

EXTRAORDINARY

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BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.

NOTIFICATION.

Dated Quetta, the 30th August, 2004.

No.PAB/Legis: V (18)/2004. The Balochistan Cotton Control (Amendment) Bill, 2004 having been passed by the Provincial Assembly of Balochistan on 24th August, 2004 and assented to by the Governor of Balochistan, is hereby published as an Act of the Provincial Assembly.

The Balochistan Cotton Control (Amendment) Act, 2004.

(Act No. X of 2004)

(First published after having received the assent of the Governor of Balochistan in the Balochistan Gazette (Extra-ordinary) dated 27th August, 2004.)

AN

ACT

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 Act 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 to six months but not less than one month and with fine which may extend to fifteen thousand rupees."

Amendment of
Section 8 of W.P.
Ordinance XX
of 1966.

5. In the said Ordinance, in section 8,-

- (i) After clause (iii) of sub section (6) for the words "fine which may extend to five hundred rupees" the words "imprisonment which may extend to three months and with fine not less than fifteen thousand rupees" shall be substituted; and
- (ii) in sub section (7) for the words "which may extend to fifty rupees" the words "not less than fifteen thousand rupees" and for the words "the fine may extend to five hundred rupees" the words "he shall be punishable with imprisonment not less than three months" shall be substituted.

Amendment of
section 9 of
W.P.Ordinance
XX of 1966.

6. In the said Ordinance, in sub section (3) of section 9 for the words "which may extend to five hundred rupees" the words "not less than fifteen thousand rupees" shall be substituted.

Amendment of
section 10 of W.P.
Ordinance XX
Of 1966.

7. In the said Ordinance, in sub section (3) of section 10, for the words "which may extend to fifty rupees" the words "not less than fifteen thousand rupees" shall be substituted.

Amendment of
section 11 of W.P.
Ordinance XX of
1966.

8. In the said Ordinance, in sub section (3) of section 11, for the words "which may extend to fifty hundred rupees" the words "imprisonment which may extend to three months but not less than one month and with fine not less than fifteen thousand rupees" shall be substituted.

Addition of section
11-A of W.P.
Ordinance XX
Of 1966.

9. In the said Ordinance, after section 11, the following new section shall be added, namely:-

"11-A *Submission of monthly returns by cotton ginning and cotton pressing factories.* -

- (1) The occupier of every cotton ginning factory and cotton pressing factory shall furnish to the prescribed authority, within such time and in such form as may be prescribed, monthly

returns showing quantity of cotton required in the factory:-

- (a) During the proceeding month; and
 - (b) since the commencement of the cotton year to the end of that month.
- (2) If default is made in furnishing any return as required by sub-section (1), the occupier of the factory shall be punished with imprisonment which may extend three months but not less than one month and with fine not less than fifteen thousand rupees.
- (3) Where the occupier of the factory has notified to the prescribed authority that the work of ginning cotton or pressing cotton bales in that factory has been suspended it shall not be necessary for him to submit monthly returns under sub-section(1) until the work is resumed."

Amendment of section 12 of W.P. Ordinance XX Of 1966.

10. In the said Ordinance, in the sub-section (3) of section 12, for the words "which may extend to fifty rupees" the words "not less than fifteen thousand rupees" shall be substituted.

Amendment of section 13 of W.P. Ordinance XX Of 1966.

11. In the said Ordinance, in sub section (3) of section 13, after the words "marked" and before the comma the words "or is stored without marking beyond one week" shall be inserted and for the words and commas "one month, or with fine which may extend to fifty rupees, or with both, for every bale of cotton in respect of which such contravention has been taken place" the words "three months but not less than one month" shall be substituted.

Amendment of section 14 of W.P. Ordinance XX Of 1966.

12. In the said Ordinance, in section 14,-

- (i) in sub section (1) for the words, comma and brackets "West Pakistan Weights and Measures Ordinance, 1965 (XXXIII of 1965)" the words, " Balochistan Weights and Measures (International System) Enforcement Ordinance,1977 (XII of 1977)," shall be substituted;
- (ii) after sub section (1) the following new sub-section shall be added:-
 "(1-a) The occupier of every cotton ginning factory shall install a weigh bridge within the premises of his factory."
- (iii) in sub-section (2) for the words and comma "which may extend to fifty rupees or, if he has been

previously convicted of any offence under this sub-section with fine which may extend to five hundred rupees" the words "not less than fifteen thousand rupees" shall be substituted.

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.

Muhammad Khan Mengal
Secretary.