 Other directions
	or 2. Material ZnSO4 Dose 2g/L Formulation Crystal Times & interval 1 Other directions
	3. Material Dose Formulation Times & interval Other directions
3. Technical directions	Liming OM application ✓ Irrigation Hygienic ✓ Weeding
4. Others	Removable of Eceess (H_2O) water

Signature with seal..... Date..02-02-9

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

5

Prescription form 1

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self.....

Diagnosis

1 Personnel	Name.....Salim.....Age....55.. Sex...M District...Dinajpur
2 Address	Upazila...Sadar.. ..Union..6no.....Village...Aduipur Local site...Ramsagar
3 Land	AEZ..01.....Sub-Zone.....1.(a) Land type....M.HL PU.....2.....
4 Soil	GST....BTS.. Texture...Loam..Reaction...Acidic Colour...Dark grey
5 Crop	Species...Sweet Potato.....Variety....Tripti..Yield group.....Medium Age.....60 days Stage.....Vegetative Season.....Late winter
6 Problem	Plant.....Leaf...✓.....Flower..... Fruit.....Stem.....✓.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis.....Eaten.....✓.....Bores.....✓.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect...✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf..✓.....Fruit..... Stem.....✓.....Root.....Others.....
10 Statement of the problem	Sweet potato weevil
11. Test results, if any	
12. Final Diagnosis	Sweet potato weevil
13. Other comments	

Signature with seal.....Date....02-2-09

Ref:.....

5B

Prescription form 2

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Prescription

1. Identified problem	Sweet Potato Weevil.
2. Prescripts	1. Material....Nogos..... Dose....4ml/L Formulation.....WP.... Times & interval ...3/15.. Other directions.....Spray.....
	2. Material..Sittrin... Dose....2ml/L Formulation.....WS.... Times & interval ...3/15... Other directions.....Spray.....
	3. Material..Sumi Turn 60EC Dose.....2ml/ Formulation.....EC..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application...✓..... Irrigation.....Hygienic.....Weeding.....
4. Others	

Signature with seal.....B..... Date..02-02-09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

6

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ...Self...

Diagnosis

1 Personnel	Name.....Atik.....Age..30.... Sex.....M District.....Dinajpur
2 Address	Upazila...Sadar.... ..Union..6no.....Village Jamalpur Local site...Ramsagar
3 Land	AEZ....01.....Sub-Zone....1(c) Land type....MHL PU.....2.....
4 Soil	GST...BTS..... Texture...Loam...Reaction....Acidic Colour....Dark grey
5 Crop	Species...Wheat.....Variety...Sonalika Yield group.....HYV..... Age.....90 days.....Stage....Fruiting.....Season.....Winter.....
6 Problem	Plant.....Leaf.....Flower...✓..... Fruit...✓.....Stem.....Ear....✓.....Root.....
7 Symptom	Lesion.....✓.....Blight.....Rot..... Chlorosis... .....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease...✓.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit....✓(Wheat). Stem.....Root.....Others.....
10 Statement of the problem	Black spot Disease of Wheat
11. Test results, if any	
12. Final Diagnosis	Black spot of Wheat
13. Other comments	

Signature with seal.....Ph..... Date...03.03.2010

Ref:.....

6B

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: .....

Prescription

1. Identified problem	Black Spot of Wheat
2. Prescripts	1. Material Bevistine Dose 2g/L Formulation WP Times & interval 3/15 Other directions spray
	2. Material Diathane M45 Dose 2g/L Formulation WP Times & interval 3/15 Other directions ~~so~~
	3. Material Rogomil M2 Dose 2g/L Formulation WP Times & interval 3/15 Other directions do
3. Technical directions	Liming ..... OM application ✓ Irrigation ✓ Hygienic.....
4. Others	

Signature with seal..... Date 03.3.2010

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

7

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self.....

Diagnosis

1 Personnel	Name....Rafik.....Age..35.... Sex...M. District...Dinajpur
2 Address	Upazila...Sadar..... ..Union..6 no. up.....Village..Masimpur Local site...Masimpur
3 Land	AEZ.....1.....Sub-Zone...1.(c).. Land type....H.L.....PU.....2.....
4 Soil	GST....B.T.S..... Texture..Loam...Reaction....Acidic..Colour..Dark gray.
5 Crop	Species...Mango.....Variety...BARI-2..Yield group....H.Y.V..... Age.....0.3 years..Stage...Fruiting....Season...Winter.....
6 Problem	Plant.....Leaf.....Flower..... Fruit....✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis.....Eaten.....Bores...✓.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect...✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit....✓..... Stem.....Root.....Others.....
10 Statement of the problem	Mango Fruit Fly
11. Test results, if any	
12. Final Diagnosis	Mango Fruit Fly
13. Other comments	

Signature with seal.....[signature]..... Date...30.5.09

Ref: .....

Prescription form 2

7B

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Prescription

1. Identified problem	Mango Fruit Fly.
2. Prescripts	1. Material Dipterex 80SP Dose 10g/L Formulation S.P. Times & interval 2/15 with Other directions Use Trap
	2. Material Sumithion 50 EC Dose 2ml/L Formulation EC Times & interval 2/15 Other directions Use Trap or Trap Preparation
	3. Material Molases or Mango juice | Dose 80g + 10g Dipterex 80SP + 10ml Sumithion 50 EC / 1 L water Formulation Times & interval 5/4 days Other directions change the Trap after 4 days.
3. Technical directions	Liming OM application ✓ Irrigation Hygienic Covering the Mango with papers at Mature stages.
4. Others	

Signature with seal Date 30.05.09

Ref:

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.
Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self.....

Diagnosis

1 Personnel	Name.....Azizul.....Age...35... Sex...M. District...Dinajpur
2 Address	Upazila...Sadar ..Union..6 No. up.....Village...pulhat Local site..Majhipara
3 Land	AEZ...01.....Sub-Zone...1(c).. Land type.....HL.....PU.....2.....
4 Soil	GST...BTS..... Texture.....Loam.....Reaction...Acidic Colour..Dark gray
5 Crop	Species.....Guava.....Variety...BARI-Guava-1.....Yield group.....H.Y.V..... Age.....0.5 years....Stage...Vegetative.....Season....Kharif-2.....
6 Problem	Plant.....Leaf.....✓.....Flower..... Fruit.....Stem...✓.....Ear.....Root.....
7 Symptom	Lesion.....✓.....Blight.....Rot..... Chlorosis...✓.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect...✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....✓.....Fruit..... Stem.....✓.....Root.....Others.....
10 Statement of the problem	Mili bug of Guava -
11. Test results, if any	
12. Final Diagnosis	Mili bug of Guava -
13. Other comments	

Signature with seal.....Date...31-5-09

Ref: .....

8B

Prescription form 2

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Prescription

1. Identified problem	Milibug of Guava.
2. Prescripts	1. Material Sumithion 50EC Dose 2ml/L Formulation EC or Raison 60 EC Times & interval 3/15 Other directions Kill the insects by Hand.
	2. Material Bevestine Dose 2g/L Formulation WP Times & interval 3/15 Other directions Spray on leaves
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application ✓ Irrigation..... Hygienic ✓
4. Others	

Signature with seal.... Date 31.5.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.
Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Diagnosis

1 Personnel	Name: Jabbar Age: 54 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: Gurup Village: Masimpur Local site: Masimpur
3 Land	AEZ: 01 Sub-Zone: 1.(c) Land type: HL PU: 2
4 Soil	GST: BTS Texture: loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Guava Variety: Sorup Khati Yield group: Medium Age: 12 years Stage: Vegetative Season: Kharif-2
6 Problem	Plant: Leaf: ✓ Flower: Fruit: Stem: Ear: Root:
7 Symptom	Lesion: Sucking leaves Blight: Rot: Chlorosis: Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: ✓ Fruit: Stem: Root: Others:
10 Statement of the problem	White Fly of Guava
11. Test results, if any	
12. Final Diagnosis	White Fly of Guava.
13. Other comments	

Signature with seal: Date: 31-4-09

Ref: .....

9B

Prescription form 2

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Prescription

1. Identified problem	White Fly of Guava
2. Prescripts	1. Material.. Symbush 10EC Dose.....10 ml/L Formulation.....EC..... or Desis 2.5EC Times & interval .3/15... Other directions.....Burn the infected leafs. and
	2. Material....Trix..... Dose.....50g/L Formulation.....WP..... wheel Detergent Times & interval .3/15.... Other directions.....Spray.....on leaf.....
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	

Signature with seal.....Dr..... Date..21-4-09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

10

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Diagnosis

1 Personnel	Name: Meheraj. Age: 35 Sex: M. District: Dinajpur
2 Address	Upazila: Sadar Union: 6 No up Village: Majipara Local site: Majhipara
3 Land	AEZ: 01 Sub-Zone: 1(e) Land type: HL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark grey.
5 Crop	Species: Poam Granate Variety: BARI Poamgranate-1 Yield group: HYV Age: 10 years Stage: Fruiting Season: Kharif-2
6 Problem	Plant: Leaf: Flower: Fruit: ✓ Stem: Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: Bores: ✓ Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: ✓ Stem: Root: Others:
10 Statement of the problem	Poam granate Fruit Borer.
11. Test results, if any	
12. Final Diagnosis	Poamgranate Fruit Borer.
13. Other comments	

Signature with seal: Date: 31.05.09

Ref: .....

Prescription form 2

10B

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Prescription

1. Identified problem	Poamgranate Fruit Borer.
2. Prescripts	1. Material....Saithrin 50 EC Dose.....2ml/L Formulation....EC Times & interval 3/15..... Other directions.....Spray or Use poison Trap.
	2. Material..... Dose.....Formulation..... (80g Molases + 10g Savin 85 SP + 2ml Saithrine 50 E Times & interval ..... Other directions.....01L of water -
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	Covering The Fruit at marbel size by The polythene Bag.

Signature with seal..... Date..31.05.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

11

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self.....

Diagnosis

1 Personnel	Name....Moktar.....Age...45... Sex...M District.....Dinajpur
2 Address	Upazila...Sodor... ..Union.6 No.....Village.Anliapur Local site....Manikpir
3 Land	AEZ....01.....Sub-Zone...1(c).. Land type....HL.....PU.....2.....
4 Soil	GST.....BTS..... Texture.....Loam.....Reaction.....Acidic.....Colour....Dark grey
5 Crop	Species...Guava.....Variety...BARI-1.....Yield group.....H.Y.V..... Age.....10 years.....Stage....Fruiting.....Season....Kharif-2.....
6 Problem	Plant.....Leaf.....Flower..... Fruit....✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot.....Black Spot Chlorosis..✓.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease...✓.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit...✓..... Stem.....Root.....Others.....

10 Statement of the problem	Anthracnose of Guava.
11. Test results, if any	
12. Final Diagnosis	Anthracnose of Guava.
13. Other comments	

Signature with seal.....Date.....3-5-10

Ref: .....

Prescription form 2

11 B

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self....

Prescription

1. Identified problem	Anthracnose of Guava.
2. Prescripts	1. Material....Tilt 250 EC Dose....5ml/10L Formulation....EC or Diathane M45 or Bevestine. Times & interval ...4/15... Other directions.....Spray..... or
	2. Material...Diathane M45 Dose....2g/L.....Formulation.....WP..... Times & interval ...4/15... Other directions.....Spray..... or
	3. Material..Bevestine Dose....2g/L...Formulation.....WP..... Times & interval ...4/15... Other directions.....Spray.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic...Cleaning the Death Branches.
4. Others	

Signature with seal..... Date...3-05-10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

12

Prescription form 1

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Diagnosis

1 Personnel	Name: Farid Age: 48 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6th Village: Tajpur Local site: Ramsagar
3 Land	AEZ: 1 Sub-Zone: 1(c) Land type: HL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Potato Variety: BARI-7 (Diamant) Yield group: HYV Age: 3 month Stage: Fruiting Season: Winter
6 Problem	Plant: Leaf: ✓ Flower: Fruit: Stem: ✓ Ear: Root:
7 Symptom	Lesion: Blight: Rot: ✓ Chlorosis: Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: ✓ Insect: Mite: Nutrient def:
9 Testing	Soil: Leaf: ✓ Fruit: Stem: ✓ Root: Others:
10 Statement of the problem	Stem Rot of potato.
11. Test results, if any	
12. Final Diagnosis	Stem Rot of potato
13. Other comments	

Signature with seal: Date: 30.12.09

Ref:

Prescription form 2

12B

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Prescription

1. Identified problem	Stem Rot of Potato
2. Prescripts	1. Material Ridomil Gold Dose 2g/L Formulation WP Times & interval 3/10 Other directions Spray or
	2. Material Dialtone M-45 Dose 2g/L Formulation WP Times & interval 3/10 Other directions Spray
	or 3. Material Bevistine Dose 2g/L Formulation WP Times & interval 3/10 Other directions Spray
3. Technical directions	Liming ..... OM application ✓ Highly Decomposed Om. Irrigation..... Hygienic.....
4. Others	Deep ploughing the land.

Signature with seal..... Date 30.12.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

13

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: ...Self...

Diagnosis

1 Personnel	Name Rahmot Age 32 Sex M District Dinajpur
2 Address	Upazila Sadar Union 6 no Village Laddhi Local site Laldighi
3 Land	AEZ 01 Sub-Zone 1(c) Land type MHL PU 2
4 Soil	GST BTS Texture Loam Reaction Acidic Colour Dark grey
5 Crop	Species Banana Variety BARI-1 Yield group HYV Age 6 Month Stage Vegetative Season Kharif-1
6 Problem	Plant ..... Leaf ✓ ..... Flower ..... Fruit ..... Stem ..... Ear ..... Root .....
7 Symptom	Lesion ..... Blight ✓ ..... Rot ..... Chlorosis ✓ ..... Eaten ..... Bores ..... Oozing .....
8 Identity	Soil Stress ..... Disease ✓ ..... Insect ..... Mite ..... Nutrient def .....
9 Testing	Soil ..... Leaf ✓ ..... Fruit ..... Stem ..... Root ..... Others .....
10 Statement of the problem	Banana Cigatoka Disease
11. Test results, if any	
12. Final Diagnosis	Banana Cigatoka Disease
13. Other comments	

Signature with seal..... Date 05.05.09

Ref: .....

Prescription form 2

13B

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Prescription

1. Identified problem	Banana Cigatoka Disease.
2. Prescripts	1. Material Tilt 250 EC Dose 2 ml/L Formulation EC Times & interval 3/15 Other directions Spray.
	2. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application ✓ Be caucious about over dose of Urea. Irrigation..... Hygienic ✓
4. Others	Crop rotation after 3 years and Burn the Diseased plant/leaf.

Signature with seal..... Date 05.05-09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

14

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Diagnosis

1 Personnel	Name Akbor Age 30 Sex M District Dinajpur
2 Address	Upazila Sadar Union 6no Village Laldighi Local site Laldighi
3 Land	AEZ 01 Sub-Zone 1(c) Land type HL PU 2
4 Soil	GST BTS Texture Loam Reaction Acidic Colour Dark gray
5 Crop	Species Banana Variety BARI-1 Yield group HYV Age 7 Months Stage Vegetative Season Karif-1
6 Problem	Plant ✓ Leaf ✓ Flower Fruit Stem ✓ Ear Root
7 Symptom	Lesion ✓ Blight Rot plant Death Chlorosis ✓ Eaten Bores Oozing
8 Identity	Soil Stress Disease ✓ Insect Mite Nutrient def
9 Testing	Soil Leaf ✓ Fruit Stem ✓ Root Others
10 Statement of the problem	Panama Disease of Banana
11. Test results, if any	
12. Final Diagnosis	Banana Panama Disease.
13. Other comments	

Signature with seal Date 30.5.09

Ref:

Prescription form 2

14.B

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Prescription

1. Identified problem	Panama Disease of Banana.
2. Prescripts	1. Material Tilt 250 EC Dose 2ml/L Formulation EC Times & interval 3/15 Other directions Spray on leaf
	2. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Stop cultivation of Banana to next year or Take CR. Irrigation..... Hygienic.....
4. Others	use Disease Resistant variety like BARI-1, BARI-2 or Champa Banana.

Signature with seal..... Date. 30.05.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

15

Name ;Md.Abul Kalam Azad

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Diagnosis

1 Personnel	Name.....Salim.....Age...47.. Sex...M District...Dinajpur
2 Address	Upazila...Sadar.....Union.6 No.....Village.Tajpur.....Local site..Ramsagor
3 Land	AEZ.....1.....Sub-Zone...1(c).. Land type...MHL...PU.....2.....
4 Soil	GST...BTS..... Texture...Loam.....Reaction...Acidic.....Colour..Dark gray
5 Crop	Species...Rice.....Variety...BR 33.Yield group....H.Y.V..... Age.....2 month.....Stage...Vegetative.....Season.....Kharif 1....
6 Problem	Plant.....Leaf.....✓.....Flower..... Fruit.....Stem.....Ear.....Root.....
7 Symptom	Lesion...Yellowing The leaf.....Blight.....Rot..... Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect....✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf....✓.....Fruit..... Stem.....Root.....Others.....
10 Statement of the problem	Rice Tungro Virus.
11. Test results, if any	
12. Final Diagnosis	Ric Tungro Virus.
13. Other comments	By green leaf hopper

Signature with seal.....Date...06.07.10

Ref:.....

Prescription form 2

15B

Name ;Md.Abul Kalam Azad

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Prescription

1. Identified problem	Rice Tungro Virus
2. Prescripts	1. Material Sumitheion 60EC Dose 1ml/L Formulation EC or Malathion 60 EC Times & interval 3/15 Other directions Spray
	2. Material Dose Formulation Times & interval Other directions
	3. Material Dose Formulation Times & interval Other directions
3. Technical directions	Liming OM application (I) use light Traps to kill the pest Irrigation (II) Hygienic use Hand net to kill the green leaf hopper
4. Others	

Signature with seal Date 06.07.10

Ref:

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

16

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Diagnosis

1 Personnel	Name: Sohid Age: 25 Sex: M District: Dinajpur
2 Address	Upazila: Sodor Union: 6 No. Village: Tajpur Local site: Ramsagor
3 Land	AEZ: 1 Sub-Zone: 1(c) Land type: MHL PU: 2
4 Soil	GST: BT3 Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Rice Variety: BR-3 Yield group: HYV Age: 30 days Stage: Tillering Season: Kharif-1
6 Problem	Plant: Leaf: ✓ Flower: Fruit: Stem: ✓ Ear: Root:
7 Symptom	Lesion: Blight: ✓ Rot: ✓ Chlorosis: Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: ✓ Insect: Mite: Nutrient def: (Rhizoctonia solani)
9 Testing	Soil: Leaf: ✓ Fruit: Stem: ✓ Root: Others:
10 Statement of the problem	Rice Seath Blight Disease.
11. Test results, if any	
12. Final Diagnosis	Rice Seath Blight
13. Other comments	

Signature with seal: Date: 3.3.10

Ref:

Prescription form 2

16B

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Prescription

1. Identified problem	Rice Seath Blight Disease
2. Prescripts	1. Material Dialthane M-45 Dose 2g/L Formulation W.P or Bevestine Times & interval 3/15 Other directions Spray on leaf.
	2. Material Potash (K) Dose 5 Kg/Bighe Formulation Granule Times & interval 1/15 Other directions Top Dressing
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	

Signature with seal..... Date..3.1.3.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

17

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Diagnosis

1 Personnel	Name: Manik Age: 32 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 No Village: Tajpur Local site: Ramsagar
3 Land	AEZ: 1 Sub-Zone: 1(c) Land type: MHL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark gray
5 Crop	Species: Rice Variety: BR-11 Yield group: HYV Age: 2.5 Month Stage: Flowering Season: Kharif-2
6 Problem	Plant: ✓ Leaf: ✓ Flower: ✓ Fruit: Stem: ✓ Ear: ✓ Root:
7 Symptom	Lesion: Blight: / Blast: Rot: Chlorosis: Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: ✓ Insect: Mite: Nutrient def:
9 Testing	Soil: Leaf: ✓ Fruit: Stem: ✓ Root: Others:
10 Statement of the problem	Rice Blast Disease
11. Test results, if any	
12. Final Diagnosis	Rice Blast
13. Other comments	

Signature with seal: Date: 03.9.09

Ref:

Prescription form 2

17B

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self

Prescription

1. Identified problem	Rice Blast Diseases.
2. Prescripts	1. Material Ridomil Gold Dose 2g/L Formulation WP Times & interval 3/15 Other directions Spray
	or 2. Material Dia/Fene M-45 Dose 2g/L Formulation WP Times & interval 3/15 Other directions and
	3. Material Potash (K) Dose 5kg/Bisha Formulation Granule Times & interval 1 Other directions Top Dressing at the primary stage.
3. Technical directions	Liming OM application ✓ Irrigation Hygienic use Resistan Variety BR-10, BR16, BR32, BR33
4. Others	Fungal infection by Pyricularia oryzae.

Signature with seal Date 03:09:09

Ref:

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

18

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self.....

Diagnosis

1 Personnel	Name..Barkat.....Age..32.. Sex..M. District..Dinajpur
2 Address	Upazila..Sador..Union..6 nup.....Village..Kasba..Local site...Khalpar.
3 Land	AEZ....01.....Sub-Zone....1(c)..Land type...HL.....PU....2.....
4 Soil	GST....BTS..... Texture..Loam.....Reaction...Acidic.....Colour....Dark grey
5 Crop	Species...Mango.....Variety..BARI-1..Yield group.....H.Y.V..... Age.....07 years.....Stage...Flowering.....Season...winter.....
6 Problem	Plant.....Leaf....✓.....Flower...✓..... Fruit.....Stem....✓.....Ear.....Root.....
7 Symptom	Lesion.....Dry.....Blight.....Rot..... Chlorosis...✓.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect...✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf..✓.....Fruit.....Flower..... Stem..✓.....Root.....Others.....
10 Statement of the problem	Mango Hopper Insect infestation
11. Test results, if any	
12. Final Diagnosis	Mango plant Hopper.
13. Other comments	

Signature with seal.....

Date..31.12.09.

Ref: .....

Prescription form 2

18B

Name: Md Abul kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No--AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self:.....

Prescription

1. Identified problem	Mango plant Hopper
2. Prescripts	1. Material Desis 2.5EC Dose 1 ml/L Formulation EC or Symbush 10 EC or Saithrin 50 EC Times & interval 3/15 Other directions Spray Mixed with
	2. Material Nowin Dose 2g/L Formulation W.P or Diathane M45 Times & interval 3/15 Other directions Spray
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application ✓ Irrigation ✓ Hygienic Pruning Undesire Branch of the plant
4. Others	

Signature with seal..... Date 31:12:09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1 19

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AMU-BD-9174 License No. 121/B.D.1.Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Bishu Mohad Age: 50 Sex: M. District: Dinajpur
2 Address	Upazila: Sodor Union: Pourosova Village: Kasba Local site: Manikpir
3 Land	AEZ: 01 Sub-Zone: 1 (c) Land type: H.L PU: 2
4 Soil	GST: B.T.S Texture: Sandy Loam Reaction: Acidic Colour: dark grey
5 Crop	Species: Mango Variety: Gopal Vog Yield group: Medium Age: 60 days Stage: Fruiting Season: E. winter.
6 Problem	Plant: Leaf: Flower: ✓ Fruit: ✓ Stem: Ear: Root:
7 Symptom	Lesion: Blight: ✓ Rot: ✓ Chlorosis: Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: ✓ Insect: Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: Root: Others:
10 Statement of the problem	Mohalaga Fungus Infection
11. Test results, if any	
12. Final Diagnosis	Mango Mohalaga Diseases
13. Other comments	

Signature with seal: Date: 05.5.10

Ref:

193

Prescription form 2

Name

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No...A.W.U.-BD.-917.4 License No...121/BD/Dhaka

Ref:....Self.....

Prescription

1. Identified problem	Mango Mohalage Fungus Diseases.
2. Prescripts	1. Material Redomil M8 Dose 2g/L Formulation W.P or Bravestin Times & interval 3/15 Other directions Be careful before use. or
	2. Material Saithrin Dose 2ml/L Formulation W.S. Times & interval 3/15 Other directions Be Careful befor Use.
	3. Material + Plus Dithane M-45 Dose 3kg/L Formulation W.P Times & interval 3/15 Other directions Do
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	

Signature with seal..... 08/8/10 Date...05.05.2010

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/B.D./Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Asgor Ali Age: 47 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: Pourosova Village: Anliapur Local site: Manikpir
3 Land	AEZ: 01 Sub-Zone: 1(c) Land type: H.L PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Mango Variety: Langra Yield group: Medium Age: 60 days Stage: Fruiting Season: Kharif-1
6 Problem	Plant: Leaf: Flower: Fruit: ✓ Stem: Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: Bores: ✓ Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: ✓ Stem: Root: Others:
10 Statement of the problem	Mango Fruit Borer
11. Test results, if any	
12. Final Diagnosis	MFB.
13. Other comments	

Signature with seal: 05/5/10 Date: 05.05.10

Ref:

Prescription form 2

20B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..A.W.V.-.B.D.-.9.1.7.4 License No.....121./.B.D./.Dhaka

Ref:....Self.....

Prescription

1. Identified problem	Mango Fruit Borer
2. Prescripts	1. Material...Saithrin... Dose....3ml../L Formulation.....W.S..... Times & interval ..5./10... Other directions....Be careful before Use with
	2. Material...Sumithion 60E Dose....2ml/L Formulation.....EC..... Times & interval ..5./10... Other directions.....Be careful Before Use
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	

Signature with seal..... Date..05.05.10.

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

21

Prescription form 1

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No....AWU-BD-917 License No....121/BD/Dhaka.

Ref: Self

Diagnosis

1 Personnel	Name...Raju.....Age..25... Sex....M District....Dinajpur.
2 Address	Upazila...Sadar..... ..Union..Pausova Village...Kasba Local site..near Allah mia
3 Land	AEZ...01.....Sub-Zone...1(c). Land type.....HL.....PU.....2.....
4 Soil	GST...B.T.S..... Texture....Loam Reaction.....Acidic Colour....Dark grey
5 Crop	Species..Mango.....Variety....Himsagar Yield group.....Medium Age..60 days..Fruiting...Stage.....Fruiting..Season.....Kharif-1
6 Problem	Plant.....Leaf.....Flower..... Fruit....✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis.....Eaten.....Bores...✓.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect....✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit....✓..... Stem.....Root.....Others.....
10 Statement of the problem	Mango weevil infestation
11. Test results, if any	
12. Final Diagnosis	Mango weevil Pest
13. Other comments	

Signature with seal.....

Date....05..05-10

Ref:.....

Prescription form 2

21B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka

Ref: Self

Prescription

1. Identified problem	Mango weed
2. Prescripts	1. Material Sumithion 50 EC Dose 2.5 ml/L Formulation EC Times & interval 15/2 Other directions Spray leaf and stem
	2. Material Or Raison 60 EC Dose 2.5 ml/L Formulation EC Times & interval 15/2 Other directions Spray on leaf and stem
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic Burn the dead leaf stem under the tree in march-April month.
4. Others	

Signature with seal... Date 5.5.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.
Registration No. AWU-PD-9174. License No. 121/BD/Dhaka

Ref: U.A.

Prescription

1. Identified problem	Mango Anthracnose.
2. Prescripts	1. Material Bevistine Dose 2g/L Formulation W.P. Times & interval 3/15 Other directions Spray on fruit and leaf.
	or 2. Material Dialthane M-45 Dose 2.5/L Formulation W.P. Times & interval 3/15 Other directions Do
	or 3. Material Redomil 50 M2 Dose 2.5g/L Formulation W.P. Times & interval 3/15 Other directions Do
3. Technical directions	Liming ..... OM application ..... Irrigation ..... Hygienic .....
4. Others	

Signature with seal ..... Date 04.05.10

Ref: .....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

22B

Name

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No...AUU.-B.D.-917H. License No...121../BD/Dhaka.

Ref: ..U..A..

Diagnosis

1 Personnel	Name.....Salam.....Age...32 Sex..M. District.....Dinajpur
2 Address	Upazila...Sadar..... ..Union..Pouroshova.....Village...Kasba Local site...Gorostan
3 Land	AEZ...01.....Sub-Zone....1.(c) Land type....HL....PU.....2
4 Soil	GST...BTS..... Texture.....Sandyloam.....Reaction....Acidic Colour..Dark grey
5 Crop	Species....Mango...Variety..Gopalvogue Field group.....Medium Age.....6 years.Stage.....Fruiting...Season.....Kharif-1
6 Problem	Plant.....Leaf.....Flower..... Fruit....✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion...on leaf.....Blight.....Rot....on Fruit Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease....✓.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf....✓.....Fruit....✓..... Stem.....Root.....Others.....

10 Statement of the problem	Mango Anthracnose
11. Test results, if any	
12. Final Diagnosis	Mango Anthracnose.
13. Other comments	

Signature with seal..... Date..04.05.10

Ref:.....

23

Prescription form 1

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..AWU-BD-2174.... License No...121/BD./Dhaka

Ref: ..Self....

Diagnosis

1 Personnel	Name...Sarowar.....Age...25... Sex...M. District..Dinajpur
2 Address	Upazila..Sador..... ..Union..3 Nos.....Village...Birol.. Local site...Bride
3 Land	AEZ.....1.....Sub-Zone...I(C)... Land type...HL.....PU.....2....
4 Soil	GST...BTS.... Texture..Loamy.Reaction..Acidic.Colour..Dark grey
5 Crop	Species.Sweet Gourd.Variety..Bankok-1.Yield group.....Hybrid. Age.....90 days.Stage...Fruiting.Season..Kharif 1....
6 Problem	Plant.....Leaf.....✓.....Flower..... Fruit.....✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis.....Eaten.....✓.....Bores...✓.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect.✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf...✓.....Fruit...✓..... Stem.....Root.....Others.....
10 Statement of the problem	Red Pumkin Beteel.
11. Test results, if any	
12 Final Diagnosis	Red Pumkin Beteel (RPB)
13. Other comments	

Signature with seal.....

Date.....15.4.10

Ref:.....

Prescription form 2

23B

Name : Md. Abul Kalam Azad -

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No.. AnU-BD-21.74..... License No...121/B1)/Dhaka

Ref:.....Self.....

Prescription

1. Identified problem	Red Pumkin Beteel. (RPB)
2. Prescripts	1. Material..Ripcord or 20 EC Symbush Dose.....2ml/L Formulation.....EC..... Times & interval ..3/15... Other directions.....Kill The Pest by Hand. or
	2. Material..Diazon 50 EC Dose.....1ml/L Formulation.....EC..... Times & interval ..3/15... Other directions.....Do..... or
	3. Material..Sai thrin 60EC Dose...2ml/L Formulation.....EC..... Times & interval ..3/15... Other directions.....Do.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....✓.....
4. Others	

Signature with seal.....

Date....15.4.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

24

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Sharif Age: 35 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 No Village: Aulia Local site: Auliapur
3 Land	AEZ: 01 Sub-Zone: 1(c) Land type: MHL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Mustard Variety: BARI-Mustard-13 Yield group: H.Y.V. Age: 60 days Stage: Flowering Season: Winter
6 Problem	Plant: ✓ Leaf: ✓ Flower: ✓ Fruit: ✓ Stem: ✓ Ear: Root:
7 Symptom	Lesion: Blight: Curling of leaf and Fruit Rot: Chlorosis: Eaten: Bores: Sucken by Pest Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: ✓ Fruit: ✓ Stem: Root: Others:
10 Statement of the problem	Aphid of Mustard.
11. Test results, if any	
12. Final Diagnosis	Aphid of Mustard.
13. Other comments	

Signature with seal: Date: 31.12.09

Ref:

Prescription form 2

24B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AnU-BD-9174.. License No...121/BD/Dhaka

Ref:....Self.....

Prescription

1. Identified problem	Aphids of Mustard
2. Prescripts	1. Material...Marshal 20 EC Dose.....2ml/L Formulation.....EC..... Times & interval ...2/15.. Other directions.....After noon Spray after 3 pm. or
	2. Material...Malfaf 60 EC Dose....2ml/L Formulation.....EC..... Times & interval ...2/15.. Other directions.....Do..... or
	3. Material...Symbush 10 EC Dose.....2ml/L Formulation.....EC..... Times & interval ...2/15 Other directions.....Do.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic....✓.....
4. Others	

Signature with seal.....31/12/09..... Date...31/12/09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

25

Name

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka.

Ref: Self

Diagnosis

1 Personnel	Name Asraf Ali Age 51 Sex M District Dinajpur
2 Address	Upazila Sadar Union 6 No Ahlinpur Village Khamar Pur Local site Near Bridge
3 Land	AEZ 1 Sub-Zone 1(C) Land type H.L PU 0.2
4 Soil	GST BTS Texture Sandy loam Reaction Acidic Colour Dark grey
5 Crop	Species Litchi Variety Badana Yield group H.Y.V Age 65 days Stage Fruiting Season Kharif-1
6 Problem	Plant Leaf Flower Fruit ✓ Stem Ear Root
7 Symptom	Lesion Blight Rot Chlorosis Eaten Bores ✓ Oozing
8 Identity	Soil Stress Disease Insect ✓ Mite Nutrient def
9 Testing	Soil Leaf Fruit Stem Root Others
10 Statement of the problem	Litchi fruit Borer
11. Test results, if any	
12. Final Diagnosis	Litchi F.B.
13. Other comments	

Signature with seal 07.6.10 Date 27.8.10

Ref:

Prescription form 1

26

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..AWD-BD-3174.. License No....121/BD/Dhaka.

Ref: Self.....

Diagnosis

1 Personnel	Name.....Meherraf Ali...Age...35.... Sex..M.. District.....Dinajpur
2 Address	Upazila...Sader... ..Union.....Pangosiya Village...Kasba Local site...Manikpir
3 Land	AEZ.....1.....Sub-Zone.....1.(c) Land type.....H.L.....PU.....0.2.....
4 Soil	GST..B.T.S..... Texture....Loam..Reaction....Acidic..Colour....Dark grey
5 Crop	Species..Papaya.....Variety...BARI-2 Yield group.....H.Y.V..... Age.....60 days...Stage...Vegetative..Season.....Kharif-2
6 Problem	Plant.....✓.....Leaf.....Flower..... Fruit.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis...✓.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect..... .Mite.....Nutrient def.....✓.....
9 Testing	Soil.....Leaf.....Fruit..... Stem.....Root.....Others.....
10 Statement of the problem	N.S. Defficiency
11. Test results, if any	
12. Final Diagnosis	N.S. Defficiency
13. Other comments	

Signature with seal.....6/7/10..... Date....06.7.10

Ref:.....

Prescription form 2

26B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka.

Ref: Self

Prescription

1. Identified problem	N. S. Defficiency. (Papaya whole plant Death)
2. Prescripts	1. Material Urea Dose 20Kg/Bisha Formulation Granule Times & interval 1. 2nd split Other directions Mixed with Soil.
	2. Material Zypsum Dose 15Kg/Bisha Formulation Powder. Times & interval 1 Other directions Mixed with Soil.
	3. Material ..... Dose ..... Formulation ..... Times & interval ..... Other directions .....
3. Technical directions	Liming ..... OM application ✓ Along with The line. Irrigation ..... Hygienic Weeding properly.
4. Others	

Signature with seal 06/7/10 Date 06.07-10

Ref:

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

27

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. Anv.-BD.-9174 License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name Kamal Age 48 Sex M District Dinajpur
2 Address	Upazila Sadar Union 6 Village Aulia Local site Aulinpur
3 Land	AEZ 01 Sub-Zone 1 (e) Land type Lt L PU 2
4 Soil	GST BTS Texture Loam Reaction Acidic Colour Dark Gray
5 Crop	Species Ber Variety BAU-Kool-1 Yield group HYV Age 5 years Stage Fruiting Season Kharif-1
6 Problem	Plant Ber Leaf Flower Fruit ✓ Stem Ear Root
7 Symptom	Lesion Blight Rot Chlorosis Eaten Bores ✓ Oozing
8 Identity	Soil Stress Disease Insect ✓ Mite Nutrient def
9 Testing	Soil Leaf Fruit ✓ Stem Root Others
10 Statement of the problem	Fruit Fly of Ber,
11. Test results, if any	
12. Final Diagnosis	Fruit Fly of Ber.
13. Other comments	

Signature with seal

Date 2.2.09

Ref:

Prescription form 2

27B

Name

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No. AWV-BD-9174. License No. 121/BD) Dhaka

Ref: Self

Prescription

1. Identified problem	Fruit Fly of Ber
2. Prescripts	1. Material Rip Cord 20 EC Dose 1 ml/L Formulation EC Times & interval 3/15 Other directions Feb - March Month
	2. Material Belothrin Saithrin Dose 2ml/L Formulation WS Times & interval 3/15 Other directions Do
	3. Material Symbush 60 EC Dose 2ml/L Formulation EC Times & interval 3/15 Other directions Do
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic.....
4. Others	

Signature with seal... Date... 2-2-09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

28

Name

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No. Anv.-BD.-9174. License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Sohag Age: 31 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 Village: Alumpur Local site: Aulianpur
3 Land	AEZ: 01 Sub-Zone: 1 (c) Land type: HL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark Grey
5 Crop	Species: Cauliflower Variety: Rupa BARI-1 Yield group: H.Y.V Age: 30 days Stage: Vegetative Season: Winter
6 Problem	Plant: ✓ Leaf: Flower: Fruit: Stem: Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: Cutti Bores: Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: ✓ Root: Others:
10 Statement of the problem	Cut worm of Cauliflower
11. Test results, if any	
12. Final Diagnosis	Cut worm of Cauliflower
13. Other comments	

Signature with seal: Date: 01.11.09

Ref:

Prescription form 2

28B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..... License No.....

Ref:.....

Prescription

1. Identified problem	Cut worm of Cauliflower.
2. Prescripts	1. Material Basudin 10G Dose 2Kg/Bisha Formulation Granule Times & interval 1/1 Other directions At the time of Final land plowing
	2. Material Diazinon 14G Dose 2Kg/Bisha Formulation Granule Times & interval 1 Other directions Do
	3. Material Dazsbazn with or Lethal Dose 5ml/L Formulation W.S Times & interval 2/15 Other directions At Afternoon.
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic.....
4. Others	

Signature with seal..... Date.....01.11.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

29

Prescription form 1

Name Md. Abul Kalam Azad.

B. Sc. Ag.(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Sattar Age: 33 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 No UP Village: Tajpur Local site: RAMSAGOR
3 Land	AEZ: 1 Sub-Zone: 1(C) Land type: MHL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Rice Variety: BR11 Yield group: HYV Age: 90 days Stage: Flowering Season: Kharif-1
6 Problem	Plant: Leaf: Flower: ✓ Fruit: Stem: Ear: ✓ Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: cut Bores: ✓ Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: ✓/Ear Root: Others:
10 Statement of the problem	Rice Ear Catterpiller
11. Test results, if any	
12. Final Diagnosis	Rice Ear Catterpiller.
13. Other comments	

Signature with seal: Date: 15:3:10

Ref:

Prescription form 2

29B

Name . Md. Abul Kalam Azad

B. Sc. Ag.(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..AWD-BD-9179..... License No...121/BD/Dhaka

Ref:...Self.....

Prescription

1. Identified problem	Rice Ear catterpiller
2. Prescripts	1. Material. Basudin 10G Dose 2kg/Bigha Formulation Granule. Times & interval 2 Split Other directions Mixed with Urea
	2. Material. Diazinon 14G Dose 2kg/Bigha Formulation Granule Times & interval 2 Split Other directions Mixed with Urea.
	3. Material. Furadan 14G Dose 2kg/Bigha Formulation Granule Times & interval 2 split Other directions Do
3. Technical directions	Liming ..... OM application..... Irrigation ✓ Hygienic ✓
4. Others	

Signature with seal..... Date..15.3.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

30

Prescription form 1

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No... p.h.D.-BD-9174 License No....121/BD/Dhaka

Ref: ..A.C.D.O..

Diagnosis

1 Personnel	Name.....Anis.....Age...50... Sex...M. District...Dinajpur.
2 Address	Upazila....Sodor... ..Union..Aulia Village.Auliapur Local site...Ramsagor.
3 Land	AEZ...01.....Sub-Zone....1.(c) Land type...M.H.L PU.....2.....
4 Soil	GST...BTS.... Texture..Loam...Reaction.....Acidic Colour...Dark grey.
5 Crop	Species.Sugarcane.Variety...ISD.-20 Yield group.....H.Y.V..... Age.....80 days.Stage..G.S.: Vegitative Season.....Kharif-2
6 Problem	Plant.....Leaf.....✓.....Flower..... Fruit.....Stem.....✓.....Ear.....Root.....
7 Symptom	Lesion.....✓.....Blight.....Rot.....✓..... Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease.....✓.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit..... Stem.....Root.....Others.....
10 Statement of the problem	Red Rot of Sugarcane.
11. Test results, if any	
12. Final Diagnosis	RRS
13. Other comments	

Signature with seal.....10.8.10 Date...10.8.10

Ref:.....

Prescription form 2

308

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. Ph.D. BD-9174 License No. 121/BD/Dhaka

Ref: A.C.D.O.

Prescription

1. Identified problem	Red Rot of Sugarcane.
2. Prescripts	1. Material Bavistin Dose 2g/L Formulation W.P. Times & interval 3/15 Other directions Be Careful before use.
	2. Material Redomil Gold or Dose 2g/L Formulation W.P. Times & interval 3/15 Other directions Be Careful before use.
	3 Material Diathane M-45 or Dose 3g/L Formulation W.P. Times & interval 3/10 Other directions Be Careful befor use.
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic Seed Tratmnt in Hot water.
4. Others	

Signature with seal 10.8.10 Date 10.8.10

Ref:

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

31

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. A.O.V. BD-9174 License No. 121/B.D./Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Mofiz Age: 50 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 7No Village: Urbail Local site: Urbail
3 Land	AEZ: 01 Sub-Zone: 1(c) Land type: HL PU: 2
4 Soil	GST: BTS Texture: Loamy Reaction: Acidic Colour: Dark Grey
5 Crop	Species: Strawberry Variety: BARI Strawberry-1 Yield group: H.Y.V Age: 60 days Stage: Fruiting Season: Winter
6 Problem	Plant: Leaf: Flower: Fruit: ✓ Stem: Ear: Root:
7 Symptom	Lesion: Blight: Rot: ✓ Chlorosis: Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: ✓ Insect: Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: ✓ Stem: Root: Others:
10 Statement of the problem	Fruit Rot of strawberry.
11. Test results, if any	
12. Final Diagnosis	Fruit Rot of Strawberry.
13. Other comments	

Signature with seal: Date: 20.05.09

Ref:

Prescription form 2

31B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AOU-BD-9174. License No. 121/BD/Dhaka

Ref: Self

Prescription

1. Identified problem	Fruit Rot of Strawbery.
2. Prescripts	1. Material. Nolain 50 WP Dose 2g/L Formulation WP Times & interval 3/10 Other directions Before Mature the Fruits.
	2. Material. Bevestine Dose 2g/L Formulation WP Times & interval 3/10 Other directions Do
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic..... ✓
4. Others	

Signature with seal..... Date 20.5.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

32

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No...Anu-BD-9174 License No...121/BD/Dhaka

Ref: Self.....

Diagnosis

1 Personnel	Name...Sofiqul.....Age...25.. Sex...M. District...Dinajpur
2 Address	Upazila Sadar..... ..Union 7 No Village...Utail Local site...Bazar
3 Land	AEZ...01.....Sub-Zone...1(C). Land type...HL.....PU.....2.....
4 Soil	GST...BTS... Texture...Loam Reaction...Acidic Colour...Dark Grey
5 Crop	Species...Pointed Gourd Variety...BARI Pointed Gourd-1 Yield group.....H.Y.V. Age.....90 days Stage.....Fruiting Season....Winter.
6 Problem	Plant.....Leaf.....✓.....Flower..... Fruit.....Stem.....✓.....Ear.....Root.....
7 Symptom	Lesion...White powder on leaf and stem. Blight.....Rot..... Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease...✓.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....✓.....Fruit..... Stem.....✓.....Root.....Others.....
10 Statement of the problem	Powdery Mildew of Pointed Gourd
11. Test results, if any	
12. Final Diagnosis	Powdery Mildew of PG.
13. Other comments	

Signature with seal..... Date...15.06.2010

Ref:.....

Prescription form 2

32B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-DD-9174.. License No....121/.B.D./.Dhaka -

Ref:.....

Prescription

1. Identified problem	Powdery Mildew of Pointed Gourd -
2. Prescripts	1. Material....Theovit.... Dose.....2g/L.. Formulation.....WP..... Times & interval ..3/15.... Other directions.....
	2. Material..Microtheol... Dose.....4.5g/L Formulation.....WP..... Times & interval ..3/15... Other directions.....
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application.....✓..... Irrigation.....Hygienic.....✓.....
4. Others	

Signature with seal..... Date...15.06.2010

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

33

Name

B. Sc. Ag.(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174. License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Saiful Age: 33 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 Village: Alipur Local site: Mersinpur
3 Land	AEZ: 01 Sub-Zone: 1(C) Land type: MHL PU: 2
4 Soil	GST: BTS Texture: Loamy Reaction: Acidic Colour: Dark grey
5 Crop	Species: Rice Variety: BR 11 Yield group: H.Y.V. Age: 60 days Stage: Vegetative Season: Kharif-2
6 Problem	Plant ... Leaf: ✓ ... Flower ... Fruit ... Stem ... Ear ... Root ...
7 Symptom	Lesion ... Blight: Burn Hopper Rot ... Chlorosis ... Eaten ... Bores ... Oozing ...
8 Identity	Soil Stress ... Disease ... Insect: ✓ Mite ... Nutrient def ...
9 Testing	Soil ... Leaf: ✓ ... Fruit ... Stem ... Root ... Others ...
10 Statement of the problem	Rice Brown Plant Hopper
11. Test results, if any	
12. Final Diagnosis	Rice BPH. Burn.
13. Other comments	

Signature with seal: ... Date: 10.1.5.10

Ref: ...

Prescription form 2

BBB

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..... License No.....

Ref:.....

Prescription

1. Identified problem	Rice Brown plant Hopper (Hopper Burn)
2. Prescripts	1. Material... Basudin 14G Dose..... 3Kg/Bigha Formulation..... Granule Times & interval ...2/15... Other directions.....1.P.M../..Light Trap
	2. Material... Saiton and Dose....3ml/L..Formulation.....W.S. Times & interval ..3./15.. Other directions.....1.P.M.:.....
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	

Signature with seal..... Date.....10.5.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

34

Name

B. Sc. Ag.(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-91.74 License No. 121/BDI Dhaka

Ref: Self

Diagnosis

1 Personnel	Name Rahim Age 18 Sex M District Dinajpur
2 Address	Upazila Sadar Union 6 No Village Alampur Local site Andipur
3 Land	AEZ 01 Sub-Zone 1 (C) Land type H.L PU 2
4 Soil	GST BTG Texture Loam Reaction Acidic Colour Dark Gray
5 Crop	Species Jack Fruit Variety BARI Jack Fruit 1 Yield group HYV Age 120 days Stage Fruiting Season Kharif-1
6 Problem	Plant Leaf Flower Fruit ✓ Stem Ear Root
7 Symptom	Lesion Blight Rot ✓ Chlorosis Eaten Bores Oozing
8 Identity	Soil Stress Disease ✓ Insect Mite Nutrient def
9 Testing	Soil Leaf Fruit ✓ Stem Root Others
10 Statement of the problem	Fruit Rot of Jack Fruit
11. Test results, if any	
12. Final Diagnosis	FR of Jack Fruit
13. Other comments	

Signature with seal

Date 03.03.10

Ref:

Prescription form 2

3A B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/ Dhaka

Ref:.....Self.....

Prescription

1. Identified problem	Fruit Rot of Jack fruit
2. Prescripts	1. Material... Dialthane M-45 Dose.....3g/L Formulation.....W.P..... Times & interval ..2/15.. Other directions..... or
	2. Material.. Bevistin Dose..3g/L....Formulation.....WP..... Times & interval .2/15... Other directions..... or
	3. Material... Rovral Redomil 50 M2 ..... Dose.....3g/L.Formulation.....W.P..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.... ✓
4. Others	

Signature with seal.....

Date...03..03.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

35

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. A-WU-BD-9174. License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Bisu Md. Age: 33 Sex: M. District: Dinajpur
2 Address	Upazila: Union: 6 Noup Village: Aulipur Local site: Aulipur
3 Land	AEZ: 1 Sub-Zone: 1(c) Land type: MHL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark gray
5 Crop	Species: Jute Variety: BARI Jute Yield group: HYV Age: 60 days Stage: Vegetative Season: Kharif-1
6 Problem	Plant: Leaf: Flower: Fruit: Stem: ✓ Ear: Root:
7 Symptom	Lesion: Blight: Rot: ✓ Chlorosis: Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: ✓ Insect: Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: ✓ Root: Others:
10 Statement of the problem	Stem Rot Diseases of Jute
11. Test results, if any	
12. Final Diagnosis	Stem Rot of Jute.
13. Other comments	

Signature with seal: Date: 15.02.10

Ref:

Prescription form 2

35B

Name

B. Sc. Ag.(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..... License No.....

Ref:.....Self.....

Prescription

1. Identified problem	Stem Rot of Jute.
2. Prescripts	1. Material..Bavistin or Nowin Dose.....2g/L... Formulation...W.P..... Times & interval ..3/15... Other directions.....Spray..... or
	2. Material...Redomil Gold Dose.....2g/L...Formulation.....WP..... Times & interval ..3/15... Other directions.....Spray..... or
	3. Material..Diathane M-45 Dose....3g/L.....Formulation.....W.P..... Times & interval ..3/15... Other directions.....Spray.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....✓..... C.R. (Crop Rotation)
4. Others	

Signature with seal.....

Date..15.02.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. A-00-9174 License No. 121/BD/Dhaka

Ref: AEDO/Self

Diagnosis

1 Personnel	Name: Matin Age: 55 Sex: M District: Dinajpur
2 Address	Upazila: Sader Union: 6 No Village: Khamar Jharbari Local site: Pali
3 Land	AEZ: 01 Sub-Zone: 1(c) Land type: HL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Sugarcane Variety: ISD-34 Yield group: HYV Age: 90 days Stage: Vegetative Season: Kharif-2
6 Problem	Plant: Leaf: Flower: Fruit: Stem: ✓ Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: Bores: ✓ Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: ✓ Root: Others:
10 Statement of the problem	Stem Borer of Sugarcane
11. Test results, if any	
12. Final Diagnosis	SBS
13. Other comments	

Signature with seal: Date: 05-5-10

Ref:

36P

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No...A.A.U.-BD 9174 License No....21/BD/Dhaka

Ref:...Self/ACDO.....

Prescription

1. Identified problem	Stem Borer of Sugarcane (SBS)
2. Prescripts	1. Material...Furadan 5G Dose.....6 Kg/Bigha Formulation.....Granule Times & interval ..2/60.. Other directions.....Mixed with Urea
	2. Material...Marshal 6G Dose.....5 Kg/Bigha Formulation.....Granule Times & interval ..2/60.. Other directions.....Do
	3. Material...Padan 4G Dose.....2 Kg/Bigha Formulation.....Granule Times & interval ..2/30.. Other directions.....Do
3. Technical directions	Liming ..... OM application..... Irrigation.....✓.....Hygienic.....
4. Others	

Signature with seal..... Date....5.5.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. A.N.V.-BD.-9174 License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Schidul Age: 54 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 Village: Kasba Local site: Kumarpal
3 Land	AEZ: 01 Sub-Zone: 1 (C) Land type: HL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Papaya Variety: Shahi Yield group: HYV Age: 60 days Stage: Vegetative Season: Kharif-1
6 Problem	Plant: ✓ Leaf: ✓ Flower: Fruit: Stem: Ear: Root:
7 Symptom	Lesion: Yellowing Blight: Rot: Chlorosis: ✓ Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: ✓ Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: ✓ Fruit: Stem: Root: Others:
10 Statement of the problem	Papaya Mosic Virus
11. Test results, if any	
12. Final Diagnosis	P.M.V
13. Other comments	

Signature with seal: Date: 5.5.10

Ref:

Prescription form 2

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No... A.W.-BD.-9174 License No.... 121/B.D./Dhaka

Ref:.... Self.....

Prescription

1. Identified problem	Papaya Mosic Virus · (PMV)
2. Prescripts	1. Material... Malathion 60EC Dose..... 2ml/L Formulation..... EC..... Times & interval ...3/15.. Other directions.... uprooting the Diseased plant.
	2. Material.. Dimeron or Dose..... 2ml/L Formulation..... W.S..... Times & interval ..3/15.. Other directions..... Do.....
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic.... Diseased plant Should be Burned or putting in Land fill.
4. Others	

Signature with seal..... Date....5/5/10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

38

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..... License No.....

Ref: .....

Diagnosis

1 Personnel	Name.....Sarowar.....Age..52... Sex...M District.....Dinajpur
2 Address	Upazila..Sadar..... ..Union.6.....Village..Ashinpur..Local site...Hiapur
3 Land	AEZ....01.....Sub-Zone...1(C).. Land type...H.L.....PU.....2.....
4 Soil	GST...B.T.S.... Texture..Loam...Reaction...Acidic..Colour...Dark grey
5 Crop	Species..Coconut..Variety..BARI-Coconut-1.....Yield group.....H.Y.V..... Age.....10 years....Stage...Fruiting.....Season....Kharif-2
6 Problem	Plant.....✓.....Leaf.....Flower..... Fruit.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis.....Eaten...✓.....Groove Bores.....Oozing .....
8 Identity	Soil Stress. .....Disease.....Insect..✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit..... Stem...✓.....Root.....Others.....
10 Statement of the problem	Coconut Rh. Beetel
11. Test results, if any	
12. Final Diagnosis	Coconut Rh. Beetel.
13. Other comments	

Signature with seal.....

Date.....10.08.10

Ref:.....

38B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.
Registration No..AWU-BD-9174. License No...121/.B.D./.Dhaka

Ref:....Self.....

Prescription

1. Identified problem	Coconut Rh. Beetel.
2. Prescripts	1. Material..Sumilteen 50 EC Dose.....50ml/Groove Formulation.....EC..... Times & interval ..2/30.. Other directions.....Sealed the groove with wax.
	2. Material..Diesel or Kerosine Dose....50ml/Groove Formulation..... Times & interval ..2/30.. Other directions....Sealed the groove with wax.
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	

Signature with seal.....10.08.10 Date....10...08.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

39

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. Awl. BD-9174..... License No...121/BD/Dhaka

Ref: ..Self....

Diagnosis

1 Personnel	Name.....Abul.....Age...55...Sex...M. District.....Dinajpur
2 Address	Upazila.Sadar... ..Union.6nr.....Village.Alilapur.....Local site....Alilapur
3 Land	AEZ.....01.....Sub-Zone...1.(c) Land type...M.HL PU.....2.
4 Soil	GST...BTS... Texture...Loam Reaction...Acidic Colour...Dark grey
5 Crop	Species..Litchi.....Variety.Badana Yield group.....Medium Age.....7 days....Stage.....Fruiting...Season.....Kharif-1
6 Problem	Plant.....Leaf.....Flower..... Fruit....✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis.....Eaten.....Bores....✓.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect.....✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit....✓..... Stem.....Root.....Others.....
10 Statement of the problem	Litchi Fruit Borer (LFB)
11. Test results, if any	
12. Final Diagnosis	L.F.B
13. Other comments	

Signature with seal.....

Date..01.-04-10

Ref:.....

Prescription form 2

39B

Name

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No. AWU-BD-9174. License No. 121/BD/Dhaka

Ref: Self

Prescription

1. Identified problem	Litchi Fruit Borer (L.F.B)
2. Prescripts	1. Material Desis 2.5 EC Dose 01 ml/L Formulation EC Times & interval 3/15 Other directions or
	2. Material Symbush 10 EC Dose 01 ml/L Formulation EC Times & interval 3/15 Other directions or
	3. Material Ripcord 5% EC Dose 2ml/L Formulation EC Times & interval 3/15 Other directions
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	

Signature with seal..... 01-04-10 Date 01-04-10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

40

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self....

Diagnosis

1 Personnel	Name....Forhad.....Age...47... Sex...M. District....Dinajpur
2 Address	Upazila...Sadar ..Union...6 No Village..Daniharl Local site....Ramsagor
3 Land	AEZ....01.....Sub-Zone...1(c). Land type....HL....PU.....2.....
4 Soil	GST...BTS..... Texture...Loam..Reaction.....Acidic Colour..Dark grey
5 Crop	Species....Potato.....Variety...BARI-8 (Hira) Yield group.....H.Y.V Age.....2 month....Stage....Vegetative Season.....Winter
6 Problem	Plant.....Leaf...✓.....Flower..... Fruit.....Stem...✓.....Ear.....Root.....
7 Symptom	Lesion.....Blight....✓.....Rot..... Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf....✓.....Fruit..... Stem.....✓.....Root.....Others.....
10 Statement of the problem	Early Beligh of potato.
11. Test results, if any	
12 Final Diagnosis	Early Blight of potato.
13. Other comments	

Signature with seal..... Date...30.12.09

Ref:.....

408

Prescription form 2

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self.....

Prescription

1. Identified problem	Early Blight of potato.
2. Prescripts	1. Material...Nemispore Dose.....2g/L Formulation.....W.P..... Times & interval .4./.10.... Other directions.....Spray..... or
	2. Material...Rovral..... Dose.....2g/L...Formulation.....WP..... Times & interval ..4/07.... Other directions.....
	3. Material...Vitamil..... Dose.....2g/L...Formulation.....Wp..... or Vandoseb Times & interval .4./.10.... Other directions.....
3. Technical directions	Liming ..... OM application.....✓..... Irrigation.....✓.....Hygienic.....
4. Others	use Balanced Fertilizer

Signature with seal..... Date..30.12.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

41

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. Amu-BD-9174 License No. 21/BD/Dhaka-

Ref: Self

Diagnosis

1 Personnel	Name: Nurul Age: 51 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 No WP Village: Manudpur Local site: Near poli
3 Land	AEZ: 1 Sub-Zone: 1(e) Land type: HL PU: 2
4 Soil	GST: B.T.S Texture: Sandy loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Potato Variety: Holland Yield group: H.Y.V Age: 75 days Stage: Potato Stage Season: Early winter
6 Problem	Plant: ✓ Leaf: Flower: Fruit: Stem: Potato ✓ Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: ✓ Bores: Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: Root: Others:
10 Statement of the problem	Cut worm infestation of potato
11. Test results, if any	
12. Final Diagnosis	Cut worm infestation of potato
13. Other comments	

Signature with seal: 01/07/10 Date: 01.07.10

Ref:

Prescription form 2

4-13

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWW-BD-9174 License No. 121/BD/Dhaka

Ref: Self

Prescription

1. Identified problem	Cut worm of potato (cutting potato tuber cutterpillar)
2. Prescripts	1. Material Basudin 10G Dose 2kg/Bisha Formulation Granule Times & interval 2/15 Other directions Mixed with Urea.
	2. Material Furadan 15G Dose 3kg/Bisha Formulation Granule Times & interval 2/15 Other directions Mixed with Urea.
	3. Material Malathion 60EC 2ml/L Dose Formulation EC Times & interval 2/15 Other directions Spray.
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic.....
4. Others	Kill the worm pest by Hand-

Signature with seal 01.07.10 Date 01.07.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

42

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Abul Hossain Age: 41 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 Village: Kafak Local site: Allahmia
3 Land	AEZ: D1 Sub-Zone: 1(c) Land type: MHL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Jute Variety: BARI Jute 1 Yield group: H.Y.V Age: 60 days Stage: Vegetative Season: Kharif-1
6 Problem	Plant: Leaf: ✓ Flower: Fruit: Stem: ✓ Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: ✓ Bores: Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: ✓ Fruit: Stem: ✓ Root: Others:
10 Statement of the problem	Jute catterpiller -
11. Test results, if any	
12. Final Diagnosis	Jute catterpiller -
13. Other comments	

Signature with seal: Date: 15.02.10

Ref:

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..... License No.....

Ref:.....

Prescription

1. Identified problem	Jute Cutterpiller
2. Prescripts	1. Material Malathion Dose 60 EC 3ml/L Formulation EC Times & interval 3/15 Other directions Spray or
	2. Material Ripchord 20 EC Dose 2ml/L Formulation E.C Times & interval 3/15 Other directions Spray or
	3. Material Symbush Dose 2ml/L Formulation W.S Times & interval 3/15 Other directions Spray
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic ✓
4. Others	

Signature with seal.... Date 15.2.2010

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWV-BD-9174 License No. 121/BD/Dhaka

Ref: 1. Self

Diagnosis

1 Personnel	Name Rohan Age 21 Sex M District Dinajpur
2 Address	Upazila Sadar Union Powshma Village Kaba Local site Allahmia
3 Land	AEZ 01 Sub-Zone 1(e) Land type HL PU 2
4 Soil	GST BTS Texture Loam Reaction Acidic Colour Dark Gray
5 Crop	Species Strawbery Variety BARI-Strawbery-1 Yield group HYV Age 60 days Stage Fruiting Season ~~Kharif~~ Robi winter
6 Problem	Plant ..... Leaf ✓ ..... Flower ..... Fruit ..... Stem ..... Ear ..... Root .....
7 Symptom	Lesion Black Spot Blight ..... Rot ..... Chlorosis ..... Eaten ..... Bores ..... Oozing .....
8 Identity	Soil Stress ..... Disease ✓ ..... Insect ..... Mite ..... Nutrient def .....
9 Testing	Soil ..... Leaf ✓ ..... Fruit ..... Stem ..... Root ..... Others .....
10 Statement of the problem	L. Black Spot of Strawbery
11. Test results, if any	
12. Final Diagnosis	Leaf Spot of Strawbery.
13. Other comments	

Signature with seal ..... Date 22.10.09

Ref: .....

Prescription form 2

43B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No...AWU-BD-9174.. License No...121/BD/Dhaka

Ref:...Self.....

Prescription

1. Identified problem	Leaf Spot of Strawberry
2. Prescripts	1. Material...Redomil Gold Dose....2g/L... Formulation.....WP..... Times & interval ..3/15.. Other directions.....Spray.....
	2. Material...N.D.Win 58 WP Dose.....2g/L Formulation.....WP.... Times & interval ...3/15.. Other directions.....Spray.....
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application.....✓..... Irrigation.....Hygienic.....
4. Others	

Signature with seal.....By..... Date....22.10.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

44

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..AWU.-BD.-9174.. License No....121/.B.D.|Dhaka

Ref: ..U.A.A.O ,

Diagnosis

1 Personnel	Name....Mohiuddin.....Age...35 Sex...M District...Dinajpur
2 Address	Upazila...Sadar.... ..Union.....7 no Utrail.....Village..Utrail.. Local site...Near East para.
3 Land	AEZ.....1.....Sub-Zone...1.(c). Land type.....H.L.....PU.....0.3.....
4 Soil	GST..B.T.S..... Texture..Loam..Reaction..Acidic..Colour....Dark grey
5 Crop	Species..Papaya.....Variety..BARI.1..Yield group.....H.Y.V..... Age.....60 days.....Stage...Vegetative.....Season.....Rabi.....
6 Problem	Plant.....Leaf.....Flower..... Fruit....✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis.....Eaten.....Bores.....Oozing ...✓.....
8 Identity	Soil Stress.....Disease.....Insect..... Mite.....Nutrient def....✓.....
9 Testing	Soil.....Leaf.....Fruit..... Stem.....Root.....Others.....
10 Statement of the problem	Boron Defficiency Syndrome
11. Test results, if any	
12. Final Diagnosis	B - Defficiency.
13. Other comments	

Signature with seal.....10.08.10..... Date....10.8.10

Ref:.....

448

Name

B. Sc. Ag.(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No...AWU-BD-9174. License No.....121./BD7.Dhaka

Ref:...U.A.A.O.....

Prescription

1. Identified problem	B. Defficiency
2. Prescripts	1. Material...Borax..... Dose...2% Spray Formulation...2 Kg/100L 20g/L W.S. Times & interval ..2/10.. Other directions.....
	2. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application...✓..... Irrigation.....Hygienic.....
4. Others	

Signature with seal.....10/8/10 Date...10.1.08.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

45

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka.

Ref: U.A.O.

Diagnosis

1 Personnel	Name: Jasimuddin Age: 50 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: Pourasava Village: Kasba Local site:
3 Land	AEZ: 1 Sub-Zone: 1 (c) Land type: Loamy HL PU: 2
4 Soil	GST: BTS Texture: Sandy Loam Reaction: Acidic Colour: Dark grey.
5 Crop	Species: Maize Variety: H-22 Yield group: H.Y.V Age: 50 days Stage: Vegetative Season: Late Winter
6 Problem	Plant: Leaf: ✓ Flower: Fruit: Stem: Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: ✓ Eaten: Bores: Oozing: Yellowing of upper and lower leafs.
8 Identity	Soil Stress: Disease: Insect: Mite: Nutrient def: N- Defficiency
9 Testing	Soil: Leaf: Fruit: Stem: Root: Others:
10 Statement of the problem	
11. Test results, if any	
12. Final Diagnosis	N- Defficiency.
13. Other comments	

Signature with seal: 08/08/10 Date: 08.08.10

Ref:

Prescription form 2

45B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU.BD.-9174.. License No. 121/B.D./Dhaka.

Ref: U.A.O.

Prescription

1. Identified problem	N - Defficiency.
2. Prescripts	1. Material Urea. Dose 22Kg/Bigha Formulation Granule. Times & interval 2nd Split Other directions Soil Application.
	2. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application ✓ Irrigation 1 Hygienic Mix with Soil.
4. Others	

Signature with seal 10/8/10 Date 10/8/10 10.8.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

A6

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. PhD-BD-9174 License No. 121/BD/Dhaka.

Ref: Up. Chairman

Diagnosis

1 Personnel	Name: Abul Kalam Age: 40 Sex: M District: Dinajpur.
2 Address	Upazila: Sadar Union: Up Village: Ahlidipur Local site: East Para
3 Land	AEZ: 01 Sub-Zone: 1(c) Land type: H:H:L PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark gray.
5 Crop	Species: Rice Variety: BR-11 Yield group: H.Y.V. Age: 40 days Stage: Vegetative Season: Kharif-2
6 Problem	Plant: Leaf: Flower: Fruit: Stem: ✓ Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: Bores: ✓ Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: Root: Others:
10 Statement of the problem	Stem Borer Infection
11. Test results, if any	
12. Final Diagnosis	S.B.1.
13. Other comments	Medium.

Signature with seal: Date: 09.08.10.

Ref:

Prescription form 2

468

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No...PhD-BD-9174 License No.....121/BD/Dhaka.

Ref:...up..chairman.

Prescription

1. Identified problem	Rice stem Borer (SB1) (Stem Borer Infection) Rice.
2. Prescripts	1. Material..Malathion 60 EC. Dose...2ml/L Formulation.....EC..... Times & interval ...2/15 Other directions....Be careful 150 ml/1 Bigha of Land
	2. Material. Sumithion 60 EC Dose...3ml/L...Formulation.....EC..... Times & interval ..3/10... Other directions.....Be Careful Use plastic Bottole.
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..2Kg Dolochune/ Decimal of land. OM application..... Irrigation.....Hygienic.....Weeding.
4. Others	

Signature with seal..... 8/8/10 Date..08.08.2010

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

47

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BP-9174 License No. 121/BDI Dhaka.

Ref: Self

Diagnosis

1 Personnel	Name: Salam Age: 35 Sex: M. District: Dinajpur
2 Address	Upazila: Sadar Union: 6 No up Village: Kamalpur Local site: Ramsagar
3 Land	AEZ: 1 Sub-Zone: 1 (c) Land type: M.H.L PU: 2
4 Soil	GST: B.T.S. Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Rice Variety: BR33 Yield group: HYV Age: 75 days Stage: Flowering Season: Kharif-2
6 Problem	Plant: Leaf: Flower: Fruit: Stem: Ear: ✓ Root:
7 Symptom	Lesion: Blight: Cutting The Rot Penicle of Rice Chlorosis: Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: Root: Others: Penicle
10 Statement of the problem	Rice Ear Catterpiller Infestation
11. Test results, if any	
12. Final Diagnosis	Rice Catterpiller Infestation
13. Other comments	

Signature with seal: 5/7/2010 Date: 05.07.10

Ref:

Prescription form 2

478

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. ARM-BR-9174 License No. 121/BD/Dhaka

Ref: Self

Prescription

1. Identified problem	Rice Ear Cutterpiller or Rice Panicle cutter piller.
2. Prescripts	1. Material Basudin 14G Dose 2 Kg/Bigha Formulation Granule Times & interval 2/15 Other directions Mixed with Urea with 2" Stable water
	2. Material or Furadan 50G Dose 3 Kg/Bigha Formulation Granule Times & interval 2/15 Other directions Mixed with Urea and 2" Stable water
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation ✓ Hygienic Inter cultural operation and weeding
4. Others	

Signature with seal 05/7/10 Date 05.07.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No....A.W.U.-BD.-9174 License No.....121/B.D./Dhaka

Ref: ..Self...:

Diagnosis

1 Personnel	Name.....Karim.....Age..27.. Sex...M District....Dinajpur
2 Address	Upazila....Birol... ..Union..1 No. Village..Kamar para Local site...Near the Rail station
3 Land	AEZ.....1.....Sub-Zone...1(c).. Land type....HL.....PU.....3.....
4 Soil	GST..BTS..... Texture...Loam Reaction....Acidic Colour.....Dark grey
5 Crop	Species..Banana...Variety...Malvage Yield group.....Medium Age.....6.0 days Stage...Vegetative Season.....Kharif-1
6 Problem	Plant.....✓.....Leaf.....Flower..... Fruit.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot.....wilting Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease...✓.....Insect..... Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit..... Stem.....Root.....Others.....
10 Statement of the problem	Banana wilt Disease
11. Test results, if any	
12. Final Diagnosis	Banana wilting Disease
13. Other comments	

Signature with seal.....15/6/10..... Date...15..6..10

Ref:.....

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No...A.W.U.-BD-9174 License No.....121/B.D./Dhaka

Ref:....Self..... .....

Prescription

1. Identified problem	Banana wilt
2. Prescripts	1. Material.....Tilt 60 EC Dose.....5ml/L Formulation.....E.C..... Times & interval ...3/15 Other directions.....Use with Caution-
	2. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	

Signature with seal.....15.6.10..... Date....15.06.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

49

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. Anu-BD-9174. License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Bashir Age: 22 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 no, up Village: Khamar Jharbon Local site: near the river.
3 Land	AEZ: 1 Sub-Zone: 1 (c) Land type: ~~Sandy loam~~ HL PU: 2
4 Soil	GST: B.T.S Texture: Sandy Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Potato Variety: Cardinal Yield group: H.Y.V Age: 60 days Stage: Vegetative Season: ~~Kharif~~ Early winter E. Winter
6 Problem	Plant: ✓ Leaf: ✓ Flower: Fruit: Stem: Ear: Root:
7 Symptom	Lesion: Blight: Rot: ✓ Chlorosis: Eaten: Bores: Oozing:
8 Identity	Soil Stress: Disease: ✓ Insect: Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: Root: Others:
10 Statement of the problem	Fungal disease LB. of Potato
11. Test results, if any	
12. Final Diagnosis	LB. of Potato
13. Other comments	

Signature with seal: 05/8/10 Date: 05-08-10

Ref:

Prescription form 2

498

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-2174. License No. 121/BD/Dhaka

Ref: Self

Prescription

1. Identified problem	Late Blight of potato (LB of Potato)
2. Prescripts	1. Material Bevestine Dose 5 gm/L Formulation W.P. Times & interval 3/10 days Other directions or
	or 2. Material Redomil MZ Dose 3 gm/L Formulation W.P. Times & interval 3/10 days Other directions or
	3. Material Redomil gold Dose 2g/L Formulation WP Times & interval ..... Other directions
3. Technical directions	Liming ..... OM application Irrigation ..... Hygienic
4. Others	

Signature with seal 05.08.10 Date 05.08.10

Ref:

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

50

Name

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No. PhD.-BD-9174 License No. 121/BD/ Dhaka.

Ref: Self

Diagnosis

1 Personnel	Name Rafiqul Islam Age 35 Sex M District Dinajpur
2 Address	Upazila Sadar Union Utrail Village Kamalpur Local site West Para.
3 Land	AEZ 01 Sub-Zone 1(C) Land type M.H.L PU 2
4 Soil	GST BTS Texture Loam Reaction Acidic Colour Dark grey
5 Crop	Species Brinjal Variety Singnath Yield group Medium. Age 50 days Stage Flowering Season Kharif-2
6 Problem	Plant ✓ Leaf Flower Fruit ✓ Stem Ear Root
7 Symptom	Lesion Blight Rot Wilting. Chlorosis Eaten Bores ✓ Oozing
8 Identity	Soil Stress Disease Insect ✓ Mite Nutrient def
9 Testing	Soil Leaf Fruit Stem Root Others
10 Statement of the problem	Brinjal Shoot and Fruit Borer.
11. Test results, if any	
12. Final Diagnosis	SFB
13. Other comments	Variety, Susceptable

Signature with seal 08/8/10 Date 08.08.2010

Ref:

Prescription form 2

50B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. PhD-BD-9174. License No. 121/B.D./Dhaka.

Ref: Self

Prescription

1. Identified problem	S.F.B (SF of Brinjal)
2. Prescripts	1. Material Symbush Dose 2 ml/L Formulation W/S Times & interval 2/10 Other directions Be Careful.
	or 2. Material Tracer Dose 1 ml/L Formulation W/S Times & interval 3/7 days Other directions Harvest fruit Before Spray. (HFBS).
	3. Material ..... Dose ..... Formulation ..... Times & interval ..... Other directions .....
3. Technical directions	Liming ..... OM application Advice for Crop rotation (CR). Irrigation ..... Hygienic .....
4. Others	

Signature with seal ..... 08/8/10 Date 08.08.2010

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

51

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No...BD-9174.... License No.....121/BD/Dhaka.

Ref: ..Self....

Diagnosis

1 Personnel	Name.....Rasiruddin.Age...45.. Sex...M District....Dinajpur
2 Address	Upazila...Sador... ..Union..Mainul village..Masimpur Local site...Near KBM College.
3 Land	AEZ....1.....Sub-Zone.1(c).. Land type...H.L.....PU.....2.....
4 Soil	GST...B.T.S... Texture.Sandy Loam Reaction...Acidic Colour....Dark grey
5 Crop	Species...Litchi.....Variety.China III Yield group.....H.Y.V..... Age.....30 days Stage...Fruiting....Season....Kharif-2
6 Problem	Plant.....Leaf....✓.....Flower..... Fruit.....Stem....✓.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..... Chlorosis.....Eaten.....Bores.....Oozing ...✓.....
8 Identity	Soil Stress.....Disease.....Insect..... Mite.....✓.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit..... Stem.....Root.....Others.....
10 Statement of the problem	Litchi Mite
11. Test results, if any	
12. Final Diagnosis	Litchi Mite
13. Other comments	

Signature with seal.....

Date...09..03.10

Ref:.....

Prescription form 2

51B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. A.W.U.-BD-9174 License No. 121/BD/Dhaka.

Ref: Self

Prescription

1. Identified problem	Litchi Mite (LM)
2. Prescripts	1. Material Omite 20 EC Dose 3ml/L Formulation W.S. Times & interval 2/10dys Other directions Be Careful.
	2. Material Cal Kone 4 MF Dose 01 ml/L Formulation WS Times & interval 3/15 Other directions April-May month
	or 3. Material Neem 50 EC Dose 01 ml/L Formulation EC Times & interval 3/15 Other directions April-May Month
3. Technical directions	Liming ..... OM application ..... Irrigation ..... Hygienic ✓
4. Others	

Signature with seal 9.3.10 Date 09.03.10

Ref:

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

52

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWV-BD-917-4 License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Nurul Age: 54 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: 6 No Village: Aulia pur Local site: Aulia pur
3 Land	AEZ: 01 Sub-Zone: 1 (e) Land type: H.L PU: 2
4 Soil	GST: B.T.S Texture: Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Bean Variety: BARI-Bean 1 Yield group: H.Y.V Age: 60 days Stage: Vegetative Season: Winter
6 Problem	Plant: Leaf: ✓ Flower: Fruit: Stem: ✓ Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: ✓ Bores: Oozing:
8 Identity	Soil Stress: Disease: ✓ Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: ✓ Fruit: Stem: Root: Others:
10 Statement of the problem	Aphids of Bean
11. Test results, if any	
12 Final Diagnosis	Aphids of Bean.
13. Other comments	

Signature with seal: Date: 05.04.10

Ref:

Prescription form 2

52B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU.D.D.-9174. License No. 121/BD/Dhaka

Ref: Self

Prescription

1. Identified problem	Aphids of Beans
2. Prescripts	1. Material Diazon 60 EC Dose 2ml/L Formulation EC Times & interval 3/15 Other directions Spray at afternoon or
	2. Material Sumithion 60 EC Dose 2ml/L Formulation EC Times & interval 3/15 Other directions Spray at afternoon or
	3. Material Ash Dose 1 kg/5 Decimites Formulation Dry Times & interval 3/15 Other directions Dry ash throwing on leaf.
3. Technical directions	Liming ..... OM application ..... Irrigation ..... Hygienic ✓
4. Others	

Signature with seal ..... Date 05.04.10

Ref:

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

53

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. ANU-BD-9174 License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name: Asad Age: 42 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: Gorup Village: Ulipur Local site: Ulipur
3 Land	AEZ: 1 Sub-Zone: 1 (c) Land type: HL PU: 2
4 Soil	GST: BTS Texture: Loam Reaction: Acidic Colour: Dark Gray
5 Crop	Species: Bean Variety: BARI Bean 1 Yield group: HYV Age: 75 days Stage: Fruiting Season: Winter.
6 Problem	Plant: Leaf: Flower: Fruit: ✓ Stem: Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: ✓ Bores: ✓ Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: ✓ Stem: Root: Others:
10 Statement of the problem	Bean cutterpiller.
11. Test results, if any	
12. Final Diagnosis	Bean cutterpiller.
13. Other comments	

Signature with seal: Date: 15.2.10

Ref:

Prescription form 2

53B

Name

B. Sc. Ag.(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..... License No.....

Ref:.....

Prescription

1. Identified problem	Bean Fruit Cattler piller.
2. Prescripts	1. Material: Ripcord 10 EC Dose 2ml/L Formulation EC. Times & interval 3/15 Other directions Spray at afternoon or
	2. Material Sumicidin 20 Ec Dose 2.5ml/L Formulation EC Times & interval 3/15 Other directions D.o
	3. Material Agromethrin 10 EC Dose 2ml/L Formulation EC Times & interval 3/15 Other directions D.o
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic ✓
4. Others	

Signature with seal..... Date 15.02.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

54

Name

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No..... License No.....

Ref: .....

Diagnosis

1 Personnel	Name....Sohrab.....Age..44.. Sex..M.. District....Dinajpur
2 Address	Upazila..Sadar..... ..Union..6No.....Village..Aulia pur Local site....Manikpir
3 Land	AEZ...01.....Sub-Zone...1(c) Land type...HL....PU.....2.....
4 Soil	GST....BTS.... Texture...Loam Reaction...Acidic Colour....Dark grey
5 Crop	Species..Banana.....Variety..BARI Banana-4.....Yield group.....HYV..... Age.....140 days Stage.....Fruiting.....Season.....Kharif-1
6 Problem	Plant.....Leaf.....✓ Spot.....Flower..... Fruit.....Spot....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Black Spot...Rot..... Chlorosis.....Eaten.....✓.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease.....Insect.....✓..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf...✓.....Fruit...✓..... Stem.....Root.....Others.....
10 Statement of the problem	Banana leaf and Fruit Beteel
11. Test results, if any	
12. Final Diagnosis	Banana L.F.B
13. Other comments	

Signature with seal.....

Date...08.08.10

Ref:.....

Prescription form 2

54B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..... License No.....

Ref:.....

Prescription

1. Identified problem	Banana leaf and Fruit Beetel.
2. Prescripts	1. Material Desis 2.5 EC Dose 01 ml/L Formulation EC Times & interval 4/20 Other directions Spray on leaf and Fruit
	2. Material Tilt or 250 EC Dose 01 ml/L Formulation EC Times & interval 3/15 Other directions.....
	3. Material..... Dose..... Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic..... ✓
4. Others	Covering Banana with Mosquito Net to protect the insect pest.

Signature with seal..... 08.08.10 Date... 08.08.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

55

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka.

Ref: Self

Diagnosis

1 Personnel	Name: Abdul Gani Age: 60 Sex: M District: Dinajpur
2 Address	Upazila: Sadar Union: Parasova Village: Kasba Local site: Manik Pir side
3 Land	AEZ: 01 Sub-Zone: 1(c) Land type: HL PU: 2
4 Soil	GST: B.T.S. Texture: Sandy Loam Reaction: Acidic Colour: Dark grey
5 Crop	Species: Mango Variety: Fazli Yield group: Medium. Age: 60 days Stage: Fruiting Season: E. Winter
6 Problem	Plant: Leaf: Flower: ✓ Fruit: ✓ Stem: Ear: Root:
7 Symptom	Lesion: Blight: Rot: Chlorosis: Eaten: ✓ Bores: ✓ Oozing:
8 Identity	Soil Stress: Disease: Insect: ✓ Mite: Nutrient def:
9 Testing	Soil: Leaf: Fruit: Stem: Root: Others:
10 Statement of the problem	Mohalaga Mango
11. Test results, if any	
12. Final Diagnosis	Mango leaf hopper
13. Other comments	

Signature with seal. 05.04.10 Date: 05.04.10

Ref:

Prescription form 2

55B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka.

Ref: Self

Prescription

1. Identified problem	Mango Leaf Hopper (M.L.H)
2. Prescripts	1. Material Saithrin Dose 2 ml/L Formulation W.S. Times & interval 3/7 days Other directions Be Careful before use.
	2. Material or Symbush 10 EC Dose 0.1 g/L Formulation EC Times & interval 3/10 days Other directions Plus one Fungicide e.g. Dithan M45 or Bevistine 2g/L
	3. Material Ripcord 10 EC Dose 0.1 g/L Formulation EC Times & interval 3/10 days Other directions D.o
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic.....
4. Others	

Signature with seal..... 9/8/10 Date.....05.08.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

56

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/ Dhaka.

Ref: Self

Diagnosis

1 Personnel	Name Ibrahim Age 25 Sex M District Dinajpur
2 Address	Upazila Sadar Union 6 Village Uliper Local site Uliper
3 Land	AEZ 1 Sub-Zone I (c) Land type HL PU 2
4 Soil	GST B.T.S Texture loam Reaction Acidic Colour Dark grey
5 Crop	Species Cabbage Variety BARI Cabbage-1 Yield group H.Y.V Age 50 days Stage Vegetative Season Winter
6 Problem	Plant ✓ Leaf Flower Fruit Stem ✓ Ear Root
7 Symptom	Lesion Blight Rot Blockage Chlorosis Eaten Bores Oozing
8 Identity	Soil Stress Disease ✓ Insect Mite Nutrient def
9 Testing	Soil Leaf Fruit Stem Root ✓ Others
10 Statement of the problem	Root wilting of Cabbage
11. Test results, if any	
12. Final Diagnosis	Root wilting of Cabbage.
13. Other comments	

Signature with seal

Date 6.1.12.09

Ref:

Prescription form 2

56B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No..... License No.....

Ref:.....

Prescription

1. Identified problem	Root Wilting of Cabbage.
2. Prescripts	1. Material...Vitavex-200... Dose.....2.5g/Kg seed Formulation.....WP..... Times & interval .....1..... Other directions.....Seed Treatment
	2. Material...Diatane M45... Dose.....5g/L.....Formulation.....WP..... Times & interval ...3/15... Other directions.....
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....
4. Others	

Signature with seal..... Date..... 01.12.09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

57

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174. License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name Taher Age 32 Sex M District Dinajpur
2 Address	Upazila Sadar Union 6 No Village Uliapur Local site Uliapur
3 Land	AEZ 1 Sub-Zone 1(e) Land type H.L PU 2
4 Soil	GST BTS Texture Loam Reaction Acidic Colour Dark Gray
5 Crop	Species Brinjal Variety Islampuri Yield group HYV Age 60 days Stage Vegetative Season Winter
6 Problem	Plant ✓ Leaf Flower Fruit Stem ✓ Ear Root
7 Symptom	Lesion Blight Rot wilting Chlorosis Eaten Bores Oozing
8 Identity	Soil Stress Disease ✓ Insect Mite Nutrient def
9 Testing	Soil Leaf Fruit Stem ✓ Root Others
10 Statement of the problem	Brinjal wilting rot
11. Test results, if any	
12. Final Diagnosis	Brinjal Wilting Rot.
13. Other comments	

Signature with seal

Date 11-11-09

Ref:

Prescription form 2

57B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AMU-BD-9174 License No. 121/BD/Dhaka

Ref: Self

Prescription

1. Identified problem	Brinjal Wilting rot Diseases.
2. Prescripts	1. Material Bevistin Dose 2g/L Formulation WP Times & interval 3/15 Other directions
	2. Material Dose Formulation Times & interval Other directions
	3. Material Dose Formulation Times & interval Other directions
3. Technical directions	Liming OM application ✓ Irrigation Hygienic ✓
4. Others	

Signature with seal

Date 11.11.09

Ref:

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

58

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174 License No. 121/BD/Dhaka

Ref: Self

Diagnosis

1 Personnel	Name. Sadirul Age. 33 Sex. M District. Dinajpur
2 Address	Upazila. Sadar Union. 7 no up Village. Kalai Local site. Bazzar
3 Land	AEZ. 01 Sub-Zone. 1(c) Land type. HL PU. 2
4 Soil	GST. BTS Texture. Loam Reaction. Acidic Colour. Dark grey
5 Crop	Species. Pointed Gourd Variety. BARI-PG-1 Yield group. HYV Age. 90 days Stage. Fruiting Season. Winter
6 Problem	Plant. Leaf. ✓ Flower. Fruit. Stem. ✓ Ear. Root.
7 Symptom	Lesion. Blight. Rot. Chlorosis. Eaten. Bores. Oozing ✓
8 Identity	Soil Stress. Disease. ✓ Insect. Mite. Nutrient def.
9 Testing	Soil. Leaf. ✓ Fruit. Stem. ✓ Root. Others.
10 Statement of the problem	Gamosis of pointed Gourd
11. Test results, if any	
12. Final Diagnosis	Gamosis of PG.
13. Other comments	

Signature with seal. Date. 15.16.2010

Ref:

Prescription form 2

58B

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AMM-BD-9174 License No. 121/BD/Dhaka

Ref: Self

Prescription

1. Identified problem	Gamosis of Pointed Gourd.
2. Prescripts	1. Material Bevestine Dose 2g/L Formulation W.P Times & interval 3/15 Other directions Up Rooting the Diseased plants.
	2. Material Bordo Mix or cupravit Dose 2g/L Formulation WP Times & interval 3/15 Other directions Do And
	3. Material Bordopest (100g cusoy + 100g cao + 1L water) Dose 1L/Drum Formulation W.S Times & interval 3/15 Other directions Do
3. Technical directions	Liming ..... OM application..... Irrigation..... Hygienic..... ✓
4. Others	

Signature with seal..... Date 15.06.2010

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

59

Name

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No. AWU-BD-9174..... License No. 121/BD/Dhaka

Ref: Self.....

Diagnosis

1 Personnel	Name Rabiul Age 30 Sex M District Dinajpur
2 Address	Upazila Sodor Union 6 No up Village Aliqar Local site Aliqar
3 Land	AEZ 1 Sub-Zone 1(c) Land type HL PU 2
4 Soil	GST BTS Texture Loam Reaction Acidic Colour Dark grey.
5 Crop	Species Cucumber Variety Hira-904 Yield group Hybrid Age 50 days Stage Fruiting Season Kharif 1
6 Problem	Plant ..... Leaf ..... Flower ..... Fruit ✓ Stem ..... Ear ..... Root .....
7 Symptom	Lesion ..... Blight ..... Rot ..... Chlorosis ..... Eaten ✓ Bores ✓ Oozing .....
8 Identity	Soil Stress ..... Disease ..... Insect ✓ Mite ..... Nutrient def .....
9 Testing	Soil ..... Leaf ..... Fruit ✓ Stem ..... Root ..... Others .....
10 Statement of the problem	Cucumber Fruity Fly.
11. Test results, if any	
12. Final Diagnosis	Cucumber Fly.
13. Other comments	

Signature with seal..... Date 15.6.10

Ref:.....

Prescription form 2

59B

Name Md. Abul Kalam Azad -

B. Sc. Ag.(BAU) M.Sc. Ag. (BAU) Ph D.

Registration No. AWU-PD-2179... License No...121/BP/Dhaka

Ref:.....Self.....

Prescription

1. Identified problem	Cucumber Fly
2. Prescripts	1. Material...Dipterex... Dose....1ml/L Formulation....W.S..... Times & interval ..2/15... Other directions.....Use.. phosTop..... or
	2. Material...Ripchord 50EC Dose.....2ml/L Formulation.....EC..... Times & interval ..2/15.... Other directions.....Do.....
	3. Material...Malathion 60EC Dose.....2ml...Formulation.....EC..... Times & interval ..2/15.... Other directions.....Do.....
3. Technical directions	Liming ..... OM application..... Irrigation.....Hygienic.....✓.....
4. Others	

Signature with seal.....[signature]..... Date..15.6.10

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

60

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self.....

Diagnosis

1 Personnel	Name.....Arif.....Age..32.. Sex..M.. District...Dinajpur
2 Address	Upazila...Sadar.. ..Union.6N.....Village.Jamalpur Local site...Ramsagar
3 Land	AEZ....1.....Sub-Zone...1(C).. Land type..MHL..PU.....2.....
4 Soil	GST...BTS..... Texture...Loam...Reaction...Acidic..Colour...Dark grey
5 Crop	Species..Wheat Sonalika.....Variety..Sonalika..Yield group....H.Y.V..... Age.....90 days.....Stage...Fruiting....Season...winter.....
6 Problem	Plant.....Leaf.....Flower..✓..... Fruit.....Stem.....Ear....✓.....Root.....
7 Symptom	Lesion.....Blight.....Rot.....✓ Smart..... Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease.....✓.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit....Panniel..... Stem.....Root.....Others.....
10 Statement of the problem	Loose Smart Disease of wheat
11. Test results, if any	
12. Final Diagnosis	Loose smart of wheat
13. Other comments	

Signature with seal.....

Date..03.03.2010

Ref:.....

Prescription form 2

60B

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Prescription

1. Identified problem	Loose Smut of Wheat
2. Prescripts	1. Material. Diathane M45 Dose.....2g/L Formulation.....WP..... Times & interval 3/15..... Other directions.....Spray.....
	2. Material. Bevistine Dose.....2g/L...Formulation.....WP..... Times & interval 3/15... Other directions.....DD.....
	3. Material..... Dose.....Formulation..... Times & interval ..... Other directions.....
3. Technical directions	Liming ..... OM application.....✓..... Irrigation.....✓.....Hygienic.....
4. Others	

Signature with seal.....A..... Date..03.03.2010

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

61

Name ;Md.Abul Kalam Azad

B. Sc. Ag.(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Diagnosis

1 Personnel	Name.....Azahar.....Age...30... Sex..M District.....Dinajpur
2 Address	Upazila...Gobr... ..Union..Gor...Village...Tajpur Local site...Ramsagar
3 Land	AEZ.....01.....Sub-Zone...1(c) Land type....HL....PU.....2.....
4 Soil	GST...BTS..... Texture...Loam...Reaction...Acidic Colour...Dark gray
5 Crop	Species...Chilli.....Variety..BARI-1...Yield group.....H.Y.V..... Age.....60 days Stage.....Vegetative Season.....Winter.....
6 Problem	Plant.....Leaf....✓.....Flower..... Fruit.....Stem....✓.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot....✓..... Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease....✓.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit..... Stem.....✓.....Root.....Others.....
10 Statement of the problem	Stem Rot of Chilli.
11. Test results, if any	
12. Final Diagnosis	Stem Rot of Chilli.
13. Other comments	

Signature with seal.....

Date.01:01:09

Ref:.....

Prescription form 2

61B

Name ;Md.Abul Kalam Azad

B. Sc. Ag.(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: Self.....

Prescription

1. Identified problem	Stem Rot of Chilli.
2. Prescripts	1. Material Redomil gold Dose 2g/L Formulation WP Times & interval 3/15 Other directions Spray
	or 2. Material Dealtane M-45 Dose 2g/L Formulation WP Times & interval 3/15 Other directions Spray
	or 3. Material Bravishine Dose 2g/L Formulation WP Times & interval 3/15 Other directions Spray
3. Technical directions	Liming ..... OM application ✓ Irrigation ✓ Hygienic.....
4. Others	

Signature with seal..... Date 01.01.2009

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh, the commodities are approved by the government and advice given are according to agriculture science.

Prescription form 1

62

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: .....

Diagnosis

1 Personnel	Name.....Atahar.....Age...35... Sex..M. District...Dinajpur
2 Address	Upazila..Sadar.... ..Union..6 No....Village...Tajpur.. Local site...Ranisagar
3 Land	AEZ.....1.....Sub-Zone...1(C).. Land type...HL.....PU.....2.....
4 Soil	GST...BTS..... Texture..Loam....Reaction..Acidic.Colour.Dark gray
5 Crop	Species..Chilli.....Variety..BARI-1....Yield group.....HYV..... Age.....60days.....Stage....Fruiting.....Season....Winter.....
6 Problem	Plant.....Leaf.....Flower..... Fruit.....✓.....Stem.....Ear.....Root.....
7 Symptom	Lesion.....Blight.....Rot..✓..... Chlorosis.....Eaten.....Bores.....Oozing .....
8 Identity	Soil Stress.....Disease....✓.....Insect..... .Mite.....Nutrient def.....
9 Testing	Soil.....Leaf.....Fruit...✓..... Stem.....Root.....Others.....
10 Statement of the problem	Fruit Rot of chilli
11. Test results, if any	
12. Final Diagnosis	Fruit Rot of Chilli.
13. Other comments	

Signature with seal.....Date..01.01.09

Ref:.....

Prescription form 2

62B

Name ;Md.Abul Kalam Azad

B. Sc. Ag,(BAU) M.Sc. Ag, (BAU) Ph D.

Registration No-- AWU-BD-9174 License No--121/BD/DHAKA

Ref: ..Self.....

Prescription

1. Identified problem	Fruit Rot of chilli.
2. Prescripts	1. Material..Dia Tane M 45 Dose.....2g/L Formulation.....wp..... Times & interval ..3/15..... Other directions.....Spray..... or 2. Material..Redomil gold Dose.....2g/L.....Formulation....Spray wp Times & interval ..3/15.... Other directions.....Spray..... or 3. Material...Bevistine Dose.....2g/L.....Formulation.....wp..... Times & interval ..3/15.... Other directions.....do.....
3. Technical directions	Liming ..... OM application....✓..... Irrigation.....✓.....Hygienic.....
4. Others	

Signature with seal.....

Date..01..01..09

Ref:.....

Declaration: The prescription given here is at per with Agricultural legislative Administration in Bangladesh. the commodities are approved by the government and advice given are according to agriculture science.

THE IRRIGATION ACT, 1876

(ACT NO. III OF 1876).

[29th March, 1876]

[1] An Act to provide for irrigation in Bangladesh.

Preamble WHEREAS it is necessary to make provision for the construction, maintenance and regulation of canals, for the supply of water therefrom, and for the levy of rates for water so supplied, in Bangladesh; It is hereby enacted:-

PART I

PRELIMINARY

Short title

1. This Act may be called the [2][* * *] Irrigation Act, 1876:

Local extent Commencement

It shall take effect in those districts in Bangladesh to which the Government shall extend it by an order published in the official Gazette; and shall commence on the day which shall be in such order provided for the commencement thereof.

[Repealed]

2. [Repealed by the Amending Act, 1903 (Act No. I of 1903).]

Interpretation-clause

3. In this Act, unless there be something repugnant in the subject or context,

(1) "canal" includes-

(a) all canals, channels and reservoirs hitherto constructed, maintained or controlled by Government for the supply or storage of water, or which may hereafter be so constructed, maintained or controlled;

(b) all works, embankments, structures, supply and escape-channels connected with such canals, channels or reservoirs;

(c) all village-channels as defined in clause (2) of this section;

(d) all drainage-works as defined in clause (3) of this section;

(e) any part of a river, stream, lake, natural collection of water or natural drainage-channel to which the Government has applied the provisions of Part II of this Act, or of which the water has been applied or used before the passing of this Act for the purpose of any existing canal;

(f) all lands on the banks of any canal as defined in articles (a), (b), (c), (d) and (e) of this clause, which have been acquired by Government:

(2) "village-channel" means any channel by which water is led from a canal directly in to the fields to be irrigated, and includes all subsidiary works connected with any such channel, except the sluice or outlet through which water is supplied from a canal to such channel:

(3) "drainage work" means any work in connection with a system of irrigation which has been or may hereafter be made or improved by the Government for the purposes of the drainage of the country, whether under the provisions of Part IV of this Act or otherwise, and includes escape-channels from a canal, dams, weirs, embankments, sluices, groins and other works connected therewith, but does not include works for the removal of sewage from towns:

(4) "flood-embankment" means any embankment constructed or maintained by the Government in connection with any system of irrigation-works for the protection of lands from inundation, or which may be declared by the Government to be maintained in connection with any such system; and includes all groins, spurs, dams and other protective works connected with such embankments:

(5) "Collector" means the head revenue officer of a district, and includes any officer appointed by the Government to exercise all or any of the powers of a Collector under this Act:

(6) "Court" means principal Civil Court of original jurisdiction:

unless when the Government has appointed (as it is hereby empowered to do), either specially for any case, or generally within any specified local limits, a judicial officer to perform the functions of a Judge under this Act, and then the expression "Court" means the Court of such officer:

(7) "canal-officer" means an officer appointed under this Act to exercise control or jurisdiction over a Canal or any Part thereof; and includes every officer to whom any of the functions of a canal-officer under this Act have been assigned by the Government:

(8) "section" means a section of this Act:

(9) "owner" includes every person having a joint interest in the ownership of the thing specified; and all rights and obligations which attach to an owner under the provisions of this Act shall attach jointly and severally to every person having such joint interest in the ownership.

Exemption from Embankment and Drainage Act

4. Nothing contained in the [3][* * *] Embankment and Drainage Act, 1952, shall apply to any canal or flood embankment as defined in this Act.

Power to appoint officers

5. The Government may from time to time declare by notification in the official Gazette, the officers by whom, and the local limits within which, all or any or the powers or duties hereinafter conferred of imposed shall be exercised or performed.

PART II

OF THE APPLICATION OF WATER FOR PUBLIC PURPOSES

Notification when water-supply to be applied for public purposes

6. Whenever it appears expedient to the Government that the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, should be applied or used by the Government for the purpose of any existing or projected canal, the Government may, by notification in the official Gazette, declare that the said water will be so applied or used after a day to be named in the said notification, not being earlier than three months from the date thereof.

Powers of canal-officer

7. At any time after the day so named, any canal-officer acting under the orders of the Government in this behalf may enter on any land and remove any obstructions, and may close any channels, and do any other thing necessary for such application or use of the said water.

Notice as to claims for compensation

8. As soon as is practicable after the issue of such notification, the Collector shall cause public notice to be given at convenient places stating that the Government intends to apply or use the said water as aforesaid, and that claims for compensation in respect of the matters mentioned in section 11 may be made before him.

A copy of sections 11, 12 and 13 shall be annexed to every such notice.

Contents of notice

9. When any claim for compensation is made before the Collector in accordance with the last preceding section, the Collector shall issue a notice requiring all persons interested in the matter in respect of which compensation is claimed to appear personally or by agent before him at a time and place therein mentioned (such time not

being earlier than fifteen days after the date of publication of the notice), and to state the nature of their respective interests in the property affected, and the amount and particulars of their claims to compensation for such interests.

Notice to occupiers

The Collector shall also serve notice to the same effect on the occupier (if any) of the land entered on, and on such persons known or believed to be interested in the matter in respect of which compensation is claimed, or to be entitled to act for persons so interested, as reside within his district.

Power to require statements as to name and interests

10. The Collector may also require any person on whom a notice may be served under the last preceding section, and who makes a claim for compensation in accordance therewith, to deliver to him a statement containing, so far as may be practicable, the name of every other person possessing any interest in the property affected or any part thereof as co-proprietor, sub-proprietor, mortgagee, tenant or otherwise, and of the nature of such interests, and of the rents and profits (if any) received or receivable on account thereof for the year next preceding the date of the statement.

Penalty for failure to comply

If any person shall fail to comply within the time fixed by the notice with a requisition made under this section, the Collector may impose upon him such daily fine as he may think fit, not exceeding fifty taka and such fine shall be payable daily until the requisition is complied with, and the Collector may proceed from time to time to levy the amount which has become due in respect of any such fine, notwithstanding that an appeal against the order imposing such fine may be pending:

Provided that, whenever the amount levied under any such order shall have exceeded five hundred taka the Collector shall report the case specially to the Commissioner, and no further levy in respect of such fine shall be made otherwise than by authority of the Commissioner.

Persons required to make statements legally bound to do so

Every person required to make or deliver a statement under this section shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the [4][Penal Code].

Damage for which compensation

11. No compensation shall be awarded for any damage caused by-

shall not be awarded

(a) stoppage or diminution of percolation or floods;

(b) deterioration of climate or soil;

(c) stoppage of navigation, or of the means of rafting timber or watering cattle.

Matters in respect of which compensation may be awarded

But compensation may be awarded in respect of any of the following matters:-

(d) stoppage or diminution of supply of water through any natural channel to any defined artificial channel, whether above or underground, in use at the date of the issue of the notification under section 6;

(e) stoppage or diminution of supply of water to any work erected for purposes of profit on any channel, whether natural or artificial, in use at the date of the said notification;

(f) stoppage or diminution of supply of water through any natural channel which has been used for purposes of irrigation within the five years next before the date of the said notification;

(g) damage done in respect of any right to a water-course or the use of any water to which any person is entitled under the Limitation Act, 1908, Part IV;

(h) any other substantial damage, not falling under any of the above clauses (a), (b) or (c), and caused by the exercise of the powers conferred by this Act, which is capable of being ascertained and estimated at the time of awarding such compensation.

Compensation for loss of tolls lawfully levied

Notwithstanding anything contained in clause (c), compensation may be awarded in respect of the loss of any tolls which were lawfully levied on any river or channel at the time of the issue of the notification mentioned in section 6.

Diminution in market-value to be considered

In determining the amount of compensation under this section, regard shall be had to the diminution in the market value, at the time of awarding compensation of the property in respect of which compensation is claimed; and, where such market value is not ascertainable, the amount shall be reckoned at twelve times the amount of the diminution of the annual net profits of such property, caused by the exercise of the powers conferred by this Act.

No right to any such supply of water as is referred to in clauses (d), (e) or (f) of this section in respect of a work or channel not in use at the date of the notification shall be acquired as against the Government, except by grant or under the Limitation Act, 1908, Part IV.

Compensation for loss of drinking water

12. If any supply of drinking-water is substantially deteriorated or diminished by any works undertaken in accordance with a declaration made by the Government under section 6, the canal-officer shall be bound to provide within convenient distance an adequate supply of good drinking-water in lieu of that so deteriorated or diminished, and no person shall

be entitled to claim any further compensation in respect of the said deterioration or diminution.

Limitation of claims

13. No claim for compensation for any such stoppage, diminution or damage shall be entertained after the expiration of six months from such stoppage, diminution or damage, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

Inquiry into claim and tender of compensation

14. On the day fixed in the notice mentioned in section 9, the Collector shall proceed to enquire summarily into the claim and to determine the amount of compensation which in his opinion should be allowed therefore, and shall tender such amount to the persons interested who have attended in pursuance of the notice given under section 9.

Power to summon witnesses

For the purpose of such inquiry the Collector shall have power to summon and enforce the attendance of witnesses and to compel the production of documents by the same means and, as far as may be, in the same manner, as is provided in the case of a Civil Court under the Code of Civil Procedure, 1908.

Postponement of inquiry

15. The Collector may, if no claimant attends pursuant to the notice, or if for any other cause he thinks fit, from time to time, postpone the inquiry to a day to be fixed by him.

Award in case of compensation being agreed on

16. If the Collector and the persons interested agree as to the amount of compensation to be allowed, the Collector shall make an award under his hand for the same.

Award to be filed and to be evidence

Such award shall be filed in the Collectors office, and shall be conclusive, as between the Collector and the persons interested, of the value of the said property and the amount of compensation allowed for the same.

Collector to refer matter to Court when compensation not accepted

17. If the Collector and the persons interested do not agree as to the amount of compensation to be allowed, or if upon the said inquiry any question respecting the title to the property of which the value has been diminished, or any right thereto, or interest therein, arises between or among two or more persons making conflicting claims in respect thereof, the Collector shall refer the matter to the determination of the Court in manner hereinafter provided.

Collector to record particulars in certain cases

18. If, when the Collector proceeds to make the inquiry as mentioned in sections 14 and 15, no claimant attends, or if any person whom the Collector has reason to think interested does not attend, the Collector shall hold a proceeding and record the following particulars:-

(a) the nature and extent of the property of which the value has been diminished and in respect of which compensation is claimed, and the character an extent of the damage done;

(b) the names of the persons whom he has reason to think interested in such property;

(c) the amount fixed by him as compensation; and

(d) the grounds on which such amount was determined;

And to place amount of compensation in deposit

and shall place the amount so fixed by him in deposit, there to be held on account of the persons interested, and shall issue a notice to a persons believed to be interested, informing them that the said amount has been deposited as required by the section, and that, should no application be made to the Court (as provided in the next succeeding section) within six weeks of the issue of the notice on the last of the persons named therein, the Collector will pay the amount to any persons legally authorized to receive and to give an acquittance for the same.

Objections to amount of compensation fixed by Collector

19. Any person on whom notice may be served under the same last preceding section, and any person interested in any property in respect of which such notice has been issued, may, within six weeks of the service of such notice, apply to the Court stating his objection to the amount of compensation as fixed by the Collector under the last preceding section, and the amount which he claims as compensation.

On receipt of such application the Court shall proceed to determine the amount of compensation to be paid on account of the claim and all other matters, as if a reference had been made to it under section 17.

Procedure in making reference

20. In making reference under section 17 the Collector shall state, for the information of the Court, the particulars mentioned in section 18.

Procedure on receipt of reference under section 17

21. On receipt of a reference under section 17 the Court shall proceed, as far as may be practicable, in accordance with sections 20 to 22 and 25 to 28 of the Land Acquisition Act, 1894:

Provided that, instead of sub-section (3) of section 25 of the said Act, the following shall be read:- "The provisions of this section and of section 11 of the [5][* * *] Irrigation Act, 1876, shall be read to every assessor in a language which he understands, before he gives his opinion as to the amount of compensation to be awarded".

Particulars of apportionment to

22. Where there are several persons interested, if such persons

Payment of compensation

25. Payment of the compensation shall be made by the Collector in accordance with the award made by him under section 16; or the proceeding held by him under section 18, if no application be made to the Courts as provided by section19; or the award made by the Court or the decision of the Judge under section 21; or, in the case of an appeal, under section 24, in accordance with the decision in appeal, as the case may be.

Government not liable to further claim

26. The amount of compensation fixed by any award, proceeding or decision, as specified in the last preceding section, shall be deemed to be the full amount payable by Government in respect of the claim dealt with therein; and Government shall not be liable for any further claim to any person whatever in respect of any matter which was the subject of such award, proceeding or decision; nor shall any such claim be made against Government in respect of the payment of any portion of such compensation in accordance with any award, proceeding or decision as aforesaid, or in accordance with any decision of the Judge, or of the District Judge, or of the [7][High Court Division] in appeal, as the case may be, under section 24; and no suit shall be brought to set aside an award or decision under this Act.

Liability of person receiving compensation not affected

27. Nothing contained in the last preceding section shall affect the liability of any person who may receive the whole or any part of any compensation awarded under this Act to pay the same to the person lawfully entitled thereto.

Abatement of rent on interruption of water- supply

28. Every tenant holding under an unexpired lease, or having a right of occupancy, who is in occupation of any land at the time when any stoppage or diminution of the supply in respect of which compensation is allowed under section 11 takes place, may claim an abatement of the rent previously payable by him for the said land, on the ground that the interruption reduces the value of the holding:

Provided that no part of the said compensation shall have been received by the said tenant in respect of such reduction in the value of his holding.

Enhancement of rent on restoration of water-supply

29. If a water-supply increasing the value of such holding is afterwards restored to the said land otherwise than at the cost of the tenant, the rent of the tenant may be enhanced, in respect of the increased value of such land due to the restored water-supply, to an amount not exceeding that at which it stood immediately

before the abatement.

Such enhancement shall be on account only of the restored water-supply, and shall not effect the liability of the tenant to enhancement of rent on any other grounds.

Compensation when due Interest

30. All sums of money payable for compensation under this Part shall become due three months after the claim for such compensation is made in respect of the stoppage, diminution or damage complained of, and simple interest at the rate of six per centum per annum shall be allowed on any such sum remaining unpaid after the said three months, except where the non-payment of such sum is caused by the wilful neglect or refusal of the claimant to receive the same:

Collector may invest amount deposited or awarded in Government securities

Provided that the Collector may at any time invest the whole or any portion of the amount payable as compensation under this Act in any Government securities, and such securities shall be held by the Collector for the benefit of the persons interested, and the persons interested shall be bound to receive such securities with any interest which may have accrued upon them as full payment of the sum which the Collector paid for such securities, and of any sum which he may have paid as expenses incurred in purchasing the same, and of any interest which might otherwise have accrued on such sums.

No compensation in respect of prior works

31. No compensation shall be claimable under this Act in respect of any works executed before it came into force, or of any damage, injury or loss caused by such works.

Service of notice

32. Service of any notice under this Part shall be made by delivering or tendering a copy thereof signed by the officer therein mentioned.

Whenever it may be practicable, the service of the notice shall be made on the person therein named.

When such person cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the notice may be served by fixing the copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and, if such

person has no ordinary place of residence within the district, service of any notice may be made by sending copy of such notice by post in a registered cover addressed to such person at his usual place of residence.

PART III

OF THE MAINTENANCE OF CANALS

Entry for inquiry

33. Whenever it shall be necessary to make any inquiry or examination in connection with a projected canal or with the maintenance of an existing canal, or with a projected flood-embankment, or with the maintenance of an existing flood-embankment, any canal-officer or other person acting under the general or special orders of a canal-officer may enter upon such land as he may think necessary for the purpose, and may exercise all powers and do all things in respect of such lands as he might exercise and do if the Government had issued a notification under the provisions of section 4 of the Land Acquisition Act, 1894, to the effect that land in that locality is likely to be needed for a public purpose; and may set upon and maintain water-gauges, and do all other things necessary for the prosecution of such inquiry and examination.

Power to inspect and regulate water-supply

34. Such canal-officer or other person may also enter upon any land, building or village-channel on account of which any water-rate is chargeable for the purpose of inspecting or regulating the use of the water supplied, or of measuring the lands irrigated thereby or chargeable with a water rate, and of doing all things necessary for the proper regulation and management of the canal from which such water is supplied.

Power to enter for repairs, and to prevent accidents

35. In case of any accident being apprehended or happening to a canal or flood-embankment, any canal-officer, or any person acting under his general or special orders in this behalf, may enter upon any lands adjacent to such canal or flood-embankment, and may execute all works which may be necessary for the purpose of preventing such accident, or repairing any damage done.

Notice to occupier of building, etc

36. When such canal-officer or person proposes, under the provisions of either of the three last preceding sections, to enter into any building or enclosed court or garden attached to a dwelling-house not supplied with water flowing from any canal, and not being adjacent to a flood embankment, he shall previously give to the occupier of such building, court or garden such reasonable notice as the urgency of the case may allow.

Compensation for damage to land

37. In every case of entry upon any land or building under section 7, section 33, section 34 or section 35, the canal-officer or person making the entry shall ascertain and record the nature of any crop, tree, building or other property to which damage has been done, and the extent of the damage done to any such property, and shall tender compensation to the proprietors or occupiers for all damage done to the same by the entry or by any works executed.

If such tender is not accepted, the canal-officer shall refer the matter to the Collector, who shall thereupon give notice in writing to the person interested in such land and to the canal-officer, requiring them to attend before him, on a date to be fixed in the notice, for the purpose of making inquiry as to the amount of compensation.

Appeal from Collector's decision to commissioner

38. After such inquiry as he may think necessary, the Collector shall decide the amount of compensation payable and such decision shall be subject to an appeal to the Commissioner of the Division:

Provided that such appeal be presented to the commissioner, or to the Collector for transmission to the Commissioner, within thirty days of the decision appealed against.

If no such appeal be preferred, the decision of the Collector or, if such appeal be preferred, the decision of the Commissioner shall be final and conclusive.

Government to provide means of crossing canals and of drainage

39. Suitable means of crossing canals constructed or maintained at the cost of Government shall be provided at such places as the Government thinks necessary for the reasonable convenience of the inhabitants of the adjacent lands; and suitable bridges, culverts or other works shall be constructed to prevent the drainage of the adjacent lands being obstructed by any canal.

Collector to certify to Government that means of crossing canals and drainage have been provided

On the completion of any canal or of any convenient section of any canal the Collector, after causing such inspection to be made as may be necessary, shall certify to the Government that suitable and sufficient means of crossing the canal, and suitable and sufficient means of drainage as aforesaid, have been provided; or shall report in what respects the provision made for the above purposes is defective; and if, at any time after he shall have given such certificate, it shall be brought to his notice that the provision made as above has proved insufficient, the Collector shall cause inquiry to be made into the circumstances of the case, and, if the statement is

established, shall report his opinion thereon for the consideration of the Government, and the Government shall cause such measures in reference thereto to be taken as it thinks proper.

PART IV

OF DRAINAGE

Government may prohibit formation of obstructions within certain limits

40. Whenever it appears to the Government that injury to the public health or public convenience, or to any canal, or to any land for which irrigation from a canal is available, has arisen or may arise from the obstruction of any river, stream or natural drainage-course, the Government may, by notification published in the official Gazette prohibit, within limits to be defined in such notification, the formation of any such obstruction, or may, within such limits, order the removal or other modification of such obstruction.

Thereupon so much of the said river, stream or natural drainage channel as is comprised within such limits shall be held to be a drainage work as defined in section 3.

Canal-officer may issue notice to person causing obstructions

41. The canal-officer or other person authorized by the Government in that behalf may, after such publication, issue and order to the person causing or having control over any such obstruction to remove or modify the same within a time to be fixed in the order.

Canal-officer may cause obstructions to be removed

42. If, within the time so fixed, such person does not comply with the order, the canal-officer may cause the obstruction to be removed or modified; and if the person to whom the order was issued does not, when called upon, pay the expenses of such removal or modification, such expenses shall be recoverable as a demand.

When drainage works necessary, Government may order scheme to be drawn up and carried out

43. Whenever it appears to the Government that any drainage works are necessary for the public health, or for the improvement or proper cultivation or irrigation of any lands in districts to which the provisions of the [8][* * *] Embankment and Drainage Act, 1952, do not, apply, or that protection from floods or other accumulations of water, or from erosion by a river, is required for any lands,

the Government may cause a scheme for such works to be drawn up and carried into execution, and the persons authorized by the Government to draw up and execute such scheme may exercise in

connection therewith all or any of the powers conferred on canal-officers by sections 33, 34 and 35, and shall be liable to any or all of the obligations imposed upon canal-officers by sections 36 and 37.

Disposal of claims to compensation

44. Whenever, in pursuance of a notification made under section 40, any obstruction is removed or modified;

or whenever any drainage-work is carried out under the last preceding section,

all claims for compensation on account of any loss consequent on the removal or modification of the said obstruction, or the construction of such work, may be made before the Collector, and he shall deal with the same in the manner provided in Part II; but no compensation shall be allowed for any damage arising from increase of percolation.

Limitation of such claims

45. No such claim shall be entertained after the expiration of six months from the occurrence of the loss complained of, unless the Collector is satisfied that the claimant had sufficient cause for not making the claim within such period.

PART V

OF VILLAGE-CHANNELS

"Person" defined

46. "Person" in this Part includes any number of persons acting jointly.

Register of village- channels to be kept

47. The canal-officer shall keep a register of all village- channels, whether already existing or constructed under this Act, and shall note thereon in respect of every village-channel whether it is a public channel maintained at the cost of the Government, or a private channel maintained at the cost of the owners; and shall register the names of the owners of every such private channel.

Extension or branch of village-channel to be registered

A village-channel made as an extension of, or a branch to, an existing village-channel shall be registered as a separate village-channel; and so much of the length of any village-channel as lies within the limits of any one village or mauza shall be entered on

the register as a separate village-channel.

Every section of a village-channel so separately entered on the register shall be deemed to be a separate village-channel in respect of all rights and liabilities imposed by this Act:

Canal-officer may register as one village channel section including portions lying within two or more villages

Provided always that, whenever it shall seem fit to the canal-officer for any special reason to enter upon his register as one village-channel a section of a village-channel which includes portions lying within two or more villages or mauzas, the canal-officer may, with the consent of the Collector obtained in writing, register such section as one village-channel, and such section shall be deemed to be one village-channel in respect of all rights and liabilities imposed by this Act.

Person may acquire existing village-channel by agreement

48. Any person may, with the consent of the canal- officer, acquire the property in an existing village-channel for the purpose of improving or maintaining it-

(a) by taking over any village-channel belonging to Government;

(b) by transfer of a village-channel from the owner thereof by private agreement.

Construction of new village-channel

49. Any person may, with the permission of a canal- officer, construct a new village-channel if he has obtained the consent of the owners and occupiers of the land required therefor.

Application by person desiring construction of new village-channel

50. Any person desiring the construction of a new village-channel, but being unable or unwilling to construct it under a private arrangement with the owners and occupiers of the land affected, as mentioned in the last preceding section, may apply in writing to the canal-officer stating-

that he desires the said canal-officer, in his behalf and at his cost, to do all things necessary for constructing such village-channel;

that he is ready to defray all costs necessary for acquiring the land

and constructing such village-channel.

Procedure when canal-officer considers construction of village-channel expedient

51. If the canal-officer considers the construction of such village-channel expedient, he may call upon the applicant to deposit any part of the expense such officer may consider necessary,

and, upon such deposit being made, shall cause inquiry to be made into the most suitable alignment for the said village-channel,

and shall mark out the land which, in his opinion, it will be necessary to occupy for the construction thereof,

and shall forthwith publish a notification in every village through which the village-channel is proposed to be taken that so much of such land as is situated within such village has been so marked out,

and shall send a copy of such notification to the Collector of every district in which any part of such land is known to be situate for publication on such land.

Notice to person wishing to be joint owner

Such notification shall also call upon any person who wishes to be admitted a joint owner of such village- channel to make his application in that respect within thirty days of the publication of such notification.

If any such applicant appears, and his application is admitted, he shall be liable to pay his share in the construction of such village-channel and the cost of acquiring such land, and shall be an owner of such village-channel constructed.

Collector to acquire land

52. On receipt of copy of such notification, the Collector shall proceed to acquire such land under the provisions of the Land Acquisition Act, 1894, as if a declaration had been issued by the Government for the acquisition thereof under section 6 of that Act, and as if the Government had thereupon directed the Collector to take order for the acquisition of such land under section 7 of the said Act, and (if necessary) as if the Government had issued orders for summary possession being taken under section 17 of the said Act.

Procedure after construction of village-channel

53. On being put in possession of the land the canal-officer shall construct the required village-channel; and on its completion shall give to the applicant notice thereof, and of any sum payable by him on account of the cost of acquiring the land and constructing the village-channel.

On such notice being given, such sum shall be due from the applicant to the canal-officer.

On receipt of payment in full of all expenses incurred, the canal-officer shall make over possession of such village-channel to such applicant.

Canal-officer may direct transfer of village-channel

54. Whenever a canal-officer considers that the transfer of a village-channel from the owner is necessary for the proper management of the irrigation from such village-channel, he may cause a notice to be served on the registered owner to appear on a certain day, not less than fifteen days after service of notice, and to prefer any objection to such transfer.

After hearing such objection, the canal-officer may that such village-channel shall be transferred to such person as he may think fit, and that such person be registered as owner of the said village-channel:

Provided that no person shall be registered as the owner of a village-channel under this section, unless he has expressed in writing his willingness to be so registered, and until he has paid to the canal-officer such sum as may be fixed by the canal-officer under section 56.

Person may be admitted joint owner of existing village- channel

55. Any person wishing to become the joint owner of an existing village-channel may petition the canal-officer to that effect, and on receipt of such petition the canal-officer may, if he thinks fit, issue a notice as provided in the last preceding section upon the registered owner, and, after hearing any objection which the registered owner may prefer against the admission of such application to be a joint owner, may direct that the applicant shall be registered as such joint owner.

Canal-officer to fix sums payable on transfer or acquisition of

56. When deciding the question of transfer or of admission to joint ownership under either of the two last preceding sections, the canal-officer shall also determine what amount shall be paid-

joint ownership

as the costs of the proceedings;

as compensation to the previous owners;

and the amount so determined shall be due by the transferee, or the person admitted to registry as a joint owner, as the case may be; and, on payment of such amount, the village-channel shall be transferred, or the applicant shall be registered as owner or as a joint owner thereof, as the case may be.

Canal-officer may fix rent for a village-channel, transferred

57. Instead of awarding payment of compensation under the last preceding section, the canal-officer may fix an amount of rent to be paid annually to the previous owners by the persons to whom the village-channel is transferred.

Ownership of village-channel

58. Every person-

(a) acquiring a village-channel as provided in section 48; or

(b) constructing a village-channel as provided in section 49; or

(c) receiving possession of a village-channel as provided in section 53; or

(d) acquiring a village-channel by transfer as provided in section 54; or

(e) being admitted to registration as joint owner in a village-channel as provided in section 55,

shall be deemed to be an owner of such village-channel.

Obligation and right of owner of village-channel

59. Every owner of a village-channel shall be bound–

(a) to construct and maintain all works necessary for the passage across such village-channel of canals, village-channels, drainage-channels and public roads existing at the time of its construction, and of the drainage intercepted by it, and for affording proper communications across it for the convenience of the occupants of neighbouring lands;

(b) to maintain such village-channel in a fit state of repair for the conveyance of water;

(c) to allow the use of it to others on such terms as may be declared equitable by the canal-officer as hereinafter prescribed;

and shall be entitled–

(d) to have a supply of water by such village-channel at such rates and on such terms as are prescribed by the rules made by the Government under section 99;

(e) to receive such rent for the use of the village-channel by other persons as the canal-officer may award him.

If owner of village-channel, fails to execute work or repair canal-officer may do so

60. If the owner of a village-channel fails to fulfil the obligations mentioned in clauses (a) and (b) of the last preceding section, the canal-officer may require him by notice to execute the necessary works or repairs within a period not being less than fifteen days, and in the event of failure may execute them on his behalf;

and all expenses incurred by the execution of such works or repair shall be a sum due by such owner to Government;

and, if any such owner who has already failed on one occasion to execute such works or repairs when required to do so, and has left them to be executed on his behalf by the canal-officer, shall again fail to execute any such works or repairs when required to do so; or if any such owner shall refuse in any respect to fulfil the obligation mentioned in clause (c) of the last preceding section, after having been required to fulfil the same by a notice in writing from the canal-officer, the canal-officer may strike such village-channel off

the register, and so disqualify it to be any longer a medium for the conveyance of canal-water.

Resignation of ownership

61. Any owner may resign his interest in a village-channel:

Provided such resignation be duly registered in the office of the canal-officer.

Owner may transfer interest

62. Any owner of a village-channel may, with the consent of the canal-officer, transfer his interest to any other person:

Provided that the liabilities of the person so transferring shall not cease till such transfer is registered in the office of the canal-officer.

Procedure on death of owner of village-channel

63. If any owner of a village-channel dies, his legal representative may apply for registration in his stead.

If no such application for registry be made within six weeks from the death of the said owner, the remaining registered owners of the village-channel, if any, shall be deemed to be owners of the entire interest in the village-channel, until some other person shall have established his claim to be registered as owner in place of the deceased.

If the deceased shall have been the sole registered owner, the canal-officer shall be deemed to be his representative for the purposes of this Part, and shall exercise all rights and be bound by all liabilities which attached to the deceased in respect of his ownership of the said village-channel, until some person shall have established his right to be registered as owner thereof in place of the deceased; and the canal-officer shall account to such person for all sums received and expended in the exercise of the rights and discharge of the liabilities which attached to the deceased in respect of such ownership.

Procedure when person applies for registration in lieu of deceased owner

64. When any person applies for registration under the three last preceding sections, the canal-officer shall serve notice on the other registered owners to prefer any objection to the registration, transfer or succession within fifteen days, and, if no such objection shall be made, or if the objections made be deemed invalid, shall

order such resignation, transfer or succession to be registered.

Interest of owners equal, unless unequal interest registered

65. All joint owners of a village-channel shall be held to have an equal interest in it, unless, with the permission of the canal-officer, they register specific unequal interests.

Supply of water to person not owner

66. Any person not an owner of a village-channel, desiring to have a supply of water through such village-channel, may make a private arrangement with the owners for the conveyance of water, or may apply to the canal-officer for authority to use such village-channel.

Canal-officer may authorize supply

67. On receipt of such application the canal-officer shall serve notice on the owners to show cause why such permission should not be granted, and, if no objection be raised, or if any objections be raised and found invalid, shall authorize the conveyance of such supply on such conditions as may appear to him equitable.

Canal-officer to fix rent of village-channel

68. The canal-officer shall also fix a sum as rent to be paid for the use of such village-channel to the owner.

Such rent may be in the form of a percentage on the water-rate of the person using the village-channel, or otherwise, as may be fixed by the canal-officer.

Owner of village-channel receiving supply through another deceased village-channel

69. The owner of a village-channel which receives its water through another village-channel may, at the discretion of the canal-officer, either be declared a joint owner of such other village-channel, or may be required to pay rent for the use of the same to the owner thereof, as provided in the last preceding section.

Instalments in which rent is payable

70. All rent payable under either of the two last preceding sections shall be deemed to be due in the same installments and at the same periods as the water rate is due, or in such other installments and at such other dates as the canal- officer may direct, and may be collected by the canal-officer on behalf of the person entitled to it, if the canal-officer thinks fit.

Canal-officer to pay no more than amount collected

71. Any canal-officer collecting rent under the last preceding section on behalf of any person entitled thereto shall be bound to pay to the person entitled to the same no more than the amount actually collected by him as rent.

Land acquired not to be used for other purpose

72. No land acquired under this Part for a village-channel shall be used for any other purpose without the consent of the canal-officer previously obtained.

Dues how recovered

73. Every sum declared to be due under this Part shall be recoverable by the canal-officer on behalf of the Government of the person entitled to receive the same, and shall be held to be a demand.

PART VI

OF THE SUPPLY OF WATER

Water supplied on written application only

74. Every person desiring that water shall be supplied to his land from a canal shall present a written application to that effect to the canal-officer, in the form given in Schedule B hereto annexed, or in a similar form, binding himself by the rules made by the Government under the powers vested in it by this Act; and no person shall be liable to pay any rate or due whatever, on account of water supplied to his land with the permission of the canal-officer, otherwise than on such application, nor shall water be supplied otherwise than on such application.

Written permission to be given

75. If the application mentioned in the last preceding section be granted by the canal-officer, the canal-officer shall cause his permission to be recorded in the form given in Schedule C hereto annexed, or in some similar form, binding himself by the rules made by the Government as aforesaid.

Rules subject to conditions as to-

76. All rules made by the Government under section 99 shall be consistent with the following conditions:-

(a) power to stop water-supply;

(a) The canal-officer may not stop the supply of water to any village-channel, or to any person who is entitled to such supply,

except in the following cases:-

(1) whenever and so long as it is necessary to stop such supply for the purpose of executing any work ordered by competent authority;

(2) whenever and so long as any village-channel is not maintained in such repair as to prevent the wasteful escape of water therefrom;

(3) whenever and so long as it is necessary to do so in rotation to supply the legitimate demands of other persons entitled to water;

(4) whenever and so long as it may be necessary to stop the supply in order to prevent the wastage or misuse of water;

(b) claims to compensation in case of failure or stoppage of supply;

(b) No claim shall be made against the Government for compensation in respect of loss caused by the failure or stoppage of the water in a canal, by reason of any cause beyond the control of the Government, or of any repairs, alterations or additions to the canal, or of any measures taken for regulating the proper flow of water therein, or for maintaining the established course of irrigation which the canal-officer considers necessary; but the person suffering such loss shall be entitled to such remission of the ordinary charges payable for the use of the water as is authorized by the Government:

(c) claims on account of interruption from other causes;

(c) If the supply of water to any land irrigated from a canal be interrupted otherwise than in the manner described in the last preceding clause, the occupier or owner of such land may present a petition for compensation to the Collector for any loss arising from such interruption, and the Collector shall award to the petitioner reasonable compensation for such loss:

(d) duration of supply;

(d) When the water of a canal is supplied for the irrigation of a single crop, the permission to use such water shall be held to continue only until that crop comes to maturity, and to apply only to that crop; but, if it be supplied for irrigating two or more crops to be raised on the same land within the year, such permission shall be held to continue for one year from the commencement of the irrigation, and to apply to such crops only as are matured within that year:

(e) sale or sub-letting of right to use canal-water; contracts for water transferable with land

(e) No person entitled to use the water of any canal, or any work, building or land or appertaining to any canal, shall sell or sub-let or otherwise transfer his right to such use without the permission of the canal-officer, but all contracts made between Government and the owner or occupier of any immovable property, as to the supply of canal-water to such property, shall be transferable therewith, and shall be presumed to have been so transferred whenever a transfer of such property takes place.

Canal-officer may supply water for purposes other than those of irrigation

77. On application being made for a supply of water to be used for purposes other than those of irrigation, the canal-officer may give permission for water to be taken for such purposes under special conditions and restrictions as to the limitation and control of the supply as he shall think proper to impose in each case.

PART VII

OF WATER-RATES

Charge for water, how determined

78. The rates to be charged for canal-water supplied for purposes of irrigation shall be determined by the Government and all persons accepting the water shall pay for it accordingly.

Liability when person using water unauthorizedly cannot be identified

79. If water supplied through a village-channel be used in an unauthorized manner, and if the person by whose act or neglect such use has occurred cannot be identified,

the persons on whose land such water has flowed, if such land has derived benefit therefrom,

or, if no land has derived benefit therefrom, all the persons chargeable in respect of the water supplied through such village-channel in respect of the crop then on the ground,

shall be liable to the charges made for such use, as determined by the Government under section 99.

Liability when water runs to waste

80. If water supplied through a village-channel be suffered to run to waste, and if, after inquiry by the canal-officer, the person through whose act or neglect such water was suffered to run to waste cannot be discovered, all the persons chargeable in respect of the

water supplied through such village-channel for the crop then on the ground shall be jointly liable for the charges made in respect of the water so wasted, as determined by the Government under section 99.

All questions arising under this and the last preceding section shall be decided by the canal-officer, subject to the provisions of section 91.

Charges recoverable in addition to penalties

81. All charges for the unauthorized use or for waste of water shall be deemed to be water-rate due on the crop, and may be recovered as such water-rate in addition to any penalties incurred on account of such use or waste.

Power to contract for collection of canal-dues

82. The canal-officer may enter into an agreement with any person for the collection and payment to the Government by such person of any sum payable under this Act by a third party.

Sum payable under this Part deemed to be rent

83. Any sum lawfully due under this Part either to the Government, or to any person who has entered into an agreement to collect dues for the Government and certified by the canal-officer to be so due, shall be deemed to be rent payable on a patta or engagement in respect of the land irrigated, and shall be recoverable as such by the person to whom it is payable:

Provided that the claim(if any)for rent in respect of such land shall have priority over any claim for arrears of water-rate so far as regards recovery of rent by the exercise of the power of distraint.

Person who distrains may be called on to produce account

84. If any person distrains half or more than half of any crop on account of which water-rate is due, such person shall be bound, on requisition by the canal-officer, to furnish him with an account showing how the produce thus distrained has been appropriated in payment of such rent, and the canal-officer shall be entitled to challenge such account before any Court compe-tent to try suits for arrears of rent in respect of the land in question, and such Court, if it finds that the value of the crop distrained was in excess of the amount of rent which has been due for a period not longer than a year, together with the cost of the distraint, may require the distrainer to pay the water-rate due on such crop.

Arrears of water-rate deemed to be demand

85. Every arrear of water-rate which is due to Government, and every sum due to Government by any person on account of collection of water-rate, and every sum due to such person on account of water-rate and certified by the canal-officer to be so due, shall also be held to be a demand.

Sections not applying to fines

86. Nothing in sections 82 to 85(inclusive) applies to fines.

PART VIII

OF JURISDICTION

Settlement of disputes as to mutual rights and liabilities of persons interested in village-channel

87. Whenever a dispute arises between two or more persons in regard to their mutual rights or liabilities in respect of the dues, construction or maintenance of a village-channel, any such person interested may apply in writing to the canal-officer stating the matter in dispute.

Such officer shall thereupon give notice to the other persons interested that on a day to be named in such notice, he will proceed to inquire into the said matter, and, after such inquiry, he may pass his order thereon, or may transfer the matter to the Collector, who shall thereupon inquire into and pass his order on the said matter.

Dispute as to shares and payments

88. Whenever any dispute arises among joint owners of a village-channel as to their shares of expense or as to the amounts severally contributed, or as to failure on the part of any owner to contribute his share, the matter may be decided after inquiry by the canal-officer or Collector, as provided in the last preceding section.

Order passed by Collector and canal-officer to remain in force until set aside by Civil Court

89. Any order passed by the Collector, under either of the two last preceding sections, and, subject to the provisions of section 91, any such order passed by a canal-officer, shall remain in force until set aside by the decree of a Civil Court, and may be executed by any canal-officer as if it were a decree of the Civil Court.

Jurisdiction as to suits arising out of powers of distraint

90. All suits arising out of the exercise of the power of distraint for recovery of water-rates,

or out of any acts done under colour of the exercise of the said power of distraint,

or by person in receipt of the water-rates against any agents employed by them in the collection of such water-rates, or the sureties of such agents for money received or for accounts kept by such agents in the course of such employment, or for papers in their possession,

shall be cognizable by the same Court or authority as would have jurisdiction if such water-rates were rent due for the land irrigated.

Appeal and supervision

91. Every order passed by a canal-officer under Part V, Part VI, Part VII or Part VIII of this Act shall be appealable to the Collector, provided that the appeal be presented within thirty days of the date on which the canal-officer made the order appealed against; and no appeal shall lie against any proceeding or order of the Collector under this Act, except as otherwise expressly provided in this Act, but all such proceedings and orders shall be subject to the supervision and control of the Commissioner of the Division and of the Board of Revenue, who may pass such order thereon as they may respectively think fit.

Power to summon and examine witnesses

92. Any officer empowered under this Act to conduct any inquiry may exercise all such powers connected with the summoning and examining of witnesses, as are conferred on Civil Courts by the Code of Civil Procedure, 1908; and every such inquiry shall be deemed a judicial proceeding.

PART IX

OF OFFENCES AND PENALTIES

Offences under Act Penalty

93. Whoever, voluntarily and without proper authority, does any of the acts following, that is to say:-

(1) damages, alters, enlarges or obstructs any canal or drainage-work;

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any canal or drainage-work, or by any means raises or lowers the level of the water in any canal or drainage work;

(3) being responsible for the maintenance of a village- channel, or using a village-channel, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of the water therefrom, or uses such water in an unauthorized manner;

(4) corrupts or fouls the water of any canal so as to render it less fit for the purposes for which it is ordinarily used;

(5) destroys, defaces or moves any level-mark or water-gauge fixed by the authority of a public servant;

(6) destroys or removes any apparatus, or part of any apparatus, for controlling or regulating the flow of water in any canal or drainage-work;

(7) passes, or causes animals or vehicles to pass, in or across any of the works, banks or channels of a canal contrary to rules made under this Act after he has been desired to desist therefrom;

(8) without the permission of the canal-officer causes, or knowingly and wilfully permits, any cattle to graze upon any flood-embankments, or tethers, or causes or knowingly and

wilfully permits any cattle to be tethered upon any such embankments, or roots up any grass or other vegetation growing on any such embankments, or removes, cuts or in any way injures or causes to be removed, cut or otherwise injured, any trees, bushes, grass or hedge intended for the protection of such embankment;

(9) violates any rule made under the Act, for breach where of a penalty may be incurred.

shall, in case the offence shall not amount to mischief within the meaning of the [9][Penal Code], and on conviction before a Magistrate, be liable to a fine not exceeding fifty taka or to imprisonment for a term not exceeding one month, or to both.

Further offences Penalty

94. Whenever, without the authority of the canal-officer,-

(1) pierces or cuts through, or attempts to pierce or cut through, or otherwise to damage, destroy or endanger the stability of, any flood-embankment;

(2) opens, shuts or obstructs, or attempts to open, shut or obstruct, any sluice in any such embankment;

(3) makes any dam or other obstruction for the purpose of diverting or opposing the current of a river on the banks whereof are flood-embankments, or refuses or neglects to remove any such dam or obstruction when so required by the canal-officer,

shall, in case the offence shall not amount to mischief within the meaning of the [10][Penal Code], and on conviction before a Magistrate, be liable to a fine not exceeding two hundred taka, or to imprisonment for a term not exceeding six months.

Obstruction to be removed and damage repaired

95. Whenever any person is convicted of an offence under either of the last two preceding sections, the convicting Magistrate may order that he shall remove the obstruction or repair the damage in respect of which the conviction is held within a period to be fixed in such order.

If such person neglects or refuses to obey such order within the fixed period, the canal-officer may remove such obstruction, or repair such damage, and the cost of such removal or repair shall be levied from such person by the Collector under the procedure provided by the Public Demands Recovery Act, 1913, for the recovery of public demands.

Persons employed on canal may take offenders into custody

96. Any person in charge of, or employed upon, any canal may remove from the lands or buildings belonging thereto, or may take into custody without a warrant and take forthwith before a Magistrate or to the nearest police-station, to be dealt with according to law, any person who within his view commits any of the following offences:-

(1) wilfully damages or obstructs any canal;

(2) without proper authority interferes with the supply or flow of water in or from any canal or in any river or stream, so as to make dangerous or render less useful any canal.

Saving of prosecution under other laws

97. Nothing herein contained shall prevent any person from being prosecuted under any other law for any offence punishable under this Act:

Provided that no person shall be punished twice for the same offence.

Compensation to person injured

98. Whenever any person is fined for an offence under this Act, the Magistrate may direct that the whole or any part of such fine may be paid by way of compensation to any person who gave information leading to the detection of such offence, or to the conviction of the offender.

PART X

OF SUBSIDIARY RULES

Power to make, alter and cancel rules

99. The Government may, from time to time make rules to regulate the following matters:-

(a) the proceedings of any officer who, under any provision of this Act, is required or empowered to take action in any matter;

(b) the cases in which, the officers to whom, and the conditions subject to which, orders and decisions given under any provision of this Act, and not expressly provided for as regards appeal, shall be appealable;

(c) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Act shall be done;

(d) the amount of any charge made under this Act;

(e) and generally to carry out the provisions of this Act.

The Government may, from time to time, alter or cancel any rules so made.

Publication of rules

Such rules, alterations and cancelment shall be published in the official Gazette and shall thereupon have the force of law:

Provided that no rules shall be made by the Government under the powers conferred on it by this section until a draft of the same

have been published in the official Gazette for one month, after which time the Government may pass such rules as originally published, or with such alterations, additions and omissions as it may think fit.

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[1] Throughout this Act, except otherwise provided, the words 'Bangladesh', 'Government' and 'Taka' were substituted, for the words 'East Pakistan', 'Provincial Government' and 'rupees' respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[2] The word 'Bengal' was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[3] The words 'East Bengal' were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[4] The words 'Penal Code' were substituted, for the words 'Pakistan Penal Code' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[5] The word 'Bengal' was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[6] The word 'High Court Division' were substituted, for the words 'High Court' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[7] The word 'High Court Division' were substituted, for the words 'High Court' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[8] The words 'East Bengal' were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[9] The words 'Penal Code' were substituted, for the words 'Pakistan Penal Code' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[10] The words 'Penal Code' were substituted, for the words 'Pakistan Penal Code' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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THE ESSENTIAL COMMODITIES ACT, 1957
ACT NO III OF 1957
(6th March, 1957)

An Act to provide for price and control and regulation of trade and commerce between the provinces.

WHEREAS it is expedient to proved for price control and regulation of trade and commerce between the provinces 2 (and between different areas in a province) in respect of certain commodities;

It is hereby canted as follows:-

1. Short title, extent and commerce men. – [3]t(1) This Act may be called the essential Commoties Act, 1957.)

(2) It extend to the whole of Pakistan.
(3) It shall come into force at once.

2. Definitions- In this Act. Unless there is anything repugnant in the subject of context-

4 I(a1) " appropriate Government" means in relation to trade and commerce between the provinces [5] (and the regulation of production of an essential commodity) the Central Government and in relation to other matters the provincial Government;)

(a) essential commodity" means any of the classes of commodities mentioned in the schedule to this Act. And such other classes of commodities as may be declared by the [6] (appropriate Government) by notification in the official gazette to be essential commodities for the purposes of this Act;

(b) " notified order" means an order notified in the official Gazette. [7]

3. Power to make orders etc.- (1) The [9] (appropriate Government). So far as it appears to it to be necessary or expedient for securing the equitable distribution of an essential commodity between the provinces 10 (or between different areas in a Province) [11] and availability at fair price [12] (or for promoting export there of) . may by notified order [13] provide for regulating the [14](production the) movement, transport and sale of the essential the commodity between the provinces [15] (or between different areas in a province) [16] and for the prices to be charged or paid for it at any stage of transaction therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) an order made there under may provide-

[17] (a) for controlling the prices at which any essential commodity may be bought or sold in any area;

[13]. (aa) for procuring any essential commodity for purposes of export;

(aaa) for regulating, restricting or prohibiting the sale, disposal transport and movement of any essential commodity within a province or in different areas in a province , for purposes of such procurement;)

[19] (aaa) for regulating the production, treatment and keeping of any essential commodity;)

(b) for regulating by lichens, per..... Or otherwise, the transport movement and distribution between the provinces [20] (or between different areas in a provinces) 21 * * of an essential commodity;

(c) for prohibiting the withholding of sale between the provinces 20 (or between different areas in a province) [21] * * * of an essential commodity ordinarily kept for sale;

(d) for requiring any person holding stock [22] * * in a province of an essential commodity to sell in another province [23] (or in another area of the seine province) [24] * * the whole or specified part of the stock at such price to such persons or class or persons under such circumstances as may be specified in the order.

(e) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters.

(f) for requiring persons engaged in any of the matters mentioned above in respect of any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating there to as may be specified in the order.

(g) for any incidental and supplementary matters, including in particular the entering, and search of premises, vehicles vessels and aircraft, the seizure by a person authorized to make such scorch of any aircraft, in respect of which such person has reason to believe that a contravention of the order has been is being or is about to be committed, or any records connected therewith the grant or issue of licensees permits or other documents and the charging of fees therefore.

4. Delegation of powers- The Central Government [25] (which it is the appropriate Government) may be notified order [26] direct that the power to make orders under section 3 shall in relation to such matters and subject to such condition if any as may be specified in the detection be exercisable also by

such officer or authority sub ordinate to the Central Government

or

(b) such provincial Government or such officer or authority subordinate to a provincial Government as may be specified in the direction.

[27] (4. Delegation of power by provincial Government – The Provincial Government may delegate any of its powers under section 3 to any of its officers by an order notified in the official Gazette subject to such conditions as may be specified in the order.)

5. Effect of orders inconsistent with other enactments- Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

6. Penalties- (1) If any person contravenes any order made under section 3. he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both and if the order so provides any court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be for felled to be 29 (appropriate Government);

Provided that where the contravention is of an order relating to foodstuffs which contains an express provision in this behalf, the court shall make such direction unless for reasons to be recorder in writing it is of opinion that the direction should not be made in respect of the whole or as the case may be a part of the property.

(2) The owner of any vessel conveyance or animal carrying any property is respect of which an order under section 3 is contravened shall if the carryings is part of the transaction involving the contravention and if he knew or had reason to believe that the cotravction was being commited be deemed to have contravened the order and in addition to the punishment to which he is liable under sub-section (1) the vessel. Conveyance or animal shall when the order provides for for failure of the property in respect of which the order is contravened be forfeiled to the 29 (appropriate).

THE CONTROL OF ESSENTIAL COMMODITIES ACT, 1956

(EAST PAKISTAN ACT NO. I OF 1956).

[*22nd September, 1956*]

An Act to provide for powers to control the production, treatment, keeping, storage, movement, transport, supply, distribution, disposal, acquisition, use or consumption of, and trade and commerce in, certain commodities. [1]

WHEREAS it is expedient to provide for powers to control the production, treatment, keeping, storage, movement, transport, supply, distribution, disposal, acquisition, use or consumption of, and trade and commerce in, certain commodities within [2][Bangladesh];

It is hereby enacted as follows:-

Short title, extent and commencement

1. (1) This Act may be called the [3][* * *] Control of Essential Commodities Act, 1956.

(2) It extends to the whole of [4][Bangladesh].

(3) It shall come into force at once.

Definitions

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

(a) "essential commodity" means any of the following classes of commodities:-

(i) foodstuffs;

(ii) cotton and woollen textiles;

(iii) paper including paper-board, pulp-board, wall-board, fibre board, straw board, box-board, cellulose wadding, cellulose films and other similar materials which are manufactured wholly or mainly either from vegetable fibres or a pulp thereof or both from such fibres and

such pulp, but does not include any of these materials;

(iv) mechanically propelled vehicles, their spare parts and tyres and tubes for the same;

(v) coal;

(vi) iron and steel;

(vii) mica;

(viii) drugs and medicines, including those administered by injection;

(ix) chemicals including gases;

(x) electrical and radio goods and appliances, including wires and cables;

(xi) medical and surgical instruments and appliances;

(xii) glass and glassware including scientific and laboratory equipment;

(xiii) artificial silk yarn;

(xiv) cycles, their spare parts, and tyres and tubes for the same;

(xv) matches;

(xvi) timber;

(xvii) sanitary and water supply fittings;

(xviii) infant and patient foods and allied articles;

(xix) cement;

(xx) cigarettes;

(xxi) fertilisers;

(xxii) tallow;

(xxiii) torch cells;

(xxiv) such other classes of commodities as may be declared by the Government by notification in the official Gazette to be essential commodities for the purposes of this Act;

(b) "foodstuffs" shall include edible oilseeds and oils;

(c) "notified order" means an order notified in the official Gazette; and

(d) "paper" shall include newsprint.

Powers to control production, supply, distribution, etc, of essential commodities

3. (1) The Government, so far as it appears to it to be necessary or expedient for maintaining, or increasing supplies of any essential commodity or for securing its equitable distribution and availability at fair prices, may by notified order provide for regulating, or prohibiting the production, treatment, keeping, storage, movement, transport, supply, distribution, disposal, acquisition, use or consumption thereof and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide-

(a) for regulating by licences, permits or otherwise the production or manufacture of any essential commodity;

(b) for controlling the prices at which any essential commodity may be bought or sold;

(c) for regulating by licences, permits or otherwise the storage, transport, distribution, disposal, acquisition, use or consumption of any essential commodity;

(d) for prohibiting the withholding from sale of any essential commodity kept for sale;

(e) for requiring any person holding stock of an essential commodity to sell the whole or a specified part of the stock at such prices and to such persons or class of persons or in such circumstances, as may be specified in the order;

(f) for regulating or prohibiting any class of commercial or financial transactions relating to foodstuffs or cotton textiles which, in the opinion of the authority making the order are, or if unregulated are likely to be, detrimental to public interest;

(g) for requiring persons engaged in the production, supply or distribution of, trade or commerce in, any essential commodity to maintain and produce for inspection such books, accounts and records relating to their business and to furnish such information relating thereto, as may be specified in the order;

(h) for any incidental and supplementary matters, including in particular the entering, and search of premises, vehicles, vessels and aircraft, the seizure by a person authorised to make such search of any articles in respect of which such person has reason to believe that a contravention of the order has been, is being, or is about to be committed, or any records connected therewith, the grant or issue of licences, permits or other documents and the charging of fees therefore and for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters.

(3) An order made under sub-section (1) may confer powers and impose duties upon the Government, or officers and authorities of the Government.

(4) The Government, so far as it appears to it to be necessary for

maintaining or increasing the production and supply of an essential commodity, may by order authorise any person (hereinafter referred to as an authorised controller) to exercise, with respect to the whole or any part of any such undertaking engaged in the production and supply of the commodity as may be specified in the order, such functions of control, as may be provided by the order; and so long as an order made under this sub-section is in force with respect to any undertaking or part thereof-

(a) the authorised controller shall exercise his functions in accordance with any instruction given to him by the Government, so however, that he shall not have any power to give any direction inconsistent with the provisions of any Act or other instrument determining the functions of the undertakers except in so far as may be specifically provided by the order; and

(b) the undertaking or part shall be carried on, in accordance with any directions given by the authorised controller in accordance with the provisions of the order, and any person having any functions of management in relation to the undertaking or part shall comply with any such directions.

Delegation of powers

4. The Government may by notified order direct that the power to make orders under section 3 shall, in relation to such matters and subject to such condition, if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Government or as may be specified in the direction.

Effect of orders inconsistent with other enactments

5. Any order made under section 3 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act.

Penalties

6. (1) If any person contravenes any order made under section 3, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both, and if the order so provides, any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the Government:

Provided that where the contravention is of an order relating to foodstuffs which contains an express provision in this behalf, the Court shall make such direction, unless for reasons to be recorded in writing it is of opinion that the direction should not be made in respect of the whole, or, as the case may be, a part, of the

property.

(2) The owner of any vessel, conveyance or animal carrying any property in respect of which an order under section 3 is contravened shall, if the carrying is part of the transaction involving the contravention and if he knew or had reason to believe that the contravention was being committed, be deemed to have contravened the order, and in addition to the punishment to which he is liable under sub-section (1), the vessel, conveyance or animal shall when the order provides for forfeiture of the property in respect of which the order is contravened, be forfeited to the Government.

(3) If any person to whom a direction is given under sub-section (4) of section 3 fails to comply with the direction he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Attempts and abetments

7. Any person who attempts to contravene, or abets a contravention of, any order made under section 3 shall be deemed to have contravened that order.

Offences by Corporations

8. If the person contravening an order made under section 3 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

False statement

9. If any person-

(i) when required by an order made under section 3 to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other document which he is required by any such order to maintain or furnish, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Cognizance of offences

10. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the [5][* * *] Penal Code. 1860.

Power to try offences summarily

11. Any Magistrate or bench of Magistrate empowered for the time being to try in summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in section 262 of the said Code any offence punishable under this Act.

Special provision regarding fines

12. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the Government in this behalf to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made under section 3.

Presumption as to orders

13. (1) No order made in exercise of any power conferred by or under this Act shall be called in question in any Court.

(2) Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of Evidence Act, 1872, presume that such order was so made by that authority.

Burden of proof in certain cases

14. Where any person is prosecuted for contravening any order made under section 3 which prohibits him from doing an act or being in possession of a thing without lawful authority or without a permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document, shall be on him.

Protection of action taken under Act

15. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

(2) No suit or other legal proceeding shall lie against the Government or any officer under it for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3.

The holy Bagmati

Bagmati and placed back in its home temple in Kathmandu.[1] The day that it is returned is referred to as *Gudrijhar* and the blanket of the idol is symbolically shaken to reveal its emptiness to represent contentment, despite poverty.[1]

Bajra Jagini Jatra

Bajra Jagini was originally celebrated by Buddhists but is also celebrated by Hindus on the 3rd of Baisakh. Her temple, Kharg Jogini, is found at Manichur mountain, near Sankhu. During the week long festival, a fire is burned in the vicinity of the temple near an image of a human head.[1] An image of the goddess is placed in a *khat* (a wooden shrine) and carried through the town by the men.

Siti Jatra

The Siti Jatra takes place on the 21st of Jeth, on the banks of the Vishnumati, between Kathmandu and Simbhunath. The people feast and afterwards divide into two teams to contest a stone throwing competition. The match was once a serious affair and anybody who was knocked down or captured by the other party was sacrificed to the goddess Kankeshwari.[1] In modern times, however. it is a light hearted affair, mostly among the children.[1]

Gathia Mogal or Ghanta Karn

This festival refers to the celebration of the expulsion of a Rakshasa or demon from the country, held on the 14th of Sawan. The Newars make a straw figure which they beat and drag around the streets.[1] The figures are burned at sunset.

Banra Jatra

The festival is celebrated twice a year, on the 8th of Sawan and the 13th of Bhadon. The Banras, priests of the Newar Buddhists visit each house and receive a small offering of grain or rice to commemorate their ancestors who were not permitted to trade.[1] The Newars decorate their shops and houses with pictures and flowers and the women sit with large baskets of rice and grain to dispense to the Banras.

Rakhi Purnima

The Rakhi Purnima festival takes place on the last day of Sawan and is celebrated by both Buddhists and Hindus.[1] However the Buddhist bathe in sacred streams and visit their temples and the Brahman priests tie an ornamental thread to the wrists of their followers and in return receive gifts. Many pilgrims visit Gosain Than and bathe at the sacred lake.

Nag Panchami

Nag Panchani takes place on the 5th of Sawan to commemorate the battle between Nag and Garur. The stone image of Garur at Changu Narayan is said to perspire during the festival and priests are sent to wipe the perspiration off

[] 16. [Repeal and saving.- Repealed by section 3 and the Second Schedule of the East Pakistan Repealing and Amending Ordinance, 1966 (East Pakistan Ordinance No. XIII of 1966).]

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[1] Throughout this Act, the word "Government" was substituted for the words "Provincial Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[2] The word "Bangladesh" was replaced for the words "East Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972)

[3] The words "East Pakistan" were omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972)

[4] The word "Bangladesh" was substituted for the words "East Pakistan" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[5] The word "Pakistan" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972)

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THE COTTON ACT, 1957

(ACT NO. XXXVIII OF 1957).

[*10th September, 1957*]

An Act to provide for measures for the promotion of international trade in cotton. [1]

WHEREAS it is expedient to provide for measures for the promotion of international trade in cotton;

It is hereby enacted as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Cotton Act, 1957

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

(3) It shall come into force at once.

Definitions

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

(a) "contract" means a contract for the purchase or sale of cotton, and includes a factory selection contract;

(b) "cotton" means unginned cotton (kapas) or ginned cotton (rui) or pressed and baled cotton but does not include wool cotton or silk cotton;

(c) "factory selection contract" means a contract for the sale of cotton entered into in Bangladesh and providing for selection by the buyer at the factory and for delivery of the cotton selected in full pressed bales [3][* * *] within the period and at the price specified in the contract;

(d) "notified order" means an order published in the official Gazette;

(e) "pressing factory" means a place wherein steam, water or other mechanical power or electric power is used and where cotton is pressed into bales.

Constitution of the Cotton Board

[4][3. (1) The Government may, for the promotion of international trade in cotton, constitute, by notification in the official Gazette, a Cotton Board with a Chairman and such other members, not exceeding ten, as may be specified in the notification.

(2) The Chairman and the members of the Cotton Board shall be nominated by the Government.]

Functions of the Board

4. The Board shall have power to supervise and regulate all dealings in cotton, in so far as they are connected with the promotion of international trade therein, and shall perform such functions as the Government may, from time to time, direct for the purposes of this Act.

Control of the Board

5. The Board shall be subject to the superintendence and control of the Government, and in the discharge of its functions shall be guided by such general or special instructions as may, from time to time, be given to it by the Government.

[]

6. [Requisition of factories, etc.- Omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Power to secure fulfilment of contracts

7. If in the opinion of the Government, it is expedient or necessary so to do for the purpose of securing the fulfilment of any contract relating to export of cotton on which the exporter has defaulted, it may buy cotton elsewhere and appropriate it to the contract, and the defaulter shall be liable for any loss which the Government may sustain on that account, but the defaulter shall not be entitled to any gain on the purchase made against default.

Explanation.- In this section "exporter" means a seller of cotton to a foreign buyer or to his agent in Bangladesh.

Power to call for information

8. (1) The Government may, at any time, by an order in writing, direct such person or class of persons as may be specified in the order to furnish such particulars relating to the fulfilment of any contract relating to export of cotton, in such manner and to such person, as may be specified in the order.

(2) The Government may, by order in writing, require any person to furnish to it, or to such person as may be specified in this order, any information in his possession, being information which the Government may require for the purposes of this Act.

Registration of contracts

9. The Government may, by general or special order in writing, require any contract relating to export of cotton to be registered with such organisation and in such manner as may be specified in the order.

Control of contracts through recognised associations

10. (1) The Government, if satisfied that it could be in the interests of the trade and also of the public to do so, may, by a notified order and subject to such conditions, if any, as may be specified in the order, prohibit any specified kind or class of contracts, such as forward contracts or hedge contracts, unless such contracts are made through and under the control of, and in the manner prescribed by, an association recognised by the Government under sub-section (2).

(2) For the purposes of this section, the Government may, by a notified order, recognise any association, constituted for the purpose of regulating and controlling contracts, which applies for such recognition.

(3) A recognition under sub-section (2) may be granted subject to the condition that the association shall by such amendments of its articles of association, rules or bye-laws as may be necessary provide for the appointment by the Government of not more than four persons, representing interests not directly represented through membership of the association, as members of the governing body of the association.

(4) Every association, which is recognised under sub-section (2), shall furnish to the Government such information and such periodical returns relating to the affairs of the association as the Government may by order in writing require.

(5) The Government may, by order in writing, give such directions, as it considers necessary in the interests of the trade and the public, to an association recognised under sub-section (2) in respect of contracts to which this section applies.

(6) No articles, rules or bye-laws of an association recognised under sub-section (2) shall be altered save with the previous approval of the Government.

(7) Whenever the Government considers it expedient to do so, it may by order in writing, direct any association recognised under sub-section (2) to make, repeal or amend any articles, rules or bye-laws of the association in the manner and within a period specified in the order; and if the recognised association refuses, fails or neglects to comply with the direction within the specified period, the Government may, by a notified order, make, repeal or amend the articles, rules or bye-laws in the manner specified in the order giving the direction or with such modifications as the Government may think fit, and the making, repeal or amendment of the articles, rules or bye-laws shall be deemed to have been duly effected by the association.

(8) If the Government is of the opinion that the interests of the trade and the public require that the recognition accorded to an association under sub-section (2) should be terminated, the Government may, after giving the association a reasonable opportunity of being heard in the matter, by a notified order, terminate the recognition on and from the date of such order or any specified date subsequent thereto, and the association shall cease to be an association recognised under sub-section (2) from the date of such termination:

Provided that such termination shall not affect the validity of any contract entered into or made before the date of such termination.

Delegation of powers

11. The Government may, by a notified order, direct that any power conferred upon it by or under this Act shall, in relation to such matters and subject to such conditions, if any, as may be specified in the order, be exercisable by the Cotton Board.

Penalty etc

12. (1) Any person who contravenes or fails to comply with an order made or direction given under this Act shall be punishable as if he had contravened a provision of this Act.

(2) Any person who contravenes any provision of this Act shall be punishable with imprisonment for a term which may extend to three

years or with fine or with both.

(3) Where any person as aforesaid is a company or a body corporate, every director, manager, secretary or other officer, and every agent and servant thereof, and in the case of an unlimited company or a company limited by guarantee, also any of its members, shall, subject to the provisions of the next succeeding sub-section, be punishable as if he had contravened the provisions of this Act.

(4) No such director, manager, secretary or other officer and no such agent, servant or member as is referred to in sub-section (3) shall be prosecuted under this Act unless he has been given an opportunity by the Government to show cause, within such time as the Government may specify, why he should not be prosecuted, and if it is made to appear to the satisfaction of the Government at any time before the institution of the prosecution that he has used due diligence to enforce the observance of the provisions of this Act and the orders and directions issued thereunder and that the offence has been committed without his knowledge or against his consent, the Government may forbear further proceedings against him:

Provided that nothing in this sub-section shall prevent the Government from proceeding against him further if it sees reason to do so.

False Statements

13. If any person-

(i) when required by an order under this Act to make any statement or furnish any information, makes any statement or furnishes any information which is false in any material particular and which he knows or has reasonable cause to believe to be false, or does not believe to be true, or

(ii) makes any such statement as aforesaid in any book, account, record, declaration, return or other documents which he is required by any such order to maintain or furnish,

he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

Power to make

14. (1) The Government may, by notification in the official Gazette,

rules

make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may prescribe the procedure for determining, whether by means of arbitration or otherwise, the loss that may be sustained by Government in securing the fulfilment of any contract on which an exporter has defaulted, and the manner in which the liability of the defaulter for such loss may be discharged by him.

(3) Rules made under this section shall be laid before the National Assembly at its meeting held next after the publication of the notification under sub-section (1).

Cognizance of offences

15. No court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the [5][* * *] Penal Code.

Special provision regarding fines

16. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the First Class specially empowered by the [6][Government] in this behalf to pass a sentence of fine exceeding one thousand [7][taka] on any person convicted under this Act.

Presumption as to orders

17. Where an order purports to have been made and signed by an authority in exercise of any power conferred by or under this Act, a court shall, within the meaning of the Evidence Act, 1872, presume that such order was so made by that authority.

[Repealed]

18. [Repeal.-Repealed by Section 2 and 1st Schedule of the Repealing and Amending Ordinance, 1965 (Ordinance No. X of 1965).]

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[1] Throughout this Act, unless otherwise provided, the word "Bangladesh" and "Government" were substituted for the words "Pakistan" and "Central Government" respectively by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[2] Sub-section (2) was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[3] The words "at Karachi" were omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[4] Section 3 was substituted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[5] The word "Pakistan" was omitted by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[6] The word "Government" was substituted for the words "Provincial Government " by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[7] The word "taka" was substituted for the word "rupees" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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THE SEEDS ORDINANCE, 1977

(ORDINANCE NO. XXXIII OF 1977)

[19th July, 1977]

An Ordinance to provide for regulating the quality of certain seeds for sale and for matters connected therewith.

WHEREAS it is expedient to provide for regulating the quality of certain seeds for sale for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :-

Short title

1. This Ordinance may be called the Seeds Ordinance, 1977.

Definitions

2. In this Ordinance unless there is anything repugnant in the subject or context,-

(a) "agriculture" means food and fibre crop production and includes horticulture;

(b) "Board" means the National Seed Board constituted under sub-section (1) of section 3;

(c) "Certification Agency" means a Seed Certification Agency established under section 8;

(d) "container" means a box, bottle, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article or thing is placed or packed;

(e) "export" means taking out of Bangladesh to a place outside Bangladesh;

(f) "import" means bringing into Bangladesh from a place outside Bangladesh;

(g) "kind" means one or more related species or sub-species or crop plants each individually or collectively known by one common name, such as, cabbage, paddy and wheat;

(h) "notified kind or variety", in relation to any seed, means any kind or variety thereof notified under section 5;

[1][(hh) "Non-notified kind or Variety" in relation to any Seed means any kind or variety not notified under section 5;]

(i) "prescribed" means prescribed by rules made under this Ordinance;

[2][(j) "Seeds" means, except those used for drugs and narcotics, any of the following classes of seeds used for sowing or planting-

(i) seeds of food crops including edible oil seeds and seeds of fruits and vegetables;

(ii) seeds of fibre crops;

(iii) seeds of flower and ornamental plants;

(iv) seeds of forage crops;

and includes seedlings, and tubers, bulbs, rhizomes, root cuttings, all types of grafts and other vegetatively propagated materials;]

(k) "Seed Analyst" means a Seed Analyst appointed under section 12;

[3][(kk) "Seed Dealer" means a person or a company or an organization involved in production of seeds or carrying on the business of importing, selling, hoarding for sale, bartering or otherwise supplying any seed of any kind or variety for agricultural purpose:

Provided that, farmer producing or hoarding seeds partly for his own use

and partly for sale in the local hats and bazars by himself or through any other person, in small quantities shall not be treated as Seed Dealer.]

(l) "Seed Inspector" means a Seed Inspector appointed under section 13;

(m) "Seed Laboratory" means the Government Seed Laboratory established or, as the case may be, declared under section 4; and

(n) "variety" means a sub-division of a kind identifiable by growth, yields, plant, fruit, seed or other characteristics.

National Seed Board

3. (1) The Government shall, as soon as may be after the commencement of this Ordinance, constitute a Board to be called the National Seed Board to advise the Government on matters arising out of the administration of this Ordinance and to carry out the other functions assigned to it by or under this Ordinance.

[4][(2) The Board shall consist of the following members, namely-

(a) Secretary, Ministry of Agriculture, who shall also be the Chairman of the Board;

(b) Vice Chancellor, Bangladesh Agricultural University (BAU), Mymensingh;

(c) Executive Chairman, Bangladesh Agricultural Research Council (BARC), Dhaka;

(d) Chairman, Bangladesh Agricultural Development Corporation (BADC), Dhaka;

(e) Director General, Department of Agricultural Extension (DAE), Dhaka;

(f) Director General, Bangladesh Rice Research Institute (BRRI), Gazipur;

(g) Director General, Bangladesh Agricultural Research Institute (BARI),

Dhaka;

(h) Director General, Bangladesh Jute Research Institute (BJRI), Dhaka;

(i) Director General, Bangladesh Institute of Nuclear Agriculture (BINA), Mymensingh;

(j) Director General, Bangladesh Sugarcane Research Institute (BSRI), Pabna;

(k) Executive Director, Cotton Development Board, Dhaka;

(l) Member Director (Seed), Bangladesh Agriculture Development Corporation (BADC), Dhaka;

(m) Director, Seed Certification Agency (SCA), Gazipur;

(n) Director, Soil Resource Development Institute (SRDI);

(o) Director, Plant Protection Wing, Department of Agricultural Extension (DAE);

(p) a representative of the Ministry of Finance (Finance Division), not below the rank of Joint Secretary;

(q) a representative of the Private Seed Dealers and Merchants Association;

(r) a representative of the Private Seed Growers;

(s) a representative from the farmer's community; and

(t) Director General (Seed), Ministry of Agriculture, Dhaka-Member Secretary.]

(3) [Omitted by section 3 of the Seeds (Amendment) Act, 2005 (Act No. XXVI of 2005).]

(4) The Government shall provide the Board with such clerical and other staff as it may consider necessary.

(5) The Government shall, by notification in the official Gazette, publish the [5][names and designations] of all the members of the Board and thereupon the Board shall be deemed to be constituted.

(6) [Omitted by section 3 of the Seeds (Amendment) Act, 1997 (Act No. XIII of 1997).]

[6][(7) The Government may, at any time, terminate the appointment of a member of the Board without assigning any reason. The tenure of the members of the Board representing Private Seed Dealers and Merchants, Private Seed Growers, and Farmer's Community shall be for a period of three years.]

(8) When a member of the Board dies, resigns or otherwise ceases to be a member, the vacancy shall be filled by fresh appointment [7][* * *].

(9) No person shall be, or shall continue to be, a member who-

(a) is or at any time has been convicted an offence which, in the opinion of the Government, is an offence involving moral turpitude; or

(b) is of unsound mind and stands so adjudged by a competent Court; or

(c) is or has at any time been adjudged insolvent; or

(d) absents himself from three consecutive meetings of the Board without leave of absence from the Chairman.

(10) The Board may appoint one or more committees consisting wholly of members of the Board or wholly of other persons or partly of members of

the Board and partly of other persons, as it thinks fit, for the purpose of discharging such of its functions as may be delegated to such committee or committees by the Board.

(11) The Board may, subject to the previous approval of the Government, make by-laws for regulating its own procedure and the procedure of a committee appointed by it under sub-section (10) and the conduct of all business to be transacted by it or a committee.

(12) No act or proceeding of the Board shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board.

Government Seed Laboratory

4. The Government may [8][establish Seed Laboratory] to be called the Government Seed Laboratory or declare, by notification in the official Gazette, any Seed Laboratory as the Government Seed Laboratory for the purposes of this Ordinance.

Power to specify kinds or varieties of seeds

[9][5. (1) The Government shall regulate the quality of seed of any kind or variety to be sold and used for the purposes of agriculture. If the Government after consultation with the Board is of opinion that it is necessary or expedient to regulate sale, distribution, bartering or otherwise supplying, and import of seed of any kind or variety, it may, by notification in the Official Gazette, specify such kind or variety to be a notified kind or variety for the purposes of this Ordinance and different kinds or varieties may be notified for different areas.

(2) New varieties of non-notified crops developed by public or private agencies will be subject to approval and certification by the Board before being released.

(3) New varieties of notified crops developed by public agencies will be subject to approval by, and be registered with the Board before being released.

(4) Varieties of non-notified crops those are imported or locally developed by a private agency shall be registered with the Board giving prescribed cultivar description.

(5) In the event of a seed of any kind or variety is found to be harmful or potentially harmful to agriculture in any way, the Board may prohibit the sale, distribution, bartering, or otherwise supplying, import and use of that variety and may take any other action in the interest of agriculture.

(6) Any proposal for release of new varieties of notified crops shall be examined by a Technical Committee headed by the Executive Vice-Chairman. Bangladesh Agricultural Research Council (BARC), and consisting of representatives of National Agricultural Research System (NARS). Seed Certification Agency, Department of Agricultural Extension (DAE), Bangladesh Agricultural Development Corporation (BADC), private sector Seed Growers and Farmers Associations and make recommendation to the Board.

(7) Proposal for release of new varieties of non-notified crops developed by any public agency shall be subject to examination by the Technical Committee formed under sub-section (6).]

Power to specify the standards of seed quality

[10][6. After consultation with the Board, the Government may, by notification in the official Gazette, specify-

(a) the standard regarding the germination percentage, purity percentage, moisture content and such other components of seed quality with respect to any seed of [11][any kind or variety];

(b) the mark or label to indicate that such seed conforms to the standard specified under clause (a) and the particulars which such mark or label may contain.]

Regulation of sale of seeds of notified kinds or varieties

[12][7. No Seed Dealer shall carry on the business of selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety, unless-

[13][(a) such kind or variety of seed is registered with the Board;]

[14][(aa) for the purpose of this Ordinance every Seed Dealer shall be registered with the Board;]

(b) such seed is identifiable as its kind or variety;

(c) such seed conforms to the standards of seed quality and the container of such seed bears, in the prescribed manner, the mark or label containing the correct particulars thereof specified under clauses (a) and (b) of section 6;

(d) he complies with such other requirements as may be prescribed.]

Labeling of Seeds

[15][7A. Seed packaging in containers shall have a label containing batch identification, net weight or count, minimum germination percentage, physical purity, name and address of the company packaging the seed, and the date of packaging.]

Seed Certification Agency

[16][8. (1) The Government may, by notification in the Official Gazette, establish a Certification Agency to be called the Seed Certification Agency (SCA) to carry out the functions entrusted to it by or under this Ordinance.

(2) The functions of SCA shall among other things include:

(a) to advise seed producers on production, processing and quality control of seeds;

(b) to carry out post market quality control through inspection, testing;

(c) to collect data or information on seed production, processing and quality control for use by the Board;

(d) to certify all Breeder and Foundation seed of controlled crops;

(e) to certify seeds for seed enterprises as a service, if resources permit;

(f) to co-ordinate the variety evaluation and release mechanism for notified crops;

(g) to advise NSB on the de-notification of varieties for reasons of poor performance or disease and pest susceptibility;

(h) to help DAE in the promotion and use of improved seed of HYV's among farmers;

(i) to collect samples of truthfully labeled seeds throughout the country and check their declared standards through appropriate tests; and

(j) to enforce the provisions of the Seed Ordinance, 1977 and take appropriate legal measures against the offenders.]

Grant of certificate by the Certification Agency

9. (1) Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of [17][any kind or variety] may, if he desires to have such seed certified by the Certification Agency, apply to the Certification Agency for grant of a certificate for the purpose.

(2) Every application under sub-section (1) shall be made in such form, shall contain such particulars and shall be accompanied by such fees as may be prescribed.

(3) On receipt of any such application for the grant of a certificate, the Certification Agency may, after such enquiry as it thinks fit and after satisfying itself that the seed to which the application relates conforms at least to the minimum limits of germination and purity specified for that seed under clause (a) of section 6, grant a certificate in such form and on such conditions as may be prescribed.

Revocation of certificate

10. If the Certification Agency is satisfied, either on a reference made to it in this behalf or otherwise, that-

(a) the certificate granted by it under section 9 has been obtained by misrepresentation as to any essential fact, or

(b) the holder of the certificate has, without reasonable cause, failed to comply with the conditions subject to which the certificate has been granted or has contravened any of the provisions of this Ordinance or the rules made thereunder,

then, without prejudice to any other penalty to which the holder of the certificate may be liable under this Ordinance, the Certification Agency may, after giving the holder of the certificate an opportunity of showing cause, revoke the certificate

Appeal

11. (1) Any person aggrieved by a decision of the Certification Agency under section 9 or section 10 may, within thirty days from the date on which the decision is communicated to him and on payment of such fees as may be prescribed, prefer an appeal to such authority as may be specified by the Government in this behalf:

Provided that the appellate authority may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.

(3) Every order of the appellate authority under this section shall be final.

Seed Analyst

12. The Government may, by notification in the official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Analyst and define the areas within which they shall exercise jurisdiction.

Seed Inspectors

13. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications, to be Seed Inspectors and define the areas within which they shall exercise jurisdiction.

(2) Every Seed Inspector shall be deemed to be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860) and shall be officially subordinate to such authority as the Government may specify in this behalf.

Powers of Seed Inspectors

14. (1) The Seed Inspector may-

(a) take samples of any seed of [18][any kind or variety] from-

(i) any person selling such seed; or

(ii) any person who is, in the course of conveying, delivering or preparing to deliver such seed to a purchaser or a consignee; or

(iii) a purchaser or a consignee after delivery of such seed to him;

(b) send such sample for analysis to the Seed Analyst for the area within

which such sample has been taken;

(c) exercise such other powers as may be necessary for carrying out the purposes of this Ordinance or any rule made thereunder.

(2) Where any sample of any seed of [19][any kind or variety] is taken under clause (a) of sub-section (1), its cost, calculated at the rate at which such seed is usually sold to the public, shall be paid on demand to the person from whom it is taken.

(3) The power conferred by this section includes power to break open any container in which any seed of [20][any kind or variety] may be contained or to break open the door of any premises where any such seed may be kept for sale:

Provided that the power to break open the door shall be exercised only after the owner or any other person in occupation of the premises, if he is present therein, refuses to open the door on being called open to do so.

(4) Where the Seed Inspector takes any [21][action] under clause (a) of sub-section (1), he shall, as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures on a memorandum to be prepared in the prescribed form and manner.

(5) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall, so far as may be, apply to any search or seizure made this section as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

Procedure to be followed by Seed Inspectors

15. (1) Whenever a Seed Inspector intends to take sample of any seed of [22][any kind or variety] for analysis, he shall-

(a) give notice in writing, then and there, of such intention to the person from whom he intends to take sample;

(b) except in special cases provided by rules made under this Ordinance, take three-representative samples in the prescribed manner and mark and seal or fasten up each sample in such manner as its nature permits.

(2) When samples of any seed of [23][any kind or variety] are taken under

sub-section (1), the Seed Inspector shall-

(a) deliver one sample to the person from whom it has been taken;

(b) send in the prescribed manner another sample for analysis to the Seed Analyst for the area within which such sample has been taken; and

(c) retain the remaining sample in the prescribed manner for production in case any legal proceedings are taken or for analysis by the Seed Laboratory under sub-section (2) of section 16, as the case may be.

(3) If the person from whom the samples have been taken refuses to accept one of the samples, the Seed Inspector shall send intimation to the Seed Analyst of such refusal and thereupon the Seed Analyst receiving the sample for analysis shall divide it into two parts and shall seal or fasten up one of those parts and shall cause it, either upon receipt of the sample or when he delivers his report, to be delivered to the Seed Inspector who shall retain it for production in case legal proceedings are taken.

(4) Where a Seed Inspector takes any action under clause (c) of sub-section (1) of section 14-

(a) he shall use all despatch in ascertaining whether or not the seed contravenes any of the provisions of section 7 and if it is ascertained that the seed does not so contravene, forthwith revoke the order passed under the said clause or, as the case may be, take such action as may be necessary for the return of the stock of the seed seized;

(b) if he seized the stock of the seed, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof;

(c) without prejudice to the institution of any prosecution, if the alleged offence is such that the defect may be removed by the possessor of the seed, he shall, on being satisfied that the defect has been so removed, forthwith revoke the order passed, any record, register, document or any other material object under clause (d) of sub-section (1) of section 14, he shall, as soon as may be, inform a Magistrate and take his orders as to the custody thereof.

Report of Seed Analyst

16. (1) The Seed Analyst shall, as soon as may be, after the receipt of the sample under sub-section (2) of section 15, analyse the sample at the Seed Laboratory and deliver, in such form as may be prescribed, one copy of the report of result of the analysis to the Seed Inspector and another copy

thereof to the person from whom the sample has been taken.

(2) After the institution of a prosecution under this Ordinance, the accused may, on payment of the prescribed fee, make an application to the Court for sending any of the samples mentioned in clause (a) or clause (c) of sub-section (2) of section 15 to the Seed Laboratory for its report and on receipt of the application, the Court shall first ascertain that the mark and the seal or fastening as provided in clause (b) of sub-section (1) of section 15 are intact and may then despatch the sample under its own seal to the Seed Laboratory which shall thereupon send its report to the Court in the prescribed form within one month from the date of receipt of the sample, specifying the result of the analysis.

(3) The report sent by the Seed Laboratory under sub-section (2), shall supersede the report given by the Seed Analyst under sub-section (1).

(4) Where the report sent by the Seed Laboratory is produced in any proceedings, it shall not be necessary to produce in such proceedings any sample or part thereof taken for analysis.

Import and Export of Seeds

[24][17. (1) No person shall export or import or cause to be exported or imported any seed of any kind or variety unless it conforms to the standards of seeds quality, and the container of such seeds bears, in the prescribed manner, the mark or label containing the correct particulars thereof specified for that seed under section 6.

(2) Seeds of approved varieties of all notified crops may be imported for commercial sale. Registered seed growers may be permitted to import small quantities of such varieties not approved by NSB for the purpose of research and adaptability testing.

(3) There shall be no restriction on import of seeds of non-notified crops, except for ensuring prescribed quality.

(4) All imported seeds shall be subject to the provisions of the Destructive Inspects and Pests Act, 1914 (Act No. II of 1914).]

Recognition of seed certification agencies of foreign countries

18. On the recommendation of the Board, the Government may, by notification in the official Gazette, recognise any seed certification agency established in any foreign country [25][for the purposes] of this Ordinance.

Cognizance of Offences

[26][19. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898), no court shall take cognizance of any offence punishable under this Ordinance except upon a complaint in writing, made by a Seed Inspector.]

Place and Procedure of trial

[27][19A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act No. V of 1898) an offence punishable under this Ordinance may be tried at any place within the local jurisdiction of the metropolitan magistrate or of the magistrate of the first class.

Penalty

19B. If any person contravenes any provision of this Ordinance or any rule made there under, or prevents a Seed Inspector from taking sample under this Ordinance or prevents him from exercising any other power conferred upon him by or under this Ordinance, he shall, on conviction, be punishable-

(a) for the first offence, with imprisonment for a term no exceeding thirty days or with fine which may extend to taka five thousand, and

(b) in the event such person having been previously convicted of any offence under this section, with imprisonment for a term not exceeding ninety days or with fine which may extend to taka twenty thousand.

Special Provision regarding fines

19C. Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898 (Act No. V of 1898), it shall be lawful for any metropolitan magistrate or magistrate of the first class to pass a sentence of fine under this Ordinance exceeding ten thousand taka.]

Forfeiture of property

20. When any person has been convicted under this Ordinance for the contravention of any of the provisions of this Ordinance or the rules made thereunder, the seed in respect of which the contravention has been committed may, if the Court so orders, be forfeited to the Government.

Offence by companies

21. (1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and

punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Ordinance if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section,-

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means partner in the firm.

Protection of action taken in good faith

22. No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Ordinance.

Power to make rules

23. (1) The Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the functions of the Board and the travelling and daily allowances payable to members of the Board and of the committee;

(b) the functions of the Seed Laboratory;

(c) the functions of the Certification Agency;

(d) the manner of marking or labelling the container of seed of any notified kind or variety;

(e) the requirements which may be complied with by a person carrying on the business referred to in section 7;

(f) the form of application for the grant of a certificate under section 9, the particulars it may contain, the fees which shall accompany it, the form of the certificate and the conditions subject to which the certificate may be granted;

(g) the form and manner in which and the fee on payment of which an appeal may be preferred under section 11 and the procedure to be followed by the appellate authority in disposing of the appeal;

(h) the qualifications and duties of Seed Analysts and Seed Inspectors;

(i) the manner in which samples may be taken by the Seed Inspectors, the procedure for sending such samples to the Seed Analysts or the Seed Laboratory and the manner of analysing such samples;

(j) the form of report of the result of the analysis, and the fees payable in respect of such report;

(k) the records to be maintained by a person carrying on the business referred to in section 7 and the particulars which such records shall contain; and

(l) any other matter which is to be or may be prescribed.

The Bangladesh Environment Conservation Act, 1995
Act No. 1 of 1995

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Un-official English Version

The Bangladesh Environment Conservation Act, 1995
Act No. 1 of 1995

[Bangla text of the Act was published in the Bangladesh Gazette, extra-ordinary issue of 16-2-1995 and amended by Act Nos 12 of 2000 and 9 of 2002.]

An Act to provide for conservation of the environment, improvement of environmental standards and control and mitigation of environmental pollution.

Whereas it is necessary and expedient to provide for conservation of the environment, improvement of the environmental standards, and control and mitigation of environmental pollution;

It is hereby enacted as follows:

1. **Short title and commencement.-** (1) This Act may be called the Bangladesh Environment Conservation Act, 1995.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, [1]specify and it shall be brought into force in different areas on different dates.

2. [2]**Definitions.-** In this Act, unless there is anything contrary in the subject or context-

"conservation of environment" means improvement of the qualitative and quantitative characteristics of different components of environment as well as prevention of degradation of those components; *[Ref: Clause (f).]*

"Department" means the Department of Environment established under section 3 of this Act; *[Ref: Clause (a).]*

"Director General" means Director General of the Department; *[Ref: Clause (m).]*

"ecosystem" means the inter-dependent and balanced complex association of all components of the environment which can support and influence the conservation and growth of all living organisms; *[Ref: Clause (g).]*

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[1] The Act was brought into force by MoEF notification of 30th May in Dhaka, Chitagong, Rajshahi, Khulna and Barisal Divisions w.e.f. 1st, 2nd, 3rd, 4th, and 5th of June 1995, respectively.

[2] The definitions are rearranged in English alphabetical order with reference to relevant clause of the original Bangla text of section 2.

"environment" means the inter-relationship existing between water, air, soil and physical property and their relationship with human beings, other animals, plants and micro-organisms; *[Ref: Clause (d).]*

"environment pollutant" means any solid, liquid or gaseous substance which causes harmful effect to the environment and also includes heat, sound and radiation; *[Ref: Clause (e).]*

"hazardous substance" means a substance, the chemical or biochemical properties of which are such that its manufacture, storage, discharge or unregulated transportation can be harmful to the environment; *[Ref: Clause (j).]*

"occupier", in relation to any factory or premises, means a person who has control over the affairs of the factory or the premises, and in relation to a product, means the person in possession of the product; *[Ref: Clause (c).]*

"person" means a person or group of persons, and includes any company, association or corporation, whether incorporated or not; *[Ref: Clause (h).]*

"pollution" means the contamination or alteration of the physical, chemical or biological properties of air, water or soil, including change in their temperature, taste, odor, density, or any other characteristics, or such other activity which, by way of discharging any liquid, gaseous, solid, radioactive or other substances into air, water or soil or any component of the environment, destroys or causes injury or harm to public health or to domestic, commercial, industrial, agricultural, recreational or other useful activity, or which by such discharge destroys or causes injury or harm to air, water, soil, livestock, wild animal, bird, fish, plant or other forms of life; *[Ref: Clause (b).]*

"rule" means rule made under this Act; *[Ref: Clause (k).]*

"use", in relation to any material, means manufacturing, processing, treatment, package, storage, transportation, collection, destruction, conversion, offering for sale, transfer or similar activity relating to such material; *[Ref: Clause (i).]*

"waste" means any solid, liquid, gaseous, radioactive substance, the discharge, disposal and dumping of which may cause harmful change to the environment; *[Ref: Clause (l).]*

[1]2A. **Overriding effect of the Act.-** Notwithstanding anything contained to the contrary in any other law for the time being in force, the provisions of this Act, rules and directions issued under this Act shall have effect.

3. **Department of Environment.-** (1) The Government shall, for carrying out the purposes of this Act, establish a Department to be called the Department of Environment and headed by a Director General.

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[1] Section 2A was inserted by section 2 of Act 9 of 2002.

(2) The Director General shall be appointed by the Government and the terms and conditions of his service shall also be determined by the Government.

(3) For proper performance of the functions of the Department, necessary officers and employees shall be appointed in the manner and on the terms and conditions prescribed by rules.

4. **Power and functions of the Director General.-** (1) Subject to the provisions of this Act, the Director General may take such measures as he considers necessary and expedient for the conservation of the environment, and improvement of environmental standards, and for the control and mitigation of environmental pollution, and he may issue necessary directions in writing to any person for the discharge of his duties under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such measures may include all or any of the following :-

(a) co-ordination with the activities of any authority or agency having relevance to the objectives of this Act;

(b) prevention of probable accidents which may cause environmental degradation and pollution, undertaking safety measures and determination of remedial measures for such accidents and issuance of directions relating thereto;

(c) giving advice or, as the case may be, issuing directions to the concerned person regarding the environmentally sound use, storage, transportation, import and export of a hazardous substance or its components.

(d) conducting inquiries and undertaking research on conservation, improvement and pollution of the environment and rendering assistance to any other authority or organization regarding those matters;

(e) searching any place, examining any equipment, manufacturing or other processes, ingredients, or substance for the purpose of improvement of the environment, and control and mitigation of pollution; and issuance of direction or order to the appropriate authority or person for the prevention, control and mitigation of environmental pollution;

(f) collection and publication of information about environmental pollution;

(g) advising the Government to avoid such manufacturing processes, commodities and substances as are likely to cause environmental pollution;

(h) carrying out programs for observation of the quality of drinking water and preparation of reports thereon, and rendering advice or, as the case may be, issuing direction to the concerned persons to follow standards for drinking water.

(3) A direction issued under this section may include matters relating to closure, prohibition or regulation of any industry, undertakings or processes, and the concerned person shall be bound to comply with such direction:

[1][Provided that-

(a) the Director General shall, before issuing a direction of closure or prohibition of an industry, undertaking or process, send to the owner or occupier thereof a written notice so that he gets reasonable opportunity to make that industry, undertaking or process environmentally sound; and

(b) where the Director General considers it appropriate, he may also specify in the notice that actions under sub-section (2) of section 4A may be taken if, pursuant to the notice, measures are not taken to make the relevant activities environmentally sound:]

Provided further that, if the Director General considers that, due to a particular environmental pollution, the public life is likely to be in danger and that urgent action is necessary, he may immediately issue necessary directions.

(4) A time limit may be specified by the Director General for carrying out a direction issued under this section.

[2][4A. **Assistance from law enforcing agencies and other authorities.- (1)** The Director General or a person authorized by him may, for the purpose of exercising any power or performing any function under this Act, request any law enforcing agency, or any other Government or statutory authority to render necessary assistance, and upon such request that agency or authority shall render the assistance.

(2) Where the Director General issues a direction for closure, prohibition or regulation of an industry, undertaking or process under section 4(3) and the owner or occupier thereof does not comply with the direction, the Director General may direct the provider of electricity, gas, telephone or water or all such services or any other service provided to the industry, undertaking or process to disconnect the service.

(3) Where a direction is issued under sub-section (2), the concerned person or institution shall be bound to take necessary action as specified in the direction.]

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[1] The first proviso to sec 4(3) was inserted by sec 3 of Act 9 of 2002.

[2] Section 4A was inserted by section 4 of Act 9 of 2002.

5. **Declaration of ecologically critical area.-** (1) If the Government is satisfied that an area is in an environmentally critical situation or is threatened to be in such situation, the Government may, by notification in the official [1]Gazette, declare such area as an ecologically critical area.

(2) The Government shall, in the notification published under sub-section (1) or in a separate notification, specify the activities or processes that cannot be initiated or continued in an ecologically critical area.

[2][6. **Restrictions regarding vehicles emitting smoke injurious to environment.-** (1) A vehicle emitting smoke or gas injurious to health or environment shall not be operated nor shall such vehicles be switched on except for the purpose of test-operation for stopping the emission of such smoke or gas.

Explanation.- In this section "smoke or gas injurious to health or environment" means any smoke or gas which exceeds the standards fixed by rules.

(2) For the purposes of sub-section (1), the Director General or any person authorized by him may test any vehicle at any place or may stop a vehicle in motion for testing, and instantly test it or detain it for necessary period or may, if any vehicle violates that sub-section, seize it and other related documents, or may give necessary direction for testing the vehicle.

(3) A report of the test under sub-section (2) shall be admissible as evidence in the proceedings of a court.

(4) For the violation of sub-section (1) or a direction given under sub-section (2), the driver or, as the case may be, the owner or both shall be liable.]

[3][6A. **Restrictions on manufacture, sale etc. of articles injurious to environment.-** If, on the advice of the Director General or otherwise, the Government is satisfied that all kinds or any kind of polythene shopping bag, or any other article made of polyethylene or polypropylene, or any other article is injurious to the environment, the Government may, by notification in the official Gazette, issue a [4]direction imposing absolute ban on the manufacture, import, marketing, sale, demonstration for sale, stock, distribution, commercial carriage or commercial use, or allow the operation or management of such activities under conditions specified in the notification, and every person shall be bound to comply with such direction :

Provided that such direction shall not be applicable to the following cases:-

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[1] Certain areas declared as ecologically critical area by four notifications of MoEF.

[2] Section 6 was substituted for the old section 6 by Sec. 5 of Act 9 of 2002.

[3] Section 6A was inserted by Sec. 5 of Act 9 of 2002.

[4] All kinds of Polethin shopping bag have been banned by a notification of MoEF and certain bags have been exempted by another notification.

(a) if the article specified in the notification is exported or used for export;

(b) if the direction mentions that it is not applicable to any particular kind of polythene shopping bag.

Explanation.- In this section "polythene shopping bag" means a bag, *thonga* or other container which is made of polyethylene or poly propylene or any compound or mixture thereof and is used for purchasing, selling, keeping or carrying another article.]

[1][7. **Remedial measures for injury to ecosystem.**- (1) If it appears to the Director General that any act or omission of a person is causing or has caused, directly or indirectly, injury to the ecosystem or to a person or group of persons, the Director General may determine the compensation and direct the firstly mentioned person to pay it and in an appropriate case also direct him to take corrective measures, or may direct the person to take both the measures; and that person shall be bound to comply with the direction.

(2) If a person, to whom a direction under sub-section (1) has been issued, fails to comply with the direction, the Director General may file a suit for compensation in the competent court or file a criminal case for failure to comply with the direction or file both kinds of cases.

(3) For the purposes of determination of compensation or corrective measures under sub-section (1), the Director General may engage any specialist and other persons.

(4) The Government may direct the Director General to take any action under this section and to submit a report thereon.]

8. **Information to the Director General regarding environmental degradation or pollution.**- (1) Any person affected or likely to be affected as a result of pollution or degradation of the environment may, in the manner prescribed by rules, apply to the Director General for remedy of the damage or apprehended damage.

(2) The Director General may hold a public hearing and take other measures for disposing of an application made under this section.

9. **Discharge of excessive environmental pollutant etc.**- (1) Where, due to an accident or other unforeseen incident, the discharge of any environmental pollutant occurs or is likely to occur in excess of the limit prescribed by the rules, the person responsible and the person in charge of the place of occurrence shall take measures to control or mitigate the environmental pollution.

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[1] Section 7 was substituted by sec. 2 of Act 12 of 2000.

(2) The persons referred to in sub-section (1) shall immediately inform the Director General of the occurrence or the likelihood of such occurrence as mentioned in that sub-section.

(3) On receipt of information under this section with respect to the accident or other incident, the Director General shall take necessary remedial measures to control or mitigate the environmental pollution, and the said person shall be bound to render assistance and co-operation as required by the Director General.

(4) The expenses incurred with respect to remedial measures to control and mitigate the environmental pollution under this section shall be payable to the Director General and may be realized from the persons referred to in sub-section (1) as public demand.

10. **Power of entry etc.-** (1) Subject to the provisions of this section, any person generally or specially authorized in this behalf by the Director General shall have the right to enter any building or other place at all reasonable times, with such assistance as he considers necessary for the following purposes, namely :-

(a) to perform his duties under this Act or rules;

(b) to inspect any activity carried out at such place or building under this Act or rules or a notice, order or direction issued thereunder;

(c) to test or verify any equipment, industrial plant, record, register, document or any other significant material;

(d) to conduct a search of a building or place if such person has reason to believe that an offence has been committed in that building or place in contravention of this Act or rule or any notice, order or direction issued thereunder;

(e) to seize any equipment, industrial plant, record, register, document or other material that may be used as evidence of the commission of any offence punishable under this Act or rules.

(2) The person operating any industry, activity or process or the person handling any hazardous substance shall be bound to render all assistance to the said authorised person in discharging his duties under this Act.

(3) The provisions of the Code of Criminal Procedure, 1898 (Act V of 1898) shall be followed in conducting any search and seizure under this section.

11. **Power to collect samples etc.-** (1) A person authorised in this behalf by the Director General may, in the manner prescribed by rules, collect from any factory, premises or other place any sample of air, water, soil or other substance for analysis.

[1][(2) Subject to the provisions of sub-section (3) or (4), as the case may be, the report of a sample collector or the report of a laboratory or both the reports shall, in relation to a sample collected under this section, be admissible as evidence in the concerned proceedings.]

(3) Subject to the provisions of sub-section (4), the person collecting the sample under sub-section (1) shall --

(a) serve, in the manner prescribed by rules, a notice to the occupier of the place or his agent specifying his intention to collect any sample;

(b) collect samples in presence of that occupier or his agent;

(c) place the sample in a container and seal the container after recording signatures of himself and of the occupier or his agent on the container;

(d) prepare a report on the collection of the sample and record signatures of himself and of the occupier or his agent;

(e) without delay send the container to the laboratory specified by the Director General.

(4) Where, after issuing a notice under clause (a) of sub-section (3), the sample collector collects the sample under sub-section (1), but the occupier or his agent remains absent at the time of collecting sample or being present refuses to put signature on the container of the sample and report, then the collector shall, in the presence of two witnesses, secure the container by putting his own signature and seal the sample, and without delay send the samples to the laboratory [2]specified by the Director General for analysis and shall state the fact of willful absence of the occupier or his agent or, as the case may be, of his refusal.

12. **Environmental Clearance Certificate.-** No industrial unit or project shall be established or undertaken without obtaining, in the manner prescribed by rules, an Environmental Clearance Certificate from the Director General.

13. **Formulation of environmental guidelines.-** The Government may, by notification in the official Gazette from time to time, formulate and publish environmental guidelines relating to the control and mitigation of environmental pollution, conservation and improvement of the environment.

14. **Appeal.-** (1) Any person aggrieved by a notice, order or direction issued under this Act or rules may, within 30 days from the date of issuance of the notice, order or direction, appeal to the [3]Appellate Authority constituted by the Government

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[1] Section 11(2) was substituted by section 6 of Act 9 of 2002.

[2] Under sub-sec 11(4) DG, DoE by a circular dated 23/7/2002 has specified DoE divisional laboratories for the purpose of this Act.

[3] An appellate authority has been constituted by MoEF by a notification dated 1/11/1997.

and the decision of such Authority on the appeal shall be final and shall not be called in question in any court :

Provided that the Appellate Authority may, if it is satisfied that for some unavoidable reason the aggrieved person could not file the appeal within that time, extend the period for filing the appeal by a period not exceeding thirty days.

(2) The Appellate Authority constituted under sub-section (1) may consist of one or more members:

Provided that where the Appellate Authority consists of more than one member, the Government shall appoint one of the members to be the Chairman of the Authority.

(3) An appeal filed under this section shall be disposed of within 3 months from the date of its filing.

[1][15. **Penalties.-** (1) For violation of a provision or for non-compliance of a direction, or for the activities specified in the following Table, the penalty mentioned against them may be imposed :

TABLE

Sl. No.	Description of Offence	Penalty that may be imposed
1	Non-compliance of a direction issued under sub-section (2) or (3) of section 4	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both.
2	Violation of sub-section (2) by continuing activities or processes or by initiating activities or processes, prohibited under sub-section (1) of section 5 in an area declared as an ecologically critical area	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both.
3	Violation of sub-section (1) of section 6	In case of first offence, a fine not exceeding taka 5 (five) thousand; in case of second offence, a fine not exceeding taka 10 (ten) thousand; in case of each subsequent offence, an imprisonment not exceeding 1 year or a fine not exceeding taka 10 (ten) thousand or both.

[1] Section 15 was substituted for old sec. 15 by sec. 7 of Act 9 of 2002.

4	If, in violation of a direction issued under sub-section (1) of section 6A, any article specified in the direction is –	
	(a) manufactured, imported, marketed;	(a) Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both.
	(b) sold, exhibited for sale, stocked, distributed, commercially transported or commercially used	(b) Imprisonment not exceeding 6 months or fine not exceeding 10 thousand taka or both.
5	Non-compliance of a direction issued under sub-section (1) of section 7	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both.
6	Violation of sub-section (1) or (2), or failure to take remedial measures in accordance with sub-section (3) of section 9	Imprisonment not exceeding 10 years or fine not exceeding 10 lac taka or both : Provided that where a lower penalty is fixed by rules for violation of section 9(1), that penalty shall be applicable.
7	Failure to render, without reasonable excuse, assistance or cooperation to the Director General or a person authorized by him as required by sub-section (2) of section 10	Imprisonment not exceeding 3 years or fine not exceeding 3 lac taka or both.
8	Violation of section 12	Imprisonment not exceeding 3 years or fine not exceeding 3 lac taka or both.
9	Violation of any other provision of this Act or a direction issued under the rules or obstructing the Director General or a person authorized by him in discharging his duties or intentionally delaying the discharge of such duty.	Imprisonment not exceeding 3 years or fine not exceeding 3 lac taka or both.

(2) Subject to the other provisions of this section, certain offences and penalties for such offences may be specified in the rules, but the penalty so

specified shall not exceed imprisonment for 2 (two) years or a fine of Tk. 10 (ten) thousand or both.]

[1][15A. **Confiscation of materials and equipments involved in offence.-** Where a person is found guilty and sentenced under section 15, all equipments or parts thereof, transport, substance or any other thing used in the commission of the offence may be confiscated under order of the court.]

[2][15A. **Claim for compensation.-** Where a person or a group of persons or the public suffers loss due to violation of a provision of this Act or the rules made thereunder or a direction issued under section7, the Director General may file a suit for compensation on behalf of that person, group or the public.]

16. **Offences committed by companies.-** [3][(1) Where a company violates any provision of this Act or fails to perform its duties in accordance with a notice issued under this Act or the rules or fails to comply with an order or direction, then the owner, director, manager, secretary or any other officer or agent of the company, shall be deemed to have violated such provision or have failed to perform the duties in accordance with the notice or failed to comply with the order or direction, unless he proves that the violation or failure was beyond his knowledge or that he exercised due diligence to prevent such violation or failure.

Explanation.- For the purposes of this section -

(a) "company" means any statutory public authority, registered company, partnership firm, and association or organisation,

(b) director, in relation to a commercial establishment, also includes any partner or member of the board of directors.]

[4][(2) Where a company mentioned in sub-section (1) is a body corporate, such company, apart from any person charged and convicted under that sub-section, may also be charged and convicted under that sub-section in the same proceedings, but the penalty of fine only may be imposed on such company in a criminal proceedings.]

[5][17. **Cognizance of offence and claim for compensation.-** No court shall take cognizance of an offence or receive any suit for compensation under this Act except on the written report of an Inspector of the Department or any other person authorized by the Director General :

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[1] Section 15A was substituted by sec. 7 of Act 9 of 2002.

[2] Section 15A was inserted by sec. 4 of Act 9 of 2002.

[3] Existing provisions of sec. 16 was numbered as sub-sec.(1) by sec 8(a) of Act 9 of 2002.

[4] Sub-section (2) of sec. 16 was inserted by section 8(b) of Act 9 of 2002.

[5] Section 17 was substituted by sec. 9 of Act 9 of 2002.

Provided that if the competent court is satisfied that a person presented a written request to the said Inspector or authorized person to accept a complaint about an offence or a claim for compensation and no action was taken within 60 (sixty) days after such request, and that the complain or claim deserves to be taken into cognizance for the purpose of trial, then the court may, after giving the Inspector or the authorized person or the Director General a reasonable opportunity of being heard, directly receive the complaint or claim for compensation without such written report, or may, if it considers appropriate, direct the said Inspector or the authorized person to investigate the offence or claim.]

18. **Action taken in good faith.-** No civil or criminal case or other legal proceeding may be instituted against the Government, Director General, or any other person of the Department for any action which caused or is likely to cause injury to any person, if such action is taken in good faith under this Act or rules.

19. **Delegation of Power.-** (1) The Government may delegate to the Director General or any other officer any of its powers under this Act or rules.

(2) The Director General may [1]delegate to any other officer of the Department any of his powers under this Act or rules.

20. **Power to make rules.-** (1) The Government may, by notification in the official [2]Gazette, make rules for carrying out the purposes 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:

(a) determination of the standards of air, water, sound, soil and other components of the environment in relation to different areas for different purposes :

Provided that the Government may, by notification in the official Gazette, for a specified period suspend the application of such standard, generally or individually, in respect of industries or projects existing at the time of commencement of this Act;

(b) regulation of the establishment of industries and other development activities for conservation of environment;

(c) determination of safe procedures for the use, storage and transportation of hazardous substances;

(d) determination of safety and remedial measures for prevention of accidents which may cause pollution of the environment;

[1] DG, DoE has delegated certain powers to DoE officers by a notification dated 9/9/1998 and by a circular dated 23/7/2002.

[2] The Government has made Environment Conservation Rules 1997.

(e) determination of the standards for effluent and discharge;

(f) procedures for assessment of the environmental impact of various projects and activities, and procedures for their review and approval;

(g) procedures for protection of the environment and ecosystem;

(h) determination of fees for obtaining environmental clearance certificates and other services.

21. **Repeal and saving.-** (1) The Environment Pollution Control Ordinance, 1977 (Act XIII of 1977) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the repealed Ordinance shall be deemed to have been done under the provisions of this Act.

(3) The Department of Environment existing before the commencement of this Act shall be deemed to have been established under section 3, and the Director General and other officers and employees of that Department shall be deemed to have been appointed under this Act.

THE ESSENTIAL ARTICLES (PRICE CONTROL AND ANTI-HOARDING) ACT, 1953

(EAST BENGAL ACT NO. XXII OF 1953).

[*5th October, 1953*]

An Act to make provision for the control of supply and distribution of, and trade and commerce in, certain limited number of essential commodities. [1]

WHEREAS it is expedient to make provision for the control of supply and distribution of, and trade and commerce in, certain limited number of essential commodities;

It is hereby enacted as follows:-

Short title, extent and commencement

1. (1) This Act may be called the Essential Articles (Price Control and Anti-Hoarding) Act, 1953.

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

(3) It shall come into force at once.

Definitions

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

(a) "essential article" means any article, other than an article which is an "essential commodity" within the meaning of section 2 of the [3] [* * *] Control of Essential Commodities Act, 1956, which the Government may, from time to time, declare by notification, to be an article to which the provisions of this Act shall apply;

(b) "family" includes all persons who live in a private house and are members of the same mess;

(c) "notification" means a notification published in the official Gazette;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "retailer" means a trader who sells any essential article directly to a consumer;

(f) "trader" means any person engaged in the purchase, sale or storage for sale of any essential article; and

(g) "wholesaler" means a trader other than a retailer.

Power to fix prices and to require marking of prices

3. (1) The Government may, from time to time, by notification, fix the maximum prices at which an essential article may be sold by a retailer, wholesaler or any other person and for this purpose may fix different prices for different areas of the [4][country].

(2) The Government may, by notification, require any trader to mark, on any essential article, the maximum prices fixed under sub-section (1), in such manner as may be prescribed and the traders concerned shall mark such article accordingly. Such trader shall exhibit in a prominent place in the shop or godown a list showing the maximum prices of essential articles fixed under the said sub-section.

(3) A notification under sub-section (1) shall specify date from which and the period for which the maximum price has been fixed.

Prohibition against purchase, sale, etc, at prices exceeding the maximum price

4. (1) Notwithstanding anything contained in any contract, no retailer or wholesaler shall sell or purchase, or deliver or accept delivery of, any essential article at a price exceeding the maximum price fixed under sub-section (1) of section 3.

(2) No trader shall sell or offer or exhibit for sale any essential article in respect of which marking of maximum prices has been required under sub-section (2) of section 3, unless such article has been so marked.

Power to control possession of essential article

5. (1) The Government may, by notification, direct that no family, wholesaler or retailer shall keep in its or his possession or under its or his control any essential article in excess of the quantity specified in such notification.

Explanation.- For the purpose of this section, the possession or control of any one member of a family shall be deemed to be the possession or control of every adult member of that family.

(2) If, on the date of issue of a notification under sub-section (1) in respect of any essential article, any family, wholesaler or retailer has in its or his possession any quantity of such essential article in excess of the quantity specified in such notification, the head of the family, wholesaler or retailer concerned shall forthwith report the fact to the Government or to such officer as may be empowered in this behalf by the Government and shall take such action as to storage, distribution or disposal of the excess quantity as the Government or such officer may direct.

Power to require licence for trading

6. The Government may, by notification, direct that no trader or class of trader shall deal in any essential article except under, and in accordance with the conditions of, a licence issued, in this behalf by the Government, on payment of such fees and in such manner and form as may be prescribed. An application for such licence shall be accompanied by such fee as may be prescribed.

Power to compel sales to specified person

7. The Government may, by general or special order in writing, require any trader holding stock of an essential article to sell the whole or specified part thereof at prices not exceeding the maximum fixed under sub-section (1) of section 3, to such person or class of persons and in such circumstances or under such permits as may be specified in the order and the trader concerned shall comply with such order.

Prohibition against withholding of sales

8. No trader shall, unless previously authorised to do so by the Government, withhold from sale or refuse to sell to any person, any essential article in quantities not contrary to the normal practices of his business.

Power to require maintenance of accounts, etc, and registration of godowns

9. (1) Any officer, authorised in this behalf by the Government, may, by general or special order in writing,-

(a) require a trader to maintain accounts relating to any transaction in such manner and form as may be prescribed;

(b) require a trader to submit such accounts, returns, reports or statements relating to any transactions, in such manner and form and to such officer as may be prescribed;

(c) require a trader to cause his storage godown to be registered on payment of such fees and in such manner and within such period as may be prescribed; and

(d) require a trader to keep hung up in his business centre a notice-board quoting therein the daily stock of essential articles held by him in his stock.

(2) No trader whose godown has been registered under clause (c) of sub-section (1) shall store any essential article in any place other than the godown so registered.

Power to enter, inspect, search, etc

10. Any officer, authorised in this behalf by the Government, may-

(a) enter upon and inspect any premises, tents, vessels or vehicles used or believed to be used for the purchase, sale, transfer or storage for sale of any essential article;

(b) enter upon and search any premises, tents, vessels or vehicles and seize any essential article, together with the containers thereof, in respect of which he has reason to believe that contravention of this Act has been committed;

(c) direct the owner, occupier or other persons in charge of such premises, tents or vessels, or any trader to produce any books, accounts, vouchers or other documents relating to the purchase, sale or other documents relating to the purchase, sale or storage for sale of any essential article or to furnish such information relating to such transaction as the officer so authorised may require; but the officer so authorised shall not require any family which has stored essential articles for consumption and not for sale to produce books, accounts, vouchers or other documents relating to the purchase of any such essential articles;

(d) inspect or cause to be inspected any books, accounts, vouchers or other documents relating to such transactions; and

(e) take or cause to be taken extracts from, or copies of, any document relating to such transactions.

Provisions of the Act not to apply in case of Government purchase, etc

11. The provisions of this Act shall not apply to the purchase, storage or distribution, of any essential article by or on behalf of the [5][Government].

Power to exempt

12. The Government may, by notification, exempt any person or class of persons from all or any of the provisions of this Act subject to such conditions, if any, as may be specified.

Penalties

13. If any person contravenes any of the provisions of this Act, he shall be deemed to have committed an offence under section 3 of the Hoarding and Black Market Act, 1948, and the provisions of that Act shall apply accordingly.

Attempts and abetments

14. Any person who attempts to contravene, or abets a contravention of, any provision of this Act shall be deemed to have contravened that provision.

Delegation of power

15. The Government may, by notification, direct that any power or duty which is conferred or imposed by this Act on the Government shall, subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by any officer or authority subordinate to it.

Public servant

16. Any person empowered to do anything under this Act shall be deemed to be a public servant within the meaning of section 21 of the [6][* * *] Penal Code.

Power to make rules

17. The Government may make rules for carrying out the purposes of this Act.

Indemnity

18. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or

intended to be done in pursuance of any provision of this Act and the rules made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is, in good faith, done or intended to be done in pursuance of any provision of this Act and the rules made thereunder.

[] 19. [Repeal and savings.- Repealed by section 2 and the Schedule of the East Pakistan Repealing and Amending Ordinance, 1966 (East Pakistan Ordinance No. XIII of 1966).]

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[1] Throughout this Act, the word "Government" was substituted for the words "Provincial Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[2] The word "Bangladesh" was substituted for the words "East Pakistan" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[3] The words "East Pakistan" were omitted by Article 6 of the Bangladesh (Adaptation of Existing Bangladesh Laws) Order, 1972 (President's Order No. 48 of 1972)

[4] The word "country" was substituted for the word "Province" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[5] The word "Government" was substituted for the words "Provincial Government or the Central Government" by section 3 and the Second Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[6] The word "Pakistan" was omitted by Article 6 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972)

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THE FOREST ACT, 1927

(ACT NO XVI OF 1927).

[*21st September, 1927*]

[1] An Act to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce.

WHEREAS it is expedient to consolidate the law relating to forests, the transit of forest-produce and the duty leviable on timber and other forest-produce; It is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

Short title and extent

1. (1) This Act may be called the Forest Act, 1927.

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

(3) [Omitted by the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973), section 3 and 2nd Schedule.]

Interpretation clause

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

(1) "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids;

(2) "Forest-officer" means any person whom the Government or any officer empowered by the Government in this behalf, may appoint to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder to be done by a Forest-officer;

(3) "forest-offence" means an offence punishable under this Act or under any rule made thereunder;

(4) "forest-produce" includes□

(a) the following whether found in, or brought from, a forest or not, that is to say:□

timber, charcoal, cuatchouc, catechu, wood-oil, esin, natural varnish, bark, lac, mahua flowers, mahua seeds, kuth and myrabolams, and

(b) the following when found in or brought from, a forest, that is to say:□

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned, of trees,

(ii) Plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey, and wax, and al other parts of produce of animals, and

(iv) peat, surface, soil, rock and minerals (including limestone, laterite, mineral oils and all products of mines or quarries);

[3][(4A) "owner" includes a Court of Wards in respect of property under the superintendence or charge of such court;]

(5) "river" includes any stream, canal, creek or other channels, natural or artificial;

(6) "timber" includes trees when they have fallen or have been felled, and all wood whether cut up or fashioned or hollowed out for any purpose or not; and

(7) "tree" includes palms, bamboos, stumps, brushwood and canes.

CHAPTER II

OF RESERVED FORESTS

Power to reserve forests

3. The Government may constitute any forest-land or waste-land [4] [or any land suitable for afforestation] which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest-produce of which the Government is entitled, a reserved forest in the manner hereinafter provided.

Notification by Government

4. (1) Whenever it has been decided to constitute any land reserved forest, the Government shall issue a notification in the official Gazette□

(a) declaring that it has been decided to constitute such land a reserved forest;

(b) specifying, as nearly as possible, the situation and limits of such land; and

(c) appointing an officer (hereinafter called "the Forest Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or very any land comprised within such limits, or in or over any forest-produce, and to deal with the same as provided in this Chapter.

Explanation.-For the purposes of Clause (b), it shall be sufficient to describe the limits of the forest by roads, rivers, ridges or other well-known or readily intelligible boundaries.

(2) The officer appointed under clause (c) of sub-section (1) shall ordinarily be a person not holding any forest-office except that of Forest Settlement-officer.

(3) Nothing in this section shall prevent the Government from appointing any number of officers not exceeding three, not more than one of whom shall be a person holding any forest-office except as aforesaid, to perform the duties of a Forest Settlement-officer under this Act.

Bar of accrual of forest rights

5. After the issue of a notification under section 4, no right shall be acquired in or over the land comprised in such notification, except by succession or under a grant or contract in writing made or entered into by or on behalf of the Government or some person in whom such right was vested when the notification was issued; and no fresh clearings for cultivation or for any other purpose shall be made in such land except in accordance with such rules as may be made by the Government in this behalf.

Proclamation by Forest Settlement officer

6. When a notification has been issued under section 4, the Forest Settlement-officer shall publish in [5][Bengali] in every town and village in the neighbourhood of the land comprised therein, a proclamation-

(a) Specifying, as nearly as possible, the situation and limits of the proposed forest;

(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(c) fixing a period of not less than three months [6][and not more than four months] from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount particulars of the compensation (if any) claimed in respect thereof.

Inquiry by Forest Settlement officer

7. The forest settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be as certainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

Powers of Forest Settlement-officer

8. For the purpose of such inquiry, the Forest Settlement officer may exercise the following powers, that is to say:-

(a) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(b) the powers of a Civil Court in the trail of suit.

Extinction of rights

9. Rights in respect of which no claim has been preferred under section 6, and of the existence of which no knowledge has been acquired by inquiry under section 7, shall be extinguished, unless, before the notification under section 20 is published, the person claiming them satisfies the Forest Settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6.

Treatment of claims relating to practice of shifting cultivation

10. (1) In the case of a claim relating to the practice of shifting cultivation, the Forest Settlement-officer shall record a statement setting forth the particulars of the claim and of any local rule or order under which the practice is allowed or regulated, and submit the statement to the Government, together with his opinion as to whether the practice would be permitted or prohibited wholly or in part.

(2) On receipt of the statement and opinion, the Government may make and order permitting or prohibiting the practice wholly or in part.

(3) If such practice is permitted wholly or in part, the Forest Settlement-officer may arrange for its exercise□

(a) by altering the limits of the land under settlement so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants, or

(b) by causing certain portions of the land under settlement to be separately demarcated, and giving permission to the claimants to practice shifting cultivation therein under such conditions as he may prescribe.

(4) All arrangements made under sub-section (3) shall be subject to the previous sanction of the Government.

(5) The practice of shifting cultivation shall in all cases be deemed a privilege subject to control, restriction and abolition by the Government.

Power to acquire land over which right is claimed

11. (1) In the case of a claim to a right in or over any land other than a right-of-way or right of pasture, or a right to forest-produce or a water-course, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

(2) If such claim is admitted in whole or in part, the Forest Settlement-officer shall either-

(i) exclude such land from the limits of the proposed forest; or

(ii) come to an agreement with the owner thereof for the surrender of his rights; or

(iii) proceed to acquire such land in the manner provided by the [7] [Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)].

(3) For the purpose of so acquiring such land□

(a) the Forest Settlement-officer shall be deemed to be a Collector proceeding under the [8][Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)].

(b) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act;

(c) the provisions of the preceding sections of that Act shall be deemed to have been complied with; and

(d) the Collector, with the consent of the claimant, or the Court, with the consent of both parties, may award compensation in land, or partly in land and partly in money [9][. or wholly in money].

Order on claims to rights of pasture or to forest-produce

12. In the case of a claim to rights of a pasture or to forest-produce, the Forest Settlement-officer shall pass an order admitting or rejecting the same in whole or in part.

Record to be made by Forest Settlement-officer

13. The Forest Settlement-officer, when passing any order under section 12, shall record, so far as may be practicable,-

(a) the name, father's name, caste, residence and occupation of the person claiming the right; and

(b) the designation, position and area of all fields or groups of fields (if any), and the designation and position of all buildings (if any) in respect of which the exercise of such rights is claimed.

Record where the admits claim

14. If the Forest Settlement-officer admits in whole or in part any claim under section 12, he shall also record the extent to which the claim is so admitted, specifying the number and description of the cattle which the claimant is from time to time entitled to graze in the forest, the season during which such pasture is permitted, the

quantity of timber and other forest-produce which he is from time to time authorized to take or receive, and such other particulars as the case may require. He shall also record whether the timber or other forest-produce obtained by the exercise of the rights claimed may be sold or bartered.

Exercise of rights admitted

15. (1) After making such record the Forest Settlement-officer shall, to the best of his ability, and having due regard to the maintenance of the reserved forest in respect of which the claim is made, pass such orders as will ensure the continued exercise of the rights so admitted.

(2) For this purpose the Forest Settlement-officer may□

(a) set out some other forest-tract of sufficient extent, and in a locality reasonably convenient, for the purposes of such claimants, and record an order conferring upon them a right of pasture or to forest-produce (as the case may be) to the extent so admitted; or

(b) so alter the limits of the proposed forest as to exclude forest-land of sufficient extent, and in a locality reasonably convenient, for the purposes of the claimants; or

(c) record an order, continuing to such claimants a right of pasture or to forest-produce, as the case may be, to the extent so admitted, as such seasons, within such portions of the proposed forest, and under such rules, as may be made in this behalf by the Government.

Commutation of rights

16. In case the Forest Settlement-officer finds it impossible, having due regard to the maintenance of the reserved forest, to make such settlement under section 15 as shall ensure the continued exercise of the said rights to the extent so admitted, he shall, subject to such rules as the Government may make in this behalf, commute such rights, by the payment to such persons of a sum of money in lieu thereof, or by the grant of land, or in such other manner as he thinks fit.

Time limit for resolution of claims

[10][16A. (1) Within 12 months after the period fixed under section 6 has elapsed, or within 12 months after the enactment of this section, whichever is later, the Forest Settlement Officer shall do one of the following:-

(i) dispose of all claims made under sections 6 and 9; or

(ii) obtain an extension of this 12 months deadline under sub-section (2).

(2) Upon application of a Forest Settlement Officer, the Deputy Commissioner may grant a single 2 months extension of the deadline in sub-section (1), making the deadline 14 months, and if

that extended deadline threatens to be missed, the Commissioner may grant additional 4 months extensions.]

Appeal from order passed under section 11, section 12, section 15 or section 16

[11][17. Any person who has made a claim under this Act, or any Forest-officer or other person generally or specially empowered by the Government in this behalf, may, within three months from the date of the order passed on such claim by the Forest Settlement-officer under section 11, section 12, section 15 or section 16, present an appeal from such order to the Divisional Commissioner concerned.

Appeal under section 17

18.(1) [Omitted by section 3 of the Forest (Amendment) Act, 2000 (Act No. X of 2000).]

[12][(2)(a) An appeal shall be heard by the Divisional Commissioner in the manner prescribed for the time being for the hearing of appeals in matters relating to land-development tax and the appeal shall be disposed of within 6 months from the date of presenting it under section 17.

(b) The Divisional Commissioner shall report to the Government the particulars of the cases which could not be disposed by him within the time prescribed in clause (a), where upon the Government may extend time as deemed necessary.]

(3) The order passed on the appeal by the Divisional Commissioner shall, subject only to revision by the Government, be final.]

Pleaders

19. The Government, or any person who has made a claim under this Act, may appoint any person to appear, plead and act

on its or his behalf before the Forest Settlement-officer, or [13][the Divisional Commissioner], in the course of any inquiry or appeal under this Act.

Notification declaring forest reserved

20. (1) When the following events have occurred, namely:-

(a) the period fixed under section 6 for preferring claims has elapsed, and all claims, if any, made under that section or section 9 have been disposed of by the Forest Settlement-officer;

(b) if any such claims have been made, the period limited by section 17 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the [14][Divisional Commissioner]; and

(c) all lands (if any) to be included in the proposed forest, which the Forest Settlement-officer has, under section 11, elected to

acquire under the [15][Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), have become vested in the Government under section 11 of that Ordinance],

the Government shall publish a notification in the official Gazette, specifying definitely, according to boundary-marks erected or otherwise, the limits of the forest which is to be reserved, and declaring the same to be reserved from a date fixed by the notification.

(2) From the date so fixed such forest shall be deemed to be a reserved forest.

Publication of translation of such notification in neighbourhood of forest

21. The Forest-officer shall, before the date fixed by such notification, [16][cause it] to be published in every town and village in the neighbourhood of the forest.

Power to revise arrangement made under section 15 or section 18

22. The Government may, within five years from the publication of any notification under section 20, revise any arrangement made under section 15 or section 18, and may for this purpose rescind or modify any order made under section 15 or section 18, and direct that any one of the proceedings specified in section 15 be taken in lieu of any other of such proceedings, or that the rights admitted under section 12 be commuted under section 16.

No right acquired over reserved forest, except as here provided

23. No right of any description shall be acquired in or over a reserved forest except by succession or under a grant or contract in writing made by or on behalf of the Government or some person in whom such right was vested when the notification under section 20 was issued.

Rights not to be alienated without sanction

24. (1) Notwithstanding anything contained in section 23, no right continued under clause (c) of sub-section (2) of section 15 shall be alienated by way of grant, sale, lease, mortgage or otherwise, without the sanction of the Government:

Provided that, when any such right is appendant to any land or house, it may be sold or otherwise alienated with such land or house.

(2) No timber or other forest-produce obtained in exercise of any such right shall be sold or bartered except to such extent as may have been admitted in the order recorded under section 14.

Power to stop ways and water-courses in reserved forests

25. The Forest-officer may, with the previous sanction of the Government or of any officer duly authorized by it in this behalf, stop any public or private way or water-course in a reserved forest, provided that a substitute for the way or water-course so stopped, which the Government deems to be reasonably convenient, already exists, or has been provided or constructed by the Forest-officer in lieu thereof.

Acts prohibited in such forests

26. [17][(1) Any person who, in a reserved forest-

(a) kindles, keeps or carries any fire except at such seasons as the Forest-Officer may notify in this behalf.

(b) trespasses or pastures cattle, or permits cattle to trespass;

(c) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(d) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest produce other than timber;

or who enters a reserved forest with fire arms without prior permission from the Divisional Forest Officer concerned, shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand Taka, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

(1A) Any person who□

(a) makes any fresh clearing prohibited by section 5; or

(b) removes any timber from a reserved forest; or

(c) sets fire to a reserved forest, or, in contravention of any rules made by the Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

or who, in a reserved forest

(d) fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from or otherwise damages, the same;

(e) clears or breaks up any land for cultivation or any other purpose [18][or cultivates or attempts to cultivate any land in any other manner];

(f) in contravention of any rules made in this behalf by the Government, hunts, shoots, fishes, poisons water or sets traps or snares; or

(g) establishes saw-pits or saw-benches or converts trees into timber without lawful authority,

shall be punishable with imprisonment for a term which may extend to five years and shall not be less than six months, and shall also be liable to fine which may extend to fifty thousand Taka and shall not be less than five thousand Taka, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.]

(2) Nothing in this section shall be deemed to prohibit□

(a) any act done by permission in writing of the Forest-officer, or under any rule made by the Government; or

(b) the exercise of any right continued under clause (c) of sub-section (2) of section 15, or created by grant or contract in writing made by or on behalf of the Government under section 23.

(3) Whenever fire is caused wilfully or by gross negligence in a reserved forest, the Government may (notwithstanding that any penalty has been inflicted under this section) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

Power to declare forest no longer reserved

27. (1) The Government may, by notification in the official Gazette, direct that, from a date fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be a reserved forest.

(2) From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

CHAPTER III

[19] OF VILLAGE-FORESTS AND SOCIAL FORESTRY

Formation of village forests

28. (1) The Government may assign to any village community the rights of Government to or over any land which has been constituted a reserved forest, and may cancel such assignment. All forests so assigned shall be called village forests.

(2) The Government may make rules for regulating the management of village-forests, prescribing the conditions under which the community to which any such assignment is made may be provided with timber or other forest-produce or pasture, and their duties for the protection and improvement of such forest.

(3) All the provisions of this Act relating to reserved forests shall (so far as they are not inconsistent with the rules so made) apply to village-forests.

Social Forestry

[20][28A. (1) On any land which is the property of the Government or over which the Government has proprietory rights, and on any

other land assigned to the Government by voluntary written agreement of the owner for the purpose of afforestation, conservation or management through social forestry, the Government may establish a social forestry programme under sub-section (2).

(2) A social Forestry programme is established when the Government by one or more written agreements assigns rights to forest-produce or rights to use the land, for the purposes of social forestry, to person assisting the Government in management of the land.

(3) Notwithstanding any other provision of law, agreements under sub-section (2) concerning Government-owned lands need not be registered in the local records of right to lands, and no party to such an unregistered agreement

may be divested of rights solely by execution of a subsequent assignment of rights by the Government to another person.

(4) The Government may make rules to set out standards for social forestry agreements and programme, and such standards shall at a minimum□

(i) require agreements to include or make reference to an agreed-upon management plant for the social forestry programme;

(ii) guarantee participants an equitable share of proceeds in return for labour invested;

(iii) in the case of agreements contemplating timber harvest, require the duration of agreements to include the expected principal harvest;

(iv) allow transfer of benefits and obligations under agreements between spouses, and, when a participant dies, under the laws of succession to his heir, and govern other transfers;

(v) allow creation and dissolution of management committees representing participants in particular programmes, and empower the management committees to impose fine on participants for violation of agreement; and

(vi) allow persons to petition the Government for 'undertaking' social forestry programme.

(5) The Government may make rules to set out other requirements or guarantees for agreements, including□

(i) duties of participants to assist forest officers; and

(ii) any other matter concerning formation or operation of social forestry programmes.

(6) Rules made under this section may recognize different classes of social forestry programmes, and the Government may make different rules for different classes or programmes.

(7) The Government may publish guidelines and forms for social forestry agreements.

Effect of other of law on social forestry

28B. (1) For the purposes of section 26 and 34, the exercise of any right granted by a social forestry agreement under section 28A shall be considered to be done with permission in writing of the Forest-Officer.

(2) Section 80 shall not apply to private lands subject to a voluntary written agreement under section 28A, unless such agreement itself allows the Government to invoke all or part of section 80.

(3) Section 81 shall not apply to participants in social forestry projects under section 28A.]

CHAPTER IV

OF PROTECTED FORESTS

Protected forests

29. (1) The Government may, by notification in the official Gazette, declare the provisions of this Chapter applicable to any forest-land or waste-land which is not included in a reserved forest, but which is the property of Government, or over which the Government has proprietary rights, or to the whole or any part of the forest - produce of which the Government is entitled.

(2) The forest-land and waste-lands comprised in any such notification shall be called a "protected forest".

(3) No such notification shall be made unless the nature and extent of the rights of Government and of private persons in or over the forest-land or waste-land [21][or charland] comprised therein have been inquired into and recorded at a survey or settlement, or in such other manner as the Government thinks sufficient. Every such record shall be presumed to be correct until the contrary is proved:

Provided that, if, in the case of any forest-land or waste-land, [22][or charland] the Government thinks that such inquiry and record are necessary, but that they will occupy such length of time as in the meantime to endanger the rights of Government, the Government may, pending such inquiry and record, declare such land to be a protected forest, but so as not to abridge or affect any existing rights of individuals or communities.

Power to issue notification reserving trees, etc

30. The Government may, by notification in the official Gazette,-

(a) declare any trees or class of trees in a protected forest to be reserved from a date fixed by the notification;

(b) declare that any portion of such forest specified in the notification shall be closed for such term, not exceeding thirty years, as the Government thinks fit, and that the rights of private persons, if any, over such portion shall be suspended during such term, provided that the remainder of such forest be sufficient, and in

locality reasonably convenient, for the due exercise of the rights suspended in the portion so closed; or

(c) prohibit, from a date fixed as aforesaid, the quarrying of stone, or the burning of lime or charcoal, or the collection or subjection to any manufacturing process, or removal of, any forest-produce in any such forest, and the [23][breaking up, clearing or use] for cultivation, for building, for herding cattle or for any other purpose, of any land in any such forest.

Publication of translation of such notification in neighbourhood

31. The Collector shall cause a translation into [24][Bengali] of every notification issued under section 30 to be affixed in a conspicuous place in every town and village in the neighbourhood of the forest comprised in the notification.

Power to make rules for protected forests

32. The Government may make rules to regulate the following matters, namely:-

(a) the cutting, sawing, conversion and removal of trees and timber, and the collection, manufacture and removal of forest-produce, from protected forests;

(b) the grating of licences to the inhabitants of towns and villages in the vicinity of protected forests to take trees, timber or other forest-produce for their own use, and the production and return of such licences by such persons;

(c) the granting of licences to persons felling or removing trees or timber or other forest-produce from such forests for the purposes of trade, and the production and return of such licences by such persons;

(d) the payments, if any, to be made by the persons mentioned in clauses (b) and (c) for permission to cut such trees, or to collect and remove such timber or other forest-produce;

(e) the other payments, if any, to be made by them in respect of such trees, timber and produce, and the places where such payment shall be made;

(f) the examination of forest-produce passing out of such forests;

(g) the clearing and breaking up of land for cultivation or other purposes in such forests;

(h) the protection from fire of timber lying in such forests and of trees reserved under section 30;

(i) the cutting of grass and pasturing of cattle in such forests;

(j) hunting, shooting, fishing, poisoning water and setting traps or snares in such forests, [25][* * *];

(k) the protection and management of any portion of a forest closed

under section 30; and

(l) the exercise of rights referred to in section 29.

Penalties for acts in contravention of [26][section 28A or of] notification under section 30 or of rules under section 32

33. [27][(1) Any person who commits any of the following offences, namely:-

(a) contrary to any prohibition under section 30, quarries any stone, or burns any lime or charcoal,

or collects, subjects to any manufacturing process, or removes any forest produce other than timber;

(b) leaves burning any fire kindled by him in the vicinity of any protected forest;

(c) causes any damage by negligence in felling any tree or cutting or dragging any timber;

(d) trespasses or pastures cattle, or permits cattle to trespass;

(e) enters a protected forest with fire arms without prior permission from the Divisional Forest Officer concerned;

(f) infringes any rule made under section 32 [28][;]

[29][(g) any offence or damage committed against social forestry programme will be deemed as an offense,]

shall be punishable with imprisonment for a term which may extend to six months and shall also be liable to fine which may extend to two thousand Taka, in addition such compensation for damage done to the forest as the convicting court may direct to be paid.

(1A) Any person who commits any of the following offences, namely:□

(a) sets fire to a protected forest or, in contravention of any rules made by the Government in this behalf, kindles any fire, or leaves any fire burning, in such manner as to endanger such a forest;

(b) fells, girdles, lops, taps or burns any tree reserved under section 30, or strips off the bark or leaves from, or otherwise damages, any such tree;

(c) contrary to any prohibition under section 30, clears or breaks up any land for cultivation or other purpose [30][or cultivates or attempts to cultivate any land in any other manner] in the protected forest;

(d) in contravention of any rules made in this behalf by the Government, hunts, shoots, sets traps or snares or catches or kills any wild animals and birds, fishes or poisons water;

(e) establishes saw-pits or saw-benches or converts tree into timber without lawful authority in a protected forest;

(f) removes any timber from a protected forest;

shall be punishable with imprisonment for a term which may extend to five years and shall not be less than six months and shall also be liable to fine which may extend to fifty thousand Taka and shall not be less than five thousand Taka, in addition such compensation for damages done to the forest as the convicting Court may direct to be paid.]

(2) Whenever fire is caused wilfully or by gross negligence in a protected forest, the Government may, not withstanding that any penalty has been inflicted under this section, direct that in such forest or any portion thereof the exercise of any right of pasture or to forest -produce shall be suspended for such period as it thinks fit.

Nothing in this Chapter to prohibit acts done in certain cases

34. Nothing in this Chapter shall be deemed to prohibit any act done with the permission in writing of the Forest-officer, or in accordance with rules made under section 32, or, except as regards any portion of a forest closed under section 30, or as regards any rights the exercise of which has been suspended under section 33, in the exercise of any right recorded under section 29.

CHAPTER V

OF THE CONTROL OVER FORESTS AND LANDS NOT BEING THE PROPERTY OF GOVERNMENT

[31][Repealed]

35. [Repealed by section 63 of the Private Forests Ordinance, 1959 (Ordinance No. XXXIV of 1959).]

[32][Repealed]

36. [Repealed by section 63 of the Private Forests Ordinance, 1959 (Ordinance No. XXXIV of 1959).]

[33][Repealed]

37. [Repealed by section 63 of the Private Forests Ordnance, 1959 (Ordinance No. XXXIV of 1959).]

[34][Repealed]

38. [Repealed by section 63 of the Private Forests Ordinance, 1959 (Ordinance No. XXXIV of 1959).]

Operation of the Privet Forest Ordinance

[35][38A. (1) After commencement of this section, the Government may no longer exercise authority to vest control of forest land under sub-section (2) of section 6, section 7 or section 11 of the Private

Forest Ordinance, 1959 (E. P. Ordi-nance No. XXXIV of 1959):

Provided that the forest land already vested shall remain vested.

(2) After commencement of this section, the Government may no longer exercise authority under section 3 of the Private Forests Ordinance, 1959 (E. P. Ordinance No. XXXIV of 1959) to require private forests to have working plans.

Notice of forest management activities

38B. (1) The Government may make rules for the purpose of issuing notice to owners or occupiers of neighbouring lands at least 30 days before understanding specified forest management activities that may pose a threat of harm to the environment or private or Government property or that the Government may wish to track for statistical purposes.

(2) Within 20 days after receiving notice of a proposed activity under this section, upon finding that the proposed activity is likely to cause unreasonable damage to the environment or private or Government property, the Government may issue a written order to the owner or occupier of a land to alter or to refrain from the proposed activity to prevent or minimize such damage.

Restricted activities

38C. (1) The Government may make rules to prohibit, restrict or require a permit for land clearing use of pesticides, harvest on steep stopes, or other forest management activities on private land that may pose a threat to property, renewable natural resources or the productivity of land.

(2) The Government shall empower Forest-officers to issue such permits required under sub-section (1).

Abetment of forest nuisances

38D. (1) Upon a finding that conditions on a land pose a risk of disease, insect outbreak fire or other harm to nearby renewable natural resources, the Government may issue a written order to the owner or occupier of the land to abate such a nuisance within 30 days, or sooner as may be specified in the notice, if the protection of renewable natural resources demands.

(2) To be effective, an order under sub-section (1) must be delivered personally to the owner or occupier of the land or sent to him by registered post with acknowledgement receipt due, or if the address of the person is unknown, affixed conspicuously at least two locations on the property.

(3) If the owner or the occupier fails to comply with an order under this section, the Government may enter the land, remove the nuisance and realize compensation as a public demand.]

CHAPTER VI

OF THE DUTY ON TIMBER AND OTHER FOREST-PRODUCE

Power to impose duty on timber and other forest produce

39. (1) The Government may levy a duty in such manner, at such places and at such rates as it may declare by notification in the official Gazette on all timber or other forest-produce□

(a) which is produced in Bangladesh, and in respect of which the Government has any right;

(b) which is brought from any place outside Bangladesh or is transported from or to any place within Bangladesh.

(2) In every case in which such duty is directed to be levid ad valorem, the Government may fix by like notification the value on which such duty shall be assessed.

Limit not apply to purchase money for royalty

40. Nothing in this Chapter shall be deemed to limit the amount, if any, chargeable as purchase-money or royalty on any timber or other forest-produce, although the same is levied on such timber or produce while in transit, in the same manner as duty is levied.

CHAPTER VII

OF THE CONTROL OF TIMBER AND OTHER FOREST-PRODUCE IN TRANSIT

Power to make rules to regulate transit of forest-produce

41. (1) The control of all rivers and their banks as regards the floating of timber, as well as the control of all timber and other forest-produce in transit by land or water, is vested in the Government, and it may make rules to regulate the transit of all timber and other forest-produce.

(2) In particular and without prejudice to the generality of the foregoing power such rules may□

(a) prescribe the routes by which alone timber or other forest-produce may be imported, exported or moved into, from or within [36][Bangladesh];

(b) prohibit the import or export or moving of such timber or other produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass;

(c) provide for the issue, production and return of such passes and for the payment of fees thereof;

(d) provide for the stoppage, reporting, examination and marking of timber or other forest-produce in transit, in respect of which there is reason to believe that any money is payable to the Government on account of the price thereof or on account of any duty, fee, royalty or charge due thereon, or, to which it is desirable for the purposes of this Act to affix a mark;

(e) provide for the establishment and regulation of depots to which such timber or other produce shall be taken by those in charge of it for examination, or for the payment of such money, or in order that such marks may be affixed to it; and the conditions under which such timber or other produce shall be brought to, stored at and removed from such depots;

(f) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce, and the throwing of grass, brushwood, branches or leaves into any such river or any act which may cause such river to be closed or obstructed;

(g) provide for the prevention or removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person whose acts or negligence necessitated the same;

(h) prohibit absolutely or subject to conditions, within specified local limits, the [37][establishment of wood based industries including saw-mils, saw-pits, furniture marts and brick-fields], the converting, cutting, burning, concealing or making of timber, the altering or effacing of any marks on the same, or the possession or carrying of marking hammers or other implements used for marking timber;

(i) regulate the use of property marks for timber, and the registration of such marks; prescribe the time for which such registration shall hold good; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

(3) The Government may direct that any rule made under this section shall not apply to any specified class of timber or other forest-produce or to any specified local area.

[38][Omitted]

41A. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

Penalty for breach of rules made under section 41

42. (1) The Government may be such rules prescribe as penalties for the contravention thereof imprisonment for a term which may extend to [39][three years and shall not be less than two months and shall also be laible to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka].

(2) Such rules may provide there penalties which are double of those mentioned in sub-section (1) may be inflicted in cases where the offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority, or where the offender has been previously convicted of a like offence.

Government and

43. The Government shall not be responsible for any loss or damage

Forest-officers not liable for damage to forest-produce at depot

which may occur in respect of any timber or other forest-produce while at a depot established under a rule made under section 41, or while detained elsewhere, for the purposes of this Act; and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

All persons bound to aid in case of accident at depot

44. In case of any accident or emergency involving danger to any property at any such depot, every person employed at such depot, whether by the Government or by any private person, shall render any assistance to any Forest-officer or Police-officer demanding his aid in averting such danger or securing such property from damage or loss.

CHAPTER VIII

OF THE COLLECTION OF DRIFT AND STRANDED TIMBER

Certain kinds of timber to be deemed property of Government until title thereto proved, and may be collected accordingly

45. (1) All timber found adrift, beached, stranded or sunk;

all wood or timber bearing marks which have not been registered in accordance with the rules made under section 41, or on which the marks have been obliterated, altered or defaced by fire or otherwise; and

in such areas as the Government directs, all unmarked wood and timber;

shall be deemed to be the property of Government, unless and until any person establishes his right and title thereto, as provided in this Chapter.

(2) Such timber may be collected by any Forest-officer or other person entitled to collect the same by virtue of any rule made under section 51, and may be brought to any depot which the Forest-officer may notify as a depot for the reception of drift timber.

(3) The Government may, by notification in the official Gazette exempt any class of timber from the provisions of this section.

Notice to claimants of drift timber

46. Public notice shall from time to time be given by the Forest-office of timber collected under section 45. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than two months from the date of such notice, a written statement of such claim.

Procedure on claim preferred to such timber

47. (1) When any such statement is presented as aforesaid, the Forest-officer may, after making such inquiry as he thinks fit, either

reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

(2) If such timber is claimed by more than one person, the Forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the Civil Courts, and retain the timber pending the receipt of an order from any such Court for its disposal.

(3) Any person whose claim has been rejected under this section may, within three months from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation or costs against the Government, or against any Forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

(4) No such timber shall be subject to process of any Civil, Criminal or Revenue Court until it has been delivered, or a suit has been brought, as provided in this section.

Disposal of unclaimed timber

48. If no such statement is presented as aforesaid, or if the claimant omits to prefer his claim in the manner and within the period fixed by the notice issued under section 46, or on such claim, having been so preferred by him and having been rejected, omits to institute a suit to recover possession of such timber within the further period fixed by section 47,the ownership of such timber shall vest in the Government, or, when such timber has been delivered to another person under section 47, in such other person free from all encumbrances not created by him.

Government and its officers not liable for damage to such timber

49. The Government shall not be responsible for any loss or damage which may occur in respect of any timber collected under section 45, and no Forest-officer shall be responsible for any such loss or damage, unless he causes such loss or damage negligently, maliciously or fraudulently.

Payments to be made by claimant before timber is delivered to- him

50. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the Forest-officer or other person entitled to receive it such sum on account thereof as may be due under any rule made under section 51.

Power to make rule and prescribe penalties

51. (1) The Government may make rules to regulate the following matter, namely:-

(a) the salving, collection and disposal of all timber mentioned in section 45;

(b) the use and registration of boats used in salving and collecting timber;

(c) the amounts to be paid for salving, collecting, moving, storing or disposing of such timber; and

(d) the use and registration of hammers and other instruments to be used for marking such timber.

(2) The Government may prescribe, as penalties for the contravention of any rules made under this section, imprisonment for a term which may extend to [40][three years and shall not be less than two months and shall also be laible to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka].

CHAPTER IX

PENALTIES AND PROCEDURE

Seizure of property liable to confiscation

52. (1) When there is reason to believe that a forest-offence has been committed in respect of any forest-produce, such produce, together with all tools, [41][vessels], vehicles or cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer [42][or any other officer authorized in this behalf by or under any other law inforce].

[43][(1a) Every officer other than a Forest-officer seizing any property under this section shall hand over all the seized property mentioned under sub-section (1) along with the accused to the nearest forest-office for further legal proceedings:

Provided that police-officers need not hand over the accused to the nearest forest-office but shall inform such forest-office of the arrest.]

(2) Every officer seizing any property under this section shall place on such property a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made:

Provided that, when the forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Power to release property seized under section 52

53. Any Forest-officer of a rank not inferior to that of a Ranger who, or whose subordinate, has seized any tools, [44][vessels], vehicles or cattle under section 52, may release the same on the execution by the owner thereof of a bond for the production of the property so released, if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.

Procedure thereupon

54. Upon the receipt of any such report, the Magistrate shall, with all convenient dispatch, take such measures as may be necessary for the arrest and trial of the offender and the disposal of the property according to law.

Forest produce, tools, etc when liable to confiscation

55. (1) All timber or forest-produce which is not the property of Government and in respect of which a forest-offence has been committed, and all tools, boats, vehicles and used in committing any forest-offence, shall be liable to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal on conclusion of trial for forest-offence of produce in respect which it was committed

56. When the trial of any forest-offence is concluded, any forest-produce in respect of which such offence has been committed shall, if it is the property of Government or has been confiscated, be taken charge of by a Forest-officer, and, in any other case, may be disposed of in such manner as the Court may direct.

Procedure when offender not known, or cannot be found

57. When the offender is not known or cannot be found the Magistrate may, if he finds that an offence has been committed, order the property in respect of which the offence has been committed to be confiscated and taken charge of by the Forest-officer, or to be made over to the person whom the Magistrate deems to entitled to the same:-

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or with out hearing the person, if any, claiming any right thereto, and the evidence, if any, which he may produce in support of his claim.

Procedure as to perishable property seized under section 52

58. The Magistrate may, notwithstanding anything herein before contained, direct the sale of any property seized under section 52 and subject to speedy and natural decay, and may deal with the proceeds as he would have dealt with such property if it had not been sold.

Appeal from orders under section 55, section 56, or section 57

59. The officer who made the seizure under section 52, or any of his official superiors, or any person claiming to be interested in the property so seized, may, within one month from the date of any order passed under section 55, section 56 or section 57, appeal

therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the order passed on such appeal shall be final.

Property when to vest in Government

60. When an order for the confiscation of any property has been passed under section 55 or section 57, as the case may be, and the period limited by section 59 for an appeal from such order has elapsed, and no such appeal has been preferred, or when, on such an appeal being preferred, the Appellate Court confirms such order in respect of the whole or a portion of such property, such property or such portion thereof, as the case may be, shall vest in the Government free from all incumbrances.

Saving of power to release property seized

61. Nothing herein before contained shall be deemed to prevent any officer empowered in this behalf by the Government from directing at any time the immediate release of any property seized under section 52.

Punishment for wrongful seizure

62. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act shall be punishable with imprisonment for a term which may extend

to [45][one year and shall not be less than one month and shall also be liable to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka].

Penalty for counterfeiting or defacing marks on trees and timber and for altering boundary marks

63. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the [46][Penal Code] -

(a) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or

(b) alters, defaces or obliterates or obliterates any such mark placed on a tree or on timber by or under the authority of a Forest-officer; or

(c) alters, moves, destroys or defaces any boundary-mark of any forest or waste-land to which the provisions of this act are applied,

shall be punishable with imprisonment for a term which may extend to [47][seven years and shall not be less than two years and shall also be liable to fine which may extend to fifty thousand Taka and shall not be less than ten thousand Taka].

Some offence to be non-bailable

[48][63A. Notwithstanding anything contained in any other law for the time being in force, a forest-offence punishable under sub-section (1A) of section 26, sub-section (1A) of section 33 and section 63 shall be non-bailable.]

Power to arrest without warrant

64.(1) Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person against whom a reasonable suspicion exists of his having been concerned in any forest-offence punishable with imprisonment for one month or upwards.

(2) Every officer making an arrest under this section shall, without unnecessary delay and subject to the provisions of this Act as to release on bond take or send the person arrested before the Magistrate having jurisdiction in the case, or to the officer in charge of the nearest police-station.

(3) Nothing in this section shall be deemed to authorize such arrest for any act which is an offence under Chapter IV unless such act has been prohibited under clause(c) of section 30.

Power to release on a bond a person arrested

65. Any Forest-officer of a rank not inferior to that of a Ranger, who, or whose subordinate, has arrested any person under the provision of section 64, may release such person on his executing a bond to appear, if and when so required, before the Magistrate having jurisdiction in the case, or before the officer-in-charge of the nearest police-station [49][:

Provided that nothing in this section shall apply in a case where the person arrested is suspected of having committed any non-bailable offence under this Act.]

Power to prevent commission of offence

66. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to try offences summarily

67. The District Magistrate or any Magistrate of the first class specially empowered in this behalf by the Government may try summarily, under the Code of Criminal Procedure, 1898, any forest-offence punishable with imprisonment for a term not exceeding [50] [two years]. or fine not exceeding [51][ten thousand] Taka. or both.

Appointment of forest Magistrate

[52][67A. (1) The Government may, by notification in the official Gazette, appoint one or more Magistrate of the First Class to serve as a Forest magistrate to try offences exclusively under this Act, and also specify the territorial jurisdiction of such Magistrate.

(2) Notwithstanding anything contained in any other law in force, such Forest Magistrate shall have authority to impose any penalty specified under this Act.]

Power to compound offences

68. (1) The Government may, by notification in the official Gazette, empower a Forest-officer [53][not inferior to that of a Ranger] -

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in [54][section 26 (1A) or section 33 (1A) or] section 62 or section 63, a sum of money by way compensation for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer [55][and verified by another officer not below to the rank of a Divisional Forest Officer].

(2) On the payment of such sum of money, or such value, of both as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) [Omitted by section 29 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990).]

Presumption that forest produce belongs to Government

69. When in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the Government, such produce shall be presumed to be the property of the Government until the contrary is proved.

Prosecution of forest-offences

[56][69A. Notwithstanding anything contained in any other law for the time being in force, the Government may empower any Forest-officer not inferior to that of a Deputy Ranger to appear, plead and conduct the prosecution on behalf of the Government before any Court in any case where a forest-offence is under trial.]

CHAPTER X

CATTLE-TRESPASS

Cattle-tress-pass Act, 1871, to apply

70. Cattle trespassing in a reserved forest or in any portion of a protected forest which has been law fully closed to grazing shall be cattle doing damage to a public plantation within the meaning of section 11 of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer of Police-officer.

Power to alter fines fixed under that Act

71. The Government, may by notification in the official Gazette, direct that, in lieu of the fines fixed under section 12

of the Cattle-trespass Act, 1871, there shall be levied [57][per day

or part thereof] for each head of cattle impounded under section 70 of this Act such fines as it thinks fit, but not exceeding the following, that is to say:- [58][

CHAPTER XI

OF FORESTS OFFICERS

Government may invest Forest-Officers with certain powers

72. (1) The Government may invest any Forest-officer with all or any of the following powers, that is to say:-

(a) power to enter upon any land and to survey, demarcate and make a map of the same;

(b) the powers of a Civil Court to compel the attendance of witnesses and the production of documents and material objects;

(c) power to issue a search-warrant under the Code of Criminal Procedure, 1898; and

(d) power to hold an inquiry into forest-offences, and, in he course of such inquiry, to receive and record evidence.

(2) Any evidence recorded under clause (d) of sub-section (1) shall be admissible in any subsequent trial before a Magistrate, provided that it has been taken in the presence of the accused person.

Forest-officers deemed public servants

73. All Forest-officers shall be deemed to be public servants within the meaning of the [59][Penal Code].

Indemnity for acts done in good faith

74. No suit shall lie against any public servant for anything done by him in good faith under this Act [60][and no court may try such a public servant for a crime stemming from actions related to the public servant's official duty under this Act and occurring within the public servant's assigned geographical jurisdiction, unless the court first conducts a preliminary inquiry and verifies that there is credible evidence to support the basic elements of the complaint].

Forest-officers not to trade

75. Except with the permission in writing of the Government, no Forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease of any forest or any forest or in any contract for working any forest, whether in or outside Bangladesh.

CHAPTER XII

SUBSIDIARY RULES

Additional powers to make rules

76. The Government may make rules-

(a) to prescribe and limit the powers and duties of any Forest-officer under this Act;

(b) to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscation under this Act;

(c) for the preservation, reproduction and disposal of trees and timber belonging to Government, but grown on lands belonging to or in the occupation private of persons; and

(d) generally, to carry out the provisions of this Act .

Penalties for breach of rules

77. Any person contravening any rule under this Act, for the contravention of which no special penalty is provided, shall be punishable with imprisonment for a term which may extend to [61] [six month], or fine which may extend to [62][five thousand] Taka, or both.

Rules when to have force of law

78. All rules made by the Government under this Act shall be published in the official Gazette, and shall thereupon, so far as they are consistent with this Act, have effect as if enacted therein.

CHAPTER XIII

MISCELLANEOUS

Persons bound to assist Forest-officers and Police-officers

79. (1) Every person who exercises any right in a reserved or protected forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle, in, such forest, and every person who is employed by any such person in such forest, and

every person in any village contiguous to such forest who is employed by the [63][Government, or a local authority, or who receives emoluments from the Government or a local authority] for

services to be performed to the community,

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information he may possess respecting the commission of, or intention to commit, any forest-offence, and shall forthwith take steps, whether so required by any Forest-officer or police-officer or not,

(a) to extinguish any forest fire in such forest of which he has knowledge or information;

(b) to prevent by any lawful means in his power any fire in the vicinity of such forest of which he has knowledge or information from spreading to such forest,

and shall assist any Forest-officer or Police-officer demanding his aid

(c) in preventing the commission in such forest of any forest-offence; and

(d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

(2) Any person who, being bound so to do, without lawful excuse (the burden of proving which shall lie upon such person) fails□

(a) to furnish without unnecessary delay to the nearest Forest-officer or Police-officer any information required by sub-section (1);

(b) to take steps as required by sub-section (1) to extinguish any forest fire in a reserved or protected forest;

(c) to prevent, as required by sub-section (1), any fire in the vicinity of such forest from spreading to such forest; or

(d) to assist any Forest-officer or Police-officer demanding his aid in preventing the commission in such forest of any forest-offence, or, when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender;

shall be punishable with imprisonment for a term which may extend to [64][three months], or with fine which may extend to [65][two thousand] Taka, or with both.

Management of forests the joint property of Government and other persons

80. (1) If the Government and any person be jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the Government may either□

(a) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same; or

(b) issue such regulations for the management of the forest, waste-land or produce by the person so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

(2) When the Government undertakes under clause (a) of sub-

section (1) the management of any forest, waste-land or produce, it may, by notification in the official Gazette, declare that any of the provisions contained in Chapters II and IV shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

Failure to perform service for which a share in produce of Government forest is enjoyed

81. If any person be entitled to a share in the produce of any forest which is the property of Government or over which the Government has proprietary rights or to any part of the forest-produce of which the Government is entitled, upon the condition of duly performing any service connected with such forest, such share shall be liable to confiscation in the event of the fact being established to the satisfaction of the Government that such service is no longer so performed:

Provided that no such share shall be confiscated until the person entitled thereto, and the evidence, if any, which he may produce in proof of the due performance of such service, have been heard by an officer duly appointed in that behalf by the Government.

Recovery of money due to Government

82. All money payable to the Government under this Act, or under any rule made under this Act, or on account of the price of any forest-produce, or of expenses incurred in the execution of this Act in respect of such produce, may, if not paid when due, be recovered under the law for the time being in force as if it were an arrear of land-revenue.

Lien on forest-produce for such money

83.(1) When any such money is payable for or in respect of any forest-produce, the amount thereof shall be deemed to be a first charge on such produce and such produce may be taken possession of by a Forest-officer until such amount has been paid.

(2) If such amount is not paid when due, the Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus, if any, if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

Land required under this Act to be deemed to be needed for a public purpose under the Acquisition and Requisition of Immovable

84. Whenever it appears to the Government that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of [66] [section 5(2) of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)].

Property Ordinance, 1982

Recovery of penalties due under bond

85. When any person, in accordance with any provision of this Act, or in compliance with any rule made thereunder, binds himself by any bond or instrument to perform any duty or act, or covenants by any bond or instrument that he, or that he and his servants and agents will abstain from any act, the whole sum mentioned in such bond or instrument as the amount to be paid in case of a breach of the conditions thereof may, notwith-standing anything in section 74 of the Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land revenue.

[67][Omitted]

85A. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

[68][Omitted]

86. [Omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973).]

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[1] Throughout this Act, except otherwise provided, the words 'Bangladesh', 'Government' and 'Taka' were substituted, for the words 'Pakistan', 'Provincial Government' and 'rupees' respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[2] Sub-section (2) was substituted, for sub-section (2) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[3] Clause (4A) was inserted by section 2 of the Indian Forest (Amendment) Act, 1933 (Act No. III of 1933)

[4] The words 'or any land suitable for afforestation' were inserted by section 2of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[5] The word 'Bengali' was substituted, for the words 'the local vernacular' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[6] The words 'and not more than four months' were inserted by section 3 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[7] The words, comma, figures and brackets 'Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)' were substituted, for the words, comma and figure 'Land Acquisition Act, 1894' by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[8] The words, comma, figures and brackets 'Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)' were substituted, for the words, comma and figure 'Land Acquisition Act, 1894' by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[9] The comma and words ', or wholly in money' were inserted by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[10] Section 16A was inserted by section 2 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[11] Sections 17 and 18 were substituted, for sections 17 and 18 by section 5 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[12] Sub-section (2) was substituted, for sub-section (2) by section 3 of the Forest (Amendment) Act, 2000 (Act No. X of 2000).

[13] The words 'the Divisional Commissioner' were substituted, for the words 'the appellate officer or Court' by section 6 of the Forest

(Amendment) Act, 1990 (Act No. VIII of 1990)

[14] The words 'Divisional Commissioner' were substituted, for the words 'appellate officer or Court' by section 7 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[15] The words, commas, figures and brackets 'Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982), have become vested in the Government under section 11 of that Ordinance' were substituted, for the words, commas and figures 'Land Acquisition Act, 1894, have become vested in the Government under section 16 of that Act' by section 7 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990).

[16] The words 'cause it' were substituted, for the words 'cause a translation thereof into the local vernacular' by section 8 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[17] Sub-sections (1) and (1A) were substituted, for sub-section (1) by section 9 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[18] The words 'or cultivates or attempts to cultivate any land in any other manner' were inserted by section 4 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[19] The words 'OF VILLAGE-FOREST AND SOCIAL FORESTRY' were substituted, for the words 'OF VILLAGE-FORESTS' by section 5 of the Forest (Amendment) Act, 2000 (Act No. X of 2000).

[20] Sections 28A and 28B were inserted by section 6 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[21] The words 'or charland' were added by section 7 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[22] The words 'or charland' were added by section 7 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[23] The words and comma 'breaking up, cleaning or use' were substituted, for the words 'breaking up or clearing' by section 8 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[24] The word 'Bengali' was substituted, for the words 'the local vernacular' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[25] The words, commas and figure 'and the killing or catching of elephants in such forests in areas in which the Elephants Preservation Act, 1879, is not in force' were omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[26] Clause (4A) was inserted by section 2 of the Indian Forest (Amendment) Act, 1933 (Act No. III of 1933)

[27] Sub-sections (1) and (1A) were substituted, for sub-section (1) by section 10 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[28] A semi-colon was substituted, for comma (,) at the end of clause (f) by section 9 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[29] Clause (g) was added by section 9 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[30] The words 'or cultivates or attempts to cultivate any land in any other manner' were inserted by section 9 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[31] The words 'or any land suitable for afforestation' were inserted by section 2of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[32] The word 'Bengali' was substituted, for the words 'the local vernacular' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[33] The words 'and not more than four months' were inserted by section 3 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[34] The words, comma, figures and brackets 'Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)' were substituted, for the words, comma and figure 'Land Acquisition Act, 1894' by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[35] Sections 38A, 38B, 38C and 38D were inserted by section 10 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[36] The word 'Bangladesh' was substituted, for the words 'the Province' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[37] The words and commas 'establishment of wood based industries including saw-mils, saw-pits, furniture-marts and brick-fields' were substituted, for the words 'establishment of saw-pits' by section 11 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[38] The words, comma, figures and brackets 'Acquisition and Requisition of Immovable Property Ordinance, 1982 (Ordinance No. II of 1982)' were substituted, for the words, comma and figure 'Land Acquisition Act, 1894' by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[39] The words 'three years and shall not be less than two months and shall also be laible to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka' were substituted, for the words and commas 'six months, or fine which may extend to five hundred Taka, or both' by section 12 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[40] The words 'three years and shall not be less than two months and shall also be laible to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka' were substituted, for the words and commas 'six months, or fine which may extend to five hundred Taka, or both' by section 12 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[41] The word 'vessels' was substituted, for the word 'boats' by section 14 of the Forest (Amendment) Act, 1990 (Act No. VIII

[42] The words 'or any other officer authorized in this behalf by or under any other law inforce' were added by section 11 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[43] Sub-section (1a) was inserted by section 11 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[44] The word 'vessels' was substituted, for the word 'boats' by section 15 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[45] The words 'one year and shall not be less than one month and shall also be liable to fine which may extend to ten thousand Taka and shall not be less than two thousand Taka' were substituted, for the words and commas 'six months, or with fine which may extend to five hundred Taka, or both' by section 16 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[46] The words 'Penal Code' were substituted, for the words 'Pakistan Penal Code' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[47] The words 'seven years and shall not be less than two years and shall also be liable to fine which may extend to fifty thousand Taka and shall not be less than ten thousand Taka' were substituted, for the words and commas 'two years, or with fine, or with both' by section 17 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[48] Section 63A was inserted by section 18 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[49] Colon was substituted, for the full-stop at the end of section 65 and thereafter the proviso was added by section 19 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990).

[50] The words 'two years' were substituted, for the words 'six months' by section 20 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[51] The words 'ten thousand' were substituted, for the words 'five hundred' by section 20 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[52] Section 67A was inserted by section 12 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[53] The words 'not inferior to that of a Ranger' were inserted by section 21 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[54] The words, figures, brackets and letters 'section 26(1A) or section 33 (1A) or' were inserted by section 21 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[55] The words 'and verified by another officer not below to the rank of a Divisional Forest Officer' were added by section 13 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[56] Section 69A was inserted by section 22 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[57] The words 'per day or part thereof' were inserted by section 14 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[58] The words 'Taka one thousand' were substituted, for the words 'ten Taka' by section 23 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[59] The words 'Penal Code' were substituted, for the words 'Pakistan Penal Code' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[60] The words 'and no court may try such a public servant for a crime stemming from actions related to the public servant's official duty under this Act and occurring within the public servant's assigned geographical jurisdiction, unless the court first conducts a preliminary inquiry and verifies that there is credible evidence to support the basic elements of the complaint' were added by section 15 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

[61] The words 'six months' were substituted, for the words 'one month' by section 24 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[62] The words 'five thousand' were substituted, for the words 'five hundred' by section 24 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[63] The words and commas 'Government, or a local authority, or who receives emoluments from the Government or a local authority' were substituted, for the words and comma 'Government, or who receives emoluments from the Government' by section 25 of the Forest (Amendment) Act, 1990 (Act VIII of 1990)

[64] The words 'three months' were substituted, for the words 'one month' by section 25 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[65] The words 'two thousand' were substituted, for the words 'two hundred' by section 25 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[66] The words, figures, brackets and comma 'section 5(2) of the Acquisition and Requisition of Immovable Property Ordinance, 1982 (II of 1982)' were substituted, for the words, figures and comma 'section 4 of the Land Acquisition Act, 1894' by section 26 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[67] The comma and words ', or wholly in money' were inserted by section 4 of the Forest (Amendment) Act, 1990 (Act No. VIII of 1990)

[68] Section 16A was inserted by section 2 of the Forest (Amendment) Act, 2000 (Act No. X of 2000)

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The Environment Conservation Rules, 1997

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Un-official English Version

The Environment Conservation Rules, 1997

[Bangla text of the Rules was published in the Bangladesh Gazette, Extra-ordinary Issue of 28-8-1997 and amended by Notification SRO 29-Law/2002 of 16 February 2002.]

Government of the People's Republic of Bangladesh
Ministry of Environment and Forest

NOTIFICATION

Date, 12 Bhadra 1404/27 August 1997

S.R.O. No. 197-Law/97- In exercise of the powers conferred by section 20 of the Bangladesh Environment Conservation Act, 1995 (Act 1 of 1995), the Government is pleased to make the following Rules:-

1. **Short Title** . – These Rules may be called the Environment Conservation Rules, 1997.

2. [1]**Definitions.** – In these Rules, unless there is anything contrary to the subject or context --

"Act" means Bangladesh Environment Conservation Act, 1995 (Act I of 1995); *[Ref. clause (b)]*

"Department" means the Department of Environment established under sub-section (1) of section 3 of the Act; *[Ref. clause (a)]*

"Form" means a form appended to these Rules; *[Ref. clause (e)]*

"local authority" means the City Corporation in relation to a metropolitan area, the Municipality in relation to a municipal area and the Union Parishad in relation to a rural area; *[Ref. clause (g)]*

"parameter" means the characteristics of a standard; *[Ref. clause (f)]*

"Schedule" means a schedule appended to these Rules; *[Ref. clause (c)]*

"section" means a section of the Act. *[Ref. clause (d)]*

3. **Declaration of Ecologically Critical Area** – (1) The Government shall take the following factors into consideration while declaring any area as Ecologically Critical Area under sub-section (1) of section 5:-

(a) human habitat;

[1] The definitions are re-arranged in English alphabetical order with reference to the relevant clause of rule 2 as in the Bangla text.

(b) ancient monument;

(c) archeological site;

(d) forest sanctuary;

(e) national park;

(f) game reserve;

(g) wild animals habitat;

(h) wetland;

(i) mangrove;

(j) forest area;

(k) bio-diversity of the relevant area; and

(l) other relevant factors.

(2) The Government shall, in accordance with the standards referred to in rules 12 and 13, specify the activities or processes which can not be continued or initiated in an Ecologically Critical Area.

[1]4. **Vehicles emitting smoke injurious to health and otherwise harmful.-** (1) The owner of a vehicle using petrol, diesel and gas as fuel shall, before registration of the vehicle or renewal of its fitness certificate under the Motor Vehicles Ordinance, 1983 (LV of 1983), hereinafter referred to as the said Ordinance, ensure that a catalytic converter or a diesel particulate filter is fitted in the vehicle.

(2) If a vehicle is not fitted with the apparatus mentioned in sub-rule (1) and if it violates the standards specified in schedule 6 or, as the case may be, 7, the vehicle shall be deemed to be a vehicle emitting smoke harmful to the environment or injurious to health.

5. **Application relating to pollution or degradation of environment.** – (1) Any person affected or likely to be affected as mentioned in sub-section (1) of section 8 may apply to the Director General in Form-1 for remedy of the damage or apprehended damage.

(2) The Director General shall, within three months of receiving an application under sub-rule (1), dispose it of in accordance with sub-section (2) of section 8.

6. **Notice for collection of Sample.** – An officer intending to collect a sample under sub-section (3) of section 11 shall send to the occupier of the concerned place or his agent a notice in accordance with Form-2 about his intention.

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[1] Rule 4 was substituted by MoEF Notification No. SRO 29-Law/2002 of 16 February 2002, w.e.f 28 February 2002.

7. **Procedure for issuing Environmental Clearance Certificate**. – (1) For the purpose of issuance of Environmental Clearance Certificate, the industrial units and projects shall, in consideration of their site and impact on the environment, be classified into the following four categories:-

(a) Green;

(b) Orange – A;

(c) Orange – B; and

(d) Red.

(2) Industries and projects included in the various categories as specified in sub-rule (1) have been described in Schedule – 1.

(3) Environmental Clearance Certificate shall be issued to all existing industrial units and projects and to all proposed industrial units and projects falling in the Green Category.

(4) For industrial units and projects falling in the Orange – A, Orange – B and Red categories, firstly a Location Clearance Certificate and thereafter an Environmental Clearance Certificate shall be issued:

Provided that the Director General may, without issuing a Location Clearance Certificate at the first instance, directly issue Environmental Clearance Certificate if he, on the application of an industrial unit or project, considers it appropriate to issue such certificate to the industrial unit or project.

(5) The entrepreneur of the concerned industrial unit or project shall apply to the concerned Divisional Officer of the Department in Form-3 along with appropriate fees as specified in Schedule – 13.

(6) The following documents shall be attached with an application made under sub-rule (5):-

(a) **For Green Category:**

(i) general information about the industrial unit or project;

(ii) exact description of the raw materials and the manufactured product; and

(iii) no objection certificate from the local authority;

(b) **For Orange – A Category:**

(i) general information about the industrial unit or project;

(ii) exact description of the raw materials and the manufactured product;

(iii) no objection certificate from the local authority;

(iv) process flow diagram;

(v) Layout Plan (showing location of Effluent Treatment Plant);

(vi) effluent discharge arrangement;

(vii) outlines of the plan for relocation, rehabilitation (if applicable);

(viii) other necessary information (if applicable);

(c) **For Orange – B Category:**

(i) report on the feasibility of the industrial unit or project (applicable only for proposed industrial unit or project);

(ii) report on the Initial Environmental Examination of the industrial unit or project, and also the process flow diagram, Layout Plan (showing location of Effluent Treatment Plant), design of the Effluent Treatment Plant (ETP) of the unit or project (these are applicable only for a proposed industrial unit or project);

(iii) report on the Environmental Management Plan (EMP) for the industrial unit or project, and also the Process Flow Diagram, Layout Plan (showing location of Effluent Treatment Plant), design of the Effluent Treatment Plant and information about the effectiveness of the ETP of the unit or project, (these are applicable only for an existing industrial unit or project);

(iv) no objection certificate from the local authority;

(v) emergency plan relating adverse environmental impact and plan for mitigation of the effect of pollution;

(vi) outline of the relocation, rehabilitation plan (where applicable);

(vii) other necessary information (where applicable).

(d) **For Red Category:**

(i) report on the feasibility of the industrial unit or project (applicable only for proposed industrial unit or project);

(ii) report on the Initial Environmental Examination (IEE) relating to the industrial unit or project, and also the terms of reference for the Environmental

THE SALE OF GOODS ACT, 1930

(ACT NO. III OF 1930)

[*15th March, 1930*]

An Act to define and amend the law relating to the sale of goods.

WHEREAS it is expedient to define and amend the law relating to the sale of goods;

It is hereby enacted as follows:-

CHAPTER I

PRELIMINARY

Short title, extent and commencement

1. (1) This Act may be called the Sale of Goods Act, 1930.

(2) It extends to the whole of [1][Bangladesh].

(3) It shall come into force on the first day of July, 1930.

Definitions

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

(1) "buyer" means a person who buys or agrees to buy goods;

(2) "delivery" means voluntary transfer of possession from one person to another;

(3) goods are said to be in a "deliverable state" when they are in such state that the buyer would under the contract be bound to take delivery of them;

(4) "document of title to goods" includes a bill of lading dock-warrant, warehouse keeper's certificate, whar-fingers' certificate, railway receipt. warrant or order for the delivery of goods and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented;

(5) "fault" means wrongful act or default;

(6) "future goods" means goods to be manufactured or produced or acquired by the seller after the making of the contract of sale;

(7) "goods" means every kind of moveable property other than actionable claims and money; and includes electricity, water, gas, stock and shares, growing crops, grass, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale;

(8) a person is said to be "insolvent" who has ceased to pay his debts in the ordinary course of business, or cannot pay his debts as they become due, whether he has committed an act of insolvency or not;

(9) "mercantile agent" means a mercantile agent having in the customary course of business as such agent authority either to sell goods, or to consign goods for the purposes of sale, or to buy goods, or to raise money on the security of goods;

(10) "price" means the money consideration for a sale of goods;

(11) "Property" means the general property in goods, and not merely a special property;

(12) "quality of goods" includes their state or condition;

(13) "seller" means a person who sells or agrees to sell goods;

(14) "specific goods" means goods identified and agreed upon at the time a contract of sale is made; and

(15) expressions used but not defined in this Act and defined in the Contract Act. 1872, have the meanings assigned to them in that Act.

Application of provisions of Act IX of 1872

3. The unrepealed provisions of the Contract Act, 1872, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to contracts for the sale of goods.

CHAPTER II

FORMATION OF THE CONTRACT

Contract of Sale

Sale and agreement to sell

4. (1) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a price. There may be a contract of sale between one part-owner and another.

(2) A contract of sale may be absolute or conditional.

(3) Where under a contract of sale the property in the goods is transferred from the seller to the buyer, the contract is called a sale, but where the transfer of the property in the goods is to take place at a future time or subject to some condition thereafter to be fulfilled, the contract is called an agreement to sell.

(4) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred.

Formalities of the contract

Contract of sale how made

5. (1) A contract of sale is made by an offer to buy or sell goods for a price and the acceptance of such offer. The contract may provide for the immediate delivery of the goods or immediate payment of the price or both, or for the delivery or payment by instalments, or that the delivery or payment or both shall be postponed.

(2) Subject to the provisions of any law for the time being in force, a contract of sale may be made in writing or by word of mouth, or partly in writing and partly by word of mouth or may be implied from the conduct of the parties.

Subject-matter of Contract.

Existing of future goods

6. (1) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or future goods.(2) There may be a contract for the sale of goods the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods.

Goods perishing before making of contract

7. Where there is a contract for the sale of specific goods, the contract is void if the goods without the knowledge of the seller have, at the time when the contract was made, perished or become so damaged as no longer to answer to their description in the contract.

Goods perishing before sale but after agreement to sell

8. Where there is an agreement to sell specific goods, and subsequently the goods without any fault on the part of the seller or buyer perish or become so damaged as no longer to answer to their description in the agreement before the risk passes to the buyer, the agreement is thereby avoided.

The Price

Ascertainment of price

9. (1) The price in a contract of sale may be fixed by the contract or may be left to be fixed in manner thereby agreed or may be determined by the course of dealing between the parties.

(2) Where the price is not determined in accordance with the foregoing provisions, the buyer shall pay the seller a reasonable price. What is a reasonable price is a question of fact dependent on

the circumstances of each particular case.

Agreement to sell at valuation

10. (1) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party and such third party cannot or does not make such valuation, the agreement is thereby avoided:

Provided that, if the goods or any part thereof have been delivered to, and appropriated by, the buyer, he shall pay a reasonable price therefor.

(2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain a suit for damages against the party in fault.

Conditions and Warranties

Stipulations as to time

11. Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale. Whether any other stipulation as to time is of the essence of the contract or not depends on the terms of the contract.

Condition and warranty

12. (1) A stipulation in a contract of sale with reference to goods which are the subject thereof may be a condition or a warranty.

(2) A condition is a stipulation essential to the main purpose of the contract, the breach of which gives rise to right to treat the contract as repudiated.

(3) A warranty is a stipulation collateral to the main purpose of the contract, the breach of which gives rise to a claim for damages but not to a right to reject the goods and treat the contract as repudiated.

(4) Whether a stipulation in a contract of sale is a condition or a warranty depends in each case on the construction of the contract. A stipulation may be a condition, though called a warranty in the contract.

When condition to be treated as warranty

13. (1) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive the condition or elect to treat the breach of the condition as a breach of warranty and not as a ground for treating the contract as repudiated.

(2) Where a contract of sale is not severable and the buyer has accepted the goods or part thereof, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty

and not as a ground for rejecting the goods and treating the contract as repudiated, unless there is a term of the contract, express or implied, to that effect.

(3) Nothing in this section shall effect the case of any condition or warranty fulfilment of which is excused by law by reason of impossibility or otherwise.

Implied undertaking as to title, etc

14. In a contract of sale, unless the circumstances of the contract are such as to show a different intention there is-

(a) an implied condition on the part of the seller that, in the case of a sale, he has a right to sell the goods and that, in the case of an agreement to sell, he will have a right to sell the goods at the time when the property is to pass;

(b) an implied warranty that the buyer shall have and enjoy quiet possession of the goods;

(c) an implied warranty that the goods shall be free from any charge or encumbrance in favour of any third party not declared or known to the buyer before or at the time when the contract is made.

Sale by description

15. Where there is a contract for the sale of goods by description, there is an implied condition that the goods shall correspond with the description; and, if the sale is by sample as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

Implied conditions as to quality or fitness

16. Subject to the provisions of this Act and of any other law for the time being in force, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows:-

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he is the manufacturer or producer or not), there is an implied condition that the goods shall be reasonably fit for such purpose:

Provided that, in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose.

(2) Where goods are bought by description from a seller who deals in goods of that description (whether he is the manufacturer or producer or not), there is an implied condition that the goods shall

be of merchantable quality:

Provided that, if the buyer has examined the goods, there shall be no implied condition as regards defects which such examination ought to have revealed.

(3) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(4) An express warranty or condition does not negative a warranty or condition implied by this Act unless inconsistent therewith.

Sale by sample

17. (1) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect.

(2) In the case of a contract for sale by sample there is an implied condition-

(a) that the bulk shall correspond with the sample in quality;

(b) that the buyer shall have a reasonable opportunity of comparing the bulk with the sample;

(c) that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

CHAPTER III

EFFECTS OF THE CONTRACT

Transfer of Property as between Seller and Buyer

Goods must be ascertained

18. Where there is a contract for the sale of unascertained goods, no property in the goods is transferred to the buyer unless and until goods are ascertained.

Property passes when intended to pass

19. (1) Where there is a contract for the sale of specific or ascertained goods the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties regard shall be had to the terms of the contract, the conduct of the parties and the circumstances of the case.

(3) Unless a different intention appears, the rules contained in section 20 to 24 are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

Specific goods in a deliverable state

20. Where there is an unconditional contract for the sale of specific goods in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment to the price or the time of delivery of the goods, or both, is postponed.

Specific goods to be put into a deliverable state

21. Where there is a contract for the sale of specific goods and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state, the property does not pass until such thing is done and the buyer has notice thereof.

Specific goods in a deliverable state, when the seller has to do anything thereto in order to ascertain price

22. Where there is a contract for the sale of specific goods in a deliverable state, but the seller is bound to weigh measure, test or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing is done and the buyer has notice thereof.

Sale of unascertained goods and appropriation

23.(1) Where there is a contract for the sale of unascertained or future goods by description and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied, and may be given either before or after the appropriation is made.

Delivery to carrier

(2) Where, in pursuance of the contract, the seller delivers the goods to the buyer or to a carrier or other bailee (whether named by the buyer or not, for the purpose of transmission to the buyer, and does not reserve the right of deposal, he is deemed to have unconditionally appropriated the goods to the contract.

Goods sent on approval or

24. When goods are delivered to the buyer on approval or "on sale or return" or other similar terms, the property therein passes to the buyer-

(a) when he signifies his approval or acceptance to the seller or does any other act adopting the transaction;

(b) if he does not signify his approval or acceptance to the seller but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration

of such time, and, if no time has been fixed, on the expiration of a reasonable time.

Reservation of right of disposal

25.(1) Where there is a contract for the sale of specific goods or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of disposal of the goods until certain conditions are fulfilled. In such case, notwithstanding the delivery of the goods to a buyer, or to a carrier or other bailee for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

(2) Where goods are shipped or are dispatched by railway and are by the bill of lading or by railway receipt deliverable to the order of the seller or his agent the seller is prima facie deemed to reserve the right of disposal.

(3) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading or railway receipt to the buyer together, to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading or railway receipt if he does not honour the bill of exchange and if he wrongfully retains the bill of lading or railway receipt the property in the goods does not pass to him.

Risk prima facie passes with property

26. Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not:

Provided that, where delivery has been delayed through the fault of either buyer or seller, the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault:

Provided also that nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee of the goods of the other party.

Transfer of Title

Sale by person not the owner

27. Subject to the provisions of this Act and of any other law for the time being in force, where goods are sold by a person who is not the owner thereof and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title of the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell:

Provided that where the mercantile agent is, with the consent of the owner, in possession of the goods or of a document of title to the

goods, any sale made by him, when acting in the ordinary course of business of a mercantile agent, shall be as valid as if he were expressly authorized by the owner of the goods to make the same; provided that the buyer acts in good faith and has not at the time of the contract of sale notice that the seller has not authority to sell.

Safe by one of joint owners

28. If one of several joint owners of goods has the sole possession of them by permission of the co-owners, the property in the goods is transferred to any person who buys them of such joint owner in good faith and has not at the time of the contract of sale notice that the seller has not authority to sell.

Sale by person in possession under voidable contract

29. When the seller of goods has obtained possession thereof under a contract voidable under section 19 or section 19A of the Contract Act, 1872, but the contract has not been rescinded at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defect of title.

Seller or buyer in possession after sale

30. (1)Where a person, having sold goods, continues or is in possession of the goods or of the documents of title to the goods, the delivery or transfer by that person or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge or other disposition thereof to any person receiving the same in good faith and without notice of the previous sale shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

CHAPTER IV

PERFORMANCE OF THE CONTRACT

Duties of seller and buyer

31. It is the duty of the seller to deliver the goods and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale.

Payment and delivery are concurrent conditions

32. Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions, that is to say, the seller shall be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer shall be ready and willing to pay the price in exchange for possession of the goods.

Delivery

33. Delivery of goods sold may be made by doing anything which the parties agree shall be treated as delivery or which has the effect of putting the goods in the possession of the buyer or of any person authorized to hold them on his behalf.

Effect of part delivery

34. A delivery of part of goods, in progress of the delivery of the whole, has the same effect, for the purpose of passing the property in such goods, as a delivery of the whole; but a delivery of part of the goods, with an intention of severing it from the whole, does not operate as a delivery of the remainder.

Buyer to apply for delivery

35. Apart from any express contract, the seller of goods is not bound to deliver them until the buyer applies for delivery.

Rule as to delivery

36. (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, goods sold are to be delivered at the place at which they are at the time of

the sale, and goods agreed to be sold are to be delivered at the place at which they are at the time of the agreement to sell, or if not then in existence, at the place at which they are manufactured or produced.

(2) Where under the contract of the sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf:

Provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state shall be borne by the seller.

Delivery of wrong

37. (1) Where the seller delivers to the buyer a quantity of goods

quantity

less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered he shall pay for them at the contract rate.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered, he shall pay for the at them contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement or course of dealing between the parties.

Instalment deliveries

38. (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments.

(2) Where there is a contract for the sale of goods to be delivered by stated instalments which are to be separately paid for, and the seller makes no delivery or defective delivery in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract and the circumstances of the case, whether the breach of contract is a repudiation of the whole contract, or whether it is a severable breach giving rise to a claim for compensation, but not to a right to treat the whole contract as repudiated.

Delivery to carrier or wharfinger

39. (1) Where, in pursuance of a contract of sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer, or delivery of the goods to a wharfinger for safe custody, is prima facie deemed to be a delivery of the goods to the buyer.

(2) Unless otherwise authorized by the buyer, the seller shall make such contract with the carrier or wharfinger on behalf of the buyer as may be reasonable having regard to the nature of the goods and the other circumstances of the case. If the seller omits, so to do, and the goods are lost or damaged in course of transit or whilst in the custody of the wharfinger, the buyer may decline to treat the delivery to the carrier of wharfinger as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer by a route involving sea transit, in circumstances in which it is usual to insure, the seller shall give such notice to the buyer as may enable him to insure them during their sea transit, and if the seller fails so to do, the goods shall be deemed to be at his risk during such sea transit.

Risk where goods are delivered at distant place

40. Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer shall, nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit.

Buyer's right of examining the goods

41. (1) Where goods are delivered to the buyer which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

Acceptance

42. The buyer is deemed to have accepted the goods when he intimates to the seller, that he has accepted them, or when the goods have been delivered to him and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

Buyer not bound to return rejected goods

43. Unless otherwise agreed, where goods are delivered to the buyer and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them.

Liability of buyer for neglecting or refusing delivery of goods

44. When the seller is ready and willing to deliver the goods and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods:

Provided that nothing in this section shall affect the rights of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract.

CHAPTER V

RIGHTS OF UNPAID SELLER AGAINST THE GOODS

45. (1) The seller of goods is deemed to be an "unpaid seller" within the meaning of this Act□ (a) when the whole of the price has not been paid or tendered;

(b) when a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has not been fulfilled by reason of the dishonour of the instrument or otherwise.

(2) In this Chapter, the term "seller" includes any person who is in the position of a seller, as, for instance, an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price.

Unpaid seller's rights

46. (1) Subject to the provisions of this Act and of any law for the time being in force, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law-

(a) a lien on the goods for the price while he is in possession of them;

(b) in case of the insolvency of the buyer a right of stopping the goods in transit after he has parted with the possession of them;

(c) a right of re-sale as limited by this Act.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage in transit where the property has passed to the buyer.

Unpaid Seller's Lien.

Seller's lien

47. (1) Subject to the provisions of this Act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely:-

(a) Where the goods have been sold without any stipulation as to credit;

(b) Where the goods have been sold on credit, but the term of credit has expired;

(c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Part delivery

48. Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an agreement to waive the lien.

49 Termination of lien

49.(1) The unpaid seller of goods loses his lien thereon□

(a) when he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods;

(b) when the buyer or his agent lawfully obtains posses-sion of the goods;

(c) by waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained a decree for the price of the goods.

Stoppage in Transit

Right of stoppage in transit

50. Subject to the provisions of this Act, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transit, that is to say, he may resume possession of the goods as long as they are in the course of transit, and may retain them until payment or tender of the price.

Duration of transit

51.(1) Goods are deemed to be in course of transit from the time when they are delivered to a carrier or other bailee for the purpose of transmission to the buyer, until the buyer or his agent in that behalf takes delivery of them from such carrier or other bailee.

(2) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination, the transit is at an end.

(3) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent, the transit is at an end and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(4) If the goods are rejected by the buyer and the carrier or other bailee continues in possession of them, the transit is not deemed to be at end, even if the seller has refused to receive them back.

(5) When goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(6) Where the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf, the transit is deemed to be at an end.

(7) Where part delivery of the goods has been made to the buyer or his agent in that behalf, the remainder of the goods may be stopped in transit, unless such part delivery has been given in such circumstances as to show an agreement to give up possession of the whole of the goods.

How stoppage in transit is effected

52.(1) The unpaid seller may exercise his right of stoppage in transit either by taking actual possession of the goods, or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, shall be given at such time and in such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent a delivery to the buyer.

Transfer by Buyer and Seller

53.(1) Subject to the provisions of this Act, the unpaid seller's right of lien or stoppage in transit is not affected by any sale or other disposition of the goods which the buyer may have made, unless the seller has assented thereto:

Provided that where a document of title to goods has been issued or lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for consideration, then, if such last mentioned transfer was by way of sale, the unpaid seller's right of lien or stoppage in transit is defeated, and, if such last mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or stoppage in transit can only be exercised subject to the rights of the transferee.

(2) Where the transfer is by way of pledge, the unpaid seller may require the pledgee to have the amount secured by the pledge satisfied in the first instance, as far as possible, out of any other goods or securities of the buyer in the hands of the pledgee and available against the buyer.

Transfer by Buyer and Seller

Effect of sub-sale or pledge by buyer

53.(1) Subject to the provisions of this Act, the unpaid seller's right of lien or stoppage in transit is not affected by any sale or other disposition of the goods which the buyer may have made, unless

the seller has assented thereto:

Provided that where a document of title to goods has been issued or lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for consideration, then, if such last mentioned transfer was by way of sale, the unpaid seller's right of lien or stoppage in transit is defeated, and, if such last mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or stoppage in transit can only be exercised subject to the rights of the transferee.

(2) Where the transfer is by way of pledge, the unpaid seller may require the pledgee to have the amount secured by the pledge satisfied in the first instance, as far as possible, out of any other goods or securities of the buyer in the hands of the pledgee and available against the buyer.

Sale not generally rescinded by lien or stoppage in transit

54.(1) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or stoppage in transit.

(2) Where the goods are of a perishable nature, or where the unpaid seller who has exercised his right of lien or stoppage in transit gives notice to the buyer of his intention to re-sell, the unpaid seller may, if the buyer does not within a reasonable time pay or tender the price, re-sell the goods within a reasonable time and recover from the original buyer damages for any loss occasioned by his breach of contract, but the buyer shall not be entitled to any profit which may occur on the re-sale. If such notice is not given, the unpaid seller shall not be entitled to recover such damages and the buyer shall be entitled to the profit, if any, on the re-sale.

(3) Where an unpaid seller who has exercised his right of lien or stoppage in transit re-sells the goods, the buyer acquires a good title thereto as against the original buyer, notwithstanding that no notice of the re-sale has been given to the original buyer.

(4) Where the seller expressly reserves a right of re-sale in case the buyer should make default, and, on the buyer making default, re-sells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim which the seller may have for damages.

CHAPTER VI

SUITS FOR BREACH OF THE CONTRACT

Suit for price

55.(1) Where under a contract of sale the property in the goods has passed to the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may sue him for the price of the goods.

(2) Where under a contract of sale the price is payable on a day

certain irrespective of delivery and the buyer wrongfully neglects or refuses to pay such price, the seller may sue him for the price although the property in the goods has not passed and the goods have not been appropriated to the contract.

Damages for non-acceptance

56. Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may sue him for damages for non-acceptance.

Damages for non-delivery

57. Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may sue the seller for damages for non-delivery.

Specific performance

58. Subject to the provisions of Chapter II of the Specific Relief Act, 1877, in any suit for breach of contract to deliver specific or ascertained goods, the Court may, if it thinks fit, on the application of plaintiff, by its decree direct that the contract shall be performed specifically, without giving the defendant the option of retaining the goods on payment of damages. The decree may be unconditional, or upon such terms and conditions as to damages, payment of the price or otherwise, as the Court may deem just, and the application of the plaintiff may be made at any time before the decree.

Remedy for breach of warranty

59.(1) Where there is a breach of warranty by the seller, or where the buyer elects or is compelled to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject other goods; but he may□

(a) set up against the seller the breach of warranty in diminution or extinction of the price; or

(b) sue the seller for damages for breach of warranty.

(2) The fact that a buyer has set up a breach of warranty in diminution or extinction of the price does not prevent him from suing for the same breach of warranty if he has suffered further damage.

Repudiation of contract before due date

60. Where either party to a contract of sale repudiates the contract before the date of delivery, the other may either treat the contract as subsisting and wait till the date of delivery, or he may treat the contract as rescinded and use for damages for the breach.

Interest by way of damages and special damages

61. (1) Nothing in this Act shall affect the right of the seller or the buyer to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover the money paid where the consideration for the payment of it has failed.

(2) In the absence of a contract to the contrary, the Court may award interest at such rate as it thinks fit on the amount of the price-

(a) to the seller in a suit by him for the amount of the price-from the date of the tender of the goods or from the date on which the price was payable;

(b) to the buyer in a suit by him for the refund of the price in a case of a breach of the contract on the part of the seller- from the date on which the payment was made.

CHAPTER VII

MISCELLANEOUS

Exclusion of implied terms and conditions

62. Where any right, duty or liability would arise under a contract of sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by usage, if the usage is such as to bind both parties to the contract.

Reasonable time a question of fact

63. Where in this Act any reference is made to a reasonable time, the question what is a reasonable time is a question of fact

Auction sale

64. In the case of a sale by auction-

(1) where goods are put up for sale in lots, each lot is prima facie deemed to be the subject of a separate contract of sale;

(2) the sale is complete when the auctioneer announces its completion by the fall of the hammer or in other customary manner; and, until such announcement is made, any bidder may retract his bid;

(3) a right to bid may be reserved expressly by or on behalf of the seller and, where such right is expressly so reserved, but not otherwise, the seller or any one person on his behalf may, subject to the provisions hereinafter contained, bid at the auction;

(4) where the sale is not notified to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale, or for the auctioneer knowingly to take any bid from the seller or any such person; and any sale contravening this rule may be treated as

fraudulent by the buyer;

(5) the sale may be notified to be subject to a reserved or upset price;

(6) if the seller makes use of pretended bidding to raise the price, the sale is voidable at the option of the buyer.

In contracts of sale amount of increased or decreased duty or tax to be added, or deducted

[2][64A. In the event of any duty of customs or excise or tax on any goods being imposed, increased, decreased or remitted after the making of any contract for the sale of such goods without stipulation as to the payment of duty or tax where duty or tax was not chargeable at the time of the making of the contract, or for the sale of such goods duty-paid or tax-paid where duty or tax was chargeable at the time,-

(a) if such imposition or increase so takes effect that the duty or tax or increased duty or tax, as the case may be, or any part thereof, is paid, the seller may add so much to the contract price as will be equivalent to

the amount paid in respect of such duty or tax or increase of duty or tax, and he shall be entitled to be paid and to sue for and recover such addition, and

(b) if such decrease or remission so takes effect that the decreased duty or tax only or no duty or tax, as the case may be, is paid, the buyer may deduct so much from the contract price as will be equivalent to the decrease of duty or tax or remitted duty or tax, and he shall not be liable to pay, or be sued for or in respect of, such deduction.]

Explanation. The word "tax" in this section means the tax payable under the Sales Tax Act,1951.

[Repealed]

65. [Repealed by section 2 and Schedule of the Repealing Act, 1938 (Act No. I of 1938).]

Savings

66.(1) Nothing in this Act or in any repeal effected thereby shall affect or be deemed to affect-

(a) any right, title, interest, obligation or liability already acquired, accrued or incurred before the commencement of this Act, or

(b) any legal proceedings or remedy in respect of any such right, title, interest, obligation or liability, or

(c) anything done or suffered before the commencement of this Act, or

(d) any enactment relating to the sale of goods which is not

expressly repealed by this Act, or

(e) any rule of law not inconsistent with this Act.

(2) The rules of insolvency relating to contracts for the sale of goods shall continue to apply thereto, notwithstanding anything contained in this Act.

(3) The provisions of this Act relating to contracts of sale do not apply to any transaction in the form of a contract of sale which is intended to operate by way of mortgage, pledge, charge or other security.

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[1] The word 'Bangladesh' was substituted, for the word 'Pakistan' by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

[2] Section 64A was inserted by section 2 of the Sale of Goods (Amendment) Act, 1940 (Act No. XLI of 1940)

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THE FOODGRAINS SUPPLY (PREVENTION OF PREJUDICIAL ACTIVITY) ORDINANCE, 1979

(ORDINANCE NO XXVI OF 1979)

[*25th July, 1979*]

An Ordinance to provide for special measures for prevention of prejudicial activity relating to the storage, movement, transhipment, supply and distribution of foodgrains.

WHEREAS it is expedient to provide for special measures for prevention of prejudicial activity relating to the storage, movement, transhipment, supply and distribution of foodgrains;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render immediate action necessary;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 93 of the Constitution of the People's Republic of Bangladesh, the President is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the Foodgrains Supply (Prevention of Prejudicial Activity) Ordinance, 1979.

Ordinance to override all other laws

2. This Ordinance shall have effect notwithstanding anything contained in the Industrial Relations Ordinance, 1969 (XXIII of 1969), or in any other law for the time being in force.

Offences

3. (1) A person shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to taka five thousand, or with both, if he engages in any activity prejudicial to the storage, movement, transhipment, supply and distribution of foodgrains.

(2) A person shall be deemed to have engaged in an activity prejudicial to the storage, movement, transhipment, supply and distribution of foodgrains, if he-

(a) being a person engaged or employed, whether as a worker, employee, contractor or otherwise, in connection with the storage, movement, transhipment, supply and distribution of foodgrains (hereinafter referred to as "person aforesaid") absents himself or otherwise abstains from, his duties, whether or not in concert with others, without leave of absence or any reasonable excuse; or

(b) incites or in any manner persuades any person aforesaid to be absent or to abstain from, or not to perform, his duties or prevents him from attending to and performing his duties; or

(c) engages in any activity which causes disaffection among, or interferes with the discipline of, or obstructs the performance of duties by, any person aforesaid; or

(d) instigates, directly or indirectly, the use of criminal force against any person aforesaid; or

(e) does any act or thing which impedes, delays or restricts, or is calculated to impede, delay or restrict, the transportation, movement, supply or distribution of foodgrains; or

(f) makes, prints, publishes or distributes any document containing, or spreading by any other means whatsoever, any false statement or information relating to storage, movement, transhipment, supply or distribution or foodgrains; or

(g) causes, or does any act or thing calculated to cause, fear or alarm to the public or any section of the public in respect of availability of foodgrains.

Restriction on movement of certain persons and detention orders

4. (1) Where the Government, or any authority empowered by it in this behalf, is satisfied in respect of any person that with a view to preventing him from engaging in any activity prejudicial to storage, movement, transhipment, supply and distribution of foodgrains, it is necessary so to do, it may make an order directing that such person be detained for a period not exceeding three months.

(2) A detention order under sub-section (1) may be executed at any place in Bangladesh in the manner provided for execution of warrants of arrest under the Code of Criminal Procedure, 1898 (Act V of 1898).

Power of arrest without warrant

5. Any police officer not below the rank of Sub-Inspector or any other person empowered by the Government in this behalf, may arrest without warrant any person who has been, or against whom a reasonable suspicion exists of his having been, concerned in an offence punishable under this Ordinance.

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THE MARINE FISHERIES ORDINANCE, 1983

(ORDINANCE NO. XXXV OF 1983)

[19th July, 1983]

An Ordinance to make provisions for the management, conservation and development of marine fisheries of Bangladesh.

WHEREAS it is expedient to provide for the management, conservation and development of marine fisheries in the Bangladesh fisheries waters and to deal with certain matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:

PART I

PRELIMINARY

Short title and commencement

1. (1) This Ordinance may be called the Marine Fisheries Ordinance, 1983.

(2) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

(a) "Bangladesh fisheries Waters" means the territorial waters and economic zone of Bangladesh as declared by the Government under the Territorial Waters and Maritime Zones Act, 1974 (XXVI of 1974), and any other marine waters over which has, or claims to have, jurisdiction under law with respect to the management, conservation and development of the marine living resources;

(b) "Director" means the person appointed as such under section 4;

(c) "fish" means any aquatic animal, whether piscine or not, and includes any shellfish, crustacean, turtle or aquatic mammal, and the young, fry, eggs and spawn thereof;

(d) "fishery" means one or more stocks of fish that can be treated as a unit for the purposes of conservation and management;

(e) "fishing" means catching, taking or killing fish by any method, and includes attempting to catch, take or kill fish by any method;

(f) "fishing vessel" means any vessel used for fishing or for processing carriage or storage of fish, and includes any vessel used in support of, or ancillary to, fishing operations but does not include any vessel carrying fish as part of a general cargo unless that vessel is engaged in operations in support of, or ancillary to, fishing operations;

(g) "foreign fishing vessel" means any fishing vessel other than a local fishing vessel;

(h) "licence" means a licence issued in accordance with the provisions of this Ordinance or the rules made thereunder;

(i) "local fishing vessel" means any fishing vessel-¬

(i) wholly owned by one or more persons who are citizens of Bangladesh; or

(ii) wholly owned by any company, society or other association of persons established under the law of Bangladesh of which at least 51 per cent of the shares are held by citizens of Bangladesh and includes any fishing vessel registered in Bangladesh and operating under Bangladesh flag under joint venture or any other approved arrangements; or

(iii) wholly owned by the Government or by a statutory corporation established under a law of Bangladesh;

(j) "prescribed" means prescribed by rules made under this Ordinance;

(k) "skipper", in relation to a fishing vessel, means the person for the time being having command or charge of the vessel.

Provisions regarding non mechanised local fishing vessels and local fishing vessels with limited horsepower

3. (1) The Government may, by notification in the official Gazette, exempt, subject to such conditions, if any, as may be specified therein, any local fishing vessel or class of vessels from the provisions of Part III for such period as may be specified in the notification.

(2) The Government may, by notification in the official Gazette, declare zone in which only non mechanised local fishing vessels or mechanised local fishing vessels of such tonnage as the Government may, by notification in the official Gazette determine, may engage in fishing operation or in which fishing operations by other fishing vessels may be restricted.

PART II

ADMINISTRATION

Government may appoint Director and other fisheries officers

4. The Government may appoint a person to be the Director and such other fisheries officers as may be necessary for the purposes of implementing the provisions of this Ordinance and the rules made thereunder.

Director responsible for management, etc

5. The Director shall have responsibility for the management, conservation, supervision and development of marine fisheries and the implementation of the objectives of this Ordinance.

Delegation of powers

6. (1) The Government may delegate all of its power under this Ordinance or the rules made thereunder other than making of rules to the Director.

(2) The Director may likewise delegate all or any of his powers under this Ordinance or the rules made thereunder, not being a power delegated to him by the Government under sub section (1) to fisheries officers appointed by the Government under section 4.

Types, classes and numbers of fishing vessels

7. Having regard to the requirement of fisheries management and development plans, the Government may, by notification in the official Gazette, specify types, classes and number of fishing vessels that can be deployed in the Bangladesh fisheries waters:

Provided that the Government may exempt fishing vessels already permitted to operate prior to the coming into force of this Ordinance.

PART III

GENERAL PROVISIONS GOVERNING LICENCES

Director to issue licences

8. The Director shall be responsible for issuing licences in respect of all marine fishing in the Bangladesh fisheries waters.

Application for licences

9. (1) Applications for licences or for the renewal thereof shall be made in such form and on payment of such fees as may be prescribed.

(2) The amount of fee may be determined in lump sum or calculated on the basis of size or capacity of the vessel or vessels, if operating as a team, or on any other basis.

Validity of licences

10. Any licence issued in accordance with the provisions of this Ordinance or the rules made thereunder shall be valid for a period of not more than one year.

Licences not transferable except with written permission

11. No licence shall be transferable except with the written permission of the Director endorsed upon such licence.

When licence held by any local fishing vessel ceases to be valid

12. Where any local fishing vessel ceases at any time to be a local fishing vessel, any licence issued to such fishing vessel shall cease to be valid forthwith.

Matters for which licence is valid

13. Each licence shall be valid only with respect to the species of fish and the type of fishing gear or the method of fishing or the location specified in the licence.

Duty to provide information regarding catches

14. The holder of any licence shall keep detailed information of catches as well as sales in such form as may be prescribed and a copy of this information shall be furnished to the Director.

Fishing vessels not to interfere with navigation

15. No fishing vessel shall be operated so as to interfere with navigational aids or with shipping in established shipping routes.

Licence to be subject to certain conditions

16. (1) Each licence shall be subject to such conditions as may be specified in this Ordinance and in any rules made thereunder, and as may be otherwise endorsed upon such licence by the Director.

(2) In particular, and without limiting the generality of the foregoing sub-section, the Director may attach all or any of the following terms and conditions to any licence, namely:-

(a) the areas within which, and the period during which, fishing is authorised;

(b) the species, size, sex, age and quantities of fish that may be caught or taken;

(c) the methods by which fish may be caught or taken;

(d) the types, size and amount of fishing gear that may be used by the fishing vessel;

(e) statistical and other information required to be given by the

skipper to the Government, including statistics relating to catch and effort and also reports as to the position of the vessels;

(f) the keeping on board the fishing vessel the licence issued in respect of it;

(g) the marking of the fishing vessel and other means for its identification;

(h) such other matters as the Director may consider necessary or expedient for the management, conservation and development of fisheries resources of Bangladesh.

(3) In addition to the terms and conditions which may be imposed on any licence under sub section (2), the Director may make applicable to foreign fishing vessels all or any of the following terms and conditions, namely:- (a) entry by foreign fishing vessels into Bangladesh ports for the inspection of its catch which is subject to customs formalities and for any other purpose; (b) the specification of points of entry into, and departure from, the Bangladesh fisheries waters;

(c) the protection of local fisheries;

(d) the execution of bonds or other forms of security for the duration of the licence;

(e) the reporting of the position by the foreign fishing vessel while within, or about to enter, the Bangladesh fisheries waters;

(f) the directions and instructions given by the authorised officers from the Government ships or aircrafts to the foreign fishing vessel that shall be complied with by the skipper;

(g) the installation and maintenance in working order of a transponder or other equipment on the foreign fishing vessel for the identification and location of the vessel and of adequate navigational equipment to enable its position to be fixed from the vessel;

(h) the carriage on board the foreign fishing vessels of specified communication equipment, specified nautical charts, nautical publications and nautical instruments;

(i) the placing of observers on the foreign fishing vessel and the reimbursement to the Government of the costs of doing so;

(j) the training of citizens of Bangladesh in the methods of fishing employed by the foreign fishing vessel and the transfer to Bangladesh of technology relating to fisheries;

(k) the conduct by the fishing vessel of specified programmes of fisheries research.

PART IV

LOCAL MARINE FISHING OPERATIONS

Local fishing

17. No licence shall be issued in respect of a local fishing vessel

vessels to be registered

that is required to be registered under any law for the time being in force unless the vessel has been registered.

Local fishing vessels to hold valid certificate of inspection

18. No licence shall be issued in respect of a local fishing vessel that is required to hold a valid certificate of inspection under any law for the time being in force unless such a certificate is issued in respect of that vessel.

Grounds for refusing to issue licences, etc, to local fishing vessels

19. The Director may, by order in writing, refuse to issue a licence in respect of a local fishing vessel, or he may likewise suspend, cancel or refuse to renew any licence that has been issued in respect of a local fishing vessel, where he is satisfied that-

(a) it is necessary to do so in order to allow for the proper management, conservation and development of any particular fishery in accordance with any fisheries management, conservation and development plan; or

(b) it is otherwise in the best interest of marine fisheries industry to do so; or

(c) the vessel in respect of which the licence has been issued has been used in contravention of the provisions of this Ordinance or of any rules made thereunder or of any conditions of the licence; or

(d) the person applying for or holding the licence is unfit to hold a licence.

PART V

FOREIGN MARINE FISHING OPERATIONS

No entry for foreign fishing vessels in Bangladesh fisheries waters except with licence

20. No foreign fishing vessel shall, without a licence,

(a) enter the Bangladesh fisheries waters except for any purpose set out in section 21; or

(b) within the Bangladesh fisheries waters,-

(i) fish or attempt to fish; or

(ii) load, unload or tranship any fish; or

(iii) load or unload any fuel supplies.

Entry by unlicensed foreign fishing vessels into

21. (1) Subject to the provisions of sub section (2), a foreign fishing vessel may enter the Bangladesh fisheries waters without a licence for the purpose of-

Bangladesh Fisheries waters

(a) passage through such waters in the course of a voyage to destination outside such waters;

(b) averting imminent danger where the vessel is in distress, to the safety of the vessel or of its crew; or

(c) rendering assistance to persons, ships or aircraft in danger or distress; or

(d) obtaining emergency medical assistance for a member of the crew; or

(e) for any other purpose recognised by international law.

(2) Any foreign fishing vessel entering the Bangladesh fisheries waters for any purpose set out in sub section (1) shall-

(a) observe such rules as may be prescribed; and

(b) return outside such waters as soon as the purpose for which it entered has been fulfilled.

Foreign fishing vessels liable to fine and forfeiture if found in Bangladesh fisheries waters illegally

22. (1) Where any foreign vessel enters the Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence, the skipper, owner and charterer, if any, of such vessel shall be guilty of an offence and shall be liable to rigorous imprisonment for a term not exceeding three years and to a fine not exceeding Taka one lakh.

(2) Any foreign vessel entering Bangladesh fisheries waters except in accordance with section 21 or except in accordance with the terms of a licence shall be deemed to be forfeited to the Government.

Foreign fishing vessels to observe navigation, customs laws, etc

23. No licence shall relieve any foreign fishing vessel or its skipper or crew of any obligation or requirement imposed by law concerning navigation, customs, taxes, immigration, health, certificate of seaworthiness and safety or other matters.

Grounds for refusing to issue licence, etc, to foreign fishing vessels

24. (1) The Director may, by order in writing, refuse to issue a licence in respect of a foreign fishing vessel on any ground that he thinks fit.

(2) The Director may, by order in writing, suspend, cancel or refuse to renew any licence that has been issued in respect of a foreign fishing vessel, where he is satisfied that-

(a) it is necessary to do so in order to allow for the proper management, conservation and development of any particular fishery in accordance with any fisheries management, conservation and

development plan;

(b) it is otherwise in the best interests of marine fisheries industry to do so; or

(c) the vessel in respect of which the licence has been issued has been used in contravention of the provisions of this Ordinance or of any rules made thereunder, or of any conditions of the licence; or

(d) the person holding the licence is unfit to hold a licence.

PART VI

APPEAL

Appeal

25. (1) Any citizen of Bangladesh aggrieved by an order of refusal by the Director to grant a licence or any person aggrieved by an order of cancellation or suspension of his licence may, within thirty days from the date of receipt of the order of refusal, cancellation or suspension, prefer an appeal against such refusal, cancellation or suspension.

(2) Any person filing an appeal shall be entitled to appoint a representative or legal practitioner of his choice for the purpose of making an appeal.

(3) Where the decision appealed against has been made by the Director, the appeal shall lie to the Government; and where the decision appealed against has been made by a fisheries officer appointed under section 4, the appeal shall lie to the Director.

PART VII

PROHIBITED FISHING METHODS

Use of explosives, etc

26. (1) Any person, other than a person authorised in writing by the Director, who in the Bangladesh fisheries waters,-

(a) uses, or attempts to use, any explosive, poison or other noxious substances for the purpose of killing, stunning, disabling or catching fish, or in any other way rendering such fish more easily caught; or

(b) carries, or has in his possession or control, any explosive, poison or other noxious substances with the intention of using such explosive, poison or other noxious substance for any of the purposes referred to in clause (a); or

(c) uses, or attempts to use, any prohibited methods of fishing as may be prescribed, or carries, or has in his possession or control, on board any vessel, any fishing gear prohibited under any rule made under this Ordinance; or

(d) knowing, or having reasonable cause to believe, that any fish has been caught or taken in contravention of the provisions of this section or any rules made under this Ordinance, receives, or is found in possession of, such fish without lawful excuse,

shall be guilty of an offence and shall be liable to a fine not exceeding Taka one lakh or fifteen times the value of the fish, whichever is greater.

(2) Any explosive, poison or other noxious substance or fishing gear referred to in sub section (1) found on board any vessel shall be presumed to be intended for the purposes referred to in that sub section unless the contrary is proved.

Small meshes, etc

27. Any person who uses or has in his possession or has on board any vessel within the Bangladesh fisheries waters any fishing net which has a mesh size specified for that type of net or any other nets or fishing gear or fishing appliances that have been prohibited under any rules made under this Ordinance shall be guilty of an offence and shall be liable to a fine not exceeding Taka one lakh.

PART VIII

MARINE RESERVES

Government may declare marine reserves

28. The Government may, by notification in the official Gazette, declare any area of the Bangladesh fisheries waters and, as appropriate, any adjacent or surrounding land, to be a marine reserve where it considers that special measures are necessary¬-

(a) to afford special protection to the aquatic flora and fauna of such areas and to protect and preserve the natural breeding grounds and habitats of aquatic life, with particular regard to flora and fauna in danger of extinction; or

(b) to allow for the natural regeneration of aquatic life in areas where such life has been depleted; or

(c) to promote scientific study and research in respect of such areas; or

(d) to preserve and enhance the natural beauty of such areas.

Fishing, dredging, etc, prohibited in marine reserves

29. (1) Any person who, in any marine reserves declared under section 28, without permission granted under this section,-

(a) fishes or attempts to fish; or

(b) dredges, extracts sand or gravel, discharges or deposits waste or any other polluting matter, or in any other way disturbs, alters or destroys fish or their natural breeding grounds or habitats; or

(c) constructs or erects any buildings or other structures on or over any land or waters within such reserve,

shall be guilty of an offence and shall be liable to a fine not

exceeding Taka one lakh.

(2) The Director may give permission to do, any of the things prohibited under this section where the doing of such things may be required for the proper management of the reserve or for any of the purposes referred to in section 28.

Government may permit scientific research

30. The Government may, in writing and subject to such terms and conditions, if any, as may be specified therein, exempt from all or any of the provisions of this Ordinance or the rules made thereunder any vessel or person undertaking research into marine fisheries or other marine living resources in the Bangladesh fisheries waters.

PART IX

POWERS OF AUTHORISED OFFICERS

Authorised officers

31. (1) The officers of the Directorate of Fisheries not below the rank of Assistant Inspector of Marine Fisheries, members of the Bangladesh Navy not below the rank of petty officer, any officer of customs and any other person or class of persons appointed by the Government shall be authorised officers for the purposes of this Ordinance and the rules made thereunder.

(2) The Government shall, by notification in the official Gazette, publish the name or designation of any person or class of persons appointed under sub-section (1).

An authorised officer may stop, examine, etc, any fishing vessel

32. For the purpose of enforcing the provisions of this Ordinance and the rules made thereunder, any authorised officer may, without a warrant,-

(a) stop and board any fishing vessel within the Bangladesh fisheries waters and make any examination concerning that vessel, its equipments, fishing gear, nets, fishing appliances, crew or fish carried on board that vessel; or

(b) stop and inspect any vehicle transporting fish; or

(c) require any person to produce any licence or other document required under this Ordinance or any rules made thereunder for examination and, if necessary, for taking copies thereof.

Authorised officer may enter premises, seize vessels, etc, without warrant

33. (1) Any authorised officer, where he has reasonable grounds to believe that an offence has been committed against any provisions of this Ordinance or any rules made thereunder, may, without a warrant,-

(a) enter and search any premises, other than premises used exclusively as a dwelling house, in which he has reason to believe that such offence has been committed or fish caught or taken in contravention of such provisions are being stored; or

(b) take samples of any fish found in any vessel or vehicle inspected under section 32 or any premises searched under clause (a); or

(c) arrest any person whom he has reason to believe has committed such offence; or

(d) seize any vessel (including its furniture, appurtenances, stores and cargo), vehicle, fishing gear, nets or other fishing appliances which he has reason to believe has been used in the commission of an offence or in respect of which the offence has been committed; or

(e) seize any fish which he has reason to believe has been caught in the commission of an offence, or is possessed in contravention of the provisions of this Ordinance or any rules made thereunder; or

(f) seize any explosive, poison or other noxious substances which he has reason to believe has been used or is possessed in contravention of the provisions of section 26.

(2) A written receipt shall be given for any article or thing seized under sub section (1) and the grounds for such seizure shall be stated in such receipt.

Power to stop vessels

34. Where it becomes necessary for an authorised officer to stop any vessel for the purpose of enforcing the provisions of this Ordinance and the rules made thereunder, it shall be lawful for any vessel or aircraft under the command of an authorised officer to summon such vessel to stop by means of an international signal, code or other recognised means, and if it fails to do so, the vessel may be pursued even beyond the Bangladesh fisheries waters and if after a gun is fired as a warning, to the vessel to stop, and if it fails to stop after such a warning, it may be fired upon.

Vessel and crew to be taken to nearest port

35. Any vessel seized under the provisions of this Ordinance and the crew thereof shall be taken to the nearest port and dealt with in accordance with the provisions of this Ordinance.

Persons arrested without warrant to be taken to police station

36. Any person arrested without a warrant for the purposes of enforcing the provisions of this Ordinance and the rules made thereunder shall be taken to a police station forthwith or, as soon as possible, after arriving at a port and shall be dealt with in accordance with the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

Authorised officer not to enter dwelling houses without warrant

37. No authorised officer shall enter premises used solely as a dwelling house for the purposes of enforcing the provisions of this Ordinance and the rules made thereunder except when authorised to do so by a warrant.

Perishables may be sold by Director

38. Any fish or other article of a perishable nature seized under the provisions of this Ordinance may, on the direction of the Director, be sold and the proceeds of sale shall be held by the Director and dealt with in accordance with the provisions of this Ordinance.

Authorised officers required to produce identification

39. Any authorised officer when acting under the provisions of this Ordinance or any rules made thereunder shall, on demand, produce to any person against whom he is taking action such identification or written authority as may be reasonably sufficient to show that he is an authorised officer for the purposes of this Ordinance.

No action against authorised officer for acts done in good faith

40. No action shall be brought against any authorised officer or any person requested by him to assist him in respect of anything done or omitted to be done by such person in good faith in the execution or perporated execution of his powers and duties under this Ordinance and the rules made thereunder.

PART X

OFFENCES AND LEGAL PROCEDURES

Obstruction of authorised officer, etc

41. Any person who wilfully obstructs any authorised officer in the exercise of any of the powers conferred on him by or under this Ordinance shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Taka one lakh, or to both.

Wilful damage of fishing vessels, etc

42. Any person who wilfully and unlawfully damages or destroys any fishing vessels, fishing stakes, fishing gear or fishing appliances shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Taka one lakh, or to both.

Contravention of conditions of licence

43. Any person who contravenes any condition of any licence shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Taka one lakh, or to both.

Destruction to avoid seizure or detection

44. Any person who destroys or abandons any fish, fishing gear or fishing appliances, explosives, poison or other noxious substances or any other thing with intent to avoid their seizure or the detection of any offence against the provisions of this Ordinance or any rules made thereunder shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding three years, or to a fine not exceeding Taka one lakh, or to both.

Failure to mark vessel

45. Any person who owns or operates a fishing vessel in the Bangladesh fisheries waters which is not marked in the prescribed manner shall be guilty of an offence and shall be liable to a fine not exceeding Taka twenty five thousand.

Skipper liable for offences committed by persons on board the vessel

46. Where an offence against any provisions of this Ordinance or any rules made thereunder has been committed by any person belonging to or on board a fishing vessel, the skipper of such vessel shall also be guilty of such offence and shall be liable to a fine not exceeding Taka five thousand.

Compounding of offences

47. Any authorised officer may compound any offence against the provisions of this Ordinance or any rules made thereunder for a sum of money not less than one tenth of the maximum fine provided for such offence provided that in no case shall the sum be less than Taka five thousand.

Forfeiture of vessels etc, seized

48. (1) Any vessel, fishing gear or fishing appliances, explosives, poison or other noxious substance or apparatus seized under sub section (1) of section 33 or the proceeds of sale under section 38 shall, subject to the provisions of sub section (3),-

(a) if a prosecution is to be brought under this Ordinance, be held in such custody as may be prescribed pending the outcome of such prosecution; or

(b) if no prosecution is to be brought under this Ordinance, be held in the custody as aforesaid for a period of one month at the end of which period they shall be deemed to be forfeited to the Government unless, during such period, any written claim is received from the skipper, owner or charterer, if any, contesting

such forfeiture.

(2) Where any written claim contesting forfeiture is received under clause (b) of sub section (1), either-

(a) the subject matter of the claim shall be released and delivered to the claimant forthwith; or

(b) the claim shall be referred to the Court for its decision.

(3) Notwithstanding anything contained in this section, the Court may order the release of any fishing vessel, fishing gear or fishing appliances seized under section 33 on receipt of a satisfactory bond or other security from any person claiming such property.

Court may order forfeiture in addition to any other penalty imposed

49. Where any person is convicted of an offence against any provision of this Ordinance or any rules made thereunder, or where the Court finds that an offence has been committed against any provision of this Ordinance or any rules made

thereunder, the Court, in addition to any other penalty imposed,-

(a) may order that any fishing vessel (including its furniture, appurtenances, stores and cargo), fishing gear, nets or other fishing appliances used in the commission of such offence shall be forfeited to the Government or that the licence shall be suspended for such period of time as the Court may think fit or be cancelled; and

(b) shall order that any fish caught in the commission of such offence or the proceeds of sale of any such fish under section 38 and any explosives, poison or other noxious substances used in the commission of such offence shall be forfeited to the Government.

Vessels, etc, forfeited may be disposed of by the Government

50. Any vessel (including its furniture, appurtenances, stores and cargo), fishing gear, nets or other fishing appliances, explosives, poison or other noxious substances, and any fish or proceeds of the sale of fish deemed or ordered to be forfeited to the Government under section 48 or 49 shall be disposed of in such manner as the Government may think fit.

Fish found on board a fishing vessel committing an offence presumed to be caught illegally

51. All fish found on board any fishing vessel which has been used in the commission of an offence against any provisions of this Ordinance or any rules made thereunder shall, unless the contrary is proved, be presumed to have been caught illegally in the Bangladesh fisheries waters.

Offences triable

52. Any offence against any of the provisions of this Ordinance or

as if committed within limits of local jurisdiction

any rules made thereunder committed within the Bangladesh fisheries waters by any person shall be guilty of an offence under this Ordinance and shall be triable in any Court of Bangladesh as if such offence had been committed in any place in Bangladesh within the local limits of the jurisdiction of such Court.

Service of documents

53. Where, for the purposes of this Ordinance or any rules made thereunder, any document is to be served on any person, that document may be served-

(a) in any case, by delivering a copy thereof personally to the person to be served; or

(b) if the document is to be served on the skipper or on a person on board a fishing vessel, by leaving the same for him on board that vessel with the skipper or the person who is, or appears to be, in command or charge of the vessel for the time being; or

(c) by affixing a copy of the document to any conspicuous part of his residence; or

(d) sending it by registered post acknowledgement due addressed to his last known place of abode.

Special powers for Magistrates

54. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any Magistrate of the first class especially empowered by the Government in this behalf may pass a sentence of fine exceeding Taka ten thousand for an offence under this Ordinance and the rules made thereunder.

PART XI

RULES

Power to make rules

55. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without limiting the generality of the foregoing power, rules may be made with respect to all or any of the following matters, namely:-

(a) the licensing, regulation and management of any particular marine fishery;

(b) the determination of the carrying capacity of vessels;

(c) the type and size of air-conditioning appliances to be fitted in vessels;

(d) establishing the closed seasons for all areas or species of fish or for designated areas or species;

(e) the limitations on the amount, size and weight of fish caught and retained or traded;

(f) determining the minimum mesh sizes;

(g) determining the prohibited fishing areas for all fish or for certain species of fish, or for certain methods of fishing;

(h) determining certain prohibited methods of fishing;

(i) the amount of fish that may be caught incidentally when fishing for a species for which a licence has been issued;

(j) regulating or prohibiting the creation, maintenance, working, repair and lighting of fishing stakes in the Bangladesh fisheries waters;

(k) organising and regulating sport fishing in the Bangladesh fisheries waters;

(l) the conditions to be observed by the fishing vessels while within the Bangladesh fisheries waters and to regulate the conduct of fishing operations generally;

(m) the nationality and educational qualifications of persons permitted to be employed or carried in fishing vessels;

(n) providing for the execution of bonds and other forms of security for the fulfilment of any obligations attaching to a licence;

(o) providing for points of entry, exit and transit through the Bangladesh fisheries waters by any fishing vessel licensed to fish by virtue of the provisions of this Ordinance;

(p) providing for the appointment by the owner of a foreign fishing vessel of a legal representative in Bangladesh for the purpose of accepting responsibility for any matters arising under the provisions of this Ordinance;

(q) the stowing of fishing gear by foreign fishing vessels while in transit through the Bangladesh fisheries waters;

(r) providing for rewards for reporting the presence of unlicensed foreign fishing vessels operating in the Bangladesh fisheries waters;

(s) the conditions and procedures of application for any licences, certificates or other documents required under this Ordinance or any rules made thereunder, their form and the amount of fees and deposits payable therefore;

(t) the collection of statistics and to require any person engaged in marine fishing, marketing, processing or marine fish culture, including any fish dealer, to supply such information as may be necessary for the effective management and development of marine fisheries;

(u) the procedures to be followed in making appeals against a refusal to issue, cancellation, non renewal or suspension of licences under section 25;

(v) setting up of an Advisory Committee for the purpose of advising the Government in the administration of this Ordinance;

(w) any other matter required or authorised to be prescribed under this Ordinance.

(3) The rules made under this section may provide that the breach of any of the provisions thereof shall constitute an offence and may provide for penalties by way of fine not exceeding Taka fifty thousand.

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(v) setting up of an Advisory Committee for the purpose of advising the Government in the administration of this Ordinance;

(w) any other matter required or authorised to be prescribed under this Ordinance.

(3) The rules made under this section may provide that the breach of any of the provisions thereof shall constitute an offence and may provide for penalties by way of fine not exceeding Taka fifty thousand.

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