

**THE
WEST
PAKISTAN
COTTON
CONTROL
RULES, 1966**

[Gazette of West Pakistan, Part I, 21st October, 1966]

Notification No. 154 (37) SO WI/64 — In exercise of the powers conferred by section 30 of the West Pakistan Cotton Control Ordinance, 1966 (West Pakistan Ordinance XX of 1966), and in supersession of the Sind Cotton Ginning and Pressing Factories Rules, 1938, the West Punjab Cotton Control Rules, 1949, the Bahawalpur Cotton Control Rules, 1949, and all other rules on the subject in force in any part or area of West Pakistan, the Governor of West Pakistan is pleased to make the following rules, namely: —

1. Short title and commencement. (I) These rules may be called the West Pakistan Cotton Control Rules, 1966.

(2) They shall come into force at once.

COMMENTS:

(a) Rule 26 of West Punjab Cotton Control Rules – Ultra vires. Rule 26 (5) was bad because it was not within the four corners of the rule-making powers given by clauses (o) and (p) of section 30 of the West Punjab Cotton Control Act.¹¹

2. Definitions. In these rules unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say: —

(a) “Agent” means the person acting on behalf of the occupier or occupiers or the managers of a company or a cotton dealer;

11. Ali Akbar v. The State, PLD 1160 Lah. 437, PLR 1600 (2) WP 137.

- (b) "Company" means a company registered under the Companies Act, 1913 (VII of 1913), which deals in cotton-seed wholly or partially and whose purchases of either of these commodities in any one month are five hundred maunds or more;
- (c) "Cotton Grower" or "grower" means a person who cultivates cotton either himself, or by members of his family, or by hired labour or by tenants.
- (d) "District" means a revenue district and includes the area under the charge of an Extra-Assistant Director, Agriculture.
- (e) "Division" means a revenue division and includes an area under the charge of a Deputy Director of Agriculture;
- (f) "Form" means a form appended to these rules;
- (g) "Manager" means a person who is in charge of a company or of a factory.
- (h) "Ordinance" means the West Pakistan Cotton Control Ordinance, 1966 (West Pakistan Ordinance XX of 1966);
- (i) "Purchasing centre" means any place at which cotton or cotton-seed is purchased, delivered or weighed, and includes such portion of a factory where any of these operations take place.
- (j) "Region" means the area under the charge of a Director of Agriculture; and
- (k) "Section" means a section of the Ordinance.

COMMENTS:

(b) **Definitions in the Act cannot be widened by rules made thereunder.** No doubt clause (o)¹² is so worded that it would appear, at first sight, to have given almost unlimited powers to the rule-making authority subject to the condition that the rules were about a matter for which provision was deemed necessary in order to carry out the purposes of the Act, but the same consideration will apply to clause (o) which applies to what is stated in the beginning of the Act

12. Section 30 of West Punjab Cotton Control Act, 1949 (*post*).

with regard to the subjects to which the Act related. But this did not confer on the rule-making authority the power to widen the definition of an expression given in the Act.¹²

(c) “Water” means water used to run the factories. Reference in clause (f) to the use of water in relation to factories is to those factories which are run by water, just as water mills are run by water and the mere fact that water may be used in some connection in the use of a machine does not attract the provisions of clause (f) of section 2 of the Act.¹³

3. West Pakistan Cotton Control Board. (1) The Board shall consist of twenty-four members

(2) The following officers shall be *ex-officio* members of the Board: —

- (1) Secretary to the Government of West Pakistan, Agriculture Department.
- (2) Vice-Chairman, West Pakistan, Railway Board.
- (3) General Manager, Supplies, West Pakistan Agriculture Development Corporation.
- (4) Director of Agriculture, Lahore Region.
- (5) Director of Agriculture, Hyderabad Region.
- (6) Director of Agriculture, Peshawar Region.
- (7) Director of Industries, West Pakistan.
- (8) Chairman, West Pakistan Co-operative Board.

(3) Sixteen members shall be nominated by Government, either by name or by designation, four of them being the representatives of Cotton Ginners, four being the representatives of Textile Mill Owners and the remaining eight being the representatives of Cotton Growers.

(4) The Secretary to the Government of West Pakistan, Agriculture Department, the Vice-Chairman, West Pakistan Railway Board and the Director of Agriculture, Lahore Region, shall be *ex-officio* Chairman and Secretary, respectively of the Board.

12. Hakim-ud-Din v. Government of West Pakistan, PLD 1960 Lah. 709. PLR 1961 (I) WP 197 (DB).

13. Hakim-ud-Din v. Government of West Pakistan, PLD 1960 Lah. 709, PLR1961.(I) WP 197 (DB).

(5) The Board shall, in addition to the powers conferred and the duties imposed on it by the Ordinance, advise Government on matters connected with the growing of cotton, cotton industries and cotton textiles in West Pakistan and on such other matters as may be referred to it by Government and shall supervise and direct the working of the Advisory Committees and act as a liaison between Government and the Advisory Committees.

(6). The meetings of the Board shall be held on such dates and at such times and places as the Chairman may fix.

(7) Notices, in writing, of every meeting shall be despatched to all members not less than fifteen days before the date fixed for the meeting except in urgent cases when a meeting may be held at three day's notice.

(8) The official members of the Board, who attend a meeting of the Board or perform other duties connected with the Board under the orders of the Chairman, shall receive travelling allowance from Government as is admissible for other Government duty. The non-official members of the Board shall receive the same travelling allowance from Government as is admissible to Government servants of Grade I, as defined in rule 2.13 of the West Pakistan Travelling Allowance Rules, when they perform any duty connected with the Board under the orders of the Chairman.

(9) The Travelling Allowance bills of all the members shall be countersigned by the Chairman.

(10) The term of appointment of the non-official members of the Board shall be three years, from the 1st of September previous to nomination.

(11) Notwithstanding anything contained in sub-rule (10), Government may by notification remove any non-official member at any time without assigning any reasons thereto.

(12) When the place of a non-official member of the Board falls vacant by death, removal or resignation, Government shall nominate a new member to fill the vacancy so occurring subject to the provisions of sub-rule (3), and such new member shall hold office for the un-expired period of the term of office of the member in whose place he has been nominated.

4. Procedure of the meetings of the Board. (1) The meetings of the Board shall be presided over by the Chairman and in his absence by the Vice-Chairman and in the absence of both by a member elected for the purpose by the members present at the meeting.

(2) Twelve members, inclusive of the Chairman shall form a quorum.

(3) If at any meeting there is no quorum, the Chairman shall adjourn the meeting to some other day not earlier than three days from the date of adjournment. Intimation regarding adjournment and the next date fixed for the meeting shall be sent to all members immediately. No quorum shall be necessary for such an adjourned meeting.

(4) Notices of resolutions or motions or amendments intended to be moved at a meeting, other than the first meeting, shall be sent to the Secretary at least nine days before the date fixed for such meeting.

(5) The Secretary shall dispatch to each member the agenda of the meeting at least seven days before the date fixed for the meeting.

(6) No business other than that contained in the agenda shall be transacted at a meeting, except with the consent of the Chairman.

(7) No motion or resolution or amendment shall be discussed at a meeting unless it is seconded.

(8) Every question shall be decided by a majority of votes of the members present; in case of the votes being equally divided the Chairman shall have a casting vote.

(9) The Chairman shall be the sole judge of any point of order and may, if necessary, dissolve the meeting or adjourn it to any other day.

(10) In any case not provided for by these rules, the procedure shall be in accordance with the ruling of the Chairman.

5. Advisory Committee. (1) When an Advisory Committee is established for any area, Government shall by notification, fix the number of its members and shall also appoint the Chairman and the Secretary thereof by name or designation:

Provided that the number of the non-official members from amongst the

growers on the one hand and from amongst those connected with cotton ginning, cotton pressing, cotton-seed crushing, cotton spinning and cotton textiles on the other hand shall be equal.

(2) The functions of an Advisory Committee shall be: —

- (a) to consider and recommend ways and means of maintaining good relations between the cotton growers and the occupiers of the factories;
- (b) to consider and to recommend schemes for the development of cotton (particularly the use of manures and fertilizers and the sowing of seeds of the quality, variety or standard prescribed), fixing of standards of cotton, marketing of cotton, regulation of the supplies of cotton to the factories and of the prices, etc; and
- (c) to offer advice on any other matter which may be referred to it by the Board of Government.

(3) The Secretary shall convene meetings of the Advisory Committee on such dates and at such times and places as the Chairman may fix and shall do so when required by not less than half the total number of the members of the Advisory Committee.

(4) The Secretary shall circulate the agenda keep the minutes of the meetings, carry on correspondence on behalf of the Advisory Committee and perform such other functions as may be necessary for proper discharge of his duties.

(5) The Secretary shall forward a copy of the proceedings of all meetings of the Advisory Committee to the Secretary of the Board and the E.A.D.A. of the District within ten days of each meeting.

(6) The terms of appointment of the members of the Advisory Committee shall be one year commencing from the 1st September.

(7) Notwithstanding anything contained in sub-rule (6), Government may, by notification, remove any member at any time.

(8) When the place of a member becomes vacant by death, removal or resignation, Government shall nominate a new member to fill the vacancy so

occurring subject to the provision of sub-rule (I), and such new member shall hold office for the unexpired term of office of the member in whose place he has been nominated.

6. Procedure at the meetings of the Advisory Committee. (1) The meetings of the Advisory Committee shall be presided over by the Chairman and in his absence by any member nominated by the Chairman and, in the absence of any such nomination by a member elected for the purpose by the members present at the meeting.

(2) Notices in writing, of meetings shall be circulated to all members not less than two weeks before the meeting.

(3) Notices of resolutions or motions or amendments proposed to be moved at a meeting shall be made available to the Secretary at least seven days before the meeting.

(4) The agenda shall be circulated at least three days before the date fixed for the meeting and no business other than that contained in the agenda shall be transacted at that meeting except with the consent of the Chairman.

(5) At all meetings of the Committee, one-third of the total number of members, inclusive of the Chairman, shall form a quorum.

(6) If at any meeting there is no quorum, the Chairman shall adjourn the meeting to any subsequent date not earlier than three days from the date of adjournment. Intimation regarding adjournment and the next date fixed for the meeting shall be sent to the members immediately. No quorum shall be necessary for such an adjourned meeting.

(7) No resolution or motion or amendment shall be discussed at a meeting unless it is seconded.

(8) A resolution, motion or amendment may be withdrawn, with the permission of the Chairman by the member who has given notice of such resolution, motion or amendment.

(9) Every question shall be decided by a majority of votes of the members present. In the case of votes being equally divided the Chairman shall have a casting vote.

(10) The Chairman shall be the sole judge of any point of order and may, if necessary, call any member to order or dissolve the meeting or adjourn it to any other day.

(11) In any case not provided for by these rules, the procedure shall be in accordance with the ruling of the Chairman.

7. Inspectors. (1) The following officers shall be *ex-officio* Inspectors within the areas mentioned against each: —

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|----------------------------------------------------------------------------------------------|---|----------------------------|
| <p>(1) The Secretary to the Government of West Pakistan, Agriculture Department.</p> | } | Province of West Pakistan. |
| <p>(2) The General Manager (Supply, West Pakistan Agricultural Development Corporation).</p> | | |
| <p>(3) The Registrars, Co-operative of the Region.</p> | | |
| <p>(4) The Commissioners.</p> | | |
| <p>(5) The Deputy Commissioners</p> | } | Within their |
| <p>(6) The Sub-Divisional Officers (Civil)</p> | | respective |
| <p>(7) The Magistrates, Incharge of Police Stations.</p> | | jurisdiction. |

(2) Every Inspector may within the local limits of his jurisdiction and with such assistance as he thinks necessary: —

- (i) enter any factory or other place which he has reasons to believe is used as purchasing centre or for the maintenance of any records, registers or other documents pertaining thereto;
- (ii) Examine weigh bridge or scales or weights used; kept or possessed for the weighment and purchase of cotton or cotton-seeds;
- (iii) Cause carts carrying cotton or cotton-seed to be weighed or re-weighed in his presence; likewise, cause cotton or cotton-seed being carried in motor-trucks or rail wagons to be weighed or re-weighed in his presence;
- (iv) examine the prescribed registers and check such other records, registers or documents as are maintained;

- (v) check the relevant weighments, purchases and payments;
- (vi) call from the occupier, manager or cotton dealer any information relating to the purchase of cotton or cotton-seed;
- (vii) examine the relevant registers of factories about the payment of wages;
- (viii) examine the crop of cotton growing in the field and the relevant record pertaining to the seed sown;
- (ix) record the statement of any person or persons whom he may deem necessary to examine for the proper discharge of his duties; and
- (x) exercise in good faith such other powers as he may deem necessary for carrying out the purposes of the Ordinance and these rules.

(3) Every Inspector appointed under sub-section (2) of section 5 may, on the orders of the Chairman of the Board and not otherwise, within the local limits of his jurisdiction: —

- (i) enter any factory;
- (ii) examine any machinery used or kept or possessed for ginning or pressing of cotton, or for the extraction of oil from cotton-seed;
- (iii) examine such registers, return documents or accounts as are maintained and are in his opinion necessary to examine for the purposes of his enquiry or report;
- (iv) call from the occupier any information relating to the machinery or any part thereof; and
- (v) exercise in good faith such other powers may be necessary for the proper discharge of his functions.

(4) Inspectors appointed under sub-section (2) of section 5, shall not divulge to any person, other than the Chairman of the Board, the information obtained and the opinion formed by them as a result of their enquiry or inspection.

8. Licence for working a cotton ginning, cotton pressing or cotton-seed oil factory. (1) No cotton ginning, cotton pressing or cotton-seed oil factory shall be worked without a licence in Form 'A' and an identification number granted to the occupier in the manner and subject to conditions mentioned hereinafter.

(2) Applications for grant of licences shall be made to the E.A.D.A. in Form 'B' and the Treasury Receipt showing the Annual Fee paid under rule 12 shall be attached to it. The E.A.D.A. shall forward all such applications to Deputy Director Agriculture of the Division who shall issue the licences within thirty days of their receipt, in Form 'A'.

(3) The licences granted under sub-rule (2) shall be deemed to have been renewed for the subsequent year or years which the factory is intended to be worked if the annual fee required under rule 12 is deposited by its occupier before 1st July and the Treasury Receipt is sent to the Extra Assistant Director of Agriculture of the District concerned by the said date. Fresh working licences under sub-rule (2) shall be required in cases involving change in occupancy of a factory or such additions or alteration as increase its previous capacity. In such cases previous working licences shall stand cancelled. The date by which the annual fee for renewal of licence is to be deposited may be extended up to 31st August in special cases under the orders of the Extra-Assistant Director of Agriculture of the District.

(4) The licences shall be valid subject to the conditions specified therein.

(5) The Extra-Assistant Director of Agriculture shall during his inspection of the factories within his jurisdiction verify that the requisite fee to be paid under sub-rule (3) has been duly deposited and send a certificate to that effect in form 'C' to the Deputy Director of Agriculture of the Division concerned.

(6) When the Chairman of the Board has ordered a factory to: —

(a) engage any specified kind of staff; or

(b) install seed openers or decorations or delimiters or any other

device or machinery connected with the handing of cotton or cotton-seed ; or

- (c) re-arrange, modify or alter the layout of the machinery or its installation of adjustment, the licence granted in respect of the factory shall be suspend or cancelled by the Deputy Director of Agriculture of the Division in case the above orders are not carried out to his satisfaction.

(7) In the event of loss or damage or destruction of a licence granted under sub-rule (2), duplicate copy of the licence shall be issued by the Deputy Director of Agriculture on an application made through the Extra-Assistant Director of Agriculture in Form C/1 and on payment of fee into a Government treasury as provided in rule 12.

(8) An appeal against the orders of Deputy Director of Agriculture, cancelling or suspending the licence granted under sub-rule (2) shall lie to the Director of Agriculture of the Region whose decision shall be final.

COMMENTS:

(f) **Diesel run factory.** — No licence required for running the factory. On the language of section 9, West Punjab Cotton (Control) Act, 1949, a person using a diesel engine to work his cotton ginning machinery can do so without obtaining a licence. Licence fee for running the diesel engines could not be demanded from him. The definition of cotton ginning factory, as given in section 2 (f) of the Act, has reference to use of steam, water or electric power, and it does not lie with the Court to extend the scope of section 2 (f) including in it, the use of diesel engine.¹⁴

9. Licence for the installation of a new or an extension of the existing cotton ginning factory, cotton pressing or cotton seed oil factory. (1) Application for the installation of new ginning, pressing or cotton-seed oil factories (located within the ginning, or pressing factories) shall be made to the Extra-Assistant Directors of Agriculture of the District concerned in Forms 'D' and 'F', respectively, accompanied by Treasury Receipts in respect of fee, as provided in rule 12.

14. Hakim-ud-Din v. Government of West Pakistan, PLD 1960 Lah. 709, PLR 1961 (1) WP 197 (DB).

(2) Application for alterations or extensions in the existing ginning, pressing and cotton-seed oil factories involving overall increase in the sanctioned capacity shall be made to the Extra-Assistant Director of Agriculture of the District concerned in Forms 'E' and 'F' accompanied by Treasury Receipt in respect of fee, as prescribed under rule 12.

(3) New factories shall be constructed in accordance with plans previously approved by the Agricultural Engineers of the Agriculture Department or Registered Civil Engineers:

Provided that nothing in this sub-rule shall apply to the ginning factories where the number of the roller gins does not exceed four.

(4) (i) The Director of Agriculture shall lay down an overall limit of ginning capacity for each District keeping in view various factories of production, trading facilities and requirements of textile mills, and the number of factories in that area shall not, unless there are cogent reasons, exceed the limit.

(ii) No licence shall be granted unless: —

- (a) Government is satisfied that the additional cotton or cotton-seeds required are or are likely to be available from within a reasonable distance of the factory proposed to be installed or extended; and
- (b) in the case of an application for the installation of new or alteration or extension of existing cotton ginning factory, the machinery to be installed or on alteration or extension, as the case may be, is not less than three saw gins, or twenty double roller gins or thirty single roller gins:

Provided that clause (b) shall not apply in the case of a cotton grower who applied for a licence for ginning cotton produced from his own land.

(5) The licence for installation of new factories or alterations or extensions in the existing factories shall be granted by the Deputy Director of Agriculture of the Division concerned in Forms 'G' and 'H' subject to the conditions laid down in sub-rules (3) and (4).

(6) In case the number of factories increases beyond the overall limit of ginning factory in any area, the Director of Agriculture or Government shall

impose an embargo on further grant of licences in that area.

(7) Applications for shifting of cotton ginning factories having roller gins upto four within the same District shall be made to the Extra-Assistant Director of Agriculture. The Extra-Assistant Director of Agriculture after scrutiny shall forward the application, to the Deputy Director of Agriculture for formal permission.

(8) The licences for installation of new factory shall be in Form 'G' and licences for alteration or extension of existing factories shall be in Form 'H'.

(9) The licences granted under this rule shall be valid for the period specified therein and may under special or unavoidable circumstances be extended up to a total period of two years from the date of the issue of installation licences, on payment of Rs. 50 as additional fee for ginning, pressing and cotton-seed oil factory.

(10) Applications for the allotment of identification mark in respect of a new factory shall be made to the Deputy Director of Agriculture through the Extra-Assistant Director of Agriculture concerned in Form 'I' along-with an application for working licence before the factory starts work. Treasure Receipt showing the fee deposited under rule 12 shall be attached to the application by the occupier of the factory.

The Deputy Director of Agriculture shall allot the identification mark in Form 'J'.

For subsequent years, the identification mark shall remain the same but the occupier shall deposit the fee prescribed under rule 12 and send the Treasury Challan to the Extra-Assistant Director of Agriculture of the District concerned by 1st July which date may be extended up to 31st of August under the orders of the Extra-Assistant Director of Agriculture.

The Extra-Assistant Director of Agriculture shall forward the list of factories to the Deputy Director of Agriculture after verification. The identification mark shall be deemed to have been granted after the prescribed fee has been credited into a Government treasury unless it is intimated to the occupier otherwise for specified reasons.

- (11) An appeal against order: —
- (i) refusing to allow new installation or proposed alteration or extension in the existing factory.
 - (ii) refusing or cancelling or suspending the working licence, identification mark shifting, etc.

passed by the Director of Agriculture shall lie to the Government and by the Deputy Director to the Director.

COMMENTS:

(g) **Working of cotton ginning and pressing factory without licence —**
Whether an offence. Section 9 (1) of the Punjab Cotton Control Act must be read alongwith the rules made under the Act, since it makes punishable the working of a ginning or pressing factory without a licence granted to the occupier thereof in such form, subject to such conditions and on payment of such fees as may be prescribed by the rules. Rule 24(4) of the Punjab Cotton Control Rules, 1949 is wide enough to include an offence under section 9(1) of the Punjab Cotton Control Act read with the rules, particularly since the relevant portion of the section has been included in rule 8(1).¹⁵

10. Change of occupancy ownership of the factory. Intimation about any change in ownership of occupancy of a factory shall be sent in writing to the Extra-Assistant Director of Agriculture of the District and the Deputy Director of Agriculture of the Division, by both the old and new owners or occupiers as the case may be, within thirty days of the date on which the change takes place.

11. Nomination of partners, etc, for the purpose of section 18. The firm, association or company shall send intimation in writing to the Extra-Assistant Director of the District and the Deputy Director of Agriculture of the Division within seven days of the date of nomination / appointment of its partners, or members, Directors, shareholder to be the occupiers of the factory for the purpose of section 18.

15. Fateh Muhammad v. The State, PLD 1959 Lah.316, PLR 1959 (2) WP 1467.

12. Fees for licence, etc. (1) the fees referred to in rules 8, 9, 22 and 25 shall be as under: —

Rule	Particular	Fees
8	...Licence for working a cotton ginning, cotton pressing, cotton-seed oil factory.	Rs. 10.000, per single roller or per saw gin with len saw and Rs. 15.00 per double roller gin.
8(7)	...Duplicate copy of licence	Rs. 20.00
9	Licence for installation of a new cotton ginning or pressin factory.	Rs. 500.00
	Licence for alteration or extension of an existing cotton ginning or pressing factory,	Rs. 200.00
	Allotment of identification mark to a factory.	Rs. 20.00 (first year)
	Licence for installation of a new or alteration of extension of an existing cotton-seed oil factory.	Rs. 100.00 Rs. 10.00 (subsequent year)
	Licence for bringing into a tract or area, cotton or cotton-seed other than that prescribed for that tract or area.	19 paisa per maund of unginned cotton, 50 paisa per maund of ginned cotton, 6 paisa per maund of cotton-seed.
25	...Receipt of cotton during a cotton year (cotton fee).	(a) 25 paisa per maund, if paid within two weeks of the close of the cotton year; and (b) 50 paisa per maund, if paid after the date prescribed under (a)

(2) The fees prescribed under sub-rule shall be paid into a treasury of the District in which the factory is situated.

(3) In the event of a licence applied for being refused, the amount of the fees deposited under sub-rule (2) at the time of making the application for the licence shall be refunded.

13. (1) No cotton or cotton-seed shall be purchased with-out actual weightments.

(2) All transactions in connection with the purchase and supply of cotton or cotton-seed shall be made according to the maund of 82 pounds and it shall not be lawful to use any other weight in relation to any such transaction.

(3) The net weight of cotton or cotton-seeds shall be correctly recorded to the nearest eighth of a maund.

(4) No scales or weights shall be used, kept or possessed for the weighment of cotton or cotton-seed by or on behalf of an occupier of a factory, a Manager of a company or firm or a cotton dealer —

- (a) which do not weigh within an error of two per cent; or
- (b) the scale arms of which are not clearly marked or are either not visible to the vendor of cotton or cotton-seed or his authorized agent or are not legible to the person standing near the consignment being weighed; or
- (c) which have been disapproved by the Extra-Assistant Director of Agriculture of the District Concerned.

(5) All weights used, kept or possessed for the weighment of cotton or cotton-seeds shall be made of iron, brass other metal and clearly stamped or marked to indicate their denominations.

(6) That part of the mechanism of a weigh-bridge by which its adjustment is controlled shall be kept, looked and sealed to the satisfaction of the Extra-Assistant Director of Agriculture of the District concerned.

(7) All scales or weights used, kept or possessed for the weighment of cotton or cotton-seed shall be open to inspection, examination or test by the Extra-Assistant Director of Agriculture of the District concerned at all time without notice.

(8) Carts loaded with cotton or cotton-seeds shall not be kept waiting for more than six hours and to avoid congestion or delay in the weighment of cotton or cotton-seed, an occupier shall provide adequate facilities at the purchasing centres to the satisfaction of the Extra-Assistant Director of Agriculture of the District concerned.

(9) An occupier shall: —

- (a) provide and maintain metalled approaches to and exists from all weigh-bridges in the factory premises to such distances as may in each case be ordered by the Extra-Assistant Director of Agriculture of the

District concerned;

- (b) provide reasonable space for parking of carts and provide sheds and for cattle-trough's, as may be laid down by a general or special order of the Extra-Assistant Director of Agriculture of the District;
- (c) not weight or allow weighments of cotton-seed earlier than half an hour before sunrise or later than half an hour after sunset.

COMMENTS:

(h) **Licence fees paid for licence for factory using diesel power — Whether invalid.** Clause (p) section 30 of the Act¹⁵ cannot validate the charging of licence fees from those factories which do not fall within the four corners of section 9 of the Act.¹⁶

14. Cotton ginning, cotton pressing and cotton-seed registers.

(1) An occupier of a cotton ginning, a cotton pressing or a cotton-seed oil factory shall maintain a register in Forms 'K', 'L' and 'M' respectively.

(2) Except in the case of a cotton register, separate pages shall be allotted in the registers referred to in sub-rule (1) to each variety and to each owner of cotton.

(3) The registers referred to in sub-rule (1) shall be preserved for five years after the close of each year.

Example. Register for the year ending 31st August, 1967, shall be preserved till the 31st of August, 1972, after which date it may be destroyed.

(4) The registers shall be kept up to date, that is, up to and including the day prior to the inspection.

15. Cotton ginning, cotton pressing and cotton-seed returns.

(1) The occupier of every cotton ginning, cotton pressing or cotton-seed oil factory shall send to the Extra-Assistant Director of Agriculture of the District concerned weekly returns in Forms 'N', 'O', and 'P' respectively.

(2) The returns referred to in sub-rule (1) shall be for each week ending on Friday and shall be posted not later than the following day.

(3) The weekly returns prescribed in Forms 'N' and 'O' shall be published by the Secretary to the Government of West Pakistan, Agriculture Department, in the Official Gazette in the Forms 'Q' and 'R', respectively.

15. West Punjab Cotton (Control) Act, 1949, page 59 *post*.

16. Hakim-ud-Din v. Government of West Pakistan, PLD 1960 Lah. 709, PLR 1961 (1) WP 197 (DB).

(2) The admixture of seed and other foreign substance in lint shall not exceed two per cent.

(3) When an Extra-Assistant Director of Agriculture of the District concerned detects on his inspection of any factory in his jurisdiction that the provisions of sub-rule (1) or (2) have been contravened, he shall forthwith take a properly representative sample of the ginned or unginced cotton or cotton-seed weighing not less than ½ seer in the presence of the occupier of the factory or his authorised agent. The sample obtained shall be sealed with the factory or another appropriate mark and sent to the Secretary Pakistan Central Cotton Committee, Karachi for testing, with his observations. The Pakistan Central Cotton Committee, Karachi shall intimate the result to the Director of Agriculture with a copy of the same to the Extra-Assistant Director of Agriculture concerned. If the sample is found mixed, the Director of Agriculture shall take suitable action against the occupiers under the ordinance or these rules.

18. Regulation of process of cotton or cotton-seed. An occupier or any person employed by him shall not purchase cotton or cotton-seed or pay for it or them prices below the minimum price or in excess of the maximum price when Government has fixed the minimum or maximum price or prices under section 26.

19. Growing of pure seeds of cotton. (1) When the growing of all or any variety or varieties of cotton has been prohibited in a particular tract, under section 21, no grower in that tract shall sow any cotton-seed, except the seed of the prescribed variety procured from the official or non-official seed agent of the West Pakistan Agricultural Development Corporation authorized to sell seed for the tract (who shall issue certificates in of Forms 'S' and 'T') or home-grown seed certified fit by an official of the Agriculture Department not below the rank of an Agricultural Assistant.

(2) The certificate referred to in sub-rule (1) shall be preserved by the grower till the 31st December next following.

20. Pure seed of cotton. (1) When the Extra-Assistant Director of Agriculture of the District, has by order in writing reserved any cotton grower in or field for the procuring of pure seed for sowing purposes the grower shall: —

(a) rogue out the crop, if necessary, as ordered by the Extra-Assistant Director of Agriculture concerned;

(b) pick cotton or cause it to be picked as arranged with the Extra-Assistant Director of Agriculture; and

(c) store cotton so picked as directed by the Extra-Assistant Director of Agriculture concerned.

(2) Likewise when the Extra-Assistant Director of Agriculture of the District concerned has by order in writing reserved any cotton (Kapas) stored or lying anywhere, the owner shall gin it or cause it to be ginned under the supervision of the Extra-Assistant Director of Agriculture of the District concerned.

(3) Permission to gin cotton reserved under sub-rule (1) or sub-rule (2) shall be granted by the Extra-Assistant Director of Agriculture of the District concerned on the following conditions: —

- (a) the cost of ginning shall be paid by the owner of the cotton;
- (b) before the ginning of the reserved cotton starts, the factory shall be cleaned to the satisfaction of the Extra-Assistant Director of Agriculture of the District deputed for the purpose who shall certify it as fit and clean for ginning;
- (c) the cotton-seed obtained from ginning of the reserved cotton shall be kept and stored separately for all the other-cotton seed; and
- (d) the seed so obtained shall be sold to the West Pakistan Agricultural Development Corporation at a price and premium specified in the order of the Extra-Assistant Director of Agriculture of the District.

21. Equivalent of gins. For the purpose explanation to section 15, equivalent of single roller gins shall be as under: —

- (a) one Double rollers gin equals one and one half (1½) single roller gin; and
- (b) ten saws of one saw gin equals one single roller gin.

22. Transport of cotton or cotton seed in or out of the prescribed zones. (1) No cotton or cotton-seed other than that of the variety or varieties prescribed for the tract shall be brought into that tract without a licence. Likewise cotton or cotton-seed of a variety or varieties shall not be sent to a tract or tracts where its cultivation is forbidden without licence.

(2) Application for the grant of licence referred to in sub-rule (1) shall be made to the Extra-Assistant Director of Agriculture concerned in Form 'U' and each such application shall be accompanied by a Treasury Receipt to show that the fee at the rates of 19 paise and 50 paise per maund of unginced and ginned cotton respectively and 6 paise per maund of cotton-seeds have been credited in a Treasury.

(3) Licences may be granted or refused by the Extra-Assistant Director of Agriculture of the District concerned.

Provided that in the event of a refusal: —

(a) the aggrieved party shall have a right of first appeal to the Deputy Director of Agriculture of the Division and of second and final appeal to the Director of Agriculture of the Region; and

(b) the fees deposited under sub-rule (2) shall be refunded.

(4) The licences referred to in sub-rule 3 shall be in Form V.

23. Payments. (1) Payment of the price of cotton or cotton-seeds shall be made twenty-four hours of the demand.

(2) Payments for cotton or cotton-seed shall be made on the recorded weight and the price shall be calculated to the nearest paisa.

(3) The occupier of the factory or the Manager of firm or any one else purchasing cotton or cotton-seed shall be liable for all payments due for cotton or cotton-seed shall be liable for all payments due for cotton or cotton-seed supplied or purchased by him or on his behalf.

(4) The occupier of the factory or the Manager of a firm or any one else purchasing cotton or cotton-seed shall not make any deductions except as provided in sub-rule (5).

(5) Such deduction as Government may by notification direct may be made from the price of cotton or cotton-seeds purchased: —

(a) in which cotton is below the average standard for the area on account of natural causes, e.g., intensive attack of insect pest, disease, etc.; or

(b) in which a specified inferior variety of cotton is ordinarily or preponderatingly grown; or

(c) in which owing to inaccessibility or other cause the circumstances are such that deduction from the price is in the grower or the industry or both:

Provided that the deduction so made shall be utilised for such purpose and in such manner as may be directed by the Chairman of the Board.

24. Notices. The occupier of every factory shall cause to be put up at the factory: —

- (a) an abstract of these rules; and
- (b) notices in Form 'W' printed or painted in bold letter in English and in Urdu (showing the allotted factory number and the minimum and / or the maximum prices fixed (if any) of cotton or cotton-seeds and the prices at which cotton and / or cotton-seeds are being purchased at each entrance to the Factory and at such other places at which the Extra-Assistant Director of Agriculture of the District may direct.

25. Fees for development of agriculture relating to cotton crop, etc.

(1) For the purposes of development and improvement of agriculture relating to cotton crop and for meeting the expenses on the administration of the Ordinance, every occupier of a factory, cotton dealer or manager of a company shall pay on the cotton received by him a fee at the rate specified in rule 12.

(2) The occupier of every factory and the Manager of every firm or company and every cotton dealer shall keep account of all cotton or cotton-seeds purchase by him in Form 'X', in bound and machine paged Registers, which shall be produced before the Extra-Assistant Director of Agriculture of the District concerned and shall be preserved for five years from the close of the last cotton year to which the last entry relates.

(3) Within a fortnight of the close of each month, a return in Form 'Y' shall be sent by every occupier of a factory, Manager of firm and company and every cotton dealer to Extra-Assistant Director of Agriculture of the District. The Treasury Receipt to show that amount of the fees has been duly credited in a Treasury shall be attached to this return.

(4) On receipt of the return prescribed in sub-rule (3) the Extra-Assistant Director of Agriculture of the District concerned shall verify that the fees have been correctly calculated and that the full amounts due on that account have been credited in the Treasury.

(5) The arrears of fees imposed under sub-rule (1) if not credited by the due date shall be recoverable as arrears of land revenue.