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SINDH ORDINANCE NO.XLIV OF 2002

THE SINDH COTTON CONTROL (SECOND AMENDMENT) ORDINANCE, 2002

[4th November, 2002]

An Ordinance to further amend the Sindh Cotton Control Ordinance, 1966.

Preamble.

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

AND WHEREAS the Provincial Assembly stands dissolved in pursuance of the Proclamation of the fourteenth day of October, 1999, and the Provisional Constitution Order No.1 of 1999;

AND WHEREAS the Governor of Sindh is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the aforesaid Proclamation and Provisional Constitution Order read with Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the Governor of Sindh is pleased to make and promulgate the following Ordinance:—

Short title and commencement.

1. (1) This Ordinance may be called the Sindh Cotton Control (Second Amendment) Ordinance, 2002.

(2) It shall come into force at once.

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

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

(i) for clause (c), the following shall be substituted: -

"(c) "bale" means any pressed package of cotton with standard average net weight of 170 Kilograms, with variation of three percent plus or minus at 8.5 percent moisture content;";

(ii) in clause (d), for the words "Sind Cotton Board", the words "Sindh Cotton Control Board" shall be substituted;

(iii) in clause (k) for the figure and the words "1st September to 31st August", the figure and words "1st August to 31st July" shall be substituted;

(iv) for clause (1) the following shall be substituted: -

"(1) "District Coordination Officer, Executive District Officer Agriculture, District Officer Agriculture or Deputy District Officer Agriculture" means the persons appointed by Government to perform the functions of District Coordination Officer, Executive District Officer Agriculture, District Officer Agriculture or Deputy District Officer Agriculture, as the case may be;";

(v) in clause (o), after the word "Ordinance" the words "to an owner" shall be added; and

(vi) after clause (r), the following new clause shall be added: -

"(r r) "owner" means a person who owns a factory and includes an allotee, lessee or an occupier, thereof;";

Amendment of Section 3 of W.P. Ordinance XX of 1966.

3. In the said Ordinance, in section 3, in sub-section (1), for the words "Cotton", the words "Cotton Control" shall be substituted.

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

4. In the said Ordinance, in section 5, in sub-section (1), for the words and comma "Director of Agriculture, Deputy Director of Agriculture and Assistant Director of Agriculture", the words and commas "District Coordination Officer, Executive District Officer Agriculture, District Officer Agriculture and Deputy District Officer Agriculture" shall be substituted.

Amendment of Section 7 of W.P. Ordinance XX of 1966.

5. In the said Ordinance, in section 7-

(i) in sub-section (1), before the full-stop, the following shall be added: -

"subject to the following conditions: -

(a) adequate number of raised "Pucca" platforms;

(b) weigh-bridge;

(c) pre-cleaning machinery like inclined cleaners, impact cleaners, Feather Seed Cleaners, rock catchers;

(d) new sets of gin saws at the commencement seasons;

(e) post cleaning machinery;

(f) fully automatic press with the facility of using independent bands of hoops;

(g) use of strong and thick hundred percent cotton bales;

(h) proper maintenance and upkeep of ginning machinery;

(i) availability of technical staff; and

(j) availability of Pakistan Cotton Standard Institution (standard grade) boxes for Seed Cotton and lint;

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

"(3) The authority competent to grant a license under this section may, after giving the owner an opportunity of being heard, cancel or suspend the license or refuse its renewal, for such period as it may deem fit on the ground of non-fulfillment of any conditions prescribed under sub-section (1), and for non payment of any fee prescribed under clause (i) of sub-section (2) of section 30.".

Amendment of Section 14 of W.P. Ordinance XX of 1966.

6. In the said Ordinance, in section 14, in sub-section (1), for the words, comma and brackets "Sind Weights and Measurers Ordinance, 1965", the words and comma "Sind Standard Weights and Measures Act, 1975" shall be substituted.

7. In the said Ordinance, in section 17 for sub-section (1) excluding the proviso and clause (c) following shall be substituted:-

"17(1). Any occupier of a factory or any other person-

a) who handles or facilitates handling cotton in any cloth made of any fiber other than cotton, waters seed cotton or lint beyond specified limits (more than ten percent) or allows any foreign substance i.e. jute fiber, jute twins, polypropylene bags, human or animal hair, confectionary wrappers or gins or presses or allows such cotton to be ginned or pressed in such factory; or

b) who in any area specified in the notification under section 16, gins or presses or allows to be ginned or pressed any cotton which he knows or has reasons to believe to contain an admixture of different varieties of cotton;

shall be punishable with imprisonment which may extend to six month and with fine which shall not be less than fifteen thousand rupees".

Amendment of Section 27 of W.P. Ordinance XX of 1966.

8. In the said Ordinance, in section 27, in sub-section (1), after the word "grading", comma and the word", standardization" shall be added.