

**PROVINCIAL ASSEMBLY OF SINDH
NOTIFICATION
KARACHI, THE 19TH SEPTEMBER, 2011**

NO.PAS/Legis-B-13/2010- The Sindh Seed Corporation (Amendment) Bill, 2010 having been passed by the Provincial Assembly of Sindh on 11th November, 2010 and assented to by the Governor of Sindh on 20th December, 2010 is hereby published as an Act of the Legislature of Sindh.

THE SINDH SEED CORPORATION (AMENDMENT) ACT, 2010.

SINDH ACT NO. XXVII OF 2011

**AN
ACT**

to amend the Sind Seed Corporation Act, 1976.

WHEREAS it is expedient to amend the Sind Seed Corporation Act, 1976, in the manner hereinafter appearing; **Preamble.**

It is hereby enacted as follows:-

1. (1) This Act may be called the Sindh Seed Corporation (Amendment) Act, 2010. **Short title and Commencement.**

(2) It shall come into force at once.

2. In the Sind Seed Corporation Act 1976, hereinafter referred to as the said Act, in section 2, for clauses (a), (b), (c), (d) and (e), the following shall be substituted :- **Definitions.**

(a) "Board" means the Board of Directors established under this Act;

(b) "Chief Executive Officer" means the Chief Executive Officer appointed by the Board on such terms and conditions as may be prescribed;

(c) "Chief Financial Officer" means the Chief Financial Officer of the Board;

(d) "member" means a member of the Board;

(e) "prescribed" means prescribed by regulations or rules made under this Act;

(f) "private sector member" means a member, being a person who is not an employee of Government.

(g) "Secretary" means the Secretary of the Board.

3. In the said Act, for section 4, the following shall be substituted:-

Substitution of section 4 of Sind Act II of 1976.

“4. (1) The Board shall consist of -

- | | |
|---|--------------------|
| (a) The Secretary, Agriculture Department | Chairperson |
| (b) nine members of the Board shall be selected from amongst the private sector | Members |
| (c) the Chief Executive Officer of the Board | Member |
| (d) the Director General Agriculture Research | Member |
| (e) a representative of Federal Seed Certification and Registration Department | Member |

(2) A private sector member shall hold office for a period of three years unless he resigns earlier.

(3) An ex-officio member appointed by virtue of his office shall cease to be a member on vacation such office.

(4) Government shall appoint a person who is appropriately qualified under this Act as may be prescribed to fill any vacancy arising in the Board.

(5) Private sector members shall function in their individual capacity and shall not be bound by instruction or orders of any person.

4. In the said Act, for section 6, the following shall be substituted :-

Substitution of section 6 of Sind Act II of 1976.

“6. (1) The executive authority of the Corporation shall vest in the Board, which shall have the responsibility to determine the manner in which the powers and functions of the Corporation are exercised under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Board shall have the following powers and functions:-

- (i) to give overall policy guidance and direction for the efficient functioning of the Corporation;
- (ii) to approve the annual budget of the Corporation;
- (iii) to approve the balance sheet and profit and loss account of the Corporation ; and
- (iv) to approve the annual report prepared by the chief executive officer.

(3) The requirements of sections 230 to 236 of the Companies Ordinance, 1984 shall extend, mutatis mutandis, to the Corporation.

5. In the said Act, in section 7, for the word “Government”, the word “Board” and for the words “Managing Director”, the words “Chief Executive Officer” shall be substituted.

Substitution of section 7 of Sind Act II of 1976.

6. In the said Act, in section 8, in sub-section (1), for the word “Corporation”, the word “Board” and for the word “such”, the words “Chief Financial Officer, Secretary of the Board and such” shall be substituted.

Amendment of section 8 of Sind Act II of 1976.

7. In the said Act, in section 10 -

Amendment of section 10 of Sind Act II of 1976.

(a) in sub-section (1), for the word “Corporation”, the word “Board” and for the words “Managing Director”, the words “Chief Executive Officer, Chief Financial Officer, Secretary of the Board” shall be substituted;

(b) in sub-section (2), for the words “Managing Director”, the words “Chief Executive Officer” shall be substituted.

8. In the said Act, in section 11 -

Amendment of section 11 of Sind Act II of 1976.

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

“(1) The meetings of the Board shall be held at least twelve times in every calendar year and each such meeting shall be called under the signature of the Secretary.”;

(b) in sub-section (2), for the words “Corporation” the word “Board” shall be substituted;

(c) in sub-section (3), for the word “one-third”, the word “one-half” shall be substituted;

(d) in sub-sections (4) and (6), for the word “Corporation”, the word “Board” shall be substituted;

(e) after sub-section (6), the following shall be added :-

“(7) Any member who fails to attend three consecutive meetings of the Board without excusing himself from the Board, his membership shall stand terminated.”.

9. In the said Act, after section 12, the following new sections shall be added :-

Addition of new sections 12-A and 12-B in Sind Act II of 1976.

“12-A. (1) Notwithstanding anything contained in this Act or any other law for the time being in force, the Corporation may, from time to time, enter into any commercial arrangement with such person, entity or organization on such terms and conditions as the Corporation may deem fit.

(2) The Corporation shall be entitled to delegate or assign any function exercisable by it to any person, entity or organization with whom it has entered into a commercial arrangement provided that such power of delegation or assignment shall not extend to -

- (a) the incurrence of any obligation or debt on behalf of the Corporation;
- (b) the employment or dismissal of any person in the employment of the Corporation;
- (c) any sale or divestment of any property or assets of the Corporation;
- (d) the grant of any loan or financial assistance or the making or giving of any guarantee;
- (e) the creation of any mortgage, charge, pledge, lien or encumbrance on any property or assets of the Corporation; and
- (f) any arrangement similar or analogous to having the same effects as described in clauses (a) to (e).

(3) The Corporation may as part of a commercial arrangement require a person, entity or organization which is a counterparty to such commercial arrangement to hire or engage such personnel to perform such functions as may be specified in such commercial arrangement.

12-B. Government may license or permit any public or private organization in a commercial arrangement with the Corporation, under terms and conditions it considers appropriate, the right to receive or obtain pre-basic seed and to produce, multiply, market and sell basic seed in the province of Sindh.”

10. In the said Act, in section 13, sub-section (2) shall be omitted. **Amendment of section 13 of Sind Act II of 1976.**

11. In the said Act, for section 14, the following shall be substituted :- **Substitution of section 14 of Sind Act II of 1976.**

- “14. The Corporation may -
- (a) take such measures as may be necessary for the production, marketing and sale of seed;
 - (b) carry out or cause to be carried out research in seed propagation and multiplication;
 - (c) procure requisite personnel, funds and equipment and mobilize other resources in and outside the Province of Sindh for achieving goals set by it;
 - (d) provide or cause to be provided facilities for professional training in production, procurement, processing, marketing and distribution of seed and related fields within and outside the Province of Sindh;

- (e) co-operate with Government, non-government and international agencies in all such activities which may lead to the attainment of the objectives of the Corporation;
- (f) procure, produce, import or multiply such species of seed as may be required in the Province of Sindh;
- (g) arrange for multiplication, procurement, processing, bagging and storage of seed;
- (h) undertake or cause to be undertaken marketing of seed through public and private sector entities;
- (i) take over and manage seed farms on such terms and conditions as may be agreed by the Corporation and others;
- (j) make suitable arrangements for the multiplication of seed on private farms under its supervision;
- (k) make suitable arrangements for the certification of seed in such manner as may be prescribed;
- (l) render technical advice and other services to growers; and
- (m) enter into cooperation, agreements and arrangements with seed corporations in other Provinces;

12. In the said Act, in section 16 -

- (a) in sub-section (1), clause (e) shall be omitted;
- (b) in sub-section (3), for the word "Corporation", the word "Board" shall be substituted;
- (c) in sub-section (4), for the word "Corporation", occurring second time, the word "Board" shall be substituted;
- (d) after sub-section (4), the following shall be added:-

"(5) The Board shall manage and operate the Corporation so as to ensure, to the fullest extent possible, that the Corporation is financially self-sustaining without recourse to lending, grants or the injection of further debt or funds or other assistance from Government or any other person."

Amendment of section 16 of Sind Act II of 1976.

13. In the said Act, in section 18, before the full stop, the words "and shall be subject to the approval of the Board" shall be added.

Amendment of section 18 of Sind Act II of 1976.

14. In the said Act, after section 20, the following new sections shall be added:-

"20-A. Notwithstanding **anything** contained in any other law entry by the Corporation into a commercial arrangement with any person, entity or organization shall not be deemed to be a privatization for the purposes of the Sindh Privatization Commission Ordinance 2001, or any other law for the time being in force.

Addition of new sections in Sind Act II of 1976.

20-B. The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

20-C. If any difficulty arises in giving effect to the provisions of this Act, Government may make such order not inconsistent with the provisions of this Act, as appear to it to be necessary for the purposes of removing the difficulty.”.

15. In section 22, for sub-section (2), the following shall be substituted :-

**Amendment of
section 22 of Sind
Act II of 1976.**

“(2) In particular and without prejudice to the generality of the foregoing power, The Corporation may issue such regulations that may provide for:

- (i) meetings of the Board;
- (ii) conduct of business in such meetings; and
- (iii) terms and conditions of service of officers, and employees of the Corporation, such terms and conditions to be consistent with the requirements of this Act and constitution of any financial, technical and advisory committees.

**BY ORDER OF THE SPEAKER
PROVINCIAL ASSEMBLY OF SINDH**

**HADI BUX BURIRO
SECRETARY
PROVINCIAL ASSEMBLY OF SINDH**