

# The West Pakistan Sugar Factories Control Act, 1950

(XXII OF 1950)

**Sindh Amendment :** In the Sugar Factories Control Act, 1950, as applicable to Sindh, hereinafter referred to as the said Act, the word "**Provincial**" wherever occurring shall be deleted.

*Sindh Act, VIII of 1994.*

**An Act to provide for the regulated supply of Sugar cane to the Sugar Factories.**

**Preamble:--** Whereas it is expedient to provide for regulating the supply of sugarcane intended for use in such factories and the price at which it may be purchased and for such other matters as may be incidental thereto;

It is hereby enacted as follows:

## COMMENTS

**Preamble:** West Pakistan Sugar Factories Control Act, 1950 and Sugarcane Act, 1934, whether operate to exclude applicability of Punjab Agricultural Produce Market Act, 1978. West Pakistan Sugar Factories Control Act, 1950 and Sugarcane Act, 1934, although control relations between mills and growers of sugarcane with regard to sale price and to some extent quality of sugarcane, yet such control is of limited nature and touches only a part of sphere of activity of market committee. Contention that Punjab Agricultural Produce Market Ordinance, 1978, stands eclipsed by West Pakistan Sugar Factories Control Act, 1950 and Sugarcane Act, 1934 was untenable.

**Levy of Sugarcane Development Cess:** Abolition of Mill Zones effect charging provisions of section 12, West Pakistan Finance Act., 1964 cannot be said to have ceased to exist or having become redundant even if Mill Zones have been abolished for the purpose of West Pakistan Sugarcane Factories Control Act, 1950. Principles.

### 1. Short title and extent.—

(1) This Act may be called the W.P. Sugar Factories Control Act, 1950;

(2) It extends to all the Provinces except the Tribal Areas.

### 2. Definitions:-In this Act, unless there is anything repugnant in the subject or context:-

(a) "**Assigned area**" means an area assigned to a factory under sub-section (1) of section -14;

(b) "**Board**" means the Sugarcane Control Board established under section 3;

**N.W.F.P. Amendment:** In section 2 after clause (a), the following clause shall be substituted, namely;

(b) "Board" means the Sugarcane and Sugar-beet Control Board established under section :3:"

*NWFP Act No. VIII of 1976*

(c) "Cane" means sugarcane intended for use in a factory,

(d) "Cane Commissioner" means the officer appointed to be Cane Commissioner under section 6;

**N.W.F.P. Amendment:** After clause (c) the following clause shall be substituted namely:-

- (d) "Cane" means the sugarcane intended for use in a factory and includes the sugar-beet:"

*NWFP. Act No. VIII of 1976*

- (e) "Cane Grower" means a person who cultivates cane either by himself or by members of his family or by hired labour and who is not a member of a Cane Growers' Co-operative Society;

**Sindh Amendment :** In clause (e), the words "and who is not a Member of a Cane and Growers "Cooperative Society", shall be deleted;

*Sindh Act VIII of 1994*

- (f) "Cane Growers' Co-operative Society" means a society registered under the Co-operative Societies Act, 1912, (Act II of 1912) or the Sindh Co-operative Societies Act, 1912 one of the objects of which is to see cane grown by its members;

**Sindh Amendment:** Clause (1) shall be deleted:

*Sindh Act, VIII of 1994*

- (g) "Collector" in any provision of this Act includes any officer whom the Governor may, by notification, appoint to exercise and perform the powers and duties of a Collector under that provision;
- (h) "Crushing season" means the period beginning on the 1<sup>st</sup> October in any year and ending on the 30<sup>th</sup> June, next following;

**Sindh Amendment :** In clause (h), for the figure and the word "30<sup>th</sup> June", the figure and the word "1<sup>st</sup> April", shall be substituted.

*Sindh Act VIII of 1994*

- (j) "Factory" means any premises, including the precincts thereof Wherein twenty or more workers are working or were working on anyone day of the preceding twelve months and in any part of which any manufacturing process connected with the production of sugar by means of vacuum pans is being carried on or is ordinarily carried on with the aid of power;

**Sindh Amendment:** In clause (i), the words "by means of vacuum pans", shall be deleted;

After-clause (i), the following new clauses shall be inserted:-

"(i-a) "Government" means the Government of Sindh.

*Sindh Act VIII of 1994.*

- (l) "Inspector" means an inspector appointed under section 7 of the Act and includes an *ex officio* additional Inspector;
- (k) "Occupier of a factory" means the person who has ultimate control over the affairs of a factory; provided that where the affairs of a factory are entrusted to a Managing Agent, or a Managing Director or a Director In-charge, such Managing Agent, Managing Director or Director In-charge shall be deemed to be the occupier of the factory;
- (I) "Prescribed" means prescribed by rules;" \_
- (m) "Purchasing agent" means a person licensed under this Act to act as a purchasing agent;

**Sindh Amendment:** Clause (m) shall be deleted.

***Sindh Act, VIII of 1994***

- (n) "Reserved area means an area specified in an order issued under section 10; and
- (o) "Rule" means a rule under this Act.

**COMMENTS**

**Quashing of orders:** Application under section 561-A, Cr.P.C. had been filed on behalf of State to assail order of dismissal of direct complaint under section 247, Cr.P.C. and order of dismissal of revision filed against said order. Direct complaint for violation of provisions of section 8 read with section 2(h) of Sugar Factories Control Act, 1950 which was punishable under section 21(a) of said Act was filed by Cane Commissioner stating therein that despite direction to start crushing of Sugar Cane on a date fixed by the Authority, Sugar Mill had failed to comply with said direction. State contended that Direct Complaint could not be dismissed in absence of complaint and that impugned order was illegal on the face of it and Additional Session Judge was not justified in law while dismissing revision application. After dismissal of revision application, powers under section 561-A, Cr.P.C. were to be used sparingly and only when there appeared to be abuse of process of law or when it was necessary to prevent ends of justice from being defeated, which was not the case here. Application was dismissed, in circumstances.

**N.W.F.P. Amendment:** After clause (o) the full-stop appearing at the end shall be replaced by a semicolon and thereafter the following new clause shall be added, namely:

"(p) "Slicing season means the period beginning on the 15<sup>th</sup> April in any year and ending on the 31<sup>st</sup> July next following.

***N.W.F.P. Act No. VII of 1976***

**3. Sugarcane Control Board:**-- The Provincial Government may, by notification, establish as Sugarcane Control Board of the Province.

**N.W.F.P. Amendment:** In the said Act, in section 3 after the word "Sugarcane" the word "Sugar beet" shall be inserted.

***N.W.F.P. Act No. VII of 1976***

**4. Constitution of the Board:**-- The Board shall consist of a Sugarcane Commissioner, who shall be the Chairman of the Board and such and so many members from the cane growers, factory owners and servants of the State, as may be prescribed.

**N.W.F.P. Amendment:** In the said Act, in section 4 for the word "sugarcane", the word "Cane" shall be substituted.

***N.W.F.P. Ad No. VI of 1976***

**5. Powers and duties of the Board:**--The Board shall exercise and perform such powers and duties as may be prescribed, and its business shall be conducted in such manner and in accordance with such procedure as may be prescribed.

**6. Appointment of Cane Commissioner:** (I) The Provincial Government may, by notification, appoint any officer, not below the status of a Collector, to be the Cane Commissioner to exercise and perform, in addition to the powers and duties conferred and imposed on him by this Act such powers and duties as may be prescribed from time to time.

(2) The Cane Commissioner shall be deemed to have powers of a Collector under the Land Revenue Act 1967 and the Punjab Tenancy Act, 1887 or any other enactment relating to land revenue and tenancy in force in any part of the Province concerned.

**N.W.F.P. Amendment:** In the said Act, in section 6, in sub-section (2).

- (i) for the words comma and figures "Punjab Land Revenue Act, 1887", the words comma and figures "West Pakistan Land Revenue Act, 1967" shall be substituted; and
- (ii) for the words comma and figures "Punjab Act, 1887", the words, comma and figures "North West Frontier Province Tenancy Act, 1950" shall be substituted.

**6-A. Appointment of Additional Cane Commissioner:--** The Provincial Government may, by notification appoint the District co-ordination Officer to be an Additional Cane Commissioner to exercise such powers and perform such duties and functions of the Cane Commissioner, within the district or any part thereof as may be specified.

**7. Appointment of Inspector:--** (1) The Provincial Government may, by notification, appoint such persons as it thinks fit, to be Inspectors for the purposes of this Act within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an Inspector under sub-section (1) or, having been so appointed, shall continue to hold office, who is or becomes directly or indirectly interested in factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) Every Inspector, who shall be deemed to be public servant within the meaning of the Pakistan Penal Code, shall be officially subordinate to such authority as the Provincial Government may specify in this behalf, and shall exercise such powers and duties as may be prescribed from time to time.

**8. Notice of crushing:--**The occupier of a factory shall send a notice to the Cane Commissioner in the prescribed form intimating him of his intention to start crushing one clear month before the crushing starts.

"Provided that the occupier shall start crushing by a date not later than 30th November each year

**N.W.F.P. Amendment:** In the said Act, for section 8 the following section shall be substituted namely:-

**"8. Notice of crushing or slicing:--** The occupier of a Factory shall send a notice to the Cane Commissioner in the prescribed form intimating him of his intention to start crushing or slicing one clear month before the crushing or, as the case may be, slicing starts:

Provided that the occupier shall start crushing by a date not later than 30<sup>th</sup> November and slicing by a date not later than 15<sup>th</sup> May, each year."

*N.W.F.P. Act No, VII of 1976*

**Sindh Amendment:** After section 8, the following proviso shall be substituted:-

"Provided that the occupier shall start and close crushing not later than the date specified by the Provincial Government."

*Sindh (Amendment) Ordinance XI of words inst. by Sindh Act, VIII of 1994.*

**9. Estimate of quantity of cane required by factory:-** (I) The Cane Commissioner may, by order, require the occupier of any factory to submit to him on or before a date to be fixed by him, an estimate in the prescribed form and manner of the quantity of the cane, which will be required during such crushing season, as may be specified in the order.

**N.W.F.P. Amendment:-** In the said Act, in section 9, in sub-section (1) after the words "crushing season" the words and comma, "or slicing season, as the case may be" shall be inserted.

*N.W.F.P. Act No. VII of 1976*

(2) The Cane Commissioner shall examine every such estimate and shall publish the same in the prescribed manner with such modifications, if any, as he may think fit to make therein after consultation with the Board.

(3) The Cane Commissioner may revise an estimate published under sub-section (2) at any time without consulting the Board.

**10. Declaration of Reserved Area.--**(1) The Cane Commissioner may, after consulting the Board, issue, an order declaring any area to be reserved area for the purposes of the supply of cane to a particular factory during a particular crushing season or seasons, and may, likewise, at any, time, cancel such order or alter the boundaries of an area so reserved.

**N.W.F.P. Amendment:** In the said Act in section 10 in sub-section (1) after the words "crushing season" the comma and words "slicing season" shall be inserted.

*N.W.F.P. Act No. VII of 1976*

(2) An appeal shall lie against the order of the Cane Commissioner under sub-section (1) to the Commissioner of the Division.

**Punjab Amendment:** In sub-section (2) of section 10 the words "Commissioner of the Division shall be subs. by the words and comma "Secretary to Government of the Punjab, Food Department".

*Punjab Ordinance. LVIII of 2001 (22-12-2001)*

**Sindh Amendment:** Section 10 in sub-section (2) for the words "Commissioner of the" Division" the word "Government" shall be substituted.

*Sindh Act, VIII of 1994*

**11. Survey of Reserved Area:-** (1) The Provincial Government may order a survey to be made of the area proposed to be reserved for or assigned to a factory and may recover the cost of such survey from the occupier of such factory.

(2) Every survey mentioned in sub-section (1) shall be made by an officer appointed by the Provincial Government for the purpose, and the said officer shall exercise and perform such powers and duties in making such survey as may be prescribed, and the survey shall be made in accordance with the prescribed procedure.

(3) Every person owning or occupying land in any area in respect of which a survey is being made under sub-section (2) shall afford to the officer making the said survey such assistance and facilities for making the said survey as may be prescribed.

(4) Any amount due from the occupier of a factory under sub-section (1) shall be recoverable from such occupier as an arrear of land revenue.

**12. Maintenance of register:--** The occupier of a factory for the purposes of which an area has been reserved, shall maintain a register in the prescribed form and manner of all cane growers and Cane Growers' Co-operative Societies in such area.

**Sindh Amendment :** In section 12, for the words "and Cane Growers' Cooperative Societies" shall be deleted.

*Sindh Act. VII! of 1994*

**13. Purchase of cane in a reserved area:--** (1) A cane grower or a Cane Growers' Co-operative Society in a reserved area may, if required to do so by the Cane Commissioner shall, offer in the form and by the date prescribe and supply to the occupier of the factory, for which the area is reserved, such quantity of Cane grown by the cane grower or the member of such Cane Growers' Co-operative Society, as the case may be, as is generally prescribed for, or specially directed by the Cane Commissioner, for such cane grower or Cane Growers' Co-operative Society.

**Sindh Amendment:** In section 13, sub-section (I), shall be deleted.

*Sindh Act, VIJI of 1994*

(2) The occupier of a factory, for which an area is reserved, shall enter into an agreement in such form, by such date and on such terms and conditions as may be prescribed to purchase the cane offered in accordance with sub-section ( I), provided that he shall not purchase or enter into' an agreement to purchase cane from a person who is a member of a Cane Growers' Co-operative Society.

**Sindh Amendment:-** In section 13 for subsection (2), the following shall be substituted: --

"(2) The occupier of a 'Factory for which an area is reserved shall enter into an agreement with the cane-grower to purchase cane in such form, on such terms and conditions and or such date as may be prescribed:

*Sindh ACT, VIII of 1994*

(3) Unless the provincial Government otherwise directs cane grown in a reserved area shall not be purchased by a purchasing agent or by any person other than the occupier of the factory for which such area has been reserved except by another grower for the *bona fide* purpose of seed.

**Sindh Amendment:-** In section 13, sub-section (3), the words "by a purchasing agent of" shall be deleted;

*Sindh Act. VIII of 1994*

(4) Cane grown in a reserved area shall not be sold by any person other than a cane grower or a Cane Growers' Co-operative Society provided that a cane grower or a Cane Growers' Co-operative Society may deliver cane intended for a factory through another cane grower of that area, or through a carrier.,

**Sindh Amendment:** For sub-section (4), the following shall be substituted~

"(4) the cane grown in a reserved area shall not be sold by any person ; other than a cane-grower."

*Sindh Act, VIII of 1994*

(5) During the crushing season, the Provincial Government may, if it is satisfied that there is likely to be in the area reserved for a factory any quantity of cane available for sale to the occupier of the factory in excess of the quantity for which the cane is required to enter into an agreement, direct that cane shall not be purchased outside the reserved area until the occupier of the factory enters into agreements to purchase all the cane offered to him in the reserved area.

**N.W.F.P. Amendment:** In the said Act, in section 13, in sub-section (5), after the words "crushing season", the words and comma "or slicing season, as the case may be", shall be inserted.

*N.W.F.P Act No. VII of 1976*

**14. Declaration of assigned areas and purchases of cane therein.**--(i) The Cane Commissioner may, after consulting the Board, issue an order declaring an area to be an assigned area for the purposes of the supply of cane to a particular factory.

(ii) The occupier of a factory, for which an area has been assigned, shall enter into an agreement with cane growers in the assigned area or Cane Growers' Co-operative Society or purchasing agents for the purpose in the assigned area of such quantity of cane by such date and in such form and on such terms and conditions as may be prescribed by the Cane Commissioner provided that such agreement shall not be entered into with a person who is a member of Cane Growers' Co-operative Society.

**Sindh Amendment:** In section 14, for sub-section (ii), the following shall be substituted:-

"(ii) The occupier of a factory; for which an area has been assigned, shall enter into an agreement with cane-growers in the assigned area for the purchase in the assigned area of such quantity of cane in such form, on such terms and conditions and by such date as may be prescribed."

*Sindh Act VIII of 1994*

(iii) If such an agreement is entered into with the purchasing agent, he shall enter into agreement with cane growers in the assigned area or Cane Growers' Co-operative Societies in respect of all the cane which he has undertaken to supply.

(iv) If the Cane Growers or Cane Growers' Co-operative Societies in the assigned area are not willing to enter into agreement to supply, the Cane Commissioner may, by an order in writing, require them to do so on such terms and conditions as may be prescribed by him, which order shall be legally binding on the cane growers or the Cane Growers' Co-operative Societies, as the case may be.

(v) In the event of failure to supply the requisite quantity of cane, the occupier of the factory or the purchasing agent, may, after giving the prescribed notice to the Cane Commissioner purchase the balance of the cane required from outside the assigned area, unless otherwise directed by him.

*Sindh Act VIII of 1994*

**Sindh Amendment:** In section 14(iv) and (v) shall be deleted:

*Sindh Act VIII of 1994*

(vi) An appeal shall lie against the order of the Cane Commissioner under sub-section (i) or sub-sections (ii) and (iv) to the Commissioner of Division.

**Punjab Amendment:** In clause (vi) of section 14 of the words "Commissioner of Division" shall be subs. by the words and comma "Secretary to Government of the Punjab, Food Department."

*Punjab Amendment Act, LVII of 2001 (22~12-2001)*

**Sindh Amendment :** In section 14 for section (vi), the following shall be substituted:--

"(vi) An appeal against an order under sub-section (1) shall lie to the  
Government."  
*Sindh Act, VIII of 1994*

**14-A.** The Cane Commissioner may, by an order in writing prohibit the cultivation, in any reserved area by cane growers or Cane Growers' Cooperative Societies of any variety of sugarcane declared by the Provincial Government under section 18 to be unsuitable for distribution.

**Sindh Amendment:** In section 14-A, the words "or Cane-Growers Cooperative Societies" shall be deleted.  
*Sindh Act, VIII of 1994.*

**N.W.F.P. Amendment:** In the said Act; in section 14-A for the word "sugarcane" the word "cane" shall be substituted.  
*N.W.F.P. Act VII of 1976*

**15. Powers of Cane Commissioner to prohibit cultivation of unsuitable varieties of sugarcane - Purchase of cane outside Reserved Area:-**In any area, other than reserved area, no person shall purchase cane except:-

- (a) the occupier of a factory or a person employed by him for the purposes of making such purchases;
- (b) a purchasing agent or a person employed by him for the purpose of making such purchases;
- (c) a Cane Growers' Co-operative Society;
- (d) cane grower for *bona fide* seed purpose; Provided that a person entitled to purchase cane, may take delivery thereof through cane grower or through a carrier.

**Sindh Amendment:** In section 15:--

- (i) clauses (b) and (c) shall be deleted:
- (ii) in the proviso, the words "or through a carrier" shall be deleted.

*Sindh Act, VIII of 1994,*

**16. Powers of Provincial Government to fix minimum price.-**(i) The Provincial Government, after consultation with the Board, may by notification, determine in respect of any area the minimum price to be paid by occupiers of factories or purchasing agents for cane purchased in that area either generally or related to the sugar contents of the cane or direct that such minimum price shall be "Calculated in the manner prescribed.

(ii) The Provincial Government may, from time to time vary, by notification, the price fixed under sub-section (i).



(iii) The occupier of a factory or a purchasing agent shall not make any deduction from the amount due for the cane sold to him by a cane grower or a Cane-Growers' Cooperative Society, except such deductions as may be prescribed or as the Provincial Government may, by notification, from time to time; allow.

**Sindh Amendment:** In section 16 for sub-section (iii), the following shall be substituted:

"(iii) the occupier of a factory shall not make any deduction from the amount due for cane sold to him by a cane-grower except such deductions as may be prescribed or as the Government may, by notification, from time to time, allow,"

(ii) the words "or Cane-Growers Co-operative Society", shall be deleted.

*Sindh Act, VIII of 1994*

(iv) The Provincial Government may, after consultation with the Board, by notification, direct that in addition to the minimum price to be paid for cane, the occupier of a factory shall pay for special varieties of cane to be specified in, the notification and which the cane grower or Cane-Growers' Co-operative Society has agreed to supply, such additional price as the Provincial Government may direct.

**Punjab Amendments :** After section 16, the following new section shall be added:-

**"16-A. Quality Premium:-** The Provincial Government may direct the Factories to pay quality premium at the end of the crushing season at such rate as may be specified by the Provincial Government in proportion to the sucrose recovery of each factory in excess of base level sucrose contents determined by the Provincial Government, from time to time."

*Act II of 1991 (16-3-1991)*

**17. Licensing of Purchasing Agents:--**No person or class of persons shall be employed by an occupier of a factory or by a purchasing agent to do any work or class of work in connection with any transaction for the purchase of cane and no person shall exercise any of the powers conferred by or under this Act on a purchasing agent, unless he is licensed in the prescribed manner.

**Sindh Amendment:** For section 17, the following shall be substituted: -

"17. No person or class of persons shall be employed but an occupier of a factory to do any work or class of work in connection with any transaction for the purchase of cane.

*Sindh Act, VIII of 1994.*

**Sindh Amendment :** After section 17, the following new section shall be inserted:

**17-A. Compulsory installation of Core Sampler:-** Every factory established after the commencement of the Sugar Factories Control (Sindh Amendment) Act, 1995 shall install a core sampler of the specification and in the manner as may be prescribed.

*Sindh Act, IX of 1995 (25-10-1995)*

**18. Distribution of seed cane by factories:-**(i) The occupier of a factory or any other person acting on his behalf shall not distribute cane of any variety to any person to be used by cane growers or the members of Cane-Growers' Co-operative Societies if the Provincial Government after consulting the Board, has by an order published in the Gazette, declared that such variety of seed cane is unsuitable for distribution to cultivators.

**Sindh Amendment:** In section 18, in sub-section (i), the words "or the members of Cane-Growers' Co-operative Societies", shall be deleted.

*Sindh Act, VIII of 1994*

(ii) The Provincial Government may, on the recommendation of the Board, require the occupier of a factory to distribute in an area reserved for the factory such variety of seed cane of such conditions and in such manners as it may prescribe in every case.

**19. Determination of "occupier" for purpose of this Act:-** (1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Act for any offence for which the occupier of the factory is punishable:

Provided that the firm or association may give notice to the Collector that it has nominated one of its members to be the occupier of the purpose of this Act until further notice canceling his nomination is received by the Collector or until he ceases to be partner or member of the firm or association.

(2) Where occupier of a factory is a company, any one of the Directors thereof, or, in the case of a private company, any one of the shareholders thereof, may be prosecuted and punished under this Act for any offence for which the occupier of the factory is punishable:

Provided that the company may give notice to the Collector that it has nominated a Director, or in the case of a Private Company, a shareholder, to be the occupier of the factory for the purposes of this Act and such Director or shareholder shall be deemed to be the occupier of the factory for the purposes of this Act until further notice canceling his nomination is received by the Collector or until he ceases to be a Director or shareholder.

**N.W.F.P. Amendment:-** In the said Act, in section 19, for the word "cane" or the words "seed cane" wherever occurring the word "seed" shall be substituted.

*N.W.F.P. Act No. VII of 1976*

**20. Appointment and removal of factory staff:-** The occupier of a factory shall have to employ a Cane Superintendent and such staff as may be prescribed by the Provincial Government, on the recommendations of the Cane Commissioner to regulate, arrange, and supervise the purchase of cane for the factory. The appointment and the award of punishment including removal from service of Cane Superintendent and other staff shall be subject to the approval of the Cane Commissioner.

**21. Penalties:-** (a) Any person contravening the provision of this Act of any order or rule made there under shall be punishable with imprisonment for a period extending up to six months or with fine which may extend to Rs. 10, 000.00 or with both.

(b) Offences under the Act shall be bail able and non-cognizable.

**Punjab Amendment:** In the said Act, in section 21, for subsection (a), the following shall be substituted:-

“21(a). Subject to subsection (aa), any person contravening the provisions of this Act or any order or rule made there under shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both.

(aa) Any person who fails to comply with the provisions of section 16 or 16-A, or any directions issued there under, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to twice the price of the sugarcane or twice the amount of quality premium due, as the case may be.

*Punjab Act II of 1991 (16-3-1991)*

**Sindh Amendment;-** In section 21, for the words, fifteen thousand” the words “one lac” shall be substituted.

*Sindh Act, VIII of 1994*

**22. Institution of proceedings:-** (i) No prosecution shall be instituted under this Act except upon complaint made by or under the authority from the Collector or Cane Commissioner.

**Punjab Amendment:** In section, 22, after clause (i), the following shall be inserted:

"Provided that an aggrieved person may make a complaint to the Court of competent jurisdiction iron an application made by him, the Collector or the Cane Commissioner fails to decide - within sixty days whether or not the prosecution is to be instituted."

*Punjab Act II of 1994*

(ii) On the application of a person accused of an offence under this Act, the Cane Commissioner or the Collector may, with the previous approval of the Provincial Government, compound such offence by levying a composition fine not exceeding two times the fine which could be imposed for such offence at any stage before conviction.

(iii) No Court inferior to that of a Magistrate of the 1<sup>st</sup> Class shall try any offence under this Act or any order or rule made there under.

(iv) (a) No suit, prosecution or other legal proceeding shall lie against the Provincial Government or any of its servants for anything which is, in good faith, done or intended to be done under this Act or the rules framed there under.

(b) The exercise of any discretion or authority conferred on the Provincial Government or the Board or the Cane Commissioner by this Act shall not be questioned in any Court.

(c) The Provincial Government may delegate all or any of its powers under this Act to any officer not below the status of a Collector.

**Sindh Amendment:** In section 22 :-

- (i) in sub-section (i), the words "Collector" shall be deleted;
- (ii) in subsection (ii), in the words "or the Collector" shall be deleted;
- (iii) In sub-section (iv), in clause (c), for the words "any officer not below the status of a Collector" the words "the Cane Commissioner" shall be substituted.

*Sindh Act, VIII of 1994*

**23. Power to make rules:-**

(1) The Provincial Government may make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for the constitution, powers, duties and procedure of the appointment of the Cane Commissioner and Inspectors and the powers and duties to be exercised and performed by them.

(3) The authority by which any functions under this Act or the rules made here under are to be performed.

(4) The form in which the notices required by sections 8 and 14(v) should be given.

**Sindh Amendment:** In section 23, in sub-section (4), for the words "sections 8 and (14) (v)", the words "section 8" shall be substituted.

*Sindh Act, VIII of 1994*

(5) The form, manner and date for the submission of estimates mentioned in section 9, and the manner in which and the places at which such estimates should be published.

(6) The procedure to be followed for making a survey under section II, the powers to be exercised by Survey Officers and the assistance to be afforded by owners and occupiers of land to the officers making such survey.

(7) Records, registers and accounts and the submission of returns, the supply of copies of entries therein and the fees to be charged for the same.

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