



**AGRICULTURAL PRODUCE
MARKETS ACT, 1939
AND RULES, 1940.**

APPLICABLE IN SIND PROVINCE.

**BUREAU OF SUPPLY AND PRICES
GOVERNMENT OF SIND**

EDITION—AMENDED & UPTO-DATE. (with amendment)

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2-10



AGRICULTURAL PRODUCE MARKET ACT

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Provided that no person shall be disqualified from being a grower on the ground only that he is member of a society registered under the Co-operative Societies Act, 1912, which deals in the purchase or sale of agricultural produce.

Provided further that no order shall be passed by the Deputy Commissioner unless the person affected thereby is given an opportunity of being heard.

tract in which the notified area is situated shall be final.

- (d) "Market" means a building, block of buildings, enclosure or other area which may be so notified in accordance with the rules made under this Act.
- (e) "Notified market area" means any area notified under Section-4.
- (f) "Prescribed" means prescribed by rules or bye-laws made under this Act.
- (g) "Trade allowance" includes such allowances as have the sanction of custom in the notified area concerned.
- (h) "Warehouseman" includes a person who stores any agricultural produce not belonging to himself and charges rent therefor, in any form, from the person at whose instance the said produce is so stored.

3. Notification of intention of exercising control over purchase and sale of agricultural produce in specified area. The Government may, by notification, declare its intention of exercising control over the purchase and sale of such agricultural produce and in such area as may be specified in the notification. Such notification shall state that any objections or suggestions which may be received by Government within a period to be specified in the notification, will be considered:

3. omitted — Provided such period shall not be less than one month.

4. Declaration of Notified area.—(1) After the expiry of the period specified in the notification under Sec. 3 and after considering such objections and suggestions as may be received before the expiry of the notified

period may there of the

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(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.

1. Subsection (2) Sub by Sind Ord XV 9 1983, S.2.

2. Proviso added by Sind Ord 207 1984, S.2.

3. omitted by Proviso Sect. 3 Act No IV of 2010 Al- 4 $\frac{3}{2010}$

except under a Licence granted in accordance with the provisions of this Act, the rules and byelaws made thereunder and the conditions governing the grant of Licence:

Provided that a licence shall not be required by a grower who sells himself or through a *bona fide* agent his own agricultural produce or the agricultural produce of his tenants on their behalf or by a person who purchases any agricultural produce for his private use.]

Provided further that person carrying on such business im-
the publication of the notification under sub-section (1) shall
Government may, in accordance with the provisions of sub-section (1) exclude any area from or include any area to, any notified market area.]

the public and the Market Committee, by notification any area

and in case such agricultural produce can not be sold by open auction, it may be sold in such manner as may be prescribed]

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 lower than the price so fixed.]

5. Authority to whom Application for grant of Licences are to be made.—The Government shall by rule made under this Act, specify the authority to whom an application may be made for the grant of a licence.

7. Any person who works or wishes to work as a dealer in a notified market area shall apply]

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 dealer who is a Co-operative Society registered under the Sind Co-operative Society Act, 1925.

*1. Added by the Agricultural Produce Markets (amendment) Ordinance 1980 Sind Ordinance No. XIII of 1980.

*2. Added by the Agricultural Produce Markets (amendment) Ordinance 1980 Sind Ordinance No. XIII of 1980.

*3. Added by the Agricultural Produce Markets (amendment) Ordinance 1980 Sind Ordinance No. XIII of 1980.

*4. Substituted by the Agricultural Produce Markets (amendment) Ordinance 1980 Sind Ordinance No. XIII of 1980 (Section-6).

5. Subsection (3) Subs by Sind Ord XV of 1983. S. 2.
6. words added S. 3.
7. words substituted S. 4.

(2) Licence under this Act, shall not be granted to a person 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 mis-appropriation 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 six 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 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 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.]

7. *Establishment of Market Committees.*—The Government shall by notification establish a market committee for every notified market area.

8. *Constitution of the Committee.*—(1) A market committee shall ^{constitute} consist of [ten or eighteen] member^s [Minister for Agriculture] in each case determine.

(2) Of these member ⁸⁻¹¹ some may be appointed by ²[Minister for Agriculture], from amongst the salaried servants of the State by virtue of his office.

*1. Substituted by the Agricultural Produce Markets (amendment) Ordinance 1980 Sindh Ordinance No. XIII of 1980.

*2. Subs. by the Agricultural Produce Markets (Amendment) Act 2019, Sindh Act No. (I of 2020), S.2 for word "Government".

7. (3) The remaining members shall be appointed by ⁶ [Minister for Agriculture] in the manner provided hereunder, that is to say—

(a) if the committee is to consist of 10 members, there shall be appointed—

- (i) five members from growers of the ⁶ [notified market area] [District]; []
- 2 (ii) three members from persons carrying on business in agricultural produce including the business as broker, weighman, measurer or surveyor; and

4 (iii) one member from amongst the consumers to be nominated by the Deputy Commissioner ⁷ [] 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]

2. (b) If the committee is to consist of eighteen members, there shall be appointed—

- 4 (i) nine members from growers of the ⁶ [notified market area] [District]; []
- 4 (ii) six members from persons carrying on business in agricultural produce including the business as brokers, weighman, measurer or surveyor; and

4 (iii) two members from amongst the consumers to be nominated by the Deputy Commissioner ⁷ [] from amongst the members of the council or councils constituted under the Sind Local Government Ordinance 1979, having jurisdiction in the notified market area.]

(4) Omitted. ^{by W.P. Ord XXI of 1959. s. 2(ii)}

(5) Omitted. ^{ibid}

(6) No act done by the committee shall be called into question on the ground merely of the existence of any vacancy in, or any defect in the constitution of the committee.

9. Duties of the Committee.—⁵ (1) A market committee shall—

- (i) enforce the provisions of this Act, and the rules and byelaws 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;

³ Substituted, added by the Agricultural Produce Market (amendment) Ordinance 1980 Sind Ordinance No. XIII of 1980.

^{2, 4, 5} Substituted ^{ibid}.

⁶ Substituted, added by Ord XV of 1963. s. 5(a).

⁷ word: 'personally'. Omitted ^{ibid} s. 5(b).

⁸ Subs. by the Agricultural Produce Markets (amendment) Act, 2019, Sindh Act No. (I of 2020), s. 2 for word "Government".

- (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 as permit set up or acquire markets, warehouses, 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.]

(2) Subject to such rules as the Government may make in this behalf, it shall be the duty of the market committee to issue licences to brokers, weighman, measure, surveyor, warehousemen, changars palladars horiottas and rolas, for carrying on their occupation in the market area in respect of agriculture produce as defined in the Act, and to renew, suspend or cancel such licences.

(3) No broker, weighman, measurer, surveyor, warehouseman, changar, palladar, horiota and rola shall, unless duly authorised by licence, carry on his occupation in a notified market area in respect of agricultural produce as defined in this Act.

10. *Period Of Office Of Members:* Subject to the provisions of Section-13, every member shall hold office for a period of three years from the date of his appointment and if, when such period expires, no person has been appointed to succeed him, such member shall, unless the Government otherwise directs continue to hold office until his successor is appointed.

11. *Removal of Members:*—The Government may at any time during the period of his office remove by notification any member if such member has, in their opinion, being guilty of misconduct or neglect of duty or has been wrongly or improperly appointed or has lost the qualification

3. In the said Act, in section 11, the full-stop at the end shall be replaced by a colon and thereafter the following proviso shall be added:—

["Provided that no member shall be removed unless he is given an opportunity of being heard."]

13. *Filling of Vacancies.*—If through death, resignation, transfer, residence outside the province, inability to act as a member of the committee or removal in accordance with the Provisions of Section 11 any vacancy occurs, Government may appoint a member to fill such vacancy in accordance with the provisions of Section 8:

~~Substituted vide Section 7 of the Agricultural Produce Market (amendment) Ordinance No. XII of 1980~~

1. Proviso added by SIND Ord. 2 OF 1989, S-3.

Provided that the term of office of the members so appointed shall expire on the same date as the term of office of the vacating member would have expired had the latter held office for the full period allowed under Section 10 unless there be delay in appointing a new member to succeed the member first mentioned above, in which case it shall expire on the date on which his successor is appointed by the Government.

14. *Incorporation of Committee.*—Every market committee shall be a body corporate by such name as the Government may specify in the notification establishing it, shall have perpetual succession and a common seal, may sue and be sued in its corporate name, and shall, subject to the provisions of Section-24, be competent to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes for which it is established.

Provided that no committee shall permanently transfer any immovable property except in pursuance of a resolution passed at a meeting specially convened for the purpose by a majority of not less than three-fourths of the members of the Committee.

15. *Sub-Committee and Joint Committees and Delegation of Powers.*—The market Committee may appoint two or more of its member to be a sub-committee for the conduct of any work or to report on any matter and may delegate to any one or more of its members and withdraw from him or them such of its powers or duties and in such manner as may be prescribed.

16. *Appointment and Salaries of Officers and Servants of Market Committee.*—(1) Subject to such rules as may be made by the Government in this behalf, a market committee may employ such persons as may be necessary for the management of the market, may pay such persons such salaries as it may think fit and shall have power to control and punish them. The Committee may also, in such manner as may be prescribed, provide for payment to its employees of such leave compassionate and medical allowances, gratuities and pensions as it deems proper; and may contribute to any provident fund which may be established for the benefit of such employees.

(2) The Committee shall, in the case of any Government servant whom it employs, pay to Government such contribution towards the pension and leave allowances of such servant as may be payable under any regulations in force.

(3) Notwithstanding the provisions of sub-section 1 Government may constitute a service to be known as the Sind Market Committee 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 such authority in such manner and on such terms and conditions as may be prescribed. 2-11]

* Section 16 of Agricultural Produce Market Act Amendment vide Section 8 of the Agricultural Markets (amendment) Sind Ordinance No. XIII of 1980 and

1. Sub-section (3) to (7) added by Sind Ord: no XIII of 1980. S. 8
2. Substituted for "10" by Sind ord XV of 1983. S. 6

(4) Government or any officer or authority empowered by Government may transfer any person in the said service from one market Committee to 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 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 retirement benefits in relation to all persons in the said service for the period of such service in such Committee.]

17. *Persons who are to be deemed Public Servants within the meaning of Section-21 of the Pakistan Penal Code.*—Every person employed by the Market Committee under the provisions of Section-16 and every member of the Committee shall be deemed to be a public servant within the meaning of Section-21 of the Pakistan Penal Code.

18. *Execution of Contracts.*—(1) Every contract entered into by a market committee shall be in writing and shall be signed on behalf of the market committee by the Chairman or, if, for any reason he is unable to act by the Vice-Chairman and two other members of the committee and shall be sealed with the common seal of the committee.

(2) No contract other than a contract executed as provided in sub-section (1) shall be binding on a market committee.

19. *Levy of Fees.*—(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~~ ^{the} may ~~be~~ but such rate shall not exceed the maximum rate prescribed.

to a ~~provision~~ **fifteen percent of the total income of the market committee]**

(a) no fee shall be leviable in respect of any transaction in which delivery of the agricultural produce bought or sold is not actually made; and

(b) a fee shall be leviable only on the parties to a transaction in which delivery is actually made.

*2. by Section 2 of Agricultural Produce Markets (amendment) Sind Ordinance No. XI of 1981 of Agricultural Produce Markets Act.

*3. Section 19 of Agricultural Produce Markets ^{Substituted} vide Section 9 of Agricultural Produce Markets Act (amendment) of Sind Ordinance XIII 1980.

4. Subst. by Sind Ord XV 9 1983. S. 7(a) to read as above.

5. Words Subs. ~~that~~ 0 S. 7(b)

19-A. *Market Committee Pool Fund.*—(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) engaging 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 markets;
- (vi) payment of salaries to the employees and other ancillary expenses required for administration of the fund; and
- 2 (vii) payment of retirement benefits to the persons in the Sind Market Committees Unified Grade?

20. *Market Committee Fund.*—(1) All moneys received by a Market Committee shall, subject to the provisions of Section-19, be paid into a fund to be called the "Market Committee Fund". All expenditure incurred by a Market Committee under or for the purposes of this act shall be defrayed out of the said fund; and any surplus the remaining after such expenditure has been met shall be invested in such manner as may be prescribed by rules.

- (2) (a) Every Market Committee shall, out of its fund, pay to the Government the cost of any special or additional staff employed by the Government in consultation with the committee for giving effect to provisions of this Act in the notified market area.

*1. Section 19-A ^{inserted} by Section 10 of Agricultural Produce Markets (amendment) Sind Ordinance No. XIII of 1980.

*2. Clause ^(vii) of Section 19-A amendment by Section 3 of Agricultural Produce Markets Act (amendment) Ordinance No. XI of 1981.

*3. ~~Section 20~~ ^{words inserted} amendment by Section 11 of Ordinance No. XII of 1982.

- (b) The Government shall determine the cost of such special or additional staff and shall, where the staff is employed for the purposes of more market committees than one, apportion such cost among the committees concerned in such manner as they think fit. The decision of the Government determining the amount payable by any market Committee shall be final.

21. Purposes for which the fund may be expended.—Subject to the provision of Section 20, the market committee fund shall be expended for the following purposes only:—

- (i) the acquisition of a site or sites for the market;
- (ii) the maintenance and improvement of the market;
- (iii) the construction and repair of buildings which are necessary for the purposes of such market and for the health, convenience and safety of the persons using it;
- (iv) the provision and maintenance of standard weights and measures;
- (v) the pay, leave compassionate and Medical leave allowances, gratuities and pension and contribution towards leave allowances or provident fund of the persons employed by the market committee;
- (vi) the payment of interest on loans that may be raised for purposes of the market and the provision of a sinking fund in respect of such loans;
- (vii) the collection and dissemination of information regarding all matters relating to crop statistics and marketing in respect of the agricultural produce concerned and propaganda in favour of agricultural improvement and thrift;
- (viii) providing comforts and facilities, such as shelter shade, parking accommodation and water for the persons, draught cattle and pack animals coming to the market, and similar other purposes;
- (ix) the expenses incurred in auditing the accounts of the committee;
- * (x) with the previous sanction of the Government, any other purpose which is calculated to promote the general interest of the market;
- (xi) for the payment of travelling allowance to the members and the employees of the market committee as prescribed;
- 2 (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 Sec. (1) of Sec. 9.]

*I ~~Clause 10 of Section 10 and Clauses 12, 13 of the said Section amended and added by Section 12 of the Agricultural Produce Markets Act (amended) of Sind Ordinance No. XIII of 1980.~~

1. the word and omitted by ^{PO} Ord XIII of 1980. S. 12(a)
2. full stop cuts. by S. 12(b)
3. cls: (xii) & (xiii) added S. 12(b)

21-A. (1) Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to a Market Committee, if such loss, waste or misapplication is proved to the satisfaction of [the Commissioner in the case of Karachi Market Committee and the Deputy Commissioner in other cases] or any Gazetted Officer specially empowered in this behalf by the Provincial Government to be the direct consequence of such person's neglect or misconduct in the performance of his duties while a member of the market committee and he may after being given an opportunity by a written or oral representation why he should not be required to make good the loss, be surcharged with the value of such money on the amount of such money by [the Commissioner or] the Deputy Commissioner or the Gazetted Officer, as the case may be, and if the amount is not paid within 14 days from the expiry of period of appeal prescribed by subsection (2) it shall be recoverable by the Committee as arrears of Land Revenue.

(2) the person against whom an order under subsection (1) is made may within one month of the notification of such order, appeal to the Commissioner who shall have the power of confirming modifying or disallowing the surcharge.

22. *No trade allowance permissible except as prescribed by rules or Byelaws.*—No trade allowance, other than an allowance prescribed by rules or byelaws made under this act, shall be made or received in a notified market area by any person in any transaction in respect of the agricultural produce concerned and no civil court shall, in any suit or proceeding arising out of any such transaction, recognize, any trade allowance not so prescribed.

22-A. (1) The Provincial Government may, by notification direct that all or any of the disputes, other than disputes to which all the parties are dealers licenced under Section-6, arising in a notified market area, and relating to such matters connected with agricultural produce as may be prescribed by the Provincial Government, shall be referred to a Board of Arbitrators constituted under this Act.

(2) The Board shall receive and record evidence, and shall have power to administer oaths to parties and witnesses, and, on requisition in writing signed by the Chairman of the Board, the Magistrate authorized by the District Magistrate in this behalf shall issue the necessary processes for the attendance of witnesses and the production of documents and material objects required by the Board, and may enforce the said processes as if they were processes for attendance or production before himself.

(3) No member of the Board, who has a direct interest in the matter under reference, shall take part in the consideration or discussion of, or vote on any question with respect to the said matter.

~~21. Section 21-A of Agricultural Produce Markets amendment by Section 13 of Agricultural Produce Markets (amendment) Sind Ordinance No. XIII of 1980.~~

1. Subs. by Sind Ord XIII 9 1980. S. 13 (i)
2. Ins. *idid* - 9 1980 S. 13 (ii)

22-B. (1) the decision of every Board of Arbitration shall be in accordance with the majority of votes.

(2) If there is not a majority of votes in favour of any proposed decision, the opinion of the Chairman shall prevail.

(3) The decision of a Board of Arbitration shall:—

(a) be enforced by any Civil Court having jurisdiction in the same manner as a decree of such Court; and

(b) be final and shall not be questioned in any Court.

23. Bar of suit in absence of notice.—(1) No suit shall be instituted against any market committee or any member, or employee thereof or any person acting under the direction of any such Committee, member, or employee for anything done or purporting to be done under this Act, until the expiration of two months next after a notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims, has been, in the case of a committee, delivered or left at its office, and in the case of any such member, employee or person as aforesaid, delivered to him or left at his office or usual abode, and the plaintiff's name and address.

4. In the said Act, in section 23, after sub-section (1), the following new sub-section shall be added:—

2 [(1-A) Where any such suit is instituted without delivering or leaving such notice as aforesaid or before the expiration of the said period of two months or where the plaint does not contain a statement that such notice has been so delivered or left, the plaintiff shall not be entitled to any costs if settlement as regards the subject matter of the suit is reached or the committee, any member or employee thereof concedes the plaintiff's claim, within the period of two months from the date of the institution of the suit:

Provided that in a suit instituted without such notice, the Court shall allow not less than three months to the committee to submit its written statement.]

such conditions, and subject to such rules as may be prescribed

[Director General, Bureau of Supply and Prices, Sindh.]

do all things necessary to secure such conformity, or may suspend and resolution which it considers likely to lead to a breach of the provisions of

3 ["Provided that no such action shall be taken unless reasonable opportunity is given to the market committee or sub-committee, as the case may be, for showing cause against the proposed action.]

2 S-section (1A) added by Sindh Ord. Lof 1984, s. 4.

(2) [The Commissioner in the case of Karachi market committee and the Deputy Commissioner in any other case, may, by order in writing, suspend] within the limits of the district the execution of any resolution or order of a market committee or sub-committee or prohibit the doing within those limits, of any act, which is being done or is about to be done in pursuance of or under cover of this Act or any rule or by-law made thereunder. If in his opinion, the resolution, order or act is in excess of the powers conferred by law, or is likely to lead to a breach of peace or to cause, injury or annoyance to the public or to any class or body of person, or is likely to affect adversely the interests of the market committee or of growers or dealers transacting business in agricultural produce or of any class of functionaries working in the notified market area concerned.

2. (3) When [the Commissioner or, as the case may be, the Deputy Commissioner] makes an order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it and the ~~Director General, Bureau of Supply and Prices, Sind~~ ^{3 [Provincial]} that it shall or for such period as it thinks fit.

3. [4] ^{amended} [The Commissioner or, as the case may be, the Deputy Commissioner] may, subject to such conditions or restrictions as he may deem fit to impose, by order in writing delegate his power under this section to any officer not below the rank of an Extra Assistant Commissioner as the Provincial Government may by general or special order direct.]

25. *Supersession of Market Committee.*—(1) If, in the opinion of the Government, a market Committee is incompetent to perform or persistently makes default in performing the duties imposed on it by or under this Act, or abuses its powers, the Government may, by notification, supersede such committee:

Provided that before issuing a notification under this sub-section the Government shall give a reasonable opportunity to the market committee for showing cause against the proposed supersession and shall consider the explanations and objections, if any, of the market committee.

(2) Upon the publication of a notification under sub-section (1) superseding a market committee, the following consequences shall ensue:—

- (a) All the members including the chairman and vice-chairman of the market committee shall, as from the date of such publications, be deemed to have ceased to be members of the committee;
- (b) All assets of the committee shall vest in Government and the Government shall be liable for all the legal liabilities of the committee subsisting at the date of its supersession up to the limit of the said assets.

21 to 3. ~~Sub-Sections (2) (3) and (4) of Section 24-A of Agricultural Produce Markets Act amendment by Section 14 of the Agricultural Produce Market (amendment) Sind Ordinance XIII of 1980.~~

- 1. Subs. by Sind Ord XIII of 1980. S. 14(c)
- 2. Subs. by Sind Ord XIV of 1980. S. 14(cii)
- 3. Subs. by Sind Ord XV of 1983. S. 8(b).
- 4. Substituted (4) amended. S. 8(c).

- (3) The Government may, at their discretion, by order, constitute either a new committee as provided under Section-7 or such other authority for carrying out of the functions of the committee, as the Government may deem fit.
- (4) (a) When the Government have made an order under sub-section (3), the assets and liabilities defined in sub-section (2) (b) vesting in the Government at the date of such order shall be deemed to have been transferred on the date of such order to the new committee or authority constituted as aforesaid.
- (b) (i) Where the Government by order under sub-section (3) of section 25 have appointed an authority other than a new committee for carrying out of the functions of the superseded committee, the Government may by notification determine the period for which such authority shall act. Such period shall not be longer than three years, 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;

Provided that the term of office of such authority may be terminated earlier if the Government for of any reason consider it necessary.

- (ii) At the expiry of the term of office of such authority, a new committee shall be constituted.
- (iii) Upon such an order being made the assets and liabilities vesting in the authority thereby superseded, be deemed to have been transferred by such order to the new committee.
- (5) Whenever the assets of a committee vest in the Government and no new committee or authority is appointed in its place, the Government shall employ the balance of the assets remaining after the discharge of the subsisting legal liabilities of the said committee for any object of public utility in the area specified in the notification issued under sub-section (1) of Section-4.

25-A. *Emergency Powers.*—If at any time Government are satisfied that as situation has arisen in which the purposes of this Act cannot be carried out in accordance with the provisions thereof, Government may by notification—

- (a) declare that the functions of the market committee shall, to such extent as may be specified in the notification, be exercised by Government or such person or persons as they may direct;

27. *Words added by S.O. XIII of 1980, S. 15*
~~Clause (b) of Sub-section (4) of Section 25 of Agricultural Produce Markets Act amended by Section 15 of the Agricultural Produce Markets (amended) Sind Ordinance No. XIII of 1980.~~

Sub-section (1) of Section 26 amended by Section 16 of the Agricultural Produce Markets (amended) Sind Ordinance No. XIII of 1980.

26. Penalties.—*1 (1) Whoever contravenes the provisions of sub-section (1) of Section-4, Section-4-A or Subsection (2) of Section-6] shall, on conviction, be punishable with fine which may extend to one thousand rupees, but shall not be less than ~~one hundred~~ *one thousand* rupees and, in the case of a continuing contravention, with a fine which, in addition to such fine as aforesaid, may extend to thirty rupees for every day, after the date of first conviction, during which the contravention is continued.

and such notification may contain such incidental and consequential provisions as may appear to Government to be necessary or desirable for giving effect to the objects of the notification.

26. Penalties.—*1 (1) Whoever contravenes the provisions of sub-section (2) of Section-4, Section-4-A or Subsection (2) of Section-6] shall, on conviction, be punishable with fine which may extend to one thousand rupees, but shall not be less than ~~one hundred~~ *one thousand* rupees and, in the case of a continuing contravention, with a fine which, in addition to such fine as aforesaid, may extend to thirty rupees for every day, after the date of first conviction, during which the contravention is continued.

but shall not be less than five hundred rupees

*1. (2) Whoever contravenes the provision of sub-section (3) of Section-9, shall, on conviction, be punishable with fine which may extend to one hundred rupees but shall not be less than fifty rupees, and, in the case of a continuing contravention with a fine which, in addition to such fine as aforesaid, may extend to two rupees for every day, after the date

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

21. Power to make rules.—(1) The Government may, either generally or specially for any notified market area or areas, make rules consistent with this Act, for carrying out all or any of the purposes thereof.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (i) the appointment and removal of members of market committee;
- (ii) the powers to be exercised and the duties to be performed by the market committees;
- (iii) the election of the Chairman and Vice-Chairman of such committee, their powers and term of office;
- (iv) the filling of casual vacancies in the office of members or in the office of Chairman or Vice-Chairman of market committees;
- (v) the time, place and manner in which a contract between buyer and seller is to be entered into and the money is to be paid to the seller;
- (vi) generally, for the guidance of the market committee;

*1. Sub-section (2) of Section 26 amended by Section 16 of Agricultural Produce Markets (amendment) Ordinance No. XIII of 1980.

1. Subs. by S.O. No. XII of 1950. S. 16(a)(i) for "Section 4"
2. Subs. by S.O. No. XII of 1950. S. 16(a)(ii) for "five hundred rupees"
3. Subs. by S.O. No. XII of 1950. S. 16(b) for "fifty rupees"
4. Subs. by S.O. No. XII of 1950. S. 16(c) for "one hundred rupees"
5. Words inserted by S.O. No. XII of 1953. S. 4

- (vii) management of the market, ^{omitted} [maximum] fees which may be levied by the market committee in respect of the agricultural produce bought or sold by the licencees in the notified market area, and the recovery and disposal of such fees;
- (viii) the issue by a market committee of licences to brokers weighmen measurers surveyors, warehousemen the from in which and the conditions under which, such licences shall be issued or renewed, and the fee, to be charged therefor;
- (ix) the place or places at which the agricultural produce shall be weighed, the kind and description of the scales, weights and measures which alone may be used in transactions agricultural produce in a notified market area;
- (x) the inspection, varification, regulation, correction and confiscation of scales, weights and measures in use in a notified market area;
- (xi) the trade allowance which may be made or received by any person in any transaction in an agricultural produce in a notified market area;
- (xii) (a) the constitution, powers and functions of a Board of Arbitration (the manner in which reference shall be made to it);
- (b) the procedure to be followed by Board of Arbitration in the disposal of references under this Act;
- (c) the transfer of matters and cases from one Board of Arbitrators to another and the transfer of money in such cases;
- (d) the re-presentation in proceedings before Boards of Arbitration of parties who are minors or of unsound mind or are unable to make an appearance;
- (e) the regulation of the scale of costs which may be allowed in proceedings before Boards of Arbitration;
- (f) prescribed and determining the amount of the fee payable in respect of any proceedings before Board of Arbitration; and
- (g) the maintenance by Boards of Arbitration of registers and records of proceedings before such Boards and for the inspection of such registers and records;
- (xiii) the prohibition of Brokers from acting in the same transaction on behalf of both the buyer and the seller of agricultural produce;
- (xiv) the provision of accomodation for storing any agricultural produce brought into the market;
- (xv) the preparation of plans and estimates for works proposed to be constructed partly or wholly at the expense of market committee, and the grant of sanction to such plans and estimates;

(xvi) the form in which the accounts of a market committee shall be kept, the audit and publication of such accounts and the charges, if any, to be made for such audit;

✓ (xvi-a) the management and regulation of provident funds which may be established by a market committee for the benefit of its employees;

(xvii) the preparation and submission for sanction of annual Budget and the reports and returns to be furnished by a market Committee;

(xviii) the investment and disposal of the surplus funds of a market **fund in case where such agriculture produce cannot be sold by auction, the manner in which it may be sold**

(xx) (Omitted by Act-1 of 1949);

(xxi) prescribing any matters in respect of which fee shall be payable under this Act, and fixing the amount of such fees and the mode of payment and recovery thereof;

(xxii) exemption of persons or classes of persons from the obligation of obtaining Licences under Section-4;

(xxiii) specifying the authority to which application for obtaining licences shall be made;

(xxiv) the realization of disposal of fees recoverable under this Act or under any rules or Bylaws made under this Act;

(xxv) the travelling expenses that may be paid to the members and employees of market committee;

(xxvi) the settlement of any question as to whether any person is a grower or not;

(xxvii) the appointment of members of a marketing committee; and

(xxviii) the submission of a pannel by person, - Licenced non-official members of the district council and persons licensed under Section-6 and 9;

(xxix) imposing on persons licensed under Section-4, the duty of making returns to market committees at regular intervals of transactions of sale and purchase effected by them, or at their place of business, and of producing accounts for inspection and furnishing information when called upon by an authority duly empowered and prescribing the form and mode of varification of and the particulars to be entered in, such returns as well as the nature of such information;

~~*1 Clause XIX of Sub-section (2) of Section 17 of Agricultural Produce Markets Act amended by Section 17 of The Agricultural Produce Markets (amended) Sird Ordinance No. XIII of 1980. - r. 41 Page 18.~~

L (iv) 156-3

1. Subs. by Sird Ord. XIII of 1980. S.17 (a)

2. words added by Sird Ord. XV of 1983. S.10(b)

(xxx) such other matters as, in the opinion of the Provincial Government, are necessary or expedient to be prescribed.

(3) Any rules made under this Section may provide that any contravention thereof or of any of the conditions of any licence issued or renewed thereunder shall be punishable with fine which may extend to five hundred rupees.

[4] Omitted vide Section-27 of the agricultural produce market amendment sind ordinance No. XIII of 1980.]

28. *Bye-Laws*.—(1) Subject to any rules made by the Government under Section-27, a market committee may, in respect of the notified market area under its management, make byelaws for—

- (i) the regulation of business;
- (ii) the conditions of trading;
- (iii) the appointment and punishment of its employees; and
- (iv) the payment of salaries, gratuity, pension, Leave, compassionate and medical allowances to such employees;
- (v) the delegation of powers, duties, and functions of the sub-committees, if any, provided by Section-15;
- (vi) the remuneration of different functionaries not specifically mentioned in the Act working the notified market area and rendering any service in connection with the sale or purchase of agricultural produce; and
- (vii) such other matters as in the opinion of the Provincial Government are necessary or expedient to be provided for in Bye-laws;

and may provide that contravention thereof shall be punishable on conviction, by a competent Magistrate with a fine which may extend to ~~fifty~~ rupees [five hundred rupees].

(2) The power to make Byelaws under this Act is subject to the condition of the Byelaws being made after the previous publication, in such manner as may be prescribed.

(3) No Byelaws made under this Act shall have any validity until and unless it is confirmed by the Provincial Government.

(4) Before confirming any such Byelaw the Provincial Government may modify it.

(5) The provincial Government may cancel their confirmation of any such Byelaw and thereupon the Byelaw shall cease to have effect.

28-A. All rules and byelaws made and (when confirmation is required) confirmed under this Act shall be published in the official Gazette and shall thereupon have effect as if enacted in this Act.

1. Sub. by Sind Ord XV of 1983. S. 11

29. *Trial of Offences.*—(*1) (1) No offence made punishable by this Act or any rule or Byelaws made thereunder shall be tried by a Court inferior to that of Magistrate of the First Class [of the concerned area or by a Court of Mobil Magistrate of any area by holding summary proceedings].

(2) Prosecutions under this Act. may be instituted by a person duly authorised by a resolution of the market committee in this behalf.

(3) All fines received from an offender shall be credited to provincial revenues and grant equivalent to such fines shall be paid to the market committee.

30. *Appeals.*—The market committee may, by a resolution, compound any offence under the Act, the rules or byelaws and may exercise this power at any time before directing prosecution, or where a prosecution has been instituted before the case is finally disposed of by trying Magistrate.

31. *Recovery of sums due to Government from market committee.*—All sums due from a market committee to the Government may be recovered in the same manner as arrears of Land Revenue.

32. *Delegation of certain powers.*—Government may, by notification, delegate all or any of its powers under this Act, other than the power to make rules, to the [Commissioner] [Director-General, Bureau of Supply & Prices, Sind].

33(a) (1) The following enactments are hereby repealed:—

- (a) the Northwest Frontier Province Agricultural Produce Market Act, 1939;
- (b) the Sind Agricultural Produce Market Act, 1940; and
- (c) the Bahawalpur Agricultural Produce Market Act, 1947.

(2) Notwithstanding the repeal of the enactments specified in subsection (1), every thing done, action taken, obligation, liability, penalty or punishment incurred, licence granted, inquiry or proceedings commenced committee appointed or person appointed or authorised, jurisdiction or power conferred, rule or byelaw made and order or notification issued under any of the provisions of the said enactments, shall if not inconsistent with provisions of this act, be continued and so far as may be, be deemed to have been respectably done, taken, incurred, granted, commenced, appointed authorised, conferred, made or issued under this Act.

✓ 2 33. *Dissolution.*—(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.

*1. ~~Sub-section (1) of Section 29 amended by Section 18 of the Agricultural Produce Markets (amendment) Sind Ordinance No. XIII of 1960. S. 15.~~

2. S. 39 added by Sind Ord. no. XIII of 1950. S. 19.

3. Subs. by Ord. XIV of 1963. S. 12.

(2) From the said date all properties, funds and dues which were, immediately before the said date vested in or realizable by the Market Committee shall vest in and realizable by Government or such authority

2/34. **Where any land is required by a market Committee for carrying out any of its functions under the Land Acquisition 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.**

CEREALS:

Wheat, Maida, Suji, Dalrya, Barley, Paddy, Rice, Rice-Straw (Palals husk, Maize, Maizecobs (green and dry), Jowar, Bajra, Bajra-Atta and Starch;

FIBERS:

Cotton unginced (Phutly), lint (Cotton) and Jute fibre;

SUGAR:

Sugarcane, Sugarcane-juice, gur, Shakkar, molasses, sugar desi and refined;

OIL SEEDS:

Cotton seed, linseed, Sarsoon, Raye, Taramira, Til, Palm, Soyabean. Sun-flower, ground nut, castor, their oils and oil cakes;

PULSES:

Mung, Masoor, Mash Mutter, Both, Gram, Beares Arhar, Gowar and others, whole and split;

FODDERS:

Senji, Lucern, Shaftal, Berseem, Gowar, Bajra, Maize, Barley, Wheat, Jawi, Jowar, Methi, Swank, Oats, Ajwans, (green and dry) and their seeds and Bhusa;

FRUITS AND VEGETABLES:

All kinds of fruits, Vegetbles (fresh and dry) squashes, Jams, pickles, marmalades, chatnis and sauces;

CONDIMENTS:

Chillies, corriander fenrral (saunf), garlic (green and dry) and others;

1. Schedule added by Sind Ord XIII 1940. S. 20
2. S. 34 added by Sind Ord XV 1943. S. 12.

TOBACCO:

Tobacco-leaves, tobacco cured, Nuswar and others;

MENHDI:

Leaves and powder.

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), cheese, mawa, butteroil, milk and desi-ghee;

MISCELLANEOUS:

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

~~Section 33 added by Section 19 of the Agricultural Produce Markets (amendment) Sind Ordinance No. XIII of 1980.~~

Schedule of Agricultural crops vide Section 2 of Agricultural Produce Markets Act added by Section 20 of the Agricultural Produce Markets (amendment) Sind Ordinance No. XIII of 1980.