

SINDH ACT NO.X OF 2009
THE SUGAR FACTORIES CONTROL (SINDH AMENDMENT) ACT, 2009

[8th December, 2009]

An Act to amend the Sugar Factories Control Act, 1950, in its application to Sindh.

WHEREAS it is expedient to amend the Sugar Factories Control Act, 1950, in its application to Sindh, in the manner hereinafter appearing; **Preamble.**

It is hereby enacted as follows:-

1. (1) This Act may be called the Sugar Factories Control (Sindh Amendment) Act, 2009. **Short title and commencement.**
2. In the Sugar Factories Control Act, 1950, in its applications to Sindh, hereinafter referred to as the said Act, for sections 3 and 4 the following shall be substituted:- **Substitution of sections 3 and 4 of Act XXII of 1950.**

3 Establishment of the Board:- (1) Government may by notification, establish a Board consisting of-

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| (i) Minister to Government of Sindh, Agriculture Department | Chairperson |
| (ii) Two Members of Provincial Assembly of Sindh are to be nominated by the Speaker | Members |
| (iii) Secretary to Government of Sindh, Agriculture Department | Member/
Secretary of
the Board |
| (iv) Cane Commissioner | Member |
| (v) Representative of the Pakistan Sugar Mills Association Sindh Zone | Member |
| (vi) Representative of the Sindh Abadgar Board | Member |
| (vii) Representative of the Sindh Chamber of Agriculture | Member |

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(viii) Representative of the **Member**
Sugarcane Growers
Association

(ix) Such other official and non- **Members**
official members as may be
appointed by Government

(2) A non-official Member shall hold office at the pleasure of Government.

(3) A non-official Member may, by writing under his hand, addressed to Government, resign his office.

(4) The meetings of the Board shall be held as and when convened by the Chairperson.”.

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

“6-A Appointment of Additional Cane Commissioner:-

Government may, by notification, appoint any officer, not below the rank of a BPS-19 officer to be an Additional Cane Commissioner, who shall subject to control and direction of the Cane Commissioner exercise such powers and perform such functions of the Cane Commissioner as may be specified in the notification.”.

Substitution of section 6-A of Act XXII of 1950.

4. In the said Act, for section 14-A, the following shall be substituted:-

“14-A Prohibition of cultivation of certain varieties of sugarcane:- The Cane Commissioner may, on the recommendations or in consultation with the Board by an order in writing, prohibit the cultivation in any area of any variety of cane declared to be unsuitable under section 18.”.

Substitution of section 14-A of Act XXII of 1950.

5. In the said Act, for section 15, the following shall be substituted:-

“15(1) Sale, Purchase of cane:- No person other than the cane grower shall sell or supply cane to an occupier of a Factory.

Substitution of section 15 of Act XXII of 1950.

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(2) No occupier of a Factory shall purchase the cane through a middle man but all purchases shall be made directly from the cane grower.”.

6. In the said Act, for section 16, the following shall be substituted:-

Substitution of section 16 of Act XXII of 1950.

“16 Fixation of Minimum Price:- (1) Government may, on the recommendations of the Board or otherwise by notification determine minimum price of the cane having regard to-

(a) the cost of production of sugarcane; and

(b) the return to the grower from alternative crops and the general trend of prices of agricultural commodities.

(2) The Price determined under sub-section (1) may from time to time be reviewed.

(3) The occupier of a Factory shall pay quality premium at the end of crushing season at such rates as may be determined by Government in proportion of sucrose recovery of such Factory in excess of base level sucrose contents viz. 8.7 per 100 Kilograms.

(4) The price of the cane shall be paid to the cane grower by issuing payee's account cheque.

(5) If the payment under sub-section (4) is not made within fifteen days of supply of the cane, mark-up at the rate as may be fixed by Government by notification shall also be paid to the cane grower in addition to the principal amount.

(6) No occupier of a Factory shall make any deduction except the deduction as may be prescribed from the amount payable to the cane grower under sub-section (4).

(7) No occupier of a Factory shall, except with the approval of the Cane Commissioner, deduct any weight from the total weight of the cane on account of its unsuitable variety or immaturity or for any other reason.”.

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7. In the said Act, for section 17-A, the following shall be substituted:-

“17-A Installation of core sampler:- Every occupier of a Factory shall install a core sampler of the specification and in the manner as may be prescribed.”.

Substitution of section 17-A of Act XXII of 1950.

8. In the said Act, in section 22, for clause (iii), the following shall be substituted:-

“(iii) No Court inferior to that of an Assistant Sessions Judge shall try any offence under this Act or any order or rule made there under.”.

Substitution of clause (iii) of section 22 of Act XXII of 1950.