



THE BALOCHISTAN GAZETTE

PUBLISHED BY AUTHORITY

NO. 95 QUETTA SATURDAY AUGUST 21. 2004.

BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 21st August, 2004.

No.PAB/Legis: V (18)/2004. The following Bill introduced in the Provincial Assembly of Balochistan in its sitting of 21st August, 2004, is hereby published: -

THE BALOCHISTAN COTTON CONTROL (AMENDMENT) BILL, 2004 **(BILL NO. 8 OF 2004)**

A **BILL**

further to amend the Balochistan Cotton Control Ordinance, 1966 (West Pakistan Ordinance XX of 1966).

Preamble

WHEREAS it is expedient further to amend the Balochistan Cotton Control Ordinance, 1966, in the manner hereinafter appearing;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Bill may be called the Balochistan Cotton Control (Amendment) Act, 2004.
- (2) It shall come into force at once.

Amendment of
Section 2 of W.P
Ordinance XX
Of 1966.

2. In the Balochistan Cotton Control Ordinance, 1966. hereinafter referred to as the said Ordinance, in section 2,-

- (i) in clause (c) for the words "of whatever size or density" the words "with standard net weight of 170 kgs and variation of 5% plus / minus at 8.5% moisture content, and with average weight of 17000 kgs for a lot of 100 bales with variation upto plus / minus 3%" shall be substituted;
- (ii) after clause (d) the following new clause (dd) shall be added:-
“(dd) “contamination” means mixture of any foreign cotton, as may be prescribed;”
- (iii) in clause(k) for the words “1st September” the words “1st August” and for the words “31st August” the words “31st July” shall be substituted;
- (iv) after clause (n), the following new clause shall be added, namely:-
“(nn) “ Inspector” means an officer or person appointed as an Inspector under section 5 of this Ordinance;”
- (v) in clause (o) after the word “Ordinance” the words “to an owner” shall be added.
- (vi) In clause (r), after the word and comma “factory,” and before the words “and includes,” the words and comma “whether as owner or otherwise,” shall be inserted, and
- (vii) After clause (r) the following new clause shall be added:-
“(rr) “owner” means a person who owns a factory and includes an allottee, lessee or an occupier, thereof;”

Amendment of
section 5 of W.P.
Ordinance XX
of 1966.

3. In the said Ordinance in section 5,-

- (i) in sub- section (2), for the words “appoint any other officer under its control,” the words “appoint any person” shall be substituted; and
- (ii) after sub section (4), the following new sub-section shall be added, namely:-
“(5) An Inspector appointed under sub- section (2), shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.”

Amendment of
section 7 of W.P.
Ordinance XX
Of 1966.

4. In the said Ordinance, in section 7,-

(i) for sub section (1) the following shall be substituted:-

“(1) No factory shall be worked without a license and identification number granted to owner thereof by such authority, in such form, on payment of such fees, payable for each year or otherwise, as may be prescribed subject to the following conditions:-

(a) an adequate number of raised and ‘pucca’ platform as specified by Government through notification,

(b) a pre-cleaning machinery as specified by Government through notification;

(c) a lint clearing machinery;

(d) proper maintenance and upkeep of ginning machinery.

(e) Availability of technical staff as specified by Government through notification;

(f) Availability of PCSI standard grade boxes

For seed, cotton and lint; and

(g) any other condition that may be specified by Government through notification.”

(ii) for sub section (3) the following shall be substituted:-

“(3) The authority competent to grant the license under this section may, after giving the owner an opportunity of being heard, cancel or suspend the license or refuse its renewal, for which period as it may deem fit, on the ground of non fulfillment of any condition laid down under sub- section (1) and non payment of any fee specified under clause(1) of sub- section (2) of section 30 or violation of any other provision of this Ordinance,” and

(iii) for sub section (5) the following shall be substituted:-

“(5) If any person runs a factory in respect of which a license has not been granted or renewed or has been suspended or cancelled, the Inspector shall seal the factory and occupier thereof shall be punishable with imprisonment which may extend

Amendment of section 15 of W.P. Ordinance XX Of 1966. 13. In the said Ordinance, in section 15:-

- (i) in sub section (2) for the words " for subsequent periods not exceeding two years from the date of issue of the license by the authority competent to grant the same" the words " by the competent authority for a specified period" shall be substituted.
- (ii) in clause (a) of sub section (4), the words "and" appearing at the end shall be deleted;
- (iii) in clause (b) of sub section (4), the colon shall be substituted by a semicolon and after the said substitution the words "and" shall be added and there after the following new clause (c) shall be inserted:-
 "(c) the saws of each and every ginning machine shall be replaced with new ones after ginning of three thousand bales";
- (iv) in sub section (7) after the words " any" and before the words " factory" the words "small gin or middle gin" shall be inserted and for the words and comma "three months or with fine which may extend to five thousand rupees or with both" the words "six months but not less than one month shall be substituted; and
- (v) in subsection (10) for the words "which may extend to fifty rupees" the words "not less than five thousand rupees" shall be substituted.

Amendment of section 16 of W.P. Ordinance XX Of 1966.

14. In the said Ordinance, in section 16, after the words and comma "notification" and before the word "no" the words and comma "no variety except the one allowed shall be grown," shall be inserted, and after the word "factory," and before the full stop at the end the word

"and no person shall sell seed of any variety / hybrid except

the one allowed to be grown in the area," shall be inserted.

Amendment of section 17 of W.P. Ordinance XX Of 1966. 15. In the said Ordinance, in section 17:-

- (i) in clause (a) of subsection (1) for the figures "10%" the figures " 8.5%" shall be substituted; and
- (ii) in clause (b) of sub- section (1) for the words one hundred thousand rupees" the words " fifteen thousand rupees" shall be substituted; and
- (iii) in sub- section (2) for the words " one hundred thousand rupees" the words "fifteen thousand rupees" shall be substituted.

Amendment of
section 19 of W.P.
Ordinance XX
Of 1966.

16. In the said Ordinance, for section 19, the following shall be substituted:-

“19. Cognizance and prosecution of offences:-

(1) The offences punishable under this Ordinance shall be cognizable and non bailable;

Provided that the police officer shall not register or investigate a case relating to an offence except on a complaint by the Inspector, and the Public Prosecutor shall be responsible for conducting prosecution of offences under this Ordinance.

(2) No court inferior to that of a Magistrate of first class shall try an offence punishable under this Ordinance.”

Amendment of
section 20 of W.P.
Ordinance XX
Of 1966.

17. In the said Ordinance, in sub section (1) of section 20, after the word and comma “cotton.” and before the word “require” for the word “may” the word “shall” shall be substituted.

Amendment of
section 21 of W.P.
Ordinance XX
Of 1966.

18. In the said Ordinance, in sub-section (2) of section 21 for the words “five hundred rupees” the words “not less than fifteen thousand rupees for every acre put under such prohibited variety” shall be substituted.

Amendment of
section 22 of W.P.
Ordinance XX
Of 1966.

19. In the said Ordinance, after sub-section (2) of section 22, the following new sub- section (3) shall be added:-

“(3) Any violation made by a person under this section shall be punishable with fine of five hundred rupees per kg of cotton lint or seed imported into the prohibited zone.”

Amendment of
section 24 of W.P.
Ordinance XX
of 1966.

20. In the said Ordinance, in subsection (3) of section 24 for the words and commas “not exceeding one thousand rupees, and upon any subsequent conviction, to imprisonment which may extend to three months, or to a fine which may extend to five thousand rupees, or to both” the words and commas “not less than fifteen thousand rupees and upon any subsequent conviction, with imprisonment which may extend to six month but not less than one month” shall be substituted.

Amendment of
section 26 of W.P.
Ordinance XX
of 1966.

21. In the said Ordinance, for sub section (2) of section 26 the following shall be substituted:-

“(2) Whoever, in contravention of a notification issued under sub-section (1), pays less than support price, for every variety of cotton, shall be punishable

with imprisonment which may extend to three months but not less than one month.”

Amendment of section 27 of W.P. Ordinance XX of 1966. 22. In the said Ordinance, in section 27, after the words “grading” the comma and word “standardization” shall be inserted.

Amendment of section 30 of W.P. Ordinance XX of 1966. 23. In the said Ordinance, in clause (h) of sub section(2) of section 30 for the words “which shall constitute an admixture of cotton” the words and commas “and their extent which shall constitute an admixture, adulteration and contamination of cotton” shall be substituted.

STATEMENT OF OBJECT AND REASON

The trading corporation of Pakistan (PVT), Limited, Karachi has forwarded proposals for Amendment in Cotton Control Ordinance, 1996 to all the Provincial Government in order the to ensure contamination free cotton in the country. The objective of the amendment is to revise the penalties for various offences to reasonable extend in order to improve the quality of cotton in the country as well as to improve the establishment and operation of ginning factories. Some provision of the Balochistan Cotton Control Ordinance 1996, have become obsolete and therefore required amendment according to the need of the time.

2. The proposed amendment cover the vital matters not only at farm level but also such issues connected with licensing of ginning factories, weighbridge, scale and weight, adulteration and mixing of cotton regulation of prices of cotton etc. This will provide vast power to the Provincial Government to regulate and discipline the working of ginning factories and to bring out related improvement for production of contaminated free cotton in the country.

3. The Government of Punjab and Sindh have already amended some provision of Cotton Control Ordinance 1996, as suggested by the Trading Corporation of Pakistan. In order to maintain uniformity with the sister provinces this department intends to amend the said Ordinance through the proposed Bill which approval of the House.

Sd/----

MOULANA FAIZULLAH
MINISTER

For Agriculture & Cooperative Department

Quetta, the
21st August, 2004.

Secretary
Balochistan Provincial Assembly