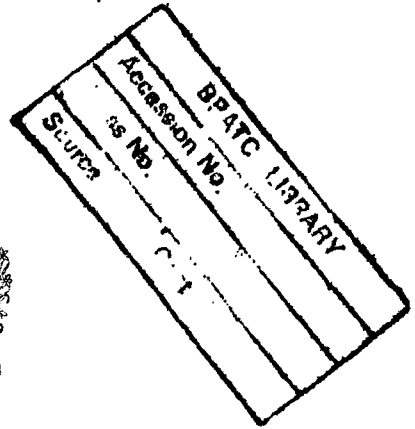


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GOVERNMENT OF PAKISTAN
MINISTRY OF LAW



A COLLECTION OF
THE
CENTRAL ACTS AND ORDINANCES
FOR THE YEAR
1961

21 MAR 1987

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SHORT TITLES

OF

ORDINANCES
FOR THE YEAR 1961.

Acts

(No Act was passed during the year 1961)

NATIONAL INSTITUTE OF
PUBLIC ADMINISTRATION
D.A.E.C.A.

Ordinances

- I. The Repealing and Amending Ordinance, 1961.
- II. The Central Excises and Salt Act (Amendment) Ordinance, 1961.
- III. The Jammu and Kashmir (Administration of Property) Ordinance, 1961.
- IV. The Agricultural Development Bank Ordinance, 1961.
- V. The State Bank of Pakistan (Amendment) Ordinance, 1961.
- VI. The Displaced Persons (Land Settlement) (Amendment) Ordinance, 1961.
- VII. The Public Debt (Central Government) (Amendment) Ordinance, 1961.
- VIII. The Muslim Family Laws Ordinance, 1961.
- IX. The Civil Procedure and Limitation (Amendment) Ordinance, 1961.
- X. The Chartered Accountants Ordinance, 1961.
- XI. The Trade Unions (Amendment) Ordinance, 1961.
- XII. The Cinematograph Act (Amendment) Ordinance, 1961.
- XIII. The Medical Colleges (Governing Bodies) Ordinance, 1961.
- XIV. The Security of Pakistan (Amendment) Ordinance, 1961.
- XV. The Municipal Administration (Amendment) Ordinance, 1961.
- XVI. The Industrial Disputes (Amendment) Ordinance, 1961.
- XVII. The Pakistan Ordnance Factories Board Ordinance, 1961.
- XVIII. The Malaria Eradication Board Ordinance, 1961.
- XIX. The Notaries Ordinance, 1961.
- XX. The Associated Press of Pakistan (Taking Over) Ordinance, 1961.
- XXI. The Muslim Family Laws (Amendment) Ordinance, 1961.

- XXII. The Appropriation (Railways) Ordinance, 1961.
- XXIII. The Security of Pakistan (Second Amendment) Ordinance, 1961.
- XXIV. The Finance Ordinance, 1961.
- XXV. The Petroleum Products (Development Surcharge) Ordinance, 1961.
- XXVI. The Appropriation Ordinance, 1961.
- XXVII. The Appropriation (Supplementary) Ordinance, 1961.
- XXVIII. The Road Transport Workers Ordinance, 1961.
- XXIX. The General Clauses (Amendment) Ordinance, 1961.
- XXX. The Muslim Family Laws (Second Amendment) Ordinance, 1961.
- XXXI. The Industrial Development Bank of Pakistan Ordinance, 1961.
- XXXII. The Registration Act (Amendment) Ordinance, 1961.
- XXXIII. The Insurance (Amendment) Ordinance, 1961.
- XXXIV. The Works of Defence (Amendment) Ordinance, 1961.
- XXXV. The Pakistan Navy Ordinance, 1961.
- XXXVI. The Central Laws (Statute Reform) (Amendment) Ordinance, 1961.
- XXXVII. The Oil and Gas Development Corporation Ordinance, 1961.
- XXXVIII. The Port Hajj Committees Act (Repeal) Ordinance, 1961.
- XXXIX. The Minimum Wages Ordinance, 1961.
- XL. The Municipal Administration (Second Amendment) Ordinance, 1961.
- XLI. The Pakistan Industrial Development Corporation (Amendment) Ordinance, 1961.
- XLII. The Municipal Administration (Third Amendment) Ordinance, 1961.
- XLIII. The Jammu and Kashmir (Administration of Property) (Amendment) Ordinance, 1961.
- XLIV. The Conciliation Courts Ordinance, 1961.
- XLV. The Trade Organizations Ordinance, 1961.
- XLVI. The Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961.
- XLVII. The Cement (Surcharge) Ordinance, 1961.
- XLVIII. The Pakistan Standards Institution (Certification Marks) Ordinance 1961.

THE REPEALING AND AMENDING ORDINANCE, 1961

ORDINANCE NO. I OF 1961

[24th January, 1961]

An Ordinance to repeal certain Central laws and to amend certain other Central laws.

WHEREAS it is expedient to remove from the Statute-book certain Central laws which have become obsolete or have discharged their function ;

AND WHEREAS it is expedient that certain amendments should be made in certain other Central laws ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of the powers conferred by Article 2 of the State Arrangements Order, 1959, and of all other powers enabling him in that behalf, the Minister exercising the functions of President makes and promulgates the following Ordinance :—

1. Short title.—This Ordinance may be called the Repealing and Amending Ordinance, 1961.

2. Repeal of certain Central laws.—The Central Acts and Ordinances and the President's Order specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

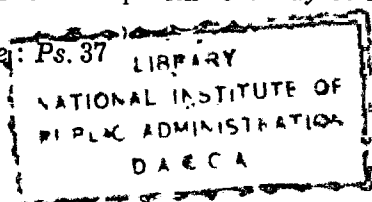
3. Amendment of certain Central laws.—(1) The Central Acts and Ordinances specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

(2) Where this Ordinance requires that in any specified law, or in any section, or other portion of such law, certain words shall be substituted for certain other words, or that certain words shall be omitted, that substitution or omission, as the case may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that law or, as the case may be, in that section or portion.

4. Savings.—The repeal by this Ordinance of any Central Act or Ordinance shall not affect—

- (a) the operation of any Act or Ordinance so repealed or the validity, invalidity, effect or consequences of anything already done or suffered thereunder ; or
- (b) any right, title, privilege, obligation or liability, acquired, accrued or incurred, thereunder or any release or discharge already granted of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity, already granted, or the proof of any past act or thing ; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any Act or Ordinance so repealed ; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, title, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if this Ordinance had not been made ;



nor shall the repeal of any Act or Ordinance by which the text of any law was amended by the express omission, insertion or substitution of any matter, affect the continuance of any such amendment unless a different intention was expressly stated in the Act or Ordinance by which the amendment was made ;

nor shall this Ordinance revive or restore anything not in force or existing at the time of its commencement, or affect any law in which any Act or Ordinance hereby repealed has been applied, incorporated or referred to, or affect any principle or rule of law, or established jurisdiction, form, or cause of pleading, practice, or procedure, or existing usage, custom, privilege, restriction, exemption, office of appointment, notwithstanding that they respectively may have been in any manner affirmed, recognised or derived by, in or from any Act or Ordinance hereby repealed.

THE FIRST SCHEDULE

(Laws repealed)

(See section 2)

Sl. No.	No. and year of the Statute.	Short title	Extent of repeal
1	2	3	4
ACTS			
1.	II of 1956	... The Pakistan Navy (Discipline) (Amendment) Act, 1956	The whole.
2.	IV of 1956	... The Pakistan (Recovery of Abducted Persons) (Amendment) Act, 1956.	The whole.
3.	V of 1956	... The Sale of Goods (Amendment) Act, 1956	The whole.
4.	VIII of 1956	... The Pakistan Refugees Rehabilitation Finance Corporation (Amendment) Act, 1956.	The whole.
5.	IX of 1956	... The Pakistan Tea (Amendment) Act, 1956	The whole.
6.	X of 1956	... The Official Secrets (Amendment) Act, 1956	The whole.
7.	XI of 1956	... The Pakistan Industrial Finance Corporation (Amendment) Act, 1956.	The whole.
8.	XII of 1956	... The Pakistan (Control of Entry) (Amendment) Act, 1956	The whole.
9.	XIII of 1956	... The Protection of Muhammadan Pilgrims (Amendment) Act, 1956	The whole.

1	2	3	4
10. XIV of 1956 ...	... The Industrial Disputes (Amendment) Act, 1956 ...	... The whole.	
11. XV of 1956 ...	... The Criminal Law Amendment (Repealing) Act, 1956 ...	... The whole.	
12. XVI of 1956 ...	... The Security of Pakistan (Amendment) Act, 1956 ...	... The whole.	
13. XVII of 1956	... The Manœuvres Field Firing and Artillery Practice (Amendment) Act, 1956.	The whole.	
14. XX of 1956 ...	... The Cotton (Amendment) Act, 1956 ...	... The whole.	
15. XXI of 1956 ...	... The Insurance (Amendment) Act, 1956 ...	... The whole.	
16. XXII of 1956 ...	... The Capital Issues (Continuance of Control) (Amendment) Act, 1956 ...	The whole.	
17. XXIII of 1956	... The Railways (Amendment) Act, 1956 ...	The whole.	
18. XXIV of 1956	... The Criminal Tribes (Repeal) Act, 1956 ...	The whole.	
19. XXV of 1956	... The Customs Acts (Amendment) Act, 1956 ...	The whole.	
20. XXVI of 1956	... The Tariff (Amendment) Act, 1956 ...	Sections 2, 4 and 5.	
21. XXVII of 1956	... The House Building Finance Corporation (Amendment) Act, 1956. ...	The whole.	
22. XXXI of 1956	... The Agricultural Development Finance Corporation (Amendment) Act, 1956.	The whole.	
23. XXXII of 1956	... The Foreign Exchange Regulation (Amendment) Act, 1956	The whole.	
24. XXXIV of 1956	... The Cantonments (Amendment) Act, 1956 ...	Sections 2, 3, 4 and 6.	
XXXV of 1956	... The Imports and Exports (Control) (Amendment) Act, 1956	The whole.	

25. XLI of 1956	...	The Tariff (Second Amendment) Act, 1956	...	...	...	The whole.
27. XLIII of 1956	...	The Finance (Amendment) Act, 1956	...	...	...	The whole.
28. XLIV of 1956	...	The Pakistan Tea (Second Amendment) Act, 1956	...	...	...	The whole.
29. XLVII of 1956	...	The Pakistan Inscribed Notes and India Coin Withdrawal (Amendment) Act, 1956.	...	...	...	The whole.
30. VI of 1957	...	The Tariff (Amendment) Act, 1957	...	...	...	Sections 2 and 4.
31. VIII of 1957	...	The Pakistan Navy (Discipline) (Amendment) Act, 1957	...	...	...	The whole.
32. IX of 1957	...	The Railways (Transport of Goods) (Amendment) Act, 1957	...	...	...	The whole.
33. X of 1957	...	The Federal Court (Enlargement of Jurisdiction) (Amendment) Act, 1957.	...	...	...	The whole.
34. XI of 1957	...	The Workmen's Compensation (Amendment) Act, 1957	...	...	...	The whole.
35. XIII of 1957	...	The Pakistan Red Cross Society (Amendment) Act, 1957	...	...	...	The whole.
36. XIV of 1957	...	The Customs and Tariff (Amendment) Act, 1957	...	...	...	The whole.
37. XVI of 1957	...	The Pakistan (Recovery of Abducted Persons) (Amendment) Act, 1957.	...	...	...	The whole.
38. XVIII of 1957	...	The Small Industries Corporation (Amendment) Act, 1957	...	...	...	The whole.
39. XIX of 1957	...	The Electorate (Amendment) Act, 1957	...	...	...	The whole.
40. XXIV of 1957	...	The Post Office (Amendment) Act, 1957	...	...	...	The whole.
41. XXV of 1957	...	The Telegraph (Amendment) Act, 1957	...	...	...	The whole.
42. XXVI of 1957	...	The Railways (Amendment) Act, 1957	...	...	...	The whole.

1	2	3	4
43. XXX of 1957 ...	...	The Karachi Control of Disorderly Persons (Amendment) Act, 1957	The whole.
44. XXXII of 1957	...	The Electoral Rolls (Amendment) Act, 1957 ...	The whole.
45. XXXIII of 1957	...	The West Pakistan Provincial Legislature (Delegation of Powers) (Amendment) Act, 1957.	The whole.
46. XXXIV of 1957	...	The Sea Customs (Amendment) Act, 1957 ...	Sections 2 and 4.
47. XXXV of 1957	...	The Foreigners (Amendment) Act, 1957 ...	The whole.
48. XXXIX of 1957	...	The Federal Court (Enlargement of Jurisdiction) (Second Amendment) Act, 1957.	The whole.
49. XL of 1957 ...	...	The Foreign Exchange Regulation (Amendment) Act, 1957	Sections 2, 3, 4, 5, 6, 7 and 10.
50. XLI of 1957 ...	...	The Pakistan Insurance Corporation (Amendment) Act, 1957	The whole.
51. XLII of 1957	...	The Imports and Exports (Control) (Amendment) Act, 1957	The whole.
52. XLIII of 1957	...	The Code of Criminal Procedure (Amendment) Act, 1957 ...	The whole.
53. XLIV of 1957	...	The Naturalization (Amendment) Act, 1957 ...	The whole.
54. XLV of 1957 ...	...	The Industrial Disputes (Amendment) Act, 1957 ...	The whole.
55. I of 1958 ...	...	The Registration (Amendment) Act, 1957 ...	The whole.
56. II of 1958 ...	...	The Code of Criminal Procedure (Second Amendment) Act, 1957	The whole.
57. III of 1958 ...	...	The University of Karachi (Amendment) Act, 1957 ...	Sections 2 and 3,

58.	IV of 1958	...	...	The House Building Finance Corporation (Amendment) Act, 1957	...	The whole.
59.	V of 1958	...	...	The Negotiable Instruments (Amendment) Act, 1957	...	Sections 2, 3, 4, 5 and 6.
60.	VI of 1958	...	...	The Pakistan Air Force (Amendment) Act, 1958	...	The whole.
61.	VII of 1958	...	...	The Income-tax (Amendment) Act, 1958	...	The whole.
62.	VIII of 1958	...	...	The Merchant Shipping (Amendment) Act, 1958	...	The whole.
63.	IX of 1958	...	...	The Pakistan Essential Services (Maintenance) (Amendment) Act, 1958	The whole.	
64.	XI of 1958	...	...	The Pakistan Army (Amendment) Act, 1958	...	The whole.
65.	XII of 1958	...	...	The Pakistan Red Cross Society (Amendment) Act, 1958	...	The whole.
66.	XIII of 1958	...	...	The Security of Pakistan (Amendment) Act, 1958	...	The whole.
67.	XIV of 1958	...	...	The Customs Acts (Amendment) Act, 1958	...	The whole.
68.	XV of 1958	...	...	The Pakistan Nursing Council (Amendment) Act, 1958	...	The whole.
69.	XVI of 1958	...	...	The Pakistan International Airlines Corporation (Amendment) Act, 1958.	The whole.	
70.	XVII of 1958	...	...	The Registration of Claims (Displaced Persons) (Amendment) Act, 1958.	The whole.	
71.	XVIII of 1958	...	...	The Tariff (Amendment) Act, 1958	...	Section 2.
72.	XIX of 1958	...	...	The Pakistan Tea (Amendment) Act, 1958	...	The whole.
73.	XX of 1958	...	...	The Capital Issues (Continuance of Control) (Amendment) Act, 1958	The whole.	
74.	XXV of 1958	...	...	The Agricultural Development Finance Corporation (Amendment) Act, 1958.	The whole.	

1	2	3	4
75. XXVII of 1958	... The Insurance (Amendment) Act, 1958	... ..	... The whole.
76. XXX of 1958	... The Banking Companies (Control) (Amendment) Act, 1958	...	... The whole.
77. XXXI of 1958	... The Industrial Disputes (Amendment) Act, 1958	... ..	... The whole.
78. XXXII of 1958	... The Tariff (Second Amendment) Act, 1958	... ..	... The whole.
79. XXXIII of 1958	... The Electoral Rolls (Amendment) Act, 1958	... ..	... Sections 2, 3, 4, 5 and 6.
80. XXXIV of 1958	... The Criminal Law Amendment Act, 1958	... ..	... The whole.
81. XXXV of 1958	... The Code of Civil Procedure (Amendment) Act, 1958	... ..	... The whole.
82. XXXVI of 1958	... The Pakistan Penal Code (Amendment) Act, 1958	... ..	... The whole.
83. XXXVII of 1958	... The Pakistan (Recovery of Abducted Persons) (Repeal) Act, 1958	...	... The whole.
84. XXXVIII of 1958	... The Representation of the People (Amendment) Act, 1958	...	... The whole.
85. XXXIX of 1958	... The Pakistan Industrial Development Corporation (Amendment) Act, 1958.	...	... The whole.
86. XLII of 1958	... The Government Savings Bank and Securities Laws (Amendment) Act, 1958.	...	... The whole.
87. XLIII of 1958	... The State Bank of Pakistan (Amendment) Act, 1958	... ..	... The whole.
88. XLIV of 1958	... The Medical Practitioners (National Service) (Repeal) Act, 1958	...	... The whole.
89. XLVI of 1958	... The Security of Pakistan (Second Amendment) Act, 1958	... ..	... The whole.

ORDINANCES

1. XIV of 1958	...	...	The Electoral Disqualification (Declaration) (Amendment) Ordinance, 1958.	The whole.
2. XVI of 1958	...	...	The City of Karachi Municipal (Amendment) Ordinance, 1958	... The whole.
3. *P.P. I of 1958	...	...	The Bombay Co-operative Societies (Amendment) Ordinance, 1958	... Section 2.
4. *P.P. II of 1958	...	...	The Bengal State Prisoners Regulation (Amendment) Ordinance, 1958	The whole.
5. I of 1959	...	...	The Displaced Persons (Compensation and Rehabilitation) (Amendment) Ordinance, 1959.	The whole.
6. II of 1959	...	...	The Coal Mines Labour Welfare Fund (Amendment) Ordinance, 1959	The whole.
7. IV of 1959	...	...	The State Bank of Pakistan (Amendment) Ordinance, 1959	... The whole.
8. V of 1959	...	...	The Tariff Act (Amendment) Ordinance, 1959	 Section 2.
9. VI of 1959	...	...	The Hoarding and Black Market Order, 1956 (Amendment) Ordinance, 1959.	The whole.
10. VII of 1959	...	...	The Hoarding and Black Market (Amendment) Ordinance, 1959	... The whole.
11. VIII of 1959	...	...	The Industrial Disputes (Amendment) Ordinance, 1959	... The whole.
12. IX of 1959	...	..	The Cinematograph Act (Federal Capital) (Amendment) Ordinance, 1959.	The whole.
13. XI of 1959	...	...	The Public Conduct (Scrutiny) (Amendment) Ordinance, 1959	... The whole.
14. XII of 1959	...	...	The Capital Issues (Continuance of Control) (Amendment) Ordinance, 1959.	The whole.

1	2	3	4
15. XIV of 1959 ...	...	The General Clauses (Amendment) Ordinance, 1959 ...	Sections 2 and 4.
16. XVII of 1959 ...	...	The Appropriation (Amendment and Extension) Ordinance, 1959 ...	The whole.
17. XVIII of 1959	...	The Unani, Ayurvedic and Homœopathic Practitioners (Repeal) Ordinance, 1959.	The whole.
18. XIX of 1959 ...	...	The Pakistan International Airlines Corporation (Amendment) Ordinance, 1959.	Sections 2, 3, 4, 5 and 6.
19. XX of 1959 ...	...	The Security of Pakistan (Amendment) Ordinance, 1959 ...	The whole.
20. XXII of 1959	...	The Pakistan (Administration of Evacuee Property) (Amendment) Ordinance, 1959.	Sections 2, 3, 4, 5, 6 and 7.
21. XXIII of 1959	...	The Security of Pakistan (Amendment) Ordinance; 1959 ...	The whole.
22. XXIV of 1959	...	The Pakistan Industrial Development Corporation (Amendment) Ordinance, 1959.	Sections 2 and 3.
23. XXV of 1959 ...	...	The Central Excises and Salt Act (Amendment) Ordinance, 1959 ...	The whole.
24. XXVII of 1959	...	The Passport (Offences) (Amendment) Ordinance, 1959 ...	The whole.
25. XXVIII of 1959	...	The Sales Tax (Amendment) Ordinance, 1959 ...	The whole.
26. XXIX of 1959	...	The Negotiable Instruments (Amendment) Ordinance, 1959 ...	The whole.
27. XXX of 1959 ...	...	The Trade Marks (Amendment) Ordinance, 1959 ...	The whole.
28. XXXI of 1959	...	The Cinematograph Act (Federal Capital) (Second Amendment) Ordinance, 1959.	The whole.
29. XXXII of 1959	...	The Fisheries Act (Amendment) Ordinance, 1959 ...	The whole.

30. XXXIII of 1959	...	The Agricultural Development Finance Corporation (Amendment) Ordinance, 1959.	The whole.
31. XXXVII of 1959	...	The General Clauses (Second Amendment) Ordinance, 1959	... The whole.
32. XXXVIII of 1959	...	The Pakistan Commissions of Inquiry (Amendment) Ordinance, 1959	The whole.
33. XXXIX of 1959	...	The Security of Pakistan (Second Amendment) Ordinance, 1959	... Sections 2, 3, 4 and 5.
34. XL of 1959	...	The Public Conduct (Scrutiny) (Second Amendment) Ordinance, 1959	The whole.
35. XLII of 1959	...	The International Monetary Fund and Bank Act (Amendment) Ordinance, 1959.	The whole.
36. XLIV of 1959	...	The Merchant Shipping (Amendment) Ordinance, 1959	... The whole.
37. XLV of 1959	...	The Contempt of Courts (Amendment) Ordinance, 1959	... The whole.
38. XLVII of 1959	...	The Electoral Rolls (Amendment) Ordinance, 1959	... The whole.
39. XLIX of 1959	...	The Pakistan International Airlines Corporation (Amendment) Ordinance, 1959.	The whole.
40. LII of 1959	...	The Tariff Act (Second Amendment) Ordinance, 1959	... Section 2.
41. LIII of 1959	...	The Displaced Persons (Compensation and Rehabilitation) (Second Amendment) Ordinance, 1959.	The whole.
42. LIV of 1959	...	The Public Conduct (Public Statutory Corporations) (Scrutiny) (Amendment) Ordinance, 1959.	The whole.
43. LV of 1959	...	The Post Office (Amendment) Ordinance, 1959	... The whole.
44. LVI of 1959	...	The Industrial Disputes Ordinance, 1959	... Section 38.
45. LVII of 1959	...	The Cantonments (Requisitioning of Immoveable Property) (Amendment) Ordinance, 1959.	The whole.

1	2	3	4
46. LVIII of 1959	...	The Bombay Public Conveyances (Karachi Amendment) Ordinance, 1959.	The whole.
47. LX of 1959	...	The City of Karachi Municipal (Amendment) Ordinance, 1959	The whole.
48. LXI of 1959	...	The Pakistan Army Act (Amendment) Ordinance, 1959	The whole.
49. LXII of 1959	...	The Cantonments (Amendment) Ordinance, 1959	Section 2.
50. I of 1960	...	The Tea (Amendment) Ordinance, 1960	The whole.
51. V of 1960	...	The Insurance (Amendment) Ordinance, 1960	The whole.
52. VI of 1960	...	The Capital Issues (Continuance of Control) (Second Amendment) Ordinance, 1959.	The whole.
53. VII of 1960	...	The Coal Mines Labour Welfare Fund (Amendment) Ordinance, 1960	The whole.
54. VIII of 1960	...	The Pakistan Industrial Finance Corporation (Amendment) Ordinance, 1960.	The whole.
55. IX of 1960	...	The Railways (Transport of Goods) (Amendment) Ordinance, 1960	The whole.
56. XI of 1960	...	The Karachi Port Trust (Amendment) Ordinance, 1960	The whole.
57. XII of 1960	...	The Diplomatic and Consular Officers (Oaths and Fees) (Amendment) Ordinance, 1960.	Sections 2 and 3.
58. XIII of 1960	...	The Central Excises and Salt Act (Amendment) Ordinance, 1960	The whole.

6. IV of 1882	... The Transfer of Property Act, 1882.	In section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
7. XII of 1884	... The Agriculturists' Loans Act, 1884.	1. In sub-section (2) of section 2, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted. 2. In sub-section (3) of section 1,— (i) the words "of East Pakistan" shall be omitted ; and (ii) for the words "that Province" the words "the Province" shall be substituted.
8. VI of 1886	... The Births, Deaths and Marriages Registration Act, 1886.	In clause (a) of sub-section (1) of section 11, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
9. IX of 1890	... The Railways Act, 1890	... In sub-section (4) of section 113, the words "Presidency Magistrate" shall be omitted.
10. IX of 1894	... The Prisons Act, 1894	... In sub-section (4) of section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
11. VIII of 1897	... The Reformatory Schools Act, 1897.	In sub-section (3) of section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
12. X of 1897	... The General Clauses Act, 1897	... In clause (9a) of section 3, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
13. V of 1898	... The Code of Criminal Procedure, 1898.	In sub-section (3) of section 401, for the words "opinion of of" the words "opinion of" shall be substituted.

1	2	3	4
14. II of 1899	... The Stamp Act, 1899	... In Schedule I,—	(i) in Article 4— (a) for the words and figures “ Army Act, 1952 ” the words and figures “ Pakistan Army Act, 1952 ” shall be substituted and shall be deemed always to have been so substituted ; and (b) for the words and figures “ Pakistan Army Act, 1953 ” the words and figures “ Pakistan Air Force Act, 1953 ” shall be substituted and shall be deemed always to have been so substituted ; and (ii) in Article 48, clause (b) shall be omitted.
15. III of 1900	... The Prisoners Act, 1900	... In sections 15 and 18, for the words “ Capital of the Federation ”	the words “ Federal Territory of Karachi ” shall be substituted.
16. VIII of 1904	... The Universities Act, 1904	... In the First Schedule, for the words “ Capital of the Federation ”	the words “ Federal Territory of Karachi ” shall be substituted.
17. III of 1909	... The Insolvency (Capital of the Federation and Dacca) Act, 1909.	1. In the short title, long title, preamble and section 1, for the words “ the Capital of the Federation and Dacca ”, the words “ Dacca and the Federal Territory of Karachi ” shall be substituted.	2. In section 2, for the words “ Capital of the Federation ” the words “ Federal Territory of Karachi ” shall be substituted.
18. IX of 1910	... The Electricity Act, 1910	... In sub-section (2) of section 36A,—	(i) in clause (c), for the words “ Capital of the Federation ” the words “ Federal Territory of Karachi ” shall be substituted ; and (ii) in clause (e), for the words “ Director-General of Railways ” the words “ Chairman of the Railway Board ” shall be substituted,

19. II of 1911 ... The Patents and Designs Act, In section 41, the words "when constituted" shall be omitted.
1911.
20. X of 1911 ... The Prevention of Seditious Meetings Act, 1911. In sub-section (2) of section 1, for the words "Provinces or parts of Provinces" the words "Province or parts of a Province" shall be substituted.
21. II of 1912 ... The Co-operative Societies Act, 1912. In section 21, for the words and brackets "Insolvency (Capital of the Federation and Dacca) Act" the words and brackets "Insolvency (Dacca and the Federal Territory of Karachi) Act" shall be substituted.
22. IV of 1912 ... The Lunacy Act, 1912 ... 1. In sections 24 and 30, after the figures and comma "1911," the words, figures and commas "or under the provisions of section 130 of the Pakistan Army Act, 1952," shall be inserted and shall be deemed to have been so inserted on the fourteenth day of October, 1955.
2. In sections 35 and 85, for the words "any other province" the words "the other province" shall be substituted.
23. IX of 1914 ... The Local Authorities Loans Act, 1914. In Schedule I,—
(i) for the words "Commissioners for" the words "Trustees of" shall be substituted ; and
(ii) for the words "Municipality" the words "Municipal Committee" shall be substituted.
24. V of 1920 ... The Provincial Insolvency Act, 1920. 1. In section 1, for the words "the Capital of the Federation and Dacca" the words "Dacca and the Federal Territory of Karachi" shall be substituted.
2. In sections 2, 10 and 82, for the words and brackets "Insolvency (Capital of the Federation and Dacca) Act", the words and brackets "Insolvency (Dacca and the Federal Territory of Karachi) Act" shall be substituted.

1	2	3	4
25. XV of 1920	... The Pakistan Red Cross Society Act.	1.	In sub-section (1A) of section 8, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
		2.	In the second schedule, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
26. XI of 1922	... The Income-tax Act, 1922	1.	In section 15D, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
		2.	In sub-section (1) of section 66A, the words "established by Letters Patent" shall be omitted.
27. III of 1923	... The Cotton Transport Act, 1923		In section 8, the words "of any Governor's Province" shall be omitted.
28. VIII of 1923	... The Workmen's Compensation Act, 1923.	1.	In sub-section (4) of section 14, for the words and brackets "Insolvency (Capital of the Federation and Dacca) Act" the words and brackets "Insolvency (Dacca and the Federal Territory of Karachi) Act" shall be substituted.
		2.	In Schedule II,—
		(i)	in clause (viiia), for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted; and
		(ii)	in clause (xiiia), for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
29. XII of 1925	... The Cotton Ginning and Pressing Factories Act, 1925.		In section 5A, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
30. XVI of 1926	... The Trade Unions Act, 1926		In sub-section (4) of section 11, the words, brackets and letter "clause (b) of" shall be omitted.

31. XVI of 1927 ... The Forest Act, 1927 ... In section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
32. IX of 1932 ... The Partnership Act, 1932 ... In sub-section (3) of section 69, for the words and brackets "Insolvency (Capital of the Federation and Dacca) Act" the words and brackets "Insolvency (Dacca and the Federal Territory of Karachi) Act" shall be substituted.
33. XX of 1932 ... The Port Haj Committees Act, 1932. In sub-section (2) of section 1 and in section 3, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
34. XXVII of 1933 ... The Pakistan Medical Council Act. In clause (a) of sub-section (1) of section 3,—
- (i) for the words "Governor's Province or Chief Commissioner's Province" the word "Province" shall be substituted; and
 - (ii) for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
35. XXXIV of 1934 ... The Pakistan Navy (Discipline) Act, 1934. 1. In section 67, for the words "any Province" the word "Pakistan" shall be substituted.
2. In section 70, for the words "a Province" the word "Pakistan" shall be substituted.
 3. In section 80, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
36. IV of 1938 ... The Insurance Act, 1938 ... 1. In sub-section (5) of section 3,—
- (i) for the comma occurring after the brackets and letter "(f)" the word "or" shall be substituted; and
 - (ii) the words, brackets and letter "or clause (h)" shall be omitted.

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IV of 1938	... The Insurance Act, 1938— <i>contd.</i>	2.	In the Third Schedule, in Part II, in Form F,— (i) in the heading, after the word and letter “FORM F”, the brackets and letter “(f)” shall be added and shall be deemed to have been so added on the twelfth day of March, 1958 ; and (ii) all asterisks shall be omitted and shall be deemed to have been omitted on the twelfth day of March, 1958.
37. IV of 1939	... The Motor Vehicles Act, 1939 ...	In sub-section (1) of section 44 and in the Sixth Schedule, for the words “Capital of the Federation” the words “Federal Territory of Karachi” shall be substituted.	
38. XVI of 1939	... The Registration of Foreigners Act, 1939.	In section 9, for the words “the Provinces or the Capital of the Federation” the word “Pakistan” shall be substituted.	
39. XXIII of 1943	... The War Injuries (Compensation Insurance) Act, 1943.	In sub-section (2) of section 21, for the words “Capital of the Federation” the words “Federal Territory of Karachi” shall be substituted.	
40. XXII of 1948	... The Banking Companies (Control) Act, 1948.	In clause (d) of section 5, for the words “Capital of the Federation” the words “Federal Territory of Karachi” shall be substituted.	
41. XVI of 1950	... The Karachi Secondary Education Act, 1950.	In the long title, preamble and section 1, for the words “Capital of the Federation” the words “Federal Territory of Karachi” shall be substituted.	
42. XXXIX of 1950	... The Imports and Exports (Control) Act, 1950.	In clause (c) of section 2, for the words “Capital of the Federation” the words “Federal Territory of Karachi” shall be substituted.	
43. I of 1950	... The Pakistan Territorial Force Act, 1950,	In sub-section (2) of section 4, for the words “Capital of the Federation” the words “Federal Territory of Karachi” shall be substituted.	

44. LIX of 1950 ... The University of Karachi Act, 1950.
1. In sub-section (1) of section 5, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
 2. In the Schedule, for item (xvi) in sub-clause (1) of clause 2 the following shall be substituted, namely:—
 "(xvi) the Chairman, Municipal Committee, Karachi".
45. LXIII of 1950 ... The Pakistan National Guard Act, 1950.
- In sections 4, 6, 7 and 9,—
- (i) for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted; and
 - (ii) for the word "Capital", occurring elsewhere than in the expression "Capital of the Federation", the word "Territory" shall be substituted.
46. LXV of 1950 ... The Karachi Hotels and Lodging-houses (Control) Act, 1950.
- In sub-section (3) of section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
47. LXVI of 1950 ... The Karachi Cattle Slaughter Control Act, 1950.
- In sub-sections (2) and (3) of section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
48. LXXIV of 1950 ... The Vagrancy (Capital of the Federation) Act, 1950.
1. In the short title, long title, preamble and section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
 2. In section 9,—
 - (i) in sub-section (1), for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted; and
 - (ii) in sub-section (2), for the word "Capital" the word "Territory" shall be substituted.

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49.	III of 1951	... The Sales Tax Act, 1951	... In sections 3 and 40, for the words "the Provinces or the Capital of the Federation" and for the words "the Provinces and the Capital of the Federation" the word "Pakistan" shall be substituted and shall be deemed to have been so substituted on the sixteenth day of March, 1956.
50.	XI of 1951	... The North-West Frontier Province Disturbed Areas (Special Powers of Armed Forces) Act, 1951.	In the short title, the word "Province" shall be omitted.
51.	XXXVI of 1951	The Karachi Indecent Advertisement Prohibition Act, 1951.	1. In the long title and section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted. 2. In section 9, for the word "Corporation" the words "Municipal Committee" shall be substituted.
52.	XI of 1952	... The Land Control (Capital of the Federation) Act, 1952.	In the short title, long title, preamble and section 1, for the words "Capital of the Federation", the words "Federal Territory of Karachi" shall be substituted.
53.	XXIX of 1952	... The Karachi Control of Disorderly Persons Act, 1952.	1. In sub-section (3) of section 1, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted. 2. After section 1, the following new section 1A shall be inserted, namely:— "Definition, 1A. In this Act, "Agent" means the Agent appointed under Article 5 of the Seat of Government Order, 1960 (P. O. No. 20 of 1960)."

3. In sections 2 and 24,—

(i) for the words “Chief Commissioner of Karachi” the word “Agent” shall be substituted; and

(ii) for the words “Federal Capital” the words “Federal Territory of Karachi” shall be substituted.

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| 54. XXXV of 1952 | ... The Security of Pakistan Act, 1952. | 1. Throughout the Act including the long title and preamble, for the words “Federal Capital” the words “Federal Territory of Karachi” shall be substituted. |
| | | 2. In section 18, for the words “Chief Commissioner of Karachi” the words “Agent appointed under Article 5 of the Seat of Government Order, 1960 (P. O. No. 20 of 1960)” shall be substituted. |
| 55. XXXIX of 1952 | ... The Pakistan Army Act, 1952 | In sub-section (7) of section 110, for the words “Capital of the Federation” the words “Federal Territory of Karachi” shall be substituted. |
| 56. LVII of 1952 | ... The Karachi Electricity Control Act, 1952. | 1. In the preamble and sub-section (3) of section 1, for the words “Federal Capital” the words “Federal Territory of Karachi” shall be substituted. |
| | | 2. In sub-section (2) of section 1, for the words “Capital of the Federation” the words “Federal Territory of Karachi” shall be substituted. |
| 57. LIX of 1952 | ... The Pakistan Nursing Council Act, 1952. | In section 15E, for the words “Federal Capital” the words “Federal Territory of Karachi” shall be substituted. |
| 58. I of 1953 | ... The Finance Act, 1953 | In section 2, for the words “the Provinces of Pakistan and the Capital of the Federation” the word “Pakistan” shall be substituted. |

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59.	VIII of 1953	... The Karachi Rent Restriction Act, 1953.	In the long title, preamble and section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
60.	XXVII of 1953	... The Karachi Essential Articles (Price Control and Anti-Hoarding) Act, 1953.	1. In the long title, preamble and section 1, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted. 2. (i) In section 2, for clause (a) the following shall be substituted, namely :— " (a) "Agent" means the Agent appointed under Article 5 of the Seat of Government Order, 1960 (P. O. No. 20 of 1960) ; " ; and (ii) throughout the rest of the Act, for the words " Chief Commissioner " the word " Agent " shall be substituted.
61.	XXXI of 1953	... The Charitable Funds (Regulation of Collections) Act, 1953.	1. In sub-section (2) of section 1, for the words " Capital of the Federation " the words " Federal Territory of Karachi " shall be substituted. 2. (i) In section 2, after clause (g), the following new clause (gg) shall be inserted, namely :— " (gg) "Agent" means the Agent appointed under Article 5 of the Seat of Government Order, 1960 (P.O. No. 20 of 1960) ; " ; and (ii) throughout the rest of the Act, for the words " Chief Commissioner " the word " Agent " shall be substituted.

62. I of 1956 ... The Finance Act, 1956 ... In section 2, for the words "the Provinces and the Capital of the Federation" the word "Pakistan" shall be substituted.
63. XXIX of 1956 ... The Small Industries Corporation Act, 1956. In clause (a) of sub-section (3) of section 1, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
64. XXX of 1956 ... The Finance (1955-56) Act, 1956. In section 2, for the words "the Provinces and the Capital of the Federation" the word "Pakistan" shall be substituted.
65. XXXIII of 1956 ... The State Bank of Pakistan Act, 1956. In the Schedule, for the words "Capital of the Federation" the words "Federal Territory of Karachi" shall be substituted.
66. XLII of 1956 ... The Pakistan Rehabilitation Act, 1956. In sub-sections (2) and (3) of section 1, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
67. XLV of 1956 ... The Transfer of Evacuee Deposits Act, 1956. In sub-section (2) of section 1, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
68. III of 1957 ... The Essential Supplies Act, 1957. 1. Throughout the Act, including the preamble, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
2. In clause (c) of section 2, for the words "Chief Commissioner of Karachi" the words, letters, figures and brackets "Agent appointed under Article 5 of the Seat of Government Order, 1960 (P.O. No. 20 of 1960)" shall be substituted.

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69.	VII of 1957	... The Evacuee Property (Multiple Allotments) Act, 1957.	In clause (a) of sub-section (3) of section 1, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
70.	XII of 1957	... The Pakistan (Administration of Evacuee Property) Act, 1957.	1. In sub-section (2) of section 1, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted. 2. In clause (q) of sub-section (2) of section 25, for the words "dues claims" the words "dues or claims" shall be substituted.
71.	XXXVIII of 1957	The Cotton Act, 1957	... In sub-section (2) of section 1, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
72.	XXII of 1958	... The Finance Act, 1958	... In sections 15 and 16, for the words "Federal Capital" the words, "Federal Territory of Karachi" shall be substituted.
73.	XXVIII of 1958	... The Displaced Persons (Compensation and Rehabilitation) Act, 1958.	1. In section 3, for the words "Federal Capital" the words, "Federal Territory of Karachi" shall be substituted. 2. In clause (c) of sub-section (1) of section 19, for the words, brackets and figures "sub-section (3) of section 20" the words, brackets and figures "sub-section (4) of section 20" shall be substituted.
74.	XLVII of 1958	... The Displaced Persons (Land Settlement) Act, 1958.	In section 4, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.

ORDINANCES

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| 1. XX of 1942 | ... The Collective Fines Ordinance, 1942. | In section 2, for the words " Capital of the Federation the Chief Commissioner " the words, letters, figures and brackets " Federal Territory of Karachi the Agent appointed under Article 5 of the Seat of Government Order, 1960 (P.O. No. 20 of 1960) " shall be substituted. |
| 2. IV of 1946 | ... The Banking Companies (Inspection) Ordinance, 1946. | In clause (b) of sub-section (1) of section 5, for the word " Act " the word " Order " shall be substituted. |
| 3. XXVI of 1948 | ... The Land Control (Capital of the Federation) Ordinance, 1948. | In the short title, long title, preamble and section 1, for the words " Capital of the Federation " the words " Federal Territory of Karachi " shall be substituted. |
| 4. X of 1949 | ... The Sind Textile Board Ordinance, 1949. | In sections 1 and 14, for the words " Capital of the Federation " the words " Federal Territory of Karachi " shall be substituted. |
| 5. IX of 1958 | ... The Public Order (Meetings) Ordinance, 1958. | In sub-section (2) of section 1, for the words " Federal Capital " the words " Federal Territory of Karachi " shall be substituted. |
| 6. *(P.P.) I of 1958 | ... The Bombay Co-operative Societies (Amendment) Ordinance, 1958. | In sub-section (2) of section 1, for the words " Federal Capital " the words " Federal Territory of Karachi " shall be substituted. |
| 7. *(P.P.) III of 1958 | ... The Registration of Private Schools (Federal Capital) Ordinance, 1958. | In the short title, long title, preamble and section 1, for the words " Federal Capital " the words " Federal Territory of Karachi " shall be substituted. |

*I. e., Post-Proclamation,

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8.	*(P.P.) IV of 1958 ... The Control of Orphanages (Federal Capital) Ordinance, 1958.	1. In the short title, long title, preamble and section 1, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.	
		2. (i) In section 2, for clause (a) the following shall be substituted, namely :— " (a) " Agent " means the Agent appointed under Article 5 of the Seat of Government Order, 1960 (P.O. No. 20 of 1960); " ; and (ii) in sections 6 and 15, for the words " Chief Commissioner " the word " Agent " shall be substituted.	
9.	XVI of 1959 ... The Appropriation (Transitional Provisions) Ordinance, 1959.	In the Schedule, in the entries against Authorization No. 53, in column (3), for the figures "4,75,070" the figures "4,75,000" shall be substituted and shall be deemed always to have been so substituted.	
10.	XXI of 1959 ... The Karachi Road Transport Corporation Ordinance, 1959.	In the long title, preamble and sections 1 and 20, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.	
11.	LVI of 1959 ... The Industrial Disputes Ordinance, 1959.	1. In clause (a) of section 2, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted. 2. In sub-section (4) of section 12, for the words, brackets and figure "Subject to the provisions of sub-section (3), any" the word "Any" shall be substituted and shall be deemed always to have been so substituted.	

3. In sub-section (1) of section 13, for the words "or in an" the words "or an" shall be substituted and shall be deemed always to have been so substituted.
12. III of 1960 ... The Industrial and Commercial Employment (Standing Orders) Ordinance, 1960. In clause (a) of section 2, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
13. IV of 1960 ... The Medical Qualifications (Information) Ordinance, 1960. In the Second Schedule, for the words, brackets and figures "Medical Personnel (Information) Ordinance, 1960" the words, brackets and figures "Medical Qualifications (Information) Ordinance, 1960" shall be substituted and shall be deemed always to have been so substituted.
14. X of 1960 ... The Municipal Administration Ordinance, 1960.
 1. In clauses (8) and (19) of section 3, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
 2. In sub-section (1) of section 9, for the word "clause" the word "sub-section" shall be substituted.
 3. In sub-section (2) of section 10, for the words, brackets and figures "clause (2) of Article 9" the words, brackets and figures "sub-section (2) of section 9" shall be substituted.
15. XIV of 1960 ... The Trade Unions (Amendment) Ordinance, 1960. The last four sections shall respectively be re-numbered as sections "13", "14", "15" and "16" and in section 13, as so re-numbered, for the figures and letter "15-A" the figures and letter "16-A" and for the figures and letter "15-B" the figures and letter "16-B" shall be substituted.

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| 16. XV of 1960 | ... The Press and Publications Ordinance, 1960. | <ol style="list-style-type: none"> 1. In clause (f) of section 2, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted. 2. In the proviso to sub-section (2) of section 4, for the words "no no" the word "no" shall be substituted and shall be deemed always to have been so substituted. 3. In clause (g) of sub-section (1) of section 23, for the word "publis" the word "public" shall be substituted and shall be deemed always to have been so substituted. |
| 17. XXI of 1960 | ... The Central Laws (Statute Reform) Ordinance, 1960. | <ol style="list-style-type: none"> 1. In clause (a) of sub-section (2) of section 3, for the words "Scheduled District" the words "excluded area" shall be substituted and shall be deemed always to have been so substituted. 2. In the Second Schedule,— <ol style="list-style-type: none"> (i) in the entries relating to the Laws Local Extent Act, 1874 (<i>XV of 1874</i>), in column 4, for entry 4, the following shall be substituted and shall be deemed always to have been so substituted, namely:— <li style="padding-left: 20px;">"4. In the Sixth Schedule,— <ol style="list-style-type: none"> (a) in Part II, the words "The Province of" shall be omitted; and (b) in Part III, for the word "BENGAL" the words "EAST BENGAL" shall be substituted"; |

- (ii) in the entries relating to the Transfer of Property Act, 1882 (*IV of 1882*), in column 4, for the words "third paragraph" the words "fourth paragraph" shall be substituted and shall be deemed always to have been so substituted;
- (iii) in the entries relating to the General Clauses Act, 1897 (*X of 1897*), in column 4, entry (1) relating to clause (49) of section 3 of that Act shall be omitted and shall be deemed always to have been so omitted;
- (iv) in the entries relating to the Short Titles Act, 1897 (*XIV of 1897*), in column 4, for the figures and words "XX of 1953" the figures and word "XX of 1853" shall be substituted and shall be deemed always to have been so substituted;
- (v) in the entries relating to the Code of Civil Procedure, 1908 (*Act V of 1908*), in the entries relating to the First Schedule, in column 4, for the brackets and figure "(1)" the figure "1" shall be substituted and shall be deemed always to have been so substituted; and
- (vi) in the entries relating to the Administrator General's Act, 1913 (*III of 1913*),—
 - (a) in column 3, for the word "Generals" the word "General's" shall be substituted and shall be deemed always to have been so substituted, and
 - (b) in column 4, in the entry relating to the amendment of section 1, the inverted commas appearing after the word "Federation" shall be omitted and shall be deemed always to have been so omitted.

18. XXXIV of 1960 ... The Co-operative Societies (Repayment of Loans) Ordinance, 1960. In clause (d) of section 2, for the words "Federal Capital" the words "Federal Territory of Karachi" shall be substituted.
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19. XXXVIII of 1960 ... The Cantonments Ordinance, 1960. (Amendment)
1. The last eleven sections shall respectively be re-numbered as sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 and shall be deemed always to have been so re-numbered.
 2. In section 8, as so re-numbered, for the word "every" occurring for the first time, the word "Every" shall be substituted and shall be deemed always to have been so substituted.
 3. In section 14, as so re-numbered, after the words and comma "In the said Act," the words, figures, letter and comma "in section 43A," shall be inserted and shall be deemed always to have been so inserted.

W. A. BURKI,

LT.-GENERAL,

*Minister exercising the functions of President under
Article 2 of the State Arrangements Order, 1959.*

THE CENTRAL EXCISES AND SALT ACT (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. II OF 1961

[28th January, 1961].

An Ordinance further to amend the Central Excises and Salt Act, 1944

WHEREAS it is expedient further to amend the Central Excises and Salt Act, 1944 (*I of 1944*), for the purposes hereinafter appearing ;

NOW, THEREFORE, in pursuance of the Proclamation of seventh day of October, 1958, in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Central Excises and Salt Act (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of Act I of 1944.—Amendment of sections 2 and 4 of Act I of 1944 :—

(i) In section 2 of the Central Excises and Salt Act, 1944 (*I of 1944*) hereinafter called the said Act, after clause (c), the following new clause shall be inserted, namely—

“(cc) ‘distributor’ means a person appointed by a manufacturer in or for a specified area to purchase excisable goods from him for sale to a wholesale dealer in that Area ;”

(ii) Between the words “trade discount”, and “and”, occurring in section 4 of the said Act, the following shall be inserted, namely—

“but not such discount as may be payable to a distributor”.

3. Validation of certain duty realized.—Any sum realized at any time before the commencement of this Ordinance as duty under the said Act shall be deemed to have been validly realized if the sum so realized does not exceed such sum as would be realizable in accordance with the provisions of the said Act as amended by this Ordinance, and no claim for the refund of any such sum shall be made.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President.

Price : Ps. 6

GPPK—L 135 Law—31-5-61—800.

THE JAMMU AND KASHMIR (ADMINISTRATION OF PROPERTY) ORDINANCE, 1961.

ORDINANCE NO. III OF 1961

[13th February, 1961]

An Ordinance to vest in the Central Government certain immovable properties which vested in the State of Jammu and Kashmir on the fifteenth day of August, 1947, and to provide for matters connected therewith.

WHEREAS there are several immovable properties, situated in the territory of Pakistan, the title to which vested in the State of Jammu and Kashmir on the fifteenth day of August, 1947 ;

AND WHEREAS the constitutional position in the State of Jammu and Kashmir has altered since that date giving rise to an international dispute as to its legality ;

AND WHEREAS the said properties are suffering for want of care ;

NOW THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Jammu and Kashmir (Administration of Property) Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Vesting of properties in the Central Government.—All immovable properties, situated in the territory of Pakistan, the title to which vested in the State of Jammu and Kashmir on the fifteenth day of August, 1947, shall vest, free from all encumbrances, in the Central Government, and shall be deemed to have so vested on the first day of January, 1959.

3. Sale or lease of properties and deposit of sale proceeds in a special account.—The Central Government may make arrangements for the sale or lease of the properties vested in it under section 2.

4. Deposit of sale proceeds etc.—(1) The proceeds of any sale effected under section 3 shall be deposited in a special account to be called "The Sale Proceeds Account of Immovable Property of Jammu and Kashmir State".

(2) No portion of the amounts deposited in the said account shall be utilized except for a purpose connected with the rehabilitation of refugees from the State of Jammu and Kashmir.

5. Certification of sale.—(1) The sale to the purchaser shall be certified by the Central Government in the manner prescribed by rules made under section 6.

(2) A certificate granted under sub-section (1) shall be conclusive proof of full title acquired by the purchaser.

6. Power to make rules.—(1) The Central Government may make rules, not inconsistent with the provisions of this Ordinance, to carry into effect any of its purposes.

(2) Without prejudice to the provisions of sub-section (1), the Central Government shall specify by rules :—

- (a) the manner in which the amount in the account mentioned in sub-section (1) of section 4 may be invested ;
- (b) the purposes for which the income from the amount invested under clause (a) may be utilized ;
- (c) the purposes for which any portion of the amounts deposited in that account may be utilized ; and
- (d) the purposes for which the rents received from the lease of any property may be utilized.

7. Final adjustment of the account.—The account mentioned in sub-section (1) of section 4 shall be adjusted after the status of Jammu and Kashmir has been finally determined.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
President.

THE AGRICULTURAL DEVELOPMENT BANK ORDINANCE, 1961.

ORDINANCE NO. IV OF 1961

[11th February, 1961]

An Ordinance to establish an Agricultural Development Bank of Pakistan

WHEREAS it is expedient to provide for the establishment of an Agricultural Development Bank of Pakistan to replace the Agricultural Development Finance Corporation and the Agricultural Bank of Pakistan, and to make better provision for affording credit facilities to agriculturists and persons engaged in cottage industries in the rural areas, and for matters connected therewith ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Ordinance may be called the Agricultural Development Bank Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “Agricultural Bank” means the Agricultural Bank of Pakistan established under the Agricultural Bank Act, 1957 (XXIII of 1957) ;
- (b) “agriculture” includes the raising of crop, horticulture, forestry, fishery, animal husbandry, poultry farming, dairying, bee-keeping and sericulture ;
- (c) “agriculturist” means any individual engaged in agriculture or in the development of agriculture or agricultural products or in storage, warehousing, marketing or processing of agricultural produce, and any public or private limited company or co-operative society incorporated or registered by or under any law for the time being in force and so engaged, and any person, company or co-operative society incorporated or registered as aforesaid, who satisfies the Bank that the loan to be taken shall be spent on agriculture or the development of agriculture or agricultural products or on the storage, warehousing or marketing or processing of agricultural products ;
- (d) “Auditor-General” means the Comptroller and Auditor-General of Pakistan ;

Price : Ps. 25

- (e) "Bank" means the Agricultural Development Bank of Pakistan established under this Ordinance ;
- (f) "Board" means the Board of Directors of the Bank ;
- (g) "Chairman" means the Chairman of the Board ;
- (h) "co-operative society" means a society registered in Pakistan under any law for the time being in force relating to registration of co-operative societies ;
- (i) "Corporation" means the Agricultural Development Finance Corporation established by the Agricultural Development Finance Corporation Act, 1952 (XVII of 1952) ;
- (j) "cottage industry" means an industry which is carried on wholly or mainly by the members of a family either as a whole-time or as a part-time occupation or by a group of such persons who have formed themselves into a co-operative society ;
- (k) "Prescribed" means prescribed by rules or regulations made under this Ordinance ;
- (l) "Regional Manager" means the executive head of a Regional Office of the Bank ;
- (m) "small agriculturist" means an agriculturist in occupation of a holding which is normally tilled by himself and the members of his family ;
- (n) "State Bank" means the State Bank of Pakistan.

CHAPTER II

Establishment, Incorporation and Share Capital of the Bank

3. Incorporation of the Bank, etc.—(1) As soon as may be after the coming into force of this Ordinance, steps shall be taken to establish, in accordance with the provisions of this Ordinance, a bank to be called the Agricultural Development Bank of Pakistan, to carry out the purposes of this Ordinance.

(2) The Bank shall be body corporate by the name of the Agricultural Development Bank of Pakistan, having perpetual succession and a common seal, with power to hold and dispose of property, and shall by the said name sue and be sued.

(3) The Bank shall be deemed to be a banking company for the purposes of the Banking Companies (Inspection) Ordinance, 1946 (IV of 1946), the Banking Companies (Restriction of Branches) Act, 1946 (XXVII of 1946), the Banking Companies (Control) Act, 1948 (XXIII of 1948), and the State Bank of Pakistan Act, 1956 (XXXIII of 1956), and any other law for the time being in force relating to banking companies.

(4) Notwithstanding anything contained in any of the laws mentioned in sub-section (3), the Bank may refer to the State Bank for reconsideration any directives issued under any of the said laws by the State Bank and in the event of a difference of opinion between the Bank and the State Bank, the matter shall be referred to the Central Government whose decision thereon shall be final.

4. Share capital and its issue.—(1) The original share capital of the Bank shall be twenty crores of rupees divided into twenty lakhs fully paid-up shares of the nominal value of one hundred rupees each, to be issued by the Bank from time to time with the previous approval of the Central Government.

(2) Not less than fifty-one per cent. of the shares issued at any time shall be subscribed for by the Central Government, and the remaining shares, if any, shall be offered to the Provincial Governments, the co-operative societies and the members of the public for subscription in such proportion and on such terms and conditions as the Central Government may determine at the time of each issue.

5. Increase in share capital.—Subject to the previous approval of the Central Government, the original share capital may be increased from time to time by the Bank, and as and when the capital is so increased, the provisions of section 4 shall, as far as may be, apply.

6. Share Register.—The Bank shall maintain at its Head Office a register to be called the Share Register and shall enter therein such particulars as may be prescribed by regulations.

CHAPTER III

Management

7. Head Office, Chief Regional Offices and branches.—(1) The Head Office of the Bank shall be at Karachi and may be shifted to such other place as the Central Government may direct.

(2) The Bank shall establish Regional Offices at Rawalpindi, Lahore, Sukkur, Sylhet, Dacca and Rajshahi and, with the approval of the Central Government, at such other places as it may deem necessary.

(3) The Bank may open branches at such places as it may deem necessary.

8. Direction and superintendence.—(1) The general direction and superintendence of the affairs and business of the Bank shall be entrusted to a Board of Directors, to be constituted in accordance with the provisions of section 9 and such Board may exercise all such powers and do all such acts and things as may be exercised or done by the Bank, subject to the provisions of this Ordinance.

(2) The Board in discharging its functions shall act on commercial considerations but with due regard to the interests of agriculture and cottage industries in rural areas and shall be guided on questions of credit and monetary policy by such directions as the State Bank may from time to time give.

(3) If there is a difference of opinion between the State Bank and the Bank as to whether a particular question is a question of credit and monetary policy, it shall be referred to the Central Government, whose decision thereon shall be final.

9. The Board.—The Board shall consist of the following Directors be appointed by the Central Government, namely:—

(i) the Chairman;

- (ii) two officers serving under the Central Government, of whom one shall be a representative of the Ministry of Finance and the other of the Ministry of Food and Agriculture ;
- (iii) one officer serving under the Government of East Pakistan, to be nominated by that Government ;
- (iv) one officer serving under the Government of West Pakistan, to be nominated by that Government ; and
- (v) two non-officials, one from East Pakistan and one from West Pakistan, to be nominated by the Central Government in consultation with the Provincial Government concerned ; and
- (vi) such other person or persons, if any, as the Central Government may consider necessary to give due representation to the co-operative societies and the members of the public holding shares of the Bank.

10. Chairman.—(1) The Chairman shall be appointed by the Central Government for a period not exceeding five years on such salary and terms and conditions of service as the Central Government may determine :

Provided that the salary and other terms and conditions of service of the Chairman shall not be varied to his disadvantage during his tenure of office.

(2) The Chairman shall be the chief executive officer and shall on behalf of the Board direct and control the whole affairs of the Bank subject to such rules as the Central Government may make.

(3) Except as otherwise directed by the Central Government, the Chairman shall devote his whole time to the affairs of the Bank.

11. Term of office of Directors.—(1) A Director appointed under clause (ii) or clause (iii) or clause (iv) of section 9 shall, unless earlier required to vacate by the Central Government or the Provincial Government, as the case may be, hold office as such so long as he continues to hold the office under Government held by him at the time of his appointment as Director.

(2) A Director appointed under clause (v) or clause (vi) of section 9 shall hold office for a period of three years and shall be eligible for re-appointment.

(3) In the event of a casual vacancy occurring in the office of a Director appointed under clause (v) or clause (vi) of section 9 a new Director shall be appointed, subject to the provisions of this Ordinance, for the remainder of the term of his predecessor.

12. Executive Committee.—(1) There shall be an Executive Committee consisting of the Chairman and three Directors, of whom at least one shall be a person belonging to East Pakistan and one to West Pakistan.

(2) The members of the Executive Committee, other than the Chairman, shall be elected by the Board.

(3) Subject to the rules made in this behalf the Executive Committee shall deal with any matter within the competence of the Board.

(4) The minutes of every meeting of the Executive Committee shall be laid before the Board at its meeting next following the meeting of the Committee.

13. Disqualifications for Directors.—No person shall be or shall continue to be a Director who,—

- (a) is a salaried official of the Bank, other than the Chairman ; or
- (b) is or has at any time been adjudicated an insolvent ; or
- (c) is found lunatic or becomes of unsound mind ; or
- (d) is or has at any time been convicted of an offence which in the opinion of the Central Government is an offence involving moral turpitude ; or
- (e) is for the time being disqualified for membership of an elective body under the Elective Bodies (Disqualification) Order, 1959 (*President's Order No. 13 of 1959*), or under any other law for the time being in force ; or
- (f) absents himself from three consecutive meetings of the Board or, if he is a member of the Executive Committee, from three consecutive meetings of the Committee, without leave of absence from the Chairman or, in the case of the Chairman, from the Central Government.

14. Meetings.—(1) No business of the Board or of the Executive Committee shall be transacted except at a meeting at which a quorum of four Directors in the case of the Board and three members in the case of the Executive Committee is present.

(2) The meetings of the Board and of the Executive Committee shall be held at such times and at such places as may be prescribed by regulations :

Provided that until rules are made in this behalf such meetings shall be convened by the Chairman.

(3) If a Director appointed under clause (ii) of sub-section (1) of section 9 is unable to attend, for unavoidable reasons, a meeting of the Board or of the Executive Committee, if any such Director is a member thereof, the Central Government may, by order in writing, appoint another person in his place for the purposes of such meeting.

(4) All meetings of the Board or of the Executive Committee shall be presided over by the Chairman and in his absence by a Director or member chosen for that purpose by the Directors or members present from amongst their number.

(5) At a meeting of the Board or of the Executive Committee, each Director or member of the Committee, as the case may be, shall have one vote, and in the event of equality of votes, the Chairman shall have a second or casting vote.

(6) No act or proceeding of the Board or the Executive Committee shall be invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board or the Executive Committee.

15. Fees, etc.—(1) The Directors, other than the Chairman, who are not serving under Government shall be paid such fees for attending the meetings of the Board and the Executive Committee as may be prescribed by rules.

(2) The Directors shall be reimbursed such travel costs and other expenses for attending the meetings of the Board and the Executive Committee as may be prescribed by rules.

(3) All fees, travel costs and other expenses under this section shall be payable by the Bank.

16. Regional Manager.—There shall be a Regional Manager for each Regional Office to be appointed in such manner and on such terms and conditions as may be prescribed by regulations.

17. Advisory Committees.—(1) An Advisory Committee shall be constituted by the Bank for each Regional Office, with the approval of the Central Government.

(2) Each Advisory Committee shall consist of the following members, namely :—

- (a) three officers serving under the Provincial Government concerned nominated by that Government ;
- (b) three non-officials representing the agricultural interests of the region ; and
- (c) the Regional Manager.

(3) The Regional Manager shall be the Chairman of the Advisory Committee.

(4) The Advisory Committee shall advise the Regional Manager on such matters as may be referred to it.

(5) The meetings of the Advisory Committee shall be convened by the Regional Manager at such times as he may deem necessary and shall be presided over by him.

(6) The members of the Advisory Committee shall be paid such fees and travel costs for attending the meetings as may be prescribed by rules.

(7) The members of the Advisory Committee shall hold office for two years.

18. Technical Advisory Committee.—The Bank may appoint a Committee of experts to be called the Technical Advisory Committee to give it technical advice on schemes submitted to the Bank for financial assistance or on any point that may be referred to the Committee by the Board.

CHAPTER IV

Business and Functions of the Bank

19. Business.—(1) The Bank shall provide credit in cash or in kind and credit facilities, including the hiring and renting of anything which it may advance by way of loan and the provision for warehousing facilities, for such term and subject to such conditions as may be prescribed by rules, to agriculturists for the purpose of agriculture and to persons engaged in cottage industries in rural areas for the purpose of such industries, and may carry on and transact the several kinds of business hereinafter specified, that is to say,—

- (a) the accepting of money on deposit ;
- (b) the borrowing of money for the purposes of the Bank business, against the security of its assets or otherwise ;

- (c) the issuing and selling of bonds and debentures ;
- (d) for the purpose of securing loans and advances made by the Bank, accepting pledge, mortgage, hypothecation or assignment to the Bank of any kind or movable or immovable property or unconditional bank guarantee of a scheduled bank or drawing, accepting, discounting, buying and selling or rediscounting bills of exchange and promissory notes bearing two or more good signatures, one of which shall be that of a scheduled bank or that of a co-operative bank, or other negotiable instruments :

Provided that where a loan not exceeding one thousand rupees in the aggregate is made to an individual agriculturist, it may be secured by a bond with one or more sureties as the Bank may deem necessary if such agriculturist makes an agreement with the Bank creating a charge on any of his specified property to secure the performance of the stipulations of the bond ;

- (e) the buying, stocking and supplying on credit, of seeds, agricultural machinery, implements and equipment, fertilizers and chemicals and materials used in agriculture and acting as agent for any organisation for the sale of such goods ;
- (f) the subscribing to the debentures, being debentures repayable within a period not exceeding ten years, of any body corporate concerned with agriculture or the financing of agriculture or the financing of cottage industries in rural areas ;
- (g) the custody of gold ornaments, jewels, securities, savings certificates, title deeds and other valuable articles and the collection of the proceeds, whether principal, interest or dividends, of any such securities or savings certificates ;
- (h) the administration of estates for any purpose whether as executor, trustee or otherwise ;
- (i) the paying, receiving, collecting and remitting of money and securities ;
- (j) the acquiring, maintaining and transferring of all movable and immovable property, including residential premises, for carrying on its business ;
- (k) the taking over of the business, including the capital, assets and liabilities, of any other bank or financial corporation, with the previous approval of the Central Government ;
- (l) the opening of accounts or the making of any agency arrangement with, and the acting as agent or correspondent of, any bank or financial corporation ;
- (m) the investing of its funds in Government securities as a purely temporary measure :

Provided that investment of fund exceeding twenty lakhs of rupees shall not be made except with the prior approval of the Central Government ;

- (n) the selling and realising of all property, whether movable or immovable, which may in any way come into the possession of the Bank in satisfaction or part satisfaction of any of its

claims, and the acquisition and the holding of, and generally the dealing with, any right, title or interest in any property, movable or immovable, which may be the Bank's security for any advance or loan or may be connected with any such security ;

- (o) generally the doing of all such acts and things as may be necessary, incidental or conducive to the attainment of the objects of the Bank.

(2) Notwithstanding anything in sub-section (1), any loan guaranteed by the Central Government or any Provincial Government may be made without any specific security.

(3) Notwithstanding anything contained in any law for the time being in force, it shall be lawful for any agriculturist or person engaged in cottage industries in rural areas to pledge, mortgage, hypothecate or assign any kind or quantity or movable or immovable property to the Bank, or otherwise to create a charge on any such property, in order to secure the repayment of the loan and the Bank shall, in accordance with the provisions of this Ordinance, be competent to deal with and recover its dues from any property so pledged, mortgaged, hypothecated or assigned :

Provided that no property so pledged, mortgaged, hypothecated, assigned or otherwise charged shall be sold or otherwise disposed of except by public auction and then only so much of it as is sufficient to recover the dues of the Bank, and the Bank shall not bid at such auction, except in cases where the bid is not sufficient to pay up the Bank's dues or there are no bidders.

(4) Notwithstanding anything contained in any other law for the time being in force, any charge created on any property to secure the repayment of the loan of the Bank or to secure the performance of the stipulations of any bond executed in favour of the Bank shall be enforceable against such property in the hands of any person to whom it may have been transferred including the person who has acquired the property for consideration and without notice of the charge.

(5) The Bank may make use of any agency prescribed by rules for watching the expenditure from its loans and making recoveries.

20. Research and training.—The Bank may undertake, if necessary in collaboration or consultation with official or non-official agencies—

- (a) any research on agricultural credit, marketing of agricultural products, agricultural and agricultural credit co-operative societies, cottage industries in rural areas, and other allied subjects, and the establishment of research institutions in that connection ; and
- (b) the provision of training facilities, including the establishing of training institutes, for the benefit of its personnel and that of co-operative societies and other bodies corporate which may have financial relations with the Bank.

21. Preference to small agriculturists.—In transacting the business of the Bank the Board shall, as far as possible, give preference to the credit needs of small agriculturists, including any such agriculturist who engages a crop-sharer.

22. Prohibited business.—(1) The Bank shall not undertake any kind of business other than that authorized by or under this Ordinance, and, in particular, it shall not—

- (a) make any advance or loan or open any credit upon the security of shares of the Bank, buy such shares or allow its shareholders to set off their debts or part of their debts to the Bank against such shares ;
- (b) discount or buy or advance or lend or open any credit on the security of any negotiable instrument payable in the town or at the place where it is presented for discount, which does not carry on it the several responsibilities of at least two persons unconnected with each other ;
- (c) purchase or subscribe to shares of any company or other body corporate or otherwise acquire any such share except in the course of the satisfaction of any of its claims ;
- (d) engage in trade or otherwise have a direct interest in any commercial, industrial or other undertaking, except such interest as it may in any way acquire in the course of the satisfaction of any of its claims.

(2) Any share or interest acquired under clause (c) or clause (d) of sub-section (1) shall be disposed of by the Bank as early as possible.

23. Application and use of loans, etc.—The Bank shall require, and, as far as possible, ensure, that a loan is spent on the purpose for which it is made, and if this requirement is not complied with by the borrower, the Bank may require the repayment of the loan forthwith.

24. Repayment of loans in full in certain circumstances.—Notwithstanding any agreement to the contrary, the Bank may by notice require any borrower forthwith to pay his debt to the Bank in full if—

- (a) he has failed to comply with any term of the agreement under which the relevant loan, advance or credit has been granted ;
- (b) the Bank reasonably apprehends that he is unable to pay his debt ;
- (c) in the opinion of the Bank false or misleading information on any material particular has been given in the application for the relevant loan, advance or credit or in any other statement or communication made in connection with any loan, advance or credit granted to him ;
- (d) the property mortgaged, hypothecated or assigned to the Bank as security for the advance, loan or credit is not kept in proper condition to the satisfaction of the Bank, or its value as estimated by the Bank has depreciated by more than twenty per cent., and further security to the satisfaction of the Bank is not given within the time specified by the Bank ;
- (e) without the permission of the Bank, any property pledged, mortgaged, hypothecated or assigned to the Bank is leased or rented to third parties or is in any way charged, disposed of or removed from the place where it was at the time the loan, advance, or credit was granted ;

- (f) for any other reason it is necessary in the opinion of the Bank to protect its interests.

25. Recovery of Bank dues.—(1) Where any agriculturist who is under liability to the Bank under agreement makes default in repayment or otherwise fails to comply with the terms of his agreement with the Bank, such default or failure not being due to natural calamity, the Bank may, subject to any rules made in this behalf, take over the management of the concern of the agriculturist and sell or realise any property pledged, mortgaged, hypothecated or assigned by the agriculturist to secure his liability to the Bank.

(2) All sums due to the Bank shall be recoverable as arrears of land revenue.

(3) In the application of the Bengal Public Demands Recovery Act, 1913, for the purpose of recovery of the dues of the Bank, the provision of section 9, 10 and 13 of that Act shall not apply and the certificate issued under section 6 of the said Act shall be conclusive proof that the amount specified therein is due to the Bank.

(4) Sums due from a co-operative society and recoverable under sub-section (1) may be recovered in accordance with the provisions of law for the time being in force relating to the recovery of such sums due from a co-operative society to Government.

CHAPTER V

Reserves, Profit, Audit and Returns

26. Reserves.—The Bank shall establish a fund to be called the General Reserve Fund and create from time to time such other reserves as the Central Government may direct.

27. Disposal of profit.—After making adequate provision for bad and doubtful debts, depreciation of assets and any other matters which are usually provided for by bankers, the net annual profit of the Bank shall be disposed of as follows, that is to say—

- (a) a percentage of the net profit to be determined every year by the Board shall be transferred to the General Reserve Fund, until the Fund is equal to the subscribed share capital of the Bank ;
- (b) the remaining net profit may be utilised for paying a dividend to the shareholders :

Provided that such dividend shall not exceed five per cent. *per annum* ;

- (c) if, after making the provision and declaring the dividend mentioned in the foregoing clauses of this section, there is a surplus left, this may be transferred to any other reserve which may be created.

28. Audit.—(1) The accounts of the Bank shall be audited by not less than two auditors holding certificates under section 144 of the Companies Act, 1913 (VII of 1913), who shall be appointed by the Central Government, one from East Pakistan and another from West Pakistan, in consultation with the Auditor-General, on such remuneration, to be paid by the Bank, as the Central Government may fix.

(2) The Auditor-General shall have the power to give directions to the auditors in regard to the extent and method of their audit subject to the provisions of the Companies Act, 1913 (*VII of 1913*), and to prescribe the forms of accounts to be maintained by the Bank consistent with the requirements of that Act.

(3) Notwithstanding the provisions of sub-sections (1) and (2), the Auditor-General, where the Central Government is required to make any payment to the Bank on account of a guarantee given by it, shall, and in other cases, either of his own motion or upon a request received in this behalf from the Central Government, may, undertake such audit of the accounts of the Bank at such time as may be considered necessary and the Bank shall, at the time of such audit produce the account books, registers and connected documents required and furnish such explanations and information as the Auditor-General or an officer or officers authorized by him in this behalf may ask for.

(4) Every auditor appointed under sub-section (1) shall be given a copy of the annual balance sheet of the Bank and shall examine it together with the accounts and vouchers relating thereto, and shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books of accounts and other documents of the Bank, and may in relation to such accounts examine any Director or officer of the Bank.

(5) The Central Government may at any time issue directions to the auditors requiring them to report to it upon the adequacy of measures taken by the Bank for the protection of the interests of its shareholders and creditors or upon the sufficiency of their procedure in auditing the affairs of the Bank, and may at any time enlarge or extend the scope of the audit or direct that a different procedure in audit be adopted or that any other examination be made by the auditors if in its opinion the public interest so requires.

(6) Any audit of the Bank shall be conducted at the office of the Bank where the books and documents to be audited are ordinarily kept.

(7) The auditors shall send as soon as possible to the Central Government and to the Board a report on the accounts of the Bank together with the annual balance sheet and the statement of profit, and loss, and in every such report shall state whether in their opinion the balance sheet is a full and fair balance sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the Bank's affairs, and in case they have called for any explanation or information from the Board or from any Director or officer of the Bank, whether it has been given and whether it is satisfactory.

29. Returns.—(1) Within four months of the close of each financial year, the Bank shall submit to the Central Government an audited statement in the form prescribed by rules of its assets and liabilities as they stood as the close of that year together with a profit and loss account for the year and a report on the working of the Bank during the year and the Central Government shall publish the said statement, account and report in the official Gazette.

(2) The Bank shall publish a statement in the official Gazette before the end of the month following that to which the statement relates, showing in the form prescribed by regulations its assets and liabilities as they stand at the close of business on the last Friday of each month, or if that day is a public holiday under the Negotiable Instruments Act, 1881

(XXVI of 1881), then as they stand at the close of business on the preceding working day.

(3) The Bank shall furnish to the Central Government such returns and statements concerning the affairs of the Bank as the Central Government may from time to time require.

CHAPTER VI

General and Miscellaneous

30. Appointment of officers and advisers.—The Bank may appoint or employ such persons including advisers as it considers necessary for the efficient performance of its operations on such terms and conditions as may be prescribed by regulations.

31. Indemnity of Directors, etc.—(1) Every Director or member of a Regional Advisory Committee shall be indemnified by the Bank against all losses and expenses incurred by him in the discharge of his duties except such as are caused by his own wilful act or default.

(2) A Director shall not be personally responsible for the acts of any other Director or of any employee of the Bank for any loss or expense resulting to the Bank by reason of the insufficiency or deficiency in value of or title to any property or security acquired or taken on behalf of the Bank or by the wrongful act of any person under a liability to the Bank or by anything done by him in good faith in the execution of the duties of his office.

32. Declaration of fidelity and secrecy.—(1) Every Director, member of a Regional Advisory Committee, auditor or employee of the Bank shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule to this Ordinance.

(2) Whoever contravenes his declaration of fidelity and secrecy shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

33. Disclosure of information, etc.—(1) No information given by a person applying to the Bank for financial assistance, or based on data furnished by such person, shall be disclosed or used for a purpose not connected with the discharge of his duties by any Director, or member of a Regional Advisory Committee or of any Committee or by any employee of the Bank.

(2) Whoever contravenes any of the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

34. False information.—Whoever in any application for obtaining a loan, advance or credit or in any balance sheet, statement of profit and loss, declaration or any other document submitted to the Bank in respect of any financial aid sought or granted under this Ordinance, wilfully makes a false statement or knowingly permits any false statement to be made or to remain, or uses or permits to be used any loan, advance, or credit for any purpose other than that for which it is granted by the Bank

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

35. Unauthorized use of Bank's name.—Whoever without the consent in writing of the Bank uses its name in any prospectus or advertisement shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

36. Cognizance of offences.—No court shall take cognizance of any offence punishable under this Ordinance otherwise than on a complaint in writing signed by an officer of the Bank authorized in this behalf.

37. Liquidation.—No provision of law relating to the winding up of banking companies shall apply to the Bank and the Bank shall not be wound up save by order in writing of the Central Government and in such manner as the Central Government may direct.

38. Rules.—(1) The Central Government may make rules for carrying out the purposes of this Ordinance and where the regulations framed under the succeeding section are inconsistent with the rules framed under this section, the rules shall prevail.

(2) Without prejudice to the provision of sub-section (1), such rules may provide for—

- (a) the manner in which and the conditions subject to which the shares of the Bank may be held and transferred, and generally all matters relating to the rights and duties of the shareholders ;
- (b) the duties and powers of the Chairman ;
- (c) the manner, conditions and terms of issue and redemption of bonds and debentures ;
- (d) the conditions subject to which advances, loans and credits may be granted to—
 - (i) the Directors ;
 - (ii) the Members of Regional Advisory Committees and the Technical Advisory Committee ;
 - (iii) the employees of the Bank ;
 - (iv) the relatives of the persons mentioned in this clause ;
 - (v) the individuals, co-operative societies and other bodies corporate with whom these persons or their relatives are connected as partners, directors, managers, servants, shareholders or otherwise.

39. Regulations.—(1) The Board may make regulations not inconsistent with this Ordinance or the rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance and the efficient conduct of the affairs of the Bank.

(2) Without prejudice to the generality of the provision of sub-section (1), the regulations may provide for—

- (a) the matters on which the Regional Advisory Committees may advise the Regional Managers ;

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- (b) the conduct of business at the meetings of the Board and of the Executive Committee or of any other Committee or Sub-Committee ;
- (c) the procedure for the recovery of loans and other dues of the Bank ;
- (d) the disclosure of interest, direct or indirect, of a Director in any application for loan ;
- (e) the recruitment of the employees of the Bank, the terms and conditions of their service, the constitution and management of Provident Funds for the employees of the Bank and all other matters connected with any of these things ;
- (f) the duties and conduct of employees and agents ;
- (g) the forms of returns and statements ;
- (h) preparation of annual estimates of income and expenditure of the Bank and their submission to the Board and the Central Government.

40. Publication of rules, etc.—All rules and regulations made under this Ordinance shall be published in the official Gazette.

41. Repeals, etc.—(1) Upon the establishment of the Bank under subsection (1) of section 3, the Agricultural Development Finance Corporation Act, 1952 (XVII of 1952), and the Agricultural Bank Act, 1957 (XXIII of 1957), hereinafter referred to as the said Acts, shall stand repealed.

(2) Upon the repeal of the said Act—

- (a) the entire undertakings of the Corporation and the Agricultural Bank including all assets, rights, powers, authorities and privileges, and all property, movable and immovable, cash and bank balances, reserve funds, investments and all other interests and rights in, or arising out of, such property, and all debts, liabilities and obligations of whatever kind of the Corporation or the Agricultural Bank subsisting immediately before the repeal of the said Act shall stand transferred and vest in the Bank ;
- (b) subscription to the authorized capital of the Corporation and for the shares of the Agricultural Bank shall stand transferred to the Bank and be deemed to be subscriptions for shares in the Bank ;
- (c) subject as hereinafter provide, every appointment, order, rule and regulation made or issued under any of the said Acts and in force immediately before the repeal of the said Acts shall, so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been made or issued under this Ordinance as if this Ordinance were in force at the time at which such appointment, order, rule or regulation were made or issued ;
- (d) notwithstanding anything contained in any contract or agreement or in the conditions of service, the officers and other employees of the Corporation and the Agricultural Bank shall stand transferred to the Bank and the Bank shall appoint such officers and employees, as nearly as may be, to the posts in the Bank corresponding to those they held in the Corporation or in the Agricultural Bank or to such other posts as will not

- adversely affect such officers and employees in the matters of pay and other emoluments, privileges and advantages ;
- (e) all debts and obligations incurred or contracts entered into or rights acquired and all matters and things engaged to be done by, with or for, the Corporation or the Agricultural Bank before the repeal of the said Acts, shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for, the Bank ;
 - (f) all suits and other legal proceedings instituted by or against the Corporation or the Agricultural Bank before the repeal of the said Acts may be continued by or against the Bank ;
 - (g) any reference to the Corporation or the Agricultural Bank in any law, other than the said Acts and this Ordinance, or in any order, rule or notification or in any contract or other instrument shall, except as otherwise provided in any general or special order made by the Central Government or a Provincial Government, be construed as a reference to the Bank ;
 - (h) no officer or other employee of the Corporation or the Agricultural Bank whose services are by this Ordinance transferred to the Bank shall, notwithstanding anything contained in any law for the time being in force, be entitled to any compensation because of such transfer.

THE SCHEDULE

(See section 32)

DECLARATION OF FIDELITY AND SECRECY

I,....., hereby declare that I will faithfully, truly and to the best of my judgement, skill and ability, execute and perform the duties required of me as a Director|a member of a Regional Advisory Committee|auditor|employee (as the case may be) of the Agricultural Development Bank of Pakistan and which properly relate to any office or position in the said Bank held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs and business of the Bank nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Bank and relating to the business of the Bank.

Signature.....

Signed before me.

Signature.....

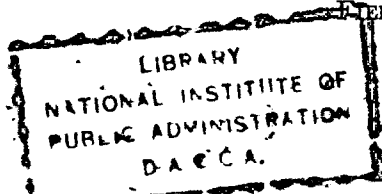
Signature.....

Date.....

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,

President.



THE STATE BANK OF PAKISTAN (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. V OF 1961

[17th February, 1961]

An Ordinance further to amend the State Bank of Pakistan Act, 1956

WHEREAS it is expedient further to amend the State Bank of Pakistan Act, 1956 (XXXIII of 1956), for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the State Bank of Pakistan (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 17, Act XXXIII of 1956.—In the State Bank of Pakistan Act, 1956 (XXXIII of 1956), hereinafter referred to as the said Act, in section 17,—

(1) in sub-section (4), for the words “Local Authorities or scheduled banks”, the words “Local Authorities, scheduled banks or co-operative banks” shall be substituted; and

(2) after sub-section (4), the following new sub-section (4A) shall be inserted, namely:—

“(4A) The making of loans and advances out of the Rural Credit Fund established under section 17A for the purposes specified therein;”.

3. Insertion of new section 17A, Act XXXIII of 1956.—In the said Act, after section 17, the following new section 17A shall be inserted, namely:—

“17-A. *Rural Credit Fund.*—(1) The Bank shall establish and maintain a Fund to be called the Rural Credit Fund to which shall be credited—

(a) an initial sum of one crore of rupees to be subscribed by the Bank, and

(b) appropriations of such amount from the surplus profits of the Bank as may be determined by the Bank in consultation with the Central Government.

(2) The Rural Credit Fund shall be applied by the Bank to the following objects, namely:—

(a) The making of medium-term loans and advances to co-operative banks, repayable on the expiry of a fixed period,

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D.A.E.C.A.

- not exceeding three years from the date of the making thereof, against such security as the Bank may, from time to time, prescribe in this behalf;
- (b) The making of medium-term and long-term loans and advances to rural credit agencies created or established by or under any law for the time being in force on such terms and conditions as the Bank may, from time to time, prescribe in this behalf;
- (c) Where the Bank is satisfied that any co-operative bank to which a loan or advance as is referred to in sub-section (4) of section 17 has been made is unable to repay the same in time, the converting of such loan or advance into a medium-term loan or advance, as the case may be, in accordance with the provisions of clause (a). ”.

MOHAMMAD AYUB KHAN, H. Pk., H. J.,
 FIELD-MARSHAL,
President.

**THE DISPLACED PERSONS (LAND SETTLEMENT)
(AMENDMENT) ORDINANCE, 1961.**

ORDINANCE NO. VI OF 1961

[23rd February, 1961.]

**An Ordinance to amend the Displaced Persons (Land Settlement)
Act, 1958.**

WHEREAS it is expedient to amend the Displaced Persons (Land Settlement) Act, 1958 (*XLVII of 1958*), for the purpose hereinafter appearing ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Displaced Persons (Land Settlement) (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 12, Act XLVII of 1958.—In the Displaced Persons (Land Settlement) Act, 1958 (*XLVII of 1958*), in section 12, for clause (b) the following shall be substituted, namely :—

“(b) by sale of land, whether by means of auction or otherwise ; or”.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President.

Price : Ps. 6

THE PUBLIC DEBT (CENTRAL GOVERNMENT) (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. VII OF 1961

[3rd March, 1961]

WHEREAS it is expedient further to amend the Public Debt (Central Government) Act, 1944 (XVIII of 1944), for the purposes hereinafter appearing ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Public Debt (Central Government) (Amendment) Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Amendment of long title and preamble, Act XVIII of 1944.—In the Public Debt (Central Government) Act, 1944 (XVIII of 1944), hereinafter referred to as the said Act, in the long title and preamble,—

(i) the words “issued by the Central Government”,

(ii) the words “by the Reserve Bank of India”, and

(iii) the words “of the Central Government” shall be omitted.

3. Amendment of section 1, Act XVIII of 1944.—In the said Act, in section 1, in sub-section (1), the words and brackets “(Central Government)” shall be omitted.

4. Amendment of section 2, Act XVIII of 1944.—In the said Act, in section 2,—

(a) after clause (1), the following clause shall be inserted, namely :—

“(1A) “Government”, in relation to Government security, means the Central or Provincial Government by whom the security is created and issued ;” ; and

(b) in clause (2), for the words “the Central Government” occurring twice, the word “Government” shall in both places be substituted.

Price : Ps. 6

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5. Amendment of section 3, Act XVIII of 1944.—In the said Act, in section 3, in sub-section (1),—

(a) for the words “made after the commencement of this Act” the following shall be substituted, namely:—

“which, in the case of a security issued by the Central Government is made after the thirtieth day of April, 1946, and in the case of a security issued by a Provincial Government, is made after the commencement of the Public Debt ((Central Government) (Amendment) Ordinance, 1961 ”; and

(b) in clause (b), for the words “Central Government” the word “Government” shall be substituted.

6. Substitution of “Government” for “the Central Government” in certain sections of Act XVIII of 1944.—In the said Act, in sub-section (1) of section 5, in section 6, in sub-section (3) of section 11, and in section 13, for the words “the Central Government”, wherever occurring, the word “Government” shall in all places be substituted.

7. Amendment of section 17, Act XVIII of 1944.—In the said Act, in section 17, for the words “the official Gazette.” the words “the Gazette of Pakistan or the official gazette of a Province, according as the notice relates to a security issued by the Central Government or a Provincial Government” shall be substituted.

8. Amendment of section 19, Act XVIII of 1944.—In the said Act, in section 19, for the words “the Central Government” the word “Government” shall be substituted.

9. Amendment of section 23, Act XVIII of 1944.—In the said Act, in section 23, for the words “the Central Government” and the words “the Central Government” the word “Government” shall in both places be substituted.

10. Substitution of “Government” for “the Central Government” in certain other sections of Act XVIII of 1944.—In the said Act, in section 24, in section 25, and in clause (k) of sub-section (2) of section 28, for the words “the Central Government” the word “Government” shall be substituted.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,

President.

THE MUSLIM FAMILY LAWS ORDINANCE, 1961

ORDINANCE NO. VIII OF 1961

[2nd March, 1961]

An Ordinance to give effect to certain recommendations of the Commission on Marriage and Family Laws.

WHEREAS it is expedient to give effect to certain recommendations of the Commission on Marriage and Family Laws ;

NOW THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent, application and commencement.—(1) This Ordinance may be called the Muslim Family Laws Ordinance, 1961.

(2) It extends to the whole of Pakistan, and applies to all Muslim citizens of Pakistan, wherever they may be.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “ Arbitration Council ” means a body consisting of the Chairman of the Union Council and a representative of each of the parties to a matter dealt with in this Ordinance ;

(b) “ Chairman ” means the Chairman of the Union Council or a person appointed by the Central Government to discharge the functions of a Chairman under this Ordinance ;

(c) “ prescribed ” means prescribed by rules made under section 11 ;

(d) “ Union Council ” means the Union Council or the Town or Union Committee constituted under the Basic Democracies Order, 1959 (P. O. No. 18 of 1959), and having jurisdiction in the area concerned ;

(e) “ Ward ” means a ward within a Union or Town as defined in the aforesaid Order.

3. Ordinance to override other laws, etc.—(1) The provisions of this Ordinance shall have effect notwithstanding any law, custom or usage, and the registration of Muslim marriages shall take place only in accordance with those provisions.

(2) For the removal of doubt, it is hereby declared that the provisions of the Arbitration Act, 1940 (*X of 1940*), the Code of Civil Procedure, 1908 (*Act V of 1908*), and any other law regulating the procedure of courts shall not apply to any Arbitration Council.

4. Succession.—In the event of the death of any son or daughter of the *propositus* before the opening of succession, the children of such son or daughter, if any, living at the time the succession opens, shall *per stirpes* receive a share equivalent to the share which such son or daughter, as the case may be, would have received if alive.

5. Registration of marriages.—(1) Every marriage solemnized under Muslim Law shall be registered in accordance with the provisions of this Ordinance.

(2) For the purpose of registration of marriages under this Ordinance, the Union Council shall grant licences to one or more persons, to be called Nikah Registrars, but in no case shall more than one Nikah Registrar be licensed for any one Ward.

(3) Every marriage not solemnized by the Nikah Registrar shall, for the purpose of registration under this Ordinance, be reported to him by the person who has solemnized such marriage.

(4) Whoever contravenes the provisions of sub-section (3) shall be punishable with simple imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(5) The form of *nikah nama*, the registers to be maintained by Nikah Registrars, the records to be preserved by Union Councils, the manner in which marriages shall be registered and copies of *nikah nama* shall be supplied to the parties, and the fees to be charged therefor, shall be such as may be prescribed.

(6) Any person may, on payment of the prescribed fee, if any, inspect at the office of the Union Council the record preserved under sub-section (5), or obtain a copy of any entry therein.

6. Polygamy.—(1) No man, during the subsistence of an existing marriage, shall, except with the previous permission in writing of the Arbitration Council, contract another marriage, nor shall any such marriage contracted without such permission be registered under this Ordinance.

(2) An application for permission under sub-section (1) shall be submitted to the Chairman in the prescribed manner, together with the prescribed fee, and shall state the reasons for the proposed marriage, and whether the consent of the existing wife or wives has been obtained thereto.

(3) On receipt of the application under sub-section (2), the Chairman shall ask the applicant and his existing wife or wives each to nominate a representative, and the Arbitration Council so constituted may, if satisfied that the proposed marriage is necessary and just, grant, subject to such conditions, if any, as may be deemed fit, the permission applied for.

(4) In deciding the application the Arbitration Council shall record its reasons for the decision, and any party may, in the prescribed manner, within the prescribed period, and on payment of the prescribed fee, prefer an application for revision, in the case of West Pakistan, to the Collector and, in the case of East Pakistan, to the Sub-Divisional Officer concerned and his decision shall be final and shall not be called in question in any court.

(5) Any man who contracts another marriage without the permission of the Arbitration Council shall—

- (a) pay immediately the entire amount of the dower, whether prompt or deferred, due to the existing wife or wives, which amount, if not so paid, shall be recoverable as arrears of land revenue ; and
- (b) on conviction upon complaint be punishable with simple imprisonment which may extend to one year, or with fine which may extend to five thousand rupees, or with both.

7. Talaq.—(1) Any man who wishes to divorce his wife shall, as soon as may be after the pronouncement of *talaq* in any form whatsoever, give the Chairman notice in writing of his having done so, and shall supply a copy thereof to the wife.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees or with both.

(3) Save as provided in sub-section (5), a *talaq* unless revoked earlier, expressly or otherwise, shall not be effective until the expiration of ninety days from the day on which notice under sub-section (1) is delivered to the Chairman.

(4) Within thirty days of the receipt of notice under sub-section (1), the Chairman shall constitute an Arbitration Council for the purpose of bringing about a reconciliation between the parties, and the Arbitration Council shall take all steps necessary to bring about such reconciliation.

(5) If the wife be pregnant at the time *talaq* is pronounced, *talaq* shall not be effective until the period mentioned in sub-section (2) or the pregnancy, whichever be later, ends.

(6) Nothing shall debar a wife whose marriage has been terminated by *talaq* effective under this section from re-marrying the same husband, without an intervening marriage with a third person, unless such termination is for the third time so effective.

8. Dissolution of marriage otherwise than by talaq.—Where the right to divorce has been duly delegated to the wife and she wishes to exercise that right, or where any of the parties to a marriage wishes to dissolve the marriage otherwise than by *talaq*, the provisions of section 7 shall, *mutatis mutandis* and so far as applicable, apply.

9. Maintenance.—(1) If any husband fails to maintain his wife adequately, or where there are more wives than one, fails to maintain them equitably, the wife, or all or any of the wives, may in addition to seeking,

any other legal remedy available apply to the Chairman who shall constitute an Arbitration Council to determine the matter, and the Arbitration Council may issue a certificate specifying the amount which shall be paid as maintenance by the husband.

(2) A husband or wife may, in the prescribed manner, within the prescribed period, and on payment of the prescribed fee, prefer an application for revision of the certificate, in the case of West Pakistan, to the Collector and, in the case of East Pakistan, to the Sub-Divisional Officer concerned and his decision shall be final and shall not be called in question in any court.

(3) Any amount payable under sub-section (1) or (2), if not paid in due time, shall be recoverable as arrears of land revenue.

10. Dower.—Where no details about the mode of payment of dower are specified in the *nikah nama*, or the marriage contract, the entire amount of the dower shall be presumed to be payable on demand.

11. Power to make rules.—(1) The Provincial Government may make rules to carry into effect the purposes of this Ordinance.

(2) In making rules under this section, the Provincial Government may provide that a breach of any of the rules shall be punishable with simple imprisonment which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(3) Rules made under this section shall be published in the official Gazette, and shall thereupon have effect as if enacted in this Ordinance.

12. Amendment of Child Marriage Restraint Act, 1929 (XIX of 1929).—In the Child Marriage Restraint Act, 1929 (XIX of 1929),—

(1) in section 2,—

(a) in clause (a), for the word “fourteen” the word “sixteen” shall be substituted;

(b) in clause (c), the word “and” shall be omitted; and

(c) in clause (d), for the full stop at the end a comma shall be substituted, and thereafter the following new clause (e) shall be added, namely :—

“(e) “Union Council” means the Union Council or the Town or Union Committee constituted under the Basic Democracies Order, 1959 (P. O. No. 18 of 1959), within whose jurisdiction a child marriage is or is about to be solemnized.”;

(2) section 3 shall be omitted;

(3) in section 4, for the words “twenty-one” the word “eighteen” shall be substituted;

(4) in section 9, after the words “under this Act”, the words “except on a complaint made by the Union Council, or if there is no Union Council in the area, by such authority as the Provincial Government may in this behalf prescribe, and such cognizance shall in no case be taken” shall be inserted; and

(5) section 11 shall be omitted.

13. Amendment of the Dissolution of Muslim Marriages Act, 1939 VIII of 1939).—In the Dissolution of Muslim Marriages Act, 1939 (*VIII of 1939*), in section 2,—

(a) after clause (ii), the following new clause (iia) shall be inserted, namely :—

“ (iia) that the husband has taken an additional wife in contravention of the provisions of the Muslim Family Laws Ordinance, 1961 ; ” ; and

(b) in clause (vii), for the word “ fifteen ” the word “ sixteen ” shall be substituted.

MOHAMMAD AYUB KHAN, H. PK., H.J.,
FIELD-MARSHAL,
President.

THE CIVIL PROCEDURE AND LIMITATION (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. IX OF 1961

[6th March, 1961]

An Ordinance further to amend the Code of Civil Procedure, 1908 (Act V of 1908) and the Limitation Act, 1908 (IX of 1908).

WHEREAS it is expedient further to amend the Code of Civil Procedure, 1908 (*Act V of 1908*), and the Limitation Act, 1908 (*IX of 1908*), for the purposes hereinafter appearing ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Civil Procedure and Limitation (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of Order XXXVII, Act V of 1908.—In the Code of Civil Procedure, 1908 (*Act V of 1908*), in the First Schedule—

(a) for rule 1 of Order XXXVII the following shall be substituted, namely :—

“ 1. This Order shall apply only to the High Court and to the District Court ” ; and

(b) in Order XXXIX, for rule 3 the following shall be substituted, namely :—

“ 3. The Court shall in all cases, before granting an injunction, direct notice of the application for the same to be given to the opposite party :

Provided that, except in the case of sale of goods for default in payment, at the stipulated time, of a debt in respect of which the goods were pledged with any bank, the Court may, where it appears that the object of granting injunction would be defeated by the delay, dispense with such notice.”

3. Amendment of First Schedule, Act IX of 1908.—In the Limitation Act, 1908 (*IX of 1908*), in the First Schedule—

(a) in Article 5, in the first column, the words and figures “ and under Order XXXVII of the said Code ” shall be omitted ; and

(b) after Article 64, the following new Article 64A shall be inserted, namely :—

64A. Under Order	Three	When the debt
XXXVII of the	years.	becomes payable.”.
Code of Civil		
Procedure.		

MOHAMMAD AYUB KHAN, H.Pk., H.J.,
 FIELD-MARSHAL,
President.

THE CHARTERED ACCOUNTANTS ORDINANCE, 1961

ORDINANCE NO. X OF 1961

[10th March, 1961]

An Ordinance to make provision for the regulation of the profession of accountants.

WHEREAS it is expedient to make provision for the regulation of the profession of accountants and for that purpose to establish an Institute of Chartered Accountants ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf the President is pleased to make and promulgate the following Ordinance :—

CHAPTER I.—PRELIMINARY

1. Short title, extent and commencement.—(1) This Ordinance may be called the Chartered Accountants Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Definitions.—(1) In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “associate” means an associate member of the Institute ;
- (b) “chartered accountant” means a person who is a member of the Institute ;
- (c) “Council” means the Council of the Institute ;
- (d) “Institute” means the Institute of Chartered Accountants of Pakistan constituted under this Ordinance ;
- (e) “prescribed” means prescribed by the bye-laws of the Institute ;
- (f) “Register” means the Register of the Members of the Institute maintained under this Ordinance ;
- (g) “registered accountant” means any person who has been enrolled on the Register of Accountants maintained by the Central Government under the Auditors’ Certificates Rules, 1950 ;
- (h) “year” means the period commencing on the first day of July of any year and ending on the thirtieth day of June of the succeeding year.

(2) A member of the Institute shall be deemed “to be in practice”, when individually or in partnership with chartered accountants in practice, he, in consideration of remuneration received or to be received,—

- (i) engages himself in the practice of accountancy, or
- (ii) offers to perform or performs services involving the auditing, or verification of financial transactions, books, accounts, or records

or the preparation, verification or certification of financial accounting and related statements or holds himself out to the public as an accountant ; or

- (iii) renders professional services or assistance in or about matters of principle or detail relating to accounting procedure or the recording, presentation or certification of financial facts or data ; or
- (iv) renders such other services as, in the opinion of the Council, are or may be rendered by a chartered accountant in practice ; and the words " to be in practice " with their grammatical variations and cognate expressions shall be construed accordingly.

Explanation.—An associate or a fellow of the Institute who is a salaried employee of a chartered accountant in practice or a firm of such chartered accountants shall, notwithstanding such employment, be deemed to be in practice for the limited purpose of the training of articled clerks.

CHAPTER II.—THE INSTITUTE OF CHARTERED ACCOUNTANTS OF PAKISTAN.

3. Incorporation of the Institute.—(1) All persons whose names are entered in the Register at the commencement of this Ordinance and all persons who may hereafter have their names entered in the Register under the provisions of this Ordinance, so long as they continue to have their names borne on the said Register, are hereby constituted a body corporate by the name of the Institute of Chartered Accountants of Pakistan, and all such persons shall be known as members of the Institute.

(2) The Institute shall have perpetual succession and a common seal and shall have power to acquire, hold and dispose of property, both movable and immovable, and shall by its name sue and be sued.

4. Entry of names in Register.—(1) Any of the following persons shall be entitled to have his name entered in the Register, namely,—

- (i) any person who is a registered accountant at the commencement of this Ordinance ;
- (ii) any person who has passed such examination and completed such training as may be prescribed ;
- (iii) any person who has passed such other examination and completed such other training outside Pakistan as is recognised by the Central Government or the Council with the approval of the Central Government as being equivalent to the examination and training prescribed for members of the Institute :

Provided that in the case of any person who is not permanently residing in Pakistan, the Central Government or the Council, with the approval of the Central Government, as the case may be, may impose such further conditions as it may deem fit ;

- (iv) any person domiciled in Pakistan, who at the commencement of this Ordinance is studying for any foreign examination and is at the same time undergoing training, whether within or without Pakistan, or, who, having passed such foreign examination, is at the commencement of this Ordinance undergoing training whether within or without Pakistan :

Provided that any such examination or training was recognised before the commencement of this Ordinance for the purpose of conferring the

right to be registered as an accountant under the Auditors' Certificates Rules, 1950, and provided further that such person passes the examination or completes the training.

(2) The name of every person belonging to the class mentioned in clause (i) of sub-section (1) shall be entered in the Register without the payment of any entrance fee or any application being made in that behalf and shall, for the purpose of sub-section (1) of section 3, be deemed to have been so entered at the commencement of this Ordinance.

(3) Every person belonging to any of the classes mentioned in clauses (ii), (iii) and (iv) of sub-section (1) shall have his name entered in the Register on application being made and granted in the prescribed manner and on payment of the prescribed fee, which shall not exceed rupees five hundred in any case.

(4) The Central Government shall take such steps as may be necessary for the purpose of having the names of all persons belonging to the class mentioned in clause (i) of sub-section (1) entered in the Register.

5. Associates and Fellows.—(1) The members of the Institute shall be of two classes designated respectively as associates and fellows.

(2) Every person shall, on his name being entered in the Register, become an associate member of the Institute and be entitled to use the letters A.C.A. after his name to indicate that he is an associate member of the Institute of Chartered Accountants.

(3) A member, being an associate who has been in continuous practice in Pakistan for at least five years, whether before or after the commencement of this Ordinance, or whether partly before and partly after the commencement of this Ordinance, and a member who has been a registered accountant or an associate for a continuous period of not less than ten years whether before or after the commencement of this Ordinance or whether partly before and partly after the commencement of this Ordinance shall, on payment of the prescribed entrance fee, which shall not exceed rupees five hundred in any case, and on an application made and granted in the prescribed manner, have his name entered in the Register as a fellow of the Institute and shall be entitled to use the letters F.C.A. after his name to indicate that he is a fellow of the Institute of Chartered Accountants.

Explanation.—For the purpose of this sub-section two years as a non-practising registered accountant or as a non-practising associate shall be counted as one year of practice of such registered accountant or associate.

6. Certificate of practice.—(1) No member of the Institute shall be entitled to practise as an auditor of a public company as defined in the Companies Act, 1913 (VII of 1913), unless he has obtained from the Council a certificate of practice :

Provided that nothing contained in this sub-section shall apply to any person who, immediately before the commencement of this Ordinance, has been in practice as a registered accountant until one month has elapsed from the date of the first meeting of the Council.

(2) Every such member shall pay such annual fee for his certificate as may be prescribed, and such fee shall be due on the first day of July in each year.

7. Members to be known as Chartered Accountants.—Every member of the Institute in practice shall, and any other member may, use the

designation of a Chartered Accountant and no member using such designation shall use any other designation, whether in addition thereto or in substitution therefor :

Provided that nothing contained in this section shall be deemed to prohibit any such person from adding any other description or designatory letters to his name, if entitled thereto, to indicate membership of such other institute of accountancy, whether in Pakistan or elsewhere as may be recognised in this behalf by the Council, or any other qualification that he may possess, or to prohibit a firm, all the partners of which are members of the Institute and in practice, from being known by its firm name as Chartered Accountants.

8. Disabilities.—Notwithstanding anything contained in section 4, a person shall not be entitled to have his name entered in or borne on the Register if he—

- (i) has not attained the age of twenty-one years at the time of his application for the entry of his name in the Register ; or
- (ii) is of unsound mind and stands so adjudged by a competent Court ; or
- (iii) is an undischarged insolvent ; or
- (iv) having been discharged of insolvency, has not obtained from the Court a certificate stating that his insolvency was caused by misfortune without any misconduct on his part ; or
- (v) has been convicted by a competent Court, whether within or without Pakistan, of an offence involving moral turpitude and punishable with transportation or imprisonment or of an offence, not of a technical nature, committed by him in his professional capacity unless in respect of the offence committed he has either been granted a pardon or, on an application made by him in this behalf, the Central Government has, by an order in writing, removed the disability ; or
- (vi) has been removed from the membership of the Institute on being found on inquiry to have been guilty of such professional ~~or other misconduct, as may be prescribed :~~ — — — —

Provided that a person who has been removed from the membership of the Institute for a specified period, shall be entitled to have his name entered in the Register after the expiry of such period.

CHAPTER III.—COUNCIL OF THE INSTITUTE

9. Constitution of the Council of the Institute.—(1) There shall be a Council of the Institute for the management of the affairs of the Institute and for discharging the functions assigned to it under this Ordinance.

(2) The Council shall be composed of the following persons, namely,—

- (a) the prescribed number of persons, not being less than six, elected from the three regional constituencies to be specified by the Central Government, by notification in the official Gazette, by the members of the Institute belonging to such constituencies from among such members of at least three years' standing, the number of members to be elected from a constituency being such as may be fixed therefor by the Central Government ; and

- (b) not less than seven persons nominated by the Central Government, of whom not less than three shall be qualified accountants representing each of the said regional constituencies.

Explanation.—In computing the period of a person's standing with the Institute for purposes of clause (a), the period for which he has been a registered accountant before the commencement of this Ordinance shall be reckoned as period of membership of the Institute.

(3) Notwithstanding anything contained in sub-section (2), all the members of the first Council to be constituted under this Ordinance shall be nominated by the Central Government.

10. Mode of election to the Council.—(1) Elections under clause (a) of sub-section (2) of section 9 shall be conducted in the prescribed manner.

(2) Where any dispute arises regarding any such election, the matter shall be referred by the Council to a Tribunal appointed by the Central Government in this behalf and the decision of such Tribunal shall be final :

Provided that no such reference shall be made except on an application made to the Council by an aggrieved party, within thirty days from the date of the declaration of the result of the election.

(3) The expenses of the Tribunal shall be borne by the Institute.

• **11. Nomination in default of election.**—If any body of persons referred to in section 9 fails to elect any of the members of the Council which it is empowered under that section to elect, the Central Government may nominate a person duly qualified to fill the vacancy, and any person so nominated shall be deemed to be a member of the Council as if he had been duly elected.

12. President and Vice-President or Vice-Presidents.—(1) The Council shall elect from among its members a President and one or, if the Council so decides, two Vice-Presidents of the Institute, who shall also be the President and Vice-President or Vice-Presidents of the Council respectively and so often as the office or offices of the President or the Vice-President or Vice-Presidents becomes vacant, the Council shall choose from among its members a President or a Vice-President or Vice-Presidents, as the case may be :

Provided that on the first constitution of the Council, members of the Council nominated in this behalf by the Central Government shall discharge the functions of the President and the Vice-President for the term of the first Council.

(2) The President shall be the chief executive authority of the Council.

(3) The President and the Vice-President or Vice-Presidents shall hold office for a period of one year from the date on which they are chosen but so as not to extend beyond their term of office as members of the Council, and, subject to their being members of the Council at the relevant time, they shall be eligible for re-election for a total period not exceeding three consecutive years.

(4) On the dissolution of the Council, the President of the Council at the time of such dissolution shall continue to hold office and discharge such administrative and other duties as may be prescribed until such time

as a new President shall have been elected and shall have taken over charge of his duties.

13. Resignation of membership and casual vacancies.—(1) Any member of the Council may at any time resign his membership by writing under his hand addressed to the President and the seat of such member shall become vacant when such resignation is notified in the official Gazette.

(2) A member of the Council shall be deemed to have vacated his seat if he is declared by the Council to have been absent without sufficient excuse from three consecutive meetings of the Council, or if his name is, for any cause, removed from the Register under the provisions of section 19.

(3) A casual vacancy in the Council shall be filled by fresh election from the constituency concerned or by nomination by the Central Government, as the case may be, and the person elected or nominated to fill the vacancy shall hold office until the dissolution of the Council :

Provided that no election shall be held to fill a casual vacancy occurring within six months prior to the date of the expiry of the duration of the Council, but such a vacancy may be filled by nomination by the Central Government after consultation with the President of the Council.

(4) No act done by the Council shall be called in question on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Council.

14. Duration and dissolution of Council.—(1) The duration of the Council constituted under this Ordinance shall be three years from the date of the first meeting of the Council on the expiry of which it shall stand dissolved and a new Council constituted in accordance with the provisions of this Ordinance.

(2) Notwithstanding the expiry of the duration of the Council it shall continue to function until a new Council is constituted in accordance with the provisions of this Ordinance, and upon such constitution, the Council so functioning shall stand dissolved.

15. Functions of the Council.—(1) The duty of carrying out the provisions of this Ordinance shall be vested in the Council.

(2) In particular, and without prejudice to the generality of the foregoing provision, the duties of the Council shall include—

- (a) the examination of candidates for enrolment and the prescribing of fees therefor ;
- (b) the regulation of the engagement and training of articled and audit clerks ;
- (c) the prescribing of qualifications for entry in the Register ;
- (d) the recognition of foreign qualifications and training for purposes of enrolment ;
- (e) the granting or refusal of certificates of practice under this Ordinance ;
- (f) the maintenance and publication of a Register of persons qualified to practise as chartered accountants ;
- (g) the levy and collection of fees from members, examinees and other persons ;

- (h) the removal of names from the Register and the restoration to the Register of names which have been removed ;
- (i) the regulation and maintenance of the status and standard of professional qualifications of the members of the Institute ;
- (j) the carrying out, by financial assistance to persons other than members of the Council or in any other manner, of research in accountancy ;
- (k) the maintenance of a library and publication of books and periodicals relating to accountancy ;
- (l) the exercise of such disciplinary powers over the members and servants of the Institute as may be prescribed ;
- (m) the formation of such Standing Committees as may be prescribed ; and
- (n) such other powers as may be conferred on the Council by the Central Government.

16. Staff, remuneration and allowances.—For the efficient performance of its duties, the Council may—

- (a) appoint a full-time Secretary who may also, if so decided by the Council, act as Treasurer ;
- (b) appoint such other officers and servants as it deems necessary ;
- (c) require and take from the Secretary or from any other officer or servant of the Council such security for the due performance of his duties, as the Council considers necessary ;
- (d) fix salaries, fees, allowances and other conditions of service of the officer and servants of the Council ;
- (e) with the previous sanction of the Central Government, fix the allowances of the President, Vice-President or Vice-Presidents and other members of the Council and members of its Committees.

17. Finances of the Council.—There shall be established a fund under the management and control of the Council into which shall be paid all monies received by the Council and out of which shall be met all expenses and liabilities properly incurred by the Council.

CHAPTER IV.—REGISTER OF MEMBERS

18. Register.—(1) The Council shall maintain in the prescribed manner a Register of the Members of the Institute.

(2) The Register shall include the following particulars about every member of the Institute, namely,—

- (a) his full name, date of birth, domicile, residential and professional addresses ;
- (b) the date on which his name is entered in the Register ;
- (c) his qualifications ;
- (d) whether he holds a certificate of practice ; and
- (e) any other particulars which may be prescribed.

(3) The Council shall cause to be published, in such manner as may be prescribed, a list of members of the Institute as on the first day of July of each year, and shall, if requested to do so by any such member, send to him a copy of such list.

(4) Every member of the Institute shall, on his name being entered in the Register, pay such annual membership fee, as may be prescribed and different fees may be prescribed for associates and for fellows.

19. Removal from the Register.—The Council may remove from the Register the name of any member of the Institute,—

- (a) who is dead, or
- (b) from whom a request has been received to that effect ; or
- (c) who has not paid any prescribed fee required to be paid by him ; or
- (d) who is found to have been subject at the time when his name was entered in the Register, or who at any time thereafter has become subject, to any of the disabilities mentioned in section 8, or who for any other reason has ceased to be entitled to have his name borne on the Register.

CHAPTER V.—REGIONAL COMMITTEES

20. Constitution and functions of Regional Committees.—(1) For the purpose of advising and assisting it on matters concerning its functions, the Council may constitute such Regional Committees as and when it deems fit for one or more of the regional constituencies that may be specified by the Central Government under clause (a) of sub-section (2) of section 9.

(2) The Regional Committees shall be constituted in such manner and exercise such functions as may be prescribed.

CHAPTER VI.—PENALTIES

21. Penalty for falsely claiming to be a member, etc.—Any person who—

- (i) not being a member of the Institute,—
 - (a) represents that he is a member of the Institute ; or
 - (b) uses the designation Chartered Accountant, unless he is a member of any other Institute of Chartered Accountants ; or
- (ii) being a member of the Institute, but not having a certificate of practice, represents that he is in practice or practises as a chartered accountant,

shall be punishable on first conviction with fine which may extend to one thousand rupees, and on any subsequent conviction with imprisonment which may extend to six months or with fine which may extend to five thousand rupees, or with both.

22. Penalty for using name of the Council, awarding degree of chartered accountancy, etc.—(1) No person shall—

- (i) use a name or a common seal which is identical with the name or the common seal of the Institute or so nearly resembles it as to deceive or as is likely to deceive the public ;
- (ii) award any degree, diploma or certificate or bestow any designation which indicates or purports to indicate the possession or attainment of any qualification or competence possessed by a person by virtue of his being a member of the Institute ; or

(iii) seek to regulate in any manner whatsoever the profit of chartered accountants.

(2) Any person contravening the provisions of sub-section (1) shall, without prejudice to any other proceedings which may be taken against him, be punishable with fine which may extend on first conviction to one thousand rupees, and on any subsequent conviction with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

23. Companies not to engage in accountancy.—(1) No company, limiting the liability of its members, whether incorporated in Pakistan or elsewhere, shall practise as chartered accountants.

(2) If any company contravenes the provisions of sub-section (1), then, without prejudice to any other proceedings which may be taken against the company, every director, manager, secretary and any other officer thereof, who is knowingly a party to such contravention, shall be punishable with fine which may extend on first conviction to one thousand rupees and on any subsequent conviction to five thousand rupees.

24. Unqualified persons not to sign documents.—(1) No person other than a member of the Institute shall sign any document on behalf of a chartered accountant in practice or a firm of such chartered accountants in his or its professional capacity.

(2) Any person contravening the provisions of sub-section (1) shall, without prejudice to any other proceedings which may be taken against him, be punishable with fine which may extend on first conviction to one thousand rupees, and on any subsequent conviction with imprisonment which may extend to six months, or with fine which may extend to five thousand rupees, or with both.

25. Sanction to prosecute.—No person shall be prosecuted under this Ordinance except on a complaint made by or under the order of the Council or of the Central Government.

CHAPTER VII.—MISCELLANEOUS

26. Maintenance of branch offices.—(1) Where a chartered accountant in practice or a firm of such chartered accountants has more than one office in Pakistan, each one of such offices shall be in the separate charge of a member of the Institute :

Provided that the Council may in suitable cases exempt any chartered accountant in practice or a firm of such chartered accountants from the operation of this sub-section.

(2) Every chartered accountant in practice or a firm of such chartered accountants maintaining more than one office shall send to the Council a list of offices and the persons in charge thereof and shall keep the Council informed of any change in relation thereto.

27. Power to make bye-laws.—(1) The Council may, by notification in the official Gazette, make bye-laws for the purpose of carrying out the objects of this Ordinance, and a copy of such bye-laws shall be sent to each member of the Institute.

In particular, and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters :—

- (a) the standard and conduct of examinations under this Ordinance ;
- (b) the qualifications for the entry of the name of any person in the Register ;
- (c) the conditions under which any examination or training may be treated as equivalent to the examination and training prescribed for the membership of the Institute ;
- (d) the conditions under which any foreign qualifications may be recognised ;
- (e) the manner in which and the conditions subject to which applications for entry in the Register may be made ;
- (f) the fees payable for membership of the Institute and the annual fees payable by associates and fellows of the Institute in respect of their certificates ;
- (g) the manner in which elections to the Council and the Regional Committees may be held ;
- (h) the particulars to be entered in the Register ;
- (i) the functions of Regional Committees ;
- (j) the training of articled and audit clerks, the fixation of limits within which premia may be charged from articled clerks and the cancellation of articles and termination of audit service for misconduct or for any other sufficient cause ;
- (k) the regulation and maintenance of the status and standard of professional qualifications of members of the Institute ;
- (l) the carrying out of research in accountancy ;
- (m) the maintenance of a library and publication of books and periodicals on accountancy ;
- (n) the management of the property of the Council and the maintenance and audit of its accounts ;
- (o) the summoning and holding of meetings of the Council, the times and places of such meetings, the conduct of business thereat and the number of members necessary to form a quorum ;
- (p) the powers, duties and functions of the President and the Vice-President or Vice-Presidents of the Council ;
- (q) the functions of the Standing and other Committees and the conditions subject to which such functions shall be discharged ;
- (r) the terms of office, and the powers, duties and functions of the Secretary and other officers and servants of the Council ;
- (s) the rules of professional and other misconduct, and the exercise of disciplinary powers ; and
- (t) any other matter which is required to be or may be prescribed under this Ordinance.

(3) All bye-laws made by the Council under this Ordinance shall be subject to the condition of previous publication and to the approval of the Central Government.

(4) Notwithstanding anything contained in sub-sections (1) and (2) the Central Government may frame the first bye-laws for the purposes mentioned in this section, and such bye-laws shall be deemed to have been made by the Council, and shall remain in force from the date of the coming into force of this Ordinance, until they are amended, altered or revoked by the Council.

28. Powers of Central Government to direct bye-laws to be made or to make or amend bye-laws.—(1) Where the Central Government considers it expedient so to do, it may, by order in writing, direct the Council to make any bye-law or to amend or revoke any bye-law already made within such period as it may specify in this behalf.

(2) If the Council fails or neglects to comply with such order within the specified period, the Central Government may make or amend, with or without modifications, or revoke, any bye-laws, directed to be made, amended or revoked by that order.

29. Reference to registered accountants, etc., to be construed as references to chartered accountants.—Any reference to a chartered accountant or a registered accountant or a certified or qualified auditor in any other law or in any document whatsoever shall be construed as a reference to a chartered accountant in practice within the meaning of this Ordinance.

30. Amendment of section 144 of the Companies Act, 1913 (VII of 1913).—In section 144 of the Companies Act, 1913 (VII of 1913), for sub-sections (1), (2), (2A) and (2B), the following sub-section shall be substituted, namely,—

“(1) No person shall be appointed as an auditor of any company other than a private company not being the subsidiary company of a public company, unless he is a chartered accountant within the meaning of the Chartered Accountants Ordinance, 1961 :

Provided that a firm whereof all the partners practising in Pakistan are chartered accountants may be appointed by its firm name to be auditors of a company and may act in its firm name.”.

31. Saving.—Notwithstanding the amendment of section 144 of the Companies Act, 1913 (VII of 1913), made by the preceding section, the Auditors' Certificates Rules, 1950, shall, so far as applicable, continue in force as if they are bye-laws made under this Ordinance.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President.

THE TRADE UNIONS (AMENDMENT) ORDINANCE, 1961

ORDINANCE NO. XI OF 1961

[16th March, 1961]

An Ordinance further to amend the Trade Unions Act, 1926

WHEREAS it is expedient further to amend the Trade Unions Act, 1926 (XVI of 1926), for the purposes hereinafter appearing ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of the powers conferred by Article 2 of the State Arrangements Order, 1959, and of all other powers enabling him in that behalf, the Minister exercising the functions of the President under the said Article is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Trade Unions (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 11, Act XVI of 1926.—In the Trade Unions Act, 1926, hereinafter referred to as the said Act, in section 11—

(i) for sub-section (1) the following shall be substituted, namely :—

“(1) Any person aggrieved by any refusal of the Registrar to register a Trade Union or by withdrawal or cancellation of a certificate of registration may appeal to such Industrial Court, constituted under the Industrial Disputes Ordinance, 1959, hereafter in this section referred to as “appellate Court” within such period, as may be prescribed.”; and

(ii) in sub-section (4), for the words, brackets, letter and figure “any Court appointed under clause (b) of sub-section (1)” the words “an appellate Court” shall be substituted.

3. Substitution of section 22, Act XVI of 1926.—In the said Act, for section 22, the following shall be substituted, namely :—

“22. *Election of officers.*—(1) No person shall be elected as an officer of the Trade Union who—

(a) has at any time been convicted of an offence under this Act or under section 23 or section 24 of the Industrial Disputes Ordinance, 1959 ; or

(b) has at any time been dismissed from employment in any industry on the ground of conviction for an offence—

(i) involving, in the opinion of the appropriate Government, moral turpitude ; or

(ii) relating to activities prejudicial to the defence or security of Pakistan ; or

(c) in the case of a person referred to in sub-section (2), is not a paid full-time Trade Union worker.

- (2) A registered Trade Union shall not elect more than twenty-five per cent. of the total number of its officers from amongst the persons who are not, for the time being, employed or engaged in the industry with which the Trade Union is connected :

Provided that the Central Government may, on the grounds of security, by notification in the official Gazette, prohibit any Trade Union in any industry connected with defence carried on by or under the authority of the Central Government, from electing any officer from amongst such persons."

4. Omission of section 9, Ordinance XIV of 1960.—Section 9 of the Trade Unions (Amendment) Ordinance, 1960, seeking to substitute section 22 of the said Act, shall be omitted.

W. A. BURKI,

LT. GENERAL,

*Minister exercising the functions of
the President under Article 2 of the
State Arrangements Order, 1959.*

THE CINEMATOGRAPH ACT (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XII OF 1961

[23rd March, 1961]

An Ordinance further to amend the Cinematograph Act, 1918

WHEREAS it is expedient further to amend the Cinematograph Act, 1918 (II of 1918), for the purposes hereinafter appearing ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Cinematograph Act (Amendment) Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Amendment of section 1, Act II of 1918.—In the Cinematograph Act, 1918 (II of 1918), hereinafter referred to as the said Act, in section 1, for sub-section (3) the following shall be substituted, namely :—

“(3) The appropriate Government may, by notification in the official Gazette, direct that any of its provisions not in force in any area immediately before the commencement of the Cinematograph Act (Amendment) Ordinance, 1961, shall come into force in such area or part thereof on such date or dates as may be specified in such notification.”

3. Amendment of section 2, Act II of 1918.—In the said Act, in section 2, before the paragraph defining the word “cinematograph”, the following new paragraph shall be inserted, namely :—

“‘appropriate Government’ means, as respects matters dealt with in section 7, the Central Government, and in all other cases,—

(a) in relation to the Provinces, the Provincial Government concerned ; and

(b) in relation to the Federal Territory of Karachi, the Agent to the President ;”.

4. Substitution of appropriate Government for Provincial Government in Act II of 1918.—In the said Act, except in section 7 thereof, for the expression “Provincial Government”, wherever occurring, the expression “appropriate Government” shall be substituted.

5. Amendment of section 6, Act II of 1918.—In the said Act, in section 6, in sub-section (2), for the words “His Majesty” the word “Government” shall be substituted.

6. Substitution of new section for section 7, Act II of 1918.—In the said Act, for section 7 the following new section shall be substituted, and

the new section so substituted shall, notwithstanding any modification made in the said section 7 in its application to any Province or part of a Province, extend to the whole of Pakistan, namely :—

- “7. *Certification of films.*—(1) The Central Government may, by notification in the official Gazette, constitute as many authorities as it may think fit for the purposes of examining and certifying films as suitable for public exhibition, and declare the area (hereinafter referred to as the “local area”) within which each such authority shall exercise the powers conferred on it by this Act. Where an authority so constituted consists of a Board of two or more persons, not more than one-half of the members thereof shall be persons in the service of Government ;

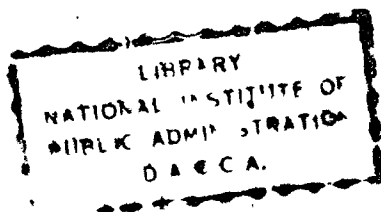
Provided that no such authority shall accept any feature film, not being a foreign film, for the purpose of examining its suitability for public exhibition if the total length thereof exceeds ten thousand feet, except where on a request from the film producer, the Provincial Government has, for any special reason, previously agreed to relax the said limit.

- (2) If any such authority after examination considers that a film is suitable for public exhibition, it shall grant a certificate to that effect to the person applying for the same, and shall cause the film to be marked in the prescribed manner. The certificate of any such authority shall, save as hereinafter provided, be valid throughout the territories in which this Act is in force.
- (3) (a) If the authority is of opinion that a film is not suitable for public exhibition in Pakistan, it shall inform the person applying for the certificate of its decision, and such person may, within thirty days from the date of such decision, appeal for a reconsideration of the matter by the Central Government.
(b) If the Central Government rejects the appeal it shall, by notification in the official Gazette, direct that the film shall be deemed to be an uncertified film in the whole of Pakistan.
- (4) Any such authority may demand the exhibition before itself of any certified film which it has reason to believe is about to be publicly exhibited in its local area, and may by order suspend the certificate of any such film pending the orders of the Central Government, and during such suspension the film shall be deemed to be an uncertified film in that area.
- (5) The District Magistrate may by order suspend the certificate of any film pending the orders of the Central Government, and during such suspension the film shall be deemed to be an uncertified film in that district.
- (6) A copy of any order of suspension made under sub-section (4) or sub-section (5), together with a statement of the reasons therefor, shall forthwith be forwarded by the authority or the District Magistrate making the same to the Central Government, and the Central Government may either discharge the order or, by notification in the official Gazette, direct that the film shall be deemed to be an uncertified film in the whole of Pakistan, or in a Province, or in such part or parts of a Province as may be specified in the notification

- (7) The Central Government may, of its own motion, by notification in the official Gazette, direct that a certified film shall be deemed to be an uncertified film in the whole of Pakistan.
- (8) The exhibition of a film to which any order or direction under clause (b) of sub-section (3), or under sub-section (4), (5), (6) or (7) is for the time being applicable shall, in the area to which such order or direction relates, be deemed to be a contravention of the condition mentioned in sub-section (2) of section 5."

7. **Saving.**—Any certificate granted by any authority constituted for the purposes of examining and certifying films before the commencement of this Ordinance shall be deemed to be a certificate granted by an authority constituted under section 7 of the said Act as amended by this Ordinance.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,
FIELD MARSHAL,
President.



THE MEDICAL COLLEGES (GOVERNING BODIES) ORDINANCE, 1961.

ORDINANCE NO. XIII OF 1961

[18th April, 1961]

An Ordinance to provide for the constitution of Governing Bodies for Medical Colleges in Pakistan.

WHEREAS it is expedient to provide for the constitution of Governing Bodies for Medical Colleges in Pakistan for the efficient administration and management of the affairs of such colleges ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Medical Colleges (Governing Bodies) Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “Chairman” means the Chairman of a Governing Body ;

(b) “Governing Body” means a Governing Body constituted under this Ordinance ;

(c) “Medical College” includes any hospital attached thereto ; and

(d) “member” means a member of a Governing Body.

3. Constitution of Governing Bodies.—(1) As soon as may be after the commencement of this Ordinance, the Provincial Government shall, for the efficient administration and management of the affairs of all Medical Colleges within the Province, by notification in the official Gazette, constitute for each such college a Governing Body consisting of such number of members not exceeding fifteen as may be appointed by it with the approval of the Central Government.

(2) Not more than one third of the members shall be chosen directly by the Provincial Government and the remaining members shall be chosen from amongst persons proposed by such institutions, bodies or organisations as the Central Government may, from time to time, by notification in the official Gazette, specify :

Provided that in the case of the Governing Body for a Medical College in a district in which there is a University, the Vice-Chancellor of such University shall be appointed as one of the members.

(3) The Provincial Government shall appoint one of the members to be the Chairman of the Governing Body :

Provided that where the Vice-Chancellor of a University is a member of the Governing Body, he shall be the Chairman thereof.

(4) The Chairman as such and the members chosen directly by the Provincial Government shall hold office during the pleasure of the Provincial Government and the other members shall, unless earlier required to vacate by the Provincial Government, hold office for a term of three years and shall be eligible for re-appointment :

Provided that the Chairman or a member shall not be removed or required to vacate by the Provincial Government except with the approval of the Central Government.

4. Powers and functions of a Governing Body.—(1) A Governing Body shall administer and manage the affairs of the Medical College for which it has been constituted and shall, subject to any rules made in this behalf, have all powers necessary for the purpose.

(2) In the exercise of its powers and performance of its functions, a Governing Body shall, in respect of policy making, coordination and maintenance of educational standards, be guided by such directions as the Central Government may, from time to time, give.

5. Committees.—(1) A Governing Body shall, for the efficient performance of its functions under this Ordinance, constitute, with such of its members and other persons as it may appoint, the following committees, namely :—

- (a) The Executive Committee ;
- (b) The Finance and Departmental Grants Committee ;
- (c) The Establishment and Discipline Committee ;
- (d) The Medical Staff Committee ;
- (e) The Hospital Management and Hostels Committee ; and
- (f) The Nursing Committee.

(2) Subject to such directions as the Central Government may, from time to time, give in this behalf, a Committee constituted under subsection (1) shall perform such functions as may be prescribed by regulations or otherwise specified by the Governing Body.

6. College Fund, accounts and finances.—(1) Except as otherwise provided in this section, the constitution of a Governing Body for a Medical College shall not affect the position obtaining before such constitution with respect to the receipt, expenditure or any arrangement relating to the finances of a Medical College or the maintenance and audit of its accounts.

(2) All receipts of a Medical College from any source whatsoever shall constitute the College Fund which shall be applied, subject to any rules made in this behalf, by its Governing Body to meet all expenditure for the administration and management of the affairs of the Medical College and other charges connected with the performance of the functions of that Governing Body under this Ordinance.

7. Returns and statements.—(1) As soon as may be after the close of every financial year but not later than the last day of September next following, every Governing Body shall submit to the Central Government a report of the conduct of its affairs for that year and shall also send a copy of the report to the Provincial Government. ;

(2) The Central Government or the Provincial Government may require a Governing Body to furnish it with—

- (a) any report, return, statement, estimate, statistics or other information regarding any matter under the control of that Governing Body or on any subject with which that Governing Body is concerned ; or
- (b) any document or copy thereof in the charge or under the control of that Governing Body.

8. Power to make rule.—The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

9. Power to make regulations.—(1) A Governing Body may, subject to the previous approval of the Central Government, make regulations to provide for any matter which is not required to be provided for by rules and for which provision is necessary or expedient for efficient conduct of its business or the performance of its functions under this Ordinance.

(2) Where any provision of a regulation is inconsistent with any provision of a rule, the latter shall prevail.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President.

THE SECURITY OF PAKISTAN (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XIV OF 1961

[22nd April, 1961]

An Ordinance further to amend the Security of Pakistan Act, 1952

WHEREAS it is expedient further to amend the Security of Pakistan Act, 1952 (XXXV of 1952), for the purposes hereinafter appearing ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Security of Pakistan (Amendment) Ordinance, 1961.

(2) It shall come into force at once, and shall be deemed to have taken effect on the sixteenth day of April, 1959.

2. Amendment of section 6, Act XXXV of 1952.—In the Security of Pakistan Act, 1952 (XXXV of 1952), hereinafter referred to as the said Act, in section 6, after the figures “11”, the comma, figures and letter “11-A” shall be inserted.

3. Amendment of section 11, Act XXXV of 1952.—In the said Act, in section 11, sub-sections (4), (5), (6), (7), (8) and (9) shall be omitted.

4. Insertion of new sections 11-A, 11-B and 11-C, Act XXXV of 1952.—In the said Act, after section 11, amended as aforesaid, the following new sections 11-A, 11-B and 11-C shall be inserted, namely :—

“11-A. Control of certain undertakings and sale of shares, etc.—

(1) Where the Central Government is of the opinion that any undertaking is being used, whether with the aid of funds from foreign sources or otherwise, or is likely to be used, for the purpose of making, printing, publishing or otherwise disseminating news, reports or information, likely to endanger the defence, the external affairs or the security of Pakistan, or any part thereof, or for the purpose of promoting such interests of any foreign State as are in conflict with the interests of Pakistan, it may, by order, remove the owner or, if there be more than one, all or any of them, and, in the case of a company, all or any of the directors, managing directors, managing agents or any other person, from the control or management of such undertaking, and appoint a person to take possession of the whole or any part of the undertaking or its property, movable or immovable, and exercise such powers and perform such duties, including, in the case of a company, all or any of the powers or duties of the Board of Directors, as may be set down in the order, and such appointment may at any time be revoked, and a fresh appointment made on such conditions and with such limitations as the Central Government may determine.

- (2) Where an order has been made under sub-section (1), the Central Government, or any authority or person authorized by it in this behalf, shall, as soon as possible, make arrangements to transfer, subject to such conditions as may be deemed fit, and transfer, by way of sale, in any manner considered expedient, any right, title or interest in the undertaking, or if the undertaking be a company, in the shares thereof, of any director or shareholder to any other person not acting for or on behalf of or in collusion with such director or shareholder.
- (3) Every sale under sub-section (2) shall be subject to confirmation by the Central Government, and such confirmation shall be notified in the official Gazette.
- (4) If such undertaking as aforesaid be a company, the Central Government may give a direction that the shares held by every or any director or shareholder shall be seized, wherever the shares may be, for sale under sub-section (2), in such manner that such director or shareholder shall effectively cease to hold them.
- (5) Where possession has been taken under sub-section (1), or a direction has been given in pursuance of sub-section (4), any police officer may seize any property of the undertaking, or the shares thereof, or any document relating thereto, found anywhere in Pakistan, and any Magistrate may, by warrant, authorize any police officer not below the rank of Sub-Inspector, to enter upon and search for any such property, share or document in any premises where the same may be or may reasonably be suspected to be.
- (6) The Central Government, or any authority or person authorized by it in this behalf, may, by order, make such arrangements as may be considered expedient to ensure that the continuity of the functioning of the undertaking affected by an order under sub-section (1) is not interrupted during the period between the date of such order and the date on which the person appointed under sub-section (1) makes over the control and management of the undertaking under sub-section (5) of section 11-B, and any expenditure incurred in connection with such arrangements, including the remuneration of any person or persons, shall be met as the expenses of the undertaking.
- (7) If within fourteen days of the promulgation of this Ordinance or the publication of a notification under sub-section (3), the persons whose right, title or interest has been transferred by sale, or the person to whom the sale has been made, makes to the Central Government a representation against the sale, the Central Government, after perusal of the record, may, subject to such condition as it may deem fit to impose, set aside the sale and order a fresh sale.

*Explanation (I).—*A fresh sale under this sub-section shall be deemed to be a sale under sub-section (2).

*Explanation (II).—*The Central Government shall not be bound to hear any of the parties or their counsel or agent, or to examine any witness or document, before making an order under this sub-section.

- (8) ~~Before~~ a sale is set aside under sub-section (7), the Central Government may require the person making the representation to pay an amount sufficient to meet the expenses of the sale, and to forfeit to the Central Government such other amount, not exceeding twenty-five per cent. of the sale price, as may be determined by the Central Government.
- (9) If the purchaser fails to pay the full price of the sale, the property may be resold, and any deficiency which may happen on resale and all expenses attending such resale may be recovered from him.
- (10) Any amount payable under this section, whether as unpaid price, or as forfeiture or otherwise, if not paid within the time specified, if any, shall be recoverable as arrears of land revenue.
- (11) The sale shall be complete after all proceedings under this section relating to sale or resale, as the case may be, have been concluded and all sums due from the purchaser in whose favour the sale has been concluded have been paid by or recovered from him.
- 11-B. *Removal of control and possession, etc.*—(1) On the completion of sale the Central Government or the authority or person, as the case may be, arranging the sale shall deliver possession of the property, or in the case of shares, of the certificates relating thereto, to the purchaser, supported by a sale certificate.
- (2) If in consequence of the action taken under sub-section (1) of section 11-A, the Board of Directors of a company has ceased to function, the person appointed thereunder shall, immediately after the delivery of possession under sub-section (1), call, notwithstanding anything to the contrary in the Companies Act, 1913 (VII of 1913), or the constitution of the company, by public advertisement, a general meeting of the company to be held under his chairmanship, for the purpose of electing directors.
- (3) A meeting called under sub-section (2) shall, as far as practicable, be held and conducted in accordance with the Articles of Association of the company.
- (4) On the conclusion of a meeting held under this section, a record of the proceedings shall be made and certified by the Chairman, and such certificate shall be conclusive proof of the directors named therein having been validly appointed.
- (5) Immediately after the record of proceedings is certified under sub-section (4), the control and management of the company shall be made over to the directors.
- 11-C. *Payment of sale price, etc.*—(1) Any amount realized as price from a sale, or from a fresh sale, as the case may be, under section 11-A, shall, after deducting the expenses of the sale, be paid, within such time as may be specified by the Central Government, to the person whose right, title or interest has been transferred by such sale.
- (2) Where the shares of more than one person have been sold in a single lot, the amount payable shall, with the shareholders' consent, be paid to them against a joint discharge, and in the absence of such consent, the amount shall be paid to each shareholder in proportion to the paid amount of his shares.

- (3) If the person to whom any right, title or interest, is transferred under section 11-A has deposited any moneys before the sale to him is set aside, the amount so deposited or paid shall, after deducting the amount, if any, due from such person under any of the provisions thereof, be refunded to him, and thereupon all documents executed and endorsements made in his favour shall stand cancelled.
- (4) Where, in order to effect the transfer of any property, instrument or share, any document or endorsement is required to be executed or made by a person whose right, title or interest, is transferred, the Central Government or any authority or person authorized by it in this behalf, may execute such document or make such endorsement, and any document so executed and endorsement so made shall be deemed to have been executed and made by the person whose right, title or interest is so transferred, and shall be conclusive proof of such transfer for all purposes.
- (5) In this section, and in section 11-A, the expression "expenses of the sale" shall include expenditure incurred in connection with any dispute arising out of the sale, and such other expenditure as the Central Government may determine to be such expenses.
- (6) The provisions of this section and sections 11-A and 11-B shall have effect notwithstanding anything to the contrary contained in any law other than this Act, or in any instrument, deed or document.
- (7) For the removal of doubt it is hereby declared that where a person appointed under sub-section (1) of section 11-A is required to exercise the powers or perform the duties of the Board of Directors of a company, the provisions of the Companies Act, 1913 (VII of 1913), shall, as respects duties not expressly set forth in the order under sub-section (1) of section 11-A, not apply to him."

5. Savings.—Anything done, action taken, order passed, appointment made or direction issued, or purporting to have been done, taken, passed, made or issued, under the said Act on or after the sixteenth day of April, 1959, and before the promulgation of this Ordinance, shall, so far as may be, be deemed to have been done, taken, passed, made or issued, under the said Act as amended by this Ordinance, and shall have, and shall be deemed always to have had effect accordingly.

6. Repeals.—The Security of Pakistan (Amendment) Ordinance, 1959 (XXIII of 1959), and section 4 of the Security of Pakistan (Second Amendment) Ordinance, 1959 (XXXIX of 1959), are hereby repealed.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President_

THE MUNICIPAL ADMINISTRATION (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XV OF 1961

[10th May, 1961]

An Ordinance to amend the Municipal Administration Ordinance, 1960

WHEREAS it is expedient to amend the Municipal Administration Ordinance, 1960 (X of 1960), for the purposes hereinafter appearing ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Municipal Administration (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 3, Ordinance X of 1960.—In the Municipal Administration Ordinance, 1960 (X of 1960), hereinafter referred to as the said Ordinance, in section 3, in sub-section (1), in clause (24), after the word "Ordinance" the words "by whatever name called" shall be added.

3. Amendment of section 8, Ordinance X of 1960.—In the said Ordinance, in section 8, after sub-section (2), the following new sub-section (3) shall be added, namely :—

"(3) The Government may, by notification in the official Gazette, specify the name by which any Municipal Committee shall be known, and unless the name of a Municipal Committee is so specified, it shall be known as the Municipal Committee of the place where its office is situated."

4. Amendment of section 16, Ordinance X of 1960.—In the said Ordinance, in section 16, in sub-section (1), in clause (a), after the word "incurs", the commas and words "or, in the case of an appointed member, he is found to have been, at the time of his appointment, subject to," shall be inserted.

MOHAMMAD AYUB KHAN, H. Pk., H.J.,
FIELD-MARSHAL,
President.

Price : Ps. 6

GPPK—L 181 Law—28-7-61—1,000.

THE INDUSTRIAL DISPUTES (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XVI OF 1961

[10th May, 1961]

An Ordinance further to amend the Industrial Disputes Ordinance, 1959.

WHEREAS it is expedient further to amend the Industrial Disputes Ordinance, 1959 (LVI of 1959), for the purposes hereinafter appearing ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Industrial Disputes (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 5, Ordinance LVI of 1959.—In the Industrial Disputes Ordinance, 1959, hereinafter referred to as the said Ordinance, in section 5, for sub-section (5) the following shall be substituted, namely :—

“ (5) Any party to whom a certificate has been issued under sub-section (4) may make an application to a Court for adjudication and determination of the industrial dispute or of any matter constituting such dispute :

Provided that in the case of an industrial dispute to which the appropriate Government is a party, no such application shall be made with respect to the dispute or any matter constituting the dispute, if, within twentyone days of the issue of the certificate, the appropriate Government, by an order published in the official Gazette, declare that such dispute or matter is frivolous or vexatious or that reference of such dispute or matter to the Court is inexpedient on public grounds.”.

3. Amendment of section 10, Ordinance LVI of 1959.—In section 10 of the said Ordinance, in sub-section (1), for clause (a) the following two clauses shall be substituted, namely :—

“ (a) before proceeding with the adjudication and determination of the industrial dispute in respect of which an application has been made under sub-section (5) of section 5, determine in a summary way the question, if raised by any party to the dispute other than the appropriate Government, that all or any of the matters constituting such dispute is frivolous or vexatious ;

(aa) subject to the provisions of clause (a), adjudicate and determine any industrial dispute in respect of which an application has been made to it under sub-section (5) of section 5 ;”.

4. Amendment of section 11, Ordinance LVI of 1959.—In section 11 of the said Ordinance, for sub-section (3) the following shall be substituted, namely :—

- “(3) The Court shall, for the purpose of trying an offence under section 26 or section 28, have the same powers as that of a Court of the Magistrate of the first class under the Code of Criminal Procedure, 1898 (Act V of 1898), and shall, for the purpose of appeal from a sentence passed by it, be deemed to be a Court of Session under that Code.”

5. Amendment of section 12, Ordinance LVI of 1959.—In section 12 of the said Ordinance,—

- (1) in sub-section (2), after the words “official Gazette”, the words and commas “unless, in the case of an industrial dispute to which it is a party, it is of the opinion that it would be inexpedient on public grounds to give effect to the whole or any part of the award” shall be added ;

- (2) after sub-section (2), the following new sub-sections shall be inserted, namely :—

“(2A) Where the appropriate Government does not publish an award under sub-section (2), it shall, at the first available opportunity, lay the award together with a statement of the reasons for not so publishing it before the appropriate legislature, and shall, as soon as may be, cause to be moved therein a resolution for the consideration of the award ; and the appropriate legislature may, by resolution, confirm, modify or reject the award :

Provided that so long as there is no appropriate legislature, the award which has not been published under sub-section (2) may be confirmed, modified or rejected by the appropriate Government.

Explanation.—In this sub-section, “appropriate legislature” means, where the Central Government is the appropriate Government, the Central Legislature, and, where the appropriate Government is the Provincial Government, the Provincial Legislature.

- “(2B) Unless the award is rejected under sub-section (2A), the appropriate Government shall publish it in the official Gazette as confirmed or modified under that sub-section.”; and

- (3) in sub-section (4), for the words “decision or award” the words “award published under sub-section (2) or sub-section (2B) or any decision” shall be substituted.

6. Amendment of section 13, Ordinance LVI of 1959.—In section 13 of the said Ordinance, in sub-section (1), for the words “award of the Court,” the words, figures and brackets “award published under sub-section (2) or sub-section (2B) of section 12” shall be substituted.

7. Amendment of section 14, Ordinance LVI of 1959.—In section 14 of the said Ordinance, in sub-section (3), for the words “award of the Court” the words, figures and brackets “award published under sub-section (2) or sub-section (2B) of section 12” shall be substituted.

8. Substitution of section 30, Ordinance LVI of 1959.—For section 30 of the said Ordinance, the following shall be substituted, namely :—

“30. *Conditions of service, etc., to remain unchanged during pendency of proceedings.*—(1) No employer shall, during the pendency of conciliation proceedings or proceedings before a Court in respect of a industrial dispute or during the period between the conclusion of the conciliation proceedings and commencement of the proceedings before the Court, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of conciliation proceedings, nor shall he—

(a) save with the permission of the conciliation officer, during the pendency of conciliation proceedings and the period thereafter preceding the commencement of the proceedings before the Court, and

(b) save with the permission of the Court, during the pendency of the proceedings before the Court,

discharge, dismiss or otherwise punish any such workmen except for misconduct not connected with such dispute.

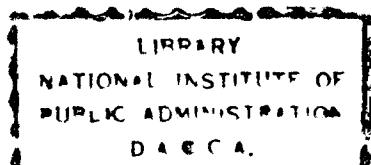
(2) Notwithstanding anything contained in sub-section (1), an officer of a trade union shall not, during the pendency of any proceedings or period specified in that sub-section, be discharged or dismissed for misconduct not connected with the industrial dispute referred to therein except with the previous permission of the Court, but may, pending the disposal of an application to the Court for such permission, be placed under suspension.

(3) The Court shall deal with an application under sub-section (2) in such summary way as it may think fit.

Explanation.—In this section “an officer of a trade union” has the same meaning as in the Trade Unions Act, 1926 (XVI of 1926).”

9. Amendment of section 34, Ordinance LVI of 1959.—In section 34 of the said Ordinance, in sub-section (1), for the word “employers” at the end, the words and comma “employers, if such officer of a registered trade union or of an association of employers is not a legal practitioner” shall be substituted.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,
FIELD-MARSHAL,
President.



THE PAKISTAN ORDNANCE FACTORIES BOARD ORDINANCE, 1961.

ORDINANCE No XVII OF 1961

[15th May, 1961]

An Ordinance to provide for the constitution of a Pakistan Ordnance Factories Board and for investing it with certain powers and functions of the Central Government in relation to the ordnance factories.

WHEREAS it is expedient to provide for the constitution of a Pakistan Ordnance Factories Board and for investing it with certain powers and functions of the Central Government in relation to the ordnance factories ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Pakistan Ordnance Factories Board Ordinance, 1961.

(2) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “Auditor-General” means the Comptroller and Auditor-General of Pakistan ;
- (b) “Board” means the Pakistan Ordnance Factories Board constituted under this Ordinance ;
- (c) “Chairman” means the Chairman of the Board ;
- (d) “factory” means an ordnance factory owned by the Central Government ;
- (e) “member” means a member of the Board.

3. Constitution of the Board.—(1) As soon as may be after the commencement of this Ordinance, the Central Government shall, by notification in the official Gazette, constitute, for carrying out the purposes of this Ordinance, a Pakistan Ordnance Factories Board consisting of three members appointed by it.

(2) The Central Government shall appoint one of the members to be the Chairman of the Board, one to be the Financial Adviser to the Board and the third to be the Director of the Industrial and Commercial Relations of the Board.

4. Terms of office of the members.—(1) A member shall hold office for a term of four years unless sooner required to vacate by the Central Government and shall be eligible for re-appointment and shall receive such salary and allowances as the Central Government may fix.

(2) Every member shall be a whole time officer of the Board and shall perform such functions as are or may be assigned to him by or under this Ordinance.

(3) Every member shall, before assuming his office as such, relinquish or divest himself of any office or interest in any corporation, company or concern other than an industry owned by the Central Government or sponsored by the Board.

5. Meetings.—(1) No business of the Board shall be transacted except at a meeting at which a quorum of two members is present.

(2) The Chairman and in his absence a member nominated by him shall preside at the meetings of the Board.

(3) At the meetings of the Board each member shall have one vote and, in the event of equality of votes, the Chairman or the member presiding shall have a second or casting vote.

6. Functions of the Board.—(1) The principal function of the Board shall be to manage and administer the affairs of the factories and to run them on sound commercial lines so as to adequately meet during war and peace the needs of the defence of the country and to utilise the surplus capacity of the factories to meet the needs of the civilian population.

(2) The Board shall, in discharging its functions, be guided on question of policy involving national interest, including defence requirements during war and peace, by such directions as the Central Government, which shall be the sole judge whether or not national interest is involved, may give from time to time.

7. Investment of the Board with certain powers.—Notwithstanding anything contained in any law, regulation, rule, order, notification, agreement or other instrument for the time being applicable to any factory, or any officer or other employee appointed or engaged in, or in connection with, any factory, the Board may, in relation to such factory, officer or employee, exercise the following powers of the Central Government or of any officer authorized for the purpose by the Central Government, that is to say,—

- (a) to determine the terms and conditions of service, recruitment, promotion, transfer, posting, dismissal, discharge, demotion and other disciplinary actions of all officers and other employees :

Provided that the terms and conditions of service of any officer or other employee appointed or engaged before the commencement of this Ordinance shall not be varied to his disadvantage and that he shall not be dismissed or removed from service or reduced in rank by any authority subordinate to that by which he was appointed ;

- (b) to appoint or engage such officers and other employees, advisers, consultants on contract as it consider necessary for the efficient discharge of its functions on such terms and conditions of service as it may determine ;

- (c) to carry out all technical and engineering projects or works or to enter into contract or agreement pertaining to their execution ;
- (d) to make all purchases of plant, machinery and stores either in the country or abroad in such manner as it thinks fit and also to dispose of stores and equipment ;
- (e) to fix pay of the officers and other employées wherever necessary either initially or otherwise at any stage within the pay scales prescribed by the Central Government ;
- (f) to utilise or incur expenditure in respect of lump sum grant allocated for the purpose in the Budget ; and
- (g) subject to any direction issued in this behalf by the Central Government, to frame departmental financial and accounting rules and procedure.

8. Submission of estimates of receipts and expenditures to the Central Government.—(1) The Board shall, in the month of November every year, submit, in such manner and form as the Central Government may direct, to the Central Government, for making necessary provision in its Budget, a statement of the estimated receipts and expenditure pertaining to the discharge of its functions under this Ordinance in respect of the new financial year together with a statement showing separately the estimated receipts and expenditure in foreign exchange for that year.

(2) The Board shall not, without the previous sanction of the Central Government, incur any expenditure, or undertake any financial liability involving expenditure, in excess of the amount provided for in the Budget.

9. Accounts and audit.—(1) The Board shall maintain its accounts including those of the factories in such manner and form as may be prescribed by the Central Government in consultation with the Auditor-General.

(2) The accounts of the Board including those of the factories shall be audited by the Auditor-General.

(3) The Board shall, as soon as possible after the end of every financial year, submit to the Central Government the statement of accounts audited by the Auditor-General.

(4) The Central Government may at any time require the Auditor-General to report to it upon the adequacy of measures taken by the Board for the efficient management of the factories.

10. Submission of annual report, returns, etc.—(1) The Board shall, as soon as possible after the end of every financial year but not later than the thirty-first day of December next following, submit to the Central Government a report on the conduct of the affairs of the Board during that year.

(2) The Central Government may require the Board to furnish it with—

- (a) any return, statement, estimate, statistics or other information regarding any matter relating to, or under the control of, the Board ;

(b) a report on any subject with which the Board is concerned ; or

(c) any document or copy in charge or under the control of the Board,

and the Board shall comply with such requisition.

11. Delegation of powers.—Subject to any rules made in this behalf by the Central Government, the Board may, by general or special order, direct that any of its powers, functions and duties under this Ordinance shall, be exercised, performed or discharged also by the Chairman or any other member or any officer of the Board specified in the order.

12. Mode of signifying communications from the Board.—Any notice, determination, direction, requisition, appointment, expression of opinion, approval or sanction to be given or signified on the part of the Board for any of the purposes of, or in relation to, any powers or functions with which it has been invested under this Ordinance, shall be sufficient and binding if it is in writing signed by the Chairman or by any other person authorized by the Board to act in its behalf in respect of the matters to which such authorization may relate, and the Board shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in the manner aforesaid.

13. Power to issue directions.—The Central Government may, from time to time, issue directions to the Board to take such measures as it considers necessary for the efficient management of the factories and the Board shall comply with such directions.

14. Power to make rules.—The Central Government may make rules for carrying out the purposes of this Ordinance.

15. Dissolution of the Board.—The Central Government may, by notification in the official Gazette, declare that the Board shall be dissolved on such date as may be specified therein, and the Board shall accordingly stand dissolved.

—MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD MARSHAL, .
President.

THE MALARIA ERADICATION BOARD ORDINANCE, 1961

ORDINANCE NO. XVIII OF 1961

[3rd June, 1961]

An Ordinance to establish a Malaria Eradication Board

WHEREAS it is expedient to provide for the establishment of a board for eradication of malaria from Pakistan and prevention of its reintroduction therein and matters connected therewith and incidental thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Malaria Eradication Board Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “Auditor-General” means the Comptroller and Auditor-General of Pakistan;

(b) “Central Board” means the Malaria Eradication Board established under section 3;

(c) “Fund” means the Malaria Eradication Fund referred to in section 9;

(d) “Provincial Board” means a Board constituted under section 6; and

(e) “regulation” means a regulation made under this Ordinance.

3. Establishment of the Central Board and Incorporation.—(1) As soon as may be after the commencement of this Ordinance, the Central Government shall establish a Central Board to be called the Malaria Eradication Board.

(2) The Central Board shall be a body corporate by the name of the Malaria Eradication Board, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both moveable and immovable, and shall by the said name sue and be sued.

4. Composition of the Central Board.—The Central Board shall consist of the following members, namely :—

(a) the Minister for Health, Government of Pakistan, who shall also be the Chairman of the Central Board;

(b) the Secretary to the Government of Pakistan in the Ministry of Finance (Expenditure);

(c) the Director-General, Health, Government of Pakistan;

- (d) the Director-General of the Medical Services of the Armed Forces, Government of Pakistan ;
- (e) the Director, Health Services, East Pakistan ;
- (f) the Director, Health Services, West Pakistan ;
- (g) the Director, Bureau of National Reconstruction, Government of Pakistan ;
- (h) the Director, Malaria Eradication Programme, Government of Pakistan, who shall also be the Secretary of the Central Board ; and
- (i) one person having expert knowledge of malaria eradication to be appointed by the Central Government.

5. Functions of the Central Board.—(1) The Central Board shall formulate schemes and adopt unified and co-ordinated measures for eradication of malaria from Pakistan and prevention of its reintroduction therein and lay down the policy with respect to the execution by the Provincial Boards of any such scheme or measures.

(2) Without prejudice to the generality of the provisions of subsection (1), a scheme or measure formulated or adopted by the Board may relate to—

- (a) the spraying of buildings and other premises with insecticides ;
- (b) the surveys of the country ;
- (c) the medical examination of the people ;
- (d) the treatment of persons suffering or suspected to be suffering from malaria ;
- (e) the delimitation of malarious areas and the areas free from malaria and measures to prevent introduction or reintroduction of malaria in the latter areas ; and
- (f) such other measures considered necessary for carrying out the purposes of this Ordinance.

(3) Measures adopted by the Central Board shall be executed by the Provincial Boards for which necessary funds shall be provided by the Central Board.

(4) The Central Board may, for carrying out the purposes of this Ordinance,—

- (a) ask for and receive contributions from the Central Government, the Provincial Governments, or any person, agency, institution or organisation ; and
- (b) take technical advice and any assistance from the World Health Organisation or any other international agency or agencies.

6. Provincial Boards.—(1) The Central Board shall constitute for each Province a Provincial Board consisting of the following members, namely :—

- (a) the Director of Health Services of the Province who shall be the Chairman of the Provincial Board ;
- (b) one officer to represent the Finance Department of the Provincial Government to be nominated by that Government ;

- (c) one officer to represent the Home Department of the Provincial Government to be nominated by that Government ;
- (d) the Chief Officer of the Central Board for Malaria Eradication in the Province, who shall be the Secretary of the Provincial Board ; and
- (e) one person having expert knowledge of malaria eradication to be nominated by the Central Board.

(2) The functions of a Provincial Board shall be—

- (a) to prepare and submit to the Central Board plans, showing estimates of expenditure, for eradication of malaria in the Province ;
- (b) to execute the measures adopted by the Central Board ;
- (c) to review periodically the progress of the execution of such measures ; and
- (d) to perform such other functions as the Central Board may, from time to time, direct.

(3) A Provincial Board shall discharge its functions under this Ordinance in accordance with such direction as may, from time to time, be given to it by the Central Board.

7. Meetings and Procedure.—(1) The meetings of the Central Board or a Provincial Board shall be held at such times and at such places as the Chairman thereof may direct and shall be presided over by such Chairman.

(2) The meetings of the Central Board or a Provincial Board shall be conducted in accordance with such procedure as may be prescribed by regulations and until such regulations are made in such manner as the Chairman thereof may direct.

(3) The powers and functions of the Chairman of the Central Board or, as the case may be, of a Provincial Board, shall, in the absence of such Chairman, be exercised and performed by such member of the Board, as the Chairman thereof may direct.

8. Officers and Servants of the Board.—The Central Board may appoint for employ, in such manner and on such terms and conditions as may be prescribed by regulations, and until such regulations are made, as may be determined by its Chairman, such officers and servants including advisers as it considers necessary for the efficient performance of its functions.

9. Fund.—(1) All receipts of the Central Board from any source whatsoever shall be credited to a Fund to be called the Malaria Eradication Fund which shall vest in the Central Board.

(2) The Fund shall be administered in such manner as may be prescribed by regulations and, until such regulations are made, as may be determined by the Chairman of the Central Board, shall be applied to meet all expenditure connected with the execution of any scheme or measure formulated or adopted under this Ordinance and all charges necessary for the discharge of the functions of the Central Board and the Provincial Boards.

10. Audit and Account.—(1) The Central Board and the Provincial Boards shall maintain accounts of their receipts and expenditure in such manner and form as may be prescribed by the Auditor-General.

(2) The accounts of the Central Board and the Provincial Boards shall be audited by the Auditor-General or any officer authorised by him every year in such manner as the Auditor-General may think fit.

(3) The Auditor-General shall, as soon as possible after the completion of the audit, send to the Central Board a report on the said accounts and the Central Board shall, with its comments thereon, forward it, to the Central Board.

(4) The Central Board or as the case may be, a Provincial Board, shall take steps forthwith to remedy any defects or irregularities pointed out in the report under sub-section (3).

11. Budget and Annual Report.—(1) The Central Board shall, before the close of every financial year, prepare and approve an estimate of its income and expenditure for the next succeeding financial year.

(2) The Central Board shall, at the close of every financial year, submit to the Central Government a report on the workings of the Central Board and of the Provincial Boards during that financial year.

12. Power to require and prohibit doing of certain things.—(1) The Central Board or a Provincial Board or any person authorized by such Board may, by order,—

- (a) require any person to undergo medical examination and treatment ;
- (b) require every person having knowledge or information of any case of malaria or suspected malaria to report the case to any specified authority ;
- (c) prohibit from washing, white-washing, plastering, printing or applying any other surface treatment with respect to any building or other premises spread with insecticide during a period of five months from such spraying ; and
- (d) prohibit doing of anything with respect to any engineering, agricultural or industrial projects, which may increase the extent and spread of malaria.

(2) Any person authorized by the Central Board or a Provincial Board may apply insecticide, collect mosquitoes, check insecticide deposits, take blood films and do such other acts as are considered necessary to eradicate or prevent malaria or to collect information relating to malaria and for any such purpose enter into any premises.

(3) Whoever, contravenes an order under sub-section (1) or obstructs or resists any person acting under sub-section (2), shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

13. Public Servant.—Every person acting or purporting to act under this Ordinance shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

14. Bar to Proceedings.—No suit, prosecution or other legal proceeding shall lie against the Central Board or a Provincial Board or any person for anything, in good faith, done or intended to be done under this Ordinance.

15. Delegation of Powers.—The Board may, by order in writing, delegate, subject to such conditions or restrictions, as it may think fit to impose, all or any of its powers and functions under this Ordinance to any of its members, officers or servants or, with respect to the exercise of any such power or function in a Province, to the Provincial Board concerned.

16. Regulations.—The Central Board may make regulations for carrying out the purposes of this Ordinance.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President.

THE NOTARIES ORDINANCE, 1961

ORDINANCE No. XIX OF 1961

[14th June, 1961]

An Ordinance to provide for and to regulate the profession of notaries in Pakistan.

WHEREAS it is expedient to provide for and to regulate the profession of notaries in Pakistan ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Notaries Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Definitions.—In this Ordinance, unless the context otherwise requires,—

(a) “instrument” includes every document by which any right or liability is, or purports to be, created, transferred, modified, limited, extended, suspended, extinguished or recorded;

(b) “legal practitioner” means any advocate or attorney of the Supreme Court or any advocate of the High Court or any pleader authorized under any law for the time being in force to practise in any court of law ;

(c) “notary” means a person appointed as such under this Ordinance :

Provided that for a period of six months from the commencement of this Ordinance it shall include also a person who, before such commencement, was appointed a notary public by the Master of Faculties in England, and is, immediately before such commencement, in practice as a notary in any part of Pakistan ;

(d) “prescribed” means prescribed by rules made under this Ordinance ;

(e) “Register” means a Register of Notaries to be maintained under section 4.

3. Power to appoint notaries.—The Central Government, for the whole or any part of Pakistan, and the Provincial Government, for the whole or any part of the Province, may appoint as notaries any legal practitioners or other persons who possess such qualifications as may be prescribed.

4. Registers.—(1) The Central Government and the Provincial Government shall maintain, in such form as may be prescribed, a Register of the notaries appointed by that Government and entitled to practise as such under this Ordinance.

(2) Every such Register shall include the following particulars about the notary whose name is entered therein, namely :—

- (a) his full name, date of birth, residential and professional address ;
- (b) the date on which his name is entered in the Register ;
- (c) his qualification ; and
- (d) any other particulars which may be prescribed.

5. Entry of names in the Register and issue or renewal of certificates of practice.—(1) Every notary who intends to 'practise as such shall, on payment to the Government appointing him of the prescribed fee, if any, be entitled—

- (a) to have his name entered in the Register maintained by that Government under section 4, and
- (b) to a certificate authorizing him to practise for a period of three years from the date on which the certificate is issued to him.

(2) Every such notary who wishes to continue to practise after the expiry of the period for which his certificate of practice has been issued under this section shall, on application made to the Government appointing him and payment of the prescribed fee, if any, be entitled to have his certificate of practice renewed for three years at a time.

6. Annual publication of lists of notaries.—The Central Government and every Provincial Government shall, not later than the end of January each year, publish in the official Gazette a list of notaries appointed by that Government and in practice at the beginning of that year together with such details pertaining to them as may be prescribed.

7. Seal of notaries.—Every notary shall have and use, as occasion may arise, a seal of such form and design as may be prescribed.

8. Functions of notaries.—(1) A notary may do all or any of the following acts by virtue of his office, namely :—

- (a) verify, authenticate, certify or attest the execution of any instrument ;
- (b) present any promissory note, hundi or bill of exchange for acceptance or payment or demand better security ;
- (c) note or protest the dishonour by non-acceptance or non-payment of any promissory note, hundi or bill of exchange or protest for better security or prepare acts of honour under the Negotiable Instruments Act, 1881 (XXVI of 1881), or serve notice of such note or protest ;
- (d) note and draw up ship's protest, boat's protest or protest relating to demurrage and other commercial matters ;
- (e) administer oath to, or take affidavit from, any person ;
- (f) prepare bottomry and respondentia bonds, charter parties and other mercantile documents ;

- (g) prepare, attest or authenticate any instrument intended to take effect in any country or place outside Pakistan in such form and language as may conform to the law of the place where such deed is intended to operate ;
- (h) translate, and verify the translation of, any document from one language into another ;
- (i) any other act which may be prescribed.

(2) No act specified in sub-section (1) shall be deemed to be a notarial act except when it is done by a notary under his signature and official seal.

9. Bar of practice without certificate.—(1) Subject to the provisions of this section, no person shall practise as a notary or do any notarial act under the official seal of a notary unless he holds a certificate of practice in force issued to him under section 5 :

Provided that nothing in this sub-section shall apply to the presentation of any promissory note, hundi or bill of exchange for acceptance or payment by the clerk of a notary acting on behalf of such notary.

(2) Nothing contained in sub-section (1) shall, until the expiry of six months from the commencement of this Ordinance, apply to any such person as is referred to in the proviso to clause (c) of section 2.

10. Removal of names from Register.—The Government appointing any notary may, by order, remove from the Register maintained by it under section 4 the name of the notary if he—

- (a) makes a request to that effect ; or
- (b) has not paid any prescribed fee required to be paid by him ; or
- (c) is an undischarged insolvent ; or
- (d) has been found, upon inquiry in the prescribed manner, to be guilty of such professional or other misconduct as, in the opinion of the Government, renders him unfit to practise as a notary.

11. Construction of references to notaries public in other laws.—Subject to the provisions of section 16, any reference to a notary public in any other law shall be construed as a reference to a notary entitled to practise under this Ordinance.

12. Penalty for falsely representing to be a notary, etc.—Any person who—

- (a) falsely represents that he is a notary without being appointed as such, or
- (b) practises as a notary or does any notarial act in contravention of section 9,

shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

13. Cognizance of offences.—(1) No court shall take cognizance of any offence committed by a notary in the exercise or purported exercise of his functions under this Ordinance save upon complaint in writing made

by an officer authorized by the Central Government or a Provincial Government by general or special order in this behalf.

(2) No magistrate other than a magistrate of the first class shall try an offence punishable under this Ordinance.

14. Reciprocal arrangements for recognition of notarial acts done by foreign notaries.—If the Central Government is satisfied that by the law or practice of any country or place outside Pakistan, the notarial acts done by notaries within Pakistan are recognised for all or any limited purposes in that country or place, the Central Government may, by notification in the official Gazette, declare that the notarial acts lawfully done by notaries within such country or place shall be recognised within Pakistan for all purposes or, as the case may be, for such limited purposes as may be specified in the notification.

15. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

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

- (a) the qualifications of a notary, the form and manner in which applications for appointment as a notary may be made and the disposal of such applications ;
- (b) the certificates, testimonials or proofs as to character, integrity, ability and competence which any person applying for appointment as a notary may be required to furnish ;
- (c) the fees payable for appointment as a notary and for the issue and renewal of a certificate of practice, and exemption, whether wholly or in part, from such fees in specified classes of cases ;
- (d) the fees payable to a notary for doing any notarial act ;
- (e) the form of Registers and the particulars to be entered therein ;
- (f) the form and design of the seal of a notary ;
- (g) the manner in which inquiries into allegations or professional or other misconduct of notaries may be made ;
- (h) the acts which a notary may do in addition to those specified in section 8 and the manner in which a notary may perform his functions.

16. Saving of Act XXVI of 1881.—Nothing in this Ordinance affects the provisions of the Negotiable Instruments Act, 1881 (XXVI of 1881), or any appointment made in pursuance of section 138 of that Act or the powers of any person so appointed.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,
President

THE ASSOCIATED PRESS OF PAKISTAN (TAKING OVER) ORDINANCE, 1961.

ORDINANCE NO. XX OF 1961

[15th June, 1961]

An Ordinance to enable the Central Government to take over the Associated Press of Pakistan Limited.

Preamble.—WHEREAS, due to an administrative and financial breakdown, the undertaking known as the “Associated Press of Pakistan” is no longer able to function ;

AND WHEREAS in the public interest it is expedient that the Central Government should take over the undertaking to ensure free and efficient flow of news to the people and to place the undertaking on a stable footing ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Associated Press of Pakistan (Taking Over) Ordinance, 1961.

(2) It shall come into force at once.

2. Definition.—In this Ordinance “Associated Press” means the company registered on the 28th day of May, 1960, under the Companies Act, 1913 (VII of 1913), under the name of the Associated Press of Pakistan Limited.

3. Power to take over Associated Press.—(1) The Central Government may, notwithstanding anything contained in any other law for the time being in force, or in any trust or *wakf*, or in any deed or other instrument, by notification in the official Gazette, take over the entire undertaking of the Associated Press on such date as may be specified in the notification.

(2) On the date specified in the notification under sub-section (1),—

- (a) the Associated Press shall stand dissolved for the purposes of the Companies Act, 1913 (VII of 1913) ;
- (b) all assets, rights, powers, authorities and privileges, all property, movable and immovable, cash and bank balances, reserve funds, investments and all other interests and rights in, or arising out of, such property, of the Associated Press, shall stand transferred to, and vest in, the Central Government ;
- (c) all debts and liabilities incurred, all obligations undertaken, all contracts entered into, and all agreements made by or with the

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Associated Press, shall stand transferred to, and be deemed to have been incurred, undertaken, entered into or made, by or with, the Central Government ;

- (d) any sum payable to, or recoverable by, the Associated Press shall be deemed to be payable to, or recoverable by, the Central Government ;
- (e) the members of the Associated Press shall be liable to contribute to the assets thereof for payment of its debts and liabilities to the extent to which they would have been liable had the Associated Press been wound up under the Companies Act, 1913 (VII of 1913) ;
- (f) all suits and other legal proceedings instituted by or against the Associated Press before the said date shall be deemed to have been instituted by or against the Central Government and may be continued or proceeded with accordingly ;
- (g) any reference to the Associated Press in any law other than this Ordinance, or in any rule, regulation, order or notification or in any contract, deed or other document shall, except where the context otherwise requires or the Central Government otherwise directs, be construed as reference to the Central Government.

4. Management etc. of the Associated Press after the taking over.—

(1) After the Associated Press has been taken over, the Central Government shall conduct the business and manage and administer the affairs of that undertaking as a separate institution, hereinafter referred to as the "undertaking".

(2) The Central Government may appoint a person to take possession of the Associated Press and all its properties, records and documents, and, after taking such possession, to manage and administer, on behalf of the Central Government the affairs of the undertaking and to exercise such powers and perform such duties in relation thereto as the Central Government may, from time to time, require him to exercise and perform, and any such appointment may, at any time, be revoked and a fresh appointment made on such conditions and with such limitations as the Central Government may determine.

(3) When taking possession under sub-section (2), it shall be lawful for any police officer to seize any property of the undertaking, or its records or documents, found anywhere in Pakistan, and for any Magistrate, by warrant, to authorize any police officer, not below the rank of Sub-Inspector, to enter upon and search for any such property, record or document in any premises where they may be or where they may reasonably expected to be found.

(4) In conducting the business and managing and administering the affairs of the undertaking due regard shall be had to :—

- (a) the free and efficient flow of information,
- (b) the stability of the organization,
- (c) supply of unbiased and reliable news to the newspapers and news agencies in Pakistan and abroad, and
- (d) expansion and development of news service.

5. Future Management of the undertaking.—After the affairs of the undertaking have been put on a sound footing with respect to its finance, management and the efficiency of its news service, the Central Government shall make such arrangements for running and managing it on a permanent basis in order to ensure that the undertaking shall provide independent, healthy and efficient news service, as to it might appear proper. To this end the Central Government may transfer the whole or a part of the undertaking or any interest in it to an individual or an organization or a Board of Trustees set up for this purpose.

6. Recovery of dues.—Any sum payable to or recoverable by the Central Government under this Ordinance shall be recoverable as arrears of land revenue.

7. Officers and employees of the Associated Press.—(1) The Central Government may make such arrangements or take such measures with respect to the officers and other employees of the Associated Press as it thinks fit.

(2) Until the Central Government otherwise directs, all the officers and employees of the Associated Press in employment immediately before the taking over under sub-section (1) of section 3, shall continue to be in their respective employments on the same terms and conditions as then in force, and unless the Central Government otherwise directs, no such officer and employee shall be subject to rules relating to emoluments, allowances, pensions, appointment, dismissal or disciplinary action applicable to Government servants, and subject to any agreement to the contrary, such officers and employees may also be transferred with the transfer of the undertaking under section 5 of the Ordinance.

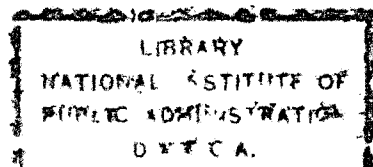
8. Compensation.—If, after assessment of the assets and liabilities of the Associated Press, the value of the assets exceed the value of the liabilities, the Central Government shall, to the extent of the excess, pay compensation to the persons who would have been entitled to surplus remaining after payment of the debts and liabilities as if the Associated Press has been wound up under the Companies Act, 1913 (VII of 1913).

9. Power to make rules.—The Central Government may make rules for carrying out the purposes of this Ordinance.

10. Immunity.—No suit or other legal proceedings shall be instituted in any court in respect of anything done under this Ordinance.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,
President.



THE MUSLIM FAMILY LAWS (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XXI OF 1961

[19th June, 1961]

An Ordinance to amend the Muslim Family Laws Ordinance, 1961

WHEREAS it is expedient to amend the Muslim Family Laws Ordinance, 1961 (VIII of 1961) ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title.—This Ordinance may be called the Muslim Family Laws (Amendment) Ordinance, 1961.

2. Amendment of section 2, Ordinance VIII of 1961.—In the Muslim Family Laws Ordinance, 1961, hereinafter referred to as the said Ordinance, in section 2,—

(1) in clause (a), the words “of the Union Council” shall be omitted, and for the semi-colon at the end a colon shall be substituted, and thereafter the following proviso shall be added, namely :—

“Provided that where any party fails to nominate a representative within the prescribed time, the body formed without such representative shall be the Arbitration Council ;” ;

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

“(b) ‘Chairman’ means the Chairman of the Union Council or a person appointed by the Central or a Provincial Government, or by an officer authorized in that behalf by any such Government, to discharge the functions of Chairman under this Ordinance :

Provided that where the Chairman of the Union Council is a non-Muslim, or he himself wishes to make an application to the Arbitration Council, or is, owing to illness or any other reason, unable to discharge the functions of Chairman, the Council shall elect one of its Muslim members as Chairman for the purposes of this Ordinance ;” ; and

(3) in clause (d), for the words “having jurisdiction in the area concerned” the words “having in the matter jurisdiction as prescribed” shall be substituted.

3. Amendment of section 8, Ordinance VIII of 1961.—In the said Ordinance, in section 8, in sub-section (5), for the figure and brackets “(2)” the figure and brackets “(3)” shall be substituted.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,

FIELD-MARSHAL,

President.

Price : Ps. 6

THE APPROPRIATION (RAILWAYS) ORDINANCE, 1961

ORDINANCE NO. XXII OF 1961

[27th June, 1961]

An Ordinance to authorize payment and appropriation of certain sums in respect of Pakistan Railways from and out of the Federal Consolidated Fund for the service of the period beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962.

WHEREAS, it is expedient to authorize payment and appropriation of certain sums in respect of Pakistan Railways from and out of the Federal Consolidated Fund for the service of the period beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962 ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in the behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title.—This Ordinance may be called the Appropriation (Railways) Ordinance, 1961.

2. Issue of Rs. 1,05,20,82,000 out of Federal Consolidated Fund for the period beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962.—From and out of the Federal Consolidated Fund there may be paid and applied sums not exceeding those specified in column (3) of the Schedule to this Ordinance, amounting in the aggregate to the sum of rupees one hundred and five crores, twenty lakhs and eighty two thousand towards defraying the several charges which will come in course of payment during the period beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962 in respect of Pakistan Railways for the services and purposes specified in column (2) of the Schedule.

3. Appropriation.—The sums authorized to be paid and applied from and out of the Federal Consolidated Fund by this Ordinance shall be appropriated in respect of Pakistan Railways for the services and purposes expressed in the Schedule in relation to the period specified in section 2.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,

President.

THE SCHEDULE

(See sections 2 and 3)

(1)	(2)	(3)		
No. of Autho- rization.	Services and Purposes	Sums not exceeding		
		Authorized by President.	Charged on the Federal Consolidated Fund.	Total
1.	Central Organizations and Miscellaneous Expendi- ture	39,57,000	...	39,57,000
2.	Ordinary Working Ex- penses—General Admi- nistration	9,14,28,000	...	9,14,28,000
3.	Ordinary Working Ex- penses—Repairs and Maintenance	15,70,97,000	...	15,70,97,000
4.	Ordinary Working Ex- penses—Operating Ex- penses	19,24,37,000	...	19,24,37,000
5.	Appropriation to Funds and Contributions to General Revenues ...	23,18,12,000	2,93,51,000	26,11,63,000
6.	Expenditure not met from Revenue ...	34,60,00,000	...	34,60,00,000
	Total ...	1,02,27,31,000	2,93,51,000	1,05,20,82,000

THE FINANCE ORDINANCE, 1961

ORDINANCE NO. XXIV OF 1961

[30th June, 1961]

An Ordinance to give effect to the financial proposals of the Central Government for the year beginning on the first day of July, 1961.

WHEREAS it is expedient to provide for the continuance, subject to modifications, of certain duties and taxes levied or continued by the Finance Ordinance, 1960 (XXV of 1960), to make certain provisions relating to the levy of the duty of customs, the duty of excise, income-tax, super tax and sales tax and to fix the rates of income-tax and super tax ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958 and in exercise of all powers enabling him in this behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Finance Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) Save as hereinafter provided, it shall come into force on the first day of July, 1961.

2. Continuation of Act XXII of 1958 and Ordinance LIV of 1960.—Notwithstanding anything to the contrary contained in any law for the time being in force and save as provided hereinafter, the provisions of sections 3, 7, 8 and 9 of the Finance Act, 1958 (XXII of 1958) and the provisions of the Post Office (Amendment) Ordinance, 1960 (LIV of 1960) and all rules and orders made and notifications issued thereunder, as in force on the thirtieth day of June, 1961, shall continue in force after the thirtieth day of June, 1961 in respect of the year beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962 and any reference therein, and in any laws referred to therein, to the year beginning on the first day of April, 1958 and ending on the thirty-first day of March, 1959 shall be construed as a reference to the year beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962.

3. Amendment of Act XXXII of 1934.—The amendments set out in the First Schedule to this Ordinance shall be made in the Tariff Act, 1934 (XXXII of 1934).

4. Amendment of Act I of 1944.—The following amendments shall be made in the Central Excises and Salt Act, 1944 (*I of 1944*) (hereinafter referred to as the said Act), namely :—

(1) In section 3, after sub-section (3), the following sub-section shall be inserted as sub-section (4) :—

“ (4) Notwithstanding anything contained in sub-section (1), the Central Government may, in lieu of levying and collecting duties of excise on excisable goods under that sub-section, levy and collect, in such manner and at such rates as may be prescribed, duties of excise on the plant or machinery, or a part thereof, manufacturing or producing excisable goods.”;

(2) For the First Schedule to the said Act, the Second Schedule to this Ordinance shall be substituted;

(3) (a) In the First Schedule to the said Act—

(i) for the existing entry in the third column against item 4, the following shall be substituted, namely :—

“ One rupee and fifty-five paise per Imperial gallon ”; and

(ii) each entry of duty set forth in the third column against sub-item II (2) of item 9 shall have effect as if the words “ plus one-fifth of the total duty ” were added to it.

(b) The provisions of clause (a) shall have effect until the thirtieth day of June, 1962.

5. Amendment of Act XI of 1922.—The following amendments shall be made in the Income-tax Act, 1922 (*XI of 1922*), namely :—

(1) In section 4, in sub-section (3)—

(a) In clause (xii)—

(i) For the word “ two ”, the word “ three ” shall be substituted;

(ii) In the second sub-paragraph, for the figures “ 1961 ” the figures “ 1965 ” shall be substituted;

(iii) In the first proviso, for the word, figures and comma “ April, 1957 ”, the word, figures and comma “ July, 1961 ”, for the figures “ 1961 ”, the figures “ 1965 ”, and for the word “ three ” appearing in clause (i), the word “ six ” shall be substituted;

(iv) In the second proviso, for the word “ three ”, the word “ six ” shall be substituted;

(b) After clause (xii), the following new clauses shall be inserted, namely :—

“ (xiia) Any income chargeable under the head “ Income from property ” received by a company registered under the Companies Act, 1913 (VII of 1913) or a body corporate formed in pursuance of a Central Act in respect of any building the erection of which is begun and completed at any time between the first day of July, 1961 and the thirtieth day of June, 1965 (both days inclusive) for a period of six years from the date of such completion, where such building is a part of a housing estate comprising not less than one hundred units the annual value of each unit not exceeding the scale specified below :—

<i>Minimum Accommodation</i>	<i>Annual value</i>
One room, verandah, kitchen and W.C. with proper water and electricity connections.	Three hundred rupees.
Two rooms, verandah, kitchen, bath room and W.C. with proper water and electricity connections.	Six hundred rupees
Three rooms, verandah, kitchen, bath room and W.C. with proper water and electricity connections.	Nine hundred rupees.

The exemption under this clause shall also apply where the housing estate comprises not less than twenty-five bungalows or flats and the annual value of each such bungalow or flat does not exceed 7.5 per cent. per annum of the total amount invested in the construction (including the cost of land) thereof or five hundred rupees, whichever is the less ” ;

(xiib) Any payment received by an assessee not being a professional writer, journalist or artist as remuneration or compensation for literary or artistic work :

Provided that where such payment or payments received by the assessee in any one previous year exceeds or exceed one thousand rupees, nothing in this clause shall apply to

so much of the said payment or payments taken together as exceeds the aforesaid amount”;

(2) In section 10, in sub-section (2)—

(a) In clause (vi)—

- (i) In sub-clauses (a) and (aa), for the figures “1961” the figures “1965” shall be substituted;
- (ii) In sub-clause (c), after the words “machinery or plant”, the words “other than ships” shall be inserted;
- (iii) After sub-clause (c), the following new sub-clause shall be added, namely :—

“ (d) in the case of ships, to forty *per cent.* of the cost thereof to the assessee ”;

(b) In sub-section (3A), after the words “other than the assessee”, the words, figures and letter “or in respect of which exemption is allowed under section 15F” shall be inserted;

(c) In sub-section (9), before the word and figures “section 24”, the words, figures and brackets “sub-sections (2) and (3) of” shall be inserted and the following proviso shall be added at the end of the sub-section, namely :—

“Provided that where such business is set up on or after the first day of July, 1961, the assessee may, by notice given in writing to the Income-tax Officer within six months of the setting up of the business, declare (such declaration once made being final) that the profits and gains thereof be determined in accordance with the provisions of section 15BB and where such declaration is made, the provisions of the said section 15BB shall, subject to the conditions laid down therein being fulfilled, apply to the profits and gains of such business”;

(3) After section 12A, the following new section shall be inserted, namely :—

“12AA. *Royalties or copy-right fees for literary or artistic work.*—

Where the time taken by the author of a literary or artistic work in the making thereof—

- (a) exceeds twelve months, but does not exceed twenty-four months, or
- (b) exceeds twenty-four months,

the amount received or receivable by him during any previous year on account of any lump sum consideration for the assignment or grant of any of his interests in the copy-right of that work or of royalties or copy-right fees (whether receivable in lump sum or otherwise), in respect of that work, shall, if he so claims, be allocated for purposes of assessment as hereunder :—

- (i) in the case referred to in clause (a), one-half of the amount of such lump sum royalties or fees as the income of the

previous year in which the whole amount is received or receivable, and the other half as the income of the next preceding previous year, and

- (ii) in the case referred to in clause (b), one-third of the amount of such lump sum royalties or fees as the income of the previous year in which the whole amount is received or receivable, and one-third of the said amount as income of each of the two next preceding years.

Explanation.—For the purposes of this section, the expression “author” includes a joint author and the expression “lump sum” in regard to royalties or copy-right fees includes an advance payment on account of such royalties or copy-right fees which is not returnable”;

- (4) In section 13, the following *Explanation* shall be added at the end, namely :—

“*Explanation.*—The expression “method of accounting”, as used in this section, includes the language or script employed, or to be employed, by an assessee for the purposes of maintaining his accounts”;

- (5) For sub-section (3) of section 15, the following shall be substituted, namely :—

“(3) The aggregate of any sums exempted under this section shall not, together with any sums exempted under the first proviso to sub-section (1) of section 7, section 15AA, section 15C and section 15F and any sums exempted under sub-section (1) of section 58F, exceed twenty *per cent.* of the total income of the assessee, or twelve thousand rupees, whichever is the less :

Provided that as respects any sums paid by an assessee to effect an insurance on the life of the assessee or on the life of a wife or husband of the assessee or in respect of a contract for a deferred annuity on the life of the assessee or on the life of a wife or husband of the assessee, this sub-section shall apply as if for the words “twenty *per cent.*” the words “thirty *per cent.*” were substituted”;

- (6) In section 15BB—

- (a) In sub-section (1), in the proviso, for the words “less developed region or regions”, the word “areas” shall be substituted, and after the word “six”, the words “and eight” shall be inserted ;

This amendment shall have effect in relation to the income, profits and gains of an industrial undertaking which is set up on or after the first day of July, 1961.

- (b) In sub-section (2)—

- (i) In clause (a), for the words “two lakh” the words “fifty thousand” shall be substituted ;

- (ii) In clause (c), for the words and comma, "First, Second and Third", the words "First and Second" shall be substituted;
- (iii) For clause (d), the following shall be substituted, namely:—

"(d) that not less than sixty *per cent.* of the income, profits and gains exempted under this section are set apart in a special fund for the purpose of the expansion or development of the industrial undertaking from which such income, profits and gains have been derived, whether by the capitalisation of such income, profits and gains for the purpose of issue of bonus shares to the shareholders of such company or body, or otherwise, or for investment in any other industry (included in the Industrial Investment Schedules issued by the Central Government from time to time), which is owned and managed by a company registered under the Companies Act, 1913 (VII of 1913), or a body corporate formed in pursuance of a Central Act";

- (iv) For sub-section (4), the following shall be substituted, namely:—

"(4) The provisions of this section shall also apply to an industrial undertaking consisting of an expansion of an existing industrial undertaking if such expansion constitutes (a) an identifiable industrial unit for production of similar or other goods or class of goods, or (b) a similar unit for the carrying out of an identifiable industrial process and such identifiable or similar unit is owned and managed by a company registered under the Companies Act, 1913 (VII of 1913), all the voting shares of which are owned by the company owning the said existing industrial undertaking, or such system of accounting based on recognised accounting practices is adopted for the determination of the income, profits and gains of such identifiable or similar unit as may be approved by the Central Board of Revenue for the purposes of this section, but nothing contained in this section shall apply to an industrial undertaking which is formed by the splitting up or the reconstruction or reconstitution of business already in existence or by the transfer to a new business of any building, machinery or plant used in a business which was being carried on in Pakistan on or before the first day of April, 1959";

- (7) In sub-section (6) of section 15C, for the figures "1961", the figures "1965" shall be substituted;

- (8) In section 15D—

- (a) The first proviso to sub-section (1) and the word "further" appearing in the second proviso shall be omitted; and
- (b) In sub-section (2), for the words and commas "five *per cent* in the case of a company, and ten *per cent* in any other case", the words "ten *per cent*" shall be substituted;

(9) After section 15E, the following new section shall be inserted, namely :—

“15F. *Exemption on account of purchase of books.*—Subject to the provisions of sub-section (3) of section 15, the tax shall not be payable by an assessee on so much of his income, profits and gains as is expended by him on the purchase of books of a professional or technical nature or of general utility”;

(10) In section 18, in sub-section (3B), for the words “any interest not being ‘Interest on securities’ or any other sum”, the words “any sum not being ‘Interest on securities’” shall be substituted;

(11) In section 22, in sub-section (1A)—

(a) After clause (a), the word “and” shall be added, and for clauses (b) and (c), the following clause shall be substituted, namely :—

“(b) in other cases, by the fifteenth day of September next following”; and

(b) In the second proviso, for the word “two”, the word “three” shall be substituted;

(12) In section 23A, in sub-section (1), after *Explanation 2*, the following further *Explanation* shall be added, namely :—

“*Explanation 3.*—The expression “assessable income”, as used in this sub-section, does not include so much of the income, profits and gains, if any, derived by a company from an industrial undertaking, that is to say, an undertaking which is set up or commenced in Pakistan on or after the 14th day of August, 1947 and which employs (i) ten or more persons in Pakistan and involves the use of electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency, or (ii) twenty or more persons in Pakistan and does not involve the use of electrical energy or other form of energy which is mechanically transmitted and is not generated by human or animal agency and which is—

(i) engaged in—

(a) the manufacture of goods or materials or the subjection of goods and materials to any process which substantially changes their original condition;

(b) ship-building;

(c) generation, transformation, conversion, transmission or distribution of electrical energy or the supply of hydraulic power;

(d) the working of any mine, oil well or other source of mineral deposits; or

(ii) any other industrial undertaking which may be approved by the Central Board of Revenue for the purposes of this sub-section”;

(13) In section 34—

- (i) In sub-section (1), after the words and comma “or any other person on his behalf, has”, the words, figures and brackets “not filed any return under sub-section (1) or sub-section (2) of section 22 or” shall be inserted;
- (ii) In sub-section (2A), after the words and comma “or any other person on his behalf, has”, the words, figures and brackets “not filed any return under sub-section (1) or sub-section (2) of section 22 or” shall be inserted;

(14) In section 35, after the word “assessee” at the end, a comma be inserted and thereafter the words “or, in the case of an order in appeal, by any party to such appeal” shall be added;

(15) In section 38, after the words “Assistant Commissioner”, the words “or any other officer authorized in this behalf by the Central Board of Revenue” shall be inserted;

(16) In section 54, in sub-section (3), in clause (a), after the words “this Act” the words, figures and brackets “or under the Income-tax (False Declarations) Regulation, 1958 (Martial Law Regulation No. 44 of 1958)” shall be inserted;

(17) In section 60, for sub-section (2), the following shall be substituted, namely:—

- “(2) Where, by reason of any portion of an assessee’s salary being paid in arrears or in advance, or by reason of his having received, in any one financial year, salary for more than twelve months or a payment which is, under the provisions of sub-section (1) of section 7, a profit in lieu of salary, or by reason of his having received, in any one previous year, any interest chargeable under the head “Interest on securities” relating to more than one previous year, his income is assessable at a rate higher than that at which it would otherwise have been assessed, the Income-tax Officer may determine the tax payable as if the said salary, payment or interest had been received by him during the previous year to which it relates, and may refund the amount of tax, if any, paid in excess thereof.”; and

(18) In the Third Schedule—

- (a) In rule 2, after the words “the said undertaking”, the words, figures and brackets “or any other income in accordance with sub-section (1) of section 24” shall be inserted;

(b) After rule 5, the following new rule shall be added, namely:—

- “(6) Where the business of refining or concentrating in Pakistan the mineral deposits extracted by it in Pakistan is set up by any such undertaking after the first day of July, 1961, the assessee may, by notice given in writing to the Income-tax Officer within six months of the setting up of such business, declare (such declaration once made being final) that the profits and gains thereof be determined in accordance with the provisions of section 15BB, and where such declaration is made, the provisions of rule 5 shall not, but the provisions of the said section

15BB shall, subject to the conditions laid down therein being fulfilled, apply to the income, profits and gains of such business ”.

6. Amendment of Act III of 1951.—The following amendment shall be made in the Sales Tax Act, 1951 (III of 1951), namely :—

(1) To sub-section (2) of section 8, the following proviso shall be added, namely :—

“ Provided that where a manufacturer is exempt from the payment of the tax in respect of goods manufactured by him as well as the raw materials used in the manufacture of such goods, a licence under this section may be issued with the prior approval of the Central Government and subject to such conditions as may be specified in this behalf ”.

(2) In section 12, for sub-section (1) and the proviso thereto, the following shall be substituted, namely :—

“ (1) Subject to the provisions of sub-section (4) of section 3, every person liable to pay tax under clause (a) or clause (c) of sub-section (1) of section 3 and every licensed manufacturer who has either imported or purchased any partly manufactured goods without payment of sales-tax and has subsequently sold such goods to a person other than a licensed manufacturer or a licensed wholesaler shall, in such manner as may be prescribed, pay the tax leviable under this Act and where the goods have been sold by a licensed manufacturer in the circumstances specified above, the tax which should, but for the provisions of section 4, have been paid in respect of such goods at the time of their importation or purchase, as the case may be, within thirty days of the end of the month in which the goods in respect of which the tax is payable were sold ” ; and

(3) In section 28, the following *Explanation* shall be added at the end, namely :—

“ *Explanation.*—The expression “ tax payable under this Act ”, as used in this section, includes the tax payable by a licensed manufacturer in respect of partly manufactured goods under section 12 ”.

7. Income-tax and Super-tax.—(1) Subject to the provisions of sub-sections (2), (3) and (4), in making assessment for the year beginning on the first day of July, 1961—

(a) income-tax shall be charged at the rates specified in Part I of the Third Schedule ; and

(b) the rates of super-tax shall, for the purposes of section 55 of the Income-tax Act, 1922 (XI of 1922), be those specified in Part II of the Third Schedule.

(2) In making any assessment for the year beginning on the first day of July, 1961—

(a) Where the total income of an assessee, not being a company, includes any income chargeable under the head “ salaries ” as

reduced by the reduction for earned income appropriate thereto, or any income chargeable under the head "Interest on securities", the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Finance Ordinance, 1960 (XXV of 1960), on his total income the same proportion as the amount of such inclusion bears to his total income;

- (b) Where the total income of the company includes any profits and gains from life insurance business, the super-tax payable by the company shall be reduced by an amount equal to 12.5 *per cent.* of that part of its total income which consists of such inclusion; and
- (c) Where the total income of the assessee, not being a company, includes any profits and gains from life insurance business, income-tax and super-tax payable by the assessee on that part of its total income which consists of such inclusion shall be the amount bearing to the total amount of such taxes payable on its total income according to rates applicable under the operation of the Finance Act, 1942 (XII of 1942), the same proportion as the amount of such inclusion bears to this total income so however that the aggregate of the taxes so computed in respect of such inclusion shall not, in any case, exceed the amount of tax payable on such inclusion at the rate of 30 *per cent.*

(3) In making any assessment for the year beginning on the first day of July, 1961, where the assessee is a co-operative society, the tax ~~shall be payable at the rates specified in paragraph A of Part I, or paragraph B of Part I and paragraph A of Part II of the Third Schedule, as if the assessee were a company to which clause (i) of the proviso to subparagraph (1) of paragraph A of the said Part II applied, whichever treatment is more beneficial to the assessee :~~

Provided that in calculating, for the purposes of this sub-section, the amount of income-tax at the rates specified in paragraph A of Part I of the Third Schedule, no deduction in respect of any allowances or sums referred to in clause (i) of the proviso to the said paragraph shall be made:

(4) In cases to which section 17 of the Income-tax Act, 1922 (XI of 1922) applies, the tax chargeable shall be determined as provided in that section, but with reference to the rates imposed by sub-section (1) and in accordance, where applicable, with the provisions of sub-section (2) of this section.

(5) For the purposes of making deduction of tax under section 18, the rates specified in the Third Schedule shall apply as respects the year beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962.

(6) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in

accordance with the provisions of the Income-tax Act, 1922 (XI of 1922), and the expression "earned income" has the meaning assigned to it in clause (6AA) of section 2 of the said Act.

8. Continuation of Act LXIV of 1950.—(1) The Finance (Supplementary) Act, 1950 (LXIV of 1950), shall, with the omissions and modifications set out in the Fourth Schedule to this Ordinance, continue in operation after the thirtieth day of June, 1961 as if the provisions of the said Act with the aforesaid omissions and modifications were enacted in, and formed part of, this Ordinance.

(2) The rules made under the Finance (Supplementary) Act, 1950 (LXIV of 1950) shall, with the necessary modifications, be deemed to be rules made under the provisions of the said Act as continued and made part of this Ordinance and, subject to any omissions, additions and modifications which the Central Government may make in them, shall have effect accordingly.

(3) Nothing in this section shall affect the application of the Finance (Supplementary) Act, 1950 (LXIV of 1950), in respect of the taxes and duties imposed thereby, in relation to any period before the first day of July, 1961.

THE FIRST SCHEDULE

(See section 3)

Amendments to the Tariff Act, 1934

I. In the First Schedule to the Tariff Act, 1934—

(1) in Heading No. 48.21, in the second column, for the existing entry against sub-head "C(i)" the following shall be substituted, namely:—

"Beaming paper, cards for jacquard attachments and the like".

(2) in Heading No. 63.01, in the second and third columns, for the existing sub-head "A" the following shall be substituted, namely:—

"A. Clothing and clothing accessories :

(i) Of silk or of man-made fibre 150% *ad valorem*.

(ii) Other 35% *ad valorem*."

(3) in Heading No. 84.06, in the second and third columns, for the existing clause "(ii)" of sub-head "B" the following shall be substituted, namely:—

"(ii) For automotive vehicles :

(a) Complete engines The rate applicable to the vehicle in which the engine would be fitted.

(b) Parts of engines 50% *ad valorem*."

(4) in Heading No. 87.02, in the second column, for the existing items "(a)", "(b)" and "(c)" of sub-head "A(i)", the following shall, respectively, be substituted, namely:—

"(a) does not exceed Rs. 5,500 per vehicle

(b) exceeds Rs. 5,500 but does not exceed Rs. 7,500 per vehicle

(c) exceeds Rs. 7,500 but does not exceed Rs. 11,000 per vehicle";
and

(5) against the Heading Nos. or sub-heads specified in the first and second columns of the table below, the entries in the third column of the table shall be substituted for the existing entries in the corresponding column of the said Schedule :

TABLE

Heading No.	Name of article					Rate of duty
1	2					3
08.04	Grapes, fresh or dried :					
	B.					
	(i)	Currants	..	..	..	Rs. 1·50 per cwt.
09.02	Tea	..	..	..	..	50 paisa per lb.
09.03	Mate	..	..	..	..	50 paisa per lb.
22.03	Beer made from malt :					
	A.	In barrels and other containers, etc.			..	Rs. 2·25 per liquid gallon.
	B.	In bottles containing less than 27 oz., etc.			..	37 paisa per bottle.
	C.	In bottles containing less than 13½ oz., etc.			..	19 paisa per bottle.
	D.	In bottles containing less than 6½ oz., etc.			..	9 paisa per bottle.
22.05	Wine of fresh grapes, etc. :					
	A.					
	(i)	Champagne and other sparkling wines			..	Rs. 23·62 per liquid gallon.
	(ii)	Other sorts	..	..	..	Rs. 13·50 per liquid gallon.
	B.	Wines containing more than 42 per cent. of proof spirit.			..	Rs. 187·50 per proof gallon.
22.08	Ethyl alcohol or neutral spirits, etc. :					
	B.	Other	..	..	..	Rs. 187·50 per proof gallon.
22.09	Spirits (other than those of heading No. 22.08), etc. :					
	A.	Brandy, Gin, Whisky, etc.			..	Rs. 187·50 per proof gallon.
	B.					
	(ii)	Not so entered			..	Rs. 187·50 per proof gallon.
27.10	Petroleum and shale oils, other than crude, etc. :					
	C.	Lamp oil and white spirit, etc.			..	16 paisa per gallon.
	D.					
	(i)	Light diesel oil			..	6 paisa per gallon.

TABLE—contd.

1	2	3
(ii) Furnace oil	..	3 paisa per gallon.
(iii) High speed diesel oil	..	19 paisa per gallon.
E.		
(i) Lubricating oils, etc.	..	25 paisa per gallon.
29.04 Acyclic alcohols, etc. :		
A.		
(ii) Other	..	Rs. 187.50 per proof gallon.
37.02 Films in rolls, etc. :		
A. Cinematograph film	..	2 paisa per linear foot.
37.04 Sensitised plates and film, etc. :		
A. Cinematograph film	..	19 paisa per linear foot.
37.06 Cinematograph film, exposed and developed, consisting only of sound track, negative or positive	..	12 paisa per linear foot.
37.07 Other cinematograph film, exposed and developed, etc. ..	..	25 paisa per linear foot.
55.01 Cotton, not carded or combed	..	12 paisa per lb.
55.02 Cotton linters	..	12 paisa per lb.
55.03 Cotton waste, etc.	..	12 paisa per lb.
55.04 Cotton, carded or combed	..	25 paisa per lb.
70.04. Unworked cast or rolled glass, etc.	..	40% <i>ad valorem</i> .
70.05 Unworked drawn or blown glass, etc.	..	40% <i>ad valorem</i> .
70.06 Cast, rolled, drawn or blown glass, etc.	..	40% <i>ad valorem</i> .
71.05 Silver, including silver gilt and platinum-plated silver, etc. :		
A. Silver bullion and silver sheets, etc.	..	50 paisa per ounce.
84.34 Machinery, apparatus and accessories, etc.		
A. Printing type	..	9 paisa per lb.
85.04 Electric accumulators :		
B. Alkaline accumulators	..	40% <i>ad valorem</i> .

II. In the Second Schedule to the Tariff Act, 1934, in item No. 5, for the existing entry in the third column the entry "37 paisa per lb." shall be substituted.

THE SECOND SCHEDULE

(See section 4)

" FIRST SCHEDULE

(See section 3)

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
1. KEROSENE—		
	"Kerosene" means any inflammable hydro-carbon (including any mixture of hydro-carbons or any liquid containing hydro-carbons but excluding motor-spirit) which—	16 paise per Imperial gallon
	(i) is made from petroleum as defined in section 2 of the Petroleum Act, 1934 (<i>XXX of 1934</i>), and	
	(ii) is intended to be or is ordinarily used in liquid form for purposes of illumination.	
2. MATCHES—		
	"Matches" includes a fire work in the form of a match ; and, where a match-stick has more heads than one capable of being ignited by striking, each such head shall be deemed to be a match.	
	(1) Matches, manufactured in a factory whose daily output exceeds one hundred gross of boxes, in boxes or booklets containing on an average—	
	(i) not more than forty matches ;	Two rupees ;
	(ii) more than forty, but not more than fifty matches ;	Two rupees and fifty paise ;
	(iii) more than fifty, but not more than sixty matches ;	Three rupees ;
	(iv) more than sixty, but not more than eighty matches ;	Four rupees.
	(2) Matches, manufactured in a factory whose daily output does not exceed one hundred gross of boxes, in boxes or booklets containing on an average—	
	(i) not more than forty matches ;	One rupee and ninety-five paise ;
	(ii) more than forty, but not more than fifty matches ;	Two rupees and forty-four paise ;
	(iii) more than fifty, but not more than sixty matches ;	Two rupees and ninety-two paise ;
	(iv) more than sixty, but not more than eighty matches ;	Three rupees and ninety paise ;

Per gross of boxes or booklets.

Per gross of boxes or booklets.

THE SECOND SCHEDULE—*contd.*

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(3) Matches in boxes containing on an average not more than twelve matches of the type known as "Bengal Lights".	Sixty-two-paisa per gross of boxes.
	(4) All other matches	Fifty paisa for every 1,440 matches or fraction thereof.
3. MECHANICAL LIGHTERS—		
	"Mechanical Lighters" means any mechanical or chemical contrivance for causing ignition which is portable and which operates by producing a spark of flame whether by itself or when brought into contact with gas, and includes a mechanical lighter issued from a factory in an incomplete state or requiring for its completion the addition of a flint.	Three rupees per lighter.
4. MOTOR SPIRIT—		
	"Motor Spirit" means—	One rupee and fifty-three paisa per Imperial gallon.
	(a) any inflammable hydro-carbon (including any mixture of hydro-carbons or any liquid containing hydro-carbons) which is capable of being used for providing reasonably efficient motive power for any form of motor vehicle ; and	
	(b) power alcohol, that is, ethyl alcohol of any grade (including such alcohol when denatured or otherwise treated), which either by itself or in admixture with any such hydro-carbon is capable of being used as aforesaid.	
5. SALT—		
	"Salt" includes swamp salt, spontaneous salt, and salt or saline solutions made or produced from any saline substance or from salt earth.	Two rupees and fifty paisa per maund.
6. SILVER		Twenty-two paisa per ounce Troy.
7. STEEL INGOTS		Four rupees per ton.
8. SUGAR PRODUCED IN A FACTORY ORDINARILY USING POWER IN THE COURSE OF PRODUCTION OF SUGAR—		
	"Sugar" means any form of sugar containing more than ninety per cent. of sucrose :—	
	(1) Sugar other than Khandsari or Palmyra ;	Seven rupees per cwt.
	(2) Khandsari sugar—	Two rupees per cwt.
	that is to say, sugar in the manufacture of which neither a vacuum pan nor a vacuum evaporator is employed ;	

THE SECOND SCHEDULE—contd.

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
	(3) Palmyra sugar—	<i>Nil.</i>
	that is to say, sugar manufactured from jaggery obtained by boiling the juice of the palmyra palm.	
9.	TOBACCO—	
	"Tobacco" means any form of tobacco, whether cured or uncured, and whether manufactured or not, and includes the leaf, stalk and stems of the tobacco plant but does not include any part of a tobacco plant while still attached to the earth.	
	I. Unmanufactured tobacco—	
	(1) if flue-cured and intended for—	
	(a) manufacture into cigarettes containing—	Per lb.
	(i) more than 60 per cent. weight of imported tobacco ;	Seven rupees and fifty paise ;
	(ii) more than 40 per cent. but not more than 60 per cent. weight of imported tobacco ;	Five rupees ;
	(iii) more than 20 per cent. but not more than 40 per cent weight of imported tobacco ;	Three rupees and fifty paise ;
	(iv) 20 per cent. or less than 20 per cent. weight of imported tobacco ;	Two rupees and fifty paise ;
	(v) no imported tobacco ;	One rupee ;
	(b) any purpose other than the manufacture of cigarettes or of the products enumerated in (3) (a) and (3) (b) ;	Seven rupees and fifty paise ;
	(2) if other than flue-cured and intended for—	Per lb.
	(a) manufacture into cigarettes ;	Seventy-five paise ;
	(b) any purpose other than the manufacture of cigarettes or of the products enumerated in (3) (a) and (3) (b) ;	Seventy-five paise ;
	(3) whether flue-cured or not, if intended for—	
	(a) manufacture into—	Per lb.
	(i) Biris ;	Seventy-five paise ;
	(ii) Snuff ;	Seventy-five paise ;
	(iii) Cigars and Cheroots ;	Thirty-seven paise ;
	(iv) Hookah tobacco ;	Thirty-seven paise ;
	(b) sale as chewing tobacco, whether manufactured or merely cured ;	Thirty-seven paise ;

THE SECOND SCHEDULE—*contd.*

Item No. (1)	Description of goods (2)	Rate of duty (3)
	(c) agricultural purposes	<i>Nil.</i>
(4)	stalks and other refuse of tobacco intended for use in the preparation of any form of manufactured tobacco ;	Six paise.
II. Manufactured tobacco—		
(1)	Cigars and cheroots of which the value—	Per hundred
	(i) exceeds Rs. 30·00 a hundred ;	Twelve rupees ;
	(ii) exceeds Rs. 25·00 a hundred but does not exceed Rs. 30·00 a hundred ;	Ten rupees ;
	(iii) exceeds Rs. 20·00 a hundred but does not exceed Rs. 25·00 a hundred ;	Eight rupees ;
	(iv) exceeds Rs. 15·00 a hundred but does not exceed Rs. 20·00 a hundred ;	Six rupees ;
	(v) exceeds Rs. 10·00 a hundred but does not exceed Rs. 15·00 a hundred ;	Four rupees ;
	(vi) exceeds Rs. 5·00 a hundred but does not exceed Rs. 10·00 a hundred ;	Two rupees ;
	(vii) exceeds Rs. 2·50 a hundred but does not exceed Rs. 5·00 a hundred ;	One rupee ;
	(viii) exceeds Rs. 1·25 a hundred but does not exceed Rs. 2·50 a hundred ;	Fifty paise ;
	(ix) exceeds Rs. 0·75 a hundred but does not exceed Rs. 1·25 a hundred ;	Twenty-five paise.
(2)	Cigarettes of which the value—	Per thousand
	(i) exceeds Rs. 50·00 a thousand ;	Twenty-seven rupees and eighty-one paise ;
	(ii) exceeds Rs. 40·00 a thousand but does not exceed Rs. 50·00 a thousand ;	Twenty-one rupees and twenty-five paise ;
	(iii) exceeds Rs. 34·00 a thousand but does not exceed Rs. 40·00 a thousand ;	Sixteen rupees and eighty-seven paise ;
	(iv) exceeds Rs. 25·00 a thousand but does not exceed Rs. 34·00 a thousand ;	Ten rupees and ninety-four paise ;
	(v) exceeds Rs. 17·50 a thousand but does not exceed Rs. 25·00 a thousand ;	Six rupees and twenty-five paise ;
	(vi) exceeds Rs. 14·00 a thousand but does not exceed Rs. 17·50 a thousand ;	Four rupees and sixty-nine paise ;
	(vii) exceeds Rs. 11·00 a thousand but does not exceed Rs. 14·00 a thousand ;	Three rupees and twelve paise ;

THE SECOND SCHEDULE—*contd.*

Item No. (1)	Description of goods (2)	Rate of duty (3)
	(viii) exceeds Rs. 9·00 a thousand but does not exceed Rs. 11·00 a thousand ;	One rupee and eighty-seven paisa ;
	(ix) exceeds Rs. 6·50 a thousand but does not exceed Rs. 9·00 a thousand ;	One rupee and fifty-six paisa ;
	(x) does not exceed Rs. 6·50 a thousand ;	Thirty-one paisa.
10.	TYRES—	
	“Tyre” means a pneumatic tyre in the manufacture of which rubber is used and includes the inner tube and the outer cover of such a tyre—	
	(a) outer cover of cycle tyre ;	Seventy-five paisa per tyre ;
	(b) inner tube of cycle tyre ;	Twenty-five paisa per tube.
11.	VEGETABLE PRODUCT—	Seven rupees per cwt.
	“Vegetable product” means any vegetable oil or fat which, whether by itself or in admixture with any other substance, has by hydrogenation or by any other process been hardened for human consumption.	
12.	BETEL-NUTS, cured—	Twelve paisa per lb.
	“Betel-nut” means the fruit of areca palm (areca catechu), whether with or without husk, whether cured or uncured, but does not include the fruit while still attached to the tree.	
13.	COFFEE, cured—	Twelve paisa per lb.
	“Coffee” means the seed of the coffee tree (Coffea), whether with or without husk, whether cured or uncured, but does not include the seed while still attached to the tree.	
14.	TEA—	Sixty-two paisa per lb.
	“Tea” means the commodity known as tea made from the leaves of the plant <i>Camellia Thea</i> (Linn) and includes green tea.	
15-A.	COTTON FABRICS—	
	“Cotton Fabrics” means fabrics of any description manufactured either wholly or partly from cotton, but does not include any such fabric—	
	(a) if it contains 10 per cent. or more by weight of wool ; or	
	(b) if it contains 10 per cent. or more by weight of man-made fibres ; or	
	(c) if manufactured on a handloom.	

THE SECOND SCHEDULE—*contd.*

Item No. (1)	Description of goods (2)	Rate of duty (3)
(1)	Coarse cotton fabrics—that is to say all fabrics, other than the fabrics mentioned in sub-item (4), in which the average count of yarn is less than 17s ;	Six paise per square yard ;
(2)	Medium cotton fabrics—that is to say all fabrics, other than the fabrics mentioned in sub-item (4), in which the average count of yarn is 17s or more but is less than 35s ;	Nineteen paise per square yard ;
(3)	Fine cotton fabrics—that is to say fabrics, other than the fabrics mentioned in sub-item (4), in which the average count of yarn is 35s or more ;	Thirty-one paise per square yard ;
(4)	Tapestry, curtain fabrics, bed covers and table covers, regardless of the count of yarn of which they are made.	Thirty-one paise per square yard.
<i>Explanation 1.</i> —‘ Count ’ means count of grey yarn.		
<i>Explanation 2.</i> —For the purpose of determining the average count of yarn, the following rules shall apply, namely :—		
(a) yarn used in the borders or selvages shall be ignored,		
(b) for multiple fold yarn, the count of the basic single yarn shall be taken and the number of ends per inch in the reed or the number of picks per inch, as the case may be, shall be multiplied by the number of plies in the yarn,		
(c) the average count shall be obtained by applying the following formula, namely :—		
$\frac{(\text{count of warp} \times \text{number of ends per inch in the reed}) + (\text{count of weft} \times \text{number of picks per inch})}{(\text{number of ends per inch in the reed}) + (\text{number of picks per inch})}$		
the result being rounded off, wherever necessary, by treating any fraction which is one-half or more as one, and disregarding any fraction which is less than one-half.		
15-B.	FABRICS OF MAN-MADE FIBRES—	Sixty-two paise per square yard ;
“ Fabrics of man-made fibres ” includes all varieties of fabrics manufactured either wholly or partly from man-made fibres, but does not include any such fabric—		
(a) if it contains 10 per cent. or more by weight of wool ; or		
(b) if it contains cotton and less than 10 per cent. by weight of man-made fibres ; or		
(c) if manufactured on a handloom.		

~~THE SECOND SCHEDULE~~ *contd.*

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
15-C. WOOLLEN FABRICS—		
	“Woollen Fabrics” means all varieties of fabrics manufactured wholly of wool or which contains 10 per cent. or more by weight of wool, and includes blankets, lohis and shawls, but does not include woollen fabrics manufactured on a handloom—	
	(i) woollen fabrics the value of which does not exceed Rs. 18·00 per linear yard ;	Fifty paisa per square yard ;
	(ii) woollen fabrics the value of which exceeds Rs. 18·00 but does not exceed Rs. 24·00 per linear yard ;	One rupee per square yard ;
	(iii) woollen fabrics the value of which exceeds Rs. 24·00 per linear yard ;	Two rupees per square yard.
16.	YARN (OTHER THAN YARN USED IN THE MANUFACTURE OF CLOTH ON WHICH DUTY IS LEVIABLE UNDER ITEM 15-A ABOVE) PRODUCED IN A FACTORY ORDINARILY USING POWER IN THE COURSE OF PRODUCTION OF YARN—	Such rate not exceeding seventy-five paisa per lb. as the Central Government by notification in the official Gazette may from time to time determine.
	“Yarn” means yarn of any description manufactured either wholly or partly from cotton and containing not less than 10 per cent. of cotton by weight.	
17. JUTE AND MESHTA—		
	“Jute” means the plant known botanically as belonging to the genus corchorus. and includes all the species of that genus whether known commonly as pat, kosta, nalia, or by any other name ; and “meshta” means the plant known botanically as “hibiscus cannabinus”.	Five rupces per bale of 400 lbs. (with effect from a date to be specified by the Central Government by notification in the official Gazette).
18.	JUTE MANUFACTURES MADE IN A FACTORY ORDINARILY USING POWER IN THE COURSE OF PRODUCTION OF SUCH MANUFACTURES.	Rupces-seventy per ton.
19-A.	HIGH SPEED DIESEL OIL AND VAPORISING OIL, THAT IS TO SAY, ANY MINERAL OIL (EXCLUDING MINERAL COLZA OIL AND TURPENTINE SUBSTITUTE) WHICH HAS ITS FLASHING POINT AT OR ABOVE SEVENTY-SIX DEGREES OF FAHRENHEIT'S THERMOMETER AND SATISFIES EITHER OF THE FOLLOWING REQUIREMENTS NAMELY :—	Nineteen paisa per Imperial gallon.
	(i) the oil has a flame height to ten millimeters or more but less than eighteen millimeters ; or	
	(ii) the oil has a flame height of less than ten millimeters, but has a viscosity, of less than fifty seconds by Redwood I Viscometer at one hundred degrees of Fahrenheit's thermometer, and contains less than one quarter of one per cent. by weight of any bituminous substance.	

THE SECOND SCHEDULE—*contd.*

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
19-B.	DIESEL OIL, NOT OTHERWISE SPECIFIED, THAT IS TO SAY, ANY MINERAL OIL WHICH—	Six paise per Imperial gallon.
	(i) has its flashing point at or above one hundred and fifty degrees Fahrenheit's thermometer,	
	(ii) has a flame height of less than ten millimeters,	
	(iii) contains one quarter of one per cent. or more by weight of any bituminous substance, and	
	(iv) possesses a viscosity of less than one hundred seconds by Redwood I Viscometer at one hundred degrees of Fahrenheit's thermometer.	
19-C.	FURNACE OIL, THAT IS TO SAY, ANY MINERAL OIL WHICH—	Three paise per Imperial gallon.
	(i) has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer,	
	(ii) has a flame height of less than ten millimeters,	
	(iii) contains one quarter of one per cent. or more by weight of any bituminous substance, and	
	(iv) possesses a viscosity of one hundred seconds or more by Redwood I Viscometer at one hundred degrees of Fahrenheit's thermometer.	
	<i>Explanation I.</i>—"Mineral Oil" means an oil consisting of a single liquid hydrocarbon or a liquid mixture of hydrocarbons (except for associated impurities) derived from petroleum, coal, shale, peat or any other bituminous substance, and includes any similar oil produced by synthesis or otherwise. <i>Explanation II.</i>—"Flame height" shall be determined in the apparatus known as the smoke point lamp in the manner prescribed in this behalf by the Central Government. <i>Explanation III.</i>—"Flashing point" shall be determined in accordance with the tests specified in this behalf in the rules made under the Petroleum Act, 1934.	
20.	ASPHALT—	Fifty-five rupees per ton.
	"ASPHALT" means petroleum bitumen, including rock or lake asphalt with or without mineral matter, either prepared mechanically or occurring naturally possessing characteristic agglomerating properties and substantially soluble in carbon disulphide, including emulsions containing only water, asphaltic bitumen and emulsifying agents.	

THE SECOND SCHEDULE—*contd.*

Item No.	Description of goods	Rate of duty
(1)	(2)	(3)
21. ELECTRIC FANS AND PARTS THEREOF—		
(a)	table, cabin, carriage, pedestal and air circulating fans, not exceeding sixteen inches ;	Five rupees per fan ;
(b)	all other fans ;	Ten rupees per fan ;
(c)	parts of fans above [other than parts which are used in the manufacture of fans on which duty is leviable under sub-items (a) and (b) above], the following, namely, complete motors, stators and rotors—	
(i)	if designed for use in respect of any fan falling within sub-item (a) above—	
	Complete motors ;	Three rupees per motor ;
	Stators ;	One rupee and fifty paise per stator ;
	Rotors ;	One rupee and fifty paise per rotor.
(ii)	if designed for use in respect of any fan falling within sub-item (b) above—	
	Complete motors ;	Six rupees per motor ;
	Stators ;	Three rupees per stator ;
	Rotors ;	Three rupees per rotor
22. PAINTS AND VARNISHES—		
(1)	Water paints—	
(i)	dry distemper ;	Eight rupees per cwt. ;
(ii)	oil-bound distemper ;	Ten rupees per cwt. ;
(iii)	cement-based water paints ;	Fifteen rupees per cwt. ;
(iv)	plastic emulsion paints ;	Three rupees and fifty paise per Imperial gallon.
(2)	Oil paints and enamels—	
(i)	stiff paints and ready-made mixed paints sold by weight ;	Eight rupees per cwt. ;
(ii)	ready-mixed paints and enamels, sold by volume ;	Two rupees and fifty paise per Imperial gallon.

THE SECOND SCHEDULE—*concl'd.*

Item No. (1)	Description of goods (2)	Rate of duty (3)
	(iii) paints and enamels not otherwise specified—	
	(a) if sold by weight ;	Eight rupees per cwt. ;
	(b) if sold by volume ;	Two rupees and fifty paise per Imperial gallon.
(3)	Cellulose lacquers—	
	(i) nitrocellulose lacquers, clear and pigmented ;	Six rupees per Imperial gallon ;
	(ii) nitrocellulose ancillaries ;	Four rupees per Imperial gallon.
(4)	Varnishes, wood stains and blacks—	
	(i) varnishes of all descriptions and wood stains ;	One rupee and twenty-five paise per Imperial gallon ;
	(ii) Bituminous and coal-tar blacks ;	One rupee per Imperial gallon.
23. SOAP—		
“Soap” means all varieties of the product known commercially as soap and includes other detergents which are used for the purpose for which soap is generally used—		
I. Soap, in or in relation to the manufacture of which any process is carried on with the aid of power or of steam—		
	(1) soap, household and laundry ;	Six rupees per cwt. ;
	(2) soap, toilet ;	Fourteen rupees per cwt. ;
	(3) soap, other than household and laundry or toilet ;	Fourteen rupees per cwt. ;
II. Soap, in or in relation to the manufacture of which no process is carried on with the aid of power or of steam.		
		Six rupees per cwt.
24.	CEMENT	Fifteen rupees per ton.
25.	MILD STEEL BARS	Fifty rupees per ton.”

THE THIRD SCHEDULE

(See section 7)

PART I

Rates of Income-tax

A. In the case of every individual, Hindu undivided family, un-registered firm and an association of persons not being a case to which paragraph B of this Part applies—

	<i>Rate</i>
1. Where the taxable income does not exceed Rs. 1,000.	Rs. 25.
2. Where the taxable income exceeds Rs. 1,000 but does not exceed Rs. 2,000.	Rs. 25 <i>plus 2 per cent.</i> of the amount exceeding Rs. 1,000.
3. Where the taxable income exceeds Rs. 2,000 but does not exceed Rs. 4,000.	Rs. 45 <i>plus 10 per cent.</i> of the amount exceeding Rs. 2,000.
4. Where the taxable income exceeds Rs. 4,000 but does not exceed Rs. 6,500.	Rs. 245 <i>plus 15 per cent.</i> of the amount exceeding Rs. 4,000.
5. Where the taxable income exceeds Rs. 6,500 but does not exceed Rs. 10,000.	Rs. 620 <i>plus 20 per cent.</i> of the amount exceeding Rs. 6,500.
6. Where the taxable income exceeds Rs. 10,000 but does not exceed Rs. 20,000.	Rs. 1,320 <i>plus 25 per cent.</i> of the amount exceeding Rs. 10,000.
7. Where the taxable income exceeds Rs. 20,000 but does not exceed Rs. 30,000.	Rs. 3,820 <i>plus 35 per cent.</i> of the amount exceeding Rs. 20,000.
8. Where the taxable income exceeds Rs. 30,000 but does not exceed Rs. 40,000.	Rs. 7,320 <i>plus 50 per cent.</i> of the amount exceeding Rs. 30,000.
9. Where the taxable income exceeds Rs. 40,000 but does not exceed Rs. 60,000.	Rs. 12,320 <i>plus 65 per cent.</i> of the amount exceeding Rs. 40,000.
10. Where the taxable income exceeds Rs. 60,000.	Rs. 25,320 <i>plus 75 per cent.</i> of the amount exceeding Rs. 60,000.

Provided that—

- (i) no income-tax shall be payable on a total income, which before the deduction of an allowance of Rs. 2,000 (hereafter referred to as personal allowance) and the sums, if any, exempt under the first proviso to sub-section (1) of section 7, section 15, section 15A, section 15AA, section 15C, section 15E, section 15F and section 58F of the Income-tax Act, 1922 (XI of 1922), does not exceed Rs. 6,000 ; and

- (ii) the income-tax payable shall in no case exceed (a) the amount by which the total income exceeds Rs. 6,000 or (b) the amount representing seventy-five *per cent.* of the total income, whichever amount is the less, and, where such income includes any income from a share of the income, profits and gains of a firm to which paragraph C of Part II applies, such portion of the super-tax payable under the said paragraph as bears to the total amount of such super-tax the same proportion as his share of income, profits and gains of the firm bears to the total income of the firm shall be added to the income-tax payable by such partner under this paragraph and, if the sum so arrived at exceeds seventy-five *per cent.* of the total income, of such partner (including his share of income, profits and gains of the firm), the amount of income-tax payable by him under this paragraph shall be reduced by the amount of such excess.

Explanation.—The expression “taxable income”, as used in this paragraph, means—

- (a) in the case of an assessee to which sub-section (3) of section 7 applies, the total income as diminished by so much of the amount of dividend income, if any, as does not exceed one thousand rupees ;
- (b) in any other case, the total income of an assessee as diminished by (i) the personal allowance of two thousand rupees, (ii) the allowance admissible under the first proviso to sub-section (1) of section 7, section 15, section 15A, section 15AA, section 15C, section 15E, section 15F and section 58F of the Income-tax Act, 1922 (XI of 1922) and (iii) so much of the amount of dividend income, if any, as does not exceed one thousand rupees.

B. In the case of every company and local authority and in every case in which, under the provisions of the Income-tax Act, 1922 (XI of 1922), income-tax is to be charged at the maximum rate—

	<i>Rate</i>
(1) on the part of the total income consisting of—	
(a) the amount, if any, to which sub-paragraph (2) of paragraph A of Part II applies; and	<i>Nil.</i>
(b) the amount representing the face value of any bonus shares and the amount of any bonus distributed to shareholders out of the profits of any previous years for the assessment for any year ending on or before the 31st day of June, 1961.	<i>Nil.</i>
(2) on the balance of the total income.	30 <i>per cent.</i> of such income :

Provided that where a company distributes dividends out of its income, profits and gains in respect of which it has obtained a rebate of one anna in the rupee under the proviso to paragraph B of Part I of the

Fourth Schedule to the Finance Act, 1958 (XXII of 1958), the Third Schedule to the Finance Act, 1957 (I of 1957), the Third Schedule to Finance Act, 1956 (I of 1956), and the Third Schedule to the Finance (1955-56) Act, 1956 (XXX of 1956), an additional income-tax at the rate of 6.25 per cent., shall be levied on the amount of such dividend and such amount shall be deemed, for the purposes of this proviso, to be a part of the total income of the company of the year in which such distribution is made.

PART II

Rates of Super-tax

A. In the case of a company—

	<i>Rate</i>
(1) On the whole of the total income excluding income to which sub-paragraph (1) of paragraph B of Part I applies ;	30 per cent. of such total income :

Provided that—

- (i) a rebate of 10 per cent. shall be allowed in the case of every company which, in respect of its profits liable to tax under the Income-tax Act, 1922 (XI of 1922), has made such effective arrangements as may be prescribed by the Central Government in this behalf for the declaration and payment in the taxable territories of the dividends payable out of such profits and for the deduction of tax from such dividends ; and
- (ii) a rebate of 5 per cent. shall be allowed on such portion of the income, profits and gains as is derived by a company from an industrial undertaking.

Explanation.—The term “industrial undertaking”, as used in this clause, means an undertaking which is set up or commenced in Pakistan on or after the 14th day of August, 1947 and which employs (i) ten or more persons in Pakistan and involves the use of electrical energy or any other form of energy which is mechanically transmitted and is not generated by human or animal agency or (ii) twenty or more persons in Pakistan and does not involve the use of electrical energy or other form of energy which is mechanically transmitted and is not generated by human or animal agency and which is—

(i) engaged in—

- (a) the manufacture of goods or materials or the subjection of goods or materials to any process, which substantially changes their original condition ;
- (b) ship-building ;
- (c) generation, transformation, conversion, transmission or distribution of electrical energy, or the supply of hydraulic power ;

- (d) the working of any mine, oil-well or other source of mineral deposits [not being an undertaking to which the Second and Third Schedules to the Income-tax Act, 1922 (XI of 1922), apply]; or
- (ii) any other industrial undertaking which may be approved by the Central Board of Revenue for the purposes of this clause.

Rate

- (2) On the amount representing income from dividends from a company having its registered office in Pakistan—

- (a) Where such dividends are declared and paid by a company formed and registered in Pakistan under the Companies Act, 1913 (VII of 1913), or a body corporate formed in pursuance of a Central Act in respect of the share-capital issued, subscribed and paid after the fourteenth day of August, 1947 out of income, profits and gains to which clause (ii) of the proviso to sub-paragraph (1) applies : 15 per cent. of such amount.

Provided that a rebate of 5 per cent. shall be allowed where such dividends are received by a company to which clause (i) of the proviso to sub-paragraph (1) applies and which owns not less than one-third voting shares of the company declaring the dividends.

- (b) In other cases 20 per cent. of such amount.
- (3) On the whole of the amount representing the face value of any bonus shares or the amount of any bonus issued by the company to its shareholders—

- (a) where such bonus shares are issued in pursuance of clause (d) of sub-section (2) of section 15BB of the Income-tax Act, 1922 (XI of 1922). Nil.

- (b) in other cases 12.5 per cent. of such amount.

B. In the case of every local authority—

- On the whole of total income 12.5 per cent. of the total income.

Rate

C. In the case of every registered firm—

- | | |
|---|---|
| (1) Where the total income does not exceed Rs. 12,000. | <i>Nil.</i> |
| (2) Where the total income exceeds Rs. 12,000 but does not exceed Rs. 30,000. | <i>5 per cent. of the amount exceeding Rs. 12,000.</i> |
| (3) Where the total income exceeds Rs. 30,000 but does not exceed Rs. 60,000. | <i>Rs. 900 plus 10 per cent. of the amount exceeding Rs. 30,000.</i> |
| (4) Where the total income exceeds Rs. 60,000 but does not exceed Rs. 1,00,000. | <i>Rs. 3,900 plus 20 per cent. of the amount exceeding Rs. 60,000.</i> |
| (5) Where the total income exceeds Rs. 1,00,000. | <i>Rs. 11,900 plus 30 per cent. of the amount exceeding Rs. 1,00,000.</i> |

Explanation.—The term “registered firm”, as used in this paragraph, means a firm registered under section 26A of the Income-tax Act, 1922 (XI of 1922), or a firm treated as a registered firm under clause (b) of sub-section (5) of section 23 of the Income-tax, 1922 (XI of 1922).

THE FOURTH SCHEDULE

(See section 8)

Omissions and modifications in the Finance (Supplementary) Act, 1950

Omissions

Sections 2, 3, 4, 5, 13, 14, 15, 18 and 21 and the heading “Part III” and section 28 shall be omitted.

Modifications

(a) In the preamble, for the word “refugee”, the words “displaced person” shall be substituted;

(b) For sub-section (2) of section 1, the following sub-section shall be substituted, namely :—

“(2) It extends to the Federal Territory of Karachi and, with the exception of section 6 in Part I and the whole of Part II, to the rest of Pakistan”;

(c) In sections 6, 7, 9, 10, 11 and 19 for the words, figures and comma “31st day of March, 1951”, the words, figures and comma “30th day of June, 1962”, shall be substituted;

(d) In section 6, for the words “two annas”, the words “twelve paise” shall be substituted;

(e) For section 8, the following shall be substituted, namely :—

“8.—(1) For the year ending on the thirtieth day of June, 1962, there shall be levied on every person a tax according to the scale set out in Schedule II on sales of goods made by him within the meaning of the Sale of Goods Act, 1930 (*III of 1930*) :

Provided that no tax shall be leviable on the sale of actionable claims, money, stocks and shares.

(2) The tax shall be computed on the basis of sales in the next preceding year.

(3) The Central Government may make rules providing for the manner of assessment and recovery of the tax.”;

(f) (i) In sub-section (1) of section 9, for the existing entries relating to the rate of tax, the following shall be substituted, namely :—

Amount of tax

(1) On a fare not exceeding Rs. 50 ... One rupee.

(2) On a fare exceeding Rs. 50 ... Two rupees.
but not exceeding Rs. 99.

(3) On a fare exceeding Rs. 99 ... Five rupees;

(ii) In sub-section (2) of the said section, the following shall be added, namely :—

“Any owner or charterer who fails to collect and pay tax as provided herein and the rules made under this section be liable to a penalty not exceeding the amount of the tax payable”;

(g) For sub-section (1) of section 12, the following sub-section shall be substituted, namely :—

“(1) *Surcharge on land revenue.*—For the year ending on the thirtieth day of June, 1962, there shall be levied and collected from every owner of land, which is assessed to land revenue an additional amount of land revenue by way of surcharge at the rates specified in Schedule IV to this Act”;

(h) In sub-section (2) of section 16, for the words "Provincial Government", the words "Central Government" shall be substituted ;

(i) For sub-section (1) of section 20, the following two sub-sections shall be substituted, namely :—

" (1) There shall be levied and collected from every person engaged in the import or export trade, who holds a licence issued under the Imports and Exports (Control) Act, 1950 (XXXIX of 1950), a tax on the value of the goods imported or, as the case may be, exported, against such licence, according to the scale set out in Schedule VI to this Act.

(1A) The Central Government may, by a notification in the official Gazette, exclude any class of licence issued as aforesaid from the purview of sub-section (1), or, by a general or a special order in writing, exempt a person holding such licence from the payment of the whole or a part of the tax payable by him in respect of the goods imported or exported against such licence";

(j) In sub-section (3) of section 23, sub-section (3) of section 24 and sub-section (3) of section 25, for the words, "Provincial Government", the words, "Central Government" shall be substituted ;

(k) After section 25, the following new section shall be inserted, namely :—

" 25-A. *Penalty for non-payment or non-collection of tax or toll.*— If the person on whom the tax is levied or who is responsible for the collection and payment of any tax or toll under sections 19, 20, 23, 24, or 25 fails to pay the tax or toll as provided in the said section and the rules made thereunder, he shall be liable to a penalty not exceeding the amount of the tax or the toll payable." ;

(1) For Schedule II, the following shall be substituted, namely :—

" SCHEDULE II

(See section 8)

<i>Scale</i>	<i>Amount of tax</i>
Where sales do not exceed Rs. 49,999 ...	Nil.
Where sales exceed Rs. 49,999 but do not exceed Rs. 99,999 ...	... Rupees twenty.
Where sales exceed Rs. 99,999 but do not exceed Rs. 1,99,999 ...	... Rupees one hundred.

Where sales exceed Rs. 1,99,999 but do not
 exceed Rs. 4,99,999 Rupees three hundred.

Where sales exceed Rs. 4,99,999 . . Rupees five hundred.”;

(m) In Schedule III, for the words “Annas eight”, “Annas four”, “Annas two” and “Anna one”, wherever they appear, the words “Fifty paisa”, “Twenty-five paisa”, “Twelve paisa” and “Six paisa” shall respectively be substituted; and

(n) In Schedule IV, for the words, “Three pies”, the words, “Two paisa” shall be substituted.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,

President.

THE PETROLEUM PRODUCTS (DEVELOPMENT SURCHARGE) ORDINANCE, 1961.

ORDINANCE NO. XXV OF 1961

[1st July, 1961]

An Ordinance to provide for the levy and collection of a development surcharge on petroleum products and for matters connected therewith.

WHEREAS it is expedient to provide for the levy and collection of a development surcharge on petroleum products and for matters connected therewith ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Petroleum Products (Development Surcharge) Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once, and shall be deemed to have taken effect on the first day of August, 1959.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(1) “Company” means a company specified in the Second Schedule ;

(2) “Development surcharge” means the surcharge payable under section 3 ;

(3) “Differential margin” means the amount by which the fixed sale price exceeds the prescribed price ;

(4) “Fixed sale price” means the *ex-Installation* sale price as in force on the thirty-first day of July, 1959, or the price, if any, approved by the Central Government ;

(5) “Petroleum Product” means any petroleum product specified in the First Schedule ; and

(6) “Prescribed price” means the *ex-Installation* price as determined in accordance with the rules made under section 6.

3. Levy of Development Surcharge.—Subject to the provisions of this Ordinance, every company shall pay to the Central Government a development surcharge equal to the differential margin in respect of the

Price : Ps. 12

quantities of petroleum products sold by the company through an installation except for export :

Provided that where the prescribed price of any petroleum product exceeds its fixed sale price, the Central Government may, by order in writing, permit the company to deduct the amount of such excess from the differential margin in respect of the other petroleum products.

(2) The development surcharge in respect of the period commencing the first day of August, 1959, and ending on the day this Ordinance is promulgated shall become payable immediately on such promulgation.

(3) Any amount due as development surcharge under sub-section (1) or arrears thereof under sub-section (2) and not paid within the time allowed by the Central Government or any officer authorized by it in that behalf shall be recoverable as arrears of land revenue.

4. **Maximum sale price.**—(1) Notwithstanding anything contained in any other law, no company shall sell *ex-Installation* any petroleum product at a price higher than the fixed sale price.

(2) A contravention of sub-section (1) shall be deemed to be a contravention of an order made under section 3 of the Essential Supplies Act, 1957 (III of 1957), and all the provisions of that Act shall have effect accordingly.

(3) Nothing in this Ordinance shall be deemed to have or ever to have had the effect of retrospectively creating any offence or of retrospectively enhancing the punishment for any offence provided in any law for the time being in force.

5. **Allowance to be made for development surcharge for purposes of income-tax.**—Notwithstanding anything contained in any other law, the amount of the development surcharge paid by a company under section 3 shall be an expenditure for which allowance is to be made in computing profits or gains under sub-section (2) of section 10 of the Income-tax Act, 1922 (XI of 1922).

6. **Power to make rules.**—(1) The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance and any such rules may be retrospective from any date not earlier ¹[than] the first day of August, 1959.

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

(a) for the determination of the prescribed price;

(b) for any other matter for which there is no provision or no sufficient provision in this Ordinance and for which provision is, in the opinion of the Central Government, necessary in order to give effect to the purposes of this Ordinance.

7. **Power to amend Schedules.**—The Central Government may, from time to time, by notification in the official Gazette, make such amendments and modifications in the Schedules as it thinks fit.

¹ *Sic.* Should read "than".

THE FIRST SCHEDULE*List of Petroleum Products*

[See section 2(6)]

S. No.	Nomenclature in common use in Pakistan.	Nomenclature in common use internationally by the Oil Industry and as used in Platt's Daily Reporting Service.
1.	Aviation Spirit 73 On u|I.	Avgas Grade 73 clear.
2.	Aviation Spirit 100|130 ON.	Avgas Grade 100|130.
3.	Aviation Spirit 115|145 ON.	Avgas Grade 115|145.
4.	Aviation Turbine Fuel.	Turbine Fuel 1 (—56F).
5.	Motor Spirit.	79 Octane.
6.	Vaporising Oil.	Tractor Vaporising Oil.
7.	Superior Kerosine.	Kerosine.
8.	Inferior Kerosine.	No. 2 Fuel.
9.	High Speed Diesel.	48|52 Diesel Index.
10.	Light Diesel Oil.	(90% No. 2 Fuel, 10% Bunker 'C' Fuel).
11.	Furnace Oil.	Bunker 'C' Fuel.

THE SECOND SCHEDULE*List of Companies*

1. The Burmah-Shell Oil Storage and Distributing Company of Pakistan Ltd.
2. The Standard Vacuum Oil Co.
3. The Caltex Oil (Pakistan) Ltd.
4. The B. O. C. (Pakistan Trading) Ltd.
5. The Indo-Burmah Petroleum Co.
6. The Attock Oil Company Ltd.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
 FIELD-MARSHAL,
 President.

THE APPROPRIATION ORDINANCE, 1961

ORDINANCE NO. XXVI OF 1961

[30th June, 1961]

An Ordinance to authorize payment and appropriation of certain sums from and out of the Federal Consolidated Fund for the service of the period beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962.

WHEREAS it is expedient to authorize payment and appropriation of certain sums from and out of the Federal Consolidated Fund for the service of the period beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962 ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title.**—This Ordinance may be called the Appropriation Ordinance, 1961.

2. **Issue of Rs. 13,48,99,42,000 out of Federal Consolidated Fund for the period beginning on the first day of July, 1961, and ending on the thirtieth day of June, 1962.**—From and out of the Federal Consolidated Fund there may be paid and applied sums not exceeding those specified in column (3) of the Schedule to this Ordinance, amounting in the aggregate to the sum of rupees one thousand three hundred and forty-eight crores, ninety-nine lakhs and forty-two thousand towards defraying the several charges which will come in course of payment during the period beginning on the first day of July, 1961 and ending on the thirtieth day of June, 1962, in respect of the services and purposes specified in column (2) of the Schedule.

3. **Appropriation.**—The sums authorized to be paid and applied from and out of the Federal Consolidated Fund by this Ordinance shall be appropriated for the services and purposes expressed in the Schedule in relation to the said period.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President.

THE SCHEDULE

(See sections 2 and 3)

(1)	(2)	(3)		
No. of Authori- zation.	Services and Purposes	Sums not exceeding		Total
		Authorized by the President.	<i>Charged on the Federal Consolidated Fund.</i>	
		Rs.	Rs.	Rs.
1	Ministry of Commerce ...	63,93,000	...	63,93,000
2	Commercial Intelligence ...	4,88,000	...	4,88,000
3	Development Expenditure of the Ministry of Commerce ...	17,00,000	...	17,00,000
4	Other Expenditure of the Ministry of Commerce	15,15,000	...	15,15,000
5	Capital Outlay on Jute and Cotton Purchases ...	25,000	...	25,000
6	Ministry of Defence ...	25,64,000	...	25,64,000
7	Meteorology ...	74,39,000	...	74,39,000
8	Aviation ...	2,02,99,000	...	2,02,99,000
9	Defence Services ...	99,91,00,000	...	99,91,00,000
10	Development Expenditure of the Ministry of Defence ...	52,80,000	...	52,80,000
11	Capital Outlay on Civil Aviation ...	4,41,25,000	...	4,41,25,000
12	Capital Outlay on Defence Services ...	7,74,00,000	...	7,74,00,000
13	Ministry of Education and Scientific Research ...	40,40,000	...	40,40,000
14	Archæology and Museums	20,95,000	...	20,95,000
15	Assistance to Educational Institutions ...	1,36,90,000	...	1,36,90,000
16	Technical Education ...	10,54,000	...	10,54,000
17	Government Colleges and Schools ...	21,01,000	...	21,01,000

THE SCHEDULE—contd.

(1)	(2)	(3)			
			Rs.	Rs.	Rs.
18	Development Expenditure of the Ministry of Education and Scientific Research		1,17,61,000	...	1,17,61,000
19	Ministry of External Affairs		39,22,000	...	39,22,000
20	External Affairs		2,83,58,000	...	2,83,58,000
21	Other Expenditure of the Ministry of External Affairs		27,42,000	...	27,42,000
22	Capital Outlay on Works of the Ministry of External Affairs		30,00,000	...	30,00,000
23	Ministry of Finance		64,50,000	...	64,50,000
24	Central Board of Revenue		13,08,000	...	13,08,000
25	Sea Customs		79,38,000	...	79,38,000
26	Land Customs and Central Excise		2,17,02,000	...	2,17,02,000
27	Taxes on Income, Corporation Tax and Sales Tax		74,96,000	...	74,96,000
28	Estate Duty		79,000	...	79,000
—	Debt Services		...	22,04,14,000	22,04,14,000
—	Audit		...	2,46,18,000	2,46,18,000
29	Currency		47,45,000	...	47,45,000
30	Pakistan Mint		28,28,000	...	28,28,000
31	Superannuation Allowances and Pensions		77,43,000	...	77,43,000
32	Technical Assistance Schemes		6,21,08,000	...	6,21,08,000
33	Grants-in-Aid and Miscellaneous Adjustments between the Central and Provincial Governments		2,39,92,000	...	2,39,92,000
34	Development Expenditure of the Ministry of Finance		5,08,000	...	5,08,000
35	Other Expenditure of the Ministry of Finance		11,62,000	...	11,62,000

THE SCHEDULE—contd.

(1)	(2)	(3)	Rs.	Rs.	Rs.
36	Capital Outlay on Currency		2,01,56,000	...	2,01,56,000
37	Capital Outlay on Pensions		50,83,000	...	50,83,000
38	Miscellaneous Capital Investments		4,22,49,000	...	4,22,49,000
—	<i>Repayment of Debt</i>		...	7,70,91,65,000	7,70,91,65,000
39	Development Loans and Advances by the Central Government		8,42,54,000	86,46,30,000	94,88,84,000
40	Other Loans and Advances by the Central Government		70,73,000	...	70,73,000
41	Ministry of Food and Agriculture (Food Division)		17,55,000	...	17,55,000
42	Ministry of Food and Agriculture (Agriculture Division)		20,76,000	...	20,76,000
43	Forest		6,90,000	...	6,90,000
44	Survey of Pakistan		68,14,000	...	68,14,000
45	Botanical and Zoological Survey Departments		2,08,000	...	2,08,000
46	Agriculture		52,81,000	...	52,81,000
47	Veterinary Services		7,85,000	...	7,85,000
48	Fisheries		3,05,000	...	3,05,000
49	Development Expenditure of the Ministry of Food and Agriculture		5,97,25,000	...	5,97,25,000
50	Capital Outlay on Forests, Agriculture and Fisheries		73,53,000	...	73,53,000
51	Capital Outlay on Food Storage and Other Works		3,44,34,000	...	3,44,34,000
52	Capital Outlay on Purchase of Fertilizers		7,82,35,000	...	7,82,35,000
53	Capital Outlay on Purchases by the Ministry of Food and Agriculture		1,61,32,04,000	...	1,61,32,04,000
54	Grants to Provincial Governments for Agricultural Development		6,00,00,000	...	6,00,00,000

THE SCHEDULE—contd.

(1)	(2)	(3)	Rs.	Rs.	Rs.
5	Ministry of Fuel, Power and Natural Resources ...	...	28,34,000	...	28,34,000
6	Bureau of Mineral Resources	...	27,49,000	...	27,49,000
7	Salt	...	31,40,000	...	31,40,000
8	Development Expenditure of the Ministry of Fuel, Power and Natural Resources	...	16,11,000	...	16,11,000
9	Other Expenditure of the Ministry of Fuel, Power and Natural Resources	...	9,25,58,000	...	9,25,58,000
50	Capital Outlay on Mineral Development ...	...	2,51,50,000	...	2,51,50,000
51	Capital Outlay on Irrigation and Electricity ...	...	8,77,01,000	...	8,77,01,000
62	Capital Outlay on Fuel and	...	6,17,28,000	...	6,17,28,000
	of Health, Labour Social Welfare (Health Division) ...	...	8,71,000	...	8,71,000
	of Health, Labour Social Welfare (Land and Social Welfare Division)	...	20,72,000	...	20,72,000
	Services	...	1,87,38,000	...	1,87,38,000
	Health	...	21,96,000	...	21,96,000
	and Employment Division	...	39,15,000	...	39,15,000
	at Expenditure Ministry of Health, and Social Welfare (Health Division) ...	...	35,85,000	...	35,85,000
	nt Expenditure Ministry of Health, and Social Welfare (Labour and Social Welfare Division) ...	...	36,54,000	...	36,54,000
	penditure of the Ministry of Health, Land and Social Welfare and Social Welfare (Division) ...	...	35,97,000	...	35,97,000

THE SCHEDULE—contd.

(1)	(2)	(3)	Rs.	Rs.	Rs.
71	Capital Outlay on Medical Stores		2,63,27,000	...	2,63,27,
72	Ministry of Home Affairs		18,86,000	...	18,86,
73	Passport Organisation		14,74,000	...	14,74,
74	Police		2,76,62,000	...	2,76,62
75	Civil Defence		4,06,000	...	4,06,
76	Other Expenditure of the Ministry of Home Affairs		23,57,000	...	23,57,
77	Karachi		3,40,73,000	...	3,40,73,
78	Development Expenditure of the Karachi Administration		18,52,000	...	18,52,
79	Ministry of Industries		23,32,000	...	23,32,
80	Industries		4,70,000	...	4,70,
81	Department of Supply and Development		73,34,000	...	
82	Stationery and Printing		1,63,80,000	...	
83	Development Expenditure of the Ministry of Industries		2,00,000	...	
84	Other Expenditure of the Ministry of Industries		5,92,000	...	
85	Capital Outlay on Industrial Development		15,41,05,000	...	
86	Capital Outlay on Printing Presses		5,15,000		
87	Capital Outlay on Miscellaneous Stores		4,00,000		
88	Ministry of Kashmir Affairs		7,19,000		
89	Development Expenditure of the Ministry of Kashmir Affairs		53,00,000	...	
90	Other Expenditure of the Ministry of Kashmir Affairs		11,55,000	...	
91	Capital Outlay on Purchases by the Ministry of Kashmir Affairs		2,29,80,000	...	
92	Ministry of Law		9,84,000	...	

THE SCHEDULE—contd.

(1)	(2)	(3)	Rs.	Rs.	Rs.
—	<i>Supreme Court ...</i>	...	...	6,52,000	6,52,000
93	Other Expenditure of the Ministry of Law ...	...	7,59,000	...	7,59,000
94	Ministry of National Reconstruction and Information ...	...	1,07,05,000	...	1,07,05,000
95	Pakistan Broadcasting Service ...	...	1,21,72,000	...	1,21,72,000
96	Development Expenditure of the Ministry of National Reconstruction and Information ...	...	86,48,000	...	86,48,000
97	Other Expenditure of the Ministry of National Reconstruction and Information ...	...	43,53,000	...	43,53,000
98	Capital Outlay on Village AID Programme ...	...	1,75,12,000	...	1,75,12,000
99	Capital Outlay on Broadcasting Service ...	...	1,20,00,000	...	1,20,00,000
100	President's Secretariat (Cabinet Division and Projects Division) ...	...	63,68,000	...	63,68,000
101	President's Secretariat (Establishment Division) ...	...	28,68,000	...	28,68,000
102	Cabinet ...	...	8,87,000	...	8,87,000
103	Planning Commission ...	...	19,95,000	...	19,95,000
—	<i>Staff, Household and Allowances of the President ...</i>	...	...	13,17,000	13,17,000
—	<i>Elections ...</i>	...	...	12,90,000	12,90,000
—	<i>Federal Public Service Commission ...</i>	...	...	10,70,000	10,70,000
104	Development Expenditure of the President's Secretariat ...	...	12,25,000	...	12,25,000
105	Other Expenditure of the President's Secretariat ...	...	3,30,000	...	3,30,000
106	Ministry of Railways and Communications ...	...	7,02,000	...	7,02,000
107	Pakistan Posts and Telegraphs Department ...	...	13,88,95,000	77,00,000	14,65,95,000
108	Management of Chalna Port ...	...	18,10,000	...	18,10,000
109	Department of Shipping Control and Mercantile Marine ...	...	3,83,000	...	3,83,000
110	Lighthouses and Lightships ...	...	2,73,000	...	2,73,000

THE SCHEDULE—concl'd.

(1)	(2)	(3)	Rs.	Rs.	Rs.
111	Development Expenditure of the Ministry of Railways and Communications		40,29,000	...	40,29,000
112	Other Expenditure of the Ministry of Railways and Communications		1,63,95,000	...	1,63,95,000
113	Capital Outlay on Pakistan Posts and Telegraphs Department		7,00,00,000	...	7,00,00,000
114	Capital Outlay on Ports and Communications		65,00,000	...	65,00,000
115	Ministry of Rehabilitation and Works		12,32,000	...	12,32,000
116	Civil Works		6,62,93,000	3,10,000	6,66,03,000
117	Rehabilitation of Displaced Persons and Protection of Evacuee Property		3,47,35,000	...	3,47,35,000
118	Development Expenditure of the Ministry of Rehabilitation and Works		29,47,000	...	29,47,000
119	Other Expenditure of the Ministry of Rehabilitation and Works		3,13,000	...	3,13,000
120	Capital Outlay on New Federal Capital		4,00,00,000	...	4,00,00,000
121	Capital Outlay on Civil Works		7,06,17,000	...	7,06,17,000
122	Capital Outlay on Rehabilitation of Displaced Persons from Kashmir		25,00,000	...	25,00,000
123	Ministry of States and Frontier Regions		7,04,000	...	7,04,000
124	Frontier Regions		7,12,86,000	...	7,12,86,000
—	Privy Purses		...	51,04,000	51,04,000
125	Development Expenditure of the Ministry of States and Frontier Regions		16,87,000	...	16,87,000
126	Other Expenditure of the Ministry of States and Frontier Regions		1,17,000	...	1,17,000
TOTAL ...			4,65,36,72,000	8,83,62,70,000	13,48,99,42,000

THE APPROPRIATION (SUPPLEMENTARY) ORDINANCE, 1961.

ORDINANCE NO. XXVII OF 1961

[30th June, 1961]

An Ordinance to authorize payment and appropriation of certain sums from and out of the Federal Consolidated Fund for the service of the period beginning on the first day of July, 1960, and ending on the thirtieth day of June, 1961.

WHEREAS it is expedient to authorize payment and appropriation of certain sums from and out of the Federal Consolidated Fund for the service of the period beginning on the first day of July, 1960, and ending on the thirtieth day of June, 1961.

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title.—This Ordinance may be called the Appropriation (Supplementary) Ordinance, 1961.

2. Issue of Rs. 1,54,65,30,000 out of Federal Consolidated Fund for the period beginning on the first day of July, 1960, and ending on the thirtieth day of June, 1961.—From and out of the Federal Consolidated Fund there may be paid and applied sums not exceeding those specified in column (3) of the Schedule to this Ordinance, amounting in the aggregate to the sum of rupees one hundred and fifty-four crores, sixty-five lakhs and thirty thousand towards defraying the several charges which will come in course of payment during the period beginning on the first day of July, 1960, and ending on the thirtieth day of June, 1961, in respect of the services and purposes specified in column (2) of the Schedule.

3. Appropriation.—The sums authorized to be paid and applied from and out of the Federal Consolidated Fund by this Ordinance shall be appropriated for the services and purposes expressed in the Schedule in relation to the said period.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,

**FIELD-MARSHAL,
President.**

THE SCHEDULE

(See sections 2 and 3)

(1)	(2)	(3)	Sums not exceeding	
No. of Authori- zation.	Services and Purposes	Authorized by the President.	<i>Charged on the Federal Consolidated Fund.</i>	Total
		Rs.	Rs.	Rs.
1.—	Ministry of Commerce ...	3,83,000	...	3,83,000
3.—	Other Expenditure of the Ministry of Commerce	98,000	...	98,000
4.—	Capital Outlay on Jute and Cotton Purchases ...	...	4,000	4,000
7.—	Aviation ...	15,86,000	...	15,86,000
10.—	Capital Outlay on Defence Services ...	2,06,00,000	...	2,06,00,000
13.—	Assistance to Educational Institutions ...	1,02,57,000	...	1,02,57,000
—	Debt Services ...	...	2,81,46,000	2,81,46,000
—	Audit ...	...	3,48,000	3,48,000
24.—	Superannuation Allowances and Pensions ...	6,80,000	...	6,80,000
25.—	Technical Assistance Schemes ...	3,000	...	3,000
26.—	Other Expenditure of the Ministry of Finance ...	9,55,000	...	9,55,000
27.—	Grants-in-Aid and Miscel- laneous Adjustments between the Central and Provincial Governments	35,00,000	...	35,00,000
27-A.—	Capital Outlay on Cur- rency ...	61,38,000	...	61,38,000
28-A.—	Capital Outlay on Pur- chases of Salt ...	26,000	...	26,000
29.—	Miscellaneous Capital Investments ...	10,00,000	...	10,00,000
—	Repayment of Debt ...	...	84,43,88,000	84,43,88,000
30.—	Loans and Advances by the Central Government ...	99,27,000	3,51,75,000	4,51,02,000
33.—	Forest ...	1,68,000	...	1,68,000
42.—	Capital Outlay on Pur- chases by the Ministry of Food and Agriculture	51,37,82,000	...	51,37,82,000
45.—	External Affairs ...	25,26,000	...	25,26,000

THE SCHEDULE—contd.

(1)	(2)	(3)	Sums not exceeding	
No. of Authori- zation.	Services and Purposes	Authorized by the President.	<i>Charged on the Federal Consolidated Fund.</i>	Total
		Rs.	Rs.	Rs.
46.—Other Expenditure of the Ministry of External Affairs		4,73,000	...	4,73,000
48.—Ministry of Fuel, Power and Natural Resources		3,60,000	...	3,60,000
49-A.—Other Expenditure of the Ministry of Fuel, Power and Natural Resources		85,000	...	85,000
50.—Capital Outlay on Mineral Development		3,000	...	3,000
51.—Capital Outlay on Irrigation and Electricity		1,39,03,000	...	1,39,03,000
53.—Ministry of Health, Labour and Social Welfare (Health)		1,50,000	...	1,50,000
55.—Ministry of Health, Labour and Social Welfare (Labour)		4,79,000	...	4,79,000
60.—Other Expenditure of the Ministry of Health, Labour and Social Welfare (Labour)		42,000	...	42,000
65.—Department of Supply and Development		2,03,000	...	2,03,000
66.—Stationery and Printing		7,92,000	...	7,92,000
68.—Capital Outlay on Industrial Development		2,45,45,000	...	2,45,45,000
69.—Capital Outlay on Printing Presses		68,000	...	68,000
72.—Police		53,75,000	...	53,75,000
74.—Other Expenditure of the Ministry of Home Affairs		4,27,000	...	4,27,000
75.—Karachi		15,51,000	...	15,51,000
76.—Ministry of Kashmir Affairs		3,20,000	...	3,20,000
77.—Expenditure connected with Displaced Persons from Kashmir		1,42,000	...	1,42,000

THE SCHEDULE—concl'd.

(1)	(2)	(3)	Sums not exceeding	
No. of Authori- zation.	Services and Purposes	Authorized by the President.	<i>Charged on the Federal Consolidated Fund.</i>	Total
		Rs.	Rs.	Rs.
79.—Capital	Outlay on Pur- chases by the Ministry of Kashmir Affairs ...	34,63,000	...	34,63,000
80.—Ministry of Law	...	2,41,000	...	2,41,000
81.—Other	Expenditure of the Ministry of Law ...	30,000	...	30,000
83.—Pakistan	Broadcasting Service ...	11,30,000	...	11,30,000
84.—Other	Expenditure of the Ministry of National Reconstruction and Information ...	2,96,000	...	2,96,000
85.—Capital	Outlay on Broad- casting Service ...	8,36,000	...	8,36,000
87.—President's	Secretariat (Cabinet Division) ...	15,35,000	...	15,35,000
88.—President's	Secretariat (Establishment Division)	7,88,000	...	7,88,000
89.—Planning Commission	...	11,30,000	...	11,30,000
—	<i>Staff, Household and Al- lowances of the President</i>	...	1,90,000	1,90,000
—	<i>Elections</i> ...	...	5,00,000	5,00,000
—	<i>Federal Public Service Commission</i> ...	...	2,66,000	2,66,000
89-A.—Other	Expenditure of the President's Secretariat ...	5,56,000	...	5,56,000
92.—Pakistan	Posts and Tele- graphs Department ...	...	2,00,000	2,00,000
102.—Ministry of Rehabilitation and Works (Works)	...	2,13,000	...	2,13,000
104.—Rehabilitation of Displaced Persons and Protection of Evacuee Property	...	65,37,000	...	65,37,000
109.—Ministry of States and Frontier Regions	...	11,000	...	11,000
TOTAL ...		63,73,13,000	90,92,17,000	1,54,65,30,000

THE ROAD TRANSPORT WORKERS ORDINANCE, 1961.

ORDINANCE NO. XXVIII OF 1961

[4th July, 1961]

An Ordinance to regulate the hours of work and other conditions of employment of road transport workers in Pakistan.

WHEREAS it is expedient to regulate the hours of work and other conditions of employment of road transport workers in Pakistan ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the follow. Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Road Transport Workers Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(1) “ day ” means a period of 24 hours beginning at midnight ;

(2) “ employer ” means the owner of any road transport service in which workers are employed, and where the business of such service is not directly managed by the owner, means the Manager, Agent, or Representative of such owner in the said service, and where the owner is a minor, the guardian of such minor, and in relation to any vehicle which is the subject of hire-purchase agreement, the person in possession of the vehicle under that agreement ;

(3) “ Government ” means the Provincial Government ;

(4) “ hours of work ” means the time during which the workers employed are at the disposal of the employer excluding any interval allowed for rest and meals ;

(5) “ prescribed ” means prescribed by rules made under this Ordinance ;

(6) “ public place ” means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a vehicle ;

(7) “ road transport service ” means a service carrying passengers or goods or both by road in vehicles for hire or reward ;

- (8) "vehicle" means any mechanically propelled vehicle, used or capable of being used for the purpose of road transport and includes a tramcar, a trolley-vehicle and a trailer ;
- (9) "week" means a period of seven days ;
- (10) "worker" means a person engaged on mobile duty, and includes drivers, cleaners, conductors and checkers employed by or in a road transport service ;
- (11) "year" means a period of twelve months starting from the date a worker is employed in a road transport service and ending on the date immediately preceding in the following calendar year.

3. Age limit.—(1) No person, other than a driver, shall be employed in any road transport service unless he has attained the age of eighteen years.

(2) No person shall be employed in any road transport service for the purpose of driving a vehicle unless he has attained the age of twenty-one years.

4. Hours of work and rest.—(1) No worker shall be employed on a vehicle—

- (a) for more than five hours at a time before he has had an interval for rest of at least half an hour nor for more than eight hours before he has had at least two such intervals ;
- (b) for more than nine hours in a day ; and
- (c) for more than fifty-four hours in a week.

(2) Every worker shall be entitled to have at least twenty-four hours of consecutive rest in a week.

(3) The Government may, by rules made under section 10, grant such exemptions from the provisions of sub-section (1) and sub-section (2) as it thinks fit, to meet cases of emergency or of delay by reason of circumstances which could not be foreseen :

Provided that—

- (a) no worker shall be employed overtime in any year in excess of one hundred and fifty working hours ; and
- (b) the worker employed overtime shall be paid remuneration at twice the rate of his normal wages calculated by the hour.

(4) Where as a result of the making of a rule exempting any worker from the provisions of sub-section (2), a worker is deprived of any of the weekly hours of rest for which provision is made in the sub-section he shall be allowed, as soon as circumstances permit, compensating hours of rest of equal number so lost :

Provided that no worker shall be caused or allowed to work for more than ten consecutive days without a compensating rest for at least twenty-four hours at one time.

(5) The Government or, if authorized in this behalf by the Government by rules made under section 10, the competent authority, may require

an employer to fix beforehand the hours of work of the workers so as to conform with the provisions of sub-section (1) and may provide for the recording of the hours so fixed.

(6) No worker shall work or cause or allow any other worker to work outside the hours fixed or recorded for the work of the said worker in compliance with any rule made under sub-section (5).

5. Restriction on cumulative hours of work.—No worker shall work or be allowed to work on a vehicle or two or more vehicles in excess of the period during which he may be lawfully employed under this Ordinance.

6. Leave.—(1) In addition to the period of daily and weekly rest, every worker, who has been in continuous employment for a period of one year, shall be entitled to not less than 14 days' leave with full pay or, if he has been continuously employed for a period of six months, he shall be entitled to not less than seven days' leave with full pay.

(2) For the purpose of computing the period during which a worker has been in continuous employment within the meaning of sub-section (1), the period during which he was on leave under this section shall be included.

7. Restriction on termination of services, etc.—(1) The services of a worker shall not be terminated without sufficient cause nor unless and until one month's previous notice or one month's pay in lieu thereof has been given to him and he has been paid his pay for any period of leave admissible to him, of which he did not avail himself while in service.

(2) Nothing in sub-section (1) shall apply to the case of a worker whose services are terminated on account of his having been found guilty of misconduct.

Explanation.—For the purpose of this sub-section the following acts and omissions shall be treated as misconduct, namely :—

- (a) wilful insubordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior,
- (b) theft, fraud, or dishonesty in connection with the employers' business or property,
- (c) wilful damage to or loss of employers' goods or property,
- (d) taking or giving bribes or any illegal gratification,
- (e) habitual absence without leave or absence without leave for more than 10 days,
- (f) habitual late attendance,
- (g) habitual breach of any law applicable to the establishment,
- (h) riotous or disorderly behaviour during working hours at the establishment or any act subversive of discipline,
- (i) habitual negligence or neglect of work,
- (j) striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law.

(3) If in any case instituted for the contravention of the provisions of sub-section (1) the services of a worker are found to have been terminated without sufficient cause the amount payable as compensation under this section shall be in addition to any fine as payable under section 11.

(4) No person who has been awarded compensation under this section shall bring a civil suit in respect of the same claim.

8. Maintenance of registers, etc.—(1) Every employer shall, in the prescribed form and in the prescribed manner, keep in the office of the road transport service a record of the hours worked and the amount of leave taken by, and of the intervals allowed for rest and meals to, every worker in accordance with the provisions of this Ordinance and particulars of all employment overtime shall be separately entered in the record.

(2) Every employer shall, for the purposes of this Ordinance, maintain such other records and registers and display such notices or other documents as may be prescribed.

9. Inspection of registers and calling for information.—It shall be the duty of every employer to produce for inspection of such inspectors as may be appointed by the Government all accounts or other records required to be kept for the purposes of this Ordinance and to give to such officer any other information in connection therewith as may be required.

10. Power to make rules.—The Government may make rules for the purpose of carrying into effect the provisions of this Ordinance.

11. Penalties.—Whoever contravenes any of the provisions of this Ordinance, or any of the rules made thereunder, shall be liable on first conviction to a fine not exceeding fifty rupees for the first offence and two hundred rupees for every subsequent offence :

Provided that—

- (a) in the case of any contravention of the provisions of section 8, the employer shall be liable, on conviction, to a fine not exceeding ten rupees for every day on which the contravention occurs or continues, and
- (b) if any employer, with intent to deceive, makes or causes or allows to be made, in any record, register, notice or other document as provided under section 8 an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record, register, notice or document an entry required to be made therein, shall be liable on conviction to simple imprisonment for a term not exceeding six months or to a fine not exceeding five hundred rupees or both.

12. Protection of action taken under the Ordinance.—No suit, prosecution or other proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance or rules made thereunder.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,

FIELD-MARSHAL,

President.

THE GENERAL CLAUSES (AMENDMENT) ORDINANCE, 1961

ORDINANCE NO. XXIX OF 1961

[5th July, 1961]

An Ordinance further to amend the General Clauses Act, 1897

WHEREAS it is expedient further to amend the General Clauses Act, 1897 (X of 1897), for the purpose hereinafter appearing ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title.**—This Ordinance may be called the General Clauses (Amendment) Ordinance, 1961.

2. **Amendment of section 3, Act X of 1897.**—In the General Clauses Act, 1897 (X of 1897), in section 3,—

(a) to clause (10), the words “and shall include a Deputy Commissioner, of such District”, and

(b) to clause (13), the words “and shall include an Additional Commissioner of such division”,

shall be added.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,

FIELD-MARSHAL,
President.

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THE MUSLIM FAMILY LAWS (SECOND AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XXX OF 1961

[15th July, 1961]

An Ordinance further to amend the Muslim Family Laws Ordinance, 1961.

WHEREAS it is expedient further to amend the Muslim Family Laws Ordinance, 1961, for the purposes hereinafter appearing ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of the powers conferred by Article 2 of the State Arrangements Order, 1959, and of all other powers enabling him in that behalf, the Minister exercising the functions of the President is pleased to make and promulgate the following Ordinance :—

1. Short title.—This Ordinance may be called the Muslim Family Laws (Second Amendment) Ordinance, 1961.

2. Amendment of section 7, Ordinance VIII of 1961.—In the Muslim Family Laws Ordinance, 1961, in section 7, in sub-section (5), for the figure and brackets “(2)” the figure and brackets “(3)” shall be substituted and shall be deemed always to have been so substituted.

W. A. BURKI,

LT.-GENERAL,

*Minister exercising the functions of
President under Article 2 of the
State Arrangements Order, 1959.*

Price : Ps. 6

GPPK—L 21 (61) Law—28-10-61—1,000

THE INDUSTRIAL DEVELOPMENT BANK OF PAKISTAN ORDINANCE, 1961.

ORDINANCE NO. XXXI OF 1961

[29th July, 1961]

An Ordinance to establish an Industrial Development Bank

WHEREAS it is expedient to establish an Industrial Development Bank to replace the Pakistan Industrial Finance Corporation and to provide for making credit facilities expeditiously available to industrial concerns in Pakistan and for matters connected therewith and incidental thereto ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of the powers conferred by Article 2 of the State Arrangements Order, 1959, and all other powers enabling him in that behalf, the Minister exercising the functions of the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Industrial Development Bank of Pakistan Ordinance, 1961.

(2) It extends to the whole of Pakistan and also applies to the business of the Bank transacted outside Pakistan and to persons conducting such business.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, direct.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “Bank” means the Industrial Development Bank of Pakistan established under this Ordinance ;
- (b) “Board” means the Board of Directors of the Bank ;
- (c) “Chairman” means the Chairman of the Board ;
- (d) “Corporation” means the Pakistan Industrial Finance Corporation established under the Pakistan Industrial Finance Corporation Act, 1949 (*I of 1949*) ;
- (e) “Director” means a Director of the Bank ;
- (f) “industrial concern” means a concern engaged or to be engaged in any industry, or in the manufacture, preservation or processing of goods, specified in Schedule I which the Central Government may, from time to time, by notification in the official Gazette, amend so as to include therein any new industry or goods, or to exclude therefrom, or vary the description of, any industry or goods so specified or included ;

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- (g) "Managing Director" means the Managing Director of the Bank and includes any person for the time being discharging the functions of the Managing Director ;
- (h) "regulation" means a regulation made under this Ordinance ;
- (i) "rule" means a rule made under this Ordinance ;
- (j) "scheduled bank" has the same meaning as in the State Bank of Pakistan Act, 1956 (XXXIII of 1956) ;
- (k) "short-term", "medium-term" and "long-term", used in relation to advance, loan or credit made or granted by the Bank, means advance, loan or credit for such term as may, in each case, be prescribed by regulations ;
- (l) "State Bank" means the State Bank of Pakistan ;
- (m) "underwriting" means contracting with or without conditions to subscribe for stocks, shares, bonds or debentures, of an industrial concern with a view to resale of all or part of such stocks, shares, bonds or debentures.

3. Establishment and incorporation of the Bank.—(1) As soon as may be after the coming into force of this Ordinance, the Central Government shall establish, in accordance with the provisions of this Ordinance, a bank to be called the Industrial Development Bank of Pakistan for the purposes of this Ordinance.

(2) The Bank shall be a body corporate by the name of the Industrial Development Bank of Pakistan, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance, to acquire, own and dispose of any property and shall, by the said name, sue and be sued.

(3) The Bank shall be deemed to be a banking company for the purposes of the Banking Companies (Inspection) Ordinance, 1946 (IV of 1946), the Banking Companies (Restriction of Branches) Act, 1946 (XXVII of 1946), the Banking Companies (Control) Act, 1948 (XXII of 1948), and the State Bank of Pakistan Act, 1956 (XXXIII of 1956), and any other law for the time being in force relating to banking companies.

4. Share Capital.—(1) The share capital of the bank shall, in the first instance, be three crores of rupees divided into three lakh fully paid up shares of one hundred rupees each and may, with the approval of the Central Government, be increased from time to time by the Board.

(2) Fifty-one per cent. of the shares issued at any time shall be subscribed for by the Central Government and the remaining shares shall, in the first instance, be offered to the shareholders of the Corporation other than the Central Government and, if such shares are not subscribed for by such shareholders, be offered for public subscription.

(3) The Provincial Governments, the State Bank, a scheduled bank, a co-operative bank, an insurance company, an investment trust or any like institution may subscribe for the shares offered for public subscription.

(4) If any of the shares offered for public subscription remain unsubscribed for a period of six months from the date of issue, the Central Government may subscribe for all or any of such unsubscribed shares.

(5) Where the Central Government subscribes for any share under sub-section (4) it may, transfer any such share to a Provincial Government, the State Bank, a scheduled bank, a co-operative bank, an insurance company, an investment trust or any other like institution, applying for the same.

5. Guarantee by the Central Government.—The Central Government may, if it considers expedient in the interest of the Bank, by notification in the official Gazette, guarantee the payment of the principal amount subscribed for the shares of the Bank and the payment of annual dividend on such shares at such minimum rate as may be fixed by it.

6. Shares deemed to be securities under certain Acts.—The shares of the Bank shall be deemed to be included among the securities enumerated in section 20 of the Trust Act, 1882 (II of 1882), and to be approved securities for the purposes of the Insurance Act, 1938 (IV of 1938), and the Banking Companies (Control) Act, 1948 (XXII of 1948).

7. Numbering of shares.—Every share of the Bank shall be assigned a number and shall be distinguished by such number.

8. Register of shareholders.—(1) The Bank shall maintain at such of its offices at Karachi, Lahore and Dacca, as may be specified by the Board, three separate registers of shareholders, one for each of the three areas specified in Schedule II.

(2) A shareholder qualified to be registered as such shall be registered in the appropriate register for the area in which any such shareholder is ordinarily resident, or has his principal place of business.

(3) Shares registered in one register may, in the case of the change of ordinary residence or principal place of business of the shareholder, be transferred from one register to another in such manner and on such conditions as may be prescribed by regulations.

(4) No person shall be registered as a shareholder in more than one register.

9. Qualifications of shareholders.—(1) No person shall be qualified to be registered as a shareholder who is not, under any law relating to contracts for the time being in force, competent to enter into a contract.

(2) If, at any time after the registration of a person as a shareholder, it is found that he was not, at the time of registration, qualified to be so registered, he shall not be entitled to exercise any of the rights of a shareholder otherwise than for the purpose of the sale of his shares under the orders of a competent Court.

10. Notice regarding trust.—The Bank shall not enter into in any register of shareholders any notice of any trust express, implied or constructive, nor be under any obligation to receive any such notice.

11. Offices, branches, etc.—(1) Unless the Central Government, by notification in the official Gazette, otherwise directs, the head office of the Bank shall be at Karachi.

(2) The Bank may establish regional and other offices, branches and agencies at such places in Pakistan as the Board may think fit.

(3) The Bank may also establish branches, offices and agencies outside Pakistan.

12. Direction and superintendence.—(1) The general direction and superintendence of the affairs and business of the Bank shall, vest in a Board of Directors of the Bank constituted in accordance with section 13 which may exercise all such powers and do all such acts and things as may be exercised or done by the Bank and are not, by this Ordinance, expressly directed or required to be done by the Bank in the general meeting.

(2) The Board in discharging its functions shall act on commercial considerations with due regard to the interests of industry and commerce and to the public interest generally.

(3) In the discharge of its functions the Board shall be guided on questions of policy by the instructions, if any, given to it by the Central Government which shall be the sole judge as to whether a question is a question of policy.

(4) If the Board fails to carry out the instructions given to it under sub-section (3), the Central Government may supersede the Board and appoint any person or body to function in the place of such Board until a new Board is constituted in accordance with the provisions of this Ordinance and no such supersession or appointment shall be questioned in any court.

13. Board.—(1) The Board shall consist of the following Directors, namely :—

(a) the Chairman ;

(b) six persons to be appointed by the Central Government as follows :—

(i) two from persons serving under the Central Government ;

(ii) two from persons serving under the Provincial Governments of whom one shall be from each Province ; and

(iii) two non-officials of whom one shall be from each Province ;

(c) three persons elected, in such manner as may be prescribed by regulations, by the shareholders, other than the Central Government, from amongst themselves so as to elect one from each group of shareholders registered in the three registers maintained under section 8 ; and

(d) the Managing Director.

(2) A Director appointed under clause (b) of sub-section (1) shall hold office during the pleasure of the Central Government.

(3) A Director elected under clause (c) of sub-section (1) shall hold office for a term of three years and shall continue in office thereafter until his successor is elected and shall be eligible for re-election :

Provided that such Director may be removed before the expiration of his term by a special resolution of the group of shareholders from amongst whom he was elected passed by the votes of so many of the shareholders as hold in the aggregate more than one-half of the shares subscribed by that group.

(4) A casual vacancy in the office of an elected Director shall be filled by section and the person elected to fill such vacancy shall hold office for the unexpired period of the term of his predecessor :

Provided that it shall not be necessary to fill a casual vacancy for a period not exceeding three months.

14. Chairman.—(1) A Chairman shall be appointed by the Central Government and such appointment may be honorary or on such terms and conditions as the Central Government may determine.

(2) Unless the Central Government otherwise directs, the Chairman shall hold office for a term of three years and continue in office thereafter until his successor is appointed and shall be eligible for re-appointment.

(3) A casual vacancy in the office of the Chairman shall be filled by the Central Government and the person appointed to fill such vacancy shall, unless the Central Government otherwise directs, hold office for the unexpired period of the term of his predecessor.

15. Managing Director.—(1) The Managing Director shall be appointed by the Central Government on such salary and terms and conditions as the Central Government may determine.

(2) The Managing Director shall, unless the Central Government otherwise directs, hold office for a term of three years which the Central Government may, from time to time, extend.

(3) The Managing Director shall be a wholtime officer of the Bank and shall perform such functions as are assigned by this Ordinance or may be assigned by the Board :

Provided that the Central Government may utilise the services of the Managing Director for any other work.

16. Deputy Managing Director.—The Board may, with the approval of the Central Government, appoint one or more Deputy Managing Directors on such terms and conditions as the Board may, at the time of appointment fix, for a term not exceeding three years at a time which may, from time to time, be extended by the Board with like approval.

17. Qualifications and disqualifications of Directors.—(1) No person shall be or shall continue to be a Director who—

- (a) is or has at any time been convicted of an offence which in the opinion of the Central Government is an offence involving moral turpitude ;
- (b) is a minor ;
- (c) is found to be lunatic or becomes of unsound mind ;
- (d) is for the time being disqualified for membership of any elective body under any law for the time being in force ;
- (e) is a salaried official of the Bank, other than the Managing Director ;
- (f) is in the employment of any scheduled bank or co-operative bank whether on salary or on commission, or is engaged in the performance of any continuous service for remuneration for any such bank ;

- (g) is or at any time has been adjudicated an insolvent or has suspended payment or compounded with his creditors ;
 - (h) without leave of absence from the Board, absents himself from all the meetings of the Board for a continuous period of six months or, if less than three meetings are held within such period, from three consecutive meetings of the Board ; or
 - (i) in the case of an elected Director, ceases to hold in his own right the minimum number of shares required to qualify him for election.
- (2) No person shall be elected or qualified for election who—
- (a) is in the service of Government or any statutory body or institution in Pakistan ; or
 - (b) does not hold in his own right unencumbered shares of the Bank of the nominal amount of not less than five hundred rupees.

18. Executive Committee.—(1) The Board shall constitute an Executive Committee consisting of the following members to assist it in the discharge of its functions under this Ordinance :—

- (a) the Managing Director ;
- (b) two appointed Directors nominated by itself ; and
- (c) two elected Directors nominated by itself.

(2) The members of the Executive Committee shall hold office for such period as may be prescribed by regulations.

(3) The minutes of every meeting of the Executive Committee shall be laid before the Board for approval at its meeting next following the meeting of the Committee.

(4) Subject to general or special directions of the Board, the Executive Committee may deal with any matter within the competence of the Board.

19. Technical Advisory Committee.—(1) The Board may appoint one or more Technical Advisory Committees with such members having expert knowledge on the subject as it may select including the Managing Director, to give it technical advice on schemes submitted to the Bank for financial assistance or on such other matters on which the Board may require technical advice and may also appoint any other Committee or Committees to assist it in the efficient discharge of its functions.

(2) No information given by a person applying for financial assistance and made known to a Committee shall, except for the purpose of giving advice to the Board, be disclosed or used by any member of the Committee without the written consent of such person.

20. Local Board.—(1) The Board may constitute a Local Board for each of the three areas specified in Schedule II.

(2) The Local Board shall consist of such members and exercise and discharge such functions as may be prescribed by regulations.

21. Annual general meeting and special meetings of the shareholders.—

(1) The annual general meeting of the shareholders shall be held on such

~~date in the first week of September every year or as soon thereafter as is convenient, at such time and place in Pakistan as may be fixed by the Board :~~

Provided that the first annual general meeting of the shareholders shall be held in Karachi.

(2) The Board shall submit at the annual general meeting for the consideration of shareholders a balance sheet and a statement of profit and loss of the Bank for the financial year ending on the thirtieth day of June next preceding such meeting.

(3) The Board may convene a special meeting of the shareholders to be held at such time and place as it may fix for consideration of any matter which, in the opinion of the Board, ought to be considered by the shareholders.

(4) Every shareholder shall be entitled to attend a meeting of the shareholders, but no shareholder shall be entitled to vote at any such meeting unless he :—

(a) has been registered as a shareholder for a period of not less than three months prior to the date of such meeting ; and

(b) has paid all calls and other sums presently payable by him in respect of shares of the Bank.

(5) Every shareholder entitled to vote shall, when present in person, have one vote to be cast by show of hands.

(6) On a poll each shareholder entitled to vote shall have one vote for every five shares and may give his vote either personally or by proxy.

22. Meeting of the Board and the Executive Committee.—(1) No business of the Board or of the Executive Committee shall be transacted except at a meeting at which a quorum of four Directors in the case of the Board and two members in the case of the Executive Committee is present.

(2) The meetings of the Board and of the Executive Committee shall be held at such times and at such places as may be prescribed by regulations :

Provided that until regulations are made in this behalf such meetings shall be convened, in the case of the Board, by the Chairman, and in the case of Executive Committee, by the Managing Director.

(3) All meetings of the Board shall be presided over by the Chairman, and of the Executive Committee by the Managing Director, and in the absence of the Chairman or the Managing Director, as the case may be,—

(a) by a Director other than the Managing Director authorized in writing by the Chairman, and in the absence of such authorization, by a Director chosen by the Directors present at the meeting from amongst their number ; and

(b) by a member authorized in writing by the Managing Director, and in the absence of such authorization, by a member chosen by the members present at the meeting from amongst their number.

(4) At a meeting of the Board or of the Executive Committee, each Director or member, as the case may be, shall have one vote, and in the case of equality of votes, the person presiding shall have a second or casting vote :

Provided that no Director or member shall vote on any matter relating to an industrial concern in which he is interested.

(5) No act or proceeding of the Board or of the Executive Committee, or of any person acting in good faith as a Director or member of the Executive Committee, shall be invalid or questioned merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board or the Executive Committee, or of any defect in the appointment or qualification of the Director or member, as the case may be.

23. Fees for attending meetings.—A Director, shall be paid such fees for attending meetings of the Board or of a Committee as may be prescribed by regulations.

24. Appointment of Officers, Advisers, etc.—The Bank may appoint such officers, advisers, consultants, agents and servants as it considers necessary for the efficient performance of its functions.

25. Declaration of fidelity and secrecy.—Every Director, member of any Committee, adviser, auditor, consultant, agent, officer or servant of the Bank shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in Schedule III.

26. Indemnity of Directors.—(1) Every Director shall be indemnified by the Bank against all losses and expenses incurred by him in the discharge of his duties except such as are caused by his own wilful act or default.

(2) A Director shall not be personally responsible for the acts of any other Director or of any officer or servant of the Bank for any loss or expense resulting to the Bank by reason of the insufficiency or deficiency in value of or title to any property or security acquired or taken on behalf of the Bank, or by the wrongful act of any person under a liability to the Bank, or by anything done by him in good faith in the discharge of his duties.

27. Business which the Bank is authorized to transact.—The Bank may carry on and transact several kinds of business hereinafter specified, namely :—

(1) advancing and lending of money and opening of cash-credits for the specific purpose of assisting an industrial concern upon the security of :—

- (a) stocks, funds and securities in which a trustee is authorized to invest trust money by any law for the time being in force ;
- (b) debentures or other securities for money issued by, or on behalf of, a local authority, under any law for the time being in force ;
- (c) goods and machinery which, or documents of title to which,

are deposited with, or assigned to, the Bank as security for such advances, loans or credits ;

- (d) debentures of companies with limited liability, subject to directions as may be issued by the Central Board ;
- (e) shares of companies with limited liability with the prior approval of the Board ;
- (f) accepted bills of exchange and promissory notes endorsed by the payees and joint and ~~several~~ promissory notes to two or more persons or firms unconnected with each other in general partnership ; and
- (g) immovable property or such documents of title relating to immovable property as have been deposited with or assigned to the Bank :

Provided that no security shall be necessary in the case of advances or loans guaranteed by the Central Government or a Provincial Government ;

(2) guaranteeing loans, debts and credits raised or incurred by or granted to an industrial concern and repayable within a period not exceeding twenty years ;

(3) granting loans to, or subscribing to debentures of, industrial concerns, such loans or debentures being repayable within a period not exceeding twenty years from the date on which they are granted or subscribed to, as the case may be ;

(4) selling and realisation of proceeds of sale of any promissory notes, debentures, stock receipts, bonds, annuities, stocks, shares, securities, goods or immovable properties which, or the documents relating to which, have been deposited ¹[which], or pledged, hypothecated, assigned or transferred to the Bank as security for such advances, loans or credits, or which are held by the Bank or over which the Bank is entitled to any lien or charge in respect of any such advances, loans or credits or any debt or claim of the Bank, and which have not been redeemed in due time in accordance with the terms and conditions, if any, of such deposit, pledge, hypothecation, assignment or transfer ;

(5) investing of the funds of the Bank upon any of the securities specified in sub-clauses (a) and (b) of clause (1) and converting the same into money when required, and transposing, altering and converting investment in such securities for or into any other investment and selling and mortgaging any such securities ;

(6) giving of call loans which are commonly known as inter-bank call loans to scheduled banks ;

(7) receiving of deposits and keeping cash accounts :

Provided that the level of liquidity of such deposits shall be maintained at not less than forty per cent ;

(8) accepting charge of title-deeds, plate, jewels or other valuable goods ;

(9) selling and realising of all property whether movable or immovable which may in any way come into possession of the Bank in satisfac-

¹ *Sic.* Should read " with ".

tion or part satisfaction of any of its claims, and the acquisition and holding of, and generally the dealing with, any right, title or interest in any property movable or immovable which is the security for any advance or loan made or guaranteed by the Bank connected with any such security ;

(10) transacting of pecuniary agency business on commission and the entering into contracts of indemnity, suretyship or guarantee with specific security or otherwise ;

(11) underwriting the issue of stock, bonds or debentures by industrial concerns ;

(12) receiving and recovering such commission as may be agreed upon in consideration of any guarantee or underwriting ;

(13) acquiring and retaining as part of its assets any stock, shares, bonds or debentures which it may have to take up in discharge of any liability incurred through underwriting any issue subject to the condition that any stock, shares, bonds or debentures so acquired shall be disposed of as early as possible within a period of not more than seven years from the date of such acquisition ;

(14) drawing, accepting, discounting, buying and selling of bills of exchange and other negotiable instruments ;

(15) buying of bills of exchange payable outside Pakistan ;

(16) issuing of letters of credits ;

(17) drawings of bills of exchange and the granting of letters of credit payable outside Pakistan ;

(18) borrowing of money for the purpose of its business and giving of security for money so borrowed by pledging assets or otherwise ;

(19) acquiring, maintaining and transferring its residential and business premises ;

(20) taking over, running and selling of such industrial concerns as have failed to repay in full the loan taken from the Bank ;

(21) subscribing directly to the stock of any industrial concern with the approval of the Central Government ;

(22) subsidising from time to time of the provident or other funds created for the benefit of its employees ;

(23) appointing of agents in or outside Pakistan for transposing pecuniary business on commission ;

(24) carrying out of survey and research of industries and maintaining statistics relating thereto ;

(25) administering as agent to the Central Government such loans and in such manner as the Central Government may direct ; and

(26) generally doing of all such matters and things as may be incidental or subsidiary to the transacting of any of the aforesaid business including foreign exchange business.

28. Conditions relating to certain business.—(1) In respect of business provided for in clauses (1), (2) and (3) of section 27 preference shall be given to medium-term and long-term credit needs of small-scale and medium-scale industries ;

(2) Short-term advance and loans for the purposes of working capital of any industrial concern shall not be made—

- (a) except in accordance with the rules made in this behalf ; and
- (b) of an amount exceeding, at any time, twenty-five per cent. of the total advances made to such concern except with the prior approval of the State Bank.

(3) No guarantee, loan or subscription provided for in clauses (2) and (3) of section 27 shall be made—

- (a) the aggregate amount of which exceeds,—
 - (i) in the case of an industrial concern not incorporated under the Companies Act, 1913, five lakhs of rupees, or
 - (ii) in the case of any other concern, ten lakhs of rupees including its foreign exchange component to the extent of five lakhs of rupees, except with the prior approval of the Central Government.
- (b) which is not secured by pledge, mortgage, hypothecation or assignment of any property, movable or immovable, to the extent determined by the Board or by a contract to mortgage, hypothecate or assign any property which may be acquired in future with or without financial assistance of the Bank ; and
- (c) which has not been considered in the light of the report thereon by the Technical Advisory Committee :

Provided that the limit specified in clause (a) shall not apply—

- (i) to mining, jute, cotton, inland transport and such other industry as the Central Government may direct the Bank to finance beyond that limit ; or
- (ii) to any concern in any other industry which the Central Government, either on its own initiative or on the recommendations of the Board, may exempt from that limit.

29. Transaction of other business.—Notwithstanding anything contained in section 27, the Bank may :—

- (1) with the previous approval, of and subject to such terms and conditions as may be determined in consultation with, the Central Government, grant loans and advances and provide other accommodation to any industrial concern or, for the benefit of such concern, to any local authority, organisation or institution ; and
- (2) grant loans to, or for the purposes of, any development project or class of such projects which the Central Government may, by notification in the official Gazette, declare to be eligible for loans from the Bank.

30. Prohibited business.—The Bank shall not undertake or transact any kind of business other than those authorized by or under this

Ordinance, and, in particular, it shall not—

- (a) make any advance or loan—
 - (i) upon the security of its shares, or
 - (ii) except as provided in section 29, to any concern other than an industrial concern, and
- (b) discount or buy, or advance, lend or open cash-credit on the security of, any negotiable instrument of any individual or partnership firm which does not carry on it the several responsibilities of at least two persons or firms not connected with each other in general partnership.

31. Borrowing Power.—(1) The Bank may, for the purpose of raising its working capital, with the prior approval of the Central Government, issue and sell bonds and debentures carrying interest at such rates as may be approved by the Central Government :

Provided that the total of the sums due on such bonds and debentures issued and outstanding and the contingent liabilities of the Bank in respect of guarantee or underwriting agreements shall not, at any time, exceed five times the amount of the paid-up share capital and the Reserve Fund of the Bank.

(2) The bonds and debentures of the Bank shall be guaranteed by the Central Government as to the repayment of principal and payment of interest at such rate as may be fixed by the Central Government at the time the bonds and debentures are issued.

(3) The Bank may, for the purpose of granting loans to industrial concerns in foreign currency and with the prior approval of the Central Government, borrow such currency from the International Bank for Reconstruction and Development or any other agency, and may pledge, mortgage, hypothecate or assign to the said International Bank or other agency all or any part of the security taken by the Bank for the loans granted in foreign currency.

32. Power to impose conditions.—(1) For the purpose of transacting any business under this Ordinance with any industrial concern, the Bank may impose such conditions as it may consider necessary or expedient for protecting its interest and securing that its guarantee, underwriting, loan subscription or other aid is put to such use by the industrial concern as the Bank has agreed to.

(2) Any condition imposed on an industrial concern under sub-section (1) shall be valid and shall, notwithstanding anything contained in any other law for the time being in force, be enforceable against such concern.

33. Repayment of loans in foreign currency.—All loans granted to an industrial concern in foreign currency shall be repaid in accordance with the terms of the loan or, in the absence of any such terms, as may, in each case, be determined by the Board, either—

- (1) in the currency in which they were granted ; or
- (2) in Pakistan currency at the rate of exchange prevailing on the date of repayment.

34. Disposal of profit.—(1) ~~The Bank shall establish a Reserve Fund to which shall be credited such amount out of its net annual profit as the Board may determine.~~

(2) After deducting the amount under sub-section (1) and making provision for bad and doubtful debts, depreciation of assets and such other matters as are usually provided for by bankers or are considered expedient in the interest of the Bank, the Bank may, out of the surplus remaining from that net annual profit, declare such dividend as may be approved by the Central Government.

35. Auditors.—(1) The accounts of the Bank shall be audited by not less than two chartered accountants within the meanings of the Chartered Accountants Ordinance, 1961, appointed from amongst those approved in this behalf by the Central Government by the shareholders at the general meeting on such remuneration to be paid by the Bank as the shareholders may fix.

(2) Every auditor appointed under sub-section (1) shall be given a copy of the annual balance sheet of the Bank, and shall examine it together with the accounts and vouchers relating thereto, and shall have a list delivered to him of all books kept by the Bank, and shall at all reasonable times have access to the books, accounts and other documents of the Bank, and may in relation to such accounts examine any Director or officer of the Bank.

(3) The auditors shall report to the shareholders upon the annual balance sheet and accounts, and in their report they shall state whether in their opinion the balance sheet is a full and fair balance sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Bank, and in case they have called for any explanation or information from the Board, whether it has been given and whether it is satisfactory.

(4) The Central Government may, at any time issue directions to the auditors requiring them to report to it upon the adequacy of measures taken by the Bank for the protection of its shareholders and creditors or upon the sufficiency of their procedure in auditing the affairs of the Bank, and may, at any time, enlarge or extend the scope of the audit or direct auditors requiring them to report to it upon the adequacy of measures taken by the auditors if in its opinion the public interest so requires.

(5) The Bank shall furnish to each shareholder at least fifteen days before the date of the general meeting a copy of the audited balance sheet together with a copy of profit and loss account for the year and a report on the working of the Bank during the year and shall also cause the said balance sheet and profit and loss account to be published in the official Gazette and such daily newspapers as the Board may decide.

36. Government Auditors.—Without prejudice to anything contained in section 35, the Central Government may appoint such auditors as it thinks fit to examine and report on the accounts of the Bank.

37. Return.—(1) The Bank shall furnish to all shareholders, and may cause to be published in the official Gazette and in such daily newspapers as the Board may decide, within ten days of the date to which the statement relates, a statement in the prescribed form of its assets and

liabilities as they stand at the close of business on the last Friday of each month, or, if that day is a public holiday under the Negotiable Instruments Act, 1881 (XXVI of 1881), as they stand as at the close of business on the preceding working day.

(2) The Bank shall furnish in the prescribed form to the Central Government at least once a year, or as frequently as the Central Government may require, a classification of its loans and investments, and all loans guaranteed by it and underwriting agreements entered into by it.

(3) The Bank shall furnish to the Central Government within three months of the close of the financial year an audited statement in the prescribed form of its assets and liabilities as they stand at the close of that year together with a profit and loss account for the year and a report on the working of the Bank during the year, and shall also publish the said statement, account and report in the official Gazette.

38. Power to call for payment before agreed period.—Notwithstanding any agreement to the contrary, the Bank may, by notice, require any industrial concern to which it has granted any loan forthwith to repay the loan in full, if—

- (a) it appears to the Board that information false or misleading in any material particular has been given in the application for the loan ; or
- (b) the concern has failed to comply with the terms of any agreement with the Bank in the matter of the loan ; or
- (c) there is a reasonable apprehension that the concern is unable to pay its debts or may go into liquidation ; or
- (d) the property pledged, mortgaged, hypothecated or assigned to the Bank as security for the loan, is not insured or kept insured by the concern to the satisfaction of the Bank or has, in opinion of the Board, depreciated in value by more than twenty per cent. and further security to the satisfaction of the Board is not given ; or
- (e) without the permission of the Board, machinery or other equipment is removed from the premises of the concern without being replaced ; or
- (f) for any other reason, it is necessary, in the opinion of the Board, to protect the interest of the Bank.

39. Special provisions for enforcement of claims by the Bank.—(1) Where by reason of the breach of any condition of any agreement between the Bank and an industrial concern, the Bank becomes entitled to require the immediate payment of any loan before the due date, or where an industrial concern fails to repay such loan by the due date or in compliance with the notice under section 38, an officer of the Bank, generally or specially authorized by the Board in his behalf, may apply to the District Judge within the local limits of whose jurisdiction the concern carries on the whole or a substantial part of its business, for one or more of the following reliefs, namely :—

- (a) an order for the sale of the property pledged, mortgaged, hypothecated or assigned to the Bank as security for the loan, or
- (b) transfer of the management of the concern to the Bank, or
- (c) an injunction *ad interim* where there is apprehension that machinery or equipment may be removed from the premises of the concern without the permission of the Board.

(2) An application under sub-section (1) shall state the nature and extent of the liability of the concern to the Bank, the ground on which it is made and such other particulars as may be prescribed by rules.

(3) When the application is for the relief mentioned in clause (a) or clause (c) of sub-section (1), the District Judge shall pass an order *ad interim* attaching the property referred to in clause (a) as aforesaid or such other property of the concern as is likely in his estimation to fetch, on being sold, an amount equivalent to the outstanding liability of the concern to the Bank together with the costs of the proceedings taken under this section, with or without an injunction *ad interim* restraining the concern from transferring or removing any machinery or equipment without the consent of the Bank.

(4) Where the application is for the relief mentioned in clause (b) of sub-section (1), the District Judge shall grant an injunction *ad interim* restraining the concern from transferring or removing its machinery or equipment and shall issue a notice calling upon the concern to show cause on a date to be specified in the notice why the management of the concern should not be transferred to the Bank.

(5) Before passing any order under sub-section (3) or sub-section (4), the District Judge may, if he thinks fit, examine the person making the application.¹

(6) At the time of passing an order under sub-section (3), the District Judge shall issue to the concern a notice accompanied by a copy of the order, the application and evidence, if any, recorded by him and calling upon it to show cause on a date to be specified in the notice why the order of attachment *ad interim* should not be made absolute or the injunction be not confirmed.

(7) If no cause is shown on or before the date specified in the notice under sub-section (4) or sub-section (6), the District Judge shall forthwith make the order *ad interim* absolute and direct the sale of the attached property or transfer the management of the concern to the Bank or confirm the injunction.

(8) If cause is shown the District Judge shall proceed to investigate the claim of the Bank and the provisions of the Code of Civil Procedure, 1908 (Act V of 1908), shall as far as practicable, apply to such proceedings.

(9) On completing an investigation under sub-section (8) the District Judge shall pass an order—

- (a) confirming the order of attachment or directing the sale of the attached property, or
- (b) varying the order of attachment so as to release a portion of the property from attachment and directing the sale of the remainder of the attached property, or
- (c) releasing the property from attachment, if he is satisfied that it is not necessary in the interests of the Bank to retain it under attachment, or
- (d) confirming or vacating the injunction, or
- (e) transferring or refusing to transfer the management of the concern to the Bank :

Provided that when making any order under clause (c), the District Judge may make such further orders as he thinks necessary to protect the interests of the Bank and may apportion the cost of the proceedings in such manner as he thinks fit :

Provided further that unless the Bank intimates to the District Judge that it will not appeal against any order releasing any property from attachment such order shall not be executed until the expiry of the period mentioned in sub-section (11), or if an appeal is preferred, unless the High Court otherwise directs, until the appeal is disposed of.

(10) An order under this section for the attachment or sale of property shall be carried into effect as far as may be in the manner provided in the Code of Civil Procedure, 1908 (Act V of 1908), for the attachment or sale of property in execution of a decree as if the Bank were the decree-holder.

(11) Any party aggrieved by an order under sub-section (7) or sub-section (9) may, within thirty days from the date of the order, appeal to the High Court, and upon such appeal the High Court may, after hearing the parties, pass such orders as it thinks proper.

(12) Nothing in this section shall be construed, where proceedings for liquidation in respect of the industrial concern have commenced before an application is made under sub-section (1), as giving the Bank any preference over other creditors of the concern not conferred on it by any other law for the time being in force.

40. Rights of Bank in cases of default.—(1) Where any industrial concern which is under a liability to the Bank under an agreement makes any default in payment or otherwise fails to comply with the terms of its agreement with the Bank, the Bank may, notwithstanding anything contained in section 39, take over the management of the concern, and may sell or realise any property pledged, mortgaged, hypothecated or assigned by the concern to secure its liability to the Bank.

(2) Any transfer of property made by the Bank in exercise of its powers of sale or realisation under sub-section (1) shall vest in the transferee all rights in or to the property transferred as if the sale had been made by the owner of the property.

(3) The Bank shall have the same rights and powers with respect to goods manufactured or produced wholly or partly from goods forming part of any security held by it as it has with respect to the original goods.

(4) Where the Bank takes over the management of a concern under sub-section (1) it shall be deemed to be the owner of such concern for purposes of suits by or against such concern, and shall sue and be sued in the name of the concern.

41. Recovery of Bank's dues.—Without prejudice to the provisions of sections 39 and 40, all sums due to the Bank shall be recoverable as arrears of land revenue :

Provided that no sum shall be so recovered unless fifteen days notice has first been given by the Bank to the debtor that the sum will be so recovered :

Provided further that in so giving notice the Bank shall inform the debtor that he may pay by such instalments as may be fixed in the notice and that upon his so paying every instalment on or before the due date

the recovery will be suspended but that it will otherwise proceed as to the entire sum outstanding in case of any default in any instalment including the first.

42. Delegation of Powers.—The Board may, for the purposes of ensuring efficient functioning of the Bank and facilitating transaction of its daily business, by a resolution published in official Gazette, delegate to the Managing Director or any officer of the Bank subject to such conditions and limitations, if any, as may be specified therein such of its powers and duties under this Ordinance as it may deem necessary.

43. Offences.—(1) Whoever wilfully makes a false statement or knowingly permits any false statement to be made, or to remain, in any bill of lading, warehouse receipt or other document of title or any other document given to the Bank by way of security in respect of any financial aid sought or granted under this Ordinance, shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both.

(2) Whoever, without the consent in writing of the Bank, uses the name of the Bank in any prospectus or advertisement shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(3) Whoever being a Director, a member of any Committee, adviser, auditor, officer or servant of the Bank contravenes his declaration of fidelity and secrecy shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(4) No Court shall take cognizance of any offence punishable under this Ordinance except upon a complaint in writing signed by an officer of the Bank authorized in this behalf by the Board.

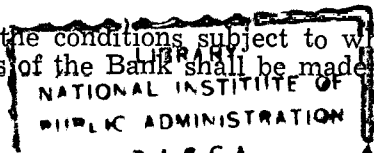
44. Liquidation of Bank.—No provision of law relating to the winding up of companies or banks shall apply to the Bank and the Bank shall not be wound up save by order of the Central Government and in such manner as it may direct.

45. Power of Central Government to make rules.—The Central Government may make rules for carrying out the purposes of this Ordinance.

46. Power of the Board to make regulations.—(1) The Board may, with the previous sanction of the Central Government, make regulations to provide for all matters not required to be provided for by rules and for which provision is necessary or expedient for carrying out the purposes of this Ordinance.

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

- (a) the holding and conduct of elections under this Ordinance, including the final decision of doubts or disputes regarding the validity of election;
- (b) the manner in which and the conditions subject to which the first allotment of the shares of the Bank shall be made;



- (c) the maintenance of the share registers, the manner in which and the conditions subject to which shares may be held and transferred, suspension and the manner of suspension of transfer of shares from one register to another and generally, all matters relating to the rights and duties of shareholders ;
- (d) the number of members of the Local Boards, the manner of their election and the powers and functions they shall exercise ;
- (e) the manner in which the general meetings shall be convened and the procedure to be followed thereat ;
- (f) the calling of the meetings of the Board and of the Executive Committee, fees for attending the meetings thereof and the conduct of business thereat ;
- (g) the manner and terms of issue and redemption of bonds and debentures by the Bank ;
- (h) the conditions subject to which the Bank may grant loans ;
- (i) the manner of determining the sufficiency of the security for the purpose of business provided for in clauses (1), (2) and (3) of section 27 ;
- (j) the manner and conditions subject to which the Bank may borrow in foreign currency ;
- (k) the form of returns and statements required to be prepared under this Ordinance ;
- (l) the duties and conduct of officers and servants and agents of the Bank ; the recruitment of officers and staff of the Bank ; the terms and conditions of their service, the constitution and management of provident or other funds for the officers and staff of the Bank and all matters connected with any of these things ;
- (m) the disclosure of interest, direct or indirect of any Director or any member of a Committee in any industrial concern ;
- (n) taking over the management of, and managing, an industrial concern committing a breach of its agreement with the Bank ;
- (o) the appointment of Committees for technical and other advice for the purposes of this Ordinance ; and
- (p) generally for the efficient conduct of the affairs of the Bank.

(3) All regulations made under this section shall come into force on the date specified in each case, and shall be published in the official Gazette.

(4) Where any provision of a regulation is inconsistent with any provision of a rule, the provision of the rule shall prevail.

47. Repeal, etc.—(1) Upon the establishment of the Bank, the Pakistan Industrial Finance Corporation Act, 1949 (*I of 1949*), hereinafter referred to as the said Act, shall stand repealed.

(2) Upon the repeal of the said Act—

- (a) notwithstanding anything contained in this Ordinance, the Board of Directors of the Corporation functioning immediately before such repeal shall, until the Central Government, by notification in the official Gazette, otherwise directs, discharge the functions of, and be deemed to be, the Board constituted under this Ordinance ;

- (b) the entire undertakings of the Corporation including all assets, rights, powers, authorities and privileges, and all property, moveable and immoveable, cash and bank balances, reserve funds, investments and all other interest and rights in, or arising out of, such property, and all debts, liabilities and obligations of whatever kind of the Corporation subsisting immediately before the repeal of the said Act shall stand transferred and vest in the Bank;
- (c) subscription for the shares of the Corporation shall stand transferred to the Bank and be deemed to be subscriptions for shares of the Bank;
- (d) subject as hereinafter provided, every appointment, order, rule and regulation made or issued under the said Act and in force immediately before the repeal thereof shall, so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been made or issued under this Ordinance as if this Ordinance were in force at the time at which such appointment, order, rule or regulation was made or issued;
- (e) notwithstanding anything contained in any contract or agreement or in the conditions of service, the officers and other employees of the Corporation shall stand transferred to the Bank and the Bank shall appoint such officers and employees to the posts in the Bank corresponding, as nearly as may be, to those they held in the Corporation or to such other posts as will not adversely affect such officers and employees in the matters of pay and other emoluments, privileges and advantages;
- (f) all debts and obligations incurred or contracts entered into or rights acquired and all matters and things engaged to be done by, with or for, the Corporation before the repeal of the said Act, shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for, the Bank;
- (g) all suits and other legal proceedings instituted by or against the Corporation before the repeal of the said Act shall be deemed to be suits and proceedings by or against the Bank and shall be proceeded or otherwise dealt with accordingly;
- (h) any reference to the Corporation in any law, other than the said Act and this Ordinance, or in any order, rule or notification or in any contract or other instrument shall, except as otherwise provided in any general or special order made by the Central Government or a Provincial Government, be construed as a reference to the Bank;
- (i) no officer or other employee of the Corporation whose services are by this Ordinance transferred to the Bank shall, notwithstanding anything contained in any law for the time being in force, be entitled to any compensation because of such transfer.

(3) The Central Government may, for the purpose of removing any difficulty in relation to the transfer and other matters specified in subsection (2), make such order as it considers expedient and any such order shall be deemed to be, and given effect to, as part of the provisions of this Ordinance.

SCHEDULE I

[See section 2 (f)]

*Agricultural Processing :*Cotton ginning|processing|¹[bailing].Jute ¹[bailing]|processing.

Tea Manufacturing.

Chemical :

Sulphuric acid and its derivatives.

Soda ash.

Caustic soda.

Fertilizers.

Pharmaceutical and fine chemicals.

Anti-biotics.

(Penicillin, Streptomycine, etc., etc.).

Dyes and pigments.

Paints and varnishes.

Matches.

Soap.

Rayon and Cellophane.

Turpentine and rosin.

D.D.T.

Industrial gases.

Electrical :

Motors, switch-gear and fans.

Cables, batteries and appliances.

Radios and rediffusion.

Transformers.

Engineering :

Iron and steel.

Steel melting.

Steel re-rolling.

Shipyards.

Medium and light engineering.

Non-ferrous products.

Enamelware.

Automobiles.

Ships and boats, trawlers, barges, launches.

Food Products :

Edible vegetable oils.

Vegetable ghee.

¹Sic Should read "baling".

Food Products—contd.

Food processing.

Sugar.

Cigarettes.

Animal Feed.

Cold storage and freezing.

Ice, fish, fish meal, fish oil, prawn, etc.

Canning, preserving.

Alcoholic and non-alcoholic drinks.

Dairy.

Leather and Products :

Leather curing, tanning.

Leather shoe.

Leather goods.

Liquid Fuels :

Petroleum refining.

Power alcohol.

Milling :

Wheat.

Rice.

Other grains.

Mining :

All sorts.

Natural Gas and Motive Power :

Generation.

Transmission.

Distribution.

Non-Metallic Mineral Products :

Structural clay products.

Glass.

Hollow-ware.

Sheet glass.

Scientific glass.

Cement.

Cement products.

Ceramic and refractories.

Clay products.

Paper and Stationery :

Printing, writing and wrapping paper.

Newsprint.

Card and Strawboard.

Paper and Stationery—contd.

Hardboard.

Pencils.

Pens.

Nibs.

Rubber Products :

Cycle tyres and tubes.

Motor-car tyres and tubes.

Rubber-sole canvas shoes.

Other rubber products.

Textile and Clothing :

Cotton.

Woollen.

Jute.

Silk and art silk.

Hosiery and knitted goods.

Apparel.

Transport :

Road transport.

Water transport.

Sea transport.

Fishing.

Wood Products :

Saw milling.

Woodware.

Plywood and tea chests.

Other Industries :

Printing and publishing.

Films (Production|Exhibition).

Industrial Trading Estates.

Hotels.

Newspapers.

Sports goods.

Surgical goods.

Salt.

Industrial or agricultural waste.

Testing Research.

SCHEDULE II

(See section 8)

1. Karachi, Khairpur, Hyderabad, Quetta and Kalat Divisions of the Province of West Pakistan.
2. The Lahore area comprising the Peshawar, Dera Ismail Khan, Rawalpindi, Lahore, Sargodha, Multan and Bahawalpur Divisions of the Province of West Pakistan.
3. The Dacca area comprising the whole of the Province of East Pakistan.

SCHEDULE III

(See section 25)

DECLARATION OF FIDELITY AND SECRECY

I,....., hereby declare that I will faithfully, truly and to the best of my judgement, skill and ability, execute and perform the duties required of me as a Director, member of a Committee, officer, employee, consultant, adviser, agent or auditor (as the case may be) of the Industrial Development Bank of Pakistan and which properly relate to any office or position in the said Bank held by me.

I further declare that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the affairs of the Bank nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Bank and relating to the business of the Bank.

Signature.....

Signed before me

Signature.....

Designation.....

Dated.....

W. A. BURKI,**LT.-GENERAL,**

*Minister exercising the functions
of the President of Pakistan.*

THE REGISTRATION ACT (AMENDMENT) ORDINANCE, 1961.

ORDINANCE No. XXXII OF 1961

[31st July, 1961]

An Ordinance further to amend the Registration Act, 1908

WHEREAS it is expedient further to amend the Registration Act, 1908 (XVI of 1908), for the purposes hereinafter appearing ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Registration Act (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 2, Act XVI of 1908.—In the Registration Act, 1908 (XVI of 1908), hereinafter referred to as the said Act, in section 2, after clause (2), the following new clause (2a) shall be inserted, namely :—

“(2a) ‘co-operative society’ means a co-operative society registered under the Co-operative Societies Act, 1912 (II of 1912), or under any other law for the time being in force relating to the registration of co-operative societies ;”.

3. Amendment of section 17, Act XVI of 1908.—In the said Act, in section 17, in sub-section (2), for clause (x), the following shall be substituted, namely :—

“(x) any order granting a loan under the Agriculturists’ Loans Act, 1884 (XII of 1884), the Agricultural Development Bank Ordinance, 1961 (Ordinance No. IV of 1961), or under any other law for the time being in force relating to the advancement of loans for agricultural purposes, or any instrument under which a loan is granted by a co-operative society for any such purpose, or any instrument made for securing the repayment of a loan so granted ; or”.

4. Amendment of section 89, Act XVI of 1908.—In the said Act, in section 89, in sub-section (3), for the words and figures “Every officer granting a loan under the Agriculturists’ Loans Act, 1884,” the following shall be substituted, namely :—

“Every officer and every co-operative society granting any such loan as is referred to in clause (x) of sub-section (2) of section 17”.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,

FIELD-MARSHAL,

President.

Price : Ps. 6

THE INSURANCE (AMENDMENT) ORDINANCE, 1961

ORDINANCE No. XXXIII OF 1961

[8th August, 1961]

An Ordinance further to amend the Insurance Act, 1938

WHEREAS it is expedient further to amend the Insurance Act, 1938 (IV of 1938), for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Insurance (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 2, Act IV of 1938.—In the Insurance Act, 1938 (IV of 1938), hereinafter referred to as the said Act, in section 2, for clause (3A) the following shall be substituted, namely :—

“(3A) “approved investments” means such investments as the Central Government may, by notification in the official Gazette, specify as approved investments for the purposes of this Act ;”.

3. Amendment of section 3, Act IV of 1938.—In section 3 of the said Act, in sub-section (2), for clause (d) the following shall be substituted, namely :—

“(d) where the provisions of section 6 or 97 apply, a statement duly certified by an auditor showing the total paid up capital or the total working capital of the insurer and a declaration verified by an affidavit made by the principal officer of the insurer authorized in that behalf that the provisions of those sections as to paid up capital or working capital, as the case may be, have been complied with ;”.

4. Substitution of section 6, Act IV of 1938.—For section 6 of the said Act the following shall be substituted, namely :—

“6. *Requirements as to capital.*—No insurer other than an insurer who was registered for any class of insurance business immediately before the commencement of the Insurance (Amendment) Ordinance, 1961, shall be registered unless he has a paid up capital of not less than ten lakhs of rupees.”.

5. Amendment of section 7, Act IV of 1938.—In section 7 of the said Act, in the proviso to sub-section (5), after the word and figure “section 2”, the words, brackets and figures “and incorporated before the commencement of the Insurance (Amendment) Ordinance, 1961” shall be inserted.

6. Amendment of section 27, Act IV of 1938.—In section 27 of the said Act, in sub-section (2), in clause (ii), for the word “thirty” the word “ten” shall be substituted.

7. Amendment of section 40B, Act IV of 1938.—In section 40B of the said Act, in sub-section (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—

“Provided that the Controller of Insurance may, on an application made to him in this behalf, condone the contravention of this sub-section by an insurer who has, on reasonable grounds, spent as such expenses an amount in excess of such limits.”.

8. Amendment of section 40C, Act IV of 1938.—In section 40C of the said Act, in sub-section (1), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—

“Provided that the Controller of Insurance may, on an application made to him in this behalf, condone the contravention of this sub-section by an insurer who has, on reasonable grounds, spent as such expenses an amount in excess of such limits.”.

9. Insertion of new section 49A, Act IV of 1938.—After section 49 of the said Act, the following new section shall be inserted, namely :—

“49A. *Distribution of profits on life insurance business among policy-holders.*—No insurer transacting life insurance business shall, notwithstanding anything contained in the Memorandum or Articles of Association or any other document of such insurer, after the commencement of the Insurance (Amendment) Ordinance, 1961, allocate for the benefit of policy-holders, a sum less than nine-tenths of the surplus arising out of life insurance business.

Explanation.—In this section, “surplus” means the sum shown as surplus in Form I of the Fourth Schedule enhanced by any sum transferred to any reserve other than a reserve for depreciation of investments.”.

10. Amendment of section 97, Act IV of 1938.—In section 97 of the said Act, for the word “fifteen” the word “fifty” shall be substituted.

11. Amendment of section 98, Act IV of 1938.—In section 98 of the said Act,—

- (i) in sub-section (1), for the words “one hundred thousand” the words “two hundred thousand” shall be substituted; and
- (ii) in sub-section (2), for the words “twelve thousand and five hundred”, twice occurring, the words “twenty-five thousand” shall in both places be substituted.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,
FIELD-MARSHAL,
President.

THE WORKS OF DEFENCE (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XXXIV OF 1961

[17th August, 1961]

An Ordinance further to amend the Works of Defence Act, 1903

WHEREAS it is expedient further to amend the Works of Defence Act, 1903 (VII of 1903), for the purposes hereinafter appearing;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Works of Defence (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 2, Act VII of 1903.—In the Works of Defence Act, 1903, hereinafter referred to as the said Act, in section 2,—

(i) for clause (c) the following shall be substituted, namely :—

“(c) the expression “Division” means one of the Divisions or Groups into which Pakistan is, for military, naval or air force purposes for the time being divided; it includes a Brigade area, a sub-Area which does not form part of any Division, a naval station, port, dockyard, or establishment; or an air force Headquarters which does not form part of any air force Group, and any area which the Central Government may, by notification in the official Gazette, declare to be a Division for all or any of the purposes of this Act;”;

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

“(d) the expression, “General Officer Commanding the Division” means with reference to a work pertaining to the Army, the army officer for the time being in command of the forces in a Division, with reference to a work pertaining to the Navy, the naval officer for the time being in command of the forces in a Division and with reference to a work pertaining to the Air Force, the air force officer for the time being in command of the forces in a Division;”;

(iii) in clause (i), for the fullstop at the end a semicolon shall be substituted and thereafter the following new clauses (j), (k), (l), (m), (n), (o), (p) and (q) shall be added, namely :—

“(j) the expression “work” or “work of defence” means any defence establishment and include a naval dockyard, an airfield, a runway, an emergency landing ground or any area declared by the Central Government to be a “work” or “work of defence”;

(k) the expression "Clearance Area" means—

- (i) an area 250 yards wide measured on either side and at right angle to the centre line of a runway along its full length;
 - (ii) an area 75 yards wide measured on either side and at right angle to the centre line of a taxi way along its full length;
 - (iii) an area 42 yards wide all round an apron or hard standing measured from the outer edge;
 - (iv) an area immediately adjacent to both ends of a runway 300 yards long measured along and symmetrical to extended centre line of a runway and 250 yards wide either side of the centre line; and
 - (v) an area 500 yards wide flaring up to 707 yards beyond that mentioned in the preceding clause at each end of runway extending on the ground for a distance of 1,000 yards along and symmetrical about the extended centre line of a runway;
- (l) "Funnel Area" means air space clearance at each end of a runway beginning at the end of the area mentioned in clause (k) (v) at the elevation of the end of runway and rising on a slope of 1 in 50 (for every 50 feet horizontal one foot vertical, known as glide angle) for a horizontal distance of 3,033 yards measured along and symmetrical about the extended centre line of runway, the width of the Funnel Area at the end of the distance mentioned in clause (k) (v) being 707 yards flaring up to 1,333 yards at the end;
- (m) "Area of Restricted Height" means air space clearance at each end of a runway beginning at the end of Funnel Area above an elevation of 60 yards measured above the elevation of the end of the runway and with a width of 1,333 yards and a length of 5,000 yards measured along and symmetrical about the extended centre line of the runway;
- (n) "Inner Horizontal Surface" means an air space clearance above an elevation of 50 yards over and above the established airfield elevation, the extent of this surface being limited to an area included within a radius of 4,333 yards measured from the geometrical centre of the runway known as reference point;
- (o) "Inner Conical Surface" means air space clearance extended outward and upward from the periphery of the Inner Horizontal Surface for a distance of 2,333 yards, the slope of Conical Surface being 20 horizontal to one vertical protruding above;
- (p) "Outer Horizontal Surface" means air space clearance above an elevation of 166 yards over and above the established airfield elevation, the extent of this surface being limited to an area included between the outer periphery of Inner Conical Surface and a circle having a radius of 16,667 yards measured from the reference point;
- (q) "Transition Surface" means air space clearance joining two adjacent surfaces with a slope of 7 horizontal to one vertical measured outward and upward and all along the

sides of runway Clearance Area, Funnel Area and Area of Restricted Height, the slope being measured at right angle to the runway axis except, at the ends of the Area of Restricted Height where it will be measured parallel to it."

3. Amendment of section 7, Act VII of 1903.—In section 7 of the said Act, for the expression "General Officer Commanding the District" wherever occurring, the expression "General Officer Commanding the Division" shall in all places be substituted.

4. Insertion of section 7A, Act VII of 1903.—After section 7 of the said Act, the following new section 7A shall be added, namely:—

"7A. *Restrictions with reference to airfield.*—From and after the publication of the notice mentioned in section 3, sub-section (2), such of the following restrictions as the Central Government may in its discretion declare therein shall attach with reference to the land in the vicinity of an airfield, namely:—

- (a) No variation shall be made in the ground level, and no building, wall or other construction above the ground level and no obstruction or ditch shall be permitted in the Clearance Area.
- (b) No building, wall, bank or other construction above the ground level shall be maintained, erected, added to or altered in the Funnel Area, Area of Restricted Height, Transition Surface, Inner Conical Surface and Outer Horizontal Surface, otherwise than with the written approval of the General Officer Commanding the Division, and on such conditions as he may prescribe."

5. Amendment of section 36, Act VII of 1903.—In section 36 of the said Act, in clause (c), after the word and figure "section 7" the comma, word, figure and letter, "section 7A" shall be inserted.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President.

THE PAKISTAN NAVY ORDINANCE, 1961

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ORDINANCE NO XXXV OF 1961.

[8th September, 1961]

An Ordinance to consolidate and amend the law relating to the government and discipline of the Pakistan Navy.

WHEREAS it is expedient to consolidate and amend the law relating to the government and discipline of the Pakistan Navy ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

Chapter I.—PRELIMINARY

1. Short title and commencement.—(1) This Ordinance may be called the Pakistan Navy Ordinance, 1961.

(2) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. Persons subject to this Ordinance.—(1) The following persons shall be subject to this Ordinance, wherever they may be, namely :—

- (a) officers on the active list of officers of the Pakistan Navy, and ratings of the Pakistan Navy ;
- (b) officers on the retired or emergency lists of officers of the Pakistan Navy, when ordered on any duty or service for which as such officers they are so liable ;
- (c) persons belonging to any of the Pakistan Naval Reserve Forces when called up for training, exercise or service (including active service) in pursuance of regulations ;
- (d) persons belonging to any auxiliary force raised in Pakistan to which this Ordinance is applied to such extent and subject to such conditions as may be prescribed.

(2) The following persons, not otherwise subject to this Ordinance shall be so subject to such extent and under such conditions as the Central Government may direct :—

- (a) persons subject to the Pakistan Army Act, 1952 (XXXIX of 1952) or the Pakistan Air Force Act, 1953 (VI of 1953)—
 - (i) when seconded for service with the Pakistan Navy ; or
 - (ii) when embarked for passage on board any of the naval ships ;
- (b) persons, other than those mentioned in the last preceding clause, when embarked as passengers on board any of the naval ships ;
- (c) persons who are employed by, or are in the service of, or are followers of, or accompany any body or member of the naval force on active service ;

- (d) persons, who being on board any of the naval ships or vessels, or being within any of the naval establishments—
 - (i) act as spies for the enemy, or
 - (ii) endeavour to seduce any person subject to this Ordinance from his duty or allegiance to the Government.

3. Secondment to Army or Air Force.—Persons subject to this Ordinance, when seconded for service with the Pakistan Army or the Pakistan Air Force, shall be subject to the Pakistan Army Act, 1952 (XXXIX of 1952), or as the case may be, the Pakistan Air Force Act, 1953 (VI of 1953), to such extent and under such conditions as the Central Government may direct.

4. Definitions.—In this Ordinance unless the context otherwise requires,—

- (i) “active service” as applied to a person subject to this Ordinance, means the time during which such person,—
 - (a) is attached to, or forms part of a force which is engaged in operations against an enemy,
 - (b) is engaged in naval operations in, or is on his way to a country or place wholly or partly occupied by an enemy, or
 - (c) is attached to, or forms part of a force which is in military occupation of any foreign country ;
- (ii) “armed forces” means the Pakistan Army, the Pakistan Navy and the Pakistan Air Force and includes their reserves when called up for training, exercise or service ;
- (iii) “civil offence” means an offence which is triable by a criminal court ;
- (iv) “civil prison” means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894 (IX of 1894), or under any other law for the time being in force ;
- (v) “Commander-in-Chief” means the flag officer appointed by the President as the Commander-in-Chief, Pakistan Navy, or in his absence on leave or otherwise the officer appointed by the Central Government to officiate as such, or, in the absence of such officiating appointment, the officer on whom the command may devolve in accordance with the regulations made by the Central Government ;
- (vi) “commanding officer” means the officer appointed in command of a naval ship, vessel or establishment or the officer on whom such command may devolve in accordance with the regulations made by the Central Government, or, the officer, specified by the Central Government as the commanding officer for the purpose of all or any of the provisions of this Ordinance ;
- (vii) “court-martial” means a court-martial held under this Ordinance ;
- (viii) “criminal court” means a court of ordinary criminal justice in any part of Pakistan or established elsewhere by the authority of the Central Government ;

- (ix) "desertion" has the meaning assigned to it by section 45 and "desert" and its cognate expressions shall be construed accordingly ;
- (x) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to military, naval or air force law to act ;
- (xi) "flag officer" means an officer of the rank of Admiral of the Fleet, Admiral, Vice-Admiral or Rear-Admiral ;
- (xii) "Government" means the Central Government and includes a Provincial Government ;
- (xiii) "intoxication" has the meaning assigned to it by section 58 ;
- (xiv) "Judge Advocate General" means a person appointed as such to give advice on matters relating to naval law and to perform such other duties of a legal character as may arise in connection therewith ;
- (xv) "long imprisonment" means rigorous imprisonment for a term exceeding two years but not exceeding fourteen years ;
- (xvi) "mutiny" has the meaning assigned to it by section 36 ;
- (xvii) "naval custody" means the arrest or confinement of a person in the prescribed manner or in accordance with the usages and customs of the naval service and includes military or air force custody ;
- (xviii) "naval establishment" means an establishment belonging to or under the control of the navy, whether within or without Pakistan ;
- (xix) "naval law" means the law contained in this Ordinance and the rules and regulations and includes the usages and customs of the navy ;
- (xx) "naval reserve forces" means the Pakistan Naval Reserve Forces and includes the Pakistan Naval Fleet Reserve, the Pakistan Naval Volunteer Reserve, the Pakistan Naval Reserve and the Pakistan Women Naval Reserve ;
- (xxi) "naval reward" includes any gratuity or annuity for long service or good conduct or pension and any other naval pecuniary reward ;
- (xxii) "naval ship" means a ship commissioned for service in the Pakistan Navy and flying the Naval Ensign ;
- (xxiii) "naval vessel" means a ship or vessel, other than a naval ship, engaged in the naval service of Pakistan ;
- (xxiv) "navy" means the regular naval forces of Pakistan and includes the Pakistan Naval Reserve Forces, when called up for training, exercise or into actual service ;

- (xxv) "notification" means a notification published in the official Gazette ;
- (xxvi) "offence" means any act or omission punishable under this Ordinance and includes a civil offence ;
- (xxvii) "officer" means a person holding a commission in the Navy, and includes a subordinate officer, and when serving under prescribed conditions, an officer of the Pakistan Army or the Pakistan Air Force ;
- (xxviii) "prescribed" means prescribed by rules made under this Ordinance ;
- (xxix) "provost-marshal" means a person appointed as such under this Ordinance and includes any of his deputies or assistants or any other person legally exercising authority under him or on his behalf ;
- (xxx) "rating" means a person enrolled under this Ordinance of or below the rank of chief petty officer ;
- (xxxi) "regulations" means regulations made under this Ordinance ;
- (xxxii) "rules" means rules made under this Ordinance ;
- (xxxiii) "service" when qualifying institution, necessaries, books, band, mess, money, goods or other property, means belonging to or connected with the army, the navy or the air force or any part thereof ;
- (xxxiv) "service law" means this Ordinance, the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953 (VI of 1953), and the rules and regulations made thereunder ;
- (xxxv) "short imprisonment" means simple or rigorous imprisonment for a term not exceeding two years ;
- (xxxvi) "subordinate officer" means a person appointed as an acting sub-lieutenant, a midshipman or a cadet in any branch of the navy ;
- (xxxvii) "superior officer" when used in relation to a person subject to this Ordinance, means an officer or a rating not below the rate of petty officer who is of rank or rate higher than that person, or is senior to that person in the same rank or rate, and as regards persons serving under such conditions as the Central Government may direct, an officer, junior commissioned officer, warrant officer or non-commissioned officer of the Pakistan Army or the Pakistan Air Force ;
- (xxxviii) all words and expressions used herein and defined in the Pakistan Penal Code (Act XLV of 1860), and not hereinbefore defined, shall have the meanings respectively assigned to them in that Code.

Chapter II.—SPECIAL PROVISIONS FOR THE APPLICATION OF THIS ORDINANCE IN CERTAIN CASES.

5. Application of this Ordinance to certain forces under the Central Government.—The Central Government may, by notification, apply with or without modification all or any of the provisions of this Ordinance to any force raised and maintained in Pakistan and suspend operation of any other enactment for the time being applicable to the said force.

6. Special provision as to rank and command in certain cases.—Any person or class of persons subject to this Ordinance under clause (c) of sub-section (2) of section 2—

- (1) shall be so subject as officers, chief petty officers or petty officers as the Central Government or any officer authorised by it in that behalf may direct ;
- (2) in respect of whom no direction under clause (1) is in force, shall be deemed to be of a rate inferior to that of a petty officer ;
- (3) shall be deemed to be under the commanding officer of the naval ship, naval vessel or naval establishment, if any, to which he is attached, and if he is not so attached, under the command of any officer who may, for the time being, be named as his commanding officer by the officer commanding the force with which such person may be serving, or of any other prescribed officer, and if no such officer is named or prescribed, under the command of the said officer commanding the force ;
- (4) shall not be placed under the command of an officer of official rank inferior to that of such person if there is present at the place where such person is any officer of higher rank under whose command he can be placed.

7. Officers exercising powers in certain cases.—(1) Whenever persons subject to this Ordinance are serving whether within or without Pakistan, under an officer not subject to this Ordinance, the Central Government may prescribe the officer by whom the powers which, under this Ordinance, may be exercised by a commanding officer, shall as regards such persons, be exercised.

(2) The Central Government may confer such powers either absolutely or subject to such restrictions, reservations, exceptions and conditions as it may think fit.

8. Exercise of powers vested in holder of naval office.—Any power or jurisdiction given to, and any act or thing to be done by, to, or before any person holding any naval appointment may be exercised by, or done by, to, or before any other person for the time being authorised in that behalf according to rules or customs of the navy.

9. Power to declare persons to be on active service.—Notwithstanding anything contained in clause (i) of section 4, the Central Government may, by notification, declare that any person or class of persons subject to this Ordinance, shall, with reference to any area in which they may be serving or with reference to any provision of this Ordinance or of any other law for the time being in force, be deemed to be on active service within the meaning of this Ordinance.

Chapter III.—APPOINTMENT, COMMISSION AND ENROLMENT

10. Eligibility for employment.—No person who is not a citizen of Pakistan shall except with the consent of the Central Government signified in writing, be eligible for appointment or enrolment in the Pakistan Navy.

11. Appointment and commission.—(1) Officers other than subordinate officers shall be appointed by commission by the President.

(2) Subordinate officers shall be appointed in such manner and shall hold such rank as may be specified in the regulations.

12. Enrolment.—(1) The terms and conditions of service of ratings, and the manner and procedure of their enrolment shall be such as may be specified in the regulations.

(2) No person shall be enrolled as a rating in the Pakistan Navy for an initial period of engagement exceeding such period as may be prescribed.

(3) Notwithstanding anything contained in any other law for the time being in force,—

(a) the enrolment of any person under this Ordinance shall be binding on him both during his minority and after he attains majority ;

(b) neither the parent or guardian of a minor duly enrolled under this Ordinance nor any other person shall be entitled to claim custody of the said minor as against the Central Government or any of its officers or other persons set over him.

13. Validity of Enrolment.—Every person who has for the space of three months been in receipt of pay as a person enrolled under this Ordinance and been borne on the books of any naval ship or naval establishment shall be deemed to have been duly enrolled and shall not be entitled to claim his discharge on the ground of any irregularity or illegality in his enrolment or on any other ground whatsoever ; and if any person in receipt of such pay and borne on the books as aforesaid claims his discharge before the expiry of three months from his enrolment, no such irregularity or illegality or other ground shall, until he is discharged in pursuance of his claim, affect his position as an enrolled person under this Ordinance or invalidate any proceedings, act or thing taken or done prior to his discharge.

14. Attestation.—Every rating shall, on completion of prescribed period after enrolment, make and subscribe before his commanding officer or any prescribed officer, an oath or affirmation in the prescribed form.

Chapter IV.—CONDITIONS OF SERVICE

15. Tenure of service.—Every officer and rating shall hold office during the pleasure of the President.

16. Liability for service.—Every officer and rating shall be liable to serve in the navy until his services have been duly terminated by the competent authority in accordance with this Ordinance and the rules and regulations made thereunder.

17. Termination of service.—(1) The Central Government may dismiss, remove, discharge or release any officer from the service or compel him to resign or retire from the service.

(2) Any officer may be permitted, subject to the exigencies of the service, by the Central Government to voluntarily resign his commission or retire from the service.

(3) The Central Government, the Commander-in-Chief, or any prescribed officer may dismiss, discharge or release any subordinate officer or rating from the service.

18. Release on expiry of period of engagement.—A rating shall be entitled to be released at the expiration of the term of service for which he is engaged unless—

(a) such expiration occurs,—

(i) when war is imminent or existing, or

(ii) when the strength of the branch of service to which he belongs is five per cent. below its strength,

in which case he shall be liable to continue to serve for such further period as may be required by the Commander-in-Chief; or

(b) he is re-engaged in accordance with the regulations.

19. Discharge or dismissal when out of Pakistan.—(1) Any person enrolled under this Ordinance who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by a competent authority, and who, when he is so entitled or ordered to be discharged, is serving out of Pakistan, and requests to be sent to Pakistan, shall, before being discharged, be sent to Pakistan with all convenient speed.

(2) Any person enrolled under this Ordinance who is dismissed from the service and who, when he is so dismissed, is serving out of Pakistan, shall be sent to Pakistan with all convenient speed.

(3) Where any such person as is mentioned in sub-section (2) is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of imprisonment or detention, a portion of such sentence, may be inflicted before he is sent to Pakistan.

(4) For purposes of this section, the word “discharge” includes release and the word “dismissal” includes removal.

20. Certificate on termination of service.—Every rating who is dismissed, discharged, or released from the service shall be furnished by the prescribed officer with a certificate setting forth—

(a) the authority terminating the service;

(b) the cause for such termination; and

(c) the full period of his service in the navy.

21. Power to modify certain fundamental rights in their application to persons subject to this Ordinance.—Subject to the provisions of any law for the time being in force relating to the navy or to any branch thereof, the Central Government may, by notification, make rules restricting in such manner and to such extent as may be specified the right of any person subject to this Ordinance—

- (a) to be a member of, or to be associated in any way with, any trade union or labour union, or any class of trade or labour unions or any society, institution or association, or any class of societies, institutions or associations ;
- (b) to attend or address any meeting or to take part in any demonstration organised by any body of persons for any political or other purposes ;
- (c) to communicate with the press or to publish or cause to be published any book, letter or other document.

Chapter V.—SERVICE PRIVILEGES

22. Authorised deductions only to be made from pay.—The pay and allowances of every officer and rating due to him as such under any regulation for the time being in force, shall be paid without any deduction other than the deductions authorised by or under this or any other enactment or prescribed by the Central Government.

23. Remedy of aggrieved persons.—If an officer or rating thinks that he has suffered any personal oppression, injustice or other ill-treatment at the hands of any superior officer, he may make a complaint in accordance with the rules made under this Ordinance.

24. Immunity from attachment.—The arms, clothes, equipment, accoutrement or necessities of any officer or rating shall not be seized, and their pay and allowances, or any part thereof, shall not be attached under any process or direction of any civil or revenue court or any public servant, in satisfaction of any decree or order enforceable against him.

25. Immunity from arrest for debt.—(1) No officer or rating shall, so long as he is subject to this Ordinance, be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or any public servant.

(2) The judge of any such court or the said officer shall examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section, and if satisfied that the arrest was made in contravention of preceding sub-section shall by warrant under his hand, discharge the person arrested, and may award reasonable costs to the complainant who may recover these costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the making of such complaint and for the recovery of such costs, no court-fee shall be payable by the complainant.

26. Immunity of persons attending courts-martial from arrest.—(1) No president or member of a court-martial, no judge advocate, no party to any proceeding before a court-martial, or his legal practitioner or agent and no witness acting in obedience to a summons to attend a court-martial,

shall, while proceeding to attending, or returning from a court-martial, be liable to arrest by civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

27. Priority in respect of naval personnel's litigation.—(1) On the presentation to any court, by or on behalf of any officer or rating, of a certificate, from the proper naval authority, of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on the application of such person, arrange, so far as may be possible, for the hearing and final disposal of such suit or other proceeding within the period of the leave so granted or applied for.

(2) The certificate from the proper naval authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for, and shall be duly signed and authenticated by such authority.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate or of any application by or on behalf of any such person for priority for the hearing of his case, and every such certificate duly signed or authenticated as aforesaid shall be conclusive evidence of the correctness of the contents thereof.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for its inability to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(5) Every criminal court before which a case is pending against any officer or rating shall, so far as may be possible, arrange for the early hearing and final disposal of such case.

(6) If in any case a question arises as to the proper naval authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the court to an officer, commanding a naval ship or establishment, or to a superior naval authority, whose decision shall be final.

28. Saving of rights and privileges under other laws.—The rights and privileges specified in the preceding sections of this Chapter shall be in addition to any others conferred on persons subject to this Ordinance or on members of the regular Army, Navy and Air Force generally by any other law for the time being in force.

Chapter VI.—OFFENCES

(i) Misconduct in Action and Assistance to Enemy

29. Misconduct in action by persons in command.—Every flag officer, captain or other person subject to this Ordinance who, being in command of any of the naval ships, naval vessels or naval establishments—

(a) fails to use his utmost exertions to bring into action any such ship, vessel or establishment which it is his duty to bring into action ;

- (b) surrenders any such ship, vessel or establishment to the enemy when it is capable of being successfully defended or destroyed ;
- (c) fails to pursue any enemy whom it is his duty to pursue, or to assist to the utmost of his ability any friend whom it is his duty to assist ; or
- (d) in the case of any action by or against the enemy, improperly withdraws from the action or from his station, or fails in his own person and according to his rank to encourage the persons under his command to fight courageously ;

shall be liable, if the offence is committed with intent to assist the enemy, to suffer death ; and in any other case to suffer long imprisonment.

30. Misconduct in action by other officers and men.—Every person subject to this Ordinance who, not being in command of any of the naval ships, naval vessels or naval establishments, fails when ordered to prepare for action by or against the enemy, or during any such action, to use his utmost exertions to carry the lawful orders of his superior officers into execution shall be liable, if the offence is committed with intent to assist the enemy, to suffer death, and in any other case, to suffer long imprisonment.

31. Obstruction of operations.—Every person subject to this Ordinance who wilfully delays or discourages upon any pretext whatsoever, any action or service which has been commanded on the part of any of the Pakistan forces or of any forces co-operating therewith, be liable, if the offence is committed with intent to assist the enemy, to suffer death, and in any other case, to suffer long imprisonment.

32. Corresponding with, supplying or serving with the enemy.—Every person subject to this Ordinance who—

- (a) communicates with or gives intelligence to the enemy ;
- (b) fails to make known to the proper authorities any information received by him from the enemy ;
- (c) furnishes the enemy with supplies of any description ; or
- (d) having been made a prisoner of war, serves with or aids the enemy in the prosecution of hostilities or of measures calculated to influence morale, or in any other manner whatsoever, not authorised by international usage ;

shall be liable, if the offence is committed with intent to assist the enemy, to suffer death, and in any other case, to suffer long imprisonment.

(ii) Neglect of Duty

33. Sleeping on watch or abandoning post.—(1) Every person subject to this Ordinance who, being in the presence or vicinity of the enemy or under orders to be prepared for action by or against the enemy, abandons his post improperly or sleeps upon his watch, shall be liable to suffer long imprisonment.

(2) Every person subject to this Ordinance who, not being in the presence or vicinity of the enemy or under such orders as aforesaid, abandons his post improperly or sleeps upon his watch, shall be liable to suffer short imprisonment.

34. Neglect of duty.—Every person subject to this Ordinance who neglects to perform or negligently performs any duty imposed on him shall be liable to be dismissed from the service.

(iii) Mutiny

35. Definition of "Mutiny".—In this Ordinance, mutiny means a combination between two or more persons subject to service law, or between persons two at least of whom are subject to service law—

- (a) to overthrow or resist lawful authority in the armed forces of Pakistan or any forces co-operating therewith or in any part of any of the said forces ;
- (b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline, or with the object of avoiding any duty or service, or in connection with operations against the enemy ; or
- (c) to impede the performance of any duty or service in the armed forces of Pakistan or in any forces co-operating therewith, or in any part of any of the said forces.

36. Offences of mutiny.—(1) Every person subject to this Ordinance who—

- (a) takes part in a mutiny involving the use of criminal force or the threat of the use of criminal force or having as its object or one of its objects the refusal or avoidance of any duty or service against or in connection with operations against, the enemy, or the impeding of the performance of any such duty or service, or
- (b) incites any person subject to service law to take part in such a mutiny, whether actual or intended,

shall be liable to suffer death.

(2) Every person subject to this Ordinance who takes part in a mutiny not described in the foregoing sub-section, or incites any person subject to service law to take part in such a mutiny, whether actual or intended, shall be liable to suffer long imprisonment.

(3) Every person subject to this Ordinance who endeavours to seduce any person subject to service law from his duty or allegiance to the Government, shall be liable to suffer long imprisonment.

37. Failure to suppress mutiny.—Every person subject to this Ordinance who, knowing or having reason to believe that a mutiny is taking place or is intended,—

- (a) fails to use his utmost endeavours to suppress or prevent it ;
or

(b) fails to report without delay that the mutiny is taking place or is intended, shall,—

(i) if his offence was committed with intent to assist the enemy, be liable to suffer death; and

(ii) in any other case, be liable to suffer long imprisonment.

38. Attempt to stir up disturbance.—Every person subject to this Ordinance who attempts to stir up any disturbance in a naval ship, naval vessel or naval establishment on the ground of unwholesomeness of food or upon any other ground, shall be liable to suffer long imprisonment.

(iv) Insubordination

39. Using criminal force to superior officer.—Every person subject to this Ordinance who uses criminal force to, commits an assault on, his superior officer, whether or not that officer is exercising authority as such, shall be liable to suffer long imprisonment.

40. Disobedience.—Every person subject to this Ordinance who wilfully disobeys any lawful command of his superior officer (by whatever means communicated to him), shall be liable to suffer long imprisonment.

41. Insubordinate behaviour.—Every person subject to this Ordinance who uses threatening or insulting language to, or behaves with contempt to, his superior officer, shall, if such officer is at the time in the execution of his office or, if the offence is committed on active service, be liable to suffer long imprisonment, and in any other case to suffer short imprisonment.

42. Violation of this Ordinance, rules, regulations and orders.—Every person subject to this Ordinance who, neglects to obey or contravenes any provision of this Ordinance or any rule or regulation made under this Ordinance or any general or local order, shall, unless other punishment is provided in this Ordinance for such neglect or contravention, be liable to suffer short imprisonment.

43. Fighting and quarrelling.—Every person subject to this Ordinance who—

(a) fights or quarrels with any other person, whether subject to this Ordinance or not;

(b) uses threatening, abusive, insulting or provocative words or behaviour likely to cause disturbance;

(c) being concerned in any quarrel, affray or disorder, refuses to obey any officer, who orders him into arrest, or uses criminal force to or assaults any such officer;

(d) uses criminal force to or assaults any person, whether subject to this Ordinance or not, in whose custody he is lawfully placed, and whether he is or is not his superior officer; or

(e) resists any escort whose duty it is to apprehend him or to have him in charge,

shall be liable to suffer short imprisonment.

44. Obstruction of provost officers.—Every person subject to this Ordinance, who, wilfully obstructs or wilfully refuses, when called on, to assist, any provost officer or any person (whether subject to this Ordinance or not) legally exercising authority under or on behalf of a provost officer, shall be liable to suffer short imprisonment.

Explanation.—For the purposes of this section, a “provost officer” shall be deemed to include a provost-marshal appointed under this Ordinance or under the Pakistan Army Act, 1952 (XXXIX of 1952), or the Pakistan Air Force Act, 1953 (VI of 1953), and any person legally exercising authority under him or on his behalf.

(v) Desertion and Absence without Leave

45. Definition of desertion.—A person is guilty of desertion within the meaning of this Ordinance if he leaves or fails to attend at his ship or place of duty with the intention of remaining permanently absent from duty without proper authority or if, having left or failed to attend at his ship or place of duty in any circumstances, he does any act with the like intention.

46. Desertion.—(1) Every person subject to this Ordinance who deserts shall—

- (a) if he commits the offence on active service or when under orders for active service, be liable to suffer long imprisonment; and
- (b) if he commits the offence under any other circumstances, be liable to suffer short imprisonment.

(2) A person convicted of desertion shall, except so far as the naval tribunal by which he is tried or the Commander-in-Chief may otherwise direct, forfeit all pay, bounty, salvage and allowances earned by him, all annuities, pensions and gratuities granted to him, and all clothes and effects left by him on board his ship or at his place of duty.

(3) Every person subject to this Ordinance who incites any other person subject to service law to desert, or knowingly harbours any such deserter, shall be liable to suffer short imprisonment.

47. Absence without leave.—Every person subject to this Ordinance who, without being guilty of desertion,—

- (a) absents himself without leave;
- (b) improperly leaves his ship or place of duty; or
- (c) incites any other person subject to service law to absent himself without leave or improperly to leave his ship or place of duty,

shall be liable to suffer short imprisonment.

48. Failure to report deserters and absentees.—Every person subject to this Ordinance, who knowing that any other person subject to service law has deserted, absented himself without leave, or improperly left his

ship or place of duty, or is attempting to desert, to absent himself without leave or improperly to leave his ship or place of duty,—

(a) fails to report the fact without delay ; or

(b) fails to take any steps within his power to cause that person to be apprehended,

shall be liable to suffer short imprisonment.

(vi) Navigation and Flying Offences

49. Loss or hazarding of ship or aircraft.—Every person subject to this Ordinance who, either wilfully or by negligence—

(a) causes or allows to be lost, stranded or hazarded any of the naval ships or vessels ; or

(b) causes or allows to be lost or hazarded any of Government's aircraft,

shall be liable, if he acts wilfully or with wilful neglect, to suffer long imprisonment, and in any other case to short imprisonment.

50. Dangerous flying.—Every person subject to this Ordinance who is guilty of any act or neglect in flying, or in the use of any aircraft, or in relation to any aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person, shall be liable—

(a) if he acts wilfully or with wilful neglect, to suffer long imprisonment ; and

(b) in any other case to suffer short imprisonment.

51. Low flying.—Every person subject to this Ordinance who, being the pilot of one of the Government's aircraft, flies it at a height less than such height as may be provided by any regulations issued under the authority of the Central Government, except—

(a) while taking off or alighting ; or

(b) in such other circumstances as may be so provided,

shall be liable to suffer short imprisonment.

52. Annoyance by flying.—Every person subject to this Ordinance who, being the pilot of one of the Government's aircraft, flies it so as to cause, or to be likely to cause, unnecessary annoyance to any person shall be liable to be dismissed from the service.

(vii) Prize Offences

53. Prize offences by commanding officers.—Every person subject to this Ordinance who being in command of any of the naval ships, naval vessels or aircraft,—

(a) having taken any ship, vessel or aircraft as prize, fails to send to a High Court or to some other prize court having jurisdiction in the case, all the ship papers or aircraft papers, as the case may be, found on board ;

- (b) unlawfully makes any agreement for ransoming of any ship, vessel, aircraft or goods taken as prize ; or
- (c) in pursuance of any such agreement as aforesaid, or otherwise by collusion, restores or abandons any ship, vessels, aircraft or goods taken as prize ;

shall be liable to suffer long imprisonment.

54. Other prize offences.—Every person subject to this Ordinance who—

- (a) strikes or otherwise ill-treats any person who is on board a ship, vessel or aircraft when taken as prize, or unlawfully takes from any such person any thing in his possession ;
- (b) removes out of any ship, vessel or aircraft taken as prize (otherwise than as safe keeping or for necessary use and service of any of the forces) any goods not previously adjudged by a prize court to be lawful prize ; or
- (c) breaks bulk on board any ship, vessel or aircraft taken as prize, or detained in exercise of any belligerent right or under any enactment, with intent to commit breach of trust or dishonestly misappropriates anything therein,

shall be liable to suffer long imprisonment.

(viii) Other Offences in respect of Ships and Aircraft

55. Inaccurate certification.—Every person subject to this Ordinance who makes or signs, without having ensured its accuracy, a certificate relating to any matter affecting the seagoing or fighting efficiency of any of the naval ships or naval vessels, or any certificate relating to any of the Government's aircrafts or aircraft material, shall be liable to suffer short imprisonment.

56. Improper carriage of goods.—Every person subject to this Ordinance who, being in command of any of the naval ships, naval vessels or aircraft without lawful authority—

- (a) receives or permits to be received on board the ship, vessel or aircraft any goods or merchandise intended for disposal or delivery by way of trade or business (whether on his own account or on account of any other person), not being merchandise received in the course of salvage ; or
- (b) agrees to convey any goods or merchandise on board the ship, vessel or aircraft in consideration of the payment of freight, or demands or receives any payment in respect of such carriage,

shall be liable to be dismissed from the service.

(ix) Malingering and Intoxication

57. Malingering.—Every person subject to this Ordinance who—

- (a) falsely pretends to be suffering from sickness or disability,

- (b) injures himself with intent thereby to render himself unfit for service, or causes himself to be injured by any person with that intent, or
- (c) with intent to render or keep himself unfit for service, does or fails to do anything (whether at the time of the act or omission he is in hospital or not) whereby he produces, or prolongs or aggravates, any sickness or disability,

shall be liable to suffer short imprisonment.

Explanation.—In this section the expression “unfit” includes temporarily unfit.

58. Definition of intoxication.—A person is in a state of intoxication within the meaning of this Ordinance if owing to the influence of alcohol or any drug, whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he might be called upon to perform, or behaves in a disorderly manner or in a manner likely to bring discredit on the service.

59. Offences of intoxication.—(1) Every person subject to this Ordinance, who is found in a state of intoxication—

- (a) if the offence is committed while on active service or under orders of active service or on duty, shall be liable to suffer short imprisonment; and
- (b) if the offence is committed under any other circumstances,
 - (i) if he is an officer, shall be liable to be dismissed from service; and
 - (ii) if he is a rating, shall be liable to suffer detention.

(x) Offences in respect of Naval Custody

60. Irregularity in connection with custody.—Every person subject to this Ordinance who,—

- (a) unnecessarily detains a person in custody without bringing him to trial, or fails to bring his case before the proper authority for investigation; or
- (b) having committed a person to naval custody fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within forty-eight hours thereafter, to the officer or other person into whose custody the person arrested is committed, an account in writing, signed by himself of the offence with which the person so committed is charged,

shall be liable to suffer short imprisonment.

61. Escape from custody.—Every person subject to this Ordinance, who, being in lawful custody, escapes or attempts to escape, shall be liable to suffer short imprisonment.

Facilitating escape of person in custody.—Every person subject to this Ordinance who,—

when in command of a guard, piquet, patrol or post, releases without proper authority, whether, wilfully or without reasonable excuse, any person committed to his charge, or refuses to receive any prisoner or person so committed, or

- (b) wilfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,

shall be liable, if he has acted wilfully, to suffer long imprisonment, and if he has not acted wilfully, to suffer short imprisonment.

(xi) Offences relating to Property

63. Theft and dishonest misappropriation, etc.—Every person subject to this Ordinance who commits any of the following offences, that is to say—

- (a) commits theft of any property belonging to the Government, or to any service mess, band or institution or to any person subject to service law, or serving with or attached to the navy ;
- (b) dishonestly misappropriates or converts to his own use any such property ;
- (c) commits criminal breach of trust in respect of any such property ;
- (d) dishonestly receives or retains any such property in respect of which any of the offences under clauses (a), (b) and (c) has been committed, knowing or having reason to believe the commission of such offence ;
- (e) wilfully destroys or injures any property of the Government entrusted to him ; or
- (f) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person,

shall be liable to suffer long imprisonment.

64. Making away with equipment, etc.—Every person subject to this Ordinance who makes away with (whether by pawning, selling, destroying or in any other way) or loses or by negligence damages or allows to be damaged—

- (a) any clothing, arms, ammunition or other equipment issued to him for his use for naval purposes ; or
- (b) any military, naval or air force decoration granted to him,

shall be liable to suffer short imprisonment.

Explanation.—It shall be a defence for a person charged under this section with losing any property that he took reasonable steps for its care and preservation.

65. Loss and waste of Government and service property.—Every person subject to this Ordinance who,—

- (a) loses any Government or service property of which he has the charge or which has been entrusted to his care, or forms part of property of which he has the charge or which has been entrusted to his care ;
- (b) by negligence destroys or damages any Government or service property or allows any such property to be destroyed or damaged ; or
- (c) wastefully expends any such property,

shall be liable to suffer short imprisonment.

Explanation.—It shall be a defence for a person charged under this section with losing any property that he took reasonable steps for its care and preservation.

(xii) Miscellaneous Offences

66. Unauthorised disclosure of information.—Every person subject to this Ordinance who without lawful authority wilfully discloses or purports to disclose whether orally, in writing, by signal or by any other means whatsoever, any information which has been entrusted in confidence to him or to which he has access owing to his position shall be liable to suffer short imprisonment.

67. Falsification of documents.—Every person subject to this Ordinance who,—

- (a) makes or signs any muster, record or other official document which is to his knowledge false in a material particular ;
- (b) alters any such document so that it is to his knowledge false in a material particular ; or
- (c) connives at the commission by another person subject to this Ordinance of an offence against this section (whether or not he knows the nature of the document in relation to which that offence is committed),

shall be liable to suffer short imprisonment.

68. Signing in blank and failure to report.—Every person subject to this Ordinance who,—

- (a) when signing any document relating to pay, arms, ammunition, equipment, clothing, supplies or stores, or any property of the Government, fraudulently leaves in blank any material part for which his signature is a voucher ; or
- (b) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send,

shall be liable to suffer short imprisonment.

69. False answers on enrolment.—Every person having become subject to this Ordinance by enrolment who is discovered to have made at the time of his enrolment a wilfully false answer to any question set forth in the prescribed form of enrolment, shall be liable to suffer short imprisonment.

70. Unbecoming conduct by officers.—Every officer subject to this Ordinance who behaves in a manner unbecoming his position and the character expected of him, shall be liable to be dismissed from the service.

71. Disgraceful conduct.—Every person subject to this Ordinance who is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind, shall be liable to suffer short imprisonment.

72. False accusation.—Every person subject to this Ordinance who,—

- (a) makes a false accusation against any person subject to this Ordinance knowing or having reason to believe such accusation to be false; or
- (b) in making a complaint under section 23 makes any statement affecting the character of any person subject to this Ordinance, knowing or having reason to believe such statement to be false; or knowingly and wilfully suppresses any material facts,

shall be liable to suffer short imprisonment.

73. Offences in relation to courts-martial.—(1) Every person subject to this Ordinance who,—

- (a) having been duly summoned or ordered to attend before a court-martial, fails to comply with the summons or order;
- (b) refuses to take an oath or make an affirmation when duly required by a court-martial to do so;
- (c) refuses to produce any document in his custody or under his control which a court-martial has lawfully required him to produce;
- (d) when a witness, refuses to answer any question which a court-martial has lawfully required him to answer;
- (e) wilfully insults any person, being a member of a court-martial or a witness or any other person whose duty it is to attend on or before the court, while that person is acting as a member thereof or is so attending, or while that person is going to or returning from the proceedings of the court; or
- (f) wilfully interrupts the proceedings of a court-martial, or otherwise misbehaves before the court,

shall be liable to suffer short imprisonment.

(2) Where an offence against sub-section (1) is committed in relation to a court-martial and the court is of opinion that it is expedient that the offender should be dealt with summarily by the court instead of being brought to trial before another court-martial, the court may by order under the hand of its president sentence him to imprisonment or (except in the case of an officer) detention, for a term not exceeding twenty-one days.

74. False evidence.—Every person subject to this Ordinance who, having been lawfully sworn or affirmed as a witness or as an interpreter in proceedings before a court-martial or before any board or person

having power by virtue of this Ordinance to administer an oath or affirmation, makes a statement material in those proceedings which he knows to be false or does not believe to be true, shall be liable to suffer long imprisonment.

75. Conduct to the prejudice of naval discipline.—Every person subject to this Ordinance who is guilty of any act, disorder or neglect to the prejudice of good order and naval discipline not described in the foregoing provisions of this Ordinance, shall be liable to suffer short imprisonment.

(xiii) Attempts and Abetments

76. Attempts to commit naval offence.—Every person subject to this Ordinance who attempts to commit any of the offences specified in the foregoing provisions of this Ordinance, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence shall, where no express provision is made by this Ordinance for the punishment of such attempt, be liable,—

- (a) if the offence attempted to be committed is punishable with death, to suffer long imprisonment;
- (b) if the offence attempted to be committed is punishable with imprisonment, to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence; and
- (c) if the offence attempted to be committed is punishable with dismissal from the service, to suffer any punishment lower than dismissal in the scale of punishments provided in section 80.

77. Abetment of offences. Every person subject to this Ordinance who abets the commission of any of the offences specified in the foregoing provisions of this Ordinance shall, where the act abetted is committed or not in consequence of the abetment and where no express provision is made by this Ordinance for the punishment of such abetment, be liable to suffer the punishment provided for that offence.

(xiv) Civil Offences

78. Civil offences triable by naval tribunal.—(1) Subject to the provisions of section 79 every person subject to this Ordinance who at any place in or beyond Pakistan commits a civil offence shall be deemed to be guilty of an offence against this Ordinance and, if charged there-with under this section, shall be tried by a naval tribunal, and, on conviction, be punishable as follows, that is to say,—

- (a) if the offence is one which is punishable under the law in force in Pakistan with imprisonment or transportation, he shall be liable to suffer any punishment other than transportation or whipping, assigned for that offence by the aforesaid law and such less punishment as may be provided in the Ordinance mentioned:

Provided that, where transportation is assigned as a punishment for the offence by the law in force in Pakistan, he shall be liable to suffer, in lieu of transportation, imprisonment for a term not exceeding the term of transportation awardable under

such law for that offence—rigorous imprisonment for fourteen years being deemed for this purpose the equivalent of transportation for life ; and

- (b) in any other case, he shall be liable to suffer any punishment, other than whipping, assigned for the offence by any law in force in Pakistan, or to suffer short imprisonment or such less punishment as is in this Ordinance mentioned.

(2) A person subject to this Ordinance may be^a charged with an offence under this section notwithstanding that he could on the same facts be charged with an offence under any other section of this Ordinance.

79. Civil offences triable by naval tribunal under special circumstances.—A person subject to this Ordinance who commits an offence of murder against a person not subject to service law, or of culpable homicide not amounting to murder against such a person, or of rape in relation to such a person, shall be deemed to be guilty of an offence under this Ordinance and shall be tried by a naval tribunal, provided he commits any of the said offences,—

- (a) while on active service ;
- (b) at any place outside Pakistan ; or
- (c) at any place specified by the Central Government by notification in this behalf.

Chapter VII—PUNISHMENTS

80. Scale of punishments.—(1) Subject to the provisions of this and the next following section, the following are the punishments which may be awarded to persons convicted of offences under this Ordinance that is to say : —

- (a) death,
- (b) long imprisonment,
- (c) short imprisonment,
- (d) dismissal from the service,
- (e) detention,
- (f) forfeiture of seniority in rank in the case of officers,
- (g) forfeiture of time for promotion in case of subordinate officers,
- (h) disrating,
- (i) penal deductions,
- (j) severe reprimand or reprimand,
- (k) such minor punishments as may be prescribed.

(2) In its application to a convicted person who is an officer, subsection (1) shall have effect as if clauses (e), (h) and (k) thereof were omitted ; and in its application to a convicted person who is a rating that subsection shall have effect as if clauses (f), (g) and (j) thereof were omitted.

81. Provision as to award of punishment.—(1) A sentence of imprisonment shall involve,—

- (a) in all cases, stoppage of pay during the term of imprisonment ;
- (b) in the case of an officer, dismissal from the service ;
- (c) in the case of a rating, disrating and deprivation of good conduct badges and may be accompanied by a sentence of dismissal from the service.

(2) The sentence of dismissal from the service may be accompanied by a sentence of forfeiture of all or any part of the pay, bounty, salvage and allowances earned by, and of all annuities and medals, granted to the offender :

Provided that the forfeiture shall not apply, except in the case of deserters, to moneys which should have been paid on the last pay day preceding conviction.

(3) The punishment of dismissal from the service shall in the case of persons who hold any lien on appointments in the army or air force or civil service, involve dismissal from such army, air force or civil service.

(4) Detention may be awarded for any term not exceeding six months ; and a sentence of detention shall in all cases involve stoppage of pay during the term of detention, and disrating.

(5) The punishment of forfeiture of seniority shall be imposed in the substantive rank held at the date of the sentence, and shall involve a corresponding forfeiture of seniority in every higher acting rank subject always to the condition that forfeiture of seniority in any rank shall in no case exceed the seniority in that rank at the date of the sentence.

(6) The punishment of forfeiture of seniority shall involve the loss of the benefit of service included in the seniority forfeited for the purposes of pension, gratuity, promotion and such other purposes, as may be prescribed, provided that such pension, gratuity and promotion and other purposes depend upon such service.

(7) The punishment of forfeiture of time for promotion shall delay the promotion by the time specified.

(8) A sentence of disrating may reduce the offender to any rate not lower than that prescribed, in relation to persons of the class to which he belongs, and references in sub-sections (1) and (4) to disrating are references to reduction to the rate so prescribed.

(9) Penal deductions mean deductions as specified hereinafter in this Ordinance and may accompany a sentence of imprisonment.

(10) Subject to the provisions of this Ordinance a naval tribunal may, on conviction, award either the punishment specified by this Ordinance as the penalty for an offence, or in lieu thereof, any one or more of the punishments inferior in degree to the specified punishment, according to the scale of punishments laid down in sub-section (1) of section 80.

Chapter VIII.—PENAL DEDUCTIONS

82. Deductions from pay and allowances of officers and ratings.—Subject to the provisions of this Chapter following deductions may be made from the pay and allowances of an officer or rating without recourse to trial by a naval tribunal, namely :—

- (a) all pay and allowances for every day of absence without leave unless a satisfactory explanation is given to the commanding officer and approved, in case of officers, by the Commander-in-Chief ;
- (b) all pay and allowances, for every day while he is in civil or naval custody or under suspension from duty on a charge for an offence of which he is afterwards convicted by a naval tribunal or a criminal court and sentenced to imprisonment ;
- (c) all pay and allowances for every day while he is in hospital on account of sickness certified by the prescribed medical officer to have been caused by an act amounting to an offence punishable under this Ordinance :

Provided that such certificate is accepted by the Commander-in-Chief or, in case of a rating, by the prescribed officer ;

- (d) any sum required to make good any loss, damage or destruction of Government or service property which after due investigation appears to the Commander-in-Chief or the prescribed officer to have been occasioned by the wrongful act or negligence on the part of the officer or rating as the case may be :

Provided that the total deductions made under this clause shall not in any case exceed his pay and allowances for three months ;

- (e) any sum which after due investigation appears to the prescribed officer to be due to a service mess or canteen ; and
- (f) any sum which a criminal court or the Central Government orders him to pay for the maintenance of his wife or legitimate or illegitimate children.

83. Limit of certain deductions.—Except when the deductions are made under clauses (a) and (b) of the last preceding section, the total deductions from the pay and allowances of an officer or rating shall not exceed in any one month one-half of his pay and allowances for that month.

84. Pay and allowances during trial.—In the case of any person subject to this Ordinance who is in naval or civil custody on a charge for an offence, the prescribed officer may direct that the whole or any part of the pay and allowances of such person shall be withheld, pending the result of his trial on the charge against him :

Provided that no part of the pay and allowances shall be withheld in the absence of any such direction.

85. Deduction from money due to a person.—Any sum authorised by this Ordinance to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any money due to him from Government other than a pension.

86. Pay and allowances of prisoner of war during inquiry into his conduct.—Where the conduct of any person subject to this Ordinance when being taken prisoner by, or while in the hands of, the enemy, is to be inquired into under this Ordinance or any other law, the Commander-in-Chief or any officer authorised by him may order that the whole or any part of the pay and allowances of such person shall be withheld pending the result of such inquiry.

87. Remission of deductions.—(1) Any deductions from the pay and allowances authorised by or under this Ordinance may be remitted by the Commander-in-Chief, in his discretion.

(2) Such deductions may also be remitted in such manner and to such extent and by such authority as may be prescribed.

88. Provision for dependants of prisoner of war from his pay and allowances.—(1) It shall be lawful for proper provision to be made by the prescribed authorities for any dependants of any person subject to this Ordinance, who is a prisoner of war or is missing out of his pay and allowances.

(2) For the purpose of this section, a person shall be deemed to continue to be a prisoner of war until the conclusion of any inquiry into his conduct such as is referred to in section 86, and if he is dismissed from the service in consequence of such conduct, until the date of such dismissal.

Chapter IX.—ARREST AND PROCEEDINGS BEFORE TRIAL

89. Duty to bring offenders to justice and powers of arrest.—(1) It shall be the duty of every person subject to this Ordinance who knows or has reasonable grounds for suspecting that another person subject thereto is committing or has committed an offence under this Ordinance to take all reasonable steps within his power to cause that person to be brought to justice.

(2) The following persons shall have power to arrest a person subject to this Ordinance who is found committing or is alleged to have committed or is reasonably suspected of having committed any such offence as aforesaid, that is to say :—

- (a) In case of an officer, an officer subject to this Ordinance who is his superior officer, or, if the person to be arrested is engaged in a quarrel, affray or disorder, any officer subject to this Ordinance ;
- (b) in the case of a rating, an officer subject to this Ordinance, a chief petty officer, petty officer or a leading rating subject to this Ordinance who is of superior rate or senior to him in the same rate, and any rating exercising the authority as a member of the regulating staff or as a member of the staff of the officer of the watch ;
- (c) in any case, a provost officer or any officer or person legally exercising authority under or on behalf of a provost officer :

Provided that an officer shall not be arrested by virtue of clause (c) except on the order of another officer.

(3) Any power of arrest under this section may be exercised either personally or by ordering into arrest the person to be arrested or by giving orders for that person's arrest.

90. Provision for avoiding delay after arrest.—(1) Where any person subject to this Ordinance is placed under arrest, it shall be the duty of his commanding officer to ensure that as soon as may be either the proceedings are taken for his trial or he is released from arrest.

(2) Every person subject to this Ordinance who has been taken into naval custody and kept under close arrest shall be produced before his commanding officer within a period of 48 hours of such arrest, excluding the time necessary for the journey from the place of arrest to the commanding officer, and no such person shall be detained in custody beyond the said period without authority of the commanding officer.

(3) Whenever any person subject to this Ordinance having been taken into naval custody, remains, under close arrest for a period longer than eight days without being tried summarily or a court for his trial being ordered to assemble, a special report on the necessity for further delay shall be made by his commanding officer to the Commander-in-Chief and a similar report shall be so made every eight days until the person under arrest is released from arrest or tried summarily or such a court is ordered to assemble.

91. Duty to receive or keep in custody.—(1) The commanding officer shall be responsible for the safe custody of every person who is in naval custody on board his ship or in his establishment.

(2) The officer or rating in charge of a guard, or a provost marshal shall receive and keep any person who is duly committed to his custody.

92. Procedure before trial.—Subject to the provisions of this Ordinance the procedure before trial and the manner of investigation shall be as prescribed.

93. Arrest under warrants of naval authorities.—(1) A warrant for the arrest of a person suspected of any offence under this Ordinance may be issued in the prescribed form by the Commander-in-Chief, his commanding officer or any other officer empowered by the Commander-in-Chief in this behalf, and it shall be executed as if it has been issued by a Magistrate of competent jurisdiction.

(2) Every person, to whom such a warrant is issued, shall take steps to execute the warrant and arrest the offender and shall, as soon as may be, arrest the person and deliver him into naval custody.

(3) A person authorised to arrest an offender may use such force as may be necessary for the purpose of affecting such arrest.

94. Provost Marshals.—(1) Provost-marshals may be appointed by the Commander-in-Chief, or by any prescribed officer.

(2) The duties of a provost-marshal are to take charge of persons confined for any offence, to preserve good order and discipline, and to prevent breaches of the same by persons serving in, or attached to the Navy.

(3) A provost-marshal may at any time arrest and detain for trial any person subject to this Ordinance who commits, or is charged with,

an offence, and may also carry into effect any punishment to be inflicted in pursuance of the sentence awarded by a naval tribunal but shall not inflict any punishment on his own authority :

Provided that no officer shall be so arrested or detained otherwise than on the order of another officer.

Explanation.—For the purposes of sub-sections (2) and (3), a “provost-marshal” shall be deemed to include a provost-marshal appointed under the Pakistan Army Act, 1952 (XXXIX of 1952), or the Pakistan Air Force Act, 1953 (VI of 1953), and any person legally exercising authority under him or on his behalf.

Chapter X.—AUTHORITIES HAVING POWER TO AWARD PUNISHMENT.

95. Naval tribunal.—(1) An offence triable under this Ordinance shall be tried by a naval tribunal, namely :—

- (a) general court-martial,
- (b) district court-martial,
- (c) summary general court-martial,
- (d) commanding officer, or such other officer or authority exercising powers of summary trial and punishment as may be prescribed.

(2) A trial by a naval tribunal under the provisions of this Ordinance shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code (*Act XLV of 1860*), and the naval tribunal shall be deemed to be a court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (*Act V of 1898*).

96. General court-martial.—(1) A general court-martial may be convened by the Commander-in-Chief or any prescribed officer empowered in this behalf and to such extent as may be specified in the warrant issued under the hand of the Commander-in-Chief.

(2) A general court-martial shall have an officer not below the substantive rank of commander as president and shall have power to try any person subject to this Ordinance for any offence punishable therein and to pass any sentence authorised thereby.

97. District court-martial.—(1) A district court-martial may be convened by any authority having power to convene a general court-martial or any prescribed officer empowered in this behalf and to such extent as may be specified in the warrant issued under the hand of the Commander-in-Chief.

(2) A district court-martial shall have an officer not below the substantive rank of lieutenant commander as president and shall have power to try any person subject to this Ordinance, who is of the rank of lieutenant or below or a rating, and to pass any sentence authorised by this Ordinance not exceeding,—

- (a) in the case of an officer, forfeiture of seniority in rank or forfeiture of time for promotion for a period of one year ; and
- (b) in the case of a rating, short imprisonment.

98. Summary general court-martial.—(1) A summary general court-martial may be convened—

- (a) by any authority having power to convene a general court-martial or any prescribed officer empowered in this behalf and to such extent as may be specified in the warrant issued under the hand of the Commander-in-Chief.
- (b) on active service, by an officer commanding a flotilla or squadron not below the substantive rank of commander, if in the opinion in writing of such officer commanding which opinion shall be final, it is not practicable, having regard to discipline and the exigencies of the service, to try the alleged offender by a general or district court-martial.

(2) A summary general court-martial shall have an officer not below the substantive rank of a lieutenant commander as president and shall have power to try any person subject to this Ordinance for any offence punishable therein and to pass any sentence authorised thereby.

99. Composition of courts-martial.—(1) A court-martial shall consist of such number of officers of any branch of the Pakistan Navy, who have held commissions for a period of not less than three years and who are of or above the rank of lieutenant as the authority ordering the court-martial may fix, subject to the following limits, namely :—

- (a) a general court-martial shall consist of not less than five and not more than nine such officers ;
- (b) a district court-martial shall consist of not less than three and not more than seven such officers ; and
- (c) a summary general court-martial shall consist of not less than three and not more than five such officers.

(2) The president and other members of a court-martial, and such spare members as the authority ordering the court-martial considers appropriate for the purpose of filling vacancies, shall be nominated by that authority.

(3) The officer who orders a court-martial shall not be a member of the court-martial ; and no court-martial shall consist of officers all of whom belong to the same ship or naval establishment.

(4) A court-martial for the trial of an officer shall not include more than one member, who is below the rank of such officer.

100. Judge Advocate.—(1) Every general court-martial shall, and every district or summary general court-martial may, be attended by a judge advocate, who shall be either an officer belonging to the department of the Judge Advocate General, or if no such officer is available, a fit person appointed by the convening officer.

(2) No general court-martial, and no district or summary general court-martial to which a judge advocate has been appointed shall proceed with the trial in the absence of the judge advocate.

101. Quorum and dissolution of courts-martial.—(1) If at any time after a court-martial has been sworn and before the president has signed the finding and sentence, if any, the president or the judge advocate dies or is otherwise unable to attend, the court shall be dissolved.

(2) The proceedings of a court-martial shall be valid notwithstanding the absence of one or more of the members other than the president, so long as the number of members present throughout the proceedings is not reduced below the minimum required by this Ordinance to constitute the Court ; otherwise the court shall be dissolved.

(3) Where any member is absent the court shall be adjourned, unless it is allowed to proceed without such member by the convening authority, in which case such member shall not at any subsequent stage sit on that court.

(4) The officer who convened a court-martial may dissolve such court-martial, if it appears to him that the exigencies of the service or the necessities of discipline render it impossible or inexpedient to continue the trial.

(5) Where a court-martial is dissolved under this Section the accused may be tried by a court-martial constituted afresh.

102. Powers of commanding officers in respect of summary trial.—

(1) Subject to the provisions of this section, a rating may be summarily tried by the officer in command of the naval ship or naval establishment to which the offender belongs either at the time of the commission of the offence or at the time of the trial, and may be awarded such punishment as may be prescribed.

(2) This section applies to every offence under this Ordinance other than an offence punishable with death.

(3) A commanding officer shall not have power under this section to award a sentence of imprisonment or detention for any term exceeding three months.

(4) The power conferred by sub-section (1) on the officer in command of a ship or establishment may, subject to rules be exercised,—

- (a) in respect of persons on board a single tender or boat which is absent from the ship or establishment on detached service, by the officer in command of that tender or boat ;
- (b) in respect of persons on board any one of two or more tenders or boats which are absent as aforesaid on detached service in company or acting together, by the officer in immediate command of those tenders or boats ;
- (c) in respect of other persons absent from the ship or establishment on detached service either on shore or elsewhere, by the officer in immediate command of those persons ; and
- (d) in respect of ratings attached to or serving with any body of the regular army or the air force under prescribed conditions, by the commanding officer of any such body.

(5) The power conferred on any officer by sub-section (1) or sub-section (4) may be delegated by that officer to any other officer to such extent and subject to such conditions as may be prescribed.

103. Powers of other authorities in respect of summary trial.—The Commander-in-Chief or any prescribed officer empowered by him in this behalf may in the prescribed manner and to such extent as may be

specified by the Commander-in-Chief, summarily try an officer of the rank of lieutenant or below charged with an offence under this Ordinance and award any punishment authorised by this Ordinance not exceeding forfeiture of seniority in rank or forfeiture of time for promotion for a period of six months.

104. Place of trial.—Any person subject to this Ordinance and charged with an offence under this Ordinance may be tried and punished at any place whatsoever.

105. Period of limitation for trial.—(1) Save as provided in sub-section (2), no trial by naval tribunal of any person subject to this Ordinance for any offence shall be commenced after the expiration of a period of three years from the date of the commission of such offence.

(2) The provisions of sub-section (1) shall not apply to a trial for an offence of desertion or fraudulent enrolment or for any of the offences relating to mutiny.

(3) In computing the period of time mentioned in sub-section (1), any time spent by such person as a prisoner of war, or in any enemy territory, or in evading arrest after the alleged commission of the offence, shall be excluded.

(4) Notwithstanding anything contained in sub-section (2), no trial for an offence of desertion (other than desertion on active service) or of fraudulent enrolment shall be commenced, if the person concerned (not being an officer) has, subsequently to the alleged commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of the armed forces.

106. Liability of offender who ceases to be subject to this Ordinance.—(1) Subject to the provisions of this section, a person who has ceased to be subject to this Ordinance may be tried under this Ordinance for any offence committed while subject to this Ordinance and may for that purpose be arrested and kept in naval custody as if he had not ceased to be subject thereto.

(2) Save as provided in sub-section (3), no such person as aforesaid shall be tried for an offence, unless his trial commences within six months of his ceasing to be subject to this Ordinance.

(3) The provisions of sub-section (2) shall not apply to the trial of any such person as aforesaid for an offence of desertion or fraudulent enrolment or for any of the offences relating to mutiny.

(4) Nothing contained in sub-section (2) shall affect the jurisdiction of a criminal court to try any offence triable by such court.

(5) When a person subject to this Ordinance is sentenced by a naval tribunal to imprisonment, this Ordinance shall apply to him during the term of his sentence, though he is dismissed from the service or has otherwise ceased to be subject to this Ordinance, and he may be kept, removed, imprisoned and punished as if he has continued to be subject to the Ordinance.

(6) When a person subject to this Ordinance is sentenced by a naval tribunal to death, this Ordinance shall apply to him till the sentence is carried out.

107. Concurrent jurisdiction of naval tribunal and criminal court.—

(1) When a criminal court and naval tribunal both have jurisdiction in respect of a civil offence, it shall be in the discretion of the prescribed naval authority to decide whether the proceedings shall be instituted before the court or tribunal and if that authority decides that they shall be instituted before a naval tribunal, to direct that the accused person shall be detained in naval custody.

(2) Where it is decided to institute the proceedings before a naval tribunal under sub-section (1) but the criminal court is of the opinion that proceedings ought to be instituted before itself, it may by written notice require the prescribed naval authority to postpone the proceedings pending the determination of the matter by the Central Government, and thereupon the proceedings shall be so postponed.

(3) On receiving a notice under sub-section (2), the said authority shall, unless upon reconsideration it agrees that the proceedings shall be instituted before the criminal court, forthwith refer the matter to the Central Government whose decision thereupon shall be final.

108. Prohibition of second trial.—(1) Where a person subject to this Ordinance is acquitted or convicted of an offence on trial by a naval tribunal, a criminal court or a naval tribunal shall be debarred from trying him subsequently for the same offence.

(2) Where a person subject to this Ordinance is acquitted or convicted of any offence on trial by a criminal court, he shall not subsequently be tried under this Ordinance for the same offence; and no person so convicted shall, by reason of such conviction, be subjected to any loss or forfeiture of seniority or of rate, of privilege in respect of leave, or of pay or service (other than pay and service in respect of time spent in civil custody pending trial, or while attending his trial, or while serving any sentence of imprisonment, awarded by the criminal court):

Provided that nothing in this sub-section shall affect the power to discharge any person from the naval service as a person whose services are no longer required.

Chapter XI.—PROCEDURE OF COURTS-MARTIAL

109. Objections.—(1) At all trials by courts-martial, as soon as the court is assembled, the names of the president and members shall be read over in the presence of the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(2) If the accused objects to any such officer, his objection, and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers appointed as members of the court shall, in the absence of the challenged officer, decide on the objection.

(3) If objection is made in respect of the president, and allowed by one-half or more of the officers entitled to vote, the court shall adjourn until a new president is appointed by the convening authority.

(4) If the objection is made in respect of any member of the court other than the president and allowed as specified above, the member objected to shall retire, and his vacancy shall be filled by the first officer nominated as a spare member, under sub-section (2) of section 99 who is qualified to be and is not already a member of the court.

(5) When no objection is made, or objection made has been disallowed, or the place of every officer successfully objected to has been filled by another officer to whom no objection is made, or objection made is disallowed, the court shall proceed with the trial.

110. Administration of oath.—(1) An oath or affirmation in the prescribed form shall be administered in open court to every member of every court-martial and to the judge advocate, if any, before the commencement of the trial.

(2) An oath or affirmation in the prescribed form shall be administered in open court to every officer, if any, in attendance on a court-martial for the purpose of instruction, and also to every shorthand writer or interpreter, if any.

(3) Every person giving evidence before a court-martial shall be examined after being duly sworn or affirmed in the prescribed form :

Provided that where a court-martial is satisfied that a child of tender years is unable to understand the nature of an oath or affirmation, it may dispense with the administration of oath or affirmation.

111. Voting by members.—(1) Every decision of a court-martial shall be passed by an absolute majority of votes ; and where there is an equality of votes on either the finding or the sentence, the decision shall be in favour of the accused :

Provided that no sentence of death shall be passed without the concurrence, in the case of a general court-martial of at least two-thirds of the members, and in the case of a summary general court-martial of all the members of the court.

(2) In matters other than an objection under section 109 or a finding or a sentence, the president shall have a second or casting vote.

112. Power to convict of mitigated offence.—Where higher punishment for any offence under this Ordinance depends upon the intent with which or the circumstances in which the offender acts, and any person is charged with committing that offence with such intent or in such circumstances, he may be found guilty of committing that offence without such intent or circumstances and awarded lower punishment.

113. Power to convict of alternative offence.—(1) Where a person is charged with an offence under any provision of this Ordinance other than sections 78 and 79 but the offence is not proved, he may be found guilty of—

- (a) an attempt or abetment to commit the offence charged ; or
- (b) an offence of the same class as the offence charged and not involving greater punishment.

(2) Where a person is charged with a civil offence under sections 78 and 79 but that offence is not proved, he may be found guilty and convicted of any other civil offence of which he could be found guilty and convicted by a criminal court in a trial for the same offence as he is charged with

114. General rules as to evidence.—Subject to the provisions of this Ordinance, the rules of evidence generally followed in criminal courts shall apply to proceedings before a court-martial.

115. Judicial notice.—A court-martial shall take judicial notice of any matter generally within the knowledge of its members as officers of the navy.

116. Summoning of witnesses.—(1) The convening officer, the president of the court, the judge advocate, or the commanding officer of the accused person may, by summons under his hand, require the attendance, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or thing.

(2) In the case of a witness subject to service law the summons shall be sent to his commanding officer and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons may be served in such manner as may be prescribed or may be sent to the magistrate within whose jurisdiction he may be or resides and such magistrate shall cause service of the summons as if the witness were required to appear or produce the document or thing in his own court.

(4) When a witness is required to produce any particular document or thing the summons shall describe it with reasonable precision.

117. Commission for the examination of witnesses.—(1) Whenever, in the course of a trial by a court-martial, it appears to the court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may, if it thinks necessary, issue a commission in the manner specified in Chapter XL of the Code of Criminal Procedure, 1898 (*Act V of 1898*), according as the witness resides in a place in or outside Pakistan.

(2) The court may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

(3) Such a commission shall be executed by the magistrate or officer to whom it is issued in the same manner as if it was issued in the trial of a warrant case under the Code of Criminal Procedure, 1898 (*Act V of 1898*), or of any corresponding law in force at the place where the evidence is recorded; and shall be returned, together with the deposition of the witness examined thereunder to the Judge Advocate-General.

(4) The Judge Advocate-General will forward the same to the court-martial who issued it or, if the said court-martial is in the meanwhile, dissolved to another court-martial convened for the trial of the accused in respect of the same charge and any deposition so taken shall be recorded in evidence and shall form part of the proceedings of the court.

118. Presumption as to signature.—In any proceeding under this Ordinance, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the service of the Government

shall, on production, be presumed to have been duly signed by the person by whom and in the character in which it purports to have been signed, until the contrary is shown.

119. Enrolment paper.—(1) Any enrolment paper purporting to be signed by an enrolling officer shall, in any proceedings under this Ordinance, be evidence that the person enrolled gave the answer which he is therein represented to have given.

(2) The enrolment of such person may be proved by the production of the original or a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.

120. Presumption as to certain documents.—(1) Where any letter, return or other document with respect to a person,—

- (i) having, or not having, at any time served in, or been dismissed or discharged from any part of the armed forces of Pakistan ;
- (ii) having, or not having, held any rank or appointment in, or been posted or transferred to any part of such forces, or having or not having served in any particular country or place ; or
- (iii) being, or not being, authorised to use or wear any military, naval or air force decoration, medal, medal ribbon, badge, wound stripe or emblem, the use or wearing of which by an unauthorised person is, by any law for the time being in force an offence,

purports to have been signed by or on behalf of a Secretary to the Central Government, or by an officer of any of the headquarters of the armed forces or by the commanding officer or the officer having the custody of the records of any portion of those forces or of any ship or establishment of the Pakistan Navy to which such person appears or alleges to belong or to have belonged shall be evidence of the facts stated in such letter, return or other document.

(2) Any army, navy or air force list or gazette purporting to have been published by the competent authority shall be evidence of the status, rank and appointment of the officer or warrant officer and also of the unit or branch of the service to which he belongs according as it is shown in the list or gazette.

(3) Where a record made in any service book in pursuance of this Ordinance or of any rules made thereunder or otherwise in pursuance of duty purports to have been signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts therein stated.

(4) A copy of any record in any service book purporting to have been certified as a true copy by the officer having the custody of such book shall be evidence of such record.

(5) Where any person subject to this Ordinance is being tried on a charge of desertion or of absence without leave and such person has surrendered himself into the custody of, or has been apprehended by, any officer, or any portion, of the armed forces of Pakistan, a certificate purporting to be signed by such officer, or by the commanding officer of that portion of the armed forces and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters so stated.

(6) Where any person subject to this Ordinance is being tried on a charge of desertion or of absence without leave and such person has on arrest or surrender been taken to a police station in Pakistan, a certificate purporting to have been signed by the officer-in-charge of that police station, and stating the fact, date and place of such surrender or apprehension shall be evidence of the matters so stated.

(7) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to the Government upon any matter or thing duly submitted to him for examination or analysis and report may be used as evidence in any proceeding under this Ordinance.

(8) If it is proved that a person charged with an offence under this Ordinance has absconded and that there is no immediate prospect of arresting him, the commanding officer or other prescribed person may, in his absence, examine any persons who might appear to him to be acquainted with the case and record their depositions on oath and any such deposition may on the arrest of such person be used in evidence against him in any proceeding under this Ordinance, if the deponent is dead or incapable of giving evidence, or his attendance cannot be procured without an amount of delay, expense or inconvenience which under the circumstances of the case would be unreasonable.

121. Reference by accused to Government officer.—(1) If at any trial, or other proceedings for desertion or absence without leave, the accused states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers in support thereof to any officer in the service of the Government or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the court or officer conducting the proceedings shall address such officer and adjourn the court or proceedings until his reply is received.

(2) The written reply of any officer so addressed shall, if signed by him, be received in evidence and have the same effect as if made on oath before the court or officer conducting the proceedings.

(3) If the court-martial is dissolved before receipt of such reply or if it omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another court-martial.

122. Evidence of previous convictions and general character.—(1) When any person subject to this Ordinance has been convicted by a court-martial of any offence, such court-martial may inquire into, and receive and record evidence of any previous conviction of such person, either by a court-martial held under this Ordinance or under any other enactment, or by a criminal court, or of any previous award of punishment under sections 102 and 103 (to such extent as may be prescribed), and may further inquire into and record the general character of such person, and such other matters as may be prescribed.

(2) Evidence received under this section may be either oral or in the shape of entries in, or certified extracts from service records; and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

123. Lunacy of accused.—(1) Whenever, in the course of a trial by a court-martial, it appears to the court that the person charged is by reason or unsoundness of mind incapable of making his defence, or that he committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or knowing that it was wrong, or contrary to law, the court shall record a finding accordingly.

(2) The president of the court shall forthwith report the case to the confirming officer.

(3) The confirming officer to whom a case is reported under sub-section (2) may, if he does not confirm the finding, take steps to have the accused person tried by the same or another court-martial for the offence with which he was charged.

(4) The confirming officer confirming a finding in any case so reported to him under sub-section (2) shall order the accused person to be kept in custody in the prescribed manner and shall report the case for the orders of the Central Government.

(5) On receipt of a report under sub-section (4) the Central Government may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

124. Subsequent fitness of lunatic accused for trial.—Where any accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention under section 123, the officer commanding the ship or naval establishment within the area of whose command the accused is in custody or is detained, or any other officer prescribed in this behalf, may—

- (a) if such person is in custody under sub-section (4) of section 123, on the report of medical officer that he is capable of making his defence, or
- (b) if such person is detained in a jail under sub-section (5) of section 123, on a certificate of the Inspector General of Prisons, and if such person is detained in a lunatic asylum under the said sub-section, on a certificate of any two or more of the visitors of such asylum that he is capable of making his defence,

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged, or, if the offence is a civil offence, by a criminal court.

125. Transmission to Central Government of orders under section 124.—A copy of every order made by an officer under section 124 for the trial of the accused person shall forthwith be sent to the Central Government.

126. Release of lunatic accused.—Where any person is in custody under sub-section (4) of section 123, or under detention under sub-section (5) of that section—

- (a) if such person is in custody under the said sub-section (4), on the report of a medical officer, or

- (b) if such person is detained under the said sub-section (5), on a certificate from any of the authorities mentioned in clause (b) of section 124,

that, in the judgment of such officer or authority such person may be released without danger of his doing injury to himself or to any other person, the Central Government may order that such person be released, or detained in custody, or transferred to a public lunatic asylum if he has not already been sent to such an asylum.

127. Delivery of lunatic accused to relatives.—Where any relative or friend of any person, who is in custody under sub-section (4) of section 123 or under detention under sub-section (5) of that section, desires that he should be delivered to his care and custody, the Central Government may, upon application by such relative or friend and on his giving security to the satisfaction of that Government that the person delivered shall—

- (a) be properly taken care of and prevented from doing injury to himself or to any other person; and
 - (b) be produced for the inspection of such authority, and at such times and places, as the Central Government may direct,
- order such person to be delivered to such relative or friend.

128. Order for custody and disposal of property pending trial.—When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a court-martial during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

129. Order for disposal of property regarding which offence is committed.—(1) After the conclusion of a trial before a court-martial, the court or the officer confirming the finding or sentence of such court-martial or any authority superior to such officer, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof or otherwise of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within Pakistan or not, be sent to a magistrate in any district in which such property for the time being is, and such magistrate shall thereupon cause the order to be carried into effect as if it was an order passed by such magistrate under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898).

Explanation.—In this section the term “property” includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same may have been converted or exchanged and anything acquired by such conversion or exchange whether immediately or otherwise.

Chapter XII.—CONFIRMATION, REVISION AND REVIEW

130. Confirmation of finding and sentence.—(1) At the conclusion of a trial by court-martial, the finding and the sentence, if any, of the court shall be signed by the president and the judge-advocate, if any, but they shall not be promulgated until they have been confirmed.

(2) The president of the court shall forward the proceedings of the court to the convening authority, who may confirm the same or transmit them for confirmation to a superior authority, if so directed by the warrant empowering him to convene the court.

(3) No finding or sentence of a court-martial shall be valid unless and except to the extent to which it is confirmed in accordance with the provisions of this Ordinance and the rules.

131. Power of confirming authority.—The confirming authority may order that the finding and the sentence of the court—

- (a) be confirmed—
 - (i) as passed by the court, or
 - (ii) subject to such mitigation, remission or commutation of the sentence as specified hereinafter ;
- (b) be returned to the court once for revision, as specified hereinafter, prior to their being confirmed ; or
- (c) be not confirmed.

132. Power of confirming authority to mitigate, remit or commute sentences.—A confirming authority may, when confirming the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishments lower in the scale as laid down in this Ordinance :

Provided that a sentence of imprisonment shall not be commuted to a sentence of detention for a term exceeding the term of imprisonment awarded by the court.

133. Power of confirming authority to return the finding and sentence to the court for revision.—(1) Any finding or sentence of a court-martial may be revised by it by order of the confirming authority but only once ; and in the course of such revision, the court, if so directed by the confirming authority, may take additional evidence.

(2) Except for the unavoidable absence of any of its members, the court, sitting in revision, shall consist of the same members as were present at the time of arriving at the finding or passing the sentence.

(3) In the case of unavoidable absence of any of its members the cause whereof shall be duly recorded in the proceedings, the court shall proceed with the revision, unless the president himself is absent or the number of members present is less than the minimum required to constitute the court under section 99 in which case the court shall be dissolved and the accused may be tried by a court-martial constituted afresh.

134. Remedy against an order of court-martial before confirmation of finding or sentence.—(1) Any person subject to this Ordinance who considers himself aggrieved by any order passed by a court-martial may at

the conclusion of the trial and before confirmation of the finding or sentence, present a petition to the confirming authority.

(2) Before confirming any finding or sentence of a court-martial, the confirming authority shall take such steps as it considers necessary to satisfy itself of the correctness, legality and propriety of the order passed and of the regularity of the proceedings in which it was passed.

135. Review by the Central Government or the Commander-in-Chief of finding and sentence.—Any finding of guilty and any sentence awarded by a court-martial in respect of such a finding may be reviewed by the Central Government or the Commander-in-Chief at any time.

136. Remedy of aggrieved persons, on being convicted by a court-martial.—Without prejudice to the provisions of the foregoing section, a person convicted under this Ordinance by a court-martial may at any time present a petition against the finding or the sentence or both to the Central Government or the Commander-in-Chief who may thereupon review the finding or the sentence or both.

137. Power to quash or alter findings.—(1) On review of a finding of a court-martial, the Central Government or the Commander-in-Chief may—

- (a) in any case, quash the finding ;
- (b) where some other finding of guilty could lawfully have been made by the court before which the trial took place, and it appears to the Central Government or the Commander-in-Chief that that court must have been satisfied of facts necessary to justify that other finding, substitute that other finding.

(2) Where a finding is quashed under sub-section (1), then—

- (a) if the sentence passed in respect of that finding relates to that finding only, the sentence shall be quashed ;
- (b) if the sentence relates to that and any other finding or findings, the Central Government or the Commander-in-Chief may substitute such sentence as is authorised by this Ordinance in respect of the other finding or findings.

(3) Where a finding is substituted under sub-section (1) the sentence may be substituted by any other sentence provided by this Ordinance in respect of the substituted finding.

(4) The punishment awarded by a sentence substituted under sub-section (2) or sub-section (3) shall not be higher in the scale of punishments than, or in excess of the punishment awarded by the sentence for which the new sentence is substituted ;

(5) Any finding or sentence substituted under the preceding sub-sections shall for all purposes be deemed to be the finding or sentence of the court before which the trial took place.

138. Power to remit or alter sentences.—(1) On the review of a sentence awarded by a court-martial, the Central Government or the Commander-in-Chief may, subject to the provisions of this section,—

- (a) annul the sentence ;

- (b) remit the sentence in whole or in part ;
- (c) commute the sentence for any other sentence provided by this Ordinance ; or
- (d) if the sentence is for any reason invalid, substitute such other sentence as could be awarded under this Ordinance in respect of the relevant finding or findings.

(2) The punishment awarded by a sentence effective after commutation or substitution under sub-section (1) shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by the sentence which is commuted or for which the new sentence is substituted.

(3) Any sentence effective after remission, commutation or substitution under sub-section (1), shall for all purposes be deemed to be the sentence of the court before which the trial took place.

139. Saving of functions of Judge Advocate-General.—Nothing in this Chapter shall affect the powers and functions of the Judge Advocate-General in relation to the naval tribunals including his functions of considering and reporting on the proceedings of such tribunals.

140. Bar of Appeals.—No court shall question the correctness, legality or propriety of any proceeding, order, finding or sentence of any naval tribunal, and no appeal, revision or other remedy shall lie in respect of any such proceeding, order, finding or sentence save in accordance with the provisions of this Ordinance.

Chapter XIII.—EXECUTION OF SENTENCES

141. Form of sentence of death.—In awarding a sentence of death a court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

142. Commencement of sentence of imprisonment or detention.—The term of a sentence of imprisonment or detention under this Ordinance, whether the sentence has been revised or not, shall be reckoned as commencing on the day on which the sentence is signed by the president of the court-martial or the officer trying the case.

143. Execution of sentence of imprisonment.—The officer who confirms the sentence or such other officer as may be prescribed, may direct that the sentence of imprisonment in any particular case shall be carried out by confinement in a civil prison or by confinement in a military, naval or air force prison, and the commanding officer of the person under sentence or such other officer as may be prescribed, shall forward a warrant in the prescribed form to the officer in charge of the prison in which the person is to be confined, and shall forward him to such prison with the warrant :

Provided that in the case of a sentence of imprisonment for a period not exceeding three months, the sentence may be directed to be carried out by confinement in naval custody instead of a prison :

Provided further that on active service a sentence of imprisonment may be carried out by confinement in such place as the officer commanding the naval forces may from time to time appoint.

144. Execution of sentence of detention.—A sentence of detention under this Ordinance shall be carried out by detaining the offender in any military, naval or air force detention barracks, detention cells or other military, naval or air force custody, and when the sentence is to be carried out by detention in any military, naval or air force detention barracks, the commanding officer of the person under sentence, or such other officer as may be prescribed, shall forward the person under sentence, together with a warrant in the prescribed form, to the officer in charge of the said detention barracks.

145. Interim custody of persons under sentence of death, imprisonment or detention.—(1) When a person is sentenced by a court-martial to suffer death and the sentence has been confirmed, the commanding officer of such person, or such officer as may be prescribed may, if he thinks fit, by warrant in the prescribed form, commit the said person to safe custody in a civil prison pending the execution of the sentence, and may similarly, by warrant in the prescribed form direct that the person so committed be re-delivered to naval custody, or that he be released or confined in accordance with any order duly made under this Ordinance setting aside or varying the sentence of death.

(2) Any such warrant as aforesaid shall be sufficient authority for the execution of the orders contained therein.

(3) A person sentenced under this Ordinance to imprisonment or detention may, until he reaches the prison or detention barracks in which he is to undergo his sentence, be kept in naval custody or in civil custody, or partly in one description of custody and partly in the other, and may, by order of such officer as may be prescribed, from time to time, be transferred from one to the other, as occasion may require.

146. Authority for committal and transfer of prisoners.—A warrant issued in accordance with the provisions of section 143 or section 144, or an order of the prescribed officer for the transfer of a person undergoing a sentence of imprisonment or detention from one description of custody to another, shall be sufficient authority for committing the person concerned to prison, detention barrack or naval custody or, as the case may be, for transferring him from one description of custody to the other.

147. Conveying of prisoners from place to place.—A person under sentence of imprisonment or detention may, while he is being conveyed from one place to another, or when on board a ship, aircraft, or other vehicle be subjected to such restraint as is necessary for his safe conduct and removal.

148. Communication of certain orders to prison officers.—(1) Whenever an order is duly made under this Ordinance setting aside or varying any sentence, order or warrant under which any person is confined in a civil, military, naval or air force prison or detained in a military, naval or air force detention barracks a warrant in accordance with such order shall be forwarded by the prescribed officer to the officer-in-charge of the prison or detention barracks in which such person is confined.

(2) Any such warrant shall be sufficient authority for the execution of the orders contained therein.

149. Establishment and regulation of naval prisons or detention barracks.—The Central Government may set apart any building or part of a building, or any place under its control, as a naval prison or detention barracks for the confinement of persons sentenced to imprisonment or detention under this Ordinance.

150. Power to make rules in respect of prisons and prisoners.—The Central Government may make rules providing—

- (a) for the government, management and regulation of naval prisons and detention barracks ;
- (b) for the appointment, removal and powers of inspectors, visitors, governors and officers thereof ;
- (c) for the labour of prisoners undergoing confinement therein, and for enabling such prisoners to earn by special industry and good conduct, a remission of a portion of their sentence ;
- (d) for the safe custody of such prisoners and the maintenance of discipline among them and the punishment by personal correction, restraint or otherwise, of offences committed by them ;
- (e) for the application to naval prisons or detention barracks of any of the provisions of the Prisons Act, 1894 (IX of 1894), relating to the duties of officers of prisons ;
- (f) for the admission into any prison, at proper times and subject to proper restrictions, of persons with whom prisoners may desire to communicate, and for the consultation by prisoners under trial with their legal advisers without the presence as far as possible of any third party within hearing distance.

151. Restriction of rule-making power in respect of corporal punishment.—Rules made under section 150 shall not authorise corporal punishment to be inflicted for any offence, nor render the imprisonment more severe than it is under any law for the time being in force relating to civil prisons in Pakistan.

152. Procedural defect or error in the order or warrant.—Confinement of a person undergoing a sentence of imprisonment or detention under this Ordinance in any place or manner in which he might be confined under a lawful order or warrant under this Ordinance, shall not be deemed to be illegal only by reason of any procedural defect or error in or as respects the order, warrant or other document, or the authority by which, or in pursuance whereof such person was brought into or is confined in any such place, and any such order, warrant or document may be amended for rectifying such defect or error.

Chapter XIV.—PARDONS, REMISSIONS AND SUSPENSION

153. Pardon and remission.—When any person subject to this Ordinance has been convicted by a naval tribunal of any offence, the Central Government, the Commander-in-Chief, or any officer not below the rank of captain empowered in this behalf by the Commander-in-Chief may,

- (i) either without conditions or upon any conditions which the person sentenced accepts, pardon the person, or remit the whole or any part of the punishment awarded, or

- (ii) mitigate the punishment awarded, or commute such punishment for any less punishment or, punishments mentioned in this Ordinance :

Provided that a sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment awarded by the court.

154. Cancellation of conditional pardon or remission.—If any condition on which a person has been pardoned or a punishment has been remitted is, in the opinion of the authority which granted the pardon or remitted the punishment, not fulfilled, such authority may cancel the pardon or remission, and thereupon the sentence shall be carried into effect as if such pardon had not been granted or such punishment had not been remitted :

Provided that in the case of a person sentenced to imprisonment or detention such person shall undergo only the unexpired portion of his sentence.

155. Suspension of sentence of imprisonment or detention.—(1) Where a person subject to this Ordinance has been sentenced by a court-martial to imprisonment or detention, the Central Government or the Commander-in-Chief, or any officer empowered to convene a general or summary general court-martial may suspend the sentence whether or not the offender has already been committed to prison or custody.

(2) The authority or officer specified in sub-section (1) may in the case of an offender so sentenced direct that, until the orders of such authority or officer have been obtained, the offender shall not be committed to prison or custody.

(3) The powers conferred by sub-sections (1) and (2) may be exercised in the case of any such sentence which has been confirmed, mitigated or commuted.

156. Orders pending suspension.—A confirming officer or an officer exercising powers of summary trial may, when a person has been sentenced to imprisonment or detention, direct that the offender be not committed to prison or to custody until the orders of the authority or officer specified in section 155 have been obtained.

157. Release on suspension.—When a sentence is suspended under section 155, the offender shall, whether he has been committed to prison or to custody or not, be released forthwith.

158. Computation of period of suspension.—Any period during which the sentence is under suspension shall be reckoned as part of the term of such sentence.

159. Order after suspension.—The authority or officer specified in section 155 may, at any time whilst a sentence is suspended, order—

- (a) that the offender be committed to undergo the unexpired portion of the sentence ; or
- (b) that the sentence be remitted.

160. Reconsideration of case after suspension.—(1) Where a sentence has been suspended, the case may at any time, and shall, at intervals of not more than four months, be reconsidered by the authority or officer specified in section 155, or by an officer not below the rank of lieutenant commander duly authorised by the authority or officer specified in section 155.

(2) Where on such reconsideration by the officer so authorised it appears to him that the conduct of the offender since his conviction has been such as to justify a remission of the sentence, he shall refer the matter to the authority or officer specified in section 155.

161. Fresh sentence after suspension.—Where an offender, while a sentence on him is suspended under this Ordinance, is sentenced for any other offence, then—

- (a) if the further sentence is also suspended under this Ordinance, the two sentences shall run concurrently ;
- (b) if the further sentence is for a period of three months or more and is not suspended under this Ordinance, the offender shall also be committed to prison or naval custody for the unexpired portion of the previous sentence, but both sentences shall run concurrently ; and
- (c) if the further sentence is for a period of less than three months and is not suspended under this Ordinance the offender shall be so committed on that sentence only, and the previous sentence shall, subject to any order which may be passed under section 159 or section 160, continue to be suspended.

162. Scope of power of suspension.—The powers conferred by sections 155 and 159 shall be in addition to, and not in derogation of, the power of mitigation, remission and commutation.

163. Effect of suspension and remission on dismissal.—(1) Where in addition to any other sentence the punishment of dismissal has been awarded by a court-martial, and such other sentence is suspended under section 155, then, such dismissal shall not take effect until so ordered by the authority or officer specified in that section.

(2) If such other sentence is remitted under section 159, the punishment of dismissal shall also be remitted.

Chapter XV.—PROPERTY OF DECEASED PERSONS, DESERTERS AND LUNATICS.

164. Property of deceased persons and deserters (other than officers).—The following provisions shall apply to the disposal of the property of every person subject to this Ordinance, other than an officer, who dies or deserts, namely :—

- (1) The commanding officer of the ship or naval establishment, to which the deceased person or deserter belonged, shall secure all the movable property belonging to the deceased or deserter that is in ship or naval establishment and cause an inventory thereof to be made, and draw any pay and allowances due to such person.

- (2) In the case of a deceased person who has left in a bank (including any post office saving bank, co-operative bank or society or any other institution receiving deposits in money, howsoever named) a deposit not exceeding one thousand rupees, the commanding officer may, if he thinks fit, require the agent, manager or other proper officer of such bank or other institution to pay the deposit to him forthwith; notwithstanding anything in any rules of the bank or the other institution and when any money has been paid by such bank or other institution in compliance with such requisition, no person shall have any claim against the bank or the other institution in respect of such money.
- (3) In the case of a deceased person whose representative, widow or next of kin is on the spot and has given security for the payment of the service or other debts in ship or naval establishment, if any of the deceased, the commanding officer may if he thinks fit deliver over any property, received under clauses (1) and (2) to that representative, widow or next of kin, as the case may be, and shall not further interfere in relation to the property of the deceased.
- (4) In the case of a deceased person whose estate is not dealt with under clause (3), and in the case of any deserter, the commanding officer shall cause the movable property to be sold by public auction, and may convert into money any cash certificates (including post office cash certificates, defence savings certificates and national savings certificates) and shall pay the service and other debts in ship or naval establishment, if any, from the proceeds of the sale or conversion and from any pay and allowances drawn under clause (1) and from the amount of the deposit, if any, received under clause (2).
- (5) The surplus, if any, shall in the case of a deceased person, be paid to his representative, widow or next of kin, if any, or, in the event of no claim to such surplus being established within twelve months after the death, then the same shall be remitted to the prescribed person :

Provided that such remission shall not bar the claim of any person to such surplus or any part thereof.

- (6) In the case of a deserter, the surplus, if any, shall be forthwith remitted to the prescribed person and shall, on the expiry of three years from the date of his desertion, be forfeited to the Government, unless the deserter shall in the meantime have surrendered or been apprehended.
- (7) The decision of the commanding officer as to what are the service and other debts in ship or naval establishment of a deceased person or a deserter and as to the amount payable therefor shall be final.

165. Disposal of certain property without production of probate, etc. (other than officers).—Property deliverable and money payable to the representative, widow or next of kin, of a deceased person under section 164 may, if the total value or amount thereof does not exceed one thousand rupees, and if the prescribed person thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it or to administer the estate of the deceased, without requiring the production

of any probate, letters of administration, certificate or other such conclusive evidence of title ; and such delivery or payment shall be a full discharge to those ordering or making the same and to the Government from all further liability in respect of the property or money ; but nothing in this section shall affect the rights of any executor or administrator or other representative, or of any creditor of a deceased person against any person to whom such delivery or payment has been made.

166. Application of sections 164 and 165 to lunatics, etc.—The provisions of sections 164 and 165 shall, so far as they can be made applicable, apply in the case of a person subject to this Ordinance (not being an officer) who notwithstanding anything contained in the Lunacy Act, 1912 (IV of 1912), is ascertained in the prescribed manner to be insane, or, who being on active service, is officially reported missing, as if he had died on the day on which his insanity is so ascertained, or as the case may be, on the day on which he is officially reported missing :

Provided that in the case of a person so reported missing, no action shall be taken under clauses (2) to (5) of section 164 until such time as he is officially presumed to be dead.

167. Property of officers who die or desert.—The provisions of sections 168 to 173 shall apply to the disposal of the property of officers subject to this Ordinance who die or desert.

168. Powers of Committee of Adjustment.—(1) On the death or desertion of an officer, a Committee of Adjustment appointed in this behalf in the manner prescribed (hereinafter referred to as the Committee) shall, as soon as may be, subject to rules—

- (a) secure all the movable property belonging to the deceased or deserter that is in ship or naval establishment and cause an inventory thereof to be made, and ascertain and draw the pay and allowances, if any, due to him ; and
- (b) ascertain the amount, and provide for the payment, of the service and other debts in ship or naval establishment, if any, of the deceased or deserter.

(2) In the case of a deceased officer whose representative, widow or next of kin has given security to the satisfaction of the Committee for the payment of the service and other debts in ship or naval establishment, if any, of the deceased, the Committee shall deliver any property received by it under sub-section (1) to that representative, widow or next of kin, as the case may be and shall not further interfere in relation to the property of the deceased.

(3) In the case of a deceased officer the Committee, save as may be prescribed shall, if it appears to it necessary for the payment of service and other debts in ship or naval establishment and the expenses, if any, incurred by the Committee, and may, in any other case, collect all moneys left by the deceased in any bank (including any post office savings bank, co-operative bank or society or any other institution receiving deposits in money, however named) and for that purpose may require the agent, manager or other proper officer of such bank, society or other institution to pay the moneys to the Committee forthwith and such agent, manager or other officer shall comply with the requisition notwithstanding anything in any rules of the bank or other institution ;

and when any money has been paid by a bank or other institution in compliance with the requisition under this sub-section, no person shall have a claim against the bank or other institution in respect of such money.

(4) In the case of a deceased officer whose estate has not been dealt with under sub-section (2) and in the case of a deserter the Committee, subject to rules, shall, for the purpose of paying the service and other debts in ship or naval establishment, and may, in any other case, sell or convert into money the movable property of the deceased or deserter.

(5) The Committee shall, out of the moneys referred to in sub-sections (3) and (4), pay the service and other debts in ship or naval establishment, if any, of the deceased or deserter and in the case of a deceased, also the expenses of his last illness.

(6) In the case of a deceased officer, the surplus, if any, shall be remitted to the prescribed person.

(7) In the case of an officer who is a deserter, the surplus, if any, shall be forthwith remitted to the prescribed person and shall, on the expiry of three years from the date of his desertion, be forfeited to Government unless the deserter shall in the meantime have surrendered or been apprehended :

Provided that the prescribed person may pay the whole or such part of the surplus as he may deem proper to the wife or children or other dependents of the officer.

(8) If in any case a doubt or difference arises as to what are the service and other debts in ship or naval establishment of a deceased officer or deserter or as to the amount payable therefor, the decision of the prescribed person shall be final and shall be binding on all persons for all purposes.

(9) For the purposes of the exercise of its duties under this section, the Committee shall, to the exclusion of all authorities and persons whomsoever, have the same rights and powers as if it had taken out representation to the deceased ; and any receipt given by the Committee shall have effect accordingly.

169. Disposal of surplus by the prescribed person.—On receipt of the surplus referred to in sub-section (6) of section 168 the prescribed person shall proceed as follows :—

- (1) If he knows of a representative, widow or next of kin of the deceased, he shall pay the surplus to that representative, widow or next of kin.
- (2) If he does not know of any such representative, widow or next of kin, he shall publish every year a notice in the prescribed form and manner for six consecutive years and if no claim to the surplus is made by a representative, widow or next of kin of the deceased within six months after the publication of the last of such notices, the prescribed person shall deposit the surplus together with any income or accumulation of income accrued therefrom to the credit of the Central Government :

Provided that such deposit shall not bar the claim of any person to such surplus or any part thereof.

170. Disposal of certain property without production of probate, etc.—Property deliverable and money payable to the representative, widow or next of kin of a deceased officer under section 168 or section 169 may, if the total amount of value thereof does not exceed five thousand rupees, and, if the prescribed person thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it or to administer the estate of the deceased, without requiring the production of any probate, letters of administration, succession certificate or other such conclusive evidence of title.

171. Discharge of Committee, prescribed person and the Government.—Any payment of money or delivery, application, sale or other disposition of any property or money made, or purported to be made by the Committee or the prescribed person in good faith in pursuance of section 168, section 169 or section 170 shall be valid and shall be a full discharge to the Committee or the prescribed person, as the case may be, and to Government from all further liability in respect of that money or property; but nothing herein contained shall affect the right of any executor or administrator or other representative, or of any creditor of the deceased officer against any person to whom such payment or delivery has been made.

172. Property in the hands of the Committee or the prescribed person not to be assets at the place where the Committee or the prescribed person is stationed.—Any property coming under section 168 into the hands of the Committee or the prescribed person shall not, by reason of so coming, be deemed to be assets or effects at the place in which that Committee or the prescribed person is stationed and it shall not be necessary by reason thereof that representation be taken out in respect of that property for that place.

173. Saving of rights of representative.—After the Committee has deposited with the prescribed person the surplus of the property of any deceased officer under sub-section (6) of section 168, any representative of the deceased shall, as regards any property of the deceased not collected by the Committee and not forming part of the aforesaid surplus, have the same rights and duties as if section 168 had not been enacted.

174. Application of sections 168 to 173 to lunatics, etc.—The provisions of sections 168 to 173 shall, so far as they can be made applicable, apply in the case of an officer who, notwithstanding anything contained in the Lunacy Act, 1912 (IV of 1912), is ascertained in the prescribed manner to be insane, or, who, being on active service, is officially reported missing as if he had died on the day on which his insanity is so ascertained or, as the case may be, on the day on which he is officially reported missing:

Provided that in the case of an officer so reported missing no action shall be taken under sub-sections (2) to (5) of section 168 until such time as he is officially presumed to be dead.

175. Appointment of Standing Committee of Adjustment when officers die or desert while on active service.—When an officer dies or deserts while on active service, the references in the foregoing provisions of this Chapter to the Committee shall be construed as references to the Standing Committee of Adjustment, if any, appointed in this behalf in the manner prescribed.

176. Interpretations.—For the purposes of this Chapter—

- (1) a person shall be deemed to be a deserter if he without authority has been absent from duty for a period of thirty days and has not subsequently surrendered or been apprehended ;
- (2) the expression “ service and other debts in ship or naval establishment ” includes money due as naval debts, namely, sums due in respect of, or any advance in respect of—
 - (a) quarters ;
 - (b) mess, band, and other service accounts ; and
 - (c) naval clothing, appointments and equipments, not exceeding a sum equal to three months’ pay of the deceased, and having become due within eighteen months before his death ;
- (3) “ representation ” includes probate and letters of administration with or without the will annexed, and a succession certificate, constituting a person the executor or administrator of the estate of a deceased person or authorising him to receive or realize the assets of a deceased person ;
- (4) “ representative ” means any person who has taken out representation.

Chapter XVI.—RULES

177. Power to make rules.—(1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) Without prejudice to the generality of the power conferred by sub-section (1), such rules may provide for,—

- (a) the retirement, release, discharge, removal or dismissal from the service of persons subject to this Ordinance ;
- (b) the procedure to be observed during investigation, arrest, custody and summary trial, and powers of punishment of commanding officers and other authorities at such trials and delegation of such powers ;
- (c) the assembly and procedure of boards of inquiry, the recording of summaries of evidence and the administration of oaths and affirmations at such proceedings ;
- (d) the convening and constitution of courts-martial ;
- (e) the adjournment, dissolution and sittings of courts-martial ;
- (f) the procedure to be observed in trials by courts-martial and the appearing of legal practitioners thereat ;
- (g) the confirmation, revision and annulment of, and petitions against, the findings and sentences of courts-martial ;
- (h) the carrying into effect of sentences of courts-martial ;

- (i) the forms of orders to be made under the provisions of this Ordinance relating to courts-martial and sentences of death, imprisonment or detention ;
- (j) the constitution of authorities to decide for what persons, to what amounts and in what manner provision should be made for dependents of prisoners of war or missing persons under section 88 and the due carrying out of such decisions ;
- (k) the relative rank of and powers of command to be exercised by officers, junior commissioned officers, warrant officers, petty officers and non-commissioned officers of the Pakistan Army, the Pakistan Navy and the Pakistan Air Force, when acting together ;
- (l) deductions on account of public and service debts from the pay and allowances of persons subject to this Ordinance ; and
- (m) any other matter directed by this Ordinance to be prescribed.

(3) All rules made under this Ordinance shall be published in the official Gazette and, on such publication, shall have effect as if enacted in this Ordinance.

178. Power to make regulations.—(1) The Central Government may make regulations for the governance, command, discipline, recruitment, conditions of service and regulation of the naval forces and generally for all or any of the purposes of this Ordinance, other than those specified in section 177.

(2) Without prejudice to the generality of the power conferred by sub-section (1), such regulations may provide for :—

- (a) the rank, precedence, powers of command and authority of officers and ratings ;
- (b) the terms and conditions of service, the pay, pensions, allowances and other benefits of officers and ratings ;
- (c) the ceremonials to be observed and the marks of respect to be paid in the service ; and
- (d) any other matter which is directed by this Ordinance or the rules, to be specified by regulations.

179. Repeals.—(1) The Acts and Ordinances mentioned in the Schedule are repealed.

(2) Officers and ratings of the Pakistan Navy, including the Pakistan Naval Reserve Forces, at the commencement of this Ordinance shall be deemed to have been appointed or enrolled respectively as such under this Ordinance.

Chapter XVII.—TRANSITORY PROVISIONS

180. Definition.—(1) In this Chapter the expression “British officer” means a person who, not being domiciled in Pakistan, holds a commission in Her Majesty’s Navy and is serving with the Pakistan Navy.

(2) The expression "superior officer" in this Ordinance shall be deemed to include a British officer, a chief petty officer or a petty officer of Her Majesty's Navy under whose orders a person subject to this Ordinance may be placed.

181. Powers of British officers.—A British officer shall have all the powers conferred, or which may be conferred, by or under this Ordinance on an officer of corresponding rank or holding a corresponding appointment.

THE SCHEDULE

(See section 179)

- | | | |
|--|---------|----------------|
| (1) The Pakistan Navy (Discipline) Act, 1934 | .. | XXXIV of 1934. |
| (2) The Pakistan Naval Reserve Forces (Discipline) Act, 1939 | .. .. . |  |
| (3) The Naval Discipline Ordinance, 1945 | .. | VII of 1945. |
| (4) The Pakistan Navy (Court Martial) Ordinance, 1949 | .. .. . | XXI of 1949. |

MOHAMMAD AYUB KHAN, H.Pk., H.J.,
FIELD-MARSHAL,
President.

THE CENTRAL LAWS (STATUTE REFORM) (AMENDMENT) ORDINANCE, 1961.

ORDINANCE No. XXXVI OF 1961

[18th September, 1961]

An ordinance to amend the Central Laws (Statute Reform) Ordinance, 1960.

WHEREAS it is expedient to amend the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), for the purpose hereinafter appearing ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title and commencement.—(1) This Ordinance may be called the Central Laws (Statute Reform) (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 3, Ordinance XXI of 1960.—In the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), in section 3, in subsection (1), after the words “Second Schedule” the words and commas “and, so far as may be, all rules, regulations, bye-laws, notifications and orders made or issued thereunder” shall be inserted and shall be deemed always to have been so inserted.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,
FIELD-MARSHAL,
President.

Price : Ps. 6

GPPK—L 44(61) Law—15-2-62—1,000.

THE OIL AND GAS DEVELOPMENT CORPORATION ORDINANCE, 1961.

ORDINANCE NO. XXXVII OF 1961

[20th September, 1961]

An Ordinance to establish an Oil and Gas Development Corporation

WHEREAS it is expedient to provide for the establishment of a corporation for the purpose of exploration and development of oil and gas resources, and production, refining and sale of oil and gas, and for matters connected therewith ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Oil and Gas Development Corporation Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) “Board” means the Board of Directors of the Corporation ;

(b) “Chairman” means the Chairman of the Board ;

(c) “Corporation” means the Oil and Gas Development Corporation established under section 3 ;

(d) “Director” means a Director of the Corporation ;

(e) “Fund” means the Fund referred to in section 14 ;

(f) “gas” means all natural gas, including casing head gas and all hydrocarbons which are not oil ;

(g) “oil” means crude petroleum oil and all other hydrocarbons, regardless of gravity, which are produced in liquid form by ordinary production methods, and includes condensate resulting from condensation of gas ;

(h) “prescribed” means prescribed by rules made under this Ordinance ;

(i) “regulations” means regulations made under this Ordinance.

3. Establishment and incorporation.—(1) As soon as may be after the commencement of this Ordinance, the Central Government shall establish a corporation to be called the Oil and Gas Development Corporation.

(2) The Corporation shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

4. Management.—(1) The general direction and superintendence of the affairs and business of the Corporation shall vest in a Board of Directors which, with the assistance of a General Manager, may exercise all powers and do all acts and things which may be exercised or done by the Corporation.

(2) The Board shall act on commercial considerations having due regard to public interest generally.

(3) In discharging its functions, the Board shall be guided by such instructions on questions of policy as may be given to it from time to time by the Central Government, which shall be the sole judge as to whether any instructions are on a question of policy or not.

(4) If the Board fails to carry out any instructions given to it under sub-section (3), the Central Government may supersede the Board and appoint any person or body to function in its place until a new Board is constituted in accordance with the provisions of this Ordinance, and no such supersession or appointment shall be called in question in any court.

5. Board of Directors.—(1) The Board of Directors of the Corporation shall consist of not less than three and not more than five Directors, one of whom shall be a representative of the Ministry of Finance.

(2) The Directors shall be appointed by the Central Government, and shall hold office during the pleasure of the Central Government.

6. Chairman of the Board.—(1) The Central Government shall appoint one of the Directors to be the Chairman of the Board.

(2) Subject to his continuing to hold office as Director, the Chairman shall hold office as Chairman for a term of three years, and thereafter until such time as his successor is appointed, and shall be eligible for reappointment for a like term or terms.

(3) A casual vacancy in the office of Chairman shall be filled by the Central Government by nominating one of the remaining Directors, or by appointing a new Director, for the purpose, and the Chairman so appointed shall hold office for the period during which the vacancy lasts or till the unexpired period of the term of his predecessor ends.

7. General Manager.—There shall be a General Manager of the Corporation, who shall be appointed by the Central Government, on such terms and conditions as it may determine, and who—

(a) shall be whole-time officer of the Corporation ;

(b) shall divest himself of any directorship or other interest held by him in any corporation, company or concern which has dealings with the Corporation, other than corporations, whether statutory or not, and companies or concerns, sponsored by or on behalf of the Central or a Provincial Government, and Co-operative societies :

Provided that the Central Government may permit a person to retain the shares purchased by him before his assuming office as General Manager, and any shares purchased after the assumption of office shall be declared by him, as soon as the corporation, company or concern to which the shares relate starts dealings with the Corporation ;

- (c) shall perform such duties as may be assigned to him by regulations, and until regulations are made in this behalf, as may be assigned by the Board; and
- (d) shall be the Secretary to the Board.

8. Disqualifications of Directors.—(1) No person shall be or shall continue to be a Director who—

- (a) is or has any time been disqualified for employment in, or dismissed from the service of the State; or
- (b) is, or at any time has been, convicted of an offence involving moral turpitude; or
- (c) is, or at any time has been, adjudicated insolvent; or
- (d) is found to be a lunatic or becomes of unsound mind; or
- (e) is a minor.

(2) The Central Government may, by order in writing, remove the Chairman or a Director if he—

- (a) refuses or fails to discharge or becomes, in the opinion of the Central Government, incapable of discharging his responsibilities under this Ordinance; or
- (b) has, in the opinion of the Central Government, abused his position as Chairman or Director; or
- (c) has knowingly acquired or continued to hold without the permission in writing of the Central Government, directly or indirectly, or through a partner, any share or interest in any contract or employment with or by or on behalf of the Corporation; or
- (d) has absented himself from three consecutive meetings of the Board without the leave of the Central Government in the case of Chairman, or of the Chairman in the case of a Director.

9. Vacancies, etc., not to invalidate acts and proceedings of the Board.—No act or proceeding of the Board shall be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, the Board.

10. Meetings of the Board.—(1) The meetings of the Board shall be held at such times and at such places as may be provided by regulations, and until regulations are made in this behalf, such meetings shall be convened by the Chairman.

(2) To constitute a quorum at a meeting of the Board, the number of Directors present shall be two, but if the total number of Directors is five, at least three Directors shall be present to constitute such quorum.

(3) Each Director shall have one vote, and in the event of equality of votes, the Chairman shall have a second or casting vote.

(4) The meetings of the Board shall be presided over by the Chairman, and in the absence of the Chairman, by the Director authorized by him in writing in that behalf, or, in default of such authorization, by the person elected for the purpose by the Directors present from amongst themselves.

11. Head Office.—(1) The head office of the Corporation shall be at Karachi, but the Central Government may, by notification in the official Gazette, transfer it to such other place as may be specified in such notification.

(2) The Corporation shall establish Regional Offices in East and West Pakistan at such places as the Central Government may direct.

12. Functions of the Corporation.—(1) Subject to the provisions of this Ordinance, the functions of the Corporation shall generally be to plan, promote, organize and implement programmes for the exploration and development of oil and gas resources, and the production, refining and sale of oil and gas, and such other functions as the Central Government may, from time to time, assign to the Corporation.

(2) In particular and without prejudice to the generality of the foregoing provision, the Corporation may take such steps as it thinks fit—

- (a) to carry out geological, geophysical and other surveys for the exploration of oil and gas ;
- (b) to carry out drilling and other prospecting operations to prove and estimate the reserves of oil and gas ;
- (c) to undertake, encourage and promote such other activities as may lead to the establishment of such reserves ;
- (d) to undertake, assist or encourage and promote the production of oil and gas from such reserves and the refining of such oil and gas ;
- (e) to sell, distribute, transport and otherwise dispose of oil and its refined products ;
- (f) to sell, distribute, transport and otherwise dispose of gas and refinery gases :

Provided that no industry which is likely to use any such gas as a raw material shall be set up by the Corporation without the previous approval in writing of the Central Government ;

- (g) to contribute towards the cost of any studies, experiments or technical research connected with the functions of the Corporation and undertaken or done by any other person, body or agency ;
- (h) to undertake, assist or encourage the collection, maintenance and publication of statistics, bulletins and monographs ;
- (i) to perform any other functions which is supplemental, incidental or consequential to any of the functions aforesaid, or which may be prescribed.

13. Powers of the Corporation.—The Corporation may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Ordinance.

14. Fund of the Corporation.—(1) The Corporation shall have its own Fund.

(2) The Central Government shall subscribe to the Fund five crores of rupees, of which one crore shall be contributed in the first instance, and the balance in such instalments and at such intervals as the Central Government may from time to time determine.

(3) All moneys of the Corporation, whether received as contributions from the Central Government or otherwise, shall be credited to the Fund, and all payments by the Corporation shall be made from out of the Fund.

(4) The Corporation may spend such sums as it thinks fit for performing its functions under this Ordinance.

(5) All moneys of the Corporation shall be deposited with the National Bank of Pakistan, or with the previous approval in writing of the Central Government, with any other bank.

15. Investment of funds.—The Corporation may invest its funds in any Government security.

16. Borrowing of money.—The Corporation may, with the previous approval in writing of the Central Government, borrow money in the open market or otherwise for the purpose of carrying out its functions under this Ordinance.

17. Budget.—The Corporation shall, by such date in each year as may be prescribed, submit to the Central Government for approval, a budget in the prescribed form for each financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the Central Government during that financial year.

18. Accounts and Audit.—(1) The Corporation shall maintain proper accounts and other relevant records, and prepare annual statements of accounts, including the profit and loss account and balance-sheet, in accordance with such general directions as may be issued, and in such form as may be specified, by the Central Government in consultation with the Comptroller and Auditor-General of Pakistan, hereafter in this section referred to as the Auditor-General.

(2) The accounts of the Corporation shall be audited by not less than two auditors who shall be chartered accountants within the meaning of Chartered Accountants Ordinance, 1961 (XII of 1961), and appointed for the purpose by the Corporation with the previous approval in writing of the Central Government.

(3) Notwithstanding the audit provided for in sub-section (2), the Auditor-General shall have the power to audit or cause to be audited the accounts of the Corporation.

(4) The Corporation shall produce all such accounts, books and connected documents, and furnish such explanations and information, as the Auditor-General, or any officer authorized by him in this behalf, may require at the time of audit.

(5) The Auditor-General shall, while holding the audit,—

- (a) take into consideration the fact that the Corporation is a commercial organization ; and
- (b) keep in view the provisions of sub-section (2) of section 4, and state in his report how far in his opinion those provisions have been complied with.

(6) The Corporation shall as soon as possible after the end of every financial year furnish to the Central Government a statement of its accounts audited by the chartered accountants referred to in sub-section (1),

19. Reports and returns.—(1) The Corporation shall furnish to the Central Government at such time, after the end of every financial year, in such form and in such manner as may be prescribed, or as the Central Government may direct, an annual report on the conduct of its affairs for that year, and on its proposals for the next ensuing financial year.

(2) In addition to the annual report referred to in sub-section (1), the Corporation shall submit to the Central Government such reports, returns and statements as the Central Government may direct.

20. Corporation to have certain rights, liabilities and obligations of the Central Government.—All rights, liabilities and obligations of the Central Government which, whether arising out of any contract or otherwise, were acquired or incurred by it for any of the purposes referred to in section 12 before the date of the establishment of the Corporation, shall be deemed to have been acquired or incurred by the Corporation and shall be the rights, liabilities and obligations respectively of the Corporation.

21. Formation of subsidiary companies.—The Corporation may, with the previous approval in writing of the Central Government, sponsor the formation of subsidiary companies for commercial exploitation and marketing of oil and gas, and may hold an interest therein.

22. Appointment of officers, advisers and servants.—The Corporation may appoint or employ, on such terms and conditions as may be prescribed, such officers, advisers and servants as it considers necessary for the efficient performance of its functions.

23. Declaration of fidelity and secrecy.—Every Director, officer and servant of the Corporation shall, before entering upon his duties, make a declaration of fidelity and secrecy in the form set out in the Schedule.

24. Power to acquire land.—The Corporation may, with the previous approval in writing of the Central Government, acquire, for carrying out the purposes of this Ordinance, land, in accordance with the provisions of the Land Acquisition Act, 1894 (*I of 1894*), or any other law for the time being in force.

25. Power of entry.—(1) The Chairman, or any other person authorized by him in writing, may enter upon and survey any land, undertake investigations, erect pillars for the determination of areas and intended lines of works, make borings and excavations for the discovery of oil or gas, lay pipe for securing the flow of oil or gas, and do all other acts which may be necessary in order to carry out all or any of the objects of this Ordinance :

Provided that when the affected land does not vest in the Corporation, powers conferred by this sub-section shall be exercised in such manner as to cause the least interference with, and the least damage to, the rights of the owner thereof.

(2) When any person enters into or upon any land in pursuance of sub-section (1), he shall, at the time of entering, pay or tender payment for all necessary damage to be done as aforesaid, and in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Corporation whose decision shall be final.

(3) It shall be lawful for any person authorized under sub-section (1) to make an entry upon any land, to open or cause to be opened a door, gate or other barrier,—

- (a) if he considers the opening thereof necessary for the purpose of such entry ; and
- (b) if the occupier or owner, as the case may be, is absent, or being present refuses to open such door, gate or barrier :

Provided that the compensation shall be paid for the damage caused in such manner as the Corporation may prescribe, and in case of dispute as to the sufficiency of the amount the matter shall be referred to the Corporation, whose decision shall be final.

26. Delegation of powers.—The Corporation may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by such of its Directors or officers as may be so specified.

27. Directors, etc., deemed to be public servants.—All Directors, officers and servants of the Corporation shall, while acting or purporting to act in pursuance of the provisions of this Ordinance, or the rules or regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

28. Indemnity to the Corporation.—No suit shall be maintainable against the Corporation, the Chairman, any Director or any officer, adviser or servant of the Corporation, or any person acting under the direction of the Corporation, or of the Chairman or of any officer or servant of the Corporation in respect of anything done lawfully and in good faith and with due care and attention under this Ordinance.

29. Power to make rules.—The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance, and such rules may, *inter alia*, provide for regulating all or any of the following matters, namely :—

- (1) the term of office and conditions of service of Directors and the manner of filling of casual vacancies among them ;
- (2) the terms and conditions of service of the officers and servants of the Corporation ;
- (3) the procedure to be followed in the discharge of functions by Directors ;
- (4) the date by which, and the form in which, the budget shall be submitted in each year ;
- (5) the procedure for appropriation and reappropriation of moneys in the Fund ;
- (6) the procedure to be followed and the conditions to be observed in borrowing moneys by the Corporation ;
- (7) the manner of keeping and maintaining of accounts by the Corporation ;
- (8) the form and manner in which returns, reports or statements shall be submitted ;
- (9) the procedure of entering into contracts by or on behalf of the Corporation.

30. Power to make regulations.—(1) The Corporation may, with the previous approval in writing of the Central Government, make regulations, providing for such matters as are not provided for by rules made under the preceding section, for carrying out the purposes of this Ordinance and the rules.

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

- (a) the time and place of the meetings of the Board ;
- (b) the procedure to be followed in regard to the transaction of business of such meetings ;
- (c) the maintenance of minutes of the meetings and the transmission of copies thereof to the Central Government ;
- (d) the investment of the Corporation's funds ;
- (e) the assignment of duties to the General Manager of the Corporation.

31. Dissolution of the Corporation.—(1) The Central Government may, by notification in the official Gazette, direct that the Corporation shall be dissolved from such date as may be specified in the notification, and thereupon the Corporation shall stand dissolved on that date.

(2) On and from the aforesaid date,—

- (a) all assets, liabilities and obligations acquired or incurred by the Corporation for purposes of the Corporation or for any of the purposes referred to in this Ordinance shall devolve on the Central Government ; and
- (b) the Chairman and Directors shall vacate their offices.

THE SCHEDULE

(See section 23)

Declaration of Fidelity and Secrecy

I.....hereby declare that I will faithfully, truly and to the best of my judgement, skill and ability, execute and perform the duties required of me as a Director|officer|servant of the Oil and Gas Development Corporation and which properly relate to any office or position in the said Corporation held by me.

I further declare that I will not communicate to any person not legally entitled thereto any information relating to the affairs of the Corporation nor will I allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Signed before me.

Date.

Signature.....

Signature.....

Signature.....

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,

President.

THE MINIMUM WAGES ORDINANCE, 1961

ORDINANCE NO. XXXIX OF 1961

[29th September, 1961]

An Ordinance to provide for the regulation of minimum rates of wages for workers employed in certain industrial undertakings.

WHEREAS it is expedient to provide for the regulation of minimum rates of wages for workers employed in certain industrial undertakings, and for matters ancillary thereto ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Minimum Wages Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(1) “adult” has the same meaning as in clause (b) of section 2 of the Factories Act, 1934 (XXV of 1934) ;

(2) “Board” means a Minimum Wages Board established under section 3 ;

(3) “Council” means the Minimum Wages Council constituted under section 8 ;

(4) “employer” means any person who employs either directly or through another person, whether on behalf of himself or any other person, any person for whom a minimum rate of wages may be declared under this Ordinance, and includes—

(a) in relation to a factory, a managing agent or other person who has ultimate control over the affairs of the factory ; and

(b) in other cases, any person responsible to the owner for supervision and control of such worker or for payment of his wages ;

(5) “factory” means a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934), and includes any place deemed to be a factory under sub-section (3) of section 5 thereof ;

(6) “industry”, with its grammatical variations and cognate expressions, means an industry as defined in clause (g) of section 2 of the Industrial Disputes Ordinance, 1959 (LVI of 1959), and includes a plantation as defined in clause (iii) of section 2 of the Payment of Wages Act, 1936 (IV of 1936) ;

(7) “juvenile worker” means a worker who is not adult ;

- (8) "wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include—
- (a) any contribution paid by the employer in respect of such person under any scheme of social insurance or to a pension fund or provident fund ;
 - (b) any travelling allowance or the value of any travelling concession ;
 - (c) any sum paid to such person to defray special expenses incurred by him in respect of his employment ;
 - (d) any sum paid as annual bonus ; or
 - (e) any gratuity payable on discharge ; and
- (9) "worker" means any person including an apprentice employed in any industry to do any skilled or unskilled, intellectual, technical, clerical, manual or other work, including domestic work, for hire or reward, but does not include—
- (i) persons employed by the Central Government or a Provincial Government ;
 - (ii) persons employed in coal mines in respect of whom minimum wages may be fixed under the Coal Mines (Fixation of Rates of Wages) Ordinance, 1960 (XXXIX of 1960) ; and
 - (iii) persons employed in agriculture.

3. Establishment of Minimum Wages Boards.—(1) As soon as may be after the commencement of this Ordinance, the Provincial Government shall establish a Minimum Wages Board for the Province consisting of the following four members to be appointed by it, namely :—

- (a) the Chairman of the Board ;
- (b) one independent member ;
- (c) one member to represent the employers of the Province ; and
- (d) one member to represent the workers of the Province :

Provided that for the purpose of discharging the function of a Board specified in section 5 the following two more members appointed by the Provincial Government shall be added, namely :—

- (i) one member to represent the employers connected with the industry concerned ; and
- (ii) one member to represent the workers engaged in such industry.

(2) The Chairman of the Board and the independent member shall be appointed from persons with adequate knowledge of industrial, labour and economic conditions of the Province who are not connected with any industry or associated with any employers' or workers' organization.

(3) The member to represent the employers of the Province and the member to represent the workers of the Province under sub-section (1) shall be appointed after considering nominations, if any, of such organizations as the Provincial Government considers to be representative organizations of such employers and workers respectively.

(4) The members referred to in the proviso to sub-section (1) to represent the employers connected with and the workers engaged in the industry concerned shall be appointed after considering nominations, if any, of such organizations as the Provincial Government considers to be representative organizations of such employers and workers respectively.

(5) The term of office of the members of the Board, the manner of filling casual vacancies therein, the appointment of its committees, if any, the procedure and conduct of the meetings of the Board and its committees and all matters connected therewith, including the fees and allowances to be paid for attending such meetings, and other expenses, including expenses for the services of experts and advisers obtained by the Board, shall be such as may be prescribed by rules made under section 17.

4. Recommendation of minimum rates of wages for unskilled and Juvenile Workers.—(1) A Board shall, upon a reference made to it by the Provincial Government, recommend to such Government, after such enquiry as the Board thinks fit, the minimum rates of wages for adult unskilled workers and juvenile workers employed in industrial undertakings in the Province.

(2) In its recommendations under sub-section (1), the Board shall indicate, whether the minimum rates of wages should be adopted uniformly throughout the Province or with such local variations for such localities as are specified therein.

5. Recommendation of minimum rates of wages for workers with respect to particular industries.—(1) Where in respect of any particular industry in the Province for which no adequate machinery exists for effective regulation of wages, the Provincial Government is of the opinion that, having regard to the wages of the workers employed in the undertakings engaged in such industry, it is expedient to fix the minimum rates of wages of such workers, it may direct the Board to recommend, after such enquiry as the Board thinks fit, the minimum rates of wages either for all such workers or for such of them as are specified in the direction:

Provided that, except with the previous approval in writing of the Central Government, no such direction shall be given with respect to persons employed in any undertaking under the management or control of the Central Government, including those employed by a Port Authority.

(2) In pursuance of a direction under sub-section (1), the Board may recommend minimum rates of wages for all classes of workers in any grade and, in such recommendation, may specify—

(a) the minimum rates of wages for—

- (i) time work ;
- (ii) piece work ;
- (iii) overtime work ; and
- (iv) work on the weekly day of rest and for paid holidays ; and

(b) the minimum time rates for workers employed on piece work so as to guarantee minimum wages on a time basis for such workers.

(3) The time rates recommended by the Board may be on hourly, daily, weekly or monthly basis.

(4) The rates recommended under this section for overtime work and work on paid holidays shall not be less than the minimum rates fixed for such work under any other law for the time being in force.

6. Power to declare minimum rates of wages.—(1) Upon receipt of a recommendation of the Board under section 4 or section 5, the Provincial Government may,—

- (a) by notification in the official Gazette, declare that the minimum rates of wages recommended by the Board for the various workers shall, subject to such exceptions as may be specified in the notification, be the minimum rates of wages for such workers; or
- (b) if it considers that the recommendation is not, in any respect, equitable to the employers or the workers, within thirty days of such receipt, refer it back to the Board for reconsideration with such comments thereon and giving such information relating thereto as the Provincial Government may think fit to make or give.

(2) Where a recommendation is referred back to the Board under clause (b) of sub-section (1), the Board shall reconsider it after taking into account the comments made and information given by the Provincial Government and, if necessary, shall hold further enquiry and submit to such Government—

- (a) a revised recommendation, or
- (b) if it considers that no revision or change in the recommendation is called for, make report to that effect stating reasons therefor.

(3) Upon receipt of the recommendation of the Board under sub-section (2), the Provincial Government may, by notification in the official Gazette, declare that the minimum rates of wages recommended under that sub-section by the Board for various workers shall, subject to such modifications and exceptions as may be specified in the notification, be the minimum rates of wages for such workers.

(4) Unless any date is specified for the purpose in the notification under sub-section (1) or sub-section (3), the declaration thereunder shall take effect on the date of publication of such notification.

(5) Where after the publication of a notification under sub-section (1) or sub-section (3) or after the minimum rates of wages declared thereunder have taken effect, it comes to the notice of the Provincial Government that there is a mistake in the minimum rates of wages so declared, or that any such rate is inequitable to the employers or the workers, it may refer the matter to the Board and any such reference shall be deemed to be a reference under sub-section (2).

(6) The minimum rates of wages shall not, except with the previous approval in writing of the Central Government, be declared under sub-section (1) or sub-section (3) in respect of persons employed in any undertaking under the management or control of the Central Government, including those employed by any Port Authority.

(7) The minimum rates of wages declared under this section shall be final and shall not in any manner be questioned by any person in any court or before any authority.

7. Periodical review of minimum rates of wages.—(1) The Board shall review its recommendations if any change in the economic conditions and cost of living and other relevant factors so demand, and recommend to the Provincial Government any amendment, modification or revision of the minimum rates of wages declared under section 6 :

Provided that no recommendation shall be reviewed earlier than one year from the date on which it was made, unless the special circumstances of a case so require, and later than three years from such date.

(2) Review and recommendation under this section shall be deemed to be an enquiry and recommendation under section 4 or, as the case may be, under section 5, and, so far as may be, the provisions of this Ordinance shall, to such review and recommendation, apply accordingly.

8. Constitution of the Minimum Wages Council.—(1) As soon as may be after the establishment of the Boards, the Central Government shall, by notification in the official Gazette, constitute a Minimum Wages Council consisting of the following members, namely :—

- (a) the Chairman of the Council to be appointed by the Central Government ;
- (b) the Chairmen of the Boards ;
- (c) two persons to represent the employers one of whom shall be nominated by the Government of East Pakistan and the other by the Government of West Pakistan ;
- (d) two persons to represent the workers one of whom shall be nominated by the Government of East Pakistan and the other by the Government of West Pakistan.

(2) The Council may advise the Central Government and the Provincial Governments on all matters relating to the carrying out of the provisions of this Ordinance and shall, in particular,—

- (a) consider any matter relating to the operation of this Ordinance referred to it by the Central Government or a Provincial Government and submit reports thereon ;
- (b) make recommendations to the Central Government and the Provincial Governments as to how the provisions of this Ordinance can be effectively carried out ;
- (c) maintain liaison with the Boards ;
- (d) effect co-ordination between the Boards so as to ensure that,—
 - (i) so far as economic conditions and labour standards in the Province concerned permit, similar principles and methods are applied by the Boards ; and
 - (ii) the minimum rates of wages recommended by one Board, if adopted by the Provincial Government concerned, do not adversely affect industry and employment in the other Province ;
- (e) establish and maintain contact with the Ministries and Departments of the Central Government and the Provincial Governments and such Corporations as the Council may think fit which are concerned with the economic progress and industrial development of Pakistan or any part thereof, and recommend

measures so as to ensure that policies and standards adopted by the Provincial Governments and Boards relating to minimum wages are consistent with the needs of the economy, of the whole of Pakistan.

(3) The term of office of the members of the Council, the manner of filling casual vacancies therein, the appointment of its committees, if any, the procedure and conduct of the meetings of the Council and its committees and all matters connected therewith, including the fees and allowances to be paid for attending such meetings, and other expenses, including expenses for the services of experts and advisers obtained by the Council, shall be such as may be prescribed by rules made under section 16.

9. Prohibition to pay wages at a rate below the minimum rate of wages.—(1) Subject only to such deductions as may be authorized under this Ordinance, or under any other law for the time being in force, no employer shall pay any worker wages at a rate lower than the rate declared under this Ordinance to be the minimum rate of wages for such worker.

(2) Nothing in sub-section (1) shall be deemed—

(a) to require or authorize an employer to reduce the rate of wages of any worker ; or

(b) to affect, in any way, the right of a worker to continue to receive wages at a rate higher than the minimum rate declared under this Ordinance if, under any agreement, contract or award, or as a customary differential, or otherwise, he is entitled to receive wages at such higher rate, or to continue to enjoy such amenities and other advantages as are customary for such worker to enjoy ; or

(c) to affect the provisions of the Payment of Wages Act, 1936 (IV of 1936).

(3) Any employer who contravenes the provisions of this section shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both, and if the court trying such contravention by order so directs, shall also pay to the worker concerned such sum as may be specified in the order to represent the difference between the amount actually paid to such worker and the amount which would have been paid to him had there been no such contravention.

10. Cognizance of offences.—No court inferior to that of a Magistrate of the first class shall take cognizance of an offence punishable under this Ordinance or the rules made thereunder, and cognizance shall not be so taken except upon a complaint in writing made by the Provincial Government or by any person authorized in this behalf by such Government.

11. Protection of the proceedings of a Board or the Council.—No act or proceeding of a Board or of the Council shall be invalid or questioned merely on the ground of existence of any vacancy therein or of any defect in the constitution or in the appointment or qualification of any member thereof.

12. Powers of Boards, etc., to collect information.—(1) Any Board or the Council, or the Chairman of a Board or the Council, may, for the purpose of an enquiry under this Ordinance or the rules made thereunder, direct any employer to furnish such records, documents or information and do such other acts as the Board, the Council or the Chairman, as the case may be, may require, and every such employer shall comply with such direction.

(2) The Chairmen of the Boards and the Council, and such members, officers and servants thereof as are authorized in this behalf by the Chairmen, may, for the discharge of any functions under this Ordinance or the rules made thereunder,—

- (a) enter, at all reasonable times, any factory ;
- (b) inspect any books, registers and other documents relating to such factory ; and
- (c) record statements of persons connected with the working of such factory :

Provided that no one shall be required under this clause to answer any question tending to criminate himself.

(3) Any employer who contravenes the provisions of sub-section (1), and any person who wilfully obstructs anyone in the exercise of any power under sub-section (2), or fails to produce on demand thereunder any books, registers or other documents, shall be punishable with fine which may extend to five hundred rupees.

13. Certain powers of Court to Boards, etc.—(1) The Boards and the Council shall, while holding an enquiry under this Ordinance or the rules made thereunder, be deemed to be Civil Courts and shall have the same powers as are vested in such Courts under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely :—

- (a) enforcing the attendance of any person and examining him on oath ;
- (b) compelling the production of documents and material objects ; and
- (c) issuing commissions for the examination of witnesses.

14. Chairmen, etc., deemed to be public servants.—The Chairmen of the Boards and the Council, and the members, officers and servants thereof, shall all be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

15. Bar to legal proceedings.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

16. Rules relating to Council.—The Central Government may, by notification in the official Gazette, make rules to provide for the matters specified in sub-section (3) of section 8 and such other matters for which rules are considered necessary for the efficient discharge of the functions of the Council.

17. Rules relating to Boards.—(1) Subject to the provisions of section 16, the Provincial Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the matters specified in sub-section (5) of section 3 ;
- (b) the giving of opportunities to persons likely to be affected by the minimum rates of wages to offer comments and make suggestions ;
- (c) fixing normal hours of work for the purpose of determining time work ;
- (d) giving adequate publicity to the minimum rates of wages declared under this Ordinance ;
- (e) the maintenance of wage books, wage slips, registers and other records and prescribe their forms and particulars to be entered therein and the manner of authenticating such entries ;
- (f) the preparation and submission of reports and returns ;
- (g) the appointment of Inspectors or other officers and prescribe their powers and functions ; and
- (h) such other matters for which rules are considered necessary for effectively carrying out the provisions of this Ordinance.

(3) Rules made under this section may provide that any contravention thereof shall be punishable with fine not exceeding five hundred rupees.

18. Repeal and savings.—(1) The East Pakistan Minimum Wages Act, 1957 (*E. P. Act XXXVII of 1957*), shall, stand repealed.

(2) Notwithstanding the aforesaid repeal, anything done, action taken, rule made, and notification or order issued under the aforesaid Act, shall, so far as it is not inconsistent with the provisions of this Ordinance, be deemed to have been done, taken, made or issued under this Ordinance, and shall have effect accordingly.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President.

THE MUNICIPAL ADMINISTRATION (SECOND AMENDMENT) ORDINANCE, 1961

ORDINANCE NO. XL OF 1961

[11th October, 1961]

An Ordinance further to amend the Municipal Administration Ordinance 1960.

WHEREAS it is expedient further to amend the Municipal Administration Ordinance, 1960 (X of 1960), for the purpose hereinafter appearing

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Municipal Administration (Second Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 11, Ordinance X of 1960.—In the Municipal Administration Ordinance, 1960 (X of 1960), in section 11, in sub-section (3), the comma and the words “, by a majority of the total number of members” shall be omitted.

MOHAMMAD AYUB KHAN, H.P.K., H.J.,
FIELD-MARSHAL,
President.

Price : Ps. 6

THE PAKISTAN INDUSTRIAL DEVELOPMENT CORPORATION (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XLI OF 1961

[14th October, 1961]

An Ordinance further to amend the Pakistan Industrial Development Corporation Act, 1950.

WHEREAS it is expedient further to amend the Pakistan Industrial Development Corporation Act, 1950 (XLV of 1950), for the purposes hereinafter appearing;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Pakistan Industrial Development Corporation (Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. Amendment of section 6, Act XLV of 1950.—In the Pakistan Industrial Development Corporation Act, 1950 (XLV of 1950), hereinafter referred to as the said Act, in section 6,—

(a) for sub-section (1), the following shall be substituted, namely:—

“(1) The Board shall consist of such Directors, not more than five, as may be appointed by the Central Government.”;

(b) in sub-section (2), in clause (d), for the words “hold office for a term of three years unless sooner removed by the Central Government” the words, figures, letter and comma “subject to the provisions of sections 8 and 8A, hold office for a term of three years” shall be substituted; and

(c) after sub-section (2), the following new sub-section (3) shall be added, namely:—

“(3) One of the Directors appointed under sub-section (1) shall be the Financial Director, who shall exercise such powers and discharge such duties as may be prescribed by rules.”.

3. Amendment of section 8, Act XLV of 1950.—In the said Act, in section 8,—

(a) in sub-section (1), for clause (d) the following shall be substituted, namely:—

“(d) is or at any time has been disqualified for employment in, or dismissed from, the service of the State; or”; and

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

“(2) The Central Government may, by order in writing, remove the Chairman or a Director if he—

- (a) refuses or fails to discharge or becomes, in the opinion of the Central Government, incapable of discharging his responsibilities under this Act ; or
- (b) has, in the opinion of the Central Government abused his position as Chairman or Director ; or
- (c) has knowingly acquired or continued to hold, without the permission in writing of the Central Government, directly or indirectly, or through a partner, any share or interest in any contract or employment with, by or on behalf of the Corporation, or in any property which, in his knowledge is likely to benefit or has benefited as a result of the operations of the Corporation ; or
- (d) has absented himself from three consecutive meetings of the Board without the leave of the Central Government in the case of the Chairman, or of the Chairman in the case of a Director.”.

4. Insertion of new section 8-A, Act XLV of 1950.—In the said Act after section 8, the following new section 8-A shall be inserted, namely :—

“8-A. *Resignation or removal of Chairman, etc., upon notice.*—Notwithstanding anything contained in sections 6, 7 and 8, a Chairman or a Director whether appointed before or after the commencement of the Pakistan Industrial Development Corporation (Amendment) Ordinance, 1961, may, at any time before the expiry of his term, upon three months' notice, resign his office, or upon similar notice, be removed from office by the Central Government without assigning any reason.”.

5. Insertion of new sections 10-A and 10-B, Act XLV of 1950.—In the said Act, after section 10, the following new sections 10-A and 10-B shall be inserted, namely :—

“10-A. *Proceedings not to be invalid on certain grounds.*—No act or proceeding of the Board shall be, or shall be deemed ever to have been, invalid merely on the ground of the existence of any vacancy in, or any defect in the constitution of, the Board.

10-B. *Delegation of powers.*—The Corporation may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by the Chairman or by such Director or officer as may be so specified.”.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,
FIELD-MARSHAL,
President.

THE MUNICIPAL ADMINISTRATION (THIRD AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XLII OF 1961

[25th October, 1961]

An Ordinance further to amend the Municipal Administration Ordinance, 1960.

WHEREAS it is expedient further to amend the Municipal Administration Ordinance, 1960 for the purposes hereinafter appearing ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. **Short title and commencement.**—(1) This Ordinance may be called the Municipal Administration (Third Amendment) Ordinance, 1961.

(2) It shall come into force at once.

2. **Amendment of section 5, Ordinance No. X of 1960.**—In the Municipal Administration Ordinance, 1960, hereinafter referred to as the said Ordinance, section 5 shall be renumbered as sub-section (1) of that section and—

(a) in sub-section (1) as so renumbered, after the words “this Ordinance” the words “or a Town Committee constituted under the Order” and after the words “Municipal Committee” last occurring, the words and commas, “or, as the case may be, a Town Committee”, shall be inserted and shall be deemed always to have been so inserted, and

(b) after sub-section (1) as so renumbered, the following sub-section (2) shall be added, namely :—

“(2) A notification under sub-section (1) may be issued to have effect retrospectively from any date not earlier than the commencement of this Ordinance.”

3. **Amendment of section 128, Ordinance No. X of 1960.**—In section 128 of the said Ordinance, in sub-section (1), after the words “Municipal Committee”, twice occurring the words “or a Town Committee” shall, in both places, be substituted.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,

President.

Price : Ps. 6

GPPK—L 46 (61) Law—12-3-62—1,000.

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THE JAMMU AND KASHMIR (ADMINISTRATION OF PROPERTY) (AMENDMENT) ORDINANCE, 1961.

ORDINANCE NO. XLIII OF 1961

[17th November, 1961]

An Ordinance to amend the Jammu and Kashmir (Administration of Property) Ordinance, 1961.

WHEREAS it is expedient to amend the Jammu and Kashmir (Administration of Property) Ordinance, 1961 (*III of 1961*), for the purposes hereinafter appearing ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title.—This Ordinance may be called the Jammu and Kashmir (Administration of Property) (Amendment) Ordinance, 1961.

2. Amendment of long title and preamble, Ordinance III of 1961.—In the Jammu and Kashmir (Administration of Property) Ordinance, 1961 (*III of 1961*), hereinafter referred to as the said Ordinance, in the long title and the preamble, after the words “which vested in the State of Jammu and Kashmir” the commas and words “, or the Maharaja of Jammu and Kashmir or the Maharaja of Poonch,” shall be inserted.

3. Substitution of section 2, Ordinance III of 1961.—In the said Ordinance, for section 2 the following section shall be substituted and shall be deemed always to have been so substituted, namely :—

“2. *Vesting of properties in the Central Government.*—All immoveable properties, situated in the territory of Pakistan, the title to which vested in the State of Jammu and Kashmir, or the Maharaja of Jammu and Kashmir or the Maharaja of Poonch, on the fifteenth day of August, 1947, shall vest, free from all encumbrances, in the Central Government, and shall be deemed to have so vested on that date.”.

4. Substitution of section 3, Ordinance III of 1961.—In the said Ordinance, for section 3, the following section shall be substituted, namely :—

“3. *Management, sale or lease of properties, etc.*—(1) The Central Government may make arrangements for the management, sale, lease or disposal otherwise of the properties vested in it under section 2.

(2) For the purposes aforesaid, the Central Government may appoint a person, to be called the Manager of State Properties of Jammu and Kashmir (hereinafter referred to as the Manager), who shall take possession of and hold, and, subject to the previous approval in writing of the Central Government,

Price : Ps. 12.

have the power to deal with and dispose of, all or any of the aforesaid properties, and shall exercise such other powers in relation thereto as may be prescribed by rules made under section 6.

- (3) Without prejudice to the generality of the provisions of sub-section (2), and notwithstanding anything contained in any other law for the time being in force, the Manager, after giving to the person or persons affected not less than fifteen days notice, may, in such manner as may be provided by rules, and with the use of such force as may be necessary,—
- (a) take possession and assume control of any property referred to in this section ;
 - (b) evict summarily any person in unauthorized occupation or wrongful possession of any such property ; and
 - (c) demolish or dismantle any unauthorized construction on any such property, and recover from the person responsible for such construction any expenses incurred in connection with such demolition or dismantling.”

5. Insertion of new sections 5A, 5B and 5C, Ordinance III of 1961.—In the said Ordinance, after section 5, the following new sections 5A, 5B and 5C shall be inserted, namely :—

“5A. *Manager and certain other persons to be public servants.*—The Manager, and every other person duly appointed or authorized to perform any function under this Ordinance, shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code (*Act XLV of 1860*).

5B. *Bar of legal proceedings, etc.*—(1) No suit, prosecution or other legal proceeding shall lie against Government, the Manager or any other person for anything which is in good faith done or intended to be done under this Ordinance.

(2) Properties vested in the Central Government under section 2 shall be exempt from all legal processes, including seizure, distress, ejectionment, attachment or sale by any officer of a Court or any other authority, and, otherwise than at the instance of the Manager, no injunction or other order of whatever kind shall be passed or made in respect of any such property by any Court or other authority.

5C. *Recovery of arrears.*—Any sum due, whether as rent or otherwise, in respect of any of the aforesaid properties, if not paid within the time specified by the Manager, shall be recoverable as arrears of land revenue.”

6. Amendment of section 8, Ordinance III of 1961.—In the said Ordinance, in section 6, for sub-section (2) the following sub-section shall be substituted, namely :—

“(2) Without prejudice to the provisions of sub-section (1), such rules may provide—

- (a) the manner in which any notice under this Ordinance may be served ;

- (b) the manner in which the Manager, or any person authorized by him in this behalf, may take possession of any property ;
- (c) the manner in which any person in unauthorized occupation or wrongful possession of any property may be summarily evicted ;
- (d) the manner in which any unauthorized construction or any property may be demolished or dismantled ;
- (e) the manner in which the amount in the account mentioned in sub-section (1) of section 4 may be invested ;
- (f) the purposes for which the income from the amount invested under clause (e) may be utilized ;
- (g) the purposes for which any portion of the amounts deposited in the said account may be utilized ; and
- (h) the purposes for which the rents received from the lease of any property may be utilized.”.

MOHAMMAD AYUB KHAN, H.PK., H.J.,

FIELD-MARSHAL,

President

THE CONCILIATION COURTS ORDINANCE, 1961

ORDINANCE NO. XLIV OF 1961

[28th November, 1961]

An Ordinance to make provision for the establishment of Conciliation Courts.

WHEREAS it is expedient to make provision for the establishment of Conciliation Courts to enable people to settle certain disputes through conciliation, and for matters connected therewith ;

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Conciliation Courts Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “cognizable offence” means a cognizable offence as defined in section 4 of the Code of Criminal Procedure, 1898 (*Act V of 1898*) ;
- (b) “Conciliation Court” means a Conciliation Court constituted under this Ordinance ;
- (c) “Controlling Authority” means, in the case of a Union Council in West Pakistan, the Deputy Commissioner, and in the case of a Union Council in East Pakistan, the Sub-Divisional Officer ;
- (d) “decree” means a decree as defined in section 2 of the Code of Civil Procedure, 1908 (*Act V of 1908*) ;
- (e) “District Judge” shall include an Additional District Judge, a Subordinate Judge and a Civil Judge ;
- (f) “Government”, in relation to any local area in a Province, means the Provincial Government, and in relation to Cantonments, the Central Government ;
- (g) “party” shall include any person whose presence as such is considered necessary for a proper decision of the dispute and whom the Conciliation Court adds as a party to such dispute ;
- (h) “Union” means an area declared to be a Union under the Basic Democracies Order, 1959 (*P.O. No. 18 of 1959*), and includes a Town as defined therein ;
- (i) “Union Council” means a Union Council constituted under the aforesaid Order, and includes a Union Committee and a Town Committee so constituted.

3. Cases referable to conciliation.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (*Act V of 1898*), or in the Code of Civil Procedure, 1908 (*Act V of 1908*),—

- (a) all cases falling under Part I of the Schedule shall, save as otherwise provided, hereinafter be referred to conciliation under this Ordinance, and no civil or criminal court shall have jurisdiction to try any such case; and
- (b) any of the cases falling under Part II of the Schedule may be so referred if all the parties thereto agree to such a reference.

(2) The following cases relating to matters falling under Section B of Part I of the Schedule or under Section B of Part II thereof shall be excluded from conciliation, namely :—

- (a) cases in which the interest of a minor is involved ;
- (b) cases where provision for arbitration has been made in a contract between the parties ;
- (c) cases by or against the Central or a Provincial Government or a public corporation or a public servant acting in the discharge of his duty ;
- (d) cases which according to the customary law of a community are referable to a community *panchayat*.

(3) Government may, by notification in the official Gazette, add to the Schedule any class of cases relating to such disputes between private parties as are of a local nature and are capable of settlement by compromise.

(4) Nothing in this section shall apply to cases relating to an offence specified in the Schedule if the accused had previously been convicted of a cognizable offence.

4. Application for constitution of a Conciliation Court.—(1) Where a case is, under this Ordinance, referable to conciliation, any party to the dispute may, in the prescribed manner, and on payment of the prescribed fee, apply to the Chairman of the Union Council concerned for the constitution of a Conciliation Court for the settlement of the dispute, and unless the Chairman, for reasons to be recorded in writing, rejects the application, he shall proceed to constitute, in the prescribed manner, a Conciliation Court for the purpose :

Provided that no application under this section shall be made against a person of unsound mind.

(2) Any person aggrieved by an order of rejection under sub-section (1) may, on the ground that the order is *mala fide* or substantially unjust, prefer, in the prescribed manner and within the prescribed time, an application for revision to the Controlling Authority, or to such other authority as may be prescribed.

5. Conciliation Courts, their composition, etc.—(1) A Conciliation Court shall be a body consisting of a Chairman and two representatives to be nominated, in the prescribed manner, by each of the parties to the dispute :

Provided that one of the two representatives so nominated shall be a member of the Union Council concerned.

(2) The Chairman of the Union Council shall be the Chairman of the Conciliation Court, but where he is, owing to illness or any other cause, unable to act as Chairman, or does not, on account of any personal consideration, wish to do so, or his impartiality is challenged by any party to the dispute, any other person appointed in the prescribed manner, not being a person nominated by any party, shall be the Chairman of the Court.

(3) If either party to the dispute consists of more than one person, the Chairman shall call upon the persons constituting that party to nominate the two representatives on its behalf, and if they fail so to nominate, shall authorize any one of such persons to do so, and thereupon the person so authorized shall alone have the right to nominate such representatives.

(4) Where representatives required under this section to be nominated are not nominated within the prescribed time, then,—

(a) if the case falls under Part I of the Schedule, the Conciliation Court shall, without such representatives, be deemed to have been validly constituted for the purposes of this Ordinance, and conciliation shall proceed accordingly; and

(b) if the case falls under Part II of the Schedule, the Chairman shall issue a certificate that conciliation has failed.

6. Jurisdiction of Conciliation Courts, etc.—(1) Subject to the provision of sub-section (2), a Conciliation Court shall be constituted and shall have jurisdiction to try a case only when the parties to the dispute ordinarily reside within the limits of the Union in which the offence has been committed or the cause of action has arisen.

(2) In the case of Union Committees, where one of the parties to a dispute ordinarily resides, and the offence has been committed or the cause of action has arisen, within the jurisdiction of one Union Committee, and the other party ordinarily resides within the jurisdiction of another Union Committee, then, a Conciliation Court may be constituted in the Union in which the offence has been committed, or, as the case may be, the cause of action has arisen, but each party shall have the right to nominate, if it so chooses, its representatives from its own Union.

7. Power of Conciliation Courts to award compensation.—(1) Save as otherwise provided in this Ordinance, a Conciliation Court shall have no power to pass a sentence of imprisonment or fine, but if it holds a person guilty of an offence specified in the Schedule, it may order the accused to pay to the aggrieved person compensation the amount of which may not exceed two hundred and fifty rupees, but if the offence is one punishable under section 428 or section 429 of the Pakistan Penal Code (*Act XLV of 1860*), the amount of compensation may exceed two hundred and fifty rupees but not five hundred rupees.

(2) In a case relating to a matter falling under Section B of Part I of the Schedule or under Section B of Part II thereof, the Conciliation Court shall have the power to order payment of money up to the amount specified therein in respect of such matter or delivery of property to the person entitled thereto.

8. Finality of the decisions of Conciliation Courts.—(1) Where in a case referred to conciliation under this Ordinance the decision of the Conciliation Court is unanimous, or, if the case falls under Part I of the Schedule, the decision is by a majority of four to one, the decision shall be binding on the parties and shall be enforceable in accordance with the provisions of this Ordinance.

(2) If the decision of a Conciliation Court is by a majority of three to two, and the case falls under Part I of the Schedule, any party may, within thirty days of the decision, apply, in the prescribed manner,—

(a) to the Controlling Authority, if the case relates to a matter falling under Section A of that Part, or

(b) to the District Judge, if the case relates to a matter falling under Section B thereof,

and the Controlling Authority or the District Judge, as the case may be, if satisfied that there has been a failure of justice, may set aside or modify the decision, or direct that the dispute be referred back to the Conciliation Court for reconsideration.

(3) If the decision of a Conciliation Court is not unanimous, and the case falls under Part II of the Schedule, the Court shall issue a certificate that conciliation has failed.

(4) Notwithstanding anything in any law any matter decided by a Conciliation Court in accordance with the provisions of this Ordinance shall not be tried in any court, including a Conciliation Court.

9. Enforcement of decree.—(1) Where a Conciliation Court decides to award compensation to a person or to order the delivery of property, it shall pass a decree in such form and in such manner as may be prescribed, and shall enter the particulars thereof in the prescribed register.

(2) If any money is paid or any property is delivered in the presence of the Conciliation Court in satisfaction of the decree, it shall enter the fact of payment or delivery, as the case may be, in the aforesaid register.

(3) Where a decree relates to payment of compensation and the decretal amount is not paid within the prescribed time, the same shall, if the Chairman of the Conciliation Court so directs, be recovered as arrears of land revenue, and, on recovery, shall be paid to the decree holder.

(4) Where the satisfaction of a decree can be had otherwise than by payment of compensation, the decree may be presented for execution to such civil court as the District Judge may, by special or general order, direct, and such court shall thereupon proceed to execute the decree as if it were a decree passed by itself.

(5) A Conciliation Court may, if it thinks fit, direct that the amount of compensation be paid in such instalments as it may fix.

10. Procedure on failure of conciliation.—Where a certificate is issued that conciliation has failed, either under clause (b) of sub-section (4) of section 5 or under sub-section (3) of section 8, any party to the dispute may seek its remedy in the court in which it would in law be entitled to seek such remedy if this Ordinance had not been promulgated.

11. Power of Conciliation Courts to summon witnesses, etc.—(1) A Conciliation Court may issue summons to any person to appear and give evidence, or to produce or cause the production of any document :

Provided that—

- (a) no person who is exempt from personal appearance in court under sub-section (1) of section 133 of the Code of Civil Procedure, 1908 (*Act V of 1908*), shall be required to appear in person ;
- (b) a Conciliation Court may refuse to summon a witness or to enforce a summons already issued against a witness when in the opinion of the Court the attendance of the witness cannot be procured without such delay, expense or inconvenience as in the circumstances would be unreasonable ;
- (c) a Conciliation Court shall not require any person living beyond its jurisdiction to give evidence or to produce or cause the production of a document unless such sum of money is deposited for payment to him as the Court would think sufficient for defraying his travelling and other expenses.

(2) If any person to whom a Conciliation Court has issued summons to appear and give evidence or to produce or cause the production of any document before it wilfully disobeys such summons, the Conciliation Court may take cognizance of such disobedience, and, after giving such person an opportunity to explain, sentence him to a fine not exceeding twenty-five rupees.

12. Contempt of Conciliation Courts.—A person shall be guilty of contempt of a Conciliation Court if he, without lawful excuse,—

- (a) offers any insult to the Conciliation Court or any member thereof while the Court is functioning as such ; or
- (b) causes any interruption in the work of the Conciliation Court ; or
- (c) fails to produce or deliver a document when ordered by the Conciliation Court to do so ; or
- (d) refuses to answer any question of the Conciliation Court which he is bound to answer ; or
- (e) refuses to take oath to state the truth or to sign any statement made by him when required by the Conciliation Court to do so ;

and the Conciliation Court may, without any complaint having been made to it, forthwith try such person for such contempt and sentence him to a fine not exceeding fifty rupees.

13. Recovery of fine.—(1) Where a Conciliation Court imposes a fine under section 11 or section 12 and such fine is not immediately paid, it shall record an order stating the amount of fine imposed and the fact that it has not been paid, and shall forward the same to the nearest Magistrate who shall proceed to recover it in accordance with the provisions of the Code of Criminal Procedure, 1898 (*Act V of 1898*), as if it were a fine imposed by himself, and such Magistrate may also sentence the accused to imprisonment in default of payment of such fine.

(2) All fines paid to a Conciliation Court under sections 11 and 12, or collected on behalf of a Conciliation Court under this section, shall form part of the funds of the Union Council concerned.

14. Limitation, etc., in certain cases.—Where a case relating to a matter falling under Section B of Part II of the Schedule is referred to conciliation and conciliation fails, and the case is subsequently taken to a civil court, in computing the period of limitation prescribed therefor by or under any law for the time being in force, the time spent on conciliation proceedings, commencing from the date of the application made under section 4 and ending on the day the certificate of failure of conciliation is issued, shall, notwithstanding anything in the Limitation Act, 1908 (IX of 1908), be excluded.

15. Procedure.—(1) Save as otherwise expressly provided by or under this Ordinance, the provisions of the Evidence Act, 1872 (I of 1872), the Code of Criminal Procedure, 1898 (Act V of 1898), and of the Code of Civil Procedure, 1908 (Act V of 1908), shall not apply to proceedings before any Conciliation Court.

(2) Sections 8 to 11 of the Oaths Act, 1873 (X of 1873), shall apply to all proceedings before Conciliation Courts.

16. No appearance through counsel.—(1) Notwithstanding anything contained in the Legal Practitioners Act, 1879 (XVIII of 1879), no legal practitioner shall be permitted to appear on behalf of any party to a dispute before any Conciliation Court or before any Controlling Authority or other authority exercising powers under this Ordinance.

(2) If a person required under this Ordinance to appear before a Conciliation Court is a *purdanashin* lady, the Conciliation Court may permit her to be represented by a duly authorized agent who shall in no case be a paid agent.

17. Transfer of certain cases.—(1) Where the Controlling Authority is of the opinion that the circumstances of a case relating to a matter falling under Section A of Part I of the Schedule or under Section A of Part II thereof and pending before a Conciliation Court are such that the public interest and the ends of justice demand its trial in a criminal court, the said Authority may, notwithstanding anything contained in this Ordinance, withdraw the same from the Conciliation Court and direct that it be referred to the criminal court for trial and disposal.

(2) A Conciliation Court may, if it is of the opinion that in a case relating to a matter as aforesaid and pending before it the ends of justice demand a punishment for the accused, forward the case to the criminal court for trial and disposal.

18. Investigation by police.—Nothing in this Ordinance shall prevent the police from investigating a cognizable case by reason of the fact that the case relates to an offence specified in Section A of Part I of the Schedule, but if any such case is taken to a criminal court, such court may, if it thinks fit, direct that it be referred to conciliation under this Ordinance.

19. Pending cases.—This Ordinance shall not apply to cases referable under this Ordinance to conciliation which, immediately before the coming into force of this Ordinance, are pending in any civil or criminal court, and such cases shall be disposed of by those courts as if this Ordinance had not been promulgated :

Provided that if all the parties to any such case agree to have the same decided by a Conciliation Court, the proceedings thereof shall terminate, and the case shall be referred to conciliation in accordance with the provisions of this Ordinance.

20. Power to exempt.—Government may, by notification in the official Gazette, exempt any area or areas, or any case or class of cases, or any community from the operation of all or any of the provisions of this Ordinance.

21. Power to make rules.—Government may, by notification in the official Gazette, make rules to carry into effect the provisions of this Ordinance.

SCHEDULE

PART I

Section A—Criminal cases

(1) Sections 143 and 147 of the Pakistan Penal Code (*Act XLV of 1860*), read with the Third or the Fourth clause of section 141 of that Code, when the common object of the unlawful assembly is to commit an offence under section 323, or 426 or 447 of that Code, and when not more than ten persons are involved in the unlawful assembly.

(2) Sections 160, 323, 334, 341, 342, 352, 358, 426, 447, 504, 506 (first part), 508, 509 and 510, Pakistan Penal Code.

(3) Sections 403, 406, 417 and 420, Pakistan Penal Code, when the amount in respect of which the offence is committed does not exceed one hundred rupees.

(4) Section 427, Pakistan Penal Code, when the value of the property involved does not exceed one hundred rupees.

(5) Sections 428 and 429, Pakistan Penal Code, when the value of the animal does not exceed one hundred rupees.

(6) Sections 24, 26 and 27 of the Cattle-trespass Act, 1871 (*I of 1871*).

(7) Attempts to commit or the abetment of the commission of any of the above offences.

Section B—Civil cases

- | | | |
|--|---|--|
| <ol style="list-style-type: none"> 1. Suit for the recovery of money due on contracts, receipts or other documents. 2. Suit for the recovery of movable property, or for the value thereof. 3. Suit for compensation for wrongfully taking or damaging movable property. 4. Suit for damages by cattle trespass. | $\left. \begin{array}{l} \\ \\ \\ \end{array} \right\}$ | <p>In the case of Union Councils, when the amount claimed, or the price of movable property, does not exceed five hundred rupees ; and</p> <p>In the case of Union and Town Committees when the amount claimed, or the price of movable property, does not exceed one thousand rupees.</p> |
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PART II

Section A—Criminal cases

(1) Sections 324, 343, 355, 357, 427, 430, 448, 461, 498, 500, 501, and 502, Pakistan Penal Code (*Act XLV of 1860*).

(2) Section 379, Pakistan Penal Code, when the value of the property involved does not exceed two hundred and fifty rupees.

(3) Sections 380 and 381, Pakistan Penal Code, when the value of the property involved does not exceed one hundred rupees.

(4) Sections 403, 406, 417 and 420, Pakistan Penal Code, when the amount in respect of which the offence is committed exceeds one hundred rupees, but does not exceed two hundred and fifty rupees.

(5) Section 408, Pakistan Penal Code, when the value of the property involved does not exceed one hundred rupees.

(6) Section 411, Pakistan Penal Code, when the value of the property involved does not exceed two hundred and fifty rupees.

(7) Sections 428 and 429, Pakistan Penal Code, when the value of the animal exceeds one hundred rupees, but does not exceed five hundred rupees.

(8) Section 451, Pakistan Penal Code, when the offence is committed with the intention of committing any of the offences mentioned in Section A of Part I of this Schedule or in this Section.

(9) Attempts to commit or the abetment of the commission of any of the above offences.

Section B—Civil cases

All civil cases (excepting those mentioned in Section B of Part I of this Schedule), in which the value of the claim does not exceed ten thousand rupees.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,
President.

THE TRADE ORGANIZATIONS ORDINANCE, 1961

ORDINANCE NO. XLV OF 1961

[2nd December, 1961]

An Ordinance to provide for the regulation and control of trade organizations.

WHEREAS it is expedient to provide for the regulation and control of trade organizations and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Trade Organizations Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(1) “Act” means the Companies Act, 1913 (VII of 1913) ;

(2) “Administrator” means an Administrator appointed under section 10 and includes an officer empowered by the Central Government to perform the functions of the Administrator under this Ordinance ;

(3) “articles” means the articles of association of a trade organization ;

(4) “Director” means the Director of Trade Organizations appointed by the Central Government and includes an officer empowered by the Central Government to perform the functions of the Director under this Ordinance ;

(5) “Executive Committee” means the Board of Directors, the Executive Committee, the managing committee or other body, by whatever name called, of a registered trade organization responsible for the management or conduct of the affairs of such trade organization ;

(6) “licence” means a licence granted or deemed to be granted under sub-section (1) of section 3 ;

(7) “member of the Executive Committee” includes a Director where the Executive Committee is a Board of Directors, and

the Chairman, Vice-Chairman, President and Vice-President of the Executive Committee ;

- (8) "memorandum" means the memorandum of association of a trade organization ;
- (9) "register" means the register of companies required to be kept under the Act ;
- (10) "registered trade organization" means a trade organization registered under the Act as a company in pursuance of a licence ;
- (11) "registrar" means the registrar as defined in clause (15) of sub-section (1) of section 2 of the Act ; and
- (12) "trade organization" means an association which,—
 - (a) is capable of being formed as a limited company within the meaning of the Act ;
 - (b) is formed or intended to be formed with the object of promoting any trade, commerce or industry or any group or class thereof, or for representing for any purpose, in any manner and to any extent, any trade, commerce or industry or any group or class thereof ; and
 - (c) prohibits payment of any dividend to its members and applies or intends to apply its profits or other income for achieving its objects.

3. Licensing and registration of trade organizations.—(1) Notwithstanding anything contained in the Act or in any other law for the time being in force relating to registration of societies, bodies or associations of persons, no trade organization shall be registered under the Act or such other law unless it holds a licence granted by the Central Government authorizing it to be so registered.

(2) No licence shall be granted for registration under the Act to a trade organization unless it is—

- (a) a Federation of Chambers of Commerce and Industry, organized on all-Pakistan basis, to represent Chambers and Associations referred to in clauses (b) and (c) ;
- (b) a Chamber of Commerce and Industry, organized to represent trades and industries of specific areas ;
- (c) an Association of trade or industry or of both, organized on all-Pakistan basis, to represent specific trades or industries or both ;
- (d) a Town Association, organized to represent trades and industries at a place at which there is no Chamber of Commerce and Industry ; or
- (e) a Group, organized to represent specific trades or industries or both of specific areas :

Provided that a licence for registration as a Federation of Chambers of Commerce and Industry shall not be granted to more than one trade organization.

(3) A licence may be granted on such conditions and subject to such regulations as the Central Government may think fit to impose or prescribe and such conditions and regulations shall be binding on the trade organization concerned and shall, if the Central Government so directs, be incorporated in the articles and memorandum of such trade organization or in one of those documents.

(4) Any licence granted under section 26 of the Act before the commencement of this Ordinance to a trade organization of any type specified in sub-section (2) shall be deemed to be a licence granted under sub-section (1) and all such licences granted before such commencement to other trade organizations shall stand revoked.

(5) A trade organization holding a licence may be registered under the Act as a company with limited liability without the addition of the word "Limited" to its name and on such registration shall enjoy all the privileges of a limited company and be subject to all its obligations except those of—

- (a) using the word "Limited" as any part of its name ;
- (b) publishing its name ; and
- (c) sending lists of members to the registrar.

(6) The Central Government may, by notification in the official Gazette, grant exemption to any trade organization from any provision of this section and such exemption may be for such period and subject to such conditions as may be specified in the notification.

4. Cancellation of licence and exemption.—(1) The Central Government may, at any time, by notification in the official Gazette,—

- (a) revoke a licence granted to a trade organization ;
- (b) declare that all licences granted before the 19th February, 1959, shall stand revoked on the date specified therein ; and
- (c) cancel any exemption granted under sub-section (6) of section 3.

(2) Upon the cancellation of exemption under clause (c) of sub-section (1) or upon the expiry of the period for which exemption was granted, the trade organization concerned may within thirty days of such cancellation or expiry, apply for a licence.

5. Cancellation of registration.—(1) Notwithstanding anything contained in the Act, registration thereunder of—

- (a) all trade organizations registered otherwise than in pursuance of a licence under section 26 of the Act except the trade organizations to whom exemption has been granted under sub-section (6) of section 3 ;
- (b) a trade organization originally registered in pursuance of a licence which was revoked before the commencement of this Ordinance ;
- (c) all trade organizations whose licences stand revoked under sub-section (4) of section 3 ;

- (d) a trade organization whose licence has been or stands revoked under sub-section (1) of section 4; and
- (e) a trade organization, which, being entitled to make an application under sub-section (2) of section 4, has not done so or whose application thereunder has been rejected,

shall stand cancelled and the registrar shall strike off the register, and publish in the official Gazette, the names of all such trade organizations.

(2) All affairs of a trade organization whose registration stands cancelled under sub-section (1) shall be wound up—

- (a) in accordance with the provisions made in that behalf in its articles or memorandum, or
- (b) in the absence of any such provision, as if a special resolution under sub-section (2) of section 203 of the Act has been passed on the date on which the registration stands cancelled that it be wound up voluntarily.

6. Companies not to use certain words in their names.—(1) No company or trade organization other than a registered trade organization shall, after thirty days from the commencement of this Ordinance, use in its name or title the word “Federation” or “Chamber” or “Association”.

(2) Every company or trade organization other than a registered trade organization having in its name or title any of the words mentioned in sub-section (1) shall, within the period specified therein, by special resolution or in any other manner it thinks convenient, so change its name or title as to omit therefrom any such word.

(3) Where a company or trade organization changes its name or title in pursuance of sub-section (2), the registrar shall enter the new name or title in his register in place of the former name or title and issue a certificate of incorporation altered to meet the circumstances of the case and, upon the issue of such certificate, the change of name or title shall be complete.

(4) The change of name or title under this section shall not affect any rights or obligations of the company or trade organization concerned or render defective any legal proceedings by or against such company or trade organization and any legal proceedings that might have been continued or commenced by or against it by the former name or title may be continued by its new name or title.

(5) Nothing in this section shall apply to a company, association or body of persons formed for promoting art, science, religion, charity, sports, any profession other than trade, commerce or industry or any other useful object which the Central Government may, by notification in the official Gazette, specify in this behalf.

7. Classification and recognition of trade organizations.—(1) The Central Government may,—

- (a) classify registered trade organizations into various classes according to their status, importance or standing in the trade, commerce or industry;
- (b) by an order in writing, grant recognition to any such trade organization; and

(c) accord such privileges to the trade organizations so recognized as it thinks fit.

(2) A trade organization recognized under sub-section (1) shall be entitled, according as the Central Government may direct, to—

- (a) all the privileges accorded generally to trade organizations so recognized ; or
- (b) all the privileges accorded to the trade organizations of the class to which it belongs ; or
- (c) to such other privileges as may be accorded to it by the order granting recognition.

(3) The Central Government shall publish in the official Gazette the names of the trade organizations recognized under sub-section (1).

8. Amendment, repeal, etc., of articles, memorandum, etc., of trade organizations.—(1) Notwithstanding anything contained in the Act or in any other law for the time being in force or in the articles or memorandum,—

- (a) a registered trade organization shall not rescind, amend or otherwise modify its articles or memorandum without the prior approval of the Central Government ; and
- (b) the Central Government may, whenever it considers expedient to do so, by order in writing, direct any such trade organization to rescind, amend or otherwise modify its articles, memorandum, rules or bye-laws or to make any rule or bye-law, in such manner and within such period as may be specified in the order.

(2) If any registered trade organization fails or neglects to comply with the direction under clause (b) of sub-section (1), the Central Government may, by notification in the official Gazette, rescind, amend or otherwise modify the articles, memorandum, rules or bye-laws of such trade organization, or make any rule or bye-law in the manner specified in the direction or with such modification as it thinks fit, and any such rescission, amendment, modification or making shall be deemed to have been duly done by the trade organization in accordance with the Act or its articles or memorandum or in the manner it is otherwise competent to do so.

9. Registered trade organizations to be subject to the control of Director.—(1) All acts and proceedings of a registered trade organization shall be subject to the control of the Director and the affairs of such trade organization shall be managed and conducted in such manner as the Director may, from time to time, direct.

(2) Notwithstanding anything contained in any law for the time being in force or in the articles or memorandum of a registered trade organization and without prejudice to the generality of the foregoing provision, the Director may—

- (a) require any such trade organization or any competent person connected therewith to furnish him with any information, documents and returns relating to the affairs of such trade organization or to answer orally or otherwise any query with respect thereto ;

- (b) inspect, with or without prior notice, any office of such trade organization including any of its branch or regional, circle, zonal or liaison office, or any record or document found therein ;
- (c) attend any meeting of the general body or the Executive Committee of such trade organization or of any committee or other body set up or appointed to transact any business, or to conduct any affair, of such trade organization ;
- (d) watch and supervise, or cause to be watched and supervised, any election held by, or for the purpose of electing persons to the Executive Committee or other body including a regional, circle or zonal body of any such trade organization ;
- (e) within thirty days of the announcement of the results of any election held by any such trade organization, or any body exercising any function relating thereto for the purpose of electing any person to the Executive Committee or other body including regional, circle or zonal body of such trade organization or for any other purpose and with the approval of the Central Government, annul such election if he is satisfied,—
 - (i) upon his own knowledge ; or
 - (ii) after such investigation as he may think fit to make ; or
 - (iii) upon a report made by a person authorized by him to make investigation for the purpose,
 that the irregularities in the conduct of such election justify such annulment and, by order in writing, direct fresh election to be held within such period as may be specified in the order ;
- (f) if he considers it necessary for smooth and efficient functioning of any such trade organization remove, or cause to be removed, any member of the Executive Committee, not exceeding a total of five in any calendar year, of such trade organization and fill up, or cause to be filled up, the resultant vacancy ;
- (g) suspend, or cause to be suspended, for a specified period, any member, not exceeding a total of fifteen in one calendar year, of any such trade organization and cancel, or cause to be cancelled, any such suspension or the suspension of any member otherwise than by or at the instance of the Director ;
- (h) remove, or cause to be removed, from the membership register, the name of any member, not exceeding a total of fifteen in one calendar year, of any such trade organization, and reinstate, or cause to be reinstated, in the membership register, any member so removed or removed otherwise than by or at the instance of the Director ;
- (i) cancel, suspend or modify any resolution adopted or any decision taken, by the general body or the Executive Committee of such trade organization if,—
 - (i) he considers it necessary in the public interest or for orderly working of the trade organization ; or
 - (ii) in his opinion such resolution or decision is not in conformity with the provisions of the articles or memorandum or any rules or regulations made thereunder.

10. Supersession of Executive Committee and appointment of Administrator.—(1) Where the Central Government is of opinion that the affairs of a registered trade organization are not being properly managed and that the interests of trade and industry so require, it may, by order in writing, supersede the Executive Committee of such trade organization for such period, not exceeding three years, as may be specified in the order :

Provided that no such order shall be made unless the Executive Committee has been given a notice in writing of, and afforded an opportunity to make a representation against, the intended supersession.

(2) Where—

- (a) an Executive Committee is superseded under sub-section (1), or
- (b) it is not, in the opinion of the Central Government, possible for any reason to reconstitute the Executive Committee at the due time of such reconstitution, or
- (c) the Executive Committee is debarred by an order of any Court, from discharging its functions,

the Central Government may appoint, for such period, not exceeding three years, as it may think fit, an Administrator to take over the functions of such Committee and to manage and conduct the affairs of the trade organization :

Provided that if the period of supersession is terminated or the Executive Committee is reconstituted or the order of the Court is vacated before the expiry of the period for which the Administrator shall have been appointed, the Central Government may direct the Administrator to relinquish the functions taken over by him in favour of the Executive Committee.

(3) Upon the appointment of an Administrator under clause (a) or clause (b) of sub-section (2), the members of the Executive Committee shall be deemed to have vacated their respective offices.

11. Administrator to act under the control of Director.—(1) The Administrator shall manage and conduct the affairs of the registered trade organization under the supervision and control of the Director and in accordance with the rules, if any, made in this behalf by the Central Government and, until such rules are made, in accordance with such directions as the Director may, from time to time, give.

(2) The rules and directions referred to in sub-section (1) may provide for—

- (a) the appointment of an advisory committee consisting of persons selected from the members of the trade organization to assist the Administrator in the discharge of his functions ;
- (b) holding of elections for the purpose of reconstitution of the Executive Committee at any time considered appropriate before the expiry of the term of appointment of the Administrator ;
- (c) compliance with the provisions of sections 130, 131, 131A, 132, 132A, 133, 134 and 135 of the Act to the extent applicable to the trade organization except those relating to the laying of the

income and expenditure account and reading of the auditor's report in the general meeting ;

- (d) withholding, during the period of supersession of the Executive Committee, of the general meeting of the trade organization other than the meeting to hold elections for reconstituting the Executive Committee ;
- (e) conduct of any business, during the period the general meeting remains withheld, which requires the approval or assent of the members at a general meeting ;
- (f) the pay, allowances, remuneration and other privileges of the Administrator and the members of the advisory committee ; and
- (g) such other matters as are necessary for efficient management of the affairs of the trade organization.

(3) Any expenditure incurred in connection with the management of a trade organization by the Administrator including pay, allowances and remuneration of the Administrator and the members of the advisory committee shall be met as expenses, and be a charge on the income, of the trade organization.

12. Restriction on suits against trade organizations.—(1) Notwithstanding anything contained in any law for the time being in force or in the articles or memorandum of a registered trade organization, no suit or other legal proceedings shall be instituted or commenced against such registered trade organization questioning the validity or propriety of any act or proceeding of such trade organization or of the Executive Committee or other body thereof, or the constitution of, or election or appointment to, such Committee or body, by any member of such trade organization or by, or by any member of, any other trade organization unless such member or other trade organization has made an application, accompanied by such fee not less than one thousand rupees as may be prescribed by rules, referring the matter to the Arbitration Tribunal constituted for the purpose of deciding such references by the Federation of Chambers of Commerce and Industry registered under the Act in pursuance of a licence and such Arbitration Tribunal has given its decision or award thereon.

(2) The Arbitration Tribunal constituted under sub-section (1) shall consist of not less than three and not more than five members appointed by the said Federation of Chambers of Commerce and Industry and shall conduct its proceedings and give its decision or award in accordance with the rules made in this behalf.

(3) Nothing in this section shall affect any suit or other legal proceedings instituted or commenced before the commencement of this Ordinance.

13. Compulsory membership of registered trade organizations.—

(1) Notwithstanding anything contained in any other law for the time being in force or in the articles or memorandum of association of any trade organization or other company or in any agreement or other instrument, the Central Government may,—

- (a) subject to any rules made in this behalf, by order in writing, direct any person, partnership firm, company or other concern

engaged in any trade, commerce or industry to be a member of a registered trade organization specified in the order ; or

- (b) if it consider expedient in the interest of trade, commerce or industry, by notification in the official Gazette, direct all such persons, firms, companies or concerns or any class thereof engaged in trade, commerce or industry as may be specified in the notification subject to exception, if any, to be members of the registered trade organization or organizations specified in this behalf in such notification.

(2) Upon the issue of an order or notification under sub-section (1) the registered trade organization concerned shall admit as its member any person, firm, company or concern directed to be its member by such order or notification.

14. Restriction on membership.—No person shall be a member of more than such number of trade organizations as the Central Government may, by notification in the official Gazette, specify in this behalf.

15. Appeal.—(1) Any person or any trade organization aggrieved by any decision or order of the Administrator or the Director may, within fourteen days of such decision or order, appeal to the Director against the decision or order of the Administrator, and to the Central Government against the decision or order of the Director, and the decision of the Central Government on such appeal shall be final.

(2) Upon an appeal under sub-section (1), the Director or the Central Government, as the case may be, may stay the implementation or execution of the decision or order appealed against until the disposal of such appeal.

16. Delegation of powers.—(1) The Central Government may, by notification in the official Gazette, direct that all or any of its powers under this Ordinance shall, in relation to such matters or subject to such conditions as may be specified therein, also be exercisable by the Director.

(2) The Director may, by order in writing, authorize the Administrator or any other officer to exercise and perform any of his powers and functions under this Ordinance.

17. Central Government may carry out the functions of the Director.—Notwithstanding anything contained in any other provision of this Ordinance, the Central Government may, by notification in the official Gazette, direct that the powers and functions of the Director shall, under such circumstances, or in such cases, as may be specified in the notification, be exercised and performed by the Central Government and upon such notification reference to the Director in the relevant provisions of this Ordinance shall be construed as reference to the Central Government and such provisions shall have effect accordingly.

18. Penalties.—Whoever contravenes any provision of this Ordinance or any rule or order made or any direction or instruction given thereunder, or obstructs any officer or person acting under or in pursuance of any such provision, rule, order, direction or instruction shall be punishable with imprisonment which may extend to one year or with fine which

may extend to one thousand rupees or with both and, in the case of contravention of the provisions of section 13 or of any order or notification issued thereunder, with a further fine which may extend to one hundred rupees for every day of the period during which such contravention continues.

19. Offences by companies or other bodies.—Where a person guilty of an offence punishable under section 18 is a company or other body corporate, every managing director, director, manager, secretary or other officer or agent thereof shall, unless he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent its commission, be deemed to be guilty of such offence.

20. Cognizance and trial.—No Court shall take cognizance of an offence punishable under section 18 except upon a complaint in writing made by the Director or an officer authorized by him in this behalf and no Court inferior to that of a Magistrate of the First Class shall try any such offence.

21. Presumption as to orders.—Where an order purports to have been made or signed by an authority or person in exercise of any power conferred by or under this Ordinance, a Court shall presume that such order was so made by that authority or person.

22. Indemnity.—(1) An order made under this Ordinance shall not be questioned in any Court.

(2) No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of this Ordinance or any rule or order made or any direction given thereunder.

23. Power to make rules.—The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,
FIELD-MARSHAL,
President.

**THE VOLUNTARY SOCIAL WELFARE AGENCIES
(REGISTRATION AND CONTROL)
ORDINANCE, 1961.**

ORDINANCE NO. XLVI OF 1961

[2nd December, 1961]

An Ordinance to provide for the registration and control of voluntary social welfare agencies.

WHEREAS it is expedient to provide for the registration and control of voluntary social welfare agencies, and for matters ancillary thereto ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Voluntary Social Welfare Agencies (Registration and Control) Ordinance, 1961.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “agency” means a voluntary social welfare agency, and includes any branch of such agency ;
- (b) “governing body” means the council, committee, trustees or other body, by whatever name called, to whom, by the constitution of the agency, its executive functions and the management of its affairs are entrusted ;
- (c) “prescribed” means prescribed by rules made under section 19 ;
- (d) “register” means the register maintained under section 4, and “registered” shall mean registered under this Ordinance ;
- (e) “Registration Authority” means the Director of Social Welfare, Government of Pakistan, and includes an officer authorized by the Central Government, by notification in the official Gazette, to exercise all or any of the powers of the Registration Authority under this Ordinance ;
- (f) “voluntary social welfare agency” means an organization, association or undertaking established by persons of their own free will for the purpose of rendering welfare services in any one or more of the fields mentioned in the Schedule and depending for its resources on public subscriptions, donations or Government aid.

3. Prohibition against establishing or continuing an agency without registration.—No agency shall be established or continued except in accordance with the provisions of this Ordinance.

4. Application for registration, etc.—(1) Any person intending to establish an agency, and any person intending that an agency already in existence should be continued as such, shall, in the prescribed form, and on payment of the prescribed fee, make an application to the Registration Authority, accompanied by a copy of the constitution of the agency, and such other documents as may be prescribed.

(2) The Registration Authority may, on receipt of the application, make such enquiries as it considers necessary, and either grant the application, or, for reasons to be recorded in writing, reject it.

(3) If the Registration Authority grants the application, it shall issue, in the prescribed form, a certificate of registration to the applicant.

(4) The Registration Authority shall maintain a register, containing such particulars as may be prescribed, of all certificates issued under sub-section (3).

5. Establishment and continuance of agency.—(1) An agency not in existence on the coming into force of this Ordinance shall be established only after a certificate of registration has been issued under sub-section (3) of section 4.

(2) An agency already in existence shall not be continued for more than six months from the date on which this Ordinance comes into force, unless an application for its registration has, within thirty days of such date, been made under sub-section (1) of section 4.

(3) Where an application as aforesaid has been made in respect of an existing agency, and such application is rejected, then, notwithstanding the period of six months provided in sub-section (2), the agency may be continued for a period of thirty days from the date on which the application is rejected, or if an appeal is preferred under section 6, until such appeal is dismissed.

6. Appeal.—If the Registration Authority rejects an application for registration, the applicant may, within thirty days from the date of the order of the Registration Authority, prefer an appeal to the Central Government, and the order passed by the Central Government shall be final and given effect to by the Registration Authority.

7. Conditions to be complied with by registered agencies.—(1) Every registered agency shall—

- (a) maintain audited accounts in the manner laid down by the Registration Authority ;
- (b) at such time and in such manner as may be prescribed, submit its Annual Report and audited accounts to the Registration Authority and publish the same for general information ;
- (c) pay all moneys received by it into a separate account kept in its name at such bank or banks as may be approved by the Registration Authority ; and
- (d) furnish to the Registration Authority such particulars with regard to accounts and other records as the Registration Authority may from time to time require.

(2) The Registration Authority, or any officer duly authorized by it in this behalf, may at all reasonable times inspect the books of account and other records of the agency, the securities, cash and other properties held by the agency, and all documents relating thereto.

8. Amendment of the constitution of registered agency.—(1) No amendment of the constitution of a registered agency shall be valid unless it has been approved by the Registration Authority, for which purpose a copy of the amendment shall be forwarded to the Registration Authority.

(2) If the Registration Authority is satisfied that any amendment of the constitution is not contrary to any of the provisions of this Ordinance or the rules made thereunder, it may, if it thinks fit, approve the amendment.

(3) Where the Registration Authority approves an amendment of the constitution, it shall issue to the agency a copy of the amendment certified by it, which shall be conclusive evidence that the same is duly approved.

9. Suspension or dissolution of governing bodies of registered agencies.—(1) If, after making such enquiries as it may think fit, the Registration Authority is satisfied that a registered agency has been responsible for any irregularity in respect of its funds or for any mal-administration in the conduct of its affairs or has failed to comply with the provisions of this Ordinance or the rules made thereunder, it may, by order in writing, suspend the governing body.

(2) Where a governing body is suspended under sub-section (1), the Registration Authority shall appoint an administrator, or a caretaker body consisting of not more than five persons, who shall have all the authority and powers of the governing body under the constitution of the agency.

(3) Every order of suspension under sub-section (1) shall be placed by the Registration Authority before a Board, consisting of not more than five persons, constituted by the Central Government for the purpose, which shall have the power to make such order as to the re-instatement, or the dissolution and reconstitution, of the governing body, as it may think fit.

(4) The governing body against whom an order of dissolution and reconstitution is made under sub-section (3) may appeal to the Central Government, within thirty days from the date of such order, and the decision of the Central Government shall be final and shall not be called in question in any court.

10. Dissolution of registered agency.—(1) If at any time the Registration Authority has reason to believe that a registered agency is acting in contravention of its constitution, or contrary to any of the provisions of this Ordinance or the rules made thereunder, or in a manner prejudicial to the interests of the public, it may, after giving such opportunity to the agency of being heard as it thinks fit, make a report thereon to the Central Government.

(2) The Central Government, if satisfied after considering the report that it is necessary or proper to do so, may order that the agency shall stand dissolved on and from such date as may be specified in the order.

11. Voluntary dissolution of registered agency.—(1) No registered agency shall be dissolved by the governing body or members thereof.

(2) If it is proposed to dissolve any registered agency, not less than three-fifths of its members may apply to the Central Government, in such manner as may be prescribed, for making an order for the dissolution of such agency.

(3) The Central Government, if satisfied after considering the application that it is proper to do so, may order that the agency shall stand dissolved on and from such date as may be specified in the order.

12. Consequences of dissolution.—(1) Where any agency is dissolved under this Ordinance, its registration thereunder shall stand cancelled on and from the date the order of dissolution takes effect, and the Central Government may—

- (a) order any bank or other person who holds moneys, securities or other assets on behalf of the agency not to part with such moneys, securities and assets without the previous permission in writing of the Central Government ;
- (b) appoint a competent person to wind up the affairs of the agency, with power to institute and defend suits and other legal proceedings on behalf of the agency, and to make such orders and take such action as may appear to him to be necessary for the purpose ; and
- (c) order any moneys, securities and assets remaining after the satisfaction of all debts and liabilities of the agency to be paid or transferred to such other agency, having objects similar to the objects of the agency, as may be specified in the order.

(2) Orders made by the person appointed under clause (b) of subsection (1) shall, on application, be enforceable by any Civil Court having local jurisdiction in the same manner as a decree of such Court.

13. Inspection of documents, etc.—Any person may, on payment of the prescribed fee, inspect at the office of the Registration Authority any document relating to a registered agency, or obtain a copy of or an extract from any such document.

14. Penalties and procedure.—(1) Any person who—

- (a) contravenes any of the provisions of this Ordinance, or any rule or order made thereunder ; or
- (b) in any application for registration under this Ordinance, or in any report or statement submitted to the Registration Authority or published for general information thereunder, makes any false statement or false representation ;

shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

(2) Where the person committing an offence under this Ordinance is a company, or other body corporate, or an association of persons, every director, manager, secretary and other officer thereof shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

(3) No Court shall take cognizance of an offence under this Ordinance except upon complaint in writing made by the Registration Authority, or by an officer authorized by it in this behalf.

15. Indemnity.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Ordinance.

16. Power to amend Schedule.—The Central Government may, by notification in the official Gazette, amend the Schedule so as to include therein or exclude therefrom any field of social welfare service.

17. Power to exempt.—The Central Government may, by notification in the official Gazette, exempt any agency or class of agencies from the operation of all or any of the provisions of this Ordinance.

18. Delegation of powers.—The Central Government may, by notification in the official Gazette, delegate all or any of its powers under this Ordinance, either generally, or in respect of such agency or class of agencies as may be specified in the notification, to any of its officers, or to a Provincial Government.

19. Rules.—The Central Government may, by notification in the official Gazette, make rules for carrying into effect the provisions of this Ordinance.

THE SCHEDULE

[See section 2(f)].

- (i) Child welfare.
- (ii) Youth welfare.
- (iii) Women's welfare.
- (iv) Welfare of the physically and mentally handicapped.
- (v) Family planning.
- (vi) Recreational programmes intended to keep people away from anti-social activities.
- (vii) Social education, that is. education of adults aimed at developing sense of civic responsibility.
- (viii) Welfare and rehabilitation of released prisoners.
- (ix) Welfare of juvenile delinquents.
- (x) Welfare of the socially handicapped.
- (xi) Welfare of the beggars and destitutes.
- (xii) Welfare and rehabilitation of patients.
- (xiii) Welfare of the aged and infirm.
- (xiv) Training in social work.
- (xv) Co-ordination of social welfare agencies.

MOHAMMAD AYUB KHAN, H. PK., H. J.,

FIELD-MARSHAL,

President.

THE CEMENT (SURCHARGE) ORDINANCE, 1961

ORDINANCE NO. XLVII OF 1961

[22nd December, 1961]

An Ordinance to provide for the levy and collection of a surcharge on cement produced or manufactured by certain companies in West Pakistan and for matters ancillary thereto.

WHEREAS it is expedient to provide for the levy and collection of a surcharge on cement produced or manufactured by certain companies in West Pakistan and for matters ancillary thereto ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Cement (Surcharge) Ordinance, 1961.

(2) It extends to the whole of West Pakistan.

(3) It shall come into force at once.

2. Definition.—In this Ordinance, unless there is anything repugnant in the subject or context,—

(1) “company” means a company specified in the Schedule ; and

(2) “surcharge” means the surcharge payable under section 3.

3. Levy of surcharge.—(1) Every company shall pay to the Central Government a surcharge at the rate of seven rupees per ton in respect of the cement held by it in stock on the 15th September, 1961 and in respect of the cement produced or manufactured by it thereafter, and the surcharge shall be payable at the time the cement leaves the premises of the factory :

Provided that no such surcharge shall be payable on cement which is exported out of Pakistan.

(2) In respect of cement which has left premises of the factory between the 15th September, 1961 and the commencement of this Ordinance, the surcharge shall be payable within such period as the Central Government, or an officer authorized by it in this behalf, may specify.

(3) Arrears of surcharge shall be recoverable as arrears of land revenue.

4. Allowance to be made for surcharge for purposes of income-tax.—Notwithstanding anything contained in the Income-tax Act, 1922 (IX of 1922), the amount of the surcharge paid by a company shall be an expenditure for which allowance is to be made in computing profits or gains under sub-section (2) of section 10 of that Act.

5. Power to amend the Schedule.—The Central Government may, from time to time, by notification in the official Gazette, make such amendments and modifications in the Schedule as it thinks fit.

6. Power to make rules.—The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

SCHEDULE

List of Companies

1. The Associated Cement Companies, Ltd., Wah Cement Works, Wah.
2. The Associated Cement Companies, Ltd., Rohri Cement Works, Rohri.
3. Dalmia Cement Ltd., Dundot.
4. Dalmia Cement Ltd., Shantinagar, Karachi.
5. Zeal-Pak Cement Factory, Ltd., Hyderabad.
6. Maple-Leaf Cement Factory, Ltd., Daudkhel.

MOHAMMAD AYUB KHAN, H.Pk., H.J.,

FIELD-MARSHAL,

President.

THE PAKISTAN STANDARDS INSTITUTION (CERTIFICATION MARKS) ORDINANCE, 1961.

ORDINANCE No. XLVIII OF 1961

[22nd December, 1961]

An Ordinance to provide for the standardization and marking of goods

WHEREAS it is expedient to provide for the standardization and marking of goods ;

NOW, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance :—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Pakistan Standards Institution (Certification Marks) Ordinance, 1961..

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) “article” means (as respects standardization and marking) any substance, artificial or natural, or partly artificial or partly natural, whether raw or partly or wholly processed or manufactured, but does not include any article to which the Agricultural Produce (Grading and Marking) Act, 1937 (I of 1937), for the time being applies ;
- (b) “Council” means the General Council of the Institution appointed by the Central Government ;
- (c) “covering” includes any stopper, cask, bottle, vessel, box, crate, cover, capsule, case, frame, wrapper or other container ;
- (d) “Inspector” means an Inspector appointed under section 10 ;
- (e) “Institution” means the Pakistan Standards Institution set up under the Resolution of the Government of Pakistan in the late Ministry of Commerce and Industries (Industries Division) No. I-1-22(1) 58, dated the 3rd day of October, 1958, and registered under the Societies Registration Act, 1860 (XXI of 1860) ;
- (f) “licence” means a licence granted under this Ordinance to use the Pakistan Standards Institution Certification Mark, in relation to any article or process which conforms to the Pakistan Standard ;

- (g) "mark" includes a device, brand, heading, label, ticket, pictorial representation, name, signature, word, letter or numeral or any combination thereof;
- (h) "Pakistan Standard" means the standard (including any tentative or provisional standard) established and published by the Institution in relation to any article or process, indicative of the quality and specification of such article or process;
- (i) "prescribed" means prescribed by rules or regulations made under this Ordinance;
- (j) "process" includes any practice, treatment and mode of manufacture of any article;
- (k) "registering authority" means any authority competent under any law for the time being in force to register any company, firm or other body of persons, or any trade mark or design, or to grant a patent;
- (l) "specification" means a description of an article or process as far as practicable by reference to its nature, quality, strength, purity, composition, quantity, dimensions, weight, grade, durability, origin, age, material, mode of manufacture or other characteristics to distinguish it from any other article or process;
- (m) "Standard Mark" means the Pakistan Standards Institution Certification Mark specified by the Institution to represent a particular Pakistan Standard;
- (n) an article is said to be marked with a Standard Mark if the article itself is marked with a Standard Mark or any covering containing, or label attached to, such article is so marked.

3. Powers and duties of the Institution.—The Institution may exercise such powers and perform such duties as may be assigned to it by or under this Ordinance, and in particular, such powers include power to—

- (a) establish and publish, in such manner as may be prescribed, the Pakistan Standard in relation to any article or process;
- (b) specify a Standard Mark to be called the Pakistan Standards Institution Certification Mark, which shall be of such design and contain such particulars as may be prescribed to represent a particular Pakistan Standard;
- (c) grant, renew, suspend or cancel, in such manner as may be prescribed, a licence for the use of the Standard Mark;
- (d) levy such fees for the grant or renewal of any licence as may be prescribed;
- (e) make such inspection and take such samples of any material or substance as may be necessary to see whether any article or process in relation to which the Standard Mark has been used conforms to the Pakistan Standard or whether the Standard Mark has been improperly used in relation to any article or process with or without licence;
- (f) do such other acts as may be prescribed.

4. Authentication of orders and other instruments of the Institution.—All orders and decisions of, and all other instruments issued by, the Institution, shall be authenticated by the signature of such officer or officers as may be authorized by the Institution in this behalf.

5. Prohibition of improper use of Standard Mark.—(1) No person shall use, in relation to any article or process, or in the title of any patent, or in any trade mark or design the Standard Mark or any colourable imitation thereof, except under a licence granted under this Ordinance.

(2) No person shall, notwithstanding that he has been granted a licence, use in relation to any article or process the Standard Mark or any colourable imitation thereof unless such article or process conforms to the Pakistan Standard.

6. Prohibition of use of certain names, etc.—No person shall, except in such cases and under such conditions as may be prescribed, use without the previous permission of the Institution,—

- (a) any name which so nearly resembles the name of the Pakistan Standards Institution as to deceive or be likely to deceive the public or which contains the expressions "Pakistan Standard" or "Pakistan Standard Specification" or any abbreviation of such expressions; or
- (b) any mark or trade mark in relation to any article or process containing the expressions "Pakistan Standard" or "Pakistan Standard Specification" or any abbreviation of such expressions.

7. Prohibition of registration in certain cases.—(1) Notwithstanding anything contained in any law for the time being in force, no registering authority shall—

- (a) register any company, firm or other body of persons which bears any name, or
- (b) register a trade mark or design which bears any name or mark, or
- (c) grant a patent, in respect of an invention, which bears a title containing any name or mark,

if the use of such name or mark is in contravention of section 5 or section 6.

(2) If any question arises before a registering authority whether the use of any name or mark is in contravention of section 5 or section 6, the registering authority may refer the question to the Central Government, whose decision thereon shall be final.

8. Power to prohibit or restrict export of certain articles.—(1) The Central Government in the Ministry of Commerce may, by notification in the official Gazette and subject to such conditions and exceptions as may be made by or under the notification, prohibit, restrict or otherwise control the taking out of Pakistan of articles of any specified description which do not bear the Standard Mark or regulate generally all practices (including trade practices) and procedure connected with the export of such articles.

(2) No articles of the specified description shall be taken out of Pakistan except in accordance with the conditions of a licence to be issued by an officer authorized in this behalf by the Central Government in the Ministry of Commerce.

(3) All articles to which any notification under sub-section (1) applies shall be deemed to be goods of which the taking out of Pakistan has been prohibited or restricted under section 19 of the Sea Customs Act, 1878 (VIII of 1878), and all the provisions of that Act shall have effect accordingly except that section 183 thereof shall have effect as if for the word "shall" the word "may" were substituted.

9. Power to prohibit sale of certain articles.—(1) The Central Government may, after consulting the Council, by notification in the official Gazette, prohibit, with effect from such date as may be specified in the notification, the sale of any article specified therein which does not conform to the Pakistan Standard established by the Institution in relation to that article :

Provided that the date specified in the notification shall be a date not earlier than two months from the date of publication of the notification.

(2) The Central Government may, by notification in the official Gazette, require any article which conforms to a particular Pakistan Standard to be marked with such distinctive mark as may be specified in the notification.

10. Inspectors.—(1) The Institution may appoint as many Inspectors as may be necessary for the purpose of inspecting whether any article or process in relation to which the Standard Mark has been used conforms to the Pakistan Standard or whether the Standard Mark has been improperly used in relation to any article or process, with or without licence, and for the purpose of performing such other functions as may be assigned to them.

(2) Subject to any rules made under this Ordinance, an Inspector shall have power to—

- (a) inspect any operation carried on in connection with any article or process in relation to which the Standard Mark has been used ;
- (b) take samples of any article, or of any material or substance used in any article or process, in relation to which the Standard Mark has been used ;
- (c) exercise such other powers as may be prescribed.

(3) Every Inspector shall be furnished by the Institution with a certificate of appointment as an Inspector, and the certificate shall, on demand, be produced by the Inspector.

11. Power to obtain information, etc.—Every licensee shall supply the Institution with such information, and with such samples of any material or substance used in relation to any article or process, as the Institution may require.

12. Power to authorize the competent authority.—(1) The Central Government may, in consultation with the Institution, by notification in

the official Gazette, direct that any power exercisable by the Institution under this Ordinance shall, in relation to such matters and subject to such conditions as may be specified in the direction, be exercisable also by such authority or such organization as may be specified in the notification (hereinafter referred to as the 'competent authority').

(2) For avoidance of doubts, it is hereby declared that the Central Government may, by a like notification, withdraw the powers delegated to a competent authority under sub-section (1).

13. Appeals.—(1) Any person aggrieved by an order passed under clause (c) of section 3, whether by the Institution or by a competent authority, may prefer an appeal to the Central Government.

(2) The appeal shall be presented in such form and manner and within such time and on payment of such fee as may be prescribed.

(3) The Central Government shall, in dealing with appeals under this section, follow such procedure as may be prescribed.

14. Certain matters to be kept confidential.—Any information obtained by an Inspector, competent authority or the Institution from any statement made or information supplied or in any evidence given or from inspection made under the provisions of this Ordinance shall be treated as confidential :

Provided that nothing in this section shall apply to the disclosure of any information for the purpose of prosecution under this Ordinance.

15. Penalty for improper use of Standard Marks, etc.—Any person who contravenes the provisions of section 5, section 6 or section 7 shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to fifteen thousand rupees, or with both.

(2) A court convicting a person under this section may direct that any property in respect of which the contravention has taken place shall be forfeited to the Central Government.

16. Penalty for contravention of section 8.—If any person contravenes the provisions of any notification under section 8 or of any licence issued thereunder, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Sea Customs Act, 1878 (VIII of 1878), as applied by sub-section (3) of the said section 8, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

17. Penalty for other offences.—Whoever contravenes any of the provisions of this Ordinance or of any rule made or notification issued thereunder shall, if no other penalty is elsewhere provided by or under this Ordinance for such contravention, be punishable with fine which may extend to five thousand rupees.

18. Cognizance of offences by courts.—(1) No court shall take cognizance of any offence punishable under this Ordinance, save on complaint made by or under the authority of the Central Government or the Institution.

(2) No court inferior to that of a Magistrate of the first class shall try any offence punishable under this Ordinance.

19. Protection of action taken under this Ordinance.—No suit, prosecution or other legal proceeding shall lie against the Central Government or the Institution or any person acting under the authority of the Central Government or the Institution for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rule or regulation made thereunder.

20. Power to exempt.—The Central Government may, by notification in the official Gazette, exempt any article or class of articles from the operation of all or any of the provisions of this Ordinance.

21. Power to make rules.—(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

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

- (a) the procedure and manner in which the Pakistan Standard, in relation to any article or process, may be established and published;
- (b) the design of the Standard Mark in relation to each Pakistan Standard and the particulars which a Standard Mark may contain;
- (c) authorization of competent authority under section 12;
- (d) the manner in which, and the conditions subject to which, a licence to use the Standard Mark may be granted, renewed, suspended or cancelled;
- (e) the levy of fees for the grant or renewal of any licence;
- (f) the mode of inspection by the Institution and the manner in which samples may be taken by it;
- (g) the powers and functions of the Institution;
- (h) the cases in which, and the circumstances under which, exemption may be granted from the prohibition contained in section 6 and section 7;
- (i) the powers of Inspectors;
- (j) the form and manner in which and the time within which appeals may be preferred and the procedure to be followed in hearing appeals;
- (k) the forms to be used under this Ordinance;
- (l) any other matter which is to be, or may be, prescribed under this Ordinance.

22. Power to make regulations.—(1) The Institution may, with the previous approval of the Central Government, by notification in the official Gazette, make regulations, not inconsistent with this Ordinance or the rules made thereunder, to carry out the purposes of this Ordinance.