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SIND ORDINANCE NO. XIII of 1980

THE AGRICULTURAL PRODUCE MARKETS (AMENDMENT) ORDIANANCE 1980

[4th September,1980]

An Ordinance to amend the Agricultural Produce Markets Act, 1939.

Preamble.

WHEREAS it is expedient to amend the Agricultural Produce Markets Act, 1939, in the manner hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977 and the Laws (Continuance in Force) order, 1977, the Governor of Sind is pleased to make and promulgate the following Ordinance:-

Short title and commencement.

1. (1) This Ordinance may be called the Agricultural Produce Markets (Amendment) Ordinance, 1980.

(2) It shall come into force at once.

Amendment of section 2, Punjab Act V of 1939.

2. In the Agricultural Procedure Markets Act, 1939, (hereinafter refereed to as the said Act), in section 2, for clause (a), the following shall be substituted :-

"(a) 'agricultural produce' means and agricultural or horticultural produce, livestock or poultry, and products and bye-products by thereof, specified in the Schedule; provided that Government may, by notification in the official Gazette, add to, or omit any agricultural produce or their bye-products specified in the Schedule.;.

Amendment of section 4, Punjab Act V of 1939.

3. In the said Act, in section 4___

(a) in sub-section (2), the word "of" occurring between the word "Sell" and the word "such" shall be omitted;

(b) in the proviso to sub-section (2), the full-stop appearing at the end shall be replaced by a colon and thereafter the following further proviso shall be added:-

Provided further that person carrying on such business immediately before the publication of the notification under sub-section (1) shall if he applies for a licence under section 6 within thirty days of the publication of such notification or the date notified thereby, continue to do so until the question of grand of the licence is decided against him" ;

(a) the following shall be added as sub-section (3):-

"(3) Government may, at any time after inviting objections from the public and the market committee, by notification exclude any area from a notified market area." .

4. In the said Act, after section 4, the following new section shall be added, namely:- **Addition of new section 4-A Punjab Act V of 1939.**

Mode of trading.

"4-A" All agricultural produce entering into a notified market area for the purpose of whole-sale transaction shall be bought by or sold to the licensed dealers by open auction in the prescribed manner:

Provided that where a floor or minimum price is fixed by or under any law the agricultural produce shall not be bought or sold at a price lower than the price so fixed .".

5. In the said Act, for section 6, the following shall be substituted:- **Substitution of section 6, Punjab Act V of 1939.**

Licenses and the fees.

"6. (1) any person who wishes to work as a dealer in a notified market area may apply on the prescribed ceded form to the market committee concerned for a licence or for the renewal of the licence which shall be granted for such period, in such form, on such conditions and on payment of such fee not exceeding one thousand rupees per annum as may be prescribed:

Provided that no fee shall be charged from a dealer who is a co-operative society registered under the Sind Co-operative Societies Act, 1925.

(2) licence under this Act, shall not be granted to a persons who__

(a) is a minor other than that who inherits the business; or

(b) is found to be of un-sound mind by a court of competent jurisdiction ; or

(c) is insolvent; or

(d) has been found quality of criminal misappropriation or criminal breach of trust or cheating or any other offence involving moral turpitude or an abetment of or attempt to commit any such offence by a court of competent jurisdiction provided that this

disqualification will not operate if a period of three years has elapsed since the completion of the sentence imposed on any person in respect of any such offence.

(3) If any person carrying on business of a dealer in a notified market area immediately before the date of publication of the notification under section 4 fails to apply for a licence within thirty days from such date, the market committee may refuse to grant him a licence unless he deposits late fee as specified below in cash with the market committee—

(i) Upto three months	one thousand rupees.
(ii) Upto six months	two thousand rupees.
(iii) Exceeding 6 months	three thousand rupees.

(4) the market committee may, on being satisfied that there has been a Breach of any conditions of a licence, by an order in writing cancel or suspend such licence and may also direct that such licence shall not be renewed for such period not exceeding four months for the first breach and not exceeding nine months for a second or subsequent breach as may be specified in that order:

Provided that no such order hall be passed without giving the licensee an opportunity to show cause within fifteen days form the date of issue of the show cause notice.

(5) Any person aggrieved by an order passed under sub-section (4) may at any time within one month of the passing of the order appeal to the Assistant Director Bureau of Supply and Prices of the district against such order, and the order passed in appeal, shall, be final.".

Substitution of section 8, Punjab Act V of 1939.

6. In the said Act, in section 8—

(a) in sub-section (1), for the words "nine or sixteen ", the words "ten or eighteen" shall be substituted;

(b) In sub-section (3)—

(i) In clause (a)—

(a) in sub-clause (i), the word "and" shall be omitted; and

(b) for sub-clause (ii), the following sub-clause (ii) and (iii) shall be substituted :-

(ii) three members from persons carrying on business in agricultural produce including the business as broker, weighman, measurer or surveyor; and

(iii) one member from amongst the consumers to the nominated by the Deputy Commissioner preferably from amongst the members of the council or councils constituted under the Sind Local Government Ordinance, 1979, the having jurisdiction in the notified market areas,". And

(ii) in clause (b)__

(a) in sub-section (1), the word "and" shall be omitted; and

(b) for sub-clauses (ii), the following sub—clauses (ii) and (iii) shall be substituted :-

"(ii) six members from persons carrying on business in agricultural produce including the business as broker, weighman, measurer or surveyor; and

(iii) two members from amongst the consumers to be nominated by the Deputy Commissioner preferably from amongst the members of the council or councils constituted under the Sind Local Government Ordinance, 1979, having jurisdiction in the notified market area.".

7. In the said Act, in section 9— **Amendment of section 9, Punjab Act V of 1939.**

(a) for sub-section (1),

(1) a market committee shall—

(i) enforce the provisions of this Act and the rules and bye-laws made thereunder;

(ii) arrange open auction of the agricultural produce referred to in section 4-A and supervise all operations connected therewith including correct weighment and timely payment of its price in the prescribed manner;

(iii) if it considers necessary or if so directed by Government, establish one or more fair price shops and for that purpose by, sell, store (including storing in cold storage) agricultural produce in the prescribed manner;

(iv) if the financial resources so permit, set up or acquire markets, ware-houses, cold storages (including refrigerated mobile vans) for the benefit and facility of growers, dealers and other market functionaries in the prescribed manner;

(v) under take any other duty or duties under this Act as Government may time to time, direct,"

8. In the said Act, in section 16, the following sub-section shall be added:- **Amendment of section 16, Punjab Act V of 1939.**

"(3) Notwithstanding the provisions of sub-section (1), Government may constitute a service to be known as the Sind Market committees Unified Grade consisting of all posts in the Market committers in grades 10 and above, and all appointments to the said service shall be made by Government in such manner and on such terms and conditions as may be proscribed.

(4) Government may transfer any person in the said service from one market committee to the other.

(5) All persons in the said service shall be liable to such disciplinary action and penalties as may be prescribed.

(6) The salary, allowances and other benefits except the leave salary and retirement benefits of the persons in the said service shall be disbursed from the funds of the market committee concerned.

(7) A market committee shall in addition to the contributions make to the pool fund under section 19, make further contribution in the prescribed manner towards its share of the leave salary and retirement benefits in relation to all persons in the said service for the period of such service in such committee.".

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9. In the said Act, for section 19, except the proviso, the following shall be substituted :- **Amendment of section 19, Punjab Act V of 1939.**

levy of fees.

"19. (1) subject to the rules made in this behalf, a market committee may levy a fee on an agricultural produce bought or sold in the notified market area at such rate as it may fix but such rate shall not exceed the maximum rate prescribed by the rules.

(2) Twenty percent of the fee under Sub-section (1) shall be credited to a fund, hereinafter to as the Market Committees Pool Fund:-

10. In the said Act, after section 19, the following new section shall be inserted:- **Insertion of section 19-A Punjab Act V of 1939.**

Market Committees pool fund.

"19-A (1) The Market Committees Pool Fund shall be administered by a committee consisting of such members as may be appointed by Government.

(2) Subject to rules, the Market Committees pool fund shall be expended for__

(i) assisting the market committees by the way of grant in aid or loans enabling them to undertake construction of new markets, modern storage accommodation, and such other works as may be approved by Government;

(ii) meeting expenses on organizing seminars, symposiums and fairs on agricultural marketing;

(iii) imparting training to the members and employees of the market committees and arranging study tours for them within or outside the Province to improve their efficiency;

(iv) engaged consultants of repute to undertake market surveys and commodity marketing research for future planning of marketing activities in the in the Province;

(v) acquisition of load carrying vehicles including refrigeration vehicles for brining agricultural produce of the farmers to the market;

(vi) payment of salaries to the employees and other ancillary expenses required for administration of the fund; and

(vii) payment of leave salary and retirement benefits to the persons in the Sind Market Committees Unified Grades,;

11. In the said Act, in section 20, in sub-section (1) between the word "shall" and the word "be" occurring for the first time, the commas and the words "subject to the provisions of section 19," shall be inserted. **Amendment of section 20, Punjab Act V of 1939.**

12. In the said Act, in section 21— **Amendment of section 21, Punjab Act V of 1939.**

(a) in clause (x), the word "and" shall be omitted;

(b) in clause (xi), the full-stop shall be replaced by a semi-colon and thereafter the following clauses shall be added, namely:-

"(xii) arranging agricultural exhibitions, melas, seminars, harvesting and silt cleaning competitions and awarding prizes;

(xiii) defraying expenses for purposes of clauses (iii), (iv) and (v) of sub-section (1) of section 9.".

13. In the said Act, in section 21-A- **Amendment of section 21-A, Punjab Act V of 1939.**

(i) for the words "the Deputy Commissioner", occurring for the first time, the words "the Commissioner in the case of Karachi Market Committee and the Deputy Commissioner in other cases" shall be substituted; and

(ii) between the word "by" and the words "the Deputy Commissioner", occurring for the second time, the words "the Commissioner or" shall be inserted.

14. In the said Act, in section 24— **Amendment of section 24-A Punjab Act V of 1939.**

(i) in sub-section (2), for the words and commas "the Deputy Commissioner may, be order in writing, suspend within the limits of the district" the words and commas, "the Commissioner in the case of Karachi Market Committee and the Deputy Commissioner in any other case, may, by order in writing suspend" shall substituted; and

(ii) in sub-section (3) and sub-section (4), for the words "the Deputy Commissioner" the words and commas "the commissioner or, as the case may be the Deputy Commissioner" shall be substituted.

15. In the said Act, in section 25, in subsection (4) (b) (i), after the words "be longer than three years," the commas and the words "but where no new committee has been constituted to succeed the authority, it shall, unless Government otherwise directs, continue to hold office until a new committee is constituted" shall be added. **Amendment of section 25, Punjab Act V of 1939.**

16. In the said Act, in section 26— **Amendment of section 26, Punjab Act V of 1939.**

(a) in sub-section (1)—

(i) for the word and figure "section 4" the words, brackets and figures " sub-section (2) of section (4), section 4-A or sub-section (2) of section 6" shall be substituted;

(ii) for the words "five hundred rupees" the words "one thousand rupees but shall be not less than five hundred rupees" shall be substituted;

(b) in sub-section (2), for the words "fifty rupees", the words "one hundred rupees" shall not be less than fifty rupees" shall substituted; and

(c) in sub-section (3), for the words "one hundred rupees", the words "two hundred rupees, but shall not be less than one hundred rupees" shall be substituted.

17. In the said Act, in section 27__ **Amendment of section 27, Punjab Act V of 1939.**

(a) in sub-section (2), in clause (xix), for the words "auctions of agricultural produce", the words open auction under section 4-A" shall be substituted;

(b) Sub-section (4) shall be omitted.

18. In the said Act, in section 29, in sub-section (1), before the full stop, the comma and the words "of the concerned area or by a court of Mobile Magistrate of any area by holding summary proceedings" shall be added. **Amendment of section 29, Punjab Act V of 1939.**

19. In the said Act, after section 32, the following section 33 shall added:- **Addition of section 33, Punjab Act V of 1939.**

Dissolution.

"33 (1) Government may after inviting objections from public, dissolve by notification in the official Gazette any market committee from such date as may be specified in the notification.

(2), from the said date all priorities, funds and dues which were, immediately before the said date vested on or realizable by the market committee shall vest in and be realizable by Government or such authority as may be specified in the said notification, and all liabilities which immediately before the said date were enforceable against the market committee shall be assumed by, and be enforceable against, Government or the aforesaid authority, as the case may be.".

20. In the said Act, the following Schedule shall be added at the end:-

"**SCHEDULE"**
(See clause (a) of section 2)
AGRICULTURAL PRODUCE

CEREALS:

Wheat, maide, suji, bran, dalya, barlapaddy, rice, rice-straw **(palal)** busk, maize, maizecobs (green and dry) jowar, bajra atta and starch;

FIBERS:

Cotton un-ginned (phutty), lint (cotton) and jute fibre;

SUGARS:

Sugarcane, surarcane juice, gur, shakkar, molasses, sugar desi and refined;

OIL SEEDS:

Cotton-seed linseed, sarsoon, Raye, Taramira, Toria, Til, Palm soyabeen, Sun-flower, ground nut, caster, their oils and oil cakes;

PULSES:

Mong, Masoor, Mash, Mattar, Moth, gram, beans, Arhar, Guwar and others, whole and spilt;

FODDERS:

Senji, Lucern, Shaftal, Berseem, Guwar, Bajra, Maize, barley, wheat, jawi, jowar Methim, Swank, Oats, Ajwans, (green and dry) and their seeds and Bhusa;

FRUITS AND VEGETABLES:

All kinds of fruits, vegetables (fresh and dry) squashes, jams, pickles, marmalades, Chatnis and sauces;

CONDIMENTS:

Chillies, coriander, Fannal (Saunf), garlic green and dry) and others;

TOBACCOS:

Tobaccos leaves, tobacco curred, Nuswar and others:

MEHNDI:

Leaves and power:

LIVESTOCK AND POULTRY:

Goats, sheep or cows (milch or draught), buffaloes, camels, horses and donkeys and poultry including turkeys;

LIVESTOCK PRODUCTS:

Beef, mutton, hides and skin (dry and wet), bones, wool, hair, eggs, poultry and turkeys (dressed), mawa, butter oil, milk and Desi Ghee;

MISCELLANEOUS:

Vanaspati (vegetable) oil firewood, tanning bark, timber, charcoal, fish (fresh and dry) and tea (leaves and dust).