

**A
BILL**

*further to amend the Khyber Pakhtunkhwa
Sugar Factories Control Act, 1950*

WHEREAS it is necessary further to amend the Khyber Pakhtunkhwa Sugar Factories Control Act, 1950 (Khyber Pakhtunkhwa Act No. XXII of 1950) to ensure payments to the Cane-growers in a timely and transparent manner, and for matters connected there with and ancillary thereto;

It is hereby enacted by the Provincial Assembly of Khyber Pakhtunkhwa as follows:

1. Short title and commencement.---(1) This Act may be called the Khyber Pakhtunkhwa Sugar Factories Control (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of section 2 of the Khyber Pakhtunkhwa Act No. XXII of 1950.--- In the Khyber Pakhtunkhwa Sugar Factories Control Act, 1950 (Khyber Pakhtunkhwa Act No. XXII of 1950), hereinafter referred to as the said Act, in section 2, after clause (f), the following new clause shall be inserted, namely:

“(ff) “Cane Purchase Receipt” means receipt of Cane, purchased by an occupier of a Factory, mentioning weight and price for Cane purchased, from a Cane-grower;”.

3. Amendment of section 13 of the Khyber Pakhtunkhwa Act No. XXII of 1950. ---In the said Act, in section 13,-

(a) for sub-section (2), the following shall be substituted, namely:

“(2) The occupier of a Factory shall purchase Cane from the Cane-grower or Cane-growers Co-operative Society, as the case may be, against Cane Purchase Receipt at the rate notified under section 16 of this Act, and shall make payment through a bank directly into the bank account of the Cane-grower or the Cane-growers Co-operative Society, as the case may be:

Provided that the occupier of a Factory shall not purchase Cane from a person, who is a member of a Cane-growers Co-operative Society.”; and

(b) sub-section (5) shall be deleted.

4. Insertion of new section 13-B in the Khyber Pakhtunkhwa Act No. XXII of 1950.--- In the said Act, after section 13-A, the following new section shall be inserted, namely:

“13-B. Powers of the Cane Commissioner to determine liability of occupier of Factory.---(1) The Cane Commissioner shall determine liability of the occupier of a Factory for payment of Cane price to a Cane-grower or Cane-growers Co-operative Society, as the case may be, where a Cane-grower or Cane-growers Co-operative Society applies for the same.

(2) When the Cane Commissioner makes a determination under sub-section (1) and the amount so determined is not paid within the stipulated time period, the amount shall be recoverable as arrears of land revenue under the West Pakistan Land Revenue Act, 1967 (W.P Act No. XVII of 1967).

(3) An amount recoverable as arrears of land revenue under sub-section (2), shall be recovered by the Additional Cane Commissioner of the concerned District, from the occupier of a Factory and the recovered amount shall be paid to the Cane-grower or Cane-growers Cooperative Society, as the case may be.

(4) The powers granted under sub-sections (1), (2) and (3) shall be deemed to have always been vested in the Cane Commissioner and the Additional Cane Commissioner, as the case may be.”.

5. Amendment of section 14 of the Khyber Pakhtunkhwa Act No. XXII of 1950. ---In the said Act, in section 14,-

(a) for clause (ii), the following shall be substituted, namely:

“(ii) The occupier of a Factory shall purchase Cane from a Cane-grower or a Cane-growers Co-operative Society or Purchasing agent, duly authorized by the Cane Commissioner and shall issue Cane Purchase Receipt to the Cane-grower or the Cane-growers Co-operative Society or Purchasing agent, as the case may be:

Provided that the Purchasing Agent nominated by the occupier of a Factory shall also issue Cane Purchase Receipt of the sugar factory for purchase of Cane from the Cane-grower in the manner as may be prescribed.”;

(b) for clause (iii), the following shall be substituted, namely:

“(iii) If the occupier of a Factory enters into an agreement with a Purchasing agent for purchase of Cane, the Purchasing agent shall issue Cane Purchase Receipt of the sugar factory for purchase of Cane from Cane-grower and shall be liable to pay to the Cane-grower for the Cane purchased from him through a bank in the manner as may be prescribed.”; and

(c) clause (iv) shall be deleted.

6. Amendment of section 21 of the Khyber Pakhtunkhwa Act No. XXII of 1950.--- In the said Act, in section 21,-

- (a) for clause (a), the following shall be substituted, namely:

“(a) Any person contravening the provisions of this Act or any order or rule made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five million rupees per day but shall not be less than one million rupees per day or with both:

Provided that the fine shall not be less than five million rupees per day in case of a repeated offence”; and

- (b) for clause (b), the following shall be substituted, namely:

“(b) Offences under this Act shall be cognizable and non-bailable.”.

7. Amendment of section 22 of the Khyber Pakhtunkhwa Act No. XXII of 1950.--- In the said Act, in section 22,-

- (a) clauses (i) and (ii) shall be deleted; and

- (b) in clause (iii), for the expression “Magistrate of the 1st Class”, the expression “Magistrate appointed under section 30 of the Criminal Procedure Code, 1898 (V of 1898)” shall be substituted.

8. Repeal.---The Khyber Pakhtunkhwa Sugar Factories Control (Amendment) Ordinance, 2020 (Khyber Pakhtunkhwa Ordinance No. XV of 2020) is hereby repealed.

MINISTER-IN-CHARGE