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## PART I

GOVERNMENT OF SIND

LAW DEPARTMENT

NOTIFICATION

Karachi, the 4th September, 1980.

No. S.Legis.1(13)/80.—The following Ordinance by the Governor of Sind, is hereby published for general information:—

THE AGRICULTURAL PRODUCE MARKETS (AMENDMENT)

ORDINANCE, 1980.

SIND ORDINANCE No. XIII OF 1980

AN

ORDINANCE

*to amend the Agricultural Produce Markets Act, 1939.*

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

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 comm-  
encement.

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 Produce Markets Act, 1939, (hereinafter referred 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 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 grant of the licence is decided against him”;

(c) 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.”

Addition of  
new section  
4-A, Punjab  
Act V of  
1939.

4. In the said Act, after section 4, the following new section shall be added, namely:—

“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.”

Substitution  
of section 6,  
Punjab Act  
V of 1939.

5. In the said Act, for section 6, the following shall be substituted:—

“6. (1) Any person who wishes to work as a dealer in a notified market area may apply on the prescribed 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 pay-



ment 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 guilty 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 of the 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 shall be passed without giving the licensee an opportunity to show cause within fifteen days from the date of issue of the show cause notice.

(5) Any person aggrieved by an order passed under subsection (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."



Amendment  
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-clauses (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 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 areas.”; and
- (ii) in clause (b)—
- (a) in sub-clause (i), the word “and” shall be omitted; and
- (b) for sub-clause (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.”.

Amendment  
of section 9,  
Punjab Act  
V of 1939.

7. In the said Act, in section 9—
- (a) for sub-section (1), the following shall be substituted:—
- “(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 buy, 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, from time to time, direct."

8. In the said Act, in section 16, the following sub-sections shall be added:—

Amendment  
of section 16,  
Punjab Act  
V of 1932.

"(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 Committees 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 prescribed.

(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 made 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."

9. In the said Act, for section 19, except the proviso, the following shall be substituted:—

Amendment  
of section 19,  
Punjab Act  
V of 1932.

"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 referred to as the Market Committees Pool Fund:"



Insertion of  
section 19-A,  
Punjab Act V  
of 1939.

10. In the said Act, after section 19, the following new section shall be inserted:—

“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 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 Province;
- (v) acquisition of load carrying vehicles including refrigeration vehicles for bringing 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.”.

Amendment  
of section 20,  
Punjab Act V  
of 1939.

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 21,  
Punjab Act  
V of 1939.

12. In the said Act, in section 21—

- (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; and
  - (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—

- (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.

Amendment  
of section  
21-A, Punjab  
Act V of  
1939.

## 14. In the said Act, in section 24-A—

- (i) in sub-section (2), for the words and commas “the Deputy Commissioner may, by 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 be 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.

Amendment  
of section  
24-A, Punjab  
Act V of  
1939.

15. In the said Act, in section 25, in sub-section (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—

## (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 not be less than five hundred rupees” shall be substituted;

## (b) sub-section (4) shall be omitted.

“one hundred rupees, but shall not be less than fifty rupees” shall be 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.

Amendment  
of section 26,  
Punjab Act  
V of 1939.

## 17. In the said Act, in section 27—

- (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.

Amendment  
of section 27,  
Punjab Act  
V of 1939.

