

PROVINCIAL ASSEMBLY OF SIND
NOTIFICATION

Karachi, dated the 28th June, 1973.

No. PAS/Legis-B-10/73.—The Sind Agricultural Supplies Organization Bill, 1973 having been passed by the Provincial Assembly of Sind on the 11th June, 1973 and assented to by the Governor of Sind on 27th June, 1973 is hereby published as an Act of the Legislature of Sind:—

THE SIND AGRICULTURAL SUPPLIES ORGANIZATION ACT, 1973.

Sind Act. No. X of 1973

(First published after having received the assent of the Governor of Sind in the Gazette of Sind (Extra Ordinary) dated 28th June, 1973).

AN

ACT

to establish an Agricultural Supplies Organization in the Province of Sind.

WHEREAS it is expedient to establish an Agricultural Supplies Organization in the Province of Sind for the purpose of increasing Agricultural production; Preamble.

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Sind Agricultural Supplies Organization Act, 1973. Short title, extent and commencement.

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

(3) It shall be deemed to have come into force on and from the 3rd day of January, 1973.

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

- (a) "Board" means the Board of Members of the Organization;
- (b) "Chairman" means the Chairman of the Organization;
- (c) "Government" means the Government of Sind;
- (d) "Member" means a Member of the Organization;
- (e) "Officer" means an officer of the Organization, other than the Chairman or a Member;
- (f) "Organization" means the Sind Agricultural Supplies Organization;
- (g) "Prescribed" means prescribed by rules or regulations;
- (h) "Rules" and "Regulations" shall respectively mean rules and regulations made under this Act.

CHAPTER II

ESTABLISHMENT, MANAGEMENT AND ORGANIZATION

Establishment and incorporation.

3. (1) Government shall establish an Organization to be called the Sind Agricultural Supplies Organization.

(2) The Organization shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act, to undertake work with regard to procuring and distributing throughout the Province agricultural in-puts, namely, seeds and fertilizers (both indigenous and imported) and hold property both movable and immovable, and shall by the said name sue and be sued.

Management and administration.

4. (1) The general direction and administration of the Organization and its affairs shall vest in a Board of Members which may exercise all powers and do all acts and things which may be done or exercised by the Organization.

(2) The Board in discharging its functions shall be guided on questions of policy by such directions as Government may from time to time, give, and Government shall be the sole judge as to whether a direction given to the Organization is or is not on a question of policy.

(3) If the Board fails to obey any direction given under subsection (2) Government may remove the Members including the Chairman, and notwithstanding anything contained in section 5, appoint persons in their place temporarily until fresh appointments are made under that section.

Constitution of the Board.

5. (1) The Board shall consist of such official and non-official Members not exceeding seven as may be appointed by Government.

(3) Government shall appoint one of the Members to be operational Director, who shall be responsible for—

- S. A. S. S.*
- (i) all administrative matters of the Organization subject to the directions of the Board;
 - (ii) procurement, handling and distribution of the agricultural in-puts;
 - (iii) maintenance of proper accounts; and
 - (iv) performance of such other duties as may be necessary for the purposes of this Act or which may be prescribed.

Appointment of Chairman.

6. Government shall appoint one of the Members to be the Chairman, who shall be the Chief Executive of the Organization.

Appointment of Officers etc.

7. (1) The Organization may appoint such officers, advisers and servants as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit.

1. Subs. by Sind Ord. 9/1981.
2. Subs. by Ord. No. XIII of 1983, S. 2, (24-10-83).

(2) The Chairman may, in case of urgency, appoint such officers or servants and on such terms and conditions as he thinks fit:

Provided that every appointment made in Class I gazetted post shall be reported to the Board without reasonable delay and shall not continue beyond three months unless approved by the Board.

8. (1) Procedure for the appointment of the officers and servants of the Organization and the terms and conditions of their service shall be such as may be provided by regulations. Recruitment conditions of service and disciplinary powers.

(2) Subject to rules and regulations the Organization shall be competent to take disciplinary action against its officers and servants.

9. (1) The meetings of the Board shall be convened at least once in two months unless the Chairman, by a statement in writing, declares that there is no pending business for consideration by the Board. Meetings of the Board.

(2) The minutes of every meeting of the Board shall be drawn up and recorded in a book to be kept for the purpose and signed by the Chairman.

10. Government may require the Board to furnish any returns, statement, estimates, statistics or other information on any matter under the control of the Board. Returns, statement, etc.

11. (1) The Board may delegate to the Chairman or any Member or officer, any of its powers under this Act or the rules or regulations. Delegation.

(2) The Chairman may likewise delegate to any officers any of his powers under this Act or the rules or regulations.

CHAPTER III

FUNCTIONS

12. The Organization shall— Functions.

(a) make suitable arrangements, throughout the Province, on a commercial basis, for the procurement, transport, storage and distribution to the agriculturists of improved seeds and fertilizers; provided that as far as practicable the said supplies shall be distributed by the Organization itself or may permit, distribution of seeds and fertilizers through agencies such as Co-operative Societies on such terms and conditions as it may prescribe;

(b) assist, encourage and promote the manufacture of improved agricultural machinery and implements but shall not itself undertake any such manufacture;

- (c) carry out or cause to be carried out surveys of the problem relating to application of fertilizers and seeds in any particular area and incur expenditure on such surveys or experiments;
- (d) contribute towards the cost of any said surveys, experiments connected with the functions of the Organization and undertaken or done by any other person, body or agent;
- (e) organize publicity, dissemination of knowledge among farmers about the effects of certified seeds and chemical fertilizers and agricultural production.

CHAPTER IV

POWERS

General powers.

13. (1) The Organization may take such measures and exercise such powers as it consider necessary or expedient for carrying out the purpose of this Act.

(2) The Organization may incur any expenditure, procure any sample of seeds or fertilizers from local sources or abroad, procure any plants, machinery or materials required for its use and may enter into any contract and do all acts and things necessary for the performance of such contracts.

(3) The Organization may enter into commercial transaction with any person or organization.

Declaration of area for the purpose of Organization.

14. (1) Government may, by a notification in the official Gazette, declare any area, building not being used for residential purposes, structure, godown or covered enclosures to be an area required immediately for the purpose of being used by the Organization.

(2) After a notification has been issued in respect of any area, the Organization may apply to the Collector who after giving such reasonable notice to the owner, shall deliver possession of the said building, structure, godown or enclosure to the Organization:

Provided that no such area shall be physically occupied by the Organization for its use unless the rent thereof has been agreed upon between itself and the owner and where disagreement about the rent has occurred the rent has been assessed by the Collector or the Rent Controller of the area.

*Proviso added see slip - **

CHAPTER V

FINANCES

15. (1) There shall be a fund to be known as "Organization Fund" ^{Organization Fund.} vested in the Organization which shall be utilized by the Organization to meet charges in connection with its functions under this Act, including the payment of salaries and other remunerations to the Chairman, Members, ^{Financing} ~~operational~~ Director, officers, advisers and servants of the Organization.

(2) The Organization Fund shall consist of—

- (i) grants made by Government;
- (ii) loans obtained from Government;
- (iii) loans obtained from the Commercial Banks with the special or general sanction of Government;
- (iv) all registration fees of agencies, securities tendered by the employees, etc., received by the Organization; and
- (v) any other sum duly received by the Organization.

16. (1) The Organization may keep money in any treasury, sub-treasury or a Scheduled Bank. ^{Custody and investment of funds.}

(2) Nothing in sub-section (1) shall be deemed to preclude the Organization from investing such moneys, which are not required for immediate expenditure, in any of the Government securities or placing them in fixed deposits with a bank approved by Government.

17. The Organization shall prepare its annual budget estimates and submit the same to Government by the prescribed date and Government ^{Budget.} may modify the said estimates to such an extent as it may consider necessary.

CHAPTER VI

RULES AND REGULATIONS

18. (1) Government may, by a notification in the official Gazette, ^{Power to make rules.} make rules for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) tenure of office, resignation and terms and conditions of Members;
- (b) disqualifications and removal of Members;
- (c) filling of casual vacancies of Members;
- (d) any other matter required under any of the provisions of this Act to be prescribed.

1. Subs. by ord. No. XIII of 1983, S. 2 (w.e.f. 24-10-1983)

Power to make regulations.

19. (1) Subject to the provisions of this Act and the rules, the Organization may, by a notification in the official Gazette, make regulations for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

- (a) appointment of committees to consider particular matter or matters;
- (b) investment of money by the Organization;
- (c) determination of terms and conditions of the services of the officers and servants of the Organization;
- (d) mode of operation and expenditures of the funds of the Organization; and
- (e) any other matter required by the provisions of this Act to be provided by regulations.

Chairman, etc., deemed to be public servants.

20. The Chairman, every Member, ^{1 Managing} [operational Director] and other officers, advisers and servants of the Organization shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (XLV of 1860).

Recovery of dues.

21. The Chairman or any other person generally or specially authorised by him may apply to the Collector for the recovery of any sum due under this Act or by an agreement made under this Act and the Collector shall thereupon proceed to recover the same as if it were an arrear of land revenue.

Compensation.

22. The Organization may pay a reasonable compensation to any person who sustains damage by reason of exercise of any of the powers vested under this Act in the Organization or the Chairman or any officer or servant.

CHAPTER VII

AUDIT AND ACCOUNTS

Accounts and Audit.

23. (1) The Organization shall maintain proper accounts and other relevant records and prepare annual statements of accounts including the profit and loss statement and balance sheet in accordance with such general directions as may be prescribed by rules.

(2) The accounts of the Organization shall be subject to Commercial Audit.

1. Subs. by Ord. No. XIII of 1983, s. 2 (24-10-1983)

(3) The Organization shall produce all accounts, books and connected documents and furnish such explanation and information as the Director, Commercial Audit or any officer authorised by him in this behalf may require at the time of audit.

24. (1) The Chairman shall, as soon as possible after the end of every financial year, submit an annual report to Government on the conduct of its affairs for that year. Annual report.

(2) Government may require the Organization to furnish it with any written statement, estimate, statistics or any other information regarding any matter under its control.

CHAPTER VIII

DISSOLUTION

25. (1) Government may, by a notification in the official Gazette, declare that the Organization shall be dissolved from such date as may be specified in the notification and thereupon the Organization shall stand dissolved from that date. Dissolution of the Organization

(2) From the said date, all properties, funds and dues which immediately before the said date, were vested in or were realisable by the Organization shall vest in and be realisable by Government and all liabilities which immediately before the said date were enforceable against the Organization shall be assumed by, and be enforceable against, Government.

26. The Sind Agricultural Supplies Organization Ordinance, 1972, is hereby repealed. Repeal of Sind Ordinance XXIV of 1972.

Amended by Sind Act-XVII of 1975

By Order of the Speaker,
Provincial Assembly of Sind.

JAMALUDDIN ABRO,
Secretary,
Provincial Assembly of Sind.