



SCAN TO VERIFY
LAW DEPARTMENT
GOVERNMENT OF SINDH
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Repealed by the A.O.P. Cotton Control Ord. 1966
C.O.P. Ord. xx of 1966

2

SIND ACT No. I OF 1954¹.

[THE SIND COTTON (CONTROL) ACT, 1954.]

[26th April, 1954.]

An Act

- (a) to provide for the licensing of cotton ginning and pressing factories;
- (b) to regulate supply of cotton (kapas) to the factories for ginning and to prevent the mixing of different varieties;
- (c) to plan the production of cotton on a regional basis;
- (d) to ensure the supply of pure seed to the cultivators; and
- (e) to provide for such other matters as may be incidental thereto.

WHEREAS it is necessary:—

- (a) to provide for the licensing of cotton ginning and pressing factories;
- (b) to regulate supply of cotton (kapas) to the factories for ginning and to prevent the mixing of different varieties;
- (c) to plan the production of cotton on a regional basis;
- (d) to ensure the supply of pure seed to the cultivators; and
- (e) to provide for such other matters as may be incidental thereto.

It is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Sind Cotton (Control) Act, 1954.

(2) It extends to the whole of ~~the Province of~~ Sind.

(3) This Act or any part thereof shall come into force on such date as Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(a) "Admixture of Cotton" means such mixture of different varieties of cotton as may be defined;

(b) "Advisory Committee" means a committee established under section 4 of this Act;

¹ For Statement of Objects and Reasons, see S. G. G., 1953, Pt. IV, p. 115; and for Proceedings in Assembly, see S. L. A. Debates, 1954, Vol. II, Book No. 3, pp. 44—60.

2. Subst. by W. P. L. 1964
(Adap)

(c) "Bale" means any pressed package of cotton, of whatever size or density ;

(d) "Board" means the Cotton Control Board established under Section 3 of the Act ;

(e) "Cotton" means ginned or unginned cotton or cotton waste ;

(f) "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 steam, water or electrical power ;

(g) "Cotton Pressing Factory" means any factory as defined in the Factories Act, 1934, in which cotton is pressed into bales ; XXV of
1934.

(h) "Cotton-seed Oil Factory" means any place or building, where cotton-seed is pressed, by any mechanical means, for the extraction of oil, whether or not the same machinery is used for the extraction of oil from any other type of seed when situated within the premises of a cotton ginning or cotton pressing factory ;

(i) "Cotton Waste" means 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 ;

(j) "Cotton Year" means the year beginning from 1st September and ending 31st August of the following year ;

(k) "Factory" means a cotton ginning or cotton pressing factory as the context may require ;

(l) "Government" means the Government of Sind ;

(m) "Inspector" means an officer appointed under this Act to perform the duties of an Inspector ;

(n) "License" means a license granted under this Act ;

(o) "Notified Area" means an area notified under this Act ;

(p) "Occupier" means the person who has ultimate control of the affairs of a factory and includes the Manager or Managing Agent or other person or persons authorised to represent the occupier ;

(q) "Prescribed" means prescribed by or under the rules made by the Government under this Act ;

(r) "Pure Seed" means such cotton seed as has been declared pure by the prescribed authority ;

(s) "Rule" means a rule made under this Act; and

(r) "Variety" means any variety of cotton approved by the Government and notified under this Act.

Cotton Control Board.

3. The Government shall establish for the whole of Sind a "Cotton Control Board".

Advisory Committee.

4. The Government shall, by notification, establish Advisory Committees for ~~the Province~~ or a part thereof.

Constitution of the Cotton Control Board and Advisory Committee.

5. The Board and each Advisory Committee shall be constituted in the prescribed manner.

Power and duties of the Board and the Advisory Committee.

6. (r) The Board and every Advisory Committee shall exercise and perform in addition to any powers or duties conferred or imposed on them by the provisions of this Act, such other powers and duties as may be prescribed for the more efficient discharge of their functions.

(2) The business of the Board and every Advisory Committee shall be conducted in such manner and in accordance with such procedure as may be prescribed.

Administration of the Act.

7. The Government may, by notification, appoint any officer to exercise and perform all or any of the powers and duties conferred or imposed upon it by or under this Act.

Appointment of Inspectors.

8. (r) The Government may, by notification in the *Official Gazette*, appoint such persons, even private persons, as it thinks fit to be Inspectors for the purposes of this Act, within such local limits as may be assigned to them respectively. Inspectors so appointed shall be deemed for all purposes to be public servants within the meaning of section 21 of the Pakistan Penal Code.

XLV of 1860.

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

(3) The Government may, by rules, provide for the appointment of such of its servants as it thinks fit to be *ex-officio* or additional Inspectors, for the purposes of this Act, within such local limits as may be assigned to them, respectively.

(4) The Government may, by rules, provide for the powers to be exercised and the functions to be performed by an Inspector.

1. Sub. by W. P. Laws (Actup) under 1962

9. (1) No cotton ginning or cotton pressing factory shall be worked without a license granted to the occupier thereof by such authority, in such form, subject to such conditions and on payment of such fees as may be prescribed.

License for
working
Cotton Gin-
ning or Cot-
ton Pressing
Factories.

(2) A license granted under this section shall be valid for such period as may be prescribed.

(3) The grant or renewal of a license shall be liable to be suspended for the period not exceeding two years if the occupier of factory in respect of which an application is made for a license or its renewal, has been convicted, within one year next preceding, of an offence punishable under this Act.

(4) A license shall be liable to be immediately suspended by the authority competent to grant it on the ground that the occupier of the factory in respect of which the license was granted has been convicted of an offence punishable under this Act.

(5) If any person works a factory in respect of which a license has not been granted or has been suspended, he shall be punishable—

(i) on a first conviction, with fine which may extend to five hundred rupees, and, if the offence has continued for more than one day, with an additional fine which may extend to one hundred rupees for each day subsequent to the first day during which the offence has continued, and

(ii) on every subsequent conviction, with fine which may extend to fifteen hundred rupees, and, if the offence has continued for more than one day, with an additional fine which may extend to two hundred rupees for each day subsequent to the first day during which the offence has continued.

Maintenance
of Registers.

10. (1) The occupier of every cotton ginning factory shall maintain at the factory, in such form, as may be prescribed, a ginning register containing a record of all the cotton and the dates on which the cotton has been ginned and of the quantity ginned for each person on his own account.

(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 a cotton ginning or cotton pressing factory shall be bound to produce the registers maintained under this section whenever required to do so by the Inspector and the occupier of any cotton pressing factory shall be bound to furnish to the prescribed

authority, if so required 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 sub-section (2).

(4) 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.

(5) (i) If in any factory any register required by this section to be maintained in any form 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 (4) of this section, the occupier of the factory shall be punishable with fine which may extend to five hundred rupees.

(6) If the occupier of any factory fails to produce any register or to furnish a certified copy of an entry when required to do so under sub-section (3), or furnishes a certified copy of such entry known or having reason to believe such copy to be false, he shall be punished with fine which may extend to fifty rupees or if he has previously been convicted of any offence under this sub-section, to five hundred rupees.

Liability on
change of
occupancy.

11. (1) A change in occupancy of any factory shall be intimated in writing, within 7 days, by the new occupier to the prescribed authority.

(2) On a change in occupancy of any factory the previous occupier shall hand over per receipt to the new occupier registers maintained under section 10 and 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 the sub-section or in maintaining the registers in accordance with the provisions of section 10.

(3) If default is made in handing over any register or in making any report the previous or new occupier as the case may be, shall be punishable with fine which may extend to fifty rupees.

Returns of a
ginning fac-
tory.

12. (1) The occupier of every cotton ginning factory shall submit 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 during the preceding week and from the commencement of the cotton year to the end of that week.

(2) The prescribed authority shall compile from the weekly returns so submitted and shall publish in such manner as he thinks fit, a statement showing the total quantity of cotton ginned in ~~the~~ ^{Sind} ~~Province~~ during the week and from the commencement of the cotton year to the end of the week to which the return relates:

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

(3) If default is made in submitting any return as required by sub-section (1) the occupier of the factory shall be punishable with fine which may extend to fifty rupees.

(4) Where the occupier of a ginning factory has notified to the prescribed authority that the work of ginning 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.

13. (1) The occupier of every cotton pressing factory shall submit 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 during the preceding week and from the commencement of the cotton year to the end of that week, and the approximate average net weight of the bales pressed in that week. Returns of a pressing factory.

(2) The prescribed authority shall compile from the weekly returns, and shall publish in such manner as the Government may direct, a statement showing the total number of bales pressed in ~~the~~ ^{Sind} ~~Province~~ during the week and from the commencement of the cotton year to the end of the week to which the returns relates:

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

(3) If default is made in submitting any return as required by sub-section (1) or (2) of this section, the occupier of the factory shall be punishable with fine, which may extend to fifty 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.

14. (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 which shall be prescribed for every factory. Marking of bales.

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1. Sind. by W. P. Lures (Adap) order 1964.

(2) Every such 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 such manner as may be prescribed, to distinguish it, from bales containing exclusively cotton from the crop relating to the current cotton year.

(3) If any bale is removed from the premises of any cotton pressing factory without having been marked, as required by sub-section (1) or (2) of this section the occupier of the factory shall be punishable with fine which may extend to fifty rupees for every bale of cotton, in respect of which such contravention has taken place.

Scales and weights.

15. (1) No scales or weights shall be used in any factory other than the scales and weights, if any, prescribed under the Sind Weights and Measures Act, 1932. Sind XV of 1932.

(2) If in any factory any scale or weight is used in contravention of the provisions of sub-section (1) the occupier of the factory shall be punishable with fine, which may extend to fifty rupees, or if he has been previously convicted of any offence under this sub-section, to fine which may extend to five hundred rupees.

Structural requirements.

16. (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 unless he has been granted a license and on the payment of a prescribed fee. An application for a license under this sub-section shall be made as may be prescribed. A license granted under this sub-section shall be valid for such period as may be specified therein, but may be renewed by the prescribed authority whenever necessary.

(2) In the case of cotton ginning factories the construction of which was commenced after the commencement of the Cotton Ginning and Pressing Factories Act, 1925,—

XII of 1925.

(a) gin-houses shall be provided with separate entrances and exists 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.

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

(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 (2), and

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

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.

(4) Every cotton ginning factory, whether erected before or after the commencement of this Act, may be required by the prescribed authority to provide such number of delinting machines as may be necessary to delint all the seed produced in the factory.

(5) 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.

(6) If the occupier of any factory fails to comply with any provision of this section which is applicable to the factory, he shall be punished with fine which may extend to one thousand rupees.

(7) (a) Where the occupier of the factory has been convicted under sub-section (6) 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, before a specified date, as in the opinion of the said authority, are necessary to secure compliance with the provisions of sub-sections (2), (3), (4) or (5) as the case may be.

(b) Where the alterations are not made, or the delinting machines are not provided, in accordance with the orders served under clause (a) of this sub-section, the prescribed authority may serve on the occupier of the factory an order in writing directing that the work of ginning or pressing cotton in such factory shall be suspended until the alterations have been made or the delinting machines have been provided in accordance with the order served under clause (a) of this sub-section, and the occupier shall be liable to fine which may extend to fifty rupees for each day on which cotton is ginned or pressed in the factory in contravention of the order served under this clause.

(c) 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 by the prescribed authority.

Prohibition
of watering,
adulteration
and mixture
of cotton.

17. (1) The Government may, by notification, declare that in any area specified in such notification, no cotton which contains an admixture of different varieties of cotton shall be ginned or pressed in a factory.

(2) Any occupier of a factory —

(a) Who, knowing or having reason to believe that any cotton is watered or contains admixture of or any foreign substance or cotton waste in excess of the prescribed proportion, 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 sub-section (1) gins or presses or allows to be ginned or pressed any cotton which he knows or has reason to believe to contain an admixture of different varieties of cotton ;

shall be punishable with fine which may extend to five thousand rupees, provided that, if any such person proves to the satisfaction of the court —

(i) in the case of cotton which is alleged to have been watered or to contain seed in excess of the prescribed proportion, or any foreign substance or cotton waste or admixture of cotton, that before proceeding to gin or press the cotton he had obtained a certificate for the purpose of ginning or pressing the aforesaid substance from the prescribed authority and had marked the bales as mixed ; or

(ii) in the case of cotton which has been ginned in another factory that before proceeding to press the cotton he had obtained a certificate from the owner of ginned cotton that such cotton was free from such watering, alteration, or mixture as is punishable by or under this Act, he shall be absolved from responsibility under this section, and no proceedings shall be taken against him.

(3) Any owner of cotton who knowingly waters or causes to be watered any cotton to be ginned, or which being already ginned, is intended to be pressed in a factory, or mixes or causes to be mixed other admixture of cotton, 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 fine which may extend to one thousand rupees.

(4) For the purpose of this section, cotton shall not be deemed to be watered, unless such cotton contains moisture in excess of the normal quantity, 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. Any Inspector may on his own motion or on receipt of a complaint that there has been a contravention of any relevant provision of this Act, investigate the complaint and cause any cotton or the contents of any packages or bales and a sample of seed taken from the factory in the process of ginning, to be examined by the prescribed authority.

Examination
of cotton
packages
and bales.

19. Any Inspector may 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 Act or of any rule made thereunder, or of any of the conditions subject to which a license has been granted in respect of such factory and to take samples from all such articles in respect of which an offence punishable under this Act appears to have been committed.

Entry and
Inspection.

20. (1) Where the occupier of a factory is a firm or other association of individuals, any one of the individual person or members thereof may be prosecuted and punished under this Act, for any offence for which the occupier of the factory is punishable.

Determina-
tion of
occupiers for
purposes of
punishment
under this
Act.

(2) Where the occupier of a factory is a company, any one of the directors thereof, or, in the case of 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 it shall be incumbent on the firm, association or company may give previous 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 shareholder) to be the occupier of the factory for the purposes of this section, and such partner, member, director or shareholder 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.

Cognizance
of offences.

21. No prosecution under this Act shall be instituted except by or with the previous sanction of the prescribed authority and no court inferior to that of a Magistrate of the First Class shall try an offence under this Act.

Power to re-
ject unmark-
ed bales in
fulfilment of
contracts.

22. (1) Any person who has made a contract for the purchase of baled cotton may require that no bales other than bales marked with the mark prescribed under section 14, for the factory in which they were pressed, shall be supplied in fulfilment of such contract, and, if he does so require no bales not so marked shall be tendered in fulfilment of the contract.

(2) Any bale marked in accordance with the provisions of section 14 shall, within the meaning of the Evidence Act, 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. *1 of 1872.*

Power to
issue notifi-
cation pro-
hibiting im-
port of
cotton into
specified
areas.

23. (1) The Government may, for the purpose of avoiding adulteration in the cotton grown in any area in ~~the Province~~ by notification, prohibit the import of cotton or of any specified kind of cotton into that area by rail, road, air, or sea or by more than one of such means, save under and in accordance with the conditions of, a license in the prescribed manner for the issue of which the Government shall frame rules:

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 in a notified area, of any cotton the import of which into that area is prohibited, shall be illegal unless such person holds a license for the import of such cotton into that area.

Refusal to
carry un-
licensed
cotton.

24. (1) Notwithstanding anything contained in the Railways Act, 1890, or any law for the time being in force, no person who receives goods for the purpose 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, except where both places are in the same notified area, any cotton consigned to a place in the notified area, unless the consignor produces a certified copy of a license for the import of the cotton into the notified area in which such place is situated. *IX of 1890.*

(2) Every certified copy of a license when 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.

1. Subs. by W. P. Laws (Adops) order 1964

25. (1) When any cotton, the import of which into any notified area has been prohibited, has been consigned to and arrives at 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 license for the import of the cotton into the notified area, and, if he is not satisfied, 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, 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.

Procedure when cotton arrives at a place within a notified area.

(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 23 or section 24 or who in contravention of the provisions of sub-section (1) of this section, without reasonable excuse, the burden of proving which shall lie upon him, delivers any cotton to a consignee or other person, shall be liable on first conviction to a fine not exceeding one thousand rupees, and upon any subsequent conviction, to a fine which may extend to five thousand rupees.

26. The Government may, by notification, prohibit the growing of any varieties of cotton in a particular tract and prescribe penalties for the infringement of such prohibition.

Growing of particular varieties.

27. The Government may direct that any cotton which has been reserved wholly or partially for procuring pure seed for sowing purpose by the prescribed authority shall not be ginned without special permission from that authority. Such permission may be granted subject to such conditions and penalties as may be prescribed in this behalf.

Pure seed.

28. The Government may, by notification, regulate the grading of cotton.

Grading and marketing of cotton.

29. (1) The Government shall, by notification, make rules consistent with this Act to give effect to the provisions of this Act. Such rules may in particular provide for all or any of the following matters, namely:—

Power of the Government to frame rules.

- (a) the constitution and functions of the Cotton Control Board ;
- (b) the constitution and functions of the Advisory Committee ;
- (c) the appointment, powers and functions of Inspectors ;
- (d) conditions to regulate the grant of license for working factories ;
- (e) the form in which registers, records and returns are to be maintained or submitted, and the inspection of such records and registers ;
- (f) the allotment of a special mark to be used by each pressing factory for the purpose of marking the bales ;
- (g) the manner in which bales shall be marked ;
- (h) the manner in which weekly statement referred to in sections 12 and 13, shall be published ;
- (i) the persons or bodies authorised to examine bales or cotton seed under section 17 ;
- (j) the substance which constitutes an admixture of cotton ;
- (k) the appointment of the authority to whom and the time within which the returns required by sections 12 and 13, shall be made ;
- (l) the appointment of authorities for the purpose of sections 9, 10, 11, 12, 13, 16, 17, 18, 20, and 21 ;
- (m) the manner of service of orders made under section 16 ;
- (n) the powers of entry and inspection which may be exercised by any Gazetted Officer specially empowered in his behalf by the Government ;
- (o) any other matter for which provision is deemed necessary in order to carry out the purposes of this Act ;

(2) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

30. No suit or other legal proceeding shall be instituted against any person in respect of any action in good faith taken under the Act.

31. The Cotton Ginning and Pressing Factories Act, 1925, and the Cotton Ginning and Pressing Factories (Sind Amendment) Act, 1936, are hereby repealed.

Protection of persons acting under this Act.

Repeal of XII of 1925 and Sind IV of 1936.

XII of 1925 and Sind IV of 1936

THE SIND VILLAGE SANITATION ACT, 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and extent.
2. Repeal of enactment.
3. Definitions.
4. Operation of Part II.
5. Part II how to be extended to a village.
6. Each village to have a Sanitary Committee.
7. Duties of the Chairman.
8. Records of Committee's Proceedings.
9. Sanitary Committee to make Rules.
10. Procedure for making rules.
11. Prosecution of offenders against the rules.
12. Cognizance by the Committee of offences against the rules.
13. Appeals against the Committee's decisions.
14. Sanitary Committee may authorize expenditure for necessary works or measures.
15. Sanitary Committee may impose rate on open air stalls.
16. Receipts to be given for all payments.
17. Necessary moneys for expenditure may be raised by voluntary subscription or by a rate on inhabitants.
18. Sanitary Committee to prepare annually statement of income and expenditure.
19. Incorporation of Sanitary Committee.
20. Compound or compromise of any suit.
21. Power to acquire, hold and transfer property.
22. Mode of executing contracts.
23. Sanitary Committee Fund.
24. Property and funds of Sanitary Committee how to be applied.
25. Power to deposit and invest surplus funds.
26. Vesting of property rights of a Sanitary Committee ceasing to exist or to have jurisdiction.
27. Certain Government Officers to advise Sanitary Committee.

CONTENTS.

SECTIONS.

28. Removal from office of any member or Chairman of a Sanitary Committee.
29. Filling up of vacancies.
30. Questions to be decided by majorities.
31. Act of Sanitary Committee not to be invalidated by informalities.
32. Signing of summonses, etc.
33. Punishment for breach of rules made under this Act.
34. Order for levy of fines.
35. Levy of fines and rules.
36. Sale of goods distrained.
37. Members and servants of the Sanitary Committee to be public servants.
38. Contributions and loans from local board.
39. Annual contribution to every Committee by Provincial Government and District Local Boards.
40. (1) Execution of works in which two or more Sanitary Committees are jointly interested.
40. (2) Recovery of cost of such work.
40. (3) Abandonment of the work proposed to be undertaken by a Sanitary Committee in favour of a work to be undertaken by a Local Board.
40. (4) Local Boards may call for information in such cases.
41. Collector's functions under this Act may be delegated.
42. Collectors, Magistrates and other public servants subject to usual control in the exercise of authority.
43. Identity of person acting in good faith under this Act.
44. Repeal.