

**A
Bill**

to provide for establishment and regularisation
of Farm Services Centres with public private
partnership, in the Province of
the Khyber Pakhtunkhwa

Preamble.--- WHEREAS it is expedient to provide for the establishment and regularisation of Farm Services Centres with public private partnership, in the Province of the Khyber Pakhtunkhwa and for matter connected therewith and ancillary there to;

It is hereby enacted as follows:

1. Short title, extent and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Farm Services Centres Act, 2013.

(1) It shall extend to the whole of the Province of the Khyber Pakhtunkhwa.

(2) It shall come into force at once.

2. Definition.--- (1) In this Act, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say,-

- (a) "Board" means the Khyber Pakhtunkhwa Farm Services Centre Board established under section 12;
- (b) "Centre" means a Farm Services Centre established under section 3;
- (c) "Department" means Agriculture, Livestock and Cooperation Department of the Khyber Pakhtunkhwa;
- (d) "facilitator" means a person who is deputed, notified or assigned duties by Government to facilitate members of a Centre and to act as a Secretary of a Centre;
- (e) "Farm" means a unit used for growing crops or rearing animals are brought up and care for by an individual or a group of persons;
- (f) "financial institution" means a bank or a donor agency;
- (g) "Form" means the Form appended to this Act;
- (h) "General Secretary" means the General Secretary elected by the members of the Management Committee of a Centre;
- (i) "General Body" means a General Body comprising of registered members of a Centre;
- (j) "Government" means the Government of the Khyber Pakhtunkhwa;

- (k) "Government contribution" means one time financial assistance which shall be provided by Government to each Centre, equivalent to the amount collected by a member of Centre at the time of its establishment;
- (l) "input" means anything which contribute positively to promote and develop agriculture;
- (m) "Management Committee" means a Management Committee elected by the General Body to run the affairs a Centre;
- (n) "member" means a member of a Centre;
- (o) "President" means the President of a Management Committee;
- (p) "Province" means the Province of the Khyber Pakhtunkhwa; and
- (q) "Vice President" means the Vice President of a Management Committee.

3. Establishment of Farm Services Centre.--- (1) As soon as may be after the commencement of this Act, Government shall establish Farm Services Centres in each district of the Province, on the basis of public private partnership, and on such terms and conditions as may be prescribed.

(2) The Model Farm Services already established under Federal Government, Ministry of Food, Agriculture and Livestock under the Agriculture Support Project Loan-II (ASPL-II) project named Integration of Agriculture Services, in all districts of the Province, approved from Departmental Development Working Party (DDWP) on 15-02-2006, shall be deemed to have established under this Act and carry on functions, under the provisions of this Act.

(3) Government shall post a Director from the Department at Provincial level to manage, supervise and monitor the affairs and functions of the Centres.

(4) Each Centre established in the District shall be a body corporate to the extent that it shall acquire movable and immovable property, having perpetual succession and a common seal, can sue and be sued:

Provided that immovable property shall either be obtained on lease or purchase for carrying out the farming activities.

(5) Each Centre may take any decision for the betterment of farming community.

(6) Any person, not less than 18 years of age, having his own agricultural land, poultry farm, dairy farm, fish farm, involved in agribusiness diversification activities, a tenant or having casual farm agricultural activities shall be eligible for the membership of a Centre:

Provided that such person has not been declared defaulter or insolvent by any financial institution or convicted by a Court of law.

(7) Government may provide State land or building, if available, free of charges if deems consider proper, to be utilized for the purposes of establishment of Centre under this Act, and shall be re-transferred to Government if not required further to a Centre.

4. Functions of Centre.--- Subject to the general control and supervision of the Board, the Centre shall--

- (a) safeguard farmers rights and interests;
- (b) enhance farmers knowledge and skills;
- (c) boost the modernization of agriculture;
- (d) increase crop yields;
- (e) improve farmers livelihood;
- (f) develop rural economy;
- (g) purchase certified seed, fertilizers, animal husbandry services, quality veterinary health care services and medicines, farm machinery, expertise and technology for the provision to the members who are registered with the Centre on affordable rates in comparison to open market rates;
- (h) provide or extend the facility of loan to the members, subject to the availability of fund, from its own resources on such terms and conditions as may be prescribed by Board;
- (i) facilitate its members to avail the facilities of laboratories established and maintained by Government on such charges as may be prescribed from time to time by Government; and
- (j) make marketing arrangements for all types of surplus produce at Centres.

5. Management of Centre.--- Each Centre shall consist of a General Body and shall be managed through Management Committee established under section 6 of this Act.

6. Management Committee.--- (1) The General Body of a Centre, shall elect, President, Vice President, General Secretary, Finance Secretary and such other persons as the Board on the recommendation of General Body may specify, for a period of three years through such procedures as may be prescribed by the Board.

(2) Government shall nominate for each Centre one technical official or officer of local offices of the Department to act as facilitator to a Centre.

(3) The facilitator of a Management Committee shall have no right to cast vote.

(4) A Management Committee shall conduct and regulate its business in such a manner as may be prescribed by the Board.

(5) A Management Committee shall be a non-political entity.

(6) Except the facilitator, all the members of the Management Committee shall be the residents of the Union Council concerned.

7. Powers and functions of the Management Committee.--- The following shall be the powers and functions of the Management Committee:

- (a) constituting committees, sub-committees and assign responsibilities to such committees and sub-committees respectively, when and where so required for the smooth running of business of the Centres;
- (b) provision of services to the farming community or members of Centres for their facilitation;
- (c) purchase of movable and immovable assets as per requirements, duly recommended by the technical member, demanded through a resolution passed by a Management Committee with three-fourth majority;
- (d) provide inputs and farm machinery procured or purchased to the members on minimum profit on priority;
- (e) sold surplus inputs in the market on prevailing rates;
- (f) purchase, procure or dispose of stock in a recorded manner as laid down under accounting procedures of Government;
- (g) keep the members list up-to-date;
- (h) approve the yearly work plan of the Centre;
- (i) resolve the conflict between the members of General Body;
- (j) prepare and get the budget of the Centre approved from General Body by majority and review balance sheets of all financial and physical activities of the Centre;
- (k) terminate the membership or portfolio of any member, who deliberately violates the rules, regulations of Centre or remains absent from three consecutive meetings of the Management Committee without any valid reason;
- (l) approve the recommendations of agriculture experts or consultants for dissemination and implementation; and
- (m) have the right to spend money out of the available budget of the Centre for the purposes of the Centre.

8. Remuneration of Management Committee.--- Government may, if deem fit, determine the remuneration in consultation with Management Committee, if a Centre is running on profitable basis.

9. Funds.--- (1) Each Centre shall have a Fund which shall consist of donation from Provincial allocations, grants, membership fee, contribution,

income from own resources, donations, trusts, bequests endowments and any other sources of income.

(2) A Centre or any person generally or specially authorized by it may apply to the Collector for recovery of any sum due to the Centre under any bond or otherwise and the Collector shall thereupon proceed to recover the sum due as if it were arrears of Land Revenue according to the procedure as prescribed under the Land Revenue Act 1967.

(3) The Accounts of a Centre shall be maintained and audited in such form and in such manner as may be prescribed by Government.

10. Validity of acts of Management Committee.--- Every act of Management Committees shall be valid, despite of any vacancy in the composition of Management Committee.

11. Assistance by relevant department.--- All the sub-ordinate offices under the administrative control of Secretary Agriculture or any related department, shall be bound to provide assistance to a Centre if and when so required by it.

12. Farm Services Centre Board.--- (1) As soon as may be, after the commencement of this Act, Government shall establish a Board to be known as the Khyber Pakhtunkhwa Farm Services Centre Board.

(2) The composition of the Board shall be as follows:

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|-----|---|---------------|
| (a) | Secretary to Government of the Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department; | Chairman |
| (b) | Director-General Agriculture (Extension); | Vice chairman |
| (c) | Director-General Livestock and Dairy Development (Extension); | Member |
| (d) | one nominee each of the Finance and Planning and Development Departments; | Members |
| (e) | seven divisional Presidents of Centres; and | Members |
| (f) | Director, of the Farm Services Centres. | Secretary |

(3) The persons under clause (e) of sub-section (2) shall be elected from amongst the Presidents of Centres of divisional set up of the Province.

(4) The members at clause (e), shall hold office for a period of three years and may not serve on the Board for more than two consecutive terms.

(5) The Board shall meet bi-annually at the start of each cropping season and whenever required at such time and place and observe such rules as may be prescribed by Government.

(6) The Chairman shall preside over the meeting and in his absence Vice-Chairman of the Board shall preside over the meeting.

(7) Six members including at least two ex-officio members shall constitute quorum for a meeting of the Board.

(8) All decisions in a meeting shall be taken by majority of votes and the Chairman shall have the casting vote in case of equality of votes.

(9) Government may remove any member, appointed under clause (e) of sub-section (2), during the tenure of his office in the manner as may be prescribed by rules.

(10) Any vacancy caused due to death, resignation or removal of a member under clause (e) of sub-section (2), shall be filled in by Government within one month through appointment of another person as member and such appointee shall, hold such office for the unexpired term of his predecessor.

(11) Any member under clause (e) of sub-section (2), may resign from his office by tendering his resignation to Government.

13. Powers and functions of the Board.--- (1) Subject to the provisions of this Act, the Board shall have the following powers and functions,-

- (a) prescribe procedure for the establishment a Centre;
- (b) constituting committees, sub-committees and assign responsibilities to such committees and sub-committees respectively, when and where so required for the smooth running of business of the Board;
- (c) effective supervision and coordination of Centres at provincial and local levels, develop and coordinate activities programmes and plans for the development and sustainability of Centres;
- (d) coordination with national and international organizations in connection with Centres activities;
- (e) implementation of policies for development and sustainability of Centres;
- (f) monitoring of the implementation of this Act;
- (g) developing a system if necessary, of acquiring partnership of private organizations for management and funding of any Farm Services Centre;
- (h) developing a uniform structure for data collection and computerized data recording and to facilitate evidence based policy formulation; and
- (i) carrying out such other acts and things as are ancillary or incidental to any of the functions stated above and any other functions, which may be assigned to it by Government.

(2) The Board shall be the monitoring, controlling and policy decisions making body of the affairs of Centres.

(3) The Board may authorize the member or members for the performance of its functions under this Act.

14. Oath.—Members of the Management Committee, General Secretary and President of Centres shall take oath of their offices in accordance with the Form appended to this Act.

15. Power to make regulations.--- Board may make regulations for the following matters for the purpose of uniformity,-

- (a) conduct of business for General Body and Management Committee;
- (b) registration of Centre;
- (c) membership and termination of membership;
- (d) election for Management Committee and Board;
- (e) duties and responsibilities of the office bearers of the Management Committee;
- (f) allocation of funds and other financial matters;
- (g) procurement of goods, service and consulting services; and
- (h) de-registration of a Centre.

16. Power to make rules.-- Government may, by notification in the official Gazette make rules for carrying out the purposes of this Act.

Form

I, _____, having been elected as _____, of Farm Services Centre _____, do solemnly swear that I will abide by and uphold the Act and By-laws of Farm Services Centre faithfully and impartially perform the duties of _____, as prescribed by law to the best of my ability and capacities, without fear or favour with the aim of furthering the purpose of this organization and advancing interest of farming community.

May Allah the almighty help me in the services and responsibilities bestowed upon me by farming community.

Signature

STATEMENT OF OBJECTS AND REASONS

It is desirable to frame a new law for regulating the functioning of the newly established Farm Services Centres in all districts of Khyber Pakhtunkhwa to cover the devolved functions to the provinces in wake of 18th Amendment of the Constitution of the Islamic Republic of Pakistan. Hence, this Bill.

MINISTER-IN-CHARGE