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NOTIFICATION

No.H. 12017/55/07-LJD/137, the 31st Oct., 2008. The following ordinance is hereby published for general information.

The Agricultural and Processed Food Products Export Development Authority (Amendment) Ordinance, 2008.

(Ordinance No. 8 of 2008)

Marli Vankung,
Deputy Secretary to the Govt of Mizoram.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 13th October, 2008/Asvina 21, 1930 (Saka)

THE AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT
DEVELOPMENT AUTHORITY (AMENDMENT) ORDINANCE, 2008
No 8 OF 2008

Promulgated by the President in the Fifty-ninth Year of the Republic of India.

An Ordinance to amend the Agricultural and Processed Food Products Export Development Authority Act, 1985.

WHEREAS the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for her to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Agricultural and Processed Food Products Export Development Authority (Amendment) Ordinance, 2008.

Short title and commencement.

(2) It shall come into force at once.

Amendment of section 2.

2. In the Agricultural and Processed Food Products Export Development Authority Act, 1985 (hereinafter referred to as the principal Act), in section 2,—

(a) in clause (g), for the words “Scheduled products”, the words “Scheduled products or, as the case may be, Special products” shall be substituted;

(b) in clause (i), for the words “the Schedule”, the words “the First Schedule” shall be substituted;

(c) after clause (i), the following clause shall be inserted, namely:—

‘(j) “Special product” means any of the agricultural or processed food products included in the Second Schedule.’

Substitution of new section for section 3.

3. For section 3 of the principal Act, the following section shall be substituted, namely:—

Power to amend Schedule.

“3. The Central Government may, having regard to the objects to this Act, and if it considers necessary or expedient so to do, by notification in the Official Gazette, add to, or, as the case may be, omit from, the First Schedule or the Second Schedule any agricultural or processed food product and on such addition, or as the case may be, omission, such product shall be, or shall cease to be, a Scheduled product or Special product as the case may be.”

Amendment of section 4.

4. In section 4 of the principal Act, in sub-section (4), in clause (h), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) other Scheduled products or Special products industries;”

Insertion of new section 10A.

5. After section 10 of the principal Act, the following section shall be inserted, namely:—

Functions in respect of special products, etc

‘10A. Without prejudice to any law for the time being in force, it shall be the duty of the Authority to undertake, by such measures as may be prescribed by the Central Government for registration and protection of the Intellectual Property rights in respect of Special products in India or outside India.

Explanation.— For the purpose of this section “Intellectual Property” means any right to intangible property, namely, trade marks, designs, patents, geographical indications or any other similar intangible property, under any law for the time being in force.

6. In section 32 of the principal Act, after clause (h), the following clause shall be inserted, namely:—

Amendment of
section 32

“(ha) the measures for registration and protection of the Intellectual Property rights under section 10A;”.

7. The Schedule to the principal Act shall be numbered as the First Schedule and after the First Schedule as so numbered, the following Schedule shall be inserted, namely:—

Amendment of the
Schedule.

“THE SECOND SCHEDULE

[See section 2(j)]

Basmati rice.”.

PRATIBHA DEVISINGH PATIL,
President.

T. K. VISWANATHAN,
Secy. to the Govt. of India.