

SIND ACT NO. II OF 1976
THE SIND SEED CORPORATION ACT, 1976.

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[4TM March, 1976]
AN ACT to provide for the establishment of a Corporation

for production, procurement, processing, marketing and distribution of seed for the Province of Sind.

WHEREAS it is expedient to provide for the establishment of a Corporation for production, procurement, processing, marketing and distribution of seed for the Province of Sind;

It is hereby enacted as follows: —

CHAPTER I
Preliminary

1. (1) This Act may be called the Sind Seed Corporation Act, 1976.

(2) It shall come into force on such day as Government may, by notification, appoint.

(3) Government may, by notification, exempt any area or any kind of seed from operation of all or any of the provisions of this Act.

2. In this Act, unless there is anything repugnant in the subject or context—

'I(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;

1 Substituted by Sindh Act No. XXVII of 2011 (19.9.2011).

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(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.]

CHAPTER II

Constitution of the Corporation.

3. (1) There shall be established a Corporation to be called the Sind Seed Corporation for carrying out the purposes of this Act.

(2) The Corporation shall be a body corporate, having perpetual succession and common seal with power, subject to the provisions of this Act, to acquire and hold property, both movable and immovable and may by the said name, sue or be sued.

(3) | The Headquarters of the Corporation shall be at Karachi or such other place as Government may fix by notification.

A. (1) The Board shall consist of —

a) The Secretary, Agriculture Chairperson
Department
b) nine members of the Members

Board shall be selected
from amongst the private sector

c) the Chief Executive Officer Member
of the Board

d) the Director General Member
Agriculture Research

(e) a representative of Federal Member
Seed Certification
and Registration Department

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

1 Substituted by Sindh Act No. XXVII of 2011 (19.9.2011).

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(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.]

5. Government may allow such remuneration, fees, allowances or Fees, — F. allowances to other privileges to non-official members as it may determine. non-official members.

6, (1) The executive authority of the Corporation shall vest in the Executive authority

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.]

7. (1) 2[Board] shall appoint a person as 3[Chief Executive Managing Officer] Managing possessing such qualifications and on such terms Pirector. and conditions as may be prescribed.

: Substituted by Sindh Act No. XXVII of 2011 (19.9.2011).

° Ibid.

. Ibid.

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(2) The [Chief Executive Officer] shall, be a whole time Officer of the Corporation and. exercise such powers and perform such duties as may be assigned to him.

(3) | 2[Board] may remove the 3[Chief Executive Officer] if he-

(a) refuses or fails to discharge or becomes incapable of discharging his responsibilities under this Act;

(6b) has, abused his position as 4[Chief Executive Officer]; or

(c) has directly or indirectly acquired or attempted to acquire without permission in writing of 5[Board] any share or interest in any property, scheme, project or other concern of the Corporation.

(4) The [Chief Executive Officer] shall be liable to such disciplinary action and in such manner as may be prescribed.

8. (1) | The 7[Board] may for efficient performance of its functions appoint 8[Chief Financial Officer, Secretary of the Board and such] Advisers, Officers including Director, Deputy Director, Additional Directors, Assistant Directors and other staff possessing such professional, technical, ministerial or secretarial qualifications and experience and on such terms and conditions as may be prescribed.

(2) The officers, employees and staff of the Corporation shall be liable to such disciplinary action and in such manner as may be prescribed.

9. The Corporation may, in such manner as may be prescribed, constitute such financial, technical and advisory Committees, as may be deemed necessary, for carrying out the purposes of this Act.

Substituted by Sindh Act No. XXVII of 2011 (19.9.2011).

2 Ibid.

; Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

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Appointment
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10. (1) The '[Board] may, by general or special order and subject to such conditions as it may impose, delegate to the Chairman, 2[Chief Executive Officer, Chief Financial Officer, Secretary of the Board], Member, or its Officer or employee, any of its powers, or functions under this Act or the rules and regulations made thereunder.

(2) | The Chairman or *[Chief Executive Officer] may delegate to any Officer or employee of the Corporation any of his powers under this Act or the rules or regulations made thereunder, not being power delegated to him under sub-section (1).

11. 4[(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.]

(2) The meetings of the *[Board] shall be presided over by the Chairman and in his absence by such member as may be nominated by him and failing such nomination by such member as may be chosen by the members present at such meeting.

(3) | §[One-half] of the total members shall form a quorum for a meeting of the Corporation.

(4) | Any matter required to be decided by the 7[Board] shall be decided in a meeting of the Corporation by vote of majority of members present in such meeting.

(5) Each member shall have one vote and in the case of tie, the Chairman shall exercise a casting vote.

(6) No act or proceeding of the 8[Board] shall be invalid merely by reason of any vacancy in, or any defect in the Constitution of, the ?[Board].

10[(7) Any member who fails to attend three consecutive meetings

Substituted by Sindh Act No. XXVII of 2011 (19.9.2011).

2 Ibid.

; Ibid.

Ibid.

. Ibid.

® Ibid.

' Ibid.

8 Ibid.

° Ibid.

10 Added by Sindh Act No. XXVII of 2011 (19.9.2011).

Meetings of
the
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of the Board without excusing himself from the Board, his membership shall stand terminated.]

12. The Corporation may, for carrying out any purpose of this Act, associate with a person or body of persons whose assistance or advice it desires to avail of, on such terms and for such period as it may deem fit.

1112-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.

t Ibid.

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Associate.

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.]

13. (1) Government may require the Corporation to furnish to it any document, return, statement, estimate, statistics, or any other information regarding any matter, under the control of the Corporation.

"[(2) ***** Omitted].

CHAPTER III

Power and Functions of the Corporation.

?[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;

+ Omitted by Sindh Act No. XXVII of 2011 (19.9.2011).

“ Substituted by Sindh Act No. XXVII of 2011 (19.9.2011).

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- (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.]

The Corporation shall have power—

- (a) to acquire property, movable or immovable;
- (b) to dispose off any property vested in it;
- (c) to incur expenditure for carrying out purposes of the Corporation;
- (d) to procure necessary equipment for its proper functioning;
- (e) to enter into and perform contracts;
- (f) to require any grower to furnish any information, record, report or plan or other material relating to any matter under this Act;
- (g) to make inspections of seed farms;

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(i) to take such action as may be necessary or conducive to the attainment of the objectives of the Corporation.

CHAPTER IV

Finance, Audit and Accounts.

16. (1) = There shall be a separate fund of the Corporation known as the Sind Seed Corporation Fund.

(2) The fund shall consist of—

(a) grants and subsidy received from Government;

(b) loans raised or obtained by the Corporation;

(c) sale proceeds, fees, commissions and other charges for services rendered under the Act;

(d) all other sums receivable by the Corporation; and

'I(e)"** Omitted].

(3) | The amounts credited in the Fund shall be deposited in a Bank approved by the 2[Board].

(4) The Corporation may invest its funds in any security of Federal Government or Provincial Government or any other security approved by the 3[Board].

4[(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.]

17. | The Corporation shall, subject to any general or special order of Government, have power to obtain loan from banks or other sources

1 Omitted by Sindh Act No. XXVII of 2011 (19.9.2011).

° Substituted by Sindh Act No. XXVII of 2011 (19.9.2011).

3 Ibid.

4 Added by Sindh Act No. XXVII of 2011 (19.9.2011).

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and for this purpose it shall be deemed to be a local authority under the Local Authorities Act, 1914 (Act IX of 1914):

Provided that no foreign loan shall be obtained without the previous sanction of Government.

18. The annual Budget of the Corporation shall be prepared and approved in such manner as may be prescribed [and shall be subject to the approval of the Board.]

19. — (1) The Corporation shall maintain or cause to be maintained its accounts and records in such form and in such manner as may be prescribed.

(2) The Corporation shall repare or cause to be prepared annual balance sheet showing the profit and loss account, as may be prescribed.

(3) | The accounts of the Corporation shall be audited at least once in every financial year by such firm of Chartered Accountants as may be approved by Government.

(4) Astatement of the audited accounts under sub-section (3) shall be furnished to Government within four months after the end of every financial year.

20. All sums due to the Corporation from any person shall be recoverable as arrears of land revenue.

2[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.

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.]

t Added by Sindh Act No. XXVII of 2011 (19.9.2011).

“ Ibid.

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21. Government may make rules for carrying out the purposes of this Act.

22. (1) Subject to the provisions of this Act and the rules, the Corporation may make regulations for carrying out the purposes of this Act.

' [(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.]

Substituted by Sindh Act No. XXVII of 2011 (19.9.2011).