

THE PUNJAB COTTON CONTROL ORDINANCE, 1966
(XX of 1966)

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¹THE ²[PUNJAB] COTTON CONTROL ORDINANCE, 1966
(XX of 1966)

[11th May, 1966]

An
Ordinance

to amend and consolidate the law relating to control over the production, processing and sale of cotton, and other matters incidental thereto

Preamble.— WHEREAS it is expedient to amend and consolidate the law relating to control over the production, processing and sale of cotton, and other matters incidental thereto;

AND WHEREAS the Provincial Assembly of West Pakistan is not in session, and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary;

Now, THEREFORE, in exercise of the powers conferred on him by clause (1) of Article 79 of the Constitution, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title, extent and commencement.— (1) This Ordinance may be called the ³[Punjab] Cotton Control Ordinance, 1966.

(2) It extends to the whole of the Province of ⁴[the Punjab], except the Tribal Areas.

(3) It shall come into force at once.

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

(a) “admixture of cotton” means such mixture of different varieties of cotton as may be prescribed;

(b) “Advisory Committee” means a committee established under section 3;

(c) “bale” means any pressed package of cotton ⁵[with standard net weight of 170 kgs. and variation of 5% plus/minus at 8.5% moisture content, and with average weight of 17,000 kgs. for a lot of 100 bales with variation upto plus/minus 3%];

(d) “Board” means the Cotton Control Board established under section 3;

⁶[(dd) “contamination” means mixture of any foreign metal, especially the fibre other than cotton, as may be prescribed;]

(e) “cotton” means ginned or unginned cotton or pressed and baled cotton or cotton waste;

(f) “cotton dealer” means a person or a firm or a company, dealing in cotton, which received five hundred mounds or more of cotton or cotton seed in any one month during the cotton year;

(g) “cotton ginning factory” means any premises including the precincts thereof, where cotton is ginned or where cotton fibre is separated from cotton-seed, by any process whatever involving the use of power;

(h) “cotton pressing factory” means any premises, including the precincts thereof, in which cotton is pressed into bales with the aid of power;

(i) “cotton seed oil factory” means any premises including the precincts thereof, where cotton seed is pressed, with the aid of power, for the extraction of oil, whether or not the same machinery is used for the extraction of oil from any other type of seed;

¹This Ordinance was promulgated by the Governor of West Pakistan on 8th May, 1966; approved by the Provincial Assembly of West Pakistan on 8th June, 1966, under clause (3) of Article 79 of the Constitution of the Islamic Republic of Pakistan (1962); and, published in the West Pakistan Gazette (Extraordinary), dated 8th June, 1966, pages 1633-50

²Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for “West Pakistan”.

³*Ibid.*

⁴*Ibid.*

⁵Substituted for the words “of whatever size or density”, by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁶Added *ibid.*

- (j) “cotton waste” includes droppings, strippings, fly, fuzz and other waste products of a cotton mill, or of a cotton ginning factory, or of a cotton pressing factory, but does not include yarn waste;
- (k) “cotton year” means the year beginning from ⁷[1st August] to ⁸[31st July] of the following year;
- (l) ⁹“Director General of Agriculture (Ext. & AR) Punjab, Executive District Officer Agriculture, District Officer Agriculture (Extension) and Deputy District Officer Agriculture (Extension)”] respectively mean the persons appointed by Government to perform the functions of a ¹⁰“Director General of Agriculture (Ext. & AR) Punjab, Executive District Officer Agriculture, District Officer Agriculture (Extension), Deputy District Officer Agriculture (Extension)”, as the case may be;
- (m) “factory” means a cotton ginning or cotton pressing or a cotton seed oil factory, as the context may require;
- (n) “Government” means the ¹¹[Provincial Government of the Punjab];
- ¹²[(nn) “Inspector” means an officer or person appointed as Inspector under section 5 of this Ordinance;]
- (o) “licence” means a licence granted under this Ordinance;
- (p) “cotton market” means any building or area where transactions in ginned or unginned cotton, or in cotton seed, whether spot or forward, are conducted for the time being;
- (q) “notified area” means an area notified as such under section 22;
- (r) “occupier” means the person who has ultimate control of the affairs of a factory ¹³[whether as owner or otherwise], and includes the Manager or Managing Agent of the factory and any other person or persons authorised to represent the occupier;
- ¹⁴[(rr) “owner” means a person who owns a factory and includes an allottee thereof;]
- (s) “power” means power generated by electricity or heat engine, and includes any other power except animal and human power;
- (t) “prescribed” means prescribed by rules made under this Ordinance;
- (u) “pure seed” means such cotton seed as has been declared pure by the prescribed authority;
- (v) “variety” means any variety of cotton approved by Government and notified under this Ordinance.

3. Constitution of Cotton Control Board and Advisory Committees.– (1) Government shall establish for the whole of ¹⁵[the Punjab] a Cotton Control Board.

(2) Government may also constitute Advisory Committees for the Province or parts thereof.

(3) The Board and each Advisory Committee shall be constituted in such manner and shall consist of such number of members as may be prescribed.

4. Powers and duties of the Board and the Advisory Committees.– The Board and the Advisory Committees shall exercise such powers and perform such functions and their

⁷Substituted for the figure and word “1st September”, by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁸*Ibid.*, for the figures and word “31st August”.

⁹Substituted for the words “Director of Agriculture”, “Deputy Director of Agriculture” and “Extra Assistant Director of Agriculture”, by the Punjab Cotton Control (Amendment) Ordinance, 2001 (XXIV of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

¹⁰Substituted for the words “Director of Agriculture, Deputy Director of Agriculture, an Extra Assistant Director of Agriculture”, by the Punjab Cotton Control (Amendment) Ordinance, 2001 (XXIV of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

¹¹Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for “Government of West Pakistan”.

¹²Added by the West Pakistan Cotton Control (Punjab Amendment) Ordinance, 1972 (V of 1972).

¹³Inserted by the West Pakistan Cotton Control (Punjab Amendment) Ordinance, 1972 (V of 1972).

¹⁴Added *ibid.*

¹⁵Substituted by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974), for “West Pakistan”.

business shall be conducted in such manner and in accordance with such procedure as may be prescribed.

5. Inspectors.— (1) Every ¹⁶[Director General of Agriculture (Ext. & AR) Punjab, Executive District Officer Agriculture, District Officer Agriculture (Extension), Deputy District Officer Agriculture (Extension) and Cotton Inspector], shall be an *ex-officio* Inspector for the purposes of this Ordinance within his respective jurisdiction.

(2) Government may, by notification, ¹⁷[appoint any person] to exercise and perform all or any of the powers and duties conferred or imposed upon an Inspector by or under this Ordinance, within such local limits as Government may specify.

(3) An Inspector may—

(a) on his own motion or on receipt of a complaint that there has been a contravention of any provision of this Ordinance, cause any cotton or the contents of any package or bale or a sample of cotton taken from a factory in the process of ginning to be examined by the prescribed authority; and

(b) enter into and inspect during the usual working hours any factory for the purpose of ascertaining whether there is, or has been, any contravention therein of any of the provisions of this Ordinance or of any rule made thereunder, or of any of the conditions subject to which a licence has been granted to the factory and take samples from all such articles in respect of which an offence punishable under this Ordinance appears to have been committed.

(4) An Inspector shall exercise such other powers and perform such functions as may be prescribed.

¹⁸[(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 Penal Code.]

6. Administration of the Ordinance.— Government may, by notification, appoint an officer to exercise and perform all or any of the powers and duties conferred or imposed on Government under this Ordinance.

7. Licence for working cotton ginning or cotton pressing or cotton seed oil factories.— ¹⁹[(1) No factory shall be worked without a licence and an identification number granted to the owner thereof by such authority, in such form, on payment of such fees payable for each year or otherwise, as may be prescribed, and subject to the conditions that the factory shall have—

(a) an adequate number of raised and 'pucca' platforms as specified by Government through notification;

(b) a pre-cleaning machinery as specified by Government through notification;

(c) a lint 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.]

(2) A licence granted under this section shall be valid for such period and shall be subject to such conditions as may be prescribed.

²⁰[(3) The authority competent to grant a licence under this section may, after giving the owner an opportunity of being heard, cancel or suspend the licence or refuse its renewal, for such period as it may deem fit, on the ground of non-fulfilment of any condition

¹⁶Substituted for the words "Director of Agriculture, Deputy Director of Agriculture, Extra Assistant Director of Agriculture", by the Punjab Cotton Control (Amendment) Ordinance, 2001 (XXIV of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

¹⁷Substituted by the West Pakistan Cotton Control (Punjab Amendment) Ordinance, 1972 (V of 1972), for "appoint any other officer under its control".

¹⁸Added by the West Pakistan Cotton Control (Punjab Amendment) Ordinance, 1972 (V of 1972).

¹⁹Substituted by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

²⁰*Ibid.*

laid down under sub-section (1) and non-payment of any fee specified under clause (I) of sub-section (2) of section 30 or violation of any other provision of this Ordinance.]

²¹[(3-A) Any owner aggrieved by an order passed under sub-section (3) may, within seven days of the order, prefer an appeal before Government, whose decision shall be final.]

²²[Provided that no order under this sub-section shall be passed unless an opportunity of being heard is given to the appellant].

(4) A licence granted under this section shall cease to have effect seven days after the expiry of the cotton year for which the prescribed annual fee payable in respect of the licence has been paid.

²³[(5) If any person works a factory in respect of which a licence has not been granted or renewed or has been suspended 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.]

8. Maintenance of registers.— (1) The occupier of every cotton ginning factory shall maintain at the factory, in such form as may be prescribed—

(a) a register containing the record of the amount of cotton received daily in the factory for ginning, the names of persons from whom it is received, and the quantity received from each person, and

(b) a ginning register containing a record of the dates on which the cotton has been ginned for each person.

(2) The occupier of every cotton pressing factory shall maintain at the factory, in such form as may be prescribed, a press register containing a daily record of the number of bales pressed in the factory, the serial number of each bale, and the name of the person for whom it has been pressed.

(3) The occupier of every cotton seed oil factory shall maintain such registers as may be prescribed.

(4) The occupier of a factory shall be bound to produce the registers maintained under this section whenever so required by an Inspector and the occupier of a cotton pressing factory shall be bound to furnish to the prescribed authority, if so required by it in writing, a copy, certified as correct by the occupier, of the entry relating to any specified bale, made in the press register maintained at the factory under the provisions of sub-section (2).

(5) No register required to be maintained under this section shall be destroyed until after the expiration of three years from the date of the last entry borne by it.

(6) If—

(i) in any factory, any register required to be maintained under this section is not maintained or is maintained in a form other than the prescribed form; or

(ii) any entry in any such register is proved to be false in any material particular; or

(iii) any such register is destroyed before the expiration of the period referred to in sub-section (5),

the occupier of the factory shall be punishable with ²⁴[imprisonment which may extend to three months and with fine not less than fifteen thousand rupees].

(7) If the occupier of any factory fails to produce any register or to furnish a certified copy of an entry when so required under sub-section (4), or furnishes a certified copy of such entry knowing or having reason to believe such copy to be false, he shall be punishable with fine ²⁵[not less than fifteen thousand rupees], and if he has

21Added by the West Pakistan Cotton Control (Punjab Amendment) Ordinance, 1972 (V of 1972).

22Added by the Punjab Cotton Control (Amendment) Ordinance, 1985 (VII of 1985).

23Substituted by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

24Substituted for the words "fine which may extend to five hundred rupees" by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

25*Ibid.*, for the words "which may extend to five hundred rupees".

previously been convicted of any offence under this sub-section, ²⁶[he shall be punishable with imprisonment not less than three months].

9. Liability on change of occupancy.— (1) A change in the occupancy of any factory shall be intimated, in writing to the prescribed authority by both the previous and the new occupier, within thirty days of the date on which the change takes place.

(2) On a change in the occupancy of any factory—

(a) the previous occupier shall hand over to the new occupier the registers maintained in respect of the factory under section 8 and obtain from the new occupier a receipt in this behalf; and

(b) the new occupier shall forthwith report to the prescribed authority any default on the part of the previous occupier in complying with the provisions of this sub-section or in maintaining the registers in accordance with the provisions of section 8.

(3) If default is made by the previous occupier in handing over to the new occupier any register which he is required to hand over to him, or either of them makes default in making any report, the previous or the new occupier, as the case may be, shall be punishable with fine ²⁷[not less than fifteen thousand rupees].

10. Returns of a ginning factory.— (1) The occupier of every cotton ginning factory shall furnish to the prescribed authority, within such time and in such form as may be prescribed, weekly returns showing the quantity of cotton ginned in the factory—

(a) during the preceding week; and

(b) since the commencement of the cotton year to the end of that week.

(2) The prescribed authority shall compile from the weekly returns received under sub-section (1), a statement showing the total quantity of cotton ginned in the Province during the week to which the returns relate and from the commencement of the cotton year to the end of that week and publish such statement in such manner as Government may direct:

Provided that the quantity of cotton ginned in any individual factory shall not be published.

(3) If default is made in furnishing any return as required by sub-section (1), the occupier of the factory shall be punishable with fine ²⁸[not less than fifteen thousand rupees].

(4) Where the occupier of a ginning factory has notified to the prescribed authority that the work of ginning cotton in that factory has been suspended, it shall not be necessary for him to submit weekly returns under sub-section (1) until such work has been resumed.

11. Returns of a pressing factory.— (1) The occupier of every cotton pressing factory shall furnish to the prescribed authority, within such time and in such form as may be prescribed, weekly returns showing the total number of bales of cotton pressed in the factory—

(a) during the preceding week and their approximate average net weight; and

(b) since the commencement of the cotton year to the end of that week.

(2) The prescribed authority shall compile from the weekly returns received under sub-section (1), a statement showing the total number of bales pressed in the Province during the week to which the returns relate and from the commencement of the cotton year to the end of that week, and publish such statement in such manner as Government may direct:

Provided that the number of bales pressed in an individual factory shall not be published.

²⁶*Ibid.*, for the words “the fine may extend to one thousand rupees”.

²⁷Substituted for the words “which may extend to five hundred rupees” by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

²⁸Substituted for the words “which may extend to five hundred rupees” by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

(3) If default is made in furnishing any return as required by sub-section (1), the occupier of the factory shall be punishable with ²⁹[imprisonment which may extend to three months but not less than one month and with fine not less than fifteen thousand rupees].

(4) Where the occupier of a cotton pressing factory has notified to the prescribed authority that the work of pressing bales in that factory has been suspended, it shall not be necessary for him to submit weekly returns under sub-section (1) until such work has been resumed.

³⁰**[11-A. Submission of monthly returns by cotton ginning and cotton pressing factories.]** (1) The occupier of every cotton ginning factory and cotton pressing factory shall furnish to the prescribed authority, within such time and in such form as may be prescribed, monthly returns showing quantity of cotton received in the factory—

- (a) during the preceding 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 ³¹[imprisonment which may extend to 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.]

12. Returns of a cotton seed oil factory.— (1) The occupier of every cotton seed oil factory shall furnish to the prescribed authority, within such time and in such form as may be prescribed, weekly returns showing the quantity of cotton seed crushed in the factory—

- (a) during the preceding week; and
- (b) since the commencement of the cotton year to the end of that week.

(2) The prescribed authority shall compile from the weekly returns received under sub-section (1), a statement showing the total quantity of cotton seed crushed in the Province during the week to which the returns relate and from the commencement of the cotton year to the end of that week, and publish such statement in such manner as Government may direct:

Provided that the quantity of cotton seed crushed in any individual factory shall not be published.

(3) If default is made in furnishing any return as required by sub-section (1), the occupier of the factory shall be punishable with fine ³²[not less than fifteen thousand rupees].

(4) Where the occupier of a cotton seed oil factory has notified to the prescribed authority that the work of crushing cotton seed in that factory has been suspended, it shall not be necessary for him to submit weekly returns under sub-section (1) until such work has been resumed.

13. Marking of bales.— (1) The occupier of every cotton pressing factory shall cause every bale pressed in the factory to be marked, in such manner as may be prescribed, before it is removed from the factory, with a serial number and with the mark prescribed for the factory.

(2) Every bale which contains cotton from the crop relating to the current cotton year mixed with cotton from the crop relating to any previous cotton year shall be clearly marked, in the prescribed manner, to distinguish it from the bales containing exclusively cotton from the crop relating to the current cotton year.

²⁹*Ibid.*

³⁰Added by the West Pakistan Cotton Control (Punjab Amendment) Ordinance, 1972 (V of 1972), for "fifty".

³¹Substituted for the words "fine which may extend to one thousand rupees" by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

³²Substituted for the words "which may extend to five hundred rupees" by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

(3) If any bale is removed from the premises of any cotton pressing factory without having been marked ³³[or is stored without marking beyond one week], as required by sub-section (1) or sub-section (2), the occupier of the factory shall be punishable with imprisonment which may extend to ³⁴[three months but not less than one month]

14. Scales and weights.— (1) No scales or weights shall be used in any factory other than the scales and weights prescribed under the ³⁵[Punjab Weights and Measures (International System) Enforcement Act, 1975 (LII of 1975)].

³⁶[(1-a) The occupier of every cotton ginning factory shall install a weighbridge within the premises of his factory.]

(2) If in any factory, any scales or weights are used in contravention of the provisions of sub-section (1), the occupier of the factory shall be punishable with fine ³⁷[not less than fifteen thousand rupees].

15. Structural requirements.— (1) No person shall commence the construction of any new factory or any extension of an existing factory, which is likely to increase its capacity for ginning or pressing cotton or crushing cotton seed, unless he has been granted a licence under this sub-section by such authority, in such form, subject to such conditions and on payment of such fees, as may be prescribed.

(2) A licence under sub-section (1) shall be valid for such period as may be specified therein, and may be revalidated, on payment of the prescribed fee, ³⁸[by the competent authority for a specified period].

(3) In the case of cotton ginning factories, the construction of which is commenced after the commencement of this Ordinance—

(a) gin-houses shall be provided with separate entrances and exit for the bringing in of unginmed and the taking out of ginned cotton, respectively; and

(b) the factories shall be constructed in accordance with plans and specifications previously approved by the prescribed authority:

Provided that nothing in this sub-section shall apply to any factory in which only roller gins are used and where the number of such gins is not more than four.

(4) In any cotton ginning factory, whether constructed before or after the commencement of this Ordinance—

(a) no alterations or additions, whether structural or in plant or machinery, shall be made so as to minimise the degree of compliance of the factory as a whole with the requirements set forth in clauses (a) and (b) of sub-section (3); ³⁹[* * *]

(b) every addition, whether structural or in plant or machinery, made after the commencement of this Ordinance, shall be made in accordance with the plans and specifications previously approved by the prescribed authority ⁴⁰[; and]

⁴¹[(c) the saws of each and every ginning machine shall be replaced with new ones after ginning of three thousand bales:]

Provided that nothing in this sub-section shall apply to any factory in which, after any alteration or addition has been made, only single roller gins, not more than four in number are left.

³³Inserted *ibid.*

³⁴Substituted *ibid.*, 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 taken place”.

³⁵*ibid.*, for the words “Punjab Weights and Measures Ordinance, 1965 (XXXIII of 1965)”.

³⁶Added by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

³⁷Substituted *ibid.*, for the words “which may extend to five hundred rupees or, if he has been previously convicted of any offence under this sub-section with fine which may extend to one thousand rupees”.

³⁸Substituted for the words “for subsequent periods not exceeding two years from the date of issue of the licence by the authority competent to grant the same” by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

³⁹The word “and” deleted by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁴⁰Substituted *ibid.*, for colon.

⁴¹Added *ibid.*

(5) The occupier of a cotton ginning factory, whether erected before or after the coming into force of this Ordinance, shall provide in the factory such number of delinting machines as the prescribed authority may, by order in writing, direct.

(6) The occupier of every cotton pressing factory, in which cotton is handled on the ground floor, shall cause the pressing-house to be paved or provided with other suitable flooring to the satisfaction of the prescribed authority.

(7) If the occupier of any ⁴²[small gin or middle gin] factory fails to comply with any of the provisions of this section applicable to the factory or, an order made under sub-section (5), he shall be punishable with imprisonment which may extend to ⁴³[six months but not less than one month].

(8) Where the occupier of a factory has been convicted of an offence punishable under sub-section (7), the prescribed authority may serve on him an order in writing directing that such alterations shall be made, or so many delinting machines shall be provided in the factory, by a specified date, as in the opinion of the authority, are necessary to secure compliance with the provisions of sub-section (3), (4), (5) or (6), as the case may be.

(9) Where the alterations are not carried out or the delinting machines are not provided, in accordance with the order served on the occupier of the factory under sub-section (8), the prescribed authority may serve on the occupier of the factory an order in writing directing that the work ginning or pressing of cotton in such factory shall be suspended until the alterations have been carried out or the delinting machines have been provided in accordance with the order made under sub-section (8).

(10) The occupier of a factory shall be liable to fine ⁴⁴[not less than five thousand rupees] for each day on which cotton is ginned or pressed in the factory in contravention of an order served on him under sub-section (9).

Explanation— For the purposes of this section, the equivalents of other types of gins, such as double roller gins and saw gins, in terms of single roller gins, shall be such as may be prescribed.

16. Prohibition on admixture of different varieties of cotton.— Government may, by notification, declare that in any area specified in such notification, ⁴⁵[no variety except the one allowed shall be grown] no cotton which contains an admixture of different varieties of cotton, in excess of the prescribed limits, shall be ginned or pressed in any factory ⁴⁶⁴⁶[and no person shall sell seed of any variety/hybrid except the one allowed to be grown in the area.]

⁴⁷[17. Punishment for admixture, adulteration, contamination and watering cotton.— (1) Any occupier of a factory or any other person—

- (a) who handles or facilitate handling cotton in any cloth made of other than cotton fiber, uses twines made of any fiber other than cotton, waters seed cotton or lint beyond specified limits (more than ⁴⁸[8.5]%) allows any foreign substance i.e. jute fiber, jute twines, polypropylene bags, human/animal hair, confectionary wrappers, etc. etc., gins or presses or allows such cotton to be ginned or pressed in such factory; or
- (b) who, in any area specified in the notification under section 16, gins or presses or allows to be ginned or pressed any cotton which he knows or has reasons to believe to contain an admixture of different varieties of cotton;

shall be punishable with imprisonment which may extend to six months and with fine which shall not be less than fifteen thousand rupees.

(2) Any owner of cotton who knowingly waters or causes to be watered any cotton to be ginned, or which being already ginned, and is intended to be pressed in a

42Inserted *ibid.*

43Substituted *ibid.*, for the words “three months, or with fine which may extend to five thousand rupees, or with both”.

44Substituted for the words “which may extend to fifty rupees” by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

45Inserted *ibid.*

46*ibid.*

47Substituted by the Punjab Cotton Control (Amendment) Ordinance, 2001 (XI of 2001), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

48Substituted *ibid.*, for the figure “10”.

factory or mixes or causes to be mixed other varieties, seed, foreign substance or cotton waste with such cotton, or who abets or knowingly allows or connives at any such act, shall be punishable with imprisonment which may extend to six months and with fine which may extend to fifteen thousand rupees.

Explanation— For the purposes of this section, cotton shall not be deemed to be watered unless such cotton contains moisture in excess of the normal quantity (not more than 10%), that is to say, the amount of moisture that any given quantity of cotton is reasonably expected to have, regard being had to the place or places and the time or times of the year in which such cotton has been picked, collected, stored, conveyed, left, ginned or pressed.]

18. Determination of occupiers for purposes of punishments under this Ordinance.— (1) Where the occupier of a factory is—

- (a) a firm or other association of individuals, every partner of such firm or member of such association shall be liable to be prosecuted and punished under this Ordinance, for any offence for which the occupier of the factory is punishable;
- (b) a company, all the directors thereof, or, in the case of a private company, all the share-holders thereof, shall be liable to be prosecuted and punished under this Ordinance for any offence for which the occupier of the factory is punishable:

Provided that the firm, association or company may give notice to the prescribed authority that it has nominated one of its partners or members, or, as the case may be, a director (or, in the case of a private company, a share-holder) to be the occupier of the factory for the purposes of this section, and such partner, member, director or share-holder, as the case may be, shall thereupon be deemed to be the occupier of the factory for the purposes of this section, until further notice cancelling his nomination is received by the prescribed authority or until he ceases to be a partner, member, director or share-holder.

19. Cognizance and prosecution of offences.— (1) The offences punishable under this Ordinance shall be cognizable and non-bailable; provided that a 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 or first class shall try an offence punishable under this Ordinance.]

20. Power to reject un-marked bales in fulfillment of contracts.— (1) Any person, who has made a contract for the purchase of baled cotton, ⁵⁰[shall] require that no bales other than bales marked with the mark prescribed under section 13 for the factory in which they were pressed, shall be supplied in fulfillment of such contract, and, if he does so require, no bales not so marked shall be tendered in fulfillment of the contract.

(2) Any bale marked in accordance with the provisions of section 13 shall, within the meaning of the Evidence Act, 1872 (I of 1872) be presumed for all purposes as between the parties to a contract for the purchase of baled cotton, to have been so marked before leaving the factory in which it was pressed.

21. Growing of particular varieties.— (1) Government may, by notification, prohibit the growing of all or any varieties of cotton in a particular area.

(2) Whoever, in contravention of a notification issued under sub-section (1), grows any cotton or any variety of cotton in an area where its growing is prohibited shall be punishable with fine which may extend to ⁵¹[not less than fifteen thousand rupees for every acre put under such prohibited variety].

22. Power to issue notification prohibiting import of cotton into specified areas.— (1) Government may for the purpose of avoiding adulteration in the cotton grown in any area in the Province, by notification, prohibit the import of any cotton or cotton seed or any specified variety or varieties of cotton or cotton seed into an area

⁴⁹Substituted by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁵⁰*ibid.*, for the word “may”.

⁵¹Substituted for the words “five hundred rupees” by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

where their cultivation is forbidden under this Ordinance, by rail, road, air or sea, or by more than one of such means, save under and in accordance with the conditions of a licence granted in the manner, by the authority and on payment of such fee as may be prescribed:

Provided that no such notification shall be deemed to prohibit the import into any notified area of packages containing any kind of cotton samples not exceeding ten pounds avoirdupois in weight.

(2) Delivery to, and the taking of delivery by, any person, at any place situated within a notified area, of any cotton, the import of which into that area is prohibited, shall be illegal unless such person holds a licence for the import of such cotton into that area.

⁵²[(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.]

23. Refusal to carry unlicensed cotton.— (1) Notwithstanding anything contained in the Railways Act, 1890 (IX of 1890), or any other law for the time being in force, no person who receives goods for the purposes of transport, whether by rail, road, river or any other means, shall so receive at, or forward or allow to be carried from, any place any cotton consigned to a place in a notified area, unless both places are in the same notified area, or unless the consignor produces a certified copy of a licence for the import of the cotton into the notified area in which such place is situated.

(2) A certified copy of a licence where so produced shall be attached to the invoice or way-bill, as the case may be, and shall accompany the consignment to its destination, and shall there be dealt with in the prescribed manner.

24. Procedure when cotton arrives at a place within a notified area.— (1) When any cotton, the import of which into a notified area has been prohibited, has been consigned to and arrives at the destination in any such area, no person shall, unless both the place of despatch and the place of delivery are situated in the same notified area, deliver the cotton to the consignee or any other person until he is satisfied that the consignee holds a licence for the import of the cotton into the notified area; and if the person receiving the cotton or cotton seed is not satisfied that the consignee holds a licence for the import thereof into the notified area, or if within fourteen days from the receipt of the goods the consignee or some person acting on his behalf, does not appear in order to take delivery thereof, he shall return the cotton to the place of despatch together with an intimation that delivery of the cotton has been refused or has not been taken, as the case may be.

(2) Any person receiving any cotton returned under sub-section (1) shall cause to be served on the consignor a notice stating that the cotton has been so returned and requiring the consignor to pay the railway freight and any rates, terminal or other charges due in respect of the carriage of the cotton to and from the place to which it was consigned, and such charges shall be deemed to be due from the consignor.

(3) Any person who contravenes the provisions of section 22 or section 23 or who, without reasonable excuse, the burden of proving which shall lie upon him, in contravention of the provisions of sub-section (1) of this section, delivers any cotton to a consignee or other person, shall be liable on first conviction to a fine ⁵³[not less than fifteen thousand rupees and upon any subsequent conviction, to imprisonment which may extend to six months but not less than one month].

25. Pure seed.— Government may direct that any cotton which has been reserved wholly or partially for procuring pure seed for sowing purposes by the prescribed authority shall not be ginned without special permission from the authority, which may be granted subject to such conditions as may be prescribed in this behalf.

26. Regulation of the price of cotton.— (1) Government may, by notification, fix the maximum and minimum prices which shall be paid for any variety of cotton or cotton seed in any cotton market or notified area.

⁵⁴[(2) Whoever, in contravention of a notification issued under sub-section (1), pays less than support price, for any variety of cotton, shall be punishable with imprisonment which may extend to three months but not less than one month.]

⁵²Added *ibid*.

⁵³Substituted for the words "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" by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁵⁴Substituted *ibid*.

27. Grading and marketing of cotton.— Government may, by notification, regulate the grading ⁵⁵[, standardization] and marketing of cotton.

28. Protection of persons acting under this Ordinance.— No suit or other legal proceedings shall be instituted against any person in respect of any action in good faith taken under this Ordinance.

29. Power to exempt from the Ordinance and rules.— Government may, by notification, exempt any factory or class of factories from all or any of the provisions of this Ordinance or the rules framed thereunder.

30. Power of Government to frame rules.— (1) Government may, by notification, frame rules consistent with this Ordinance to give effect to the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

- (a) the constitution and functions of the Board and Advisory Committees;
- (b) the appointment, powers and functions of Inspectors;
- (c) the conditions for the grant of licences for working factories;
- (d) the forms in which registers, records and returns shall be maintained or furnished by occupiers of factories, and the inspection of such registers and records;
- (e) the allotment of a special mark to be used by each cotton ginning and pressing factory;
- (f) the manner in which bales shall be marked;
- (g) the persons or bodies authorised to examine bales or cotton seed under sub-section (3) of section 5;
- (h) the substances ⁵⁶[and their extent which shall constitute an admixture, adulteration and contamination of cotton];
- (i) the time within which the returns required by sections 10, 11, and 12 shall be furnished;
- (j) the appointment of authorities for the purposes of sections 7, 8, 9, 10, 11, 12, 15, 17, 18, 19, 22 and 25;
- (k) the manner of service of orders made under section 15;
- (l) the fees to be paid by the ⁵⁷[owners] of factories or by cotton dealers or by managers of companies at the rates to be prescribed by Government, for the development and improvement of agriculture relating to cotton crop, and for meeting the expenses on the administration of this Ordinance;
- (m) the manner in which fees shall be realised or recovered; and
- (n) any other matter for which provision is deemed necessary in order to carry out the purposes of this Ordinance.

31. Repeal and savings.— (1) The West Punjab Cotton Control Act, 1949 (IV of 1949), ⁵⁸[the Bahawalpur Cotton Control Act, 1949, the Cotton Act, 1952 (Khairpur Act V of 1952)], and the Sind Cotton Control Act, 1954 (I of 1954), are hereby repealed.

(2) Notwithstanding the repeal of the enactments mentioned in sub-section (1), anything done, action taken, obligation, liability, penalty or punishment incurred, inquiry or proceedings commenced, officer appointed or person authorised, jurisdiction or power conferred, rule made, fee imposed or realised and order issued under any of the provisions of the said enactments shall, if not inconsistent with the provisions of this Ordinance, continue in force and be deemed to have been respectively done, taken, incurred, commenced, appointed, authorised, conferred, made, imposed, realised or issued under this Ordinance.

⁵⁵Inserted *ibid*.

⁵⁶Substituted for the words "which shall constitute an admixture of cotton" by the Punjab Cotton Control (Amendment) Ordinance, 2002 (LVI of 2002), which will remain in force under the Provisional Constitution (Amendment) Order 1999 (9 of 1999), Article 4, notwithstanding the maximum limit of three months prescribed under Article 128 of the Constitution of the Islamic Republic of Pakistan.

⁵⁷Substituted by the West Pakistan Cotton Control (Punjab Amendment) Ordinance, 1972 (V of 1972), for "occupiers".

⁵⁸Substituted by the West Pakistan Cotton Control (Amendment) Act, 1967 (I of 1967), for "The Bahawalpur Cotton Control Act, 1949".