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NO. 102 QUETTA MONDAY: GUS! 0, 204,
BALOCHISTAN PROVINCIAL ASSEMBLY SECRETARIAT.
NOTIFICATION.

Dated Quetta, the 30" August. 2004.

* No.PAB/Legis:_V_(18)/2004. The Balochistan Cotton Control (Amendment) Bul, 2004 having been passed by the Provincial Assembly of Balochistan on 24" 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 27" August, 2004.)

AN
ACT

further to amend the Balochistan Cotton Control! Ordinance.

1966 (West Pakistan Ordinance XX af 1966).

WHEREAS it is expedient further to amend the Balochistan

Cotton Control Ordinance, 1966. in the manner hereinafter appearing: ; \

It is hereby enacted as follows:-

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Short title and
commencement

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

Amendment of

section 5 of W.P.

Ordinance XX
of 1966.

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1. (1) This Act may be called the Balochistan Cotton Control
(Amendment) Act, 2004.

(2) it shall come into force at once.

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 "1* September" the
words "1 August" and for the words "31 August"
the words "31* July" shall be substituted;
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;"

.

(iv)

{v} in clause (0) after the word "Ordinance" the words
"to an owner" shall be added.

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,

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) ~—s after sub section (4), the following new sub-section shall be added, namely:-

(vi)

Amendment of

section 7 of W.P.

Ordinance XX

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"(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 Panel Code."

4.. In the said Ordinance, in section 7,-

(i)

(ii)

(iii)

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 limt 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."

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(l) of sub- section (2) of section 30 or
violation of any other provision of _ this
Ordinance," and

for sub section (5) the following shall be
substituted:- ;

"(5) If any person runs a factory in respect of which a_

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Section 8 of W.P.

Ordinance XX

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license has not been granted or renewed or has
been suspeaded 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."

om 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 s

Gi) 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.

6. In the said Ordinance. in sub section (3) of section 9 for the words “wiil may extend to five hundred rupees” the words “not less han fiftcey thousand rupees” shall be substituted.

bh In the said Ordinance, in sub section (3) of section 10, for the words “wh:ch may extend to fifty rupees” the words “not less than iifieen thousand rupees” shall be substituted.

8. In the exig Ordinance, in sub section (3) of section 11, for the wares “which may extend to fifty hundred rupees” the words

Re senbinennti which may extend to three months but not less than

netic; tad with fine not less than fifteen thousand rupees” shall

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vil LOrdimunce. after section 11, the following mow section
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RAT 4 Pree tactory shall (urnich to tae
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oo, fee, as may be preseribed. monthly

Amendment of
section 12 of W.P.
Ordinance XX

Of 1966.
Amendment of

section 13 of W.P.

Ordinance XX
Of 1966.

Amendment of
section 14 of W.P.

_ Ordinance XX

Of 1966.

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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."

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.

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.

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

(1) in sub section (1) for the words. comma and brackets
"West Pakistan Weights and Measures Ordinance,

1965 (XXXIN 'of 1965)" the words. * Balochistan

Weights and Measures (International System)

Enforcement Ordinance.1977 (XII of 1977)," shall be

substituted: s

(i) after sub section (1) the following new sail section
shall be added:-

"(1-a) The occupier of every cotton gisning factory
shall install a weigh bridge within the
premises of his factory."

(iii) in sub-section (2) for the words and com: .a "which
may extend to fifty rupees or, if-he has been

Amendment of
section 15 of W-P.
Ordinance XX

' Of 1966.

Amendment of
section 16 of W.P.

Ordinance XX
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Amendment of
section 17 of W-P.

Ordinance XX
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previously convicted of any offence under this sub-section with fine which may extend to five hundred

" the words "not less than fifteen thousand 'rupees" shall be substituted.

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 "an li 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.

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. .

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

Amendment of

section 19 of W.P.

Ordinance XX
Of 1966.

Amendment of

section 20 of WP.

_ Ordinance XX
Of 1966.

Amendment of

section 21 of W.P.

Ordinance XX°
Of 1966.

Amendment of

section 22 of W.P.

Ordinance XX
Of 1966.

Amendment of

section 24 of W.P.

Ordinance XX
Of 1966.

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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.

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."

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. ,

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.

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."

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.

Amendment of
section 27 of W.P.
Ordinance XX

of 1966.

Amendment of
section 30 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.”

22. In the said Ordinance, in section 27, after the words “erading” the comma and word “standardization” shall be inserted.

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.