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SIND ORDINANCE NO.XV OF 1983

THE AGRICULTURAL PRODUCE MARKETS (AMENDMENT) ORDINANCE, 1983

[7th December, 1983]

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 Provisional Constitution Order, 1981, 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, 1983.

(2) It shall come into force at once.

Amendment of Section 4 of Punjab Act V of 1939.

2. In the Agricultural Produce Markets Act, 1939, hereinafter referred to as the said Act, in section 4, for sub-section (2) and (3), the following shall be substituted: —

"(2) After the date of such notification and on the establishment of a market committee under section 7, no person, notwithstanding anything contained in any other law unless exempted under this Act shall, within the notified market area, set-up or establish or use any place for the purchase, storage or sale of any agricultural produce except in accordance with the terms and conditions of licence.

(3) Government may, in accordance with the provisions of sub-section (1) exclude any area from or include any area to, any notified market area.".

Amendment of Section 4-A of Punjab Act V of 1939.

3. In the said Act, in section 4-A, after the words "prescribed manner" the words "and in case such agricultural produce can not be sold by open auction, it may be sold in such manner as may be prescribed" shall be added.

Amendment of Section 6 of Punjab Act V of 1939.

4. In the said Act, in section 6, in sub-section (1), for the words "any person who wishes to work as a dealer in a notified market area may apply", the words "any person who works or wishes to work as a dealer in a notified market area shall apply" shall be substituted.

Amendment of Section 8 of Punjab Act V of 1939.

5. In the said Act, in section 8, in sub-section (3)—

(i) in sub-clause (i) of clauses (a) and (b), for the word "district" the words "notified market area" shall be substituted;

(ii) in sub-clause (iii) of clauses (a) and (b), the word "preferably" shall be omitted.

Amendment of Section 16 of Punjab Act V of 1939.

6. In the said Act, in section 16, in sub-section (3), for the figure "10" the figure "11" shall be substituted.

Amendment of Section 19 of Punjab Act V of 1939.

7. In the said Act, in section 19—

(a) in sub-section (1), for the words "it may fix but such rate shall not exceed maximum rate", the words "may be" shall be substituted;

(b) in sub-section (2), for the words, figure and bracket "Twenty percent of the fee under sub-section (1)" the words "Fifteen percent of the total income of the market committee" shall be substituted.

Amendment of Section 24-A of Punjab Act V of 1939.

8. In section 24-A—

(a) in sub-section (1), for the word "Government", the words and commas "Director General, Bureau of Supply and Prices, Sind" shall be substituted;

(b) in sub-section (3), for the words "Provincial Government" the words and commas "Director General, Bureau of Supply and Prices, Sind" shall be substituted;

(c) sub-section (4) shall be omitted.

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Amendment of Section 26 of Punjab Act V of 1939.

9. In the said Act, in section 26, in sub-section (3), before the full-stop, the words "and in case of default in payment of fine the convict shall be further punished to suffer simple imprisonment for a period not exceeding one month" shall be added.

Amendment of Section 27 of Punjab Act V of 1939.

10. In the said Act, in section 27, in sub-section (2)—

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

(b) in clause (xix), after the word "market" the words "and in case where such agriculture produce cannot be sold by auction, the manner in which it may be sold" shall be added.

Amendment of Section 28 of Punjab Act V of 1939.

11. In the said Act, in section 28, in sub-section (1), for the words "fifty rupees" occurring at the end, the words "five hundred rupees" shall be substituted.

Amendment of Section 32 of Punjab Act V of 1939.

12. In the said Act, in section 32, for the word "Commissioner" the words and commas "Director General, Bureau of Supply and Prices, Sind" shall be substituted.

Addition of new section 34 to Punjab Act V of 1939.

13. In the said Act, after section 33, the following section shall be added:—

Acquisition of land.

"34. Where any land is required by a market committee for carrying out any of its functions under this Act, it shall be acquired under the land Acquisition Act, 1894, and the market committee shall with the prior approval of the Director General Bureau of Supply and Prices, Sind, move the Government for acquisition of the land.".