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LEGISLATIVE SUPPLEMENT

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PART II

DEPARTMENT OF LEGAL AND LEGISLATIVE AFFAIRS,
PUNJAB

Notification

The 4th December, 2006

No. 47-Leg./2006.—The following Ordinance of the Governor of Punjab promulgated under clause (f) of Article 213 of the Constitution of India on the 28th November, 2006, is hereby published for general information :—

THE PUNJAB AGRICULTURAL PRODUCE MARKETS
(SECOND AMENDMENT) ORDINANCE, 2006

(Punjab Ordinance No. 12 of 2006)

AN

ORDINANCE

further to amend the Punjab Agricultural Produce Markets Act, 1961.

Promulgated by the Governor of Punjab in the Fifty-seventh Year of the Republic of India.

Whereas the Legislative Assembly of the State of Punjab is not in session and the Governor is satisfied that circumstances exist, which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (f) of article 213 of the Constitution of India, the Governor of Punjab is pleased to promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Punjab Agricultural Produce Markets (Second Amendment) Ordinance, 2006.

Short title and commencement.

(2) It shall come into force at once.

2. In the Punjab Agricultural Produce Markets Act, 1961, (hereinafter referred to as the principal Act), in section 2,—

Amendment of section 2 of Punjab Act 23 of 1961.

(i) after clause (f), the following clause shall be inserted, namely :—

“(g) ‘e-trading’ means a trading in which billing, booking, contracting, negotiating, information exchange, record keeping and other connected activities are done electronically on computer network or on internet.”;

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- (ii) in clause (nn), for the words "State Government", the words "Secretary of the Board" shall be substituted;
- (iii) after clause (nn), the following clause shall be inserted, namely :—

"(nnn) 'Processing' means any one or more of series of acts or treatments relating to powdering, crushing, decorticating, dehusking, parboiling, polishing, ginning, pressing, curing, cleaning, or any other manual, mechanical, chemical or physical treatment to which raw agricultural produce or its product is subjected to;"

- (iv) after clause (v), the following clause shall be added, namely:—

"(vr) 'trading' means the buying or selling of agricultural produce;" and

- (v) after clause (v), the following clause shall be added, namely:—

"(v) 'value addition' includes processing, standardization, grading, packing or other activities due to which, value is added to agricultural produce."

3. In the principal Act, in section 7, sub-section (3) shall be omitted.

4. In the principal Act, after section 7, the following section shall be inserted, namely :—

"7 A. (1) Any person or company or co-operative society, Establishment of private market yard. desiring to establish a private market yard for the purchase of agricultural produce direct from agriculturists or for providing infrastructure facilities in one or more market areas for processing, trading, standardization, grading or packing for the purpose of value addition of agricultural produce, shall make an application to the Secretary of the Board for the grant of a licence for such period, in such form, on such conditions and on payment of such fee, as may be prescribed.

(2) The private market yard, referred to in sub-section (1), shall be established and regulated in such manner and subject to the fulfilment of such conditions, as may be prescribed."

Amendment of section 7 of Punjab Act 26 of 1961.

Insertion of new section 7-A in Punjab Act 26 of 1961.

5. In the principal Act, for section 10, the following section shall be substituted, namely :—

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Substitution of section 10 of Punjab Act 23 of 1961.

"10. (1) Any person may apply to the authority specified in Applications for licences, fees, cancellation or suspension of licences. section 9 for a licence which may be granted for such period, in such form, on such conditions and on payment of such fees, as may be prescribed :

Provided that if any person carrying on any business of the nature specified in sub-section (3) of section 6 in a notified market area on the date of issue of notification under sub-section (1) of that section, fails to apply for a licence on or before the date specified therein for obtaining licence, the prescribed authority may, before a licence is issued, impose on him such penalty, as may be prescribed.

(2) The prescribed authority may grant a licence for operating in more than one notified market areas.

(3) The Secretary of the Board or any other officer authorised by him in writing in this behalf, may, on being satisfied that there has been breach of any of the conditions specified in 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 five months for the first breach, and not exceeding nine months for the second breach, and not exceeding one year for every subsequent breach, as may be specified in that order :

Provided that the Chairman of a Committee of the area concerned, may under intimation to the Secretary of the Board, suspend a licence, which is granted for operating only in one notified market area, for a period not exceeding fifteen days :

Provided further that no such order shall be made without giving the licensee an opportunity to show cause as to why such an order should not be made.

(4) The Secretary of the Board or any other officer authorised by him in writing in this behalf, after making such enquiry, as he may or may not deem necessary, refuse a licence to a person, who in his opinion, —

(a) is a benamidar or a partner with any person to whom a licence has been refused, or whose licence is cancelled or

- suspended under sub-section (2) for the period of such cancellation or suspension ; or
- (b) is convicted of an offence affecting the said person's integrity as a man of business within two years of such conviction ; or
- (c) is undischarged insolvent ;

Provided that no such order shall be made without giving such person an opportunity to show cause as to why such an order should not be made.

(5) Any person aggrieved by an order made under this section, may at any time within one month of the making thereof, appeal to the State Government, if such order is passed by the Secretary of the Board or any other officer authorised by him in writing in this behalf and to the Secretary of the Board, if such order is passed by the Chairman of the Committee."

6. In the principal Act, in section 13, in sub-section (1),—

- (i) in clause (c), for the words and sign "the Board.", the words and sign "the Board ; and" shall be substituted ; and
- (ii) after clause (c), the following clause shall be added, namely:—
- "(d) to promote and encourage e-trading, establish regulatory system and create infrastructure related thereto."

Amendment of
section 13 of
Punjab Act 23
of 1961.

7. In the principal Act, in section 43, in sub-section (2),—

- (i) in clause (xxviii), for the words and sign "produce ; and" the word and sign "produce ;" shall be substituted ; and
- (ii) in clause (xxix), for the word and sign "produce.", the words and sign "produce ; and" shall be substituted and thereafter, the following clause shall be added, namely:—
- "(xxxi) any other matter which is required to be, or may be prescribed."

Amendment of
section 43 of
Punjab Act 23
of 1961.

Chandigarh :
The 28th November, 2006.

S. F. RODRIGUES,
Governor of Punjab.

MOHINDER PAL,
Secretary to Government of Punjab,
Department of Legal and Legislative Affairs.