

**THE PUNJAB AGRICULTURAL MARKETING
REGULATORY AUTHORITY (AMENDMENT) ORDINANCE
2019
(XIV of 2019)**

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TEXT

**THE PUNJAB AGRICULTURAL MARKETING REGULATORY AUTHORITY
(AMENDMENT) ORDINANCE 2019**

(XIV of 2019)

[26th September, 2019]

**An
Ordinance**

to amend the Punjab Agricultural Marketing Regulatory Authority Act 2018

It is necessary to amend the Punjab Agricultural Marketing Regulatory Authority Act 2018 for the purposes hereinafter appearing.

Provincial Assembly of the Punjab is not in session and Governor of the Punjab is satisfied that circumstances exist which render it necessary to take immediate action.

In exercise of the powers conferred under clause (1) of Article 128 of the Constitution of the Islamic Republic of Pakistan, Governor of the Punjab is pleased to make and promulgate the following Ordinance.

1. Short title and commencement.— (1) This Ordinance may be cited as the Punjab Agricultural Marketing Regulatory Authority (Amendment) Ordinance 2019.

(2) It shall come into force at once.

2. Amendment in section 2 of Act XXIX of 2018.— In the Punjab Agricultural Marketing Regulatory Authority Act 2018 (*XXIX of 2018*), for brevity cited as 'the Act', in section 2:

(a) for clause (b) the following shall be substituted:

“(b) “agricultural marketing” means all activities and functions involved in the flow of agricultural produce from the production points commencing from the stage of harvest till these reach the end consumers including grading, processing, storage, transport, channels of distribution for sale and purchase of agriculture produce;”;

(b) after clause (j), the following new clause (jj) shall be inserted:

“(jj) “Fund” means the Agricultural Marketing Development Fund established under Section 19 of the Act;”;

(c) after clause (c), the following new clause (cc) shall be inserted:

“(cc) “Auction Market” in relation to a market means a specified place and includes any enclosures, buildings or locality especially set up by the Authority for auction of agricultural produce;”;

- (d) in clause (d), after the words “Regulatory Authority” the words and figure “established under section 3 of the Act” shall be inserted;
- (e) after clause (i), the following new clause (ii) shall be inserted:
- “(ii) “Directorate of Agriculture” means the Directorate of Agriculture (Economics and Marketing) Punjab;
- (f) after clause (n), the following new clauses (na), (nb), (nc) and (nd) shall be inserted:
- “(na) “Management Committee” means the body that shall manage markets in the private sector established under the Act;
- (nb) “Market Committee” means a body corporate constituted under section 15A of the Act to manage a market established in the public sector;
- (nc) “market functionary” means a trader, commission agent, buyer, processor, stockist, and such other persons as may be declared under the rules or by-laws to be a market functionary;
- (nd) “market standards” means standards prescribed from time to time in relation to the design, construction, implementation, operation and the maintenance of notified markets and private markets;”;
- (g) after clause (o), the following new clause (oo) shall be inserted:
- “(oo) “Pharia” means a wholesaler working in an agricultural produce market;”;
- (h) after clause (p), the following new clauses (pa), (pb) and (pc) shall be inserted:
- “(pa) “Punjab Institute of Agriculture Marketing” means existing Punjab Institute of Agriculture Marketing;
- (pb) “private market” means a facility that includes a building or a block of buildings, an enclosure and such infrastructure or services as may be prescribed for the purposes of the wholesale purchase or sale of agricultural produce owned by private person, entity or entities, established and managed under the Act; and
- (pc) “Public Markets” include all existing markets notified by the Government immediately before the commencement of this Act, and any public market so notified in future;”;
- (i) after clause (q), the following new clause (qq) shall be inserted:
- “(qq) “specialized market” means an agricultural produce market largely dealing in a single variety of agriculture produce item established under the Act;”;

(j) for clause (s) the following shall be substituted:

“(s) “virtual market” means a web-based commerce platform which facilitates and promotes e-trading for the sale or purchase of agricultural produce;”.

3. Amendment in section 4 of Act XXIX of 2018.— In the Act, in section 4:

(a) in subsection (1), after clause (b), the following new clause (bb), shall be inserted:

“(bb) “Director General, Punjab Agriculture, Food and Drug Authority;”;

(b) after subsection (8), a new subsection (8a) shall be inserted as following:

“(8a) A question arising at a meeting shall be determined by the majority of votes of members present and voting on that question and, if voting is equal, the person presiding shall cast the final vote.”.

(c) after subsection (12), the following new subsection (12a) shall be inserted:

(12a) “The Chairperson shall act in an honorary capacity and shall not be entitled to remuneration.”.

4. Amendment in section 6 of Act XXIX of 2018.— In the Act, in section 6, in subsection (2), after the existing clause (h), the following new clauses (ha), (hb) and (hc) shall be inserted:

“(ha) regulate the functioning of public or private auction, and specialized markets;

(hb) establish model auction markets, wholesale markets, collection centers and virtual markets;

(hc) promote small and medium agribusinesses as may be prescribed;”.

5. Amendment in section 7 of Act XXIX of 2018.— In the Act, in section 7:

(a) in subsection 2, for clause (b), the following shall be substituted:

(b) “hold office for a term of four years and shall remain in office thereafter until the successor is appointed”.

(b) for subsection (3), the following shall be substituted:

(3) “Nothing in this section shall preclude the Chief Minister from extending the term of office of Director General for another term of four years after evaluation of his performance and contribution towards achieving the objectives of the Authority.”;

(c) in subsection (6), in clauses (a), (b), (c), (d) and (e), after the expression “wholesale market,” wherever occurs, the expression “specialized market,” shall be inserted.

6. Insertion of sections 7A and 7B in Act XXIX of 2018.— In the Act, in section 7, the following new sections 7A and 7B shall be inserted:

“7A. Secretariat of the Authority.— The Directorate of Agriculture (Economics and Marketing) shall act as Secretariat of the Authority to carry out its functions in such manner as may be prescribed.

7B. Training Institute.— The Punjab Institute of Agricultural Marketing shall act as the training institute of the Authority in such manner as may be prescribed.”.

7. Amendment in section 8 of Act XXIX of 2018.— In the Act, in section 8, for subsection (2), the following shall be substituted and thereafter a new subsection 3 shall be inserted:

“(2) Notwithstanding anything contained in the Act, the existing employees of Market Committees serving on regular basis on the date of commencement of the Act shall be deemed to have been appointed under the Act and upon occurrence of vacancy, any fresh recruitment shall be made in the manner as may be prescribed.;

(3) The successor Market Committees shall be responsible to settle in the prescribed manner the affairs of the employees, either retired or died, while serving the Market Committees or the Market Committees Development Fund, such as Pension, gratuity, commutation and other service benefits, if admissible before the commencement of the Act.”.

8. Amendment in section 9 of Act XXIX of 2018.— In the Act, in section 9, for subsection (2), the following shall be substituted:

“(2) The report shall consist of:

- (a) budget of previous year and actual expenditure;
- (b) budget of the ensuing or current year;
- (c) the statement of accounts and audit reports of the Authority;
- (d) a comprehensive statement of the work and activities of the Authority during the preceding financial year and its proposed projects and schemes for the following year or years; and
- (e) such other matters as may be prescribed or as the Authority may consider appropriate or as the Government may direct.”.

9. Amendment in section 10 of Act XXIX of 2018.— In the Act, for section 10, the following shall be substituted:

“10. Delegation of powers.— The Authority may delegate to the Chairperson, member, a committee of the Authority, Director General, or officer or employee of the Authority any of its functions and powers, except the power to:

- (a) frame, adapt, amend or repeal regulation;

- (b) approve annual budget of the Authority;
- (c) consider and give decision on the audit reports;
- (d) approve the annual performance report of the Authority;
- (e) approve the standards and procedures for operation of the Authority;
- (f) determine the number of its employees and their terms and conditions; and
- (g) fill a vacancy in a committee of the Authority and approve its policy decisions.”.

10. Amendment in section 11 of Act XXIX of 2018.— In the Act, in section 11:

- (a) in clause (b), after the word “packers”, the words “who work in markets or collection centers” shall be inserted; and
- (b) in clause (d), after the word “transporters”, the words “who provide services to markets or collection centers” shall be inserted.

11. Insertion of section 12A in Act XXIX of 2018.— In the Act, after section 12, the following new sections 12A shall be inserted:

“12A. Establishment of Private Market.— (1) Notwithstanding anything contained in any other law for the time being in force, after the commencement of the Act, any person shall be entitled to establish a private market for the wholesale, sale or purchase of agricultural produce in accordance with the provisions of the Act, in such manner as may be prescribed.

(2) A private market established under the Act shall be regulated in accordance with the provisions of the Act and the rules made thereunder from time to time.”.

12. Amendment in section 13 of Act XXIX of 2018.— In the Act, in section 13, after the expression “collection centre,”, the expression “virtual market,” shall be inserted.

13. Amendment in section 14 of Act XXIX of 2018.— In the Act, for section 14, the following shall be substituted:

“14. Prohibition.— (1) A person shall not set up or operate a collection center, wholesale market, public market or virtual market or operate as a key service provider unless he is registered with the Authority for the purpose.

(2) No person shall, within the premises of market store, purchase, sell or in any other manner deal in any commodity which is not declared as agricultural produce.”.

14. Amendment in section 15 of Act XXIX of 2018.— In the Act, in section 15, for subsection (1), the following shall be substituted:

“(1) A person desirous to set up and operate a collection center, auction market, wholesale market or virtual market or operate as a key service provider, shall, in the prescribed manner, apply to the Authority for registration:

provided that all collection centers, auction markets, specialized markets, specialized markets, wholesale markets or virtual markets established in the private sector shall be governed by a Management Committee having adequate representation of stakeholders as may be prescribed.”.

15. Insertion of section 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 15I, 15J, 15K and 15L in Act XXIX of 2018.— In the Act, after the existing section 15, the following new sections 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 15I, 15J, 15K and 15L shall be inserted:

“15A. Establishment of Market Committees.— (1) The Authority shall, by notification in the official Gazette, establish a Market Committee for every Public Market and the Authority may entrust the management of more than one market(s) to a Market Committee.

(2) All Market Committees existing immediately before the commencement of the Act shall stand dissolved and shall be constituted afresh by the Authority under the Act, in such manner, as may be prescribed.

15B. Composition of Market Committee.— (1) A market committee shall consist of the following thirteen members:

- (a) two farmers to be nominated by the concerned Local Government, one farmer to be nominated by Deputy Commissioner of the concerned district, one farmer of the district to be nominated by the divisional chamber of commerce and industry of the division concerned and two farmers to be nominated by the Authority:

provided that if nomination of any member is delayed by the concerned authority, the Authority may appoint a member on interim basis;

- (b) two commission agents to be nominated by the concerned Anjuman-Ahrtian;
- (c) one *Pharia* to be nominated by the concerned whole-salers association;
- (d) one registered market worker;
- (e) one member from the concerned District Consumer Protection Council;
- (f) one EADA (E&M)/ AO (E&M) of concerned District;
- (g) Secretary Market Committee who shall be the member/ Secretary.

(2) All Market Committees shall be reconstituted within sixty days of the commencement of the Act.

(3) If any vacancy occurs due to the death, resignation, transfer or retirement or by the removal of any member, such vacancy shall be filled by the Authority in the same manner as the original appointment was made.

(4) A member of a Market Committee shall hold office for a period of three years from the date of his appointment:

provided that term of office of all members shall expire on the same date irrespective of whether he has completed three years or not:

provided further that a member may not serve for more than two consecutive terms.

(5) Every market committee shall elect from amongst its members a Chairman and Vice-Chairman for such term as may be prescribed:

provided that a member who is not a grower shall not be eligible to be elected as Chairman and Vice-Chairman.

(6) The Chairman and Vice-Chairman shall, notwithstanding the expiry of their term of office, continue to hold office until their successor enters upon their office.

(7) If in the election of a Chairman or Vice-Chairman there is an equality of vote, the result of the election shall be decided by lots to be drawn in the presence of the officer presiding in such manner as he may determine.

(8) Every election of Chairman and Vice-Chairman shall be notified by the Authority in the official Gazette.

(9) The election of the new Market Committee shall be regulated in the prescribed manner.

(10) The Government shall not extend term of a Market Committee under any circumstances.

(11) If at any time the Authority is satisfied that a situation has arisen in which the purposes of the Act cannot be carried out in accordance with the provisions the Act, the Authority may by notification dissolve the Market Committee charting detailed reasons thereof and declare that the functions of the market committee shall, to such extent as may be specified in the notification, be exercised by such officer as it may direct:

provided that a new Committee shall be constituted within forty-five days of date of dissolution.

(12) A member holding office of Chairman or Vice-Chairman, may, at any time, tender his resignation, in writing, addressed to the Authority and the office shall become vacant on the expiry of fifteen days from the date of such resignation, unless within the said period of fifteen days he withdraws the resignation, in writing, addressed to the Authority.

(13) The Chairman and Vice-Chairman shall vacate office if they cease to be a member of the Market Committee.

(14) During the vacancy caused by death, resignation, removal or otherwise in the office of the Chairman, the Vice-Chairman and if the office of Vice-Chairman is also vacant then such member of the Market Committee as the Authority may appoint, shall exercise the powers and perform the functions of the Chairman till the new Chairman is elected.

15C. Duties and Powers of Market Committee.– (1) Subject to the provisions of the Act, it shall be the duty of a Market Committee:

- (a) to implement the provisions of the Act, the rules and the by-laws made or framed thereunder in the market area;
- (b) to provide such facilities for marketing of agricultural produce as the Authority may from time to time direct;
- (c) to do such other acts as may be required in relation to the superintendence, direction and control of market or for regulating marketing of agricultural produce in any place in the market area, and for the purposes connected with the matters aforesaid, and for that purpose may exercise such powers and discharge such functions as may be provided by or under the Act; and
- (d) to do all such other acts to bring about complete transparency in pricing system and transactions taking place in market area.

(2) Without prejudice to the generality of the forgoing provisions, a Market Committee may:

- (a) maintain and manage the market yards within the market area;
- (b) provide necessary facilities for the marketing of agricultural produce within the market and outside the market and various yards in the market area;
- (c) register or refuse registration to market functionaries and market workers, renew, suspend or cancel such registration, supervise the conduct of the market functionaries and enforce conditions of Registration in the public markets, as may be prescribed, falling under its jurisdiction;
- (d) regulate, conduct or supervise the auction of notified agricultural produce in accordance with the provision and procedure laid down under the rules or bye-laws made under the Act;
- (e) regulate the making, carrying out and enforcement or cancellation of agreements of sales, weighment, delivery, payment and all other matters relating to the market of notified agricultural produce in the manner prescribed;
- (f) provide for the settlement of all disputes between the seller and the buyer arising out on any kind of transaction connected with the marketing of notified agricultural produce and all matters ancillary thereto;

- (g) take all possible steps to prevent adulteration of notified agricultural produce;
- (h) make arrangements for employing by rotation, weigh men and market workers for weighing and transporting of goods in respect of transactions held in the market yard/ sub yards;
- (i) levy, take, recover and receive rates, charges, fees and other sums of money to which the Market Committee is entitled;
- (j) regulate the entry of persons and vehicles, traffic into the market yard and sub-market area vesting in the Market Committee;
- (k) prosecute persons for violating the provisions of the Act, the rules and the bye-laws and compound such offences;
- (l) employ the necessary number of officers and servants, on contract basis, for the efficient implementation of the provisions of the Act, the rules and the by-laws;
- (m) institute or defend any suit, prosecution, action, proceeding, application or arbitration and compromise such suit, action proceeding, application or arbitration;
- (n) keep a set of standard weights and measure in each principal market yard and sub-market yard against which weighment and measurement may be checked;
- (o) inspect and verify scales, weights and measures in use in a market area and also the books of accounts and other documents maintained by the market functionaries in such manner as may be prescribed;
- (p) ensure payment in respect of transactions which take place in the market yard to be made on the same day to the seller, and in case of default, to seize the agricultural produce in question along with other property of the person concerned and to arrange for re-sale thereof and in the event of loss, to recover the same from the original buyer together with charges for recovery of the losses, if any, from the original buyer and effect payment of the price of the agricultural produce to the seller;
- (q) recover the charges in respect of weigh men and market worker and distribute the same to weigh men and market worker if not paid by the purchaser/seller, as the case may be;
- (r) with the prior sanction of the Authority, undertake the constructions of godowns, roads and such other infrastructure, on competitive bidding basis as prescribed in the market yard/sub yard and market area as may be required to facilitate movement of agricultural produce to the market for benefit of producer, sellers and traders operating in the market area; and
- (s) to promote and undertake agricultural processing including activity for value addition in agriculture produce.

(3) No market functionary, Pharia, Key Service Provider, weigh man, measurer, surveyor, warehouseman, changer, palledar, boriotas, tolas, tokrewalas and rehriwalas shall, unless duly authorized/ registered, carry on his occupation in a public market.

15D. Grant of Registration.— (1) After the establishment of a market committee, no person for himself or on behalf of another person, unless exempted by Rules framed under the Act, shall, within the public market, set up, establish or use any place for the purchase or sale of the agricultural produce or purchase, sell, store or process such agricultural produce except in accordance with the terms and conditions of registration granted under the provisions of the Act:

provided that registration shall not be required by a grower who either himself or through a bonafide agent sells his own agricultural produce or the produce of his tenant or by a person who purchases any agricultural produce for his private or domestic use.

(2) Subject to such rules as the Government may make in this behalf, the Market Committee concerned shall be the authority to register or renew registration of a person or firm involved in sale, purchase, store or processing of agricultural produce within the agriculture produce market under the Act;

(3) Any person who intends to work in public market may apply on the prescribed form to the Market Committee concerned for a registration or for the renewal of the registration which shall be granted for such period, in such form, on such terms and conditions and on payment of such fee as may be prescribed.

15E. Market Fee.— A market committee shall levy an ad-valorem fee at a rate that may be prescribed on the sale value of agricultural produce bought or sold in the concerned public market.

15F. Market Committee Fund.— (1) All moneys received by a market committee in the form of fees, taxes or grants made by the Government and income from registration fee, fines, or other charges shall be deposited into a fund to be called the Market Committee Fund.

(2) All expenditure incurred by a market committee under or for the purposes of the Act shall be defrayed out of the said fund and any surplus after meeting such expenditure shall be invested in such manner as may be prescribed.

(3) Every market committee shall, out of its fund, pay to the Agriculture Marketing Development Fund maintained by the Authority on such percentage, as may be prescribed.

15G. Purposes for which the funds of Market Committees may be expended.— The market committee funds shall be expended for the following purposes only:

(a) acquisition of land for the establishment of market or markets with the approval of the Authority;

- (b) maintenance and improvement of the markets including construction of storages, platforms and roads;
- (c) construction and repair of buildings which are necessary for the purposes of establishing such markets and for the health, convenience and safety of the persons using them;
- (d) collection and dissemination for information regarding all matters relating to marketing;
- (e) providing comforts and facilities, such as light, sanitation, shelter, shade, parking accommodation and water for the persons, draught cattle, vehicles and pack animals coming to the market and similar other purposes;
- (f) provision of facilities such as cleaning sets, plants for grading, standardization, packing and processing of agricultural produce;
- (g) construction of cold storages, warehouses and godowns for the benefit of growers;
- (h) provision and maintenance of standard weights and measures;
- (i) pay, leave, compassionate and medical allowances, gratuities, pensions, honoraria and contributions towards leave allowances or provident fund of the persons employed by market committee;
- (j) payment of interest on loans that may be raised for purposes of the market and the provision of sinking fund in respect of such loans;
- (k) expenses incurred in auditing the account of market committees;
- (l) payment of travelling allowances to the members and employees of market committees;
- (m) payment of allowances and honoraria to the Administrator of the superseded market committee;
- (n) contribution towards the Agriculture Marketing Development Fund subject to rules framed thereunder;
- (o) payment of property tax and house tax;
- (p) payment of other taxes as covered by appropriate Act/Ordinance;
- (q) engagement of lawyer;
- (r) purchase of load carrying vehicles for cleanliness etc. subject to previous sanction of the Authority;
- (s) advance of loans on interest to other market committees in the district for carrying out development projects, with the previous sanction of the Government;
- (t) training of members and staff of market committees;
- (u) purchase/ sale of essential agricultural commodities; and
- (v) any other purpose that may be declared by notification by the Government for improvement of agriculture and agricultural marketing,

which is calculated to promote the general interest of the farmer and for the conduct of elections of the Market Committee.

15H. Incorporation of Committee.— Every Market Committee shall be a body corporate having 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 be competent to acquire and hold property, both moveable and immovable to lease, sell or otherwise transfer any moveable 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 purpose for which it is established:

provided that no market 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-fourth of the members of the market committee.

provided further that no market committee shall be competent to exercise any power with regard to immovable property without approval or special or general directions of the Government or a person authorized by the Government in that behalf.

15I. Power to Borrow.— (1) A Market Committee may, with the prior sanction of the Government, raise money required for carrying out the purposes for which it is established in lieu of the security of any property vested in and belonging to the Market Committee and of any fee leviable by the Market Committee under the Act.

(2) A market committee may, for the purpose of meeting the initial expenditure on lands, buildings and equipment required for establishing a market, and for the proper discharge of the duties and functions imposed on it by or under this Act, obtain a loan from the Government or from any other market committee on such conditions, and subject to such rules as may be prescribed.

15J. Acquisition of Land.— Where any land is required by a market committee for carrying out any of its functions under the Act, it shall obtain the prior approval of the Government before approaching the Collector of the district concerned under the Land Acquisition Act, 1894 (*1 of 1984*).

15K. Reporting.— Each market committee of public market and management committee of private market shall prepare an annual report, setting out in reasonable details, the development and performance of the wholesale markets for agricultural produce.

15L. Market Information System.— The Authority shall, not later than four months from the date of commencement of the Act, establish or cause to be established an online information system providing information on the wholesale supply, demand, and prices of agricultural produce bought or sold in the Punjab, against payment of fee and such other information, as may be prescribed.”.

16. Amendment in section 16 of Act XXIX of 2018.— In the Act, in section 16:

- (a) in subsection (1), for the expression “, other than that of the key service provider”, the expression “of a private wholesale market, auction market, collection center, or virtual market” shall be substituted;
- (b) after subsection (2), the following new subsection (3) shall be added:

“(3) The Market Committee, after affording an opportunity of hearing, may cancel the registration of market functionary, Pharia/wholesaler, weigh man, measurer, surveyor, warehouseman, changer, palledar, boriotas, tolas, tokrewalas and rehriwalas on one or more of the following grounds:

 - (a) misrepresentation, fraud or forgery committed in regard to registration;
 - (b) misconduct in service delivery;
 - (c) breach of terms of the registration;
 - (d) violation of the provisions of the Act or the rules or the regulations;
 - (e) conviction of an offence involving moral turpitude;
 - (f) willful default in payment of fees or other dues payable under the Act or rules or the regulations; and
 - (g) such other grounds as may be prescribed”.

17. Amendment in section 17 of Act XXIX of 2018.— In the Act, in section 17, in subsection (2), after the expression “wholesale market,”, the expression “auction market,” shall be inserted.

18. Amendment in section 19 of Act XXIX of 2018.— In the Act, for section 19, the following shall be substituted:

“19. Agricultural Marketing Development Fund.— (1) The Market Committee Provincial Fund Board established under section 20 of Punjab Agricultural Produce Markets Ordinance 1978 (XXIII of 1978) shall hereinafter be renamed as Agricultural Marketing Development Fund established under the Act.

(2) The Fund shall consist of:

- (a) funds provided by the Government;
- (b) loans or grants by the Government;
- (c) grants and loans negotiated and raised, or otherwise obtained, by the Authority with the prior approval of the Government;
- (d) fee, charges, rentals, fines and other moneys collected by the Authority;
- (e) income from the lease or sale of the property;

- (f) funds from floating bonds, shares, debentures, certificates, or other securities issued by the Authority with the approval of the Government;
- (g) contributions received from Market Committees and management committees; and
- (h) all other sums received by the Authority.

(3) The balances in the Market Committee Provincial Fund, on the date of enforcement of the Act, shall stand transferred to Agriculture Marketing Development Fund.

(4) The Authority shall manage the Fund for the purpose of development of Agriculture Marketing as may be prescribed.

(5) The Authority shall meet all its expenses from the Fund and shall exercise prudence in its expenditures from the Fund.”.

19. Insertion of section 19A of Act XXIX of 2018.— In the Act, after the existing section 19, the following new section 19A shall be inserted:

“19A. Agribusiness Market Fee.— (1) The Authority may levy an ad-valorem fee on agricultural produce purchased for agribusiness as may be prescribed.

(2) The agribusiness market fee shall be deposited in the Agriculture Marketing Development Fund.”.

20. Amendment in section 20 of Act XXIX of 2018. In the Act, for section 20, the following shall be substituted:

“20. Bank account.— (1) The Authority may open and maintain its accounts at such scheduled banks as may be prescribed, and until so prescribed, as the Authority may determine with the approval of the Finance Department, Government of the Punjab.

(2) A Market Committee may open and maintain its accounts in such scheduled bank as the authority may approve or as may be prescribed by rules.”.

21. Amendment in section 21 of Act XXIX of 2018.— In the Act, for section 21, the following shall be substituted:

“21. Budget.— (1) The Director General shall prepare the budget of the Authority for each financial year commencing on first day of July of a year and ending on thirtieth day of June of the succeeding year showing the estimated receipts, recurrent expenditure, and development expenditure of the Authority.

(2) The Director General shall place the budget for approval before the Authority at least forty-five days prior to the commencement of a financial year.

(3) The Authority shall approve the budget with or without modifications before 30th of June every year.

(4) Each Market Committee shall prepare the budget for each financial year commencing on first day of July of an year and ending on thirtieth day of June of the succeeding year showing the estimated receipts, recurrent expenditure, and development expenditure of the Market Committee or in such form and manner as may be prescribed and shall submit it forty five days prior to the commencement of a financial year to the Authority for approval.

(5) The accounts of the Authority and Market Committees shall be maintained in such manner as may be prescribed.

(6) Each Market shall be operated by its Market Committee in such manner and shall ensure that such market are financially solvent.”.

22. Amendment in section 22 of Act XXIX of 2018.— In the Act, for section 22, the following shall be substituted:

“**22. Audit.**— (1) The Auditor General of Pakistan shall conduct audit of the accounts of the Authority.

(2) The Authority shall also make such arrangements for pre-audit or concurrent audit of accounts as may be necessary.

(3) The account of the Market Committees shall be audited by a Government audit agency or a firm of chartered accountants authorized by the Authority in such manner as may be prescribed.”.

23. Amendment in section 23 of Act XXIX of 2018.— In the Act, in section 23, after the words “virtual market”, wherever occur, the expression “or auction market” shall be inserted.

24. Amendment in section 24 of Act XXIX of 2018. In the Act, for section 24, the following shall be substituted:

“**24. Appeal.**— (1) Any person aggrieved by the decision or order of the Director General refusing, cancelling or suspending the registration or renewal of registration, may prefer an appeal to the Authority in the prescribed form and manner.

(2) An appeal shall lie to the Secretary Agriculture against an order of the Authority confirming, modifying or reversing the decision or order of the Director General as the case may be.

(3) Any person aggrieved by the decision or order of the Market Committee may prefer an appeal to the Director of Agriculture (E&M), Punjab.

(4) An appeal shall lie to the Special Secretary, Agriculture Marketing against an order of the Director of Agriculture (E&M), Punjab confirming, modifying or reversing the decision or order of the Market Committee.”.

25. Amendment in section 25 of Act XXIX of 2018.— In the Act, for section 25, the following shall be substituted:

“25.Penalties.– (1) Whoever contravenes the provisions of section 14, 16, 17 or 23 shall be punished with imprisonment which may extend to six months but which shall not be less than one week and with fine which may extend to five hundred thousand rupees but which shall not be less than one hundred thousand rupees.

(2) Whoever continues to contravene the provisions of section 14 shall, in addition to the fine under subsection (1), be punished with further fine of rupees fifty thousand per day for the period of contravention.

(3) Whoever contravenes any provisions of the Act, the rules or regulations, for which no other punishment is provided, shall be punished with imprisonment which may extend to one month or with fine which may extend to fifty thousand rupees or with both.

(4) Any person working as a market functionary in Public Market in contravention of the provisions of the Act, rules and regulations shall, on conviction by a court be liable to imprisonment which may extend to six months but which shall not be less than one week and with fine which may extend to rupees five hundred thousand but which shall not be less than rupees one hundred thousand.

(5) Any person who encroaches upon any property belonging to a Market Committee shall, on conviction by a court be liable to imprisonment up to one year or to fine which may extend to rupees five hundred thousand but which shall not be less than rupees one hundred thousand or both.

(6) Every person shall be liable for the loss, waste or mis-application of any money or property belonging to a market committee, if such loss, waste or mis-application is proved to the satisfaction of the Special Secretary Agriculture Marketing or any other officer specially empowered in this behalf by the Government.”.

26. Amendment in section 26 of Act XXIX of 2018.– In the Act, in section 26, in subsection (2), after the word “Authority” the word “or market committee” shall be inserted.

27. Amendment in section 27 of Act XXIX of 2018.– In the Act, in section 27, after the word “Authority”, the words “or market committee” shall be inserted.

28. Amendment in section 28 of Act XXIX of 2018.– In the Act, in section 28, in subsection (2), after the word “within”, the word “such” shall be inserted.

29. Insertion of section 28A in Act XXIX of 2018.– In the Act, after section 28, the following new section 28A shall be inserted:

“28A. Inspection.– (1) The Authority may, with or without prior notice, inspect a notified market that has been transferred to a market company or any market to ensure that the same are established and operated in accordance with all applicable laws, rules and regulations.

(2) The Authority may take appropriate corrective measures to ensure compliance of the Act, the rules and the regulations made or framed thereunder.”.

30. Amendment in section 29 of Act XXIX of 2018.— In the Act, for section 29, the following shall be substituted:

“29. Rule.— The Government may, by notification in the official Gazette, make rules for carrying out the purposes of the Act, which may provide for:

- (a) regulation of whole-sale markets, virtual markets, specialized markets and collection centers;
- (b) infrastructure standards, equipment and requirements for general, private and specialized markets;
- (c) place or places at which agricultural produce shall be weighed, the description of scales, weights and measures;
- (d) reliable grading, standardization and processing equipment and standards;
- (e) inspection, verification, regulation, correction and confiscation of scales, weights and measures in use; and
- (f) transparent and reliable auctions and financial.”.

31. Insertion of section 30A of Act XXIX of 2018.— In the Act, after section 30, the following new section 30A shall be inserted:

“30A. Bye-laws.— A Market Committee may frame bye-laws for the management and operation of its Public Market with the approval of the Authority.”.

32. Amendment in section 33 of Act XXIX of 2018.— In the Act, for section 33, the following shall be substituted:

“33 Repeal and savings.— (1) The Punjab Agricultural Produce Market Ordinance, 1978 (*XXIII of 1978*) is hereby repealed.

(2) Notwithstanding the repeal of the enactment specified in sub-section (1), everything done, action taken, obligation, liability, penalty or punishment incurred, registration, inquiry or proceeding commenced, committee constituted or person appointed or authorized, jurisdiction or power conferred, rule or bye-law made and order or notification issued under any of the provisions of the said enactment, shall, if not inconsistent with the provisions of this Act be continued and so far as may be deemed to have been respectively done, taken, incurred, commenced appointed, authorized, conferred, made or issued under this Act.”.