

SHORT TITLES
OF
THE CENTRAL ACTS AND ORDINANCES
FOR THE YEAR 1960.

Acts

(No Act was passed during the year 1960.)

Ordinances

- I. The Tea (Amendment) Ordinance, 1960.
- II. The Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1959.
- III. The Industrial and Commercial Employment (Standing Orders) Ordinance, 1960.
- IV. The Medical Qualifications (Information) Ordinance, 1960.
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- VI. The Capital Issues (Continuance of Control) (Second Amendment) Ordinance, 1959.
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THE TEA (AMENDMENT) ORDINANCE, 1960

ORDINANCE NO. I OF 1960

[18th January, 1960]

An Ordinance to amend the Tea Ordinance, 1959

WHEREAS it is expedient to amend the Tea Ordinance, 1959 (XLVI 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 Tea (Amendment) Ordinance, 1960.

(2) It shall come into force at once.

2. *Amendment of section 2, Ordinance XLVI of 1959.*—In the Tea Ordinance, 1959 (XLVI of 1959), hereinafter referred to as the said Ordinance, in section 2,—

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

“(aa) ‘Collector’ means—

(i) in relation to tea exported by sea, the Customs Collector as defined in clause (c) of section 3 of the Sea Customs Act, 1878 (VIII of 1878),

(ii) in relation to tea exported by land, the Collector of Land Customs appointed under section 3 of the Land Customs Act, 1924 (XIX of 1924), and

(iii) in all other cases, the officer appointed by the Central Government to perform the duties of Collector under this Ordinance ;” ;

(2) in clause (b), for the words “Development Committee” the words “Tea Development Committee” shall be substituted ; and

(3) in clauses (g) and (h), after the words “*Camellia Thea*” the words “or *Camellia Sinenensis*” shall at both places be inserted.

3. *Amendment of section 3, Ordinance XLVI of 1959.*—In the said Ordinance, in section 3,—

(1) in sub-section (1),—

(i) in clause (a), for the word “four” the word “three” shall be substituted,

(ii) in clause (b), after the word “shippers” at the end, the words “and the other the tea traders” shall be added,

(iii) in clause (c), for the words "on the recommendations of the Chambers of Commerce in East Pakistan recognized by the Central Government", the words "to represent the estates under proprietary management" shall be substituted,

(iv) after clause (d), the following new clause (dd) shall be inserted, namely :—

"(dd) Deputy Commissioner, Sylhet, *ex-officio* ;", and

(v) for clause (e) the following shall be substituted, namely :—

"(e) two persons possessing special knowledge of tea or tea cultivation, or agriculture, of whom one shall be nominated by the Central Government, and the other by the Government of East Pakistan ;"; and

(2) in sub-section (4), after the word "Pakistan", the words "or to represent the particular interest which he was elected or nominated to represent" shall be inserted.

4. *Amendment of section 4, Ordinance XLVI of 1959.*—In the said Ordinance, in section 4, after the words "control and promote the", the words "cultivation and" shall be inserted, and after the words and semi-colon "tea cultivation and tea industry ;", the words and semi-colon "to regulate and control the sale of tea ;" shall be inserted.

5. *Amendment of section 7, Ordinance XLVI of 1959.*—In the said Ordinance, in section 7, in sub-section (1), after the word "functions", the commas and words ", for payment, of contributions to any international organization connected with tea," shall be inserted.

6. *Amendment in the heading of Chapter III, Ordinance XLVI of 1959.*—In the said Ordinance, in the heading of Chapter III, for the words "DEVELOPMENT COMMITTEE" the words "TEA DEVELOPMENT COMMITTEE" shall be substituted.

7. *Amendment of section 9, Ordinance XLVI of 1959.*—In the said Ordinance, in section 9, in sub-section (1),—

(1) for the words "Development Committee", the words "Tea Development Committee" shall be substituted ;

(2) in clause (b), after the word and figure "section 3", the words "or the Deputy Commissioner, Sylhet," shall be inserted ; and

(3) for clause (c), the following shall be substituted, namely :—

"(c) two members of the Board to be appointed by the Central Government of whom one shall be from amongst the members elected on the Board under clause (a) of sub-section (1) of section 3."

8. *Amendment of section 11, Ordinance XLVI of 1959.*—In the said Ordinance, in section 11, after the words "tea estates" the words "or tea factories" shall be inserted.

9. *Amendment of section 13, Ordinance XLVI of 1959.*—In the said Ordinance, in section 13, in sub-section (3), after the words “as audited”, the words “together with a report on its activities” shall be inserted.

10. *Amendment in the heading of Chapter IV, Ordinance XLVI of 1959.*—In the said Ordinance, in the heading of Chapter IV, after the words “CONTROL OVER”, the words “CULTIVATION AND” shall be inserted.

11. *Insertion of new section 13A, Ordinance XLVI of 1959.*—In Chapter IV of the said Ordinance, before section 14, the following new section 13A shall be inserted, namely :—

“13A. *Power to direct compulsory expansion.*—(1) The Central Government may, by general or special order, direct the owner of an estate to plant or replant tea on such minimum area in that estate every year as may be specified in the order.

(2) Any owner of an estate who fails to comply with any direction issued under sub-section (1) shall be liable to pay a fine to be computed at the rate of one thousand rupees per year per acre of land in respect of which he makes default till such time as the default is made good.

(3) The fine imposed under sub-section (2) shall be realized as a public demand or as an arrear of land revenue.”

12. *Amendment of section 14, Ordinance XLVI of 1959.*—In the said Ordinance, in section 14, for sub-section (2), the following shall be substituted, namely :—

“(2) The export allotment fixed under sub-section (1) may be distributed among such tea estates, in such proportion, and in such manner, as the Central Government may from time to time determine.”

13. *Amendment of section 16, Ordinance XLVI of 1959.*—In the said Ordinance, in section 16, in sub-section (1), for the word “three” the word “four” shall be substituted.

14. *Amendment of section 19, Ordinance XLVI of 1959.*—In the said Ordinance, in section 19, for the word “exporter” and the word “exporters” the word “person” and the word “persons” shall respectively be substituted.

15. *Insertion of new section 19A, Ordinance XLVI of 1959.*—In Chapter IV of the said Ordinance, after section 19, the following new section 19A shall be inserted, namely :—

“19A. *Limitation of application of certain provisions of this Chapter.*—Nothing in sections 14 to 19 of this Chapter shall apply to tea—

(a) proved to the satisfaction of the Collector to have been imported into Pakistan from any place outside Pakistan,

- (b) shipped as stores on board any vessels, in such quantity as the Collector considers reasonable having regard to the number of the crew and passengers, and the length of the voyage on which the vessel is about to depart, or
- (c) exported as samples by post or as air freight in packages not exceeding twenty pounds avoirdupois in weight."

16. *Amendment of section 22, Ordinance XLVI of 1959.*—In the said Ordinance, in section 22, after the word "Ordinance", the words "to such extent and subject to such conditions as may be specified in the order" shall be added.

17. *Amendment of section 23, Ordinance XLVI of 1959.*—In the said Ordinance, in section 23, after the word "except", the words, figure and letter "section 13A and" shall be inserted.

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

THE PAKISTAN REFUGEES REHABILITATION FINANCE CORPORATION ORDINANCE, 1959.

ORDINANCE No. II of 1960

[25th January, 1960]

An Ordinance to repeal and, with certain amendments, re-enact the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948.

WHEREAS it is expedient to repeal and, with certain amendments, re-enact the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948 (XV of 1948).

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 Refugees Rehabilitation Finance Corporation Ordinance, 1959.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once, except in the Kalat Division in the Province of West Pakistan where it shall come into force on such day 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) “Board” means the Board of Directors of the Corporation;
- (b) “co-operative society” means a society registered or deemed to be registered under the Co-operative Societies Act, 1912 (II of 1912);
- (c) “company” means a company as defined in clause (2) of subsection (1) of section 2 of the Companies Act, 1913 (VII of 1913);
- (d) “Corporation” means the Pakistan Refugees Rehabilitation Finance Corporation;
- (e) “factory” means a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934);
- (f) “Prescribed” means prescribed by rules made or deemed to have been made under this Ordinance; and
- (g) “refugee” means a person who having been ordinarily resident in any place in the territories now comprising India, or in any area occupied by India has, on account of the setting up of the Dominions of Pakistan and India, or on account of civil disturbances or the fear of such disturbances, taken refuge in Pakistan.

3. Establishment and incorporation of the Corporation.—(1) As soon as may be after the commencement of this Ordinance, there shall be established in the manner hereinafter provided a Corporation for the purpose of rendering financial assistance in the rehabilitation of refugees.

(2) The Corporation shall be a body corporate by the name of the Pakistan Refugees Rehabilitation Finance Corporation, having perpetual succession and a common seal, with power, within the scope of this Ordinance, to hold and dispose of property and enter into contracts, and shall by the said name sue and be sued.

(3) Until a Corporation under sub-section (1) is established, the Pakistan Refugees Rehabilitation Finance Corporation established under section 3 of the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948 (XV of 1948), shall continue to function.

4. Share Capital.—(1) The authorized capital of the Corporation shall be three crores of rupees to be subscribed by the Central Government from time to time according to the needs of the Corporation.

(2) The Corporation shall pay to the Central Government interest at the rate of two *per centum* per annum on the capital subscribed by the Central Government under sub-section (1).

(3) Notwithstanding anything in sub-sections (1) and (2) the Corporation may at any time refund to the Central Government any part of the capital subscribed under sub-section (1) which it finds itself unable to use, and upon such refund its liability for interest under sub-section (2) as to that part shall cease.

5. Management.—(1) The general direction and administration of the Corporation and its affairs shall vest in a Board of Directors which, with the assistance of a Managing Director, may exercise all powers and do all acts and things which may be exercised or done by the Corporation.

(2) The Board in discharging its functions shall act on commercial considerations and shall be guided on questions of policy by such directions as the Central Government (which shall be the sole judge whether a question is a question of policy) may give it.

(3) If the Board fails to carry out any direction as aforesaid, the Central Government may remove the Directors including the Chairman and, notwithstanding anything in section 7, may appoint other persons in their place to be Directors temporarily until a fresh Board is constituted in accordance with the provisions of that section.

6. Managing Director.—(1) The Managing Director shall be appointed by the Central Government for such period and on such terms and conditions as the Central Government may determine, and shall hold office at the pleasure of the Central Government.

(2) The Managing Director shall devote his whole time to the Corporation and perform such duties as the Board may by regulations or otherwise assign to him provided that the Central Government may permit or require him to undertake any other duties.

7. Board of Directors.—(1) There shall be constituted for the purpose of administering the affairs of the Corporation a Board of Directors.

(2) The Board shall consist of ten Directors appointed by the Central Government, of whom not more than four, including the Managing Director, may be officials.

(3) The Directors shall hold office at the pleasure of the Central Government, but not for a period exceeding two years and shall be eligible for reappointment.

(4) The Board shall have a Chairman to be nominated by the Central Government out of the ten Directors appointed under sub-section (2).

(5) The Board shall have power to constitute subsidiary boards for the performance of functions delegated to them by the Board for rendering assistance towards the rehabilitation of refugees in accordance with the provisions of this Ordinance.

(6) The Central Government may, if it considers necessary, determine such remuneration as in its opinion may be paid to the Chairman or a Director other than the Managing Director for his services in such capacity.

8. Suspension, removal, etc., of Directors and filling of casual vacancies.—(1) If at any time the Central Government is satisfied that it is desirable to suspend or remove the Chairman, the Managing Director or a Director of the Board, it may suspend him for a specified period or remove him and thereupon the Chairman, the Managing Director or the Director, as the case may be, shall vacate his office.

(2) The Chairman, the Managing Director or a Director may resign his appointment by a communication addressed by him in writing to the Central Government, and the resignation shall take effect from such date as may be ordered by the Central Government.

(3) The Central Government may terminate the services of the Chairman, the Managing Director or a Director, if in its opinion, on account of transfer from, or change of the place of his ordinary residence or for any other reason, he is not able to continue to perform efficiently his duties on the Board.

(4) Any vacancy caused by the death, suspension, removal, resignation or termination of the services of the Chairman, the Managing Director or a Director may be filled by the appointment of another Chairman, Managing Director or Director, as the case may be, for the unexpired period of the term of his predecessor.

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

9. Functions of the Corporation.—(1) In accordance with the provisions of this Ordinance the Corporation shall take steps to render assistance in the rehabilitation of refugees.

(2) In particular, and without prejudice to the generality of the foregoing power and responsibility, the Corporation may, amongst other matters, carry out the following purposes of this Ordinance—

- (a) give loans to refugee shopkeepers, cottage industry workers, artisans and agriculturists whether acting individually or in association with a co-operative society or company formed for the purpose of rehabilitation ;

- (b) provided ordinary banking facilities are not normally available, give loans to refugee allottees of factories who need financial accommodation to enable them to run their factories ;
- (c) give loans to Provincial Governments for undertaking co-operative schemes devoted to the rehabilitation of refugees ;
- (d) organize schemes of rehabilitating refugees in industries, such as schemes of yarn spinning, cloth weaving, blanket making, dari weaving, hosiery manufacture, zardozi, utensil making, wood work, etc. ;
- (e) arrange for the marketing of articles manufactured by cottage industry workers ;
- (f) with the permission of the Central Government take over the operation of existing abandoned factories or businesses for which allottees capable of running them efficiently cannot be found.

Explanation.—The loans to be given by the Corporation may be in the form of cash or kind.

10. Power to charge interest on loans.—The Corporation may charge interest on its cash or kind loans advanced under sub-section (2) of section 9 at a rate which shall not exceed four and a half *per centum* per annum.

11. Limit of loans.—The Corporation shall not advance more than rupees five hundred to an individual refugee, rupees two thousand to any company, partnership or firm consisting of four or more members or partners, and rupees five thousand to a co-operative society :

Provided that larger advances may be made with the approval of the Central Government.

12. Recovery of loans.—All sums due to the Corporation shall be recoverable as arrears of land revenue, and the Corporation shall be deemed to be a local authority for the purpose of section 5 of the Revenue Recovery Act, 1890 (*I of 1890*).

13. Audit.—(1) The accounts of the Corporation 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 in consultation with the Comptroller and Auditor General of Pakistan (hereinafter referred to as the Auditor General) on such remuneration, to be paid by the Corporation, as the Central Government may fix, and 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 Corporation consistent with the requirements of that Act.

(2) Notwithstanding the provisions of sub-section (1) the Auditor General may, either of his own motion or upon a request received in this behalf from the Central Government, undertake such audit of the accounts of the Corporation at such time as may be considered necessary, and the Corporation shall, at the time of such audit, produce the account books and connected documents at such place or places as the Auditor General may fix, and furnish such explanations and information as the Auditor General or an officer or officers authorized by him in this behalf may ask for.

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

(4) The auditors shall report to the Central Government upon the half yearly 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 the necessary particulars and is properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Corporation, and, in case they have called for any explanation or information from the Board, whether it has been given and whether it is satisfactory.

(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 Corporation for the protection of the interests of the Central Government and of the creditors of the Corporation or upon the sufficiency of the procedure for auditing the affairs of the Corporation and may at any time enlarge or extend the scope of the audit or direct that a different procedure for audit be adopted or that any other examination be made by the auditors, if in its opinion the public interest so requires.

14. Rights of the Corporation in case of default.—(1) When any borrower, who is under liability to the Corporation under an agreement, makes default in payment or otherwise fails to comply with the terms of his agreement with the Corporation, such default or failure not being due to causes having the character of natural calamity, the Corporation may take over the management or possession of, or sell or realize any property pledged, mortgaged, hypothecated or assigned by the borrower to secure his liability to the Corporation.

(2) Any transfer of property made by the Corporation in exercise of its powers of sale or realization under sub-section (1) shall vest in the transferee all rights in and over the property transferred as if the sale or transfer had been made by the borrower himself.

(3) The Corporation shall have the same rights and powers with respect to the goods manufactured or produced wholly or partly from the material or other goods forming part of any security held by it as it has with respect to such material or other goods.

(4) Where the Corporation takes over the management or possession of any property under sub-section (1) all rights of the borrower in and over such property shall be deemed to have vested in the Corporation for the purpose of suits and proceedings between third parties, and the borrower in respect of such property and the Corporation shall sue and be sued on behalf of the borrower.

(5) Where before the commencement of this Ordinance the Corporation has taken over the possession and management of, or sold, realized or transferred any property pledged, mortgaged, hypothecated or assigned to it by a borrower, then, notwithstanding anything contained in any law or agreement, the property shall be deemed to have been taken over, sold or realized under this section as if this section were then in force, and all rights and liabilities shall be determined accordingly.

15. Power to call for payment before agreed period.—(1) Notwithstanding anything contained in any agreement the Corporation may by notice require any borrower to repay the entire loan together with interest due thereon by such date as may be specified in the notice—

- (a) if it appears to the Board that information false or misleading in any material particular has been given in the application for the loan or in any communication made in this connection ; or
- (b) if the borrower has failed to comply with the terms of any agreement with the Corporation in the matter of the loan ; or
- (c) if there is a reasonable apprehension that the borrower is unable to pay his debts or may go into liquidation ; or
- (d) if the property pledged, mortgaged, hypothecated or assigned to the Corporation as security for the loan is not kept in proper condition by the borrower to the satisfaction of the Corporation or if in the opinion of the Board it has depreciated in value by more than twenty *per centum* since the date of pledge, mortgage, hypothecation or assignment and further security to the satisfaction of the Board is not given ; or
- (e) if, for any other reason, in the opinion of the Board it is necessary to do so for protecting the interests of the Corporation.

(2) Any such notice as aforesaid given by the Corporation before the commencement of this Ordinance shall be deemed to have been given under this section as if this section were then in force.

16. Monthly and half-yearly statements of assets and liabilities, returns and reports on working of the Corporation.—(1) The Corporation shall furnish to the Central Government within thirty days of the date to which the statement relates, a statement in the prescribed form of its assets and liabilities as they stand at close of business on the last Saturday 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.

(2) The Corporation shall furnish in the prescribed form to the Central Government such returns and statements at such intervals as the Central Government may require from time to time.

(3) The Corporation shall furnish to the Central Government within three months of the close of each half year an audited statement in the prescribed form of its assets and liabilities as they stand at the close of that half year together with a profit and loss account for the half year and a report on the working of the Corporation during the half year, and copies of the said statement, account and report shall be published in the official Gazette.

17. Liquidation of the Corporation.—No provision of law relating to the winding up of companies or corporations shall apply to the Corporation and the Corporation shall not be wound up save by order of the Central Government and in such manner as the Central Government may direct.

18. Power of Central Government to make rules.—The Central Government may make rules not inconsistent with this Ordinance for the purpose

of giving effect to the provisions of this Ordinance and where the rules framed under this section are inconsistent with the regulations framed under the next succeeding section, the rules shall prevail.

19. Power of the Board to make regulations.—(1) The Board may with the previous sanction of the Central Government make regulations not inconsistent with this Ordinance to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance.

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

- (a) the calling of the meetings of the Board, payment of fees, if any, for attending the meeting thereof and the conduct of business thereat ;
- (b) the conditions subject to which the Corporation may grant loans ;
- (c) the rates of interest on its advances, loans and credits, the fees, the commissions, and other incidents which the Corporation may charge ;
- (d) the form and the manner of determining the sufficiency of the securities to be required by the Corporation for its loans and credits ;
- (e) the procedure for the recovery of the loans and other dues of the Corporation ;
- (f) the form of returns and statements ;
- (g) the terms and conditions of service, duties and conduct of officers and servants and agents of the Corporation ;
- (h) preparation of annual estimates of income and expenditure of the Corporation in the prescribed form and their submission to the Board for approval by such date as may be prescribed by it ;
- (i) the efficient conduct of the general affairs of the Corporation ;
- (j) the disclosure of interest, direct or indirect, of a Director of the Board in any application for loan.

(3) All regulations made under this section shall be published in the official Gazette, and shall come into force on such publication.

20. Repeal.—The Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948 (XV of 1948), is hereby repealed.

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

THE PAKISTAN REFUGEES REHABILITATION FINANCE CORPORATION ORDINANCE, 1959.

ORDINANCE No. II OF 1960

[25th January, 1960]

An Ordinance to repeal and, with certain amendments, re-enact the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948.

WHEREAS it is expedient to repeal and, with certain amendments, re-enact the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948 (XV of 1948).

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 Refugees Rehabilitation Finance Corporation Ordinance, 1959.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once, except in the Kalat Division in the Province of West Pakistan where it shall come into force on such day 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) "Board" means the Board of Directors of the Corporation ;
- (b) "co-operative society" means a society registered or deemed to be registered under the Co-operative Societies Act, 1912 (II of 1912) ;
- (c) "company" means a company as defined in clause (2) of sub-section (1) of section 2 of the Companies Act, 1913 (VII of 1913) ;
- (d) "Corporation" means the Pakistan Refugees Rehabilitation Finance Corporation ;
- (e) "factory" means a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934) ;
- (f) "Prescribed" means prescribed by rules made or deemed to have been made under this Ordinance ; and
- (g) "refugee" means a person who having been ordinarily resident in any place in the territories now comprising India, or in any area occupied by India has, on account of the setting up of the Dominions of Pakistan and India, or on account of civil disturbances or the fear of such disturbances, taken refuge in Pakistan.

3. Establishment and incorporation of the Corporation.—(1) As soon as may be after the commencement of this Ordinance, there shall be established in the manner hereinafter provided a Corporation for the purpose of rendering financial assistance in the rehabilitation of refugees.

(2) The Corporation shall be a body corporate by the name of the Pakistan Refugees Rehabilitation Finance Corporation, having perpetual succession and a common seal, with power, within the scope of this Ordinance, to hold and dispose of property and enter into contracts, and shall by the said name sue and be sued.

(3) Until a Corporation under sub-section (1) is established, the Pakistan Refugees Rehabilitation Finance Corporation established under section 3 of the Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948 (XV of 1948), shall continue to function.

4. Share Capital.—(1) The authorized capital of the Corporation shall be three crores of rupees to be subscribed by the Central Government from time to time according to the needs of the Corporation. a

(2) The Corporation shall pay to the Central Government interest at the rate of two *per centum* per annum on the capital subscribed by the Central Government under sub-section (1).

(3) Notwithstanding anything in sub-sections (1) and (2) the Corporation may at any time refund to the Central Government any part of the capital subscribed under sub-section (1) which it finds itself unable to use, and upon such refund its liability for interest under sub-section (2) as to that part shall cease.

5. Management.—(1) The general direction and administration of the Corporation and its affairs shall vest in a Board of Directors which, with the assistance of a Managing Director, may exercise all powers and do all acts and things which may be exercised or done by the Corporation.

(2) The Board in discharging its functions shall act on commercial considerations and shall be guided on questions of policy by such directions as the Central Government (which shall be the sole judge whether a question is a question of policy) may give it.

(3) If the Board fails to carry out any direction as aforesaid, the Central Government may remove the Directors including the Chairman and, notwithstanding anything in section 7, may appoint other persons in their place to be Directors temporarily until a fresh Board is constituted in accordance with the provisions of that section.

6. Managing Director.—(1) The Managing Director shall be appointed by the Central Government for such period and on such terms and conditions as the Central Government may determine, and shall hold office at the pleasure of the Central Government.

(2) The Managing Director shall devote his whole time to the Corporation and perform such duties as the Board may by regulations or otherwise assign to him provided that the Central Government may permit or require him to undertake any other duties.

7. Board of Directors.—(1) There shall be constituted for the purpose of administering the affairs of the Corporation a Board of Directors.

(2) The Board shall consist of ten Directors appointed by the Central Government, of whom not more than four, including the Managing Director, may be officials.

(3) The Directors shall hold office at the pleasure of the Central Government, but not for a period exceeding two years and shall be eligible for reappointment.

(4) The Board shall have a Chairman to be nominated by the Central Government out of the ten Directors appointed under sub-section (2).

(5) The Board shall have power to constitute subsidiary boards for the performance of functions delegated to them by the Board for rendering assistance towards the rehabilitation of refugees in accordance with the provisions of this Ordinance.

(6) The Central Government may, if it considers necessary, determine such remuneration as in its opinion may be paid to the Chairman or a Director other than the Managing Director for his services in such capacity.

8. Suspension, removal, etc., of Directors and filling of casual vacancies.—(1) If at any time the Central Government is satisfied that it is desirable to suspend or remove the Chairman, the Managing Director or a Director of the Board, it may suspend him for a specified period or remove him and thereupon the Chairman, the Managing Director or the Director, as the case may be, shall vacate his office.

(2) The Chairman, the Managing Director or a Director may resign his appointment by a communication addressed by him in writing to the Central Government; and the resignation shall take effect from such date as may be ordered by the Central Government.

(3) The Central Government may terminate the services of the Chairman, the Managing Director or a Director, if in its opinion, on account of transfer from, or change of the place of his ordinary residence or for any other reason, he is not able to continue to perform efficiently his duties on the Board.

(4) Any vacancy caused by the death, suspension, removal, resignation or termination of the services of the Chairman, the Managing Director or a Director may be filled by the appointment of another Chairman, Managing Director or Director, as the case may be, for the unexpired period of the term of his predecessor.

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

9. Functions of the Corporation.—(1) In accordance with the provisions of this Ordinance the Corporation shall take steps to render assistance in the rehabilitation of refugees.

(2) In particular, and without prejudice to the generality of the foregoing power and responsibility, the Corporation may, amongst other matters, carry out the following purposes of this Ordinance—

- (a) give loans to refugee shopkeepers, cottage industry workers, artisans and agriculturists whether acting individually or in association with a co-operative society or company formed for the purpose of rehabilitation;

- (b) provided ordinary banking facilities are not normally available, give loans to refugee allottees of factories who need financial accommodation to enable them to run their factories ;
- (c) give loans to Provincial Governments for undertaking co-operative schemes devoted to the rehabilitation of refugees ;
- (d) organize schemes of rehabilitating refugees in industries, such as schemes of yarn spinning, cloth weaving, blanket making, dari weaving, hosiery manufacture, zardozi, utensil making, wood work, etc. ;
- (e) arrange for the marketing of articles manufactured by cottage industry workers ;
- (f) with the permission of the Central Government take over the operation of existing abandoned factories or businesses for which allottees capable of running them efficiently cannot be found.

Explanation.—The loans to be given by the Corporation may be in the form of cash or kind.

10. Power to charge interest on loans.—The Corporation may charge interest on its cash or kind loans advanced under sub-section (2) of section 9 at a rate which shall not exceed four and a half *per centum* per annum.

11. Limit of loans.—The Corporation shall not advance more than rupees five hundred to an individual refugee, rupees two thousand to any company, partnership or firm consisting of four or more members or partners, and rupees five thousand to a co-operative society :

Provided that larger advances may be made with the approval of the Central Government.

12. Recovery of loans.—All sums due to the Corporation shall be recoverable as arrears of land revenue, and the Corporation shall be deemed to be a local authority for the purpose of section 5 of the Revenue Recovery Act, 1890 (*I of 1890*).

13. Audit.—(1) The accounts of the Corporation 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 in consultation with the Comptroller and Auditor General of Pakistan (hereinafter referred to as the Auditor General) on such remuneration, to be paid by the Corporation, as the Central Government may fix, and 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 Corporation consistent with the requirements of that Act.

(2) Notwithstanding the provisions of sub-section (1) the Auditor General may, either of his own motion or upon a request received in this behalf from the Central Government, undertake such audit of the accounts of the Corporation at such time as may be considered necessary, and the Corporation shall, at the time of such audit, produce the account books and connected documents at such place or places as the Auditor General may fix, and furnish such explanations and information as the Auditor General or an officer or officers authorized by him in this behalf may ask for.

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

(4) The auditors shall report to the Central Government upon the half yearly 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 the necessary particulars and is properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Corporation, and, in case they have called for any explanation or information from the Board, whether it has been given and whether it is satisfactory.

(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 Corporation for the protection of the interests of the Central Government and of the creditors of the Corporation or upon the sufficiency of the procedure for auditing the affairs of the Corporation and may at any time enlarge or extend the scope of the audit or direct that a different procedure for audit be adopted or that any other examination be made by the auditors, if in its opinion the public interest so requires.

14. Rights of the Corporation in case of default.—(1) When any borrower, who is under liability to the Corporation under an agreement, makes default in payment or otherwise fails to comply with the terms of his agreement with the Corporation, such default or failure not being due to causes having the character of natural calamity, the Corporation may take over the management or possession of, or sell or realize any property pledged, mortgaged, hypothecated or assigned by the borrower to secure his liability to the Corporation.

(2) Any transfer of property made by the Corporation in exercise of its powers of sale or realization under sub-section (1) shall vest in the transferee all rights in and over the property transferred as if the sale or transfer had been made by the borrower himself.

(3) The Corporation shall have the same rights and powers with respect to the goods manufactured or produced wholly or partly from the material or other goods forming part of any security held by it as it has with respect to such material or other goods.

(4) Where the Corporation takes over the management or possession of any property under sub-section (1) all rights of the borrower in and over such property shall be deemed to have vested in the Corporation for the purpose of suits and proceedings between third parties and the borrower in respect of such property and the Corporation shall sue and be sued on behalf of the borrower.

(5) Where before the commencement of this Ordinance the Corporation has taken over the possession and management of, or sold, realized or transferred any property pledged, mortgaged, hypothecated or assigned to it by a borrower, then, notwithstanding anything contained in any law or agreement, the property shall be deemed to have been taken over, sold or realized under this section as if this section were then in force, and all rights and liabilities shall be determined accordingly.

15. Power to call for payment before agreed period.—(1) Notwithstanding anything contained in any agreement the Corporation may by notice require any borrower to repay the entire loan together with interest due thereon by such date as may be specified in the notice—

- (a) if it appears to the Board that information false or misleading in any material particular has been given in the application for the loan or in any communication made in this connection ; or
- (b) if the borrower has failed to comply with the terms of any agreement with the Corporation in the matter of the loan ; or
- (c) if there is a reasonable apprehension that the borrower is unable to pay his debts or may go into liquidation ; or
- (d) if the property pledged, mortgaged, hypothecated or assigned to the Corporation as security for the loan is not kept in proper condition by the borrower to the satisfaction of the Corporation or if in the opinion of the Board it has depreciated in value by more than twenty *per centum* since the date of pledge, mortgage, hypothecation or assignment and further security to the satisfaction of the Board is not given ; or
- (e) if, for any other reason, in the opinion of the Board it is necessary to do so for protecting the interests of the Corporation.

(2) Any such notice as aforesaid given by the Corporation before the commencement of this Ordinance shall be deemed to have been given under this section as if this section were then in force.

16. Monthly and half-yearly statements of assets and liabilities, returns and reports on working of the Corporation.—(1) The Corporation shall furnish to the Central Government within thirty days of the date to which the statement relates, a statement in the prescribed form of its assets and liabilities as they stand at close of business on the last Saturday 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.

(2) The Corporation shall furnish in the prescribed form to the Central Government such returns and statements at such intervals as the Central Government may require from time to time.

(3) The Corporation shall furnish to the Central Government within three months of the close of each half year an audited statement in the prescribed form of its assets and liabilities as they stand at the close of that half year together with a profit and loss account for the half year and a report on the working of the Corporation during the half year, and copies of the said statement, account and report shall be published in the official Gazette.

17. Liquidation of the Corporation.—No provision of law relating to the winding up of companies or corporations shall apply to the Corporation and the Corporation shall not be wound up save by order of the Central Government and in such manner as the Central Government may direct.

18. Power of Central Government to make rules.—The Central Government may make rules not inconsistent with this Ordinance for the purpose

of giving effect to the provisions of this Ordinance and where the rules framed under this section are inconsistent with the regulations framed under the next succeeding section, the rules shall prevail.

19. Power of the Board to make regulations.—(1) The Board may with the previous sanction of the Central Government make regulations not inconsistent with this Ordinance to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Ordinance.

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

- (a) the calling of the meetings of the Board, payment of fees, if any, for attending the meeting thereof and the conduct of business thereat ;
- (b) the conditions subject to which the Corporation may grant loans ;
- (c) the rates of interest on its advances, loans and credits, the fees, the commissions, and other incidents which the Corporation may charge ;
- (d) the form and the manner of determining the sufficiency of the securities to be required by the Corporation for its loans and credits ;
- (e) the procedure for the recovery of the loans and other dues of the Corporation ;
- (f) the form of returns and statements ;
- (g) the terms and conditions of service, duties and conduct of officers and servants and agents of the Corporation ;
- (h) preparation of annual estimates of income and expenditure of the Corporation in the prescribed form and their submission to the Board for approval by such date as may be prescribed by it ;
- (i) the efficient conduct of the general affairs of the Corporation ;
- (j) the disclosure of interest, direct or indirect, of a Director of the Board in any application for loan.

(3) All regulations made under this section shall be published in the official Gazette, and shall come into force on such publication.

20. Repeal.—The Pakistan Refugees Rehabilitation Finance Corporation Ordinance, 1948 (XV of 1948), is hereby repealed.

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

THE INDUSTRIAL AND COMMERCIAL EMPLOYMENT (STANDING ORDERS) ORDINANCE, 1960.

ORDINANCE No. III OF 1960

[3rd January, 1960]

An Ordinance to repeal and, with certain amendments, re-enact the Industrial Employment (Standing Orders) Act, 1946.

WHEREAS it is expedient to repeal and, with certain amendments, re-enact the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946);

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 Industrial and Commercial Employment (Standing Orders) Ordinance, 1960.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(4) It applies to every industrial establishment and commercial establishment wherein fifty or more workmen are employed, or were employed on any day of the preceding twelve months, and to such class or classes of other industrial or commercial establishments as the appropriate Government may from time to time, by notification in the official Gazette, specify in this behalf.

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

(a) “appropriate Government” means—

(i) in relation to any industrial or commercial establishment in the Federal Capital, or concerning a mine, oilfield, major port, gas and oil pipelines and operations carried on within any petroleum refinery premises, or any industry carried on by or under the authority of the Central Government, the Central Government; and

(ii) in relation to any other industrial or commercial establishment the Provincial Government;

Explanation.—For the purposes of this clause, ‘oilfield’ includes any refinery, undertaking or other establishment engaged in or connected with the supply or distribution of mineral oil or natural gas;

(b) “collective agreement” means an agreement in writing, intended to specify the conditions of employment, and entered into between one or more employers on the one hand, and one or more trade unions or, where there is no trade union, the duly authorized representatives of workmen, on the other;

(c) “commercial establishment” means a joint stock company, a banking company or a bank, an insurance company, a chamber of commerce, a club, a hotel or a restaurant, but does not include an industrial establishment;

- (d) "employer" means the owner of an industrial or commercial establishment to which this Ordinance for the time being applies, and includes—
- (i) in a factory, any person named under clause (e) of sub-section (1) of section 9 of the Factories Act, 1934 (XXV of 1934), as manager of the factory;
 - (ii) in any industrial establishment under the control of any department of any Government in Pakistan, the authority appointed by such Government in this behalf, or where no authority is so appointed, the head of the department;
 - (iii) in any other industrial or commercial establishment, any person responsible to the owner for the supervision and control of such establishment;
- (e) "industrial establishment" means—
- (i) an industrial establishment as defined in clause (ii) of section 2 of the Payment of Wages Act, 1936 (IV of 1936), or
 - (ii) a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934), or
 - (iii) a railway as defined in clause (4) of section 3 of the Railway Act, 1890 (IX of 1890), or
 - (iv) the establishment of a person who, for the purpose of fulfilling a contract with the owner of any industrial or commercial establishment, employs workmen;
- (f) "Standing Orders" means the orders contained in the Schedule, read with such modifications, if any, as may be made in pursuance of the provisions of section 4;
- (g) "trade union" means a trade union for the time being registered under the Trade Unions Act, 1926 (XVI of 1926);
- (h) "workman" means any person employed in any industrial or commercial establishment to do any skilled or unskilled, manual or clerical, labour for hire or reward, but does not include any member of the armed forces of Pakistan.

3. Enforcement of Standing Orders.—In every industrial or commercial establishment, conditions of the employment of workmen and other incidental matters shall, subject to the other provisions of this Ordinance, be regulated in accordance with the Standing Orders.

4. Modification of Standing Orders.—The Standing Orders may be modified by means of a collective agreement and not otherwise:

Provided that no such agreement shall have the effect of taking away or diminishing any right or benefit available to the workmen under the provisions of the Schedule.

5. Posting of Standing Orders.—The text of the Standing Orders shall be prominently posted and kept in a legible condition by the employer in English and in the language understood by the majority of his workmen on special boards to be maintained for the purpose at or near the entrance through which the majority of the workmen enter the industrial or commercial establishment and in all departments thereof where the workmen are employed.

6. Inspectors.—(1) The Inspectors of Mines appointed under section 4 of the Mines Act, 1923 (IV of 1923), the Inspectors appointed under section 10 of the Factories Act, 1934 (XXV of 1934), and such other persons, not being conciliation officers appointed under section 4 of the Industrial Disputes Ordinance, 1959 (LVI of 1959), as the appropriate Government may, by notification in the official Gazette, appoint, shall be the Inspectors for the purposes of this Ordinance within the local limits assigned to each.

(2) An Inspector may at all reasonable hours enter on any premises and make such examination of any register or document relating to the maintenance or enforcement of the Standing Orders and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of this Ordinance.

(3) Every Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code (XLV of 1860).

7. Penalties and procedure.—(1) An employer who modifies his Standing Orders otherwise than in accordance with section 4 shall be punishable with fine which may extend to five thousand rupees, and in the case of a continuing offence, with a further fine which may extend to two hundred rupees for every day after the first during which the offence continues.

(2) An employer who does any act in contravention of the Standing Orders as applicable to his industrial or commercial establishment shall be punishable with fine which may extend to one hundred rupees, and in the case of a continuing offence, with a further fine which may extend to twenty-five rupees for every day after the first during which the offence continues.

(3) Whoever contravenes any of the provisions of this Ordinance shall, if no other penalty is elsewhere provided by or under this Ordinance for such contravention, be punishable with fine which may extend to one hundred rupees.

(4) No prosecution for an offence punishable under this Ordinance shall be instituted except by, or with the previous permission in writing of, the Inspector.

(5) No court inferior to that of a Magistrate of the second class shall try any offence under this Ordinance.

8. Power to exempt.—The appropriate Government may, by notification in the official Gazette, exempt conditionally or unconditionally, any industrial or commercial establishment or class of such establishments from all or any of the provisions of this Ordinance.

9. Protection to existing conditions of employment.—Nothing in this Ordinance shall affect any law, custom, usage, award or agreement in force immediately before the promulgation of this Ordinance, in so far as such law, custom, usage, award or agreement ensures conditions of employment more favourable to workmen than those provided in the Standing Orders.

10. Repeal.—The Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), is hereby repealed.

SCHEDULE

STANDING ORDERS

[See section 2(f)]

1. *Classification of workmen.*—(a) Workmen shall be classified as—

- (1) permanent,
- (2) probationers,
- (3) badlis,
- (4) temporary,
- (5) casual,
- (6) apprentices.

(b) A “permanent” workman is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial or commercial establishment, including breaks due to sickness, accident, leave, lockout, strike (not being an illegal strike) or involuntary closure of the establishment.

(c) A “probationer” is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months’ service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationary period of three months, be reverted to his old permanent post.

(d) A “badli” is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent.

(e) A “temporary” workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.

(f) A “casual” workman is a workman whose employment is of a casual nature.

(g) An “apprentice” is a learner who is paid an allowance during the period of his training.

2. *Tickets.*—(1) Every workman shall be given a permanent ticket unless he is a probationer, a badli, a temporary or casual workman or an apprentice.

(2) Every permanent workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorized by the manager to inspect it.

(3) Every badli shall be provided with a badli card, on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains permanent employment.

(4) Every temporary workman shall be provided with a ‘temporary’ ticket which he shall surrender on his discharge.

(5) Every casual worker shall be provided with a casual card, on which shall be entered the days on which he has worked in the establishment.

(6) Every apprentice shall be provided with an apprentice card, which shall be surrendered if he obtains permanent employment.

3. *Publication of working time.*—The periods and hours of work for all classes of workers in each shift shall be exhibited in English and in

the principal languages of workmen employed in the establishment on notice boards maintained at or near the main entrance of the establishment and at the time-keeper's office, if any.

4. *Publication of holidays and pay days.*—Notices specifying (a) the days observed by the establishment as holidays and (b) pay days shall be posted on the said notice boards.

5. *Publication of wage rates.*—Notices specifying the rates of wages payable to all classes of workmen and for all classes of work shall be displayed on the said notice boards.

6. *Shift working.*—More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without one month's notice being given prior to such discontinuance, provided that no such notice shall be necessary if, as a result of the discontinuance of the shift, no permanent employee will be discharged. If as a result of discontinuance of shift working, any permanent workmen are to be discharged, they shall be discharged having regard to the length of their service in the establishment, those with the shortest term of service being discharged first. If shift working is restarted, a week's notice thereof shall be given by posting a notice at the main entrance of the establishment and the time-keeper's office, if any; and the workmen discharged as a result of the discontinuance of the shift, shall, if they present themselves at the time of the restarting of the shift, have preference in being re-employed, having regard to the length of their previous service under the establishment, those with the longest term of service being re-employed first.

7. *Attendance and late coming.*—All workmen shall be at work at the establishment at the times fixed and notified under paragraph 3. Workmen attending late shall be liable to the deductions provided for in the Payment of Wages Act, 1936 (IV of 1936).

8. *Leave.*—(1) Holidays with pay shall be allowed as provided for in Chapter IVA of the Factories Act, 1934 (XXV of 1934), and other holidays in accordance with law, contract, custom and usage.

(2) A workman who desires to obtain leave of absence shall apply to the manager, who shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the worker. If the leave is refused or postponed, the fact of such refusal or postponement and the reasons therefor shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof he shall apply to the manager who shall send a written reply either granting or refusing extension of leave to the workman if his address is available and if such reply is likely to reach him before the expiry of the leave originally granted to him.

(3) If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless he (a) returns within 8 days of the expiry of the leave and (b) explains to the satisfaction of the manager his inability to return before the expiry of his leave. In case the workman loses his lien on his appointment, he shall be entitled to be kept on the 'badli' list.

9. *Casual leave*.—A workman may be granted casual leave of absence with or without pay not exceeding 10 days in the aggregate in one calendar year. Such leave shall not be for more than three days at a time except in the case of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the department in the establishment shall be obtained before such leave is taken, but when this is not possible, the head of the department shall, as soon as may be practicable, be informed in writing of the absence from and of the probable duration of such absence.

10. *Payment of Wages*.—(1) Any wages, due to the workman but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wage pay day in each week, which shall be notified on the notice boards as aforesaid.

(2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wage period in respect of which the wages are payable, according as the total number of workmen employed in the establishment does not or does exceed one thousand.

11. *Stoppage of work*.—(1) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.

(2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put upon the notice board in the departments concerned or at the office of the manager, as soon as practicable, when work will be resumed and whether they are to remain or leave their place of work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour the workmen so detained shall not be paid for the period of detention. If the period of the detention exceeds one hour, the workmen so detained shall be entitled to receive wages for the whole of the time during which they are detained as a result of the stoppage. In the case of piece-rate workers, the average daily earning for the previous month shall be taken to be the daily wage. No other compensation will be admissible in case of such stoppages. Wherever practicable, reasonable notice shall be given of resumption of normal work.

(3) In cases where workmen are laid off for short periods on account of failure of plant or a temporary curtailment of production, the period of unemployment shall be treated as compulsory leave either with or without pay, as the case may be. When, however, workmen have to be laid off for an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof.

(4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down either wholly or partially such section or department and any other section or department affected by such closing down. The fact of such closure shall be notified by notices put on the notice board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to resumption of work, as to when work will be resumed.

12. *Termination of employment.*—(1) For terminating employment of a permanent workman, notice in writing shall be given either by the employer or the workman—one month's notice in the case of monthly-rated workmen and two weeks' notice in the case of other workmen; one month's or two weeks' pay, as the case may be, may be paid in lieu of notice.

(2) No temporary workman whether monthly-rated, weekly-rated or piece-rated and no probationer or badli shall be entitled to any notice or pay in lieu thereof if his services are terminated, but the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct, alleged against him in the manner prescribed in paragraph 13.

(3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the day on which his employment is terminated.

13. *Fine.*—(1) A workman may be fined up to half-an-anna in the rupee of wages in a month for any of the following acts and omissions, namely :—

- (i) in cases where the Payment of Wages Act, 1936 (IV of 1936), is applicable the list of acts and omissions for which fine may be levied shall be same as approved by the Inspector of Factories or any other officer concerned; and
- (ii) in other cases, the following shall be the list of acts and omissions :—
 - (a) Disregard or disobedience of rules or orders.
 - (b) Improper behaviour, such as drunkenness.
 - (c) Making false or misleading statements.
 - (d) Inefficient, dilatory, careless, or wasteful working.
 - (e) Malingering.

(2) A workman may be suspended for a period not exceeding four days at a time or dismissed without notice or any compensation in lieu of notice, if he is found to be guilty of misconduct.

(3) The following acts and omissions shall be treated as misconduct :—

- (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 establishments or any act subversive of discipline,
- (i) habitual negligence or neglect of work,
- (j) frequent repetition of any act or omission for which a fine may be imposed to a maximum of 2 per cent. of the wages in a month,
- (k) striking work or inciting other to strike work in contravention of the provisions of any law, or rule having the force of law.

(4) No order of dismissal shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him. The approval of the manager of the establishment or where there is no manager, of the employer is required in every case of dismissal and, when circumstances appear to warrant it the manager or the employer may institute independent enquiries before dealing with charges against a workman.

(5) An order of suspension shall be in writing and may take effect immediately on delivery to the workman. Such order shall set out in detail the alleged misconduct and the workman shall be given an opportunity of explaining the circumstances alleged against him. If on enquiry, the order is confirmed, the workman shall be deemed to have been absent from duty for the period of suspension and shall not be entitled to any remuneration for such period. If, however, the order is rescinded the workman shall be deemed to have been on duty during the period of suspension, and shall be entitled to the same wages as he would have received if he had not been suspended.

(6) In awarding punishment under this Standing Order, the manager shall take into account the gravity of the misconduct, the previous record, if any, of the workmen and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the manager shall be supplied to the workman concerned.

14. *Complaints.*—All complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be submitted to the manager or other person specified in this behalf with the right of appeal to the employer.

15. *Certificate on Termination of Service.*—Every permanent workman shall be entitled to a service certificate at the time of his dismissal, discharge or retirement from service.

16. *Liability of manager.*—The manager of the establishment shall personally be held responsible for the proper and faithful observance of the Standing Orders.

MOHAMMAD AYUB KHAN, HP, HJ,

FIELD-MARSHAL,

President.

THE MEDICAL QUALIFICATIONS (INFORMATION) ORDINANCE, 1960.

ORDINANCE NO. IV OF 1960

[23rd February, 1960]

An Ordinance to provide for the furnishing of certain information by persons qualified in certain branches of medicine.

WHEREAS it is expedient to provide for the furnishing of certain information by persons qualified in certain branches of medicine ;

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 Qualifications (Information) Ordinance, 1960.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definition.—In this Ordinance, “Director-General” means the Director-General of Health, Government of Pakistan, Karachi, or such other place at which the office of the Director-General may for the time being be situate.

3. Liability to furnish information.—All persons residing in Pakistan, of whatever nationality, and falling within any of the Categories specified in the First Schedule, whether in the employment of Government or not, shall furnish information to the Director-General in the Form given in the Second Schedule.

4. Period within which to furnish information.—(1) The information required by section 3 shall be furnished by the person concerned so as to reach the Director-General within one month from the date of the promulgation of this Ordinance, or within such further period as the Director-General may, in special circumstances, allow.

(2) Persons who first qualify or add to their basic qualifications after the promulgation of this Ordinance shall furnish the information in respect thereof to the Director-General within one month of their first qualifying, or, as the case may be, adding to their basic qualifications, or within such further period as the Director-General may, in special circumstances, allow.

5. Penalty and procedure.—(1) Any person who, without sufficient cause, fails to furnish the information required under this Ordinance shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

(2) No Court shall take cognizance of an offence punishable under this Ordinance save on a complaint in writing made by or under the authority of the Director-General.

MOHAMMAD AYUB KHAN, HP, HJ,
FIELD-MARSHAL,

President.

THE FIRST SCHEDULE

(See section 3)

CATEGORIES

- (1) Persons holding qualifications in allopathic medicine;
 - (2) Qualified Dentists;
 - (3) Nurses, Nursing Orderlies;
 - (4) Health Visitors, Midwives and Assistant Midwives;
 - (5) Sanitary Inspectors, Malaria Inspectors, Health Assistants;
 - (6) Dispensers, Compounders, Pharmacists;
 - (7) Physiotherapists, Masseurs, Physio-therapy technicians;
 - (8) X-ray and hospital laboratory technician, and medical instrument repair technicians.
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THE SECOND SCHEDULE

(See section 3)

FORM

[Vide section 3, Medical Personnel (Information) Ordinance, 1960]

1. Name in full (in block letters):
2. Father's Name :
3. Home Address :
4. Present Address :
5. Age with year of birth :
6. Religion :
7. Male or Female :
8. Marital status :
9. Nationality (If not Pakistani, please state length of residence):
10. Educational Qualifications :
11. Professional Basic Qualifications :
 - (1)
 - (2)
 - (3)
 - (4)
 - (5)

(4) The assets required by this section to be kept invested by an insurer shall be deposited by the insurer in Pakistan for safe custody in the prescribed manner with a scheduled bank approved by the Central Government and the assets so deposited shall not be released or dealt with in any manner except in such circumstances and in such manner as may be prescribed :

Provided that the Central Government may, by notification in the official Gazette, exclude from the requirements of this sub-section any approved investments which cannot be deposited for safe custody with a scheduled bank on account of the nature of such investments."

5. Insertion of new section 27A, Act IV of 1938.—After section 27 of the said Act, the following new section 27A shall be inserted, namely :—

"27A. Insurers of general insurance business to have assets invested in Pakistan.—(1) Every insurer transacting general insurance business in Pakistan shall have assets invested in Pakistan exceeding his liabilities by at least a sum of five lakhs of rupees or ten per cent. of the net premium income, whichever is the higher :

Provided that if any insurer defined in sub-clause (a) (ii) or sub-clause (b) of clause (9) of section 2 has a paid-up capital of less than five lakhs of rupees or has no paid-up capital, the assets to be invested by him in Pakistan shall exceed his liabilities by the sum of at least one and a half lakh of rupees for every class of general insurance business transacted or ten per cent. of his net premium income, whichever is higher.

(2) For the purpose of sub-section (1), the following shall be deemed to be the liability of the insurer, namely :—

- (a) the net claims outstanding in respect of general insurance business in Pakistan ;
- (b) forty per cent. of the net premium in respect of Fire, Marine and Miscellaneous insurance business written in Pakistan ;
- (c) one hundred per cent. of the net premium in respect of Marine and Aviation Hull insurance business written in Pakistan ;
- (d) amount of provision for dividends and unpaid dividends ;
- (e) amount due to Insurance Companies carrying on insurance business ;
- (f) amount provided for taxation ;
- (g) amount due to other creditors but excluding share capital, general reserves, investment reserve, reserve for bad and doubtful debts, depreciation funds except on such items as are taken credits for as 'assets'.

Explanation.—Marine and Aviation Hull insurance business shall include any policies issued to an owner of a vessel or aircraft relating to any interest of such an owner in respect of a vessel or aircraft.

(3) For the purpose of computing assets referred to in sub-section (1), the following shall be excluded to the extent specified, namely :—

- (a) in respect of premium outstanding as at 31st January, 1958, which still remains to be collected so much as still remains to be collected till the signing of the returns under section 15 by the auditors ;

- (b) in respect of the premium outstanding as at the end of 31st December, 1958, and subsequent years, so much as has not been collected by the 31st March next following ;
- (c) sundry debts outstanding as have not been recovered till the signing of the returns under section 15 by the auditors ;
- (d) furniture and fixtures, stationery, dead-stock ;
- (e) deferred and prepaid expenses to the extent determined by the Controller of Insurance.

(4) Notwithstanding anything contained in sub-section (1), an insurer, carrying on business at the commencement of the Insurance (Amendment) Ordinance, 1960, to whom that sub-section applies, shall be deemed to have complied with the requirements of this section if he has invested not less than one-fourth of the amount required to be invested before 31st December, 1960, not less than one-half before 31st December, 1961, and not less than three-fourth before 31st December, 1962.

(5) Every insurer carrying on general insurance business in Pakistan shall, along with the returns under section 15, submit to the Controller of Insurance a return certified by an auditor showing as at 31st day of December of the preceding year the assets invested in Pakistan and all other particulars necessary to establish that the requirements of this section have been complied with and such return shall be certified by a principal officer of the insurer.

(6) The Controller of Insurance may, at any time, take such steps as he may consider necessary for the inspection or verification of the assets invested in pursuance of sub-section (1) or for the purpose of securing the particulars necessary to establish that the requirements of that sub-section have been complied with and the insurer shall comply with any requisition made in this behalf by the Controller of Insurance and if he fails to do so within two months from the receipt of the requisition he shall be deemed to have made default in complying with the requirements of this section.”.

6. Amendment of section 40, Act IV of 1938.—In section 40 of the said Act, after sub-section (1A), the following new sub-section (1B) and the Explanation shall be inserted, namely :—

“(1B) No person shall pay and no insurance agent shall receive any renewal commission in respect of a life insurance business after the expiry of licence during the validity of which such business was procured by the insurance agent unless such licence has been renewed under sub-section (3) of section 42.

Explanation.—For the purposes of this sub-section all the life insurance business to the credit of an insurance agent as at the date of the expiry of his licence, shall be deemed to have been procured by the insurance agent while holding the licence valid on the said date.”.

7. Amendment of section 42, Act IV of 1938.—In section 42 of the said Act, after sub-section (6), the following new sub-section (7) shall be added, namely :—

“(7) No insurance agent whose licence for general insurance business has not been renewed under sub-section (3) shall be granted a fresh licence for such business until after one year from the date of expiry of his last licence.”

8. **Amendment of section 44, Act IV of 1938.**—In section 44 of the said Act, in sub-section (3), for the full-stop at the end a colon shall be substituted and thereafter the following third proviso shall be added, namely :—

“ Provided also that where the nominee is a minor, it shall be lawful for the insurance agent to appoint any person to receive the commission in the event of his death during the minority of the nominee.”.

9. **Insertion of new sections 52A to 52H, Act IV of 1938.**—After section 52 of the said Act, the following heading and new sections 52A, 52B, 52C, 52D, 52E, 52F, 52G and 52H shall be inserted, namely :—

“ MANAGEMENT BY ADMINISTRATOR

52A. *When Administrator for management of insurance business may be appointed.*—(1) If at any time the Controller has reason to believe that an insurer carrying on insurance business is acting in a manner likely to be prejudicial to the interests of holders of insurance policies, he may, after giving such opportunity to the insurer to be heard as he thinks fit, make a report thereon to the Central Government.

(2) The Central Government, if it is of opinion after considering the report that it is necessary or proper to do so, may appoint an Administrator to manage the affairs of the insurer under the direction and control of the Controller.

(3) The Administrator shall receive such remuneration as the Central Government may direct and the Central Government may at any time cancel the appointment and appoint some other person as Administrator.

(4) The management of the business of the insurer shall as on and after the date of appointment of the Administrator vest in such Administrator but except with the leave of the Controller the Administrator shall not issue any further policies.

(5) As on and after the date of appointment of the Administrator any person vested with any such management immediately prior to that date shall be divested of that management.

(6) The Controller may issue such directions to the Administrator as to his powers and duties as he deems desirable in the circumstances of the case, and the Administrator may apply to the Controller at any time for instructions as to the manner in which he shall conduct the management of the business of the insurer or in relation to any matter arising in the course of such management.

52B. *Powers and duties of the Administrator.*—(1) The Administrator shall conduct the management of the business of the insurer with the greatest economy compatible with efficiency and shall, as soon as may be possible, file with the Controller a report stating which of the following courses is in the circumstances most advantageous to the general interest of the holders of insurance policies, namely :—

(a) the transfer of the business of the insurer to some other insurer ;

(b) the carrying on of its business by the insurer (in case of life insurance business whether with the policies of the business continued for the original sum insured with the addition of bonuses that attach to the policies or for reduced amounts) ;

- (c) the winding up of business of the insurer ; or
- (d) such other course as he deems advisable.

(2) On the filing of the report with the Controller, the Controller may take such action as he thinks fit for promoting the interest of the holders of insurance policies in general.

(3) Any order passed by the Controller under sub-section (2) shall be binding on all persons concerned, and shall have effect notwithstanding anything in the Memorandum or Articles of Association of the insurer, if a company.

52C. Powers of Administrator respecting property liable to attachment under section 106.—(1) If the Administrator is satisfied that any person has rendered himself liable to be proceeded against under section 106, he may, pending the institution of proceedings against such person under that section, by order in writing prohibit him or any other person from transferring or otherwise disposing of any property which, in the opinion of the Administrator, would be liable to attachment in proceedings under that section.

(2) Any person aggrieved by an order made by the Administrator under sub-section (1) may, within fourteen days from the date on which the order is served on him, appeal against such order to the Central Government and the Central Government may pass such order thereon as it thinks fit.

(3) An order made by the Administrator under sub-section (1) shall, subject to any order made by the Central Government on appeal, be in force for a period of three months from the date of the order unless, before the expiry of the said period, an application is made under sub-section (1) of section 106 to the Court competent to exercise jurisdiction under that sub-section, and when such an application is made, the order shall, subject to any order made by that Court, continue in force as if it were an order of attachment made by that Court in proceedings under that section.

(4) An order made by the Administrator under this section shall,—

- (a) in the case of an order affecting a corporation or firm, be served in the manner provided for the service of summons in rule 2 of Order XXIX or rule 3 of Order XXX, as the case may be, in the First Schedule to the Code of Civil Procedure, 1908, and
- (b) in the case of an order affecting a person not being a corporation or firm, be served on such person,—
 - (i) personally, by delivering or tendering to him the order, or
 - (ii) by post, or
 - (iii) where the person cannot be found, by leaving a copy of the order with some adult male member of his family or by affixing such copy to some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain, and every such order shall also be published in the official Gazette.

(5) If any question arises whether a person was duly served with an order under sub-section (4) the publication of the order in the official Gazette shall be conclusive proof that the order was so served, and a failure to comply with the provisions of clause (a) or clause (b) of sub-section (4), shall not affect the validity of the order.

(6) Notwithstanding anything contained in this section, any property in respect of which an order has been made by the Administrator may, with the previous permission of the Administrator and subject to such terms and conditions as he may impose, be transferred or otherwise disposed of.

(7) Notwithstanding anything contained in any other law for the time being in force, the transfer or other disposition of any property in contravention of any order made by the Administrator under this section or of any terms and conditions imposed by him shall be void.

(8) For the purpose of enabling him to form an opinion as to whether any property would be liable to attachment in proceedings under section 106 or for the purpose of enabling him to institute proceedings under that section, the Administrator may require any person to furnish information on such points or matters as, in the opinion of the Administrator may be relevant for the purpose, and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 of the Pakistan Penal Code.

(9) The Administrator shall have all the powers of a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely :—

- (a) summoning and enforcing the attendance of witnesses and examining them on oath ;
- (b) requiring the production of documents ; and
- (c) receiving evidence on affidavits ;

and any proceeding before the Administrator under this section shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Pakistan Penal Code.

(10) Save as provided in this section or in section 106, and notwithstanding anything contained in any other law for the time being in force,—

- (a) no suit or other legal proceeding shall lie in any court to set aside or modify any order of the Administrator or the Central Government made under this section, and
- (b) no court shall pass any decree, grant any injunction or make any other order which shall have the effect of nullifying or affecting in any way any such order.

52D. *Cancellation of contracts and agreements.*—The Administrator may, at any time during the continuance of his appointment with respect to any insurer and after giving an opportunity to the persons concerned to be heard, cancel or vary (either unconditionally or subject to such conditions as he thinks fit to impose) any contract or agreement (other than a policy) between the insurer and any other person which the Administrator is satisfied is prejudicial to the interests of holders of insurance policies.

52E. Termination of appointment of Administrator.—If at any time, on a report made by the Controller in this behalf, it appears to the Central Government that the purpose of the order appointing the Administrator has been fulfilled or that for any reason it is undesirable that the order of appointment should remain in force, the Central Government may cancel the order and thereupon the Administrator shall be divested of the management of the insurance business which shall, unless otherwise directed by the Central Government, again vest in the person in whom it was vested immediately prior to the date of appointment of the Administrator.

52F. Finality of decision of appointing Administrator.—Any order or decision of the Central Government made in pursuance of section 52A or section 52E shall be final and shall not be called in question in any court.

52G. Penalty for withholding document or property from Administrator.—If any director or officer of the insurer or any other person fails to deliver to the Administrator any books of account, registers or any other documents in his custody relating to the business of the insurer the management of which has vested in the Administrator, or retains any property of such insurer, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

52H. Protection of action taken under sections 52A to 52D.—
(1) No suit, prosecution or other legal proceeding shall lie against an Administrator for anything which is in good faith done or intended to be done in pursuance of section 52A, section 52B, section 52C or section 52D.

(2) No suit or other legal proceeding shall lie against the Central Government or the Controller for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under section 52A, section 52B or section 52E.”.

10. Substitution of section 106, Act IV of 1938.—For section 106 of the said Act, the following shall be substituted, namely :—

“106. *Power of court to order restoration of property of insurer or compensation in certain cases.*—(1) If, on the application of the Controller or an Administrator appointed under section 52A or an insurer or any policy-holder or any member of an insurance company or the liquidator of an insurance company (in the event of the insurance company being in liquidation), the Court is satisfied—

- (a) that any insurer (including in any case where the insurer is an insurance company any person who has taken part in the promotion or formation of the insurance company or any past or present director, managing agent, manager, secretary or liquidator) or any officer, employee or agent of the insurer,—
 - (i) has misapplied or retained or become liable or become accountable for any money or property of the insurer ; or
 - (ii) has been guilty of any misfeasance or breach of trust in relation to the insurer ; or
- (b) that any person, whether he is or has been in any way connected with the affairs of the insurer or not, is in wrongful possession of any money or property of the insurer or having

any such money or property in his possession wrongfully withholds it or has converted it to any use other than that of the insurer, or

- (c) that by reason of any contravention of the provisions of this Act, the amount of the life insurance fund has been diminished;

the Court may examine any such insurer, director, managing agent, manager, secretary or liquidator or any such officer, employee or agent of the insurer or such other person, as the case may be, and may compel him to contribute such sums to the assets of the insurer by way of compensation in respect of the misapplication, retainer, misfeasance or breach of trust as the Court thinks fit, or to pay such sum as may be found due from him in respect of any money or property of the insurer for which he is liable or accountable or to restore any money or property of the insurer or any part thereof, as the case may be; and where the amount of the life insurance fund has been diminished by reason of any contravention of the provisions of this Act, the Court shall have power to assess the sum by which the amount of the fund has been diminished and to order the person guilty of such contravention to contribute to the fund the whole or any part of that sum by way of compensation; and in any of the aforesaid cases the Court shall have power to order interest to be paid at such rate and from such time as the Court may deem fit.

(2) Without prejudice to the provisions contained in sub-section (1) or sub-section (3), where it is proved that any money or property of an insurer has disappeared or has been lost, the Court shall presume that every person in charge of, or having a disposing power over, such money or property at the relevant time (whether a director, manager, principal officer or any other officer) has become accountable for such money or property within the meaning of sub-clause (i) of clause (a) of sub-section (1), and the provisions of that sub-section shall apply accordingly, unless such person proves that the money or property has been utilized or disposed of in the ordinary course of the business of the insurer and for the purpose of that business or that he took all reasonable steps to prevent the disappearance or loss of such money or property or otherwise satisfactorily accounts for such disappearance or loss.

(3) Where the insurer is an insurance company and any of the acts referred to in clauses (a), (b) and (c) of sub-section (1) has been committed by any person, every person who was at the relevant time a director, managing agent, manager, liquidator, secretary or other officer of the insurance company shall, for the purposes of that sub-section be deemed to be liable for that act in the same manner and to the same extent as the person who has committed the act, unless he proves that act was committed without his consent or connivance and was not facilitated by any neglect or omission on his part.

(4) Where at any stage of the proceedings against any person under this section (hereinafter referred to as the delinquent), the Court is satisfied by affidavit or otherwise—

- (a) that a *prima facie* case has been made out against the delinquent; and
- (b) that it is just and proper so to do in the interests of the policy-holders of an insurer or of the members of an insurance company, the Court may direct the attachment of—
 - (i) any property of the insurer in the possession of the delinquent;

- (ii) any property of the delinquent which belongs to him or is deemed to belong to him within the meaning of sub-section (5) ;
- (iii) any property transferred by the delinquent within two years before the commencement of proceedings under sub-section (1) or during the pendency of such proceedings, if the Court is satisfied by affidavit or otherwise that the transfer was otherwise than in good faith and for consideration.

(5) For the purposes of sub-section (4), the following classes of property shall be deemed to belong to a delinquent :—

- (a) any property standing in the name of any person which by reason of the person being connected with the delinquent, whether by way of relationship or otherwise, or on account of any other relevant circumstances appears to belong to the delinquent ;
- (b) the property of a private company in respect of the affairs of which the delinquent, by himself or through his nominees, relatives, partners or persons interested in any shares of the company is able to exercise or is entitled to acquire control, whether direct or indirect.

Explanation.—For the purposes of this section a person shall be deemed to be a nominee of a delinquent, if, whether directly or indirectly, he possesses on behalf of the delinquent, or may be required to exercise on the direction or on behalf of the delinquent, any right or power which is of such a nature as to enable the delinquent to exercise or to entitle the delinquent to acquire control over the company's affairs.

(6) Any claim to any property attached under this section or any objection to such attachment shall be made by an application to the Court and it shall be for the claimant or objector to adduce evidence to show that the property is not liable to attachment under this section, and the Court shall proceed to investigate the claim or objection in a summary manner.

(7) When disposing of an application under sub-section (1), the Court shall, after giving all persons who appear to it to be interested in any property attached under this section an opportunity of being heard, make such order as it thinks fit respecting the disposal of any such property for the purpose of effectually enforcing any liability under this section, and all such persons shall be deemed to be parties to the proceedings under this section.

(8) In any proceedings under this section the Court shall have full powers and exclusive jurisdiction to decide all questions of any nature whatsoever arising thereunder and in particular, with respect to any property attached under this section, and no other Court shall have jurisdiction to decide any such question in any suit or other legal proceeding.

(9) In making any order with respect to the disposal of the property of any private company referred to in clause (b) of sub-section (5), the Court shall have due regard to the interests of all persons interested in such property other than the delinquent and persons referred to in that clause.

(10) This section shall apply notwithstanding that the act is one for which the person concerned may be criminally liable.

(11) In proceedings under this section the Court shall have all the powers which a Court has under section 237 of the Companies Act, 1913.

(12) This section shall apply in respect of a provident society as defined in Part III as it applies in respect of an insurer.

(13) The Court entitled to exercise jurisdiction under this section shall be the High Court within whose jurisdiction the registered office of the insurer is situate (hereinafter referred to as the High Court) and any proceedings under this section pending immediately before the commencement of the Insurance (Amendment) Ordinance, 1960, in any court other than the High Court shall, on such commencement, stand transferred to the High Court.

(14) The High Court may make rules providing for—

- (a) the manner in which enquiries and proceedings may be held under this section ;
- (b) any other matter for which provision has to be made for enabling the High Court to effectively exercise its jurisdiction under this section.”.

11. Amendment of Fifth Schedule, Act IV of 1938.—In the Fifth Schedule of the said Act, in Part II, in paragraph 2,—

- (i) for the word “quinquennial” first occurring, the word “annual” shall be substituted, and
- (ii) in the proviso, clause (a) shall be omitted.

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

**THE CAPITAL ISSUES (CONTINUANCE OF CONTROL)
(SECOND AMENDMENT) ORDINANCE, 1959.**

ORDINANCE NO. VI OF 1960

[27th February, 1960]

An Ordinance further to amend the Capital Issues (Continuance of Control) Act, 1947.

WHEREAS it is expedient further to amend the Capital Issues (Continuance of Control) Act, 1947 (XXIX of 1947), 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 Capital Issues (Continuance of Control) (Second Amendment) Ordinance, 1959.

(2) It shall come into force at once.

2. Amendment of section 10, Act XXIX of 1947.—In section 10 of the Capital Issues (Continuance of Control) Act, 1947 (XXIX of 1947), after the words “that Government” at the end, the words “or to a Provincial Government” shall be added.

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

Price : Anna 1

THE COAL MINES LABOUR WELFARE FUND (AMENDMENT) ORDINANCE, 1960.

ORDINANCE NO. VII OF 1960

[14th March, 1960]

An Ordinance further to amend the Coal Mines Labour Welfare Fund Act, 1947.

WHEREAS it is expedient further to amend the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), 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 Coal Mines Labour Welfare Fund (Amendment) Ordinance, 1960.

(2) It shall come into force at once.

2. Amendment of section 5, Act XXXII of 1947.—In the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), in section 5, in subsection (7), for the word “February” the word “May” shall be substituted.

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

Price : Anna 1

GPPK—L 206 Law—25-6-60—800

THE RAILWAYS (TRANSPORT OF GOODS) (AMENDMENT) ORDINANCE, 1960.

ORDINANCE NO. IX OF 1960

[23rd March, 1960]

An Ordinance further to amend the Railways (Transport of Goods) Act, 1947.

WHEREAS it is expedient further to amend the Railways (Transport of Goods) Act, 1947 (XII of 1947) ;

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 Railways (Transport of Goods) (Amendment) Ordinance, 1960.

(2) It shall come into force at once.

2. Amendment of section 1, Act XII of 1947.—In the Railways (Transport of Goods) Act, 1947 (XII of 1947), hereinafter referred to as the said Act, in section 1, in sub-section (3), for the word “thirteen” the word “sixteen” shall be substituted.

3. Amendment of section 5, Act XII of 1947.—In section 5 of the said Act, for the word “Crown” the word “State” shall be substituted.

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

Price : Anna 1

THE MUNICIPAL ADMINISTRATION ORDINANCE, 1960

ORDINANCE No. X OF 1960

[11th April, 1960]

An Ordinance to consolidate and amend the law relating to municipal administration in Pakistan.

WHEREAS it is expedient to consolidate and amend the law relating to municipal administration 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 :—

PART I

INTRODUCTORY

1. Short title, extent and commencement.—(1) This Ordinance may be called the Municipal Administration Ordinance, 1960.

(2) It extends to the whole of Pakistan.

(3) This section and section 3 shall come into force at once, and the remaining provisions of the Ordinance shall come into force in such areas and on such dates as the Government may, by notification in the official Gazette, appoint in this behalf.

2. Power to except local areas from provisions unsuited thereto.—

(1) Should the circumstances of any area in which this Ordinance has been brought into force be such that, in the opinion of the Government, any of the provisions of the Ordinance are unsuited thereto, the Government may, by notification in the official Gazette, except that area from the operation of those provisions and thereupon the said provisions shall not apply to such area until the notification is rescinded.

(2) While such exception as aforesaid remains in force, the Government may make rules for the regulation of the matters so excepted.

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

(1) “annual letting value” means the annual rent at which a building or land exclusive of furniture or machinery contained or situate therein or thereon, may reasonably be expected to be let from year to year, and shall include all payments made or agreed to be made by a tenant to the owner of the building or land on account of occupation, taxes, insurance or other charges incidental to the occupancy ;

(2) “appointed member” means a member who is neither an elected member nor an official member ;

- (3) "budget" means an official statement of the income and expenditure of a Municipal Committee for a financial year ;
- (4) "building" includes any shop, house, hut, outhouse, shed, stable or enclosure built of any material and used for any purpose, and also includes a wall, well, verandah, platform, plinth and steps ;
- (5) "building line" means a line beyond which the outer face or any part of an external wall of a building may not project in the direction of any street, existing or proposed ;
- (6) "by-laws" means by-laws made under this Ordinance ;
- (7) "Chairman" means the Chairman of a Municipal Committee ;
- (8) "Commissioner" means the chief officer in charge of the revenue administration of the Division concerned and, as respects the Federal Capital, the Administrator of Karachi, and includes any officer specially appointed by the Government to perform all or any of the functions of a Commissioner under this Ordinance ;
- (9) "conservancy" means the removal and disposal of refuse ;
- (10) "Controlling Authority" means in the case of such Municipal Committees or class of Municipal Committees as the Government may from time to time, by notification in the official Gazette, specify in this behalf, the Government, and in all other cases, the Commissioner ;
- (11) "dairy" includes any farm, cattle-shed, cow-house, milk-store, milk-shop, or other place from where milk or milk products are supplied for sale ;
- (12) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying of sullage or rain water ;
- (13) "drug" means any substance used as medicine or in the composition or preparation of medicine, whether for internal or external use ;
- (14) "dwelling house" means any building used or adapted to be used wholly or principally for human habitation ;
- (15) "elected member" means the Chairman of every Union Committee in a municipality or, where the number of such Committees exceeds thirty, every such Chairman elected under the Ordinance to be a member ;
- (16) "erect or re-erect a building" means the construction of a new building and includes such material alterations of a building as may be prescribed ;
- (17) "factory" has the meaning assigned to it under the Factories Act, 1934 (XXV of 1934) ;
- (18) "food" includes every article used for food or drink by human beings but does not include drugs and water ;

- (19) "Government" means, in the case of the Federal Capital, the Central Government, and in other cases, the Provincial Government ;
- (20) "improvement trust" means any body or authority, including a development authority entrusted with the functions of town improvement ;
- (21) "land" includes land which is being built upon, or is built up or is covered with water ;
- (22) "market" means a place where persons assemble for the sale and purchase of meat, fish, fruit, vegetable, or any other article of food or for the sale and purchase of livestock or animals and includes any place which may be notified as a market in accordance with the rules ;
- (23) "member" means a member of a Municipal Committee ;
- (24) "Municipal Committee" means a Municipal Committee constituted under this Ordinance ;
- (25) "Municipal Fund" means the fund of a Municipal Committee ;
- (26) "municipality" means an urban area, declared to be a municipality under this Ordinance ;
- (27) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property ;
- (28) "occupier" includes an owner in actual occupation of his own land or building and also any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which the word is used ;
- (29) "official member" means a member who is an official ;
- (30) "Order" means the Basic Democracies Order, 1959 (P. O. 18 of 1959) ;
- (31) "owner" includes the person for the time being receiving the rent of land and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if land or building were let to a tenant ;
- (32) "prescribed" means prescribed by rules made under this Ordinance ;
- (33) "Principal Officer" means a servant of a Municipal Committee notified as such by the Government ;
- (34) "public place" means any building, premises or place to which the public have access ;
- (35) "refuse" includes rubbish, offal, night soil, carcasses of animals, deposits of sewage, waste and any other offensive matter ;
- (36) "regulations" means regulations made under this Ordinance ;

- (37) "remuneration" includes salary, allowances and pension ;
- (38) "rent" means whatever is lawfully payable in money or kind by a tenant or lessee on account of the occupation of any building or land ;
- (39) "rules" means rules made under this Ordinance ;
- (40) "street line" means a line dividing the land comprised in, and forming part of, a street from the adjoining land ;
- (41) "sullage" includes sewerage, polluted water, rain water, and any other offensive matter carried by a drain ;
- (42) "tax" includes any toll, rate, fee, or other impost leviable under this Ordinance ;
- (43) "vehicle" means a wheeled conveyance capable of being used on a street ;
- (44) "Vice-Chairman" means the Vice-Chairman of a Municipal Committee ;
- (45) "water-work" includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct, sluice, pipe, culvert, engine and other appliance, and anything for supplying or used for supplying water.

(2) Words and expressions used but not defined in this Ordinance shall, unless the context otherwise requires, have the meaning assigned to them in the Order.

4. Repeals and Savings.—(1) On the coming into force of this Ordinance in any area, the enactments mentioned in the First Schedule shall, if and in so far as applicable to that area, stand repealed.

(2) Where an enactment stands repealed under sub-section (1), any appointment, rule, regulation, or by-law made, notification, order or notice issued, tax imposed or assessed, contract entered into, suit instituted or action taken under such enactment shall, so far as it is not inconsistent with the provisions of this Ordinance and the rules, be deemed to have been respectively made, issued, imposed or assessed, entered into, instituted or taken under this Ordinance.

5. Succession.—A Municipal Committee constituted under this Ordinance shall be the successor of such local authority constituted under any of the repealed enactments as the Controlling Authority may, by notification in the official Gazette, specify, and the extent to which or the purpose or purposes for which a Municipal Committee shall be such successor may also be specified in such notification.

6. Certain matters to be prescribed.—Where this Ordinance makes any provision for anything to be done but no provision, or no sufficient provision has been made as respects the authority by whom, or the manner in which, it shall be done, then, it shall be done by such authority and in such manner as may be prescribed.

PART II

MUNICIPAL COMMITTEES

CHAPTER I.—CONSTITUTION AND COMPOSITION OF MUNICIPAL COMMITTEES

7. Declaration etc. of municipality.—The Government may, in the prescribed manner, declare any urban area other than a Cantonment to be a municipality, and extend, curtail or otherwise alter the limits thereof, or declare that any urban area shall, from a date to be specified, cease to be a municipality.

8. Constitution of Municipal Committees.—(1) As soon as may be, a Municipal Committee shall be constituted for every municipality in accordance with the provisions of this Ordinance.

(2) Every Municipal Committee shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance and the rules, to acquire and hold property, both movable and immovable, and shall by its name sue and be sued.

9. Composition.—(1) Subject to clause (2), a Municipal Committee shall consist of—

(a) the elected members, whose number shall in no case exceed thirty, and

(b) such official members and appointed members, if any, as the Controlling Authority may, in the prescribed manner, fix.

(2) The total number of official and appointed members shall not exceed the total number of elected members.

(3) In the matter of appointment of members, regard shall be had to the ability of persons to render service to the people, and due consideration shall be given to the representation of minorities and women, of organizations concerned with the agricultural, industrial or community development, and of other special interests of importance to the municipality.

10. Chairman.—(1) For every Municipal Committee, there shall be a Chairman, who shall be appointed by, and hold office during the pleasure of, the Government.

(2) The Chairman shall be an official member and shall be so regarded for purposes of clause (2) of Article 9.

(3) The other terms and conditions pertaining to the office of Chairman shall be such as the Government may in each case determine, and in so doing, the Government may specify if the salary and allowances, or any portion thereof, shall be paid from the Municipal Fund.

11. Vice-Chairman.—(1) Every Municipal Committee shall, in the prescribed manner, elect one of its elected members to be its Vice-Chairman.

(2) Subject to the provisions of sub-section (3), the term of office of a Vice-Chairman shall be five years, or the residue of his term of office as a member, whichever is less.

(3) A Vice-Chairman shall vacate office if a vote of no confidence is passed against him in the prescribed manner, by a majority of the total number of members.

(4) A Vice-Chairman shall perform such functions as may be prescribed, and, subject to any regulations, such other functions as may be entrusted to him by the Chairman.

CHAPTER II.—TERM OF OFFICE OF MUNICIPAL COMMITTEES AND GENERAL PROVISIONS RELATING TO THEIR MEMBERSHIP.

12. Term of Office.—(1) The term of office of a Municipal Committee shall be a period of five years commencing on the day on which it assumes office.

(2) A Municipal Committee shall assume office on such date not later than thirty days from the day on which the names of its members are notified in the official Gazette, as may be appointed by the Controlling Authority.

(3) If on the expiry of the term of office of a Municipal Committee, there be any delay in the assumption of office by the next reconstituted Municipal Committee, the powers and functions of the Municipal Committee shall be exercised and performed for the interim period by such person or persons as the Controlling Authority may appoint in this behalf.

13. Oath of Office.—Every person elected or appointed to be a member shall, before taking his seat, make or subscribe an oath in the prescribed form.

14. Casual vacancy.—If the seat of an elected or appointed member becomes vacant during the course of the term of office of a Municipal Committee, a new member shall be elected or appointed, as the case may be, and such member shall hold office for the residue of such term.

15. Resignation of Chairman, Vice-Chairman and Members.—(1) Any member may resign his office by tendering his resignation to the Chairman, and if he is the Chairman or the Vice-Chairman, to the Controlling Authority, and the seat of the member, or the office of Chairman or Vice-Chairman, as the case may be, shall become vacant when the resignation is accepted by the Controlling Authority.

(2) If the member tendering resignation be an elected member, he shall be deemed to have vacated his office as Chairman of the Union Committee on the acceptance of his resignation by the Controlling Authority under sub-section (1).

16. Removal of members.—(1) A member shall render himself liable to removal from membership,—

- (a) if he incurs any of the disqualifications specified in Part II of the Second Schedule to the Order ;
- (b) if he, without reasonable excuse, absents himself from three consecutive meetings of the Municipal Committee ; or

- (c) if he is guilty of an abuse of power or of any misconduct in the discharge of his duties as a member, or has been responsible for any loss or misapplication of any money or property of the Municipal Committee, or of any local council or other local authority.

(2) The Controlling Authority may, after such enquiry, if any, as may be considered necessary, remove any appointed member, who is liable to removal under this section, from such membership.

(3) An elected member shall not be removed from such membership unless, at a special meeting of the District Council concerned, to be convened in accordance with the provisions of the Order, a resolution to the effect that he is liable to be removed under this section is passed by a majority of such members of the District Council concerned as are the Chairmen of the Union Councils, of the Town and Union Committees, Vice-Chairmen of the Municipal Committees, in the District, and the Vice-President of the Cantonment Board therein, and on the passing of such resolution the member shall stand removed.

(4) A person removed under this section shall cease to be a member of every local council or other local authority of which he may be a member, and shall not be eligible for election or appointment to any local council or other local authority for such period, not exceeding five years, as the Controlling Authority may fix in each case.

(5) Nothing in this section shall apply to any official member.

(6) No court shall have jurisdiction to enquire into or question the validity of anything done, or any order made under this section.

17. Notification of election, appointment, resignation and removal of members.—Every election, appointment, resignation or removal of a member shall be notified by the Controlling Authority in the official Gazette.

CHAPTER III.—FUNCTIONS OF MUNICIPAL COMMITTEES

18. Compulsory and optional functions of Municipal Committees.—Subject to rules, and such directions as the Government may from time to time give, and within the limits of the funds at its disposal, a Municipal Committee shall undertake such of the functions given in detail in Part IV as are required to be undertaken by Municipal Committees and may undertake—

- (a) all or any of the functions so given which may be undertaken by a Municipal Committee, and
- (b) such other functions as are declared by the Government to be appropriate matters for administration by Municipal Committees generally or by any particular Municipal Committee.

19. Delegation of functions to Union Committees.—A Municipal Committee may, by order in writing issued with the previous approval of the Controlling Authority, and subject to such terms and conditions as may be specified in the order, delegate any of its functions under this Ordinance to all or any of the Union Committees within the municipality.

20. Co-ordinative functions.—Subject to the provisions of the Order, and the rules made or directions given thereunder, a Municipal Committee shall, in the prescribed manner, co-ordinate the activities of all the Union Committees within the municipality.

21. Transfer of functions from Municipal Committees to Government and vice-versa.—Notwithstanding anything in this Ordinance, or in any other law for the time being in force, the Government may from time to time direct that, subject to such terms and conditions as may be specified in the direction,

- (a) any institution or service maintained by a Municipal Committee shall be transferred to the management and control of the Government, and
- (b) any institution or service maintained by the Government shall be transferred to the management and control of a Municipal Committee.

CHAPTER IV.—EXECUTIVE POWERS AND CONDUCT OF BUSINESS

22. Executive Powers.—(1) The executive powers of a Municipal Committee shall extend to the doing of all acts necessary for the due discharge of its functions under this Ordinance.

(2) Save as otherwise provided in this Ordinance and the rules, the executive powers of a Municipal Committee shall vest in and be exercised by its Chairman, either directly or through other persons authorized by him in accordance with this Ordinance or the rules.

(3) All acts of a Municipal Committee, whether executive or not, shall be expressed to be taken in the name of the Municipal Committee, and shall be authenticated in the manner prescribed.

23. Disposal of business.—(1) All business of a Municipal Committee shall, to the extent and in the manner prescribed, be disposed of at its meetings, or at the meetings of its sub-committees, or by its Chairman, Vice-Chairman or servants.

(2) All meetings of a Municipal Committee shall be presided over by the Chairman, and in his absence by the Vice-Chairman, and in the absence of both, by a member chosen for that purpose by the members present.

(3) A Municipal Committee shall have power to act notwithstanding any vacancy in its membership.

(4) No proceedings shall be invalid by reason only that some person who was not entitled to do so, sat or voted, or otherwise took part in the proceedings.

(5) Minutes of the proceedings of every meeting of a Municipal Committee shall be drawn up and recorded in a book to be kept for the purpose.

(6) All decisions of a Municipal Committee shall be reported to the Controlling Authority within the prescribed period.

24. Sub-Committees.—A Municipal Committee may appoint such sub-committees consisting of such number of its members, and co-opted members, if any, to perform such functions as may be prescribed by regulations.

25. Municipal Improvement Sub-Committee.—(1) The Government may, in any municipality where there is no improvement trust constituted under any enactment, by notification in the official Gazette, entrust to the Municipal Committee any function relating to town improvement.

(2) Where any function is entrusted to a Municipal Committee under sub-section (1), the Government may, in the prescribed manner appoint a Municipal Improvement Sub-Committee, which shall exercise such powers and perform such functions with regard to town improvement as may be prescribed.

26. Contracts.—(1) All contracts made by or on behalf of a Municipal Committee shall be—

- (a) in writing and expressed to be made in the name of the Municipal Committee ;
- (b) executed in such manner as may be prescribed ; and
- (c) reported to the Municipal Committee by the Chairman at the meeting next following the execution of the contract.

(2) A Municipal Committee may, by resolution, lay down the procedure that shall regulate the making of various contracts, and in the execution of contracts, the Chairman shall act in accordance with such resolution.

(3) No contract executed otherwise than in conformity with the provisions of this section shall be binding on the Municipal Committee.

27. Works.—The Government may, by rules, provide for—

- (a) the preparation of plans and estimates for works to be executed by a Municipal Committee ;
- (b) the authority by whom and the conditions subject to which such plans and estimates shall be technically approved and administratively sanctioned ; and
- (c) the agency by which such plans and estimates shall be prepared and such works shall be executed.

28. Record, reports and returns.—A Municipal Committee shall—

- (a) maintain such record of its working as may be prescribed ;
- (b) prepare and publish such periodical reports and returns as may be prescribed ; and
- (c) adopt such other measures as may be necessary, or may be specified by the Government from time to time, for the publication of information about the working of the Municipal Committee.

CHAPTER V.—SERVANTS OF MUNICIPAL COMMITTEES

29. Servants of Municipal Committees, etc.—The Government may from time to time specify the posts in the Municipal Committees which shall be filled by persons belonging to the Local Councils Service constituted under Article 44 in Chapter VIII of Part II of the Order, and the other provisions of that Chapter shall *mutatis mutandis* apply in relation to the servants of Municipal Committees as they apply in relation to the servants of local councils as if the said provisions had been enacted in this Ordinance, and

- (a) any reference to a local council were a reference to a Municipal Committee ;
- (b) any reference to the Controlling Authority were a reference to the Controlling Authority under this Ordinance ;
- (c) any reference to the Order were a reference to this Ordinance ; and
- (d) any reference to Secretary included a reference to chief officer.

30. Municipal staff for Union Committees.—(1) The Controlling Authority may require a Municipal Committee to appoint for or depute to a Union Committee or Union Committees within the municipality such staff as may be specified in the Order, and the Municipal Committee shall thereupon appoint or depute such staff.

(2) The staff appointed or deputed under sub-section (1), shall be the servants of the Municipal Committee but shall work with the Union Committee or Committees concerned subject to such terms and conditions as may be determined by the Controlling Authority.

PART III

FINANCIAL MATTERS

CHAPTER I.—MUNICIPAL FUND AND PROPERTY

31. Constitution of Municipal Fund.—For every Municipal Committee there shall be formed a fund which shall be known as the Municipal Fund.

32. Other provisions relating to funds and property of Municipal Committees.—The provisions of clause (2) of Article 48 and Articles 49, 50, 51, 52, 53, 54, 55, 56, and 58 of the Order shall *mutatis mutandis* apply to Municipal Committees as they apply to local councils as if the said provisions had been enacted in this Ordinance, and

- (a) any reference to a local council were a reference to a Municipal Committee ;
- (b) any reference to Local Fund were a reference to Municipal Fund ;
- (c) any reference to the Controlling Authority were a reference to the Controlling Authority under this Ordinance ; and
- (d) any reference to the Order were a reference to this Ordinance.

CHAPTER II.—MUNICIPAL TAXATION

33. Municipal Taxation.—A Municipal Committee, with the previous sanction of the Government, may levy, in the prescribed manner, all or any of the taxes, rates, tolls and fees mentioned in the Third Schedule.

34. Notification and enforcement of taxes.—(1) All taxes, rates, tolls and fees levied by a Municipal Committee shall be notified in the official Gazette and, unless otherwise directed by the Government, shall be subject to previous publication.

(2) Where a proposal for the levy of a tax, rate, toll or fee or for a modification of tax, rate, toll or fee which is in force, is sanctioned, the sanctioning authority shall specify the date for the enforcement thereof, and such tax, rate, toll, or fee or the modification shall come into force on such date.

35. Model tax schedules.—The Government may frame model tax schedules, and where such schedules have been framed, the Municipal Committees shall be guided by them in levying a tax, rate, toll or fee.

36. Directions with regard to levy of tax, etc.—(1) The Government may direct any Municipal Committee—

- (a) to levy any tax, rate, toll or fee which the Municipal Committee is competent to levy under section 33 ; or
- (b) to increase or reduce any such tax, rate, toll or fee, or the assessment thereof, to such extent as may be specified ; or
- (c) to suspend, abolish or exempt any person or class of persons or property or class of property from the levy of any such tax, rate, toll or fee.

(2) If a direction issued under sub-section (1) is not complied with within the specified time, if any, the Government may make an order giving effect to the direction.

37. Liability on account of taxes.—(1) A Municipal Committee may, by notice, call upon any person to furnish such information, produce such record or accounts, or to present such goods or animals liable to any tax, rate, toll or fee, as may be necessary for the purpose of determining the liability of such person, goods or animals to a tax, rate, toll or fee, or the assessment thereof.

(2) Any official of a Municipal Committee authorized in this behalf may, after due notice, enter upon any building or premises for the purposes of assessing the liability of such building or premises to any tax, or inspecting any goods or animal therein liable to any tax.

(3) Any official of a Municipal Committee authorized in this behalf may, in the prescribed manner, seize and dispose of any goods on which any octroi, terminal tax or toll is due and is not paid.

38. Collection and recovery of taxes.—(1) All taxes, rates, tolls and fees levied under this Ordinance shall be collected in the prescribed manner.

(2) All arrears of taxes, rates, tolls and fees, and other moneys claimable by a Municipal Committee under this Ordinance, shall be recoverable as a public demand or as arrears of land revenue.

(3) Notwithstanding the provisions of sub-section (2), the Government may empower any Municipal Committee to recover arrears of taxes, rates, tolls, fees and other moneys claimable by the Municipal Committee under this Ordinance by distress and sale of movable property belonging to the person concerned, or by attachment and sale of the immovable property belonging to him.

(4) The Government may by rules specify the officials or classes of officials by whom the power under sub-section (3) shall be exercised, and prescribe the manner in which it shall be exercised.

39. Petitions against valuation, assessment, etc.—No assessment of a tax, rate, toll or fee under this Ordinance, or valuation therefor, or the liability of a person to be so taxed, shall be called in question except by a petition presented to such authority, in such manner and within such period as may be prescribed.

40. Deduction of taxes from salaries.—If a Municipal Committee levies a tax on professions, trades or callings, it may require the employer of the person liable to such tax to deduct the tax from the salary or wages payable to such person, and on such requisition the amount of the tax due shall be deducted from the salary or wages of the person concerned and credited to the Municipal Fund provided that the amount so deducted shall in no case exceed twenty-five per cent of the salary or wages.

41. Taxation Rules.—(1) All taxes, rates, tolls, fees and other charges levied by a Municipal Committee shall be imposed, assessed, leased, compounded, administered, and regulated in such manner as may be provided by rules.

(2) Rules framed under this section may, among other matters, provide for the obligations of the tax-payer and the duties and powers of the officials and other agencies responsible for the assessment and collection of taxes.

PART IV

FUNCTIONS IN DETAIL

CHAPTER I.—PUBLIC HEALTH

42. Responsibility for sanitation.—A Municipal Committee shall be responsible for the sanitation of the municipality, and for this purpose, it may cause such measures to be taken as are required by or under this Ordinance.

43. Insanitary buildings.—(1) A Municipal Committee may by notice require the owner or occupier of any building or land which is in an insanitary or unwholesome state—

- (a) to clean or otherwise put it in a proper state ;
- (b) to make arrangements to the satisfaction of the Municipal Committee for its proper sanitation ;
- (c) to limewash the building and to make such essential repairs as may be specified in the notice ; and
- (d) to take such other steps in regard to such building or land as may be so specified.

(2) If any requirement of a notice issued under sub-section (1) is not complied with, within such period as may be specified in the notice, the Municipal Committee may cause the necessary steps to be taken at the expense of the owner or occupier, and the cost so incurred by the Municipal Committee shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

44. Removal, collection and disposal of refuse.—(1) A Municipal Committee shall make adequate arrangements for the removal of refuse from all public streets, public latrines, urinals, drains, and all buildings and land vested in the Municipal Committee, and for the collection and proper disposal of such refuse.

(2) The occupiers of all other buildings and lands within the municipality shall be responsible for the removal of refuse from such buildings and lands subject to the general control and supervision of the Municipal Committee.

(3) The Municipal Committee may cause public dust-bins or other suitable receptacles to be provided at suitable places and in proper and convenient situations in streets or other public places, and where such dust-bins or receptacles are provided, the Municipal Committee may by public notice, require that all refuse accumulating in any premises or land shall be deposited by the owner or occupier of such premises or land in such dust-bins or receptacles.

(4) All refuse removed and collected by the staff of the Municipal Committee or under their control and supervision and all refuse deposited in the dust-bins and other receptacles provided by the Municipal Committee shall be the property of the Municipal Committee.

45. Latrines and urinals.—(1) A Municipal Committee may, and if so required by the Controlling Authority shall, provide and maintain, in sufficient number and in proper situations, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order, and to be properly cleaned.

(2) The occupier of any premises to which any latrine or urinal pertains shall keep such latrine or urinal in a proper state to the satisfaction of the Municipal Committee and shall employ such staff for the purpose as may be necessary, or as may be specified by the Municipal Committee.

(3) Where any premises are without privy or urinal accommodation, or without adequate privy or urinal accommodation, or the privy or urinal is on any ground objectionable, the Municipal Committee may by notice require the owner of such premises—

- (a) to provide such or such additional, privy or urinal accommodation as may be specified in the notice; or
- (b) to make such structural or other alterations in the existing privy or urinal accommodation as may be so specified;
- (c) to remove the privy or urinal; and
- (d) where there is an underground sewerage system, to substitute connected-privy or connected-urinal accommodation for any service-privy or service-urinal accommodation.

46. Births, deaths and marriages.—(1) A Municipal Committee shall register all births, deaths and marriages within the limits of the municipality and information of such births, deaths and marriages shall be given by such persons or authorities, and shall be registered in such manner, as the by-laws may provide.

(2) The by-laws made under sub-section (1) may exempt any class or classes of marriages information in respect of which is not deemed necessary for registration under this section.

47. Infectious diseases.—(1) A Municipal Committee shall adopt such measures to prevent infectious diseases and to restrain infection within the municipality as the rules and by-laws provide.

(2) A Municipal Committee may, and if required by the Government shall, establish and maintain one or more hospitals for the reception and treatment of persons suffering from infectious diseases.

(3) A Municipal Committee may, in the prescribed manner, frame and implement schemes for the prevention and control of infectious diseases.

48. Health and maternity centres, etc.—A Municipal Committee may, and if required by the Government shall—

- (a) establish, manage, maintain or contribute towards the maintenance of health centres, maternity centres, and centres for the welfare of women, infants and children ;
- (b) provide for the training of dais ; and
- (c) adopt such other measures as may be necessary to promote the health and welfare of women, infants and children.

49. Promotion of public health.—Subject to the provisions of this Ordinance and the rules, a Municipal Committee may and if the Government so directs shall, take such measures for promoting public health, including education in health, as it considers necessary or, as the case may be, the Government directs.

50. Hospitals and dispensaries.—(1) A Municipal Committee may, and if so required by the Government shall, establish and maintain such number of hospitals and dispensaries as may be necessary for the medical relief of the inhabitants of the municipality, and the people visiting it.

(2) Every hospital and dispensary maintained by a Municipal Committee shall be managed and administered in such manner as may be prescribed.

(3) Subject to any directions that may be given in this behalf by the Controlling Authority, every hospital and dispensary maintained by a Municipal Committee shall be provided with such drugs, medicines, instruments, apparatuses, appliances, equipments and furniture in accordance with such scale and standards as may be prescribed.

51. Medical aid and relief, and medical education, etc.—A Municipal Committee may, and if so required by the Government shall, take such measures as may be necessary or as may be specified by the Government for—

- (a) the provision and maintenance of first aid centres ;
- (b) the provision and maintenance of mobile medical aid units ;
- (c) the promotion and encouragement of societies for the provision of medical aid ;
- (d) the promotion of medical education ;
- (e) the payment of grants to institutions for medical relief ; and
- (f) the medical inspection of school children.

manage and operate the public ferry in such manner and levy such tolls as may be prescribed.

60. Public fisheries.—A Municipal Committee may with the previous sanction of the Government, declare any public water-course as a public fishery, and thereupon the right of fishing in such water-course shall vest in the Municipal Committee, which may exercise such right in such manner as may be prescribed. -

CHAPTER III.—ARTICLES OF FOOD AND DRINK

61. By-laws for articles of food and drink.—A Municipal Committee may by by-laws—

- (a) prohibit the manufacture, sale or preparation, or the exposure for sale, of any specified article of food or drink in any place or premises not licensed by the Municipal Committee ;
- (b) prohibit the import into the municipality for sale, or the sale, or the hawking for sale, of any specified article of food or drink by persons not so licensed ;
- (c) prohibit the hawking of specified articles of food and drink in such parts of the municipality as may be specified ;
- (d) regulate the time and manner of transport within the municipality of any specified article of food or drink ;
- (e) regulate the grant and withdrawal of licences under this section and the levying of fees therefor ; and
- (f) provide for the seizure and disposal of any animal, poultry or fish intended for food which is diseased, or any article of food or drink which is noxious.

62. Milk supply.—(1) Except under a licence granted by the Municipal Committee, and in conformity with the conditions of such licence, no person shall, within a municipality, keep milch cattle for the sale of milk, or sell milk, or expose or import milk for sale, or manufacture butter, ghee, or any other milk or dairy product, nor shall any premises be used for any such purpose.

(2) A Municipal Committee may, in the prescribed manner, and with the previous sanction of the Controlling Authority, frame and enforce a Milk Supply Scheme, which may, among other matters, provide for the establishment of milkmen's colonies, the prohibition of the keeping of milch cattle in the municipality or any part thereof, and the adoption of such other measures as may be necessary for ensuring an adequate supply of pure milk to the public.

63. Public markets.—(1) A Municipal Committee may establish and maintain public markets, or may provide places for use as public markets, for the sale of articles of food and drink and of animals, and secure the proper management and sanitation of such markets.

(2) A Municipal Committee may, in respect of a public market, provide, by by-laws—

- (a) the fees to be charged for the use of, or for the right to expose goods in the market ;
- (b) the fees to be levied on vehicles and animals bringing goods therein for sale ;
- (c) the fees to be charged for the use of shops, stalls, pens, or stamps ;

- (d) the fees to be charged in respect of animals brought for sale or sold ; and
- (e) the fees to be charged from brokers, commission agents, weighmen and other persons practising their calling therein.

64. Private markets.—(1) No private market for the sale of articles of food or drink or for the sale of animals shall be established or maintained within a municipality except under a licence granted by the Municipal Committee, and in conformity with the conditions of such licence.

(2) Notwithstanding the provisions of sub-section (1), the owner of every private market within a municipality for the sale of articles of food or drink or for the sale of animals, maintained immediately before the coming into force of this Ordinance, shall within three months, apply for a licence to the Municipal Committee and until the licence is granted shall continue to maintain the same.

(3) A Municipal Committee may levy such fees in respect of private markets as the by-laws may provide.

(4) If a Municipal Committee is satisfied that in public interest any private market should be discontinued or taken over by the Municipal Committee, it may direct that the market should be discontinued, or that, subject to the payment of such compensation as would have been payable if it had been acquired under the Land Acquisition Act, 1894 (IV of 1894), the market should be taken over by the Municipal Committee.

(5) A Municipal Committee may by notice require the owner of any private market to construct such works, provide such conveniences, and make such arrangements for the maintenance of the market, and within such period, as may be specified in the notice.

65. Slaughter-houses.—A Municipal Committee shall provide and maintain at such site or sites within or without the limits of the municipality as the Controlling Authority may approve one or more slaughter-houses for the slaughter of animals for sale or of any specified description of animals.

CHAPTER IV.—ANIMALS

66. Animal husbandry.—(1) A Municipal Committee may, and if so required by the Government shall, provide for the establishment and maintenance of veterinary hospitals and dispensaries, and by-laws regulate their working and fix the fees to be charged for treatment in such hospitals and dispensaries.

(2) A Municipal Committee may by by-laws define contagious disease among animals and provide for measures that shall be adopted for prevention of the spread of such diseases, including the compulsory inoculation of animals, and the subjection to such treatment as may be necessary of such animals as may be suspected to have been infected with carriers of any such disease.

67. Stray animals.—(1) A Municipal Committee may by by-laws provide for the seizure, detention and impounding of animals found straying in any street, public place or cultivated land.

(2) A Municipal Committee may, and if so required by the Controlling Authority shall, establish and maintain cattle pounds for the impounding of cattle and charge such fines and fees for the impounding of cattle as the by-laws may provide.

(3) No animal shall be picketed or tethered in such streets or places as may be specified by the Municipal Committee, and any animal found picketed or tethered in any such street or place shall be liable to seizure and impounding.

68. Animal homes and farms.—(1) A Municipal Committee may, with the previous approval of the Controlling Authority, establish and maintain Animal Homes, where, subject to such terms and conditions and on the payment of such fees and other charges, as the by-laws may provide, the animals of private persons may be kept.

(2) A Municipal Committee may, with the previous approval of the Controlling Authority, establish and maintain cattle farms and poultry farms, and such farms shall be managed and administered in such manner as the by-laws may provide.

69. Registration of the sale of cattle.—A Municipal Committee may by by-laws require that every sale of such of the animals as may be specified shall be registered with the Municipal Committee in such manner, and subject to the payment of such fees, as the by-laws may provide.

70. Live-stock improvement.—A Municipal Committee may, with the previous approval of the Controlling Authority, frame and execute a Live-stock Scheme, which may, among other matters, provide that no person shall keep such animals above such age as may be specified, unless they are castrated or are certified by competent authority to be fit for breeding.

71. Dangerous animals.—A Municipal Committee may by by-laws define the animals which shall be deemed to be dangerous animals and the circumstances under which animals not otherwise dangerous shall be deemed to be dangerous, and such by-laws may, among other matters, provide for the detention, destruction or disposal otherwise of such animals.

72. Cattle shows, zoos, etc.—(1) A Municipal Committee may hold cattle shows and fairs within the limits of the municipality and charge such fees from the people attending such shows or fairs as the by-laws may provide.

(2) A Municipal Committee may, with the previous approval of the Controlling Authority, maintain or contribute towards the maintenance of zoological gardens.

73. Disposal of carcasses.—Whenever an animal in the charge of a person dies, otherwise than by being slaughtered for sale or consumption, or for some other religious purpose, such person shall either—

- (a) convey the carcass within twenty-four hours to a place, if any, fixed by the Municipal Committee for the disposal of the dead bodies of animals, or to a place beyond the limits of the municipality, not being a place within one mile of such limits ; or

- (b) give notice of the death to the Municipal Committee, whereupon the Municipal Committee shall cause the carcass to be disposed of and charge such fees from the person concerned as the by-laws may provide.

Explanation.—In this section “animal” shall be deemed to mean all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine, dogs, cats and other large animals.

CHAPTER V.—TOWN PLANNING

74. Master Plan.—A Municipal Committee may, and if so required by the Controlling Authority shall, draw up a Master Plan for the municipality which shall, among other matters, provide for—

- (a) a survey of the municipality including its history, statistics, public services and other prescribed particulars ;
- (b) development, expansion, and improvement of any area within the municipality ;
- (c) restrictions, regulations, and prohibitions to be imposed with regard to the development of sites, and the erection and re-erection of buildings within the municipality.

75. Site Development Schemes.—(1) Where a Master Plan has been drawn up under section 74 and such Master Plan has been approved, with or without any modifications, by the Controlling Authority, no owner of land exceeding such area as may be specified in this behalf in the Master Plan as so approved, shall develop the site or erect or re-erect a building or any plot of land covered by the Master Plan, except in conformity with the provisions of a Site Development Scheme sanctioned for the area in the prescribed manner.

(2) Among other matters, a Site Development Scheme may provide for—

- (a) the division of the site into plots ;
- (b) the streets, drains, and open spaces to be provided ;
- (c) the land to be reserved for public purposes and to be transferred to the Municipal Committee ;
- (d) the land to be acquired by the Municipal Committee ;
- (e) the price of plots ;
- (f) the works that shall be executed at the cost of the owner or owners of the site or sites ; and
- (g) the period during which the area shall be developed.

76. Execution of Site Development Schemes.—(1) The execution of a Site Development Scheme shall be subject to the inspection and control of the Municipal Committee, and the Committee may give such directions with regard to the execution of the scheme as may be necessary for the proper development of site.

(2) If any area is developed or otherwise dealt with in contravention of the provisions of the sanctioned Site Development Scheme, the Municipal Committee may by notice require the owner of such area or the person who has contravened the provisions to make such alteration in the site as may be specified in the notice and where such alteration is

not made or for any reason cannot be carried out, the Municipal Committee may, in the prescribed manner, require and enforce the demolition of the offending structure, and notwithstanding anything to the contrary contained in any law, no compensation shall be payable for such demolition.

(3) If an area for which a Site Development Scheme has been sanctioned is not developed within the period provided in the Site Development Scheme, and further extension is not allowed by the Municipal Committee, or if the development is not in conformity with the terms of the Site Development Scheme, the Municipal Committee may, in the prescribed manner, take over the development of the site and execute the necessary works, and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the owner or owners under this Ordinance.

CHAPTER VI.—BUILDING CONTROL

77. Erection and re-erection of Buildings.—(1) No person shall erect or re-erect a building or commence to erect or re-erect a building unless the site has been approved, and the building plan has been sanctioned by the Municipal Committee.

(2) A person intending to erect or re-erect a building shall apply for sanction in the manner provided in the by-laws, and shall pay such fees as may be levied by the Municipal Committee with the previous sanction of the Controlling Authority.

(3) All building applications presented under this section shall be registered in the manner provided in the by-laws, and shall be disposed of as early as possible, but not later than sixty days from the date of the registration of the application, and if no order is passed on an application within sixty days of its registration, it shall be deemed to have been sanctioned to the extent to which it does not contravene the provisions of the Building Bye-laws, or of the Master Plan or Site Development Scheme, if any.

(4) A Municipal Committee may, for reasons to be stated in writing reject a site plan or a building plan, but any person aggrieved thereby may appeal to the Controlling Authority, within thirty days of the order of rejection, and the order passed by the Controlling Authority in appeal shall be final.

(5) A Municipal Committee may, sanction a site plan or a building plan, subject to such modifications or terms as may be specified in the order of sanction.

(6) Nothing in this section shall apply to any work, addition or alteration which the Municipal Committee may by by-law declare to be exempt.

78. Completion of buildings, alterations of buildings, etc.—(1) Every person who has erected or re-erected a building shall, within thirty days of the completion of the building, report such completion to the Municipal Committee.

(2) The Municipal Committee shall cause every building which has been completed to be inspected, and if it has been constructed in violation or contravention of any provision of this Ordinance, the rule or the bye-law or of the Master Plan or Site Development Scheme, if any, the Municipal Committee may require the alterations of the building so as to bring it into compliance therewith, and where such alteration is not possible,

the Municipal Committee may require the building or any part thereof to be demolished, or on the application of the owner of such building, compound the offence, provided that no offence shall be so compounded if it involves any violation or contravention of the provisions of a Master Plan or of a sanctioned Site Development Scheme.

(3) If a building is required to be demolished under the provisions of sub-section (2), and such requirement is not complied with, within the specified period, the Municipal Committee may have the building demolished through its own agency, and the cost so incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance.

79. Regulation of buildings.—(1) If any building, or anything fixed thereon be deemed by the Municipal Committee to be in a ruinous state or likely to fall or in any way dangerous to any inhabitant of such building or of any neighbouring building or to any occupier thereof or to passers-by, the Municipal Committee may by notice require the owner or occupier of such building to take such action in regard to the building as may be specified in the notice, and if there is default, the Municipal Committee may take the necessary steps itself, and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the owner or occupier of the building under this Ordinance.

(2) If a building is in a dangerous condition, or otherwise unfit for human habitation, the Municipal Committee may prohibit the occupation of such building till it has been suitably repaired to the satisfaction of the Municipal Committee.

CHAPTER VII.—STREETS

80. Public streets.—(1) A Municipal Committee shall provide and maintain such public streets and other means of public communication as may be necessary for the comfort and convenience of the inhabitants of the municipality, and of the visitors thereto.

(2) A Municipal Committee shall, in the prescribed manner, prepare and execute a Road Maintenance and Development Programme, which shall form a part of the budget, and the Controlling Authority may alter or amend the Programme in such manner as it considers necessary.

81. Streets.—(1) No new street shall be laid out except with the previous sanction of the Municipal Committee, and in conformity with the terms and conditions of such sanction.

(2) All streets other than public streets shall be maintained in such manner as the by-laws may provide.

(3) A Municipal Committee may by notice require that any street may be paved, metalled, drained, channelled, improved or lighted in such manner as may be specified in the notice, and in the event of default the Municipal Committee may have the necessary work done through its agency, and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the person concerned under this Ordinance.

(4) The Government may prescribe the manner in which a, other than a public street may be converted into a public street.

82. General provisions about streets.—(1) A Municipal Committee with the previous sanction of the Controlling Authority, assign

streets and paint the names or fix the name plates on or at conspicuous places at or near the end, corner or entrance of the street.

(2) No person shall destroy, deface or in any way injure any street, name or name plate, or without the previous permission of the Municipal Committee, remove the same.

(3) A Municipal Committee may, in the manner provided in the by-laws, lay down street lines and building lines, and may, among other things, require the setting back of buildings to conform to such street lines and building lines.

(4) A Municipal Committee may by by-laws define nuisances and offences with regard to streets, and provide for their prevention and abatement.

83. Encroachments.—(1) No person shall make an encroachment, movable or immovable, on, over or under a street or a drain, except under a licence granted by the Municipal Committee and to the extent permitted by the licence.

(2) Subject to by-laws, a Municipal Committee may by notice require the person responsible for any such encroachment to remove the same within such period as may be specified, and if the encroachment is not removed within such period, the Municipal Committee may cause the encroachment to be removed through its own agency, and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the person responsible for the encroachment under this Ordinance.

(3) Any person aggrieved by a notice issued under sub-section (2) may, within such period as the by-laws may provide, appeal to the Controlling Authority, whose decision thereon shall be final.

(4) Notwithstanding anything in any other law, no compensation shall be payable for any encroachment removed or required to be removed under this section.

84. Street lighting.—(1) A Municipal Committee shall take such measures as may be necessary for the proper lighting of the public streets and other public places vesting in the Municipal Committee by oil, gas, electricity or such other illuminant as the Municipal Committee may determine.

(2) A Municipal Committee may, with the previous sanction of the Controlling Authority, frame and enforce a Street Lighting Scheme in the prescribed manner.

85. Street Watering.—A Municipal Committee shall take such measures as may be necessary for the watering of public streets for the comfort and convenience of the public, and may, for this purpose, maintain such vehicles, staff, and other apparatus as may be necessary.

86. Traffic control.—A Municipal Committee shall by by-laws make such arrangements for the control and regulation of traffic as may be necessary to prevent danger to and ensure the safety, convenience and comfort of the public.

87. Public vehicles.—(1) No person shall keep or let for hire, or drive or propel within the limits of a municipality any public vehicle, other than a motor vehicle, except under a licence granted by the Municipal Committee, and in conformity with the conditions of such licence.

(2) No horse or other animal shall be used for drawing a public vehicle within the limits of a municipality except under a licence granted by the Municipal Committee concerned and in conformity with the conditions of such licence.

(3) A Municipal Committee shall, in such manner as by-laws may provide, and with the previous approval of the Controlling Authority, fix the rate fares for the use of public vehicles, and no person plying a public vehicle shall charge a fare in excess thereof.

Explanation.—In this section, a “public vehicle” means any vehicle which ordinarily plies for hire.

CHAPTER VIII.—PUBLIC SAFETY

88. Fire fighting.—(1) For the prevention and extinction of fire, a Municipal Committee may, and if so required by the Controlling Authority shall maintain a fire brigade, consisting of such staff and such number of fire stations, and such implements, machinery, equipment and means of communicating intelligence as may be prescribed.

(2) On the occurrence of a fire within a municipality, any magistrate, any official of a fire brigade directing the operations, and any police officer not below the rank of Sub-Inspector, may—

- (a) remove or order the removal of any person who by his presence interferes or impedes the operations for extinguishing the fire or for saving life and property ;
- (b) close any street or passage in or near which any fire is burning ;
- (c) for the purpose of extinguishing the fire, break into or through, or pull down or cause to be broken into or through, or pulled down, or use for the passage of hoses or other appliances, any premises ;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred ;
- (e) call on the persons in charge of any fire engine to render such assistance as may be possible ; and
- (f) generally take such measures as may appear necessary for the preservation of life and property.

(3) No person shall be liable to pay damages in respect of anything done or in good faith intended to be done under this section.

(4) Notwithstanding the provisions of sub-section (3) or of any other law, or the terms of any insurance policy, any damage done in the exercise of a power conferred, or in the discharge of a duty imposed, by this section shall be deemed to be a damage by fire, for the purposes of any policy of insurance against fire.

89. Civil Defence.—A Municipal Committee shall be responsible for the Civil Defence of the municipality, and it shall, in this behalf, perform such functions as may be prescribed.

90. Floods.—For the fighting of floods, rescuing of people from flood-affected areas, and affording relief to flood-stricken people, a Municipal

Committee may, and if so required by the Controlling Authority shall, provide such boats, appliances and equipment as may be specified by the Controlling Authority.

91. Famine.—In the event of a famine, a Municipal Committee may, with the sanction of the Controlling Authority, execute such famine works and undertake such famine relief measures as may be necessary or may be specified by the Controlling Authority.

92. Dangerous and offensive articles and trades.—(1) The Government may by rules define the articles and trades which shall be deemed to be dangerous or offensive for the purposes of this section.

(2) Except under and in conformity with the conditions of a licence granted by the Municipal Committee—

- (a) no person shall carry on any dangerous or offensive trade ;
- (b) no premises shall be used or suffered to be used for any dangerous or offensive trade ; and
- (c) no person shall store or keep in any premises—
 - (i) any dangerous or offensive article except for domestic use ; or
 - (ii) any dangerous or offensive article in excess of such limits as may be fixed by the by-laws.

(3) A Municipal Committee may, with the previous sanction of the Controlling Authority, prepare and enforce a scheme providing for the prohibition of dangerous and offensive trades in specified areas within the municipality, and for the restriction of such trades in any area not so specified.

93. Burial and burning places.—(1) A Municipal Committee may, and if so required by the Controlling Authority shall, provide suitable places for the burial and burning of the dead, and shall take necessary measures for the proper maintenance and administration of such burial and burning places.

(2) The Government may, by notification in the official Gazette, declare that any burial or burning place which is open to public for burial or burning shall vest in a Municipal Committee, and thereupon such burial or burning place shall vest in the Municipal Committee, and the Municipal Committee shall take all measures necessary for the proper maintenance and administration thereof.

(3) Every burial or burning place which is not administered by a Municipal Committee shall be registered with the Municipal Committee and shall be subject to regulation, supervision and inspection by the Municipal Committee in such manner as the by-laws may provide.

(4) No new burial or burning place shall be established within a municipality, except under a licence granted by the Municipal Committee, and in conformity with the conditions of such licence.

CHAPTER IX.—TREES, PARKS, GARDENS AND FORESTS

94. Arboriculture.—(1) A Municipal Committee shall plant trees on public streets and other public places within the municipality and take all such steps as may be necessary for the plantation and protection of trees on such streets and places.

(2) A Municipal Committee may in the prescribed manner, and with the previous sanction of the Controlling Authority, frame and enforce an Arboriculture Plan.

95. Gardens.—(1) A Municipal Committee may, and if so required by the Controlling Authority shall, lay out and maintain within the municipality such public gardens as may be necessary for the recreation and convenience of the public, and such public gardens shall be maintained and administered in such manner as the by-laws provide.

(2) For every public garden, there shall be framed and enforced, in the prescribed manner, a Garden Development Plan, which shall provide for the development and improvement of the garden.

96. Open spaces.—A Municipal Committee may provide and maintain within the municipality such open spaces as may be necessary for the convenience of the public and such spaces shall be grassed, hedged, planted and equipped with such amenities and in such manner as the by-laws may provide.

97. Forests.—A Municipal Committee may, in the prescribed manner, frame and enforce Forest Plans providing for the improvement, development and exploitation of forests and plant, maintained and work forests in accordance with such Plans.

98. Nuisances pertaining to trees and plantations.—(1) A Municipal Committee may by by-laws determine the pests of trees and plants and provide for their destruction.

(2) If any land or premises within a municipality is grown with rank or noxious vegetation, or undergrowth, a Municipal Committee may by notice require the owner or occupier of such land or premises to clear such vegetation or undergrowth, within a specified time and if he fails to do so within such time, the Municipal Committee may have such vegetation or undergrowth cleared, and the cost incurred thereon by the Municipal Committee shall be deemed to be a tax levied on the owner or occupier under this Ordinance.

(3) A Municipal Committee may, in the manner provided in the by-laws, require the felling of any tree which is dangerous, or the trimming of the branches of any tree which overhang and are likely to interfere with traffic or are otherwise inconvenient.

(4) A Municipal Committee may, in the manner provided in the by-laws, prohibit the cultivation of any crop which is considered dangerous to public health within such part of the municipality as may be specified.

99. Tanks and low lying areas.—A Municipal Committee may and if so required by the Controlling Authority shall take such steps with regard to the excavation, and re-excavation of tanks and the reclamation of low-lying areas as it thinks fit, or, as the case may be the Controlling Authority directs.

CHAPTER X.—EDUCATION

100. Education.—(1) A Municipal Committee shall maintain such educational institutions as may be required by the Controlling Authority, and may, with the previous approval of the Controlling Authority,

maintain such other educational institutions as may be necessary for the promotion of education in the municipality.

(2) All educational institutions maintained by the Municipal Committee shall be maintained in a state of efficiency and shall conform to such standards as may be prescribed.

(3) A Municipal Committee may levy such fees for the use of educational institutions as may be prescribed.

(4) A Municipal Committee, may, with the previous approval of the Controlling Authority, give financial aid to private educational institutions within the municipality.

101. Compulsory education.—Subject to any law for the time being in force, a Municipal Committee shall be responsible for the enforcement of compulsory education in the municipality, and it may in this behalf adopt all such measures as may be necessary to ensure that every child of school-going age in the municipality attends a school recognized by the Municipal Committee.

102. General provisions about education.—A Municipal Committee may—

- (a) construct and maintain buildings to be used as hostels for students ;
- (b) give scholarships to deserving or specially bright students ;
- (c) provide for the training of teachers ;
- (d) promote adult education ;
- (e) provide school books to orphans and indigent students free of cost or at concessional rates ;
- (f) maintain depots for the sale of school books and articles of stationery ; and
- (g) with the previous approval of the Controlling Authority—
 - (i) promote and assist educational societies,
 - (ii) undertake educational survey and enforce educational plans,
 - (iii) provide, whether free of charge or on payment, milk or meals for school children ;
- (h) adopt any other measures likely to promote the cause of education.

CHAPTER XI.—CULTURE

103. Culture.—A Municipal Committee may, and if so required by the Controlling Authority shall—

- (a) establish and maintain information centres for the furtherance of civic education and the dissemination of information on such matters as community development, and other matters of public interest ;
- (b) maintain radio sets at public institutions and public places ;
- (c) organize museums, exhibitions, and art galleries ;

- (d) provide and maintain public halls, and community centres ;
- (e) celebrate the Holy Prophet's Birthday, Pakistan Day, Quaid-i-Azam's Birthday, and other national holidays ;
- (f) provide for the reception of distinguished visitors visiting the municipality ;
- (g) encourage national and regional languages ;
- (h) promote physical culture, and encourage public games and sports and organize rallies and tournaments ;
- (i) promote tours to the municipality and adopt measures for the preservation of the historical and indigenous characteristics of the municipality ;
- (j) provide, promote or subsidize facilities for the recreation of the public ; and
- (k) adopt any other measures likely to promote cultural progress and advancement.

104. Libraries.—A Municipal Committee may, and if so required by the Controlling Authority shall, establish and maintain such public libraries, reading rooms and circulating libraries as may be necessary for the use of the public.

105. Fairs and shows etc.—(1) A Municipal Committee shall, with the previous approval of the Controlling Authority, make such arrangements on the occasion of any fairs, shows or public festivals within the municipality as may be necessary for the public health, public safety and public convenience, and may levy fees on the persons attending such fairs and shows.

CHAPTER XII.—SOCIAL WELFARE

106. Social Welfare.—A Municipal Committee may, and if so required by the Controlling Authority, shall,—

- (a) establish, manage and maintain welfare homes, asylums, orphanages, widow homes and other institutions for the relief of the distressed ;
- (b) provide for the burial and burning of paupers found dead within the municipality at its own expense ;
- (c) adopt such measures as may be prescribed for the prevention of beggary, prostitution, gambling, taking of injurious drugs and consumption of alcoholic liquor, juvenile delinquency and other social evils ;
- (d) organize social service volunteers ;
- (e) adopt such measures as may be prescribed for the promotion of the welfare of backward classes, families of the persons serving in the Armed Forces, and women and children ; and
- (f) adopt any other measures likely to promote social welfare.

CHAPTER XIII.—DEVELOPMENT

107. Development Plans.—(1) A Municipal Committee may, and if so required by the Government shall, prepare and implement development plans for such periods and in such manner as may be specified.

(2) Such plans shall be subject to the sanction of the prescribed authority, and shall provide for—

- (a) the promotion, improvement and development of such functions or functions of the Municipal Committee as may be specified ;
- (b) the manner in which the plan shall be financed, executed, implemented and supervised ;
- (c) the agency through which the plan shall be executed and implemented ; and
- (d) such other matters as may be necessary.

(3) The Government may direct that any specified item of income of a Municipal Committee shall wholly or in part be earmarked and applied in the implementation of a development plan.

108. Community Development Projects.—A Municipal Committee may, in the prescribed manner sponsor or promote community development projects for the municipality, or any part thereof and may in this behalf perform such functions as may be prescribed.

109. Commercial Schemes.—A Municipal Committee may, in the prescribed manner, and with the previous sanction of the Government promote, administer, execute and implement schemes for undertaking any commercial or business enterprise.

PART V

GENERAL

CHAPTER I.—ADMINISTRATION OF MUNICIPAL COMMITTEES

110. Administration of Municipal Committees.—The provisions of Articles 73, 75, 76, 77 and 79 in Chapter II of Part V of the Order shall *mutatis mutandis* apply to Municipal Committees as they apply to local councils as if the said provisions had been enacted in this Ordinance, and

- (a) any reference to a local council were a reference to a Municipal Committee ;
- (b) any reference to Local Fund were a reference to Municipal Fund ;
- (c) any reference to the Controlling Authority were a reference to the Controlling Authority under this Ordinance ; and
- (d) any reference to the Order were a reference to this Ordinance.

111. Control over the activities of Municipal Committees.—(1) If, in the opinion of the Controlling Authority, anything done or intended to be done by or on behalf of a Municipal Committee is not in conformity with law, or is in any way against public interest, the Controlling Authority may, by order,—

- (a) quash the proceedings ;
- (b) suspend the execution of any resolution passed or order made by the Municipal Committee ;
- (c) prohibit the doing of anything proposed to be done ;
- (d) require the Municipal Committee to take such action as may be specified.

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(2) Where an order under sub-section (1) is made by a Controlling Authority other than the Government, the Municipal Committee concerned may, within thirty days of the receipt of the order, represent against it to the Government, and the Government may either confirm or modify or set aside the order.

112. Supersession of Municipal Committees.—(1) If, after such inquiry as may be necessary, the Government is of the opinion that a Municipal Committee—

- (a) is unable to discharge or persistently fails in discharging its duties, or
- (b) is unable to administer its affairs or meet its financial obligations, or
- (c) generally acts in a manner contrary to public interest, or
- (d) otherwise exceeds or abuses its powers,

the Government may, by notification in the official Gazette, declare the Municipal Committee to be superseded for such period, not exceeding the residue of the term of such Municipal Committee, as may be specified.

(2) On the publication of a notification under sub-section (1)—

- (a) the persons holding office as Chairman, Vice-Chairman and members of the Municipal Committee shall cease to hold office ;
- (b) all functions of the Municipal Committee shall, during the period of supersession, be performed by such person or authority as the Government may appoint in this regard.
- (c) all funds and property belonging to the Municipal Committee during the period of supersession, vest in the Government.

(3) On the expiry of the period of supersession, the Municipal Committee shall be reconstituted in accordance with the provisions of this Ordinance and the rules.

CHAPTER II.—INTER-COUNCIL MATTERS

113. Joint Committees.—Any Municipal Committee may join any other Municipal Committee or Committees, or any local council or councils, or any other local authority or authorities, in appointing a joint committee for any purpose in which such Municipal Committees, councils or authorities may be jointly interested, and may delegate to such Joint Committee any power which may be exercised by it, including the power to make regulations for the conduct of business.

114. Disputes between Municipal Committees and Local Councils.—If any dispute arises between two or more Municipal Committees, or between a Municipal Committee and a local council, the matter shall be referred—

- (a) to the Commissioner, if the parties concerned are within the same Division, and
- (b) to the Government, if the parties concerned are in different Divisions, or if one of the parties is a Cantonment Board or a Union Committee in a Cantonment Area or within the jurisdiction of the Municipal Committees at Karachi, Dacca and Lahore, and the decision of the Commissioner or the Government, as the case may be, shall be final :

Provided that if one of the parties to the dispute is a Cantonment Board, or a Union Committee in a Cantonment Area or within the jurisdiction of the Municipal Committee at Karachi, the decision of the Government, not being a decision of the Central Government, shall not take effect unless the concurrence of the Central Government has been obtained.

CHAPTER III.—OFFENCES AND PENALTIES

115. Offences.—Every act or omission specified in the Second Schedule shall be an offence under this Ordinance.

116. Punishment.—An offence under this Ordinance shall be punished with fine which may extend to five hundred rupees, and if the offence is a continuing one, with a further fine which may extend to twenty rupees for every day after the date of the first commission during which period the offender has persisted in the offence.

117. Compounding of offences.—The Chairman, or any person generally or specially authorized by the Controlling Authority in this behalf, may compound any offence under this Ordinance.

118. Cognizance of offences.—No court shall take cognizance of any offence under this Ordinance except on a complaint in writing received from the Chairman, or a person generally or specially authorized by the Municipal Committee in this behalf.

CHAPTER IV.—MISCELLANEOUS

119. Appeals.—(1) Any person aggrieved by an order passed by a Municipal Committee or its Chairman or Vice-Chairman in pursuance of this Ordinance or the rules or by-laws, may appeal to such authority, in such manner and within such period as may be prescribed.

(2) Any order passed in appeal shall be final and shall not be called in question in any court.

120. Standing Orders.—The Government may, by Standing Orders issued from time to time—

- (a) define and regulate the relations of Municipal Committees *inter se*, and with local councils and other local authorities ;
- (b) provide for co-ordinating the activities of Municipal Committees and Government departments ;
- (c) provide for giving financial assistance to Municipal Committees including the making of grants for specified purposes, on specified terms and conditions ;
- (d) provide for the making of financial contributions by one Municipal Committee to another Municipal Committee or to any other local authority ;
- (e) provide for the general guidance of Municipal Committees in carrying out the purposes of this Ordinance.

121. Power to make rules.—(1) The Government may 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 matters enumerated in the Fourth Schedule, and all matters incidental, consequential and supplemental thereto.

122. By-laws.—(1) A Municipal Committee may, and if required by the Government shall, make by-laws, not inconsistent with the rules, to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such by-laws may provide for all or any of the matters enumerated in the Fifth Schedule, and all matters incidental, consequential and supplemental thereto.

123. Regulations.—A Municipal Committee may make regulations to regulate the procedure in respect of all or any of the matters enumerated in the Sixth Schedule, and all matters incidental, consequential and supplemental thereto.

124. General Provisions relating to rules etc.—(1) All by-laws shall be made subject to the condition of previous publication.

(2) All by-laws and regulations made by a Municipal Committee shall be subject to the sanction of the Controlling Authority, and the Controlling Authority may sanction any by-laws or regulations subject to modifications.

(3) The Government may frame model by-laws and regulations, and in framing their by-laws and regulations the Municipal Committees shall be guided by such model by-laws and regulations.

(4) All rules, by-laws and regulations shall be notified in the official Gazette.

(5) Copies of rules, and of by-laws and regulations pertaining to a Municipal Committee, shall be kept available at the office of the Municipal Committee for inspection and sale.

(6) All rules and by-laws when duly made shall be deemed to form part of this Ordinance and shall have effect accordingly.

125. Delegation of Powers.—(1) The Government may, by notification in the official Gazette, delegate any of its powers under this Ordinance or the rules to a Commissioner or any other officer subordinate to it.

(2) A Commissioner may with the previous sanction of the Government delegate any of his powers under this Ordinance or the rules not being powers delegated to him under clause (1) to any officer subordinate to him.

126. Licences and sanctions.—(1) Wherever it is provided in this Ordinance, or the rules or by-laws, that the permission or sanction of a Municipal Committee shall be necessary to the doing of any act, such permission or sanction shall be in writing.

(2) Every licence, sanction or permission granted by or under the authority of a Municipal Committee shall be signed by the Chairman, or with the permission of the Chairman, by the Vice-Chairman, or by such official of the Municipal Committee as may be authorized in this behalf by rules or regulations.

127. Other miscellaneous matters.—The provision of Articles 94, 95, 96, 97 and 98 in Chapter V of the Order shall *mutatis mutandis* apply to Municipal Committees as they apply to local councils as if the said provisions had been enacted in this Ordinance, and

- (a) any reference to a local council were a reference to a Municipal Committee ; and
- (b) any reference to the Order were a reference to this Ordinance.

CHAPTER V.—TRANSITIONAL PROVISIONS

128. Interim authorities, rules, by-laws, taxes, etc.—(1) In any area within the jurisdiction of a local body or bodies in which the provisions of this Ordinance are brought into force but a Municipal Committee is not constituted, the Government notwithstanding anything in this Ordinance, may, by order empower any person or persons to perform all or any of the functions of such body or bodies as had jurisdiction therein immediately before such enforcement, as may be specified in the order, until a properly constituted Municipal Committee for the area assumes office in accordance with the provisions of this Ordinance.

(2) Whereas a Municipal Committee is constituted under this Ordinance in any area, not being an area within the jurisdiction of any local body, the Government may enforce such rules and, without observing the procedure for previous publication, such by-laws and such taxes, rates, tolls or fees in that area for such period, not exceeding six months, as may be considered necessary, for enabling the Municipal Committee so constituted to prepare for carrying out the purposes of this Ordinance.

129. Interim arrangement for the maintenance of Institutions to be transferred to Municipal Committee.—Where, on the enforcement of this Ordinance in any area, any service undertaken or institution maintained by the Government is required under any of the provisions of this Ordinance to be compulsorily undertaken or maintained by a Municipal Committee, such service or institution shall, notwithstanding anything contained in this Ordinance, continue to be undertaken or maintained by the Government until the management thereof is duly transferred to the Municipal Committee.

130. Abolition of offices or posts.—(1) If, as a consequence of the enforcement of this Ordinance, any post held by a person under a local body or other local authority is abolished or its designation changed, such person—

- (a) may be appointed to such corresponding or other suitable post, if any, on such terms and conditions as the Controlling Authority may determine ; and
- (b) if there be no corresponding or other suitable post under the Municipal Committee to which he may be appointed, then, notwithstanding anything to the contrary contained in any other enactment, rule or contract, shall be deemed to have vacated the post on such enforcement.

(2) If the service of any person stands terminated under the provisions of sub-section (1), such person shall be paid the gratuity and pension to which he may be entitled under the rules of his service, and where he is not so entitled, such gratuity or pension as the Controlling Authority may, subject to rules, determine.

THE FIRST SCHEDULE

ENACTMENTS TO STAND REPEALED

(See section 4)

1. The Sind District Municipal Act, 1901 (Sind Act III of 1901).
2. The Baluchistan Bazars Regulation, 1910 (Reg. V of 1910).
3. The Punjab Municipal Act, 1911 (Punjab Act III of 1911).
4. The Assam Municipal Act, 1923 (Assam Act I of 1923).
5. The Sind Municipal Boroughs Act, 1925 (Sind Act XVIII of 1925).
6. The Sind Local Fund Audit Act, 1930 (Sind Act XXV of 1930).
7. The Punjab Municipal (Executive Officer) Act, 1931 (Punjab Act II of 1931).
8. The Bengal Municipal Act, 1932 (Bengal Act XV of 1932).
9. The City of Karachi Municipal Act, 1933 (Bombay Act XVII of 1933).
10. The City of Lahore Corporation Act, 1941 (Punjab Act XV of 1941).
11. The Quetta Municipal Law, 1946.
12. The Sind Local Authorities' Service Act, 1947 (Sind Act XLIV of 1947).
13. The West Punjab Municipal Fire Brigade Act, 1949 (West Punjab Act XXII of 1949).
14. The North-West Frontier Province Municipal Act, 1950 (N.W.F.P. Act XXXIII of 1950).

THE SECOND SCHEDULE

OFFENCES UNDER THE ORDINANCE

(See section 115)

1. Evasion of the payment of a tax or other impost lawfully levied by a Municipal Committee.
2. Failure to furnish on requisition information in respect of any matter which a Municipal Committee is authorized to call for under any of the provisions of this Ordinance, or the rules or by-laws, or furnishing wrong information.
3. Doing an act without licence or permission when the doing of such act requires a licence or permission under any of the provisions of this Ordinance, or the rules or by-laws.
4. Erection or re-erection of a building without the sanction required under this Ordinance.
5. Development of a site without the sanction required under this Ordinance.

6. Laying out, making or commencing to lay out or make a street without the sanction of the Municipal Committee.
7. Making an encroachment on any public road, public street, or public place without the sanction of the Municipal Committee.
8. Picketing, parking animals or collecting carts or vehicles on any street or using any street as a halting place for vehicles or animals or as a place of encampment without the permission of the Municipal Committee.
9. Causing or permitting animals to stray.
10. Without the permission of the Municipal Committee, causing or knowingly or negligently allowing the contents of any sink, sewer, drain, or cess-pool or any other offensive matter to flow, or drain to be put upon any street, or public place, or into any irrigation channel or any sewer or drain not set apart for the purpose.
11. Laying out a drain or altering any drain in a street without the sanction of the Municipal Committee.
12. Connecting any house drain with a drain in a public street without the permission of the Municipal Committee.
13. Throwing or placing any refuse on any street, or in any place not provided or appointed for the purpose by the Municipal Committee.
14. Carrying on any dangerous or offensive trade, or storing any offensive or dangerous article, without the sanction of the Municipal Committee.
15. Doing any act by which water for drinking is rendered unfit for such use.
16. Using water for drinking from any source which is suspected to be dangerous to public health, and the use whereof has been prohibited by the Municipal Committee.
17. Watering cattle or animals, or bathing or washing at or near a well or other source of drinking water for the public.
18. Steeping hemp, jute or any other plant in or near a pond or any other excavation within such distance of the residential area as may be specified by the Municipal Committee.
19. Dyeing or tanning skins within such distance of the residential area as may be specified by the Municipal Committee.
20. Wilfully or negligently injuring or suffering to be injured, wells, reservoirs, mains, pipes or other appliances for the supply of water under the management or control of the Municipal Committee.
21. Drawing off, diverting or taking any water, except with the permission of the Municipal Committee from any main or pipe.
22. Tampering with any main, pipe, meter, or any apparatus or appliance for the supply of water.
23. Excavation of earth, stone or any other material within such distance of the residential area as may be specified by the Municipal Committee.

24. Establishing a brick kiln, lime kiln, charcoal kiln, or pottery within such distance of the residential area as may be specified by the Municipal Committee.
25. Disposing of carcasses of animals without the sanction of the Municipal Committee.
26. Failure to provide, close, remove, alter, repair, clean, disinfect or put in proper order any latrine, urinal, drain, cess-pool or other receptacle for filth, sullage, water, or refuse when so required by the Municipal Committee.
27. Failure by the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which has been declared by the Municipal Committee to be injurious to health or offensive to the neighbourhood.
28. Failure by the owner or occupier of any land to cut or trim the hedges growing thereon and bordering on any street, or any branches of trees growing thereon which overhang any street or obstruct the same or cause danger, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof, or have been declared under this Ordinance to be in any way offensive or injurious to health.
29. Cultivation of such crops, use of such manure or irrigation of any land in such manner as is declared by the Municipal Committee to be injurious to public health or offensive to the neighbourhood.
30. Failure by the owner or occupier of any land or building to clean, repair, cover, fill up, or drain off any private well, tank or other source of water-supply, which is declared by the Municipal Committee to be injurious to health or offensive to the neighbourhood.
31. Failure by the owner or occupier of any building or land to put up and keep in good condition proper troughs and pipes for receiving or carrying water or sullage from the building or land when so required by the Municipal Committee.
32. Failure by a medical practitioner who during the course of such practice becomes cognizant of the existence of any infectious disease, to make a report about such infectious disease to the Municipal Committee.
33. Failure by any person cognizant of the existence of any infectious disease in any building to communicate the information to the Municipal Committee.
34. Failure by the owner to disinfect an infected building or the letting of an infected building without disinfection.
35. Sale of articles of food or drink by a person suffering from any infectious disease.
36. Failure by the owner or driver of a vehicle to disinfect any infected vehicle or carrying passengers in an infected vehicle.
37. Feeding or allowing to be fed any animal meant for dairy or food purposes on deleterious substances, filth or refuse of any kind.

38. Slaughtering animals for the sale of meat at a place other than the place set apart for the purpose.
39. Selling to the prejudice of any purchaser any article of food or drink which is not of the nature, substance or quality demanded by such purchaser.
40. Burying or burning a dead body at a place which is not a public or registered burial or burning place, except with the sanction of the Municipal Committee.
41. Removal of a dead body by a route other than the routes specified by the Municipal Committee.
42. Defacing or disturbing any municipal direction-post, lamp-post or lamp, or extinguishing any municipal light, except under due authority.
43. Fixing any bill, notice, placard, or other paper or means of advertisement against or upon any building or place other than the places fixed for the purpose by the Municipal Committee.
44. Exhibiting any obscene advertisement.
45. Stacking or collecting of timber, wood, dry grass, straw or other inflammable material in a manner which is declared by the Municipal Committee to be dangerous.
46. Driving or propelling any vehicle not properly supplied with lights during the period from half an hour after sunset to half an hour before sunrise.
47. Failure while driving, leading or propelling a vehicle, without reasonable excuse to keep to the left or when passing a vehicle going in the same direction, to keep to the right of that vehicle, or to follow other specified rules of the road.
48. Playing of music or radio, beating a drum or tomtom, blowing a horn or trumpet or beating or sounding any brass or other instrument or utensil in contravention of any general or special prohibition issued by the Municipal Committee.
49. Discharging firearms or letting off fireworks, crackers, fire balloons or detonators, or engaging in any game in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood, or risk of injury to property.
50. Quarrying, blasting, cutting timber, or carrying on building operations in such manner as causes or is likely to cause danger to persons passing by or living or working in the neighbourhood.
51. Letting loose or setting on ferocious dogs or other dangerous animals.
52. Failure to demolish or otherwise secure a building declared by the Municipal Committee to be dangerous building.
53. Using or allowing the use for human habitation of a building declared by the Municipal Committee to be unfit for human habitation.
54. Failure to lime-wash, or repair a building if so required by a Municipal Committee.

55. Failure by the owner or occupier of a building to make adequate arrangements for house scavenging when so required by the Municipal Committee.
56. Wilfully obstructing any officer or servant of, or any person authorized by, the Municipal Committee in the exercise of powers conferred by or under this Ordinance.
57. Begging importunately for alms, or exposing or exhibiting with the object of exciting charity any deformity or disease or any offensive sore or wound.
58. Keeping a brothel or practising prostitution in such area as **may** be declared by the Municipal Committee to be the prohibited area.
59. Being a member or a servant of a Municipal Committee knowingly to acquire directly or indirectly by self or a partner any share or interest in any contract with, by, or on behalf of the Municipal Committee.
60. Being an officer or servant declared by the Municipal Committee to be an essential officer or servant to be absent from duty, or to neglect or refuse to perform any of the duties or to perform them wilfully in an inefficient manner.
61. Doing of any other act which is prescribed as an offence under this Ordinance.
62. Contravening any of the provisions of this Ordinance, the rules, or by-laws, or of any order, direction, notice, or declaration made or issued thereunder.
63. Attempts and abetments of any of the offences aforesaid.

THE THIRD SCHEDULE

TAXES, RATES, TOLLS AND FEES WHICH MAY BE LEVIED BY A MUNICIPAL COMMITTEE.

(See section 33)

1. Taxes on the annual value of buildings and lands.
2. Tax on the transfer of immovable property.
3. Tax on applications for the erection and re-erection of buildings.
4. Tax on the import of goods for consumption, use or sale in a municipality.
5. Tax on the export of goods from a municipality.
6. Taxes of the nature of tolls.
7. Tax on professions, trades and callings.
8. Tax on births, marriages, adoptions and feasts.
9. Tax on advertisements.
10. Tax on animals.

- (f) The preparation of an annual works programme, and the manner in which it shall be sanctioned, and enforced.
 - (g) The registration of contractors, the fees to be charged for such registration, the security deposits to be made by contractors, and the conditions for the forfeiture of such deposits.
 - (h) The inspection of works, and the powers of inspecting officers.
 - (i) The certification and execution of works.
 - (j) The manner in which works may be executed departmentally.
 - (k) The manner in which the accounts for works shall be kept and maintained.
 - (l) All other matters necessary for the proper execution of works.
12. *Record, reports, and returns.*—(a) The specifying of the record that shall be maintained.
- (b) The various reports and returns that shall be prepared, and the manner in which they shall be published.
 - (c) The custody, proper maintenance, and destruction of unnecessary record.
13. *Offences.*—(a) The making of surveys for the detection of offences under this Ordinance.
- (b) The registration, composition, and prevention of offences under this Ordinance.
 - (c) The regulation of the reporting of offences under this Ordinance.
 - (d) All other matters necessary for the effective control and regulation of offences under this Ordinance.
14. *Appeals.*—(a) The manner in which appeals may be made, disposed of, and orders passed on appeal may be enforced.
15. *Municipal Fund.*—(a) The regulation of the custody and investment of the Municipal Fund.
- (b) The regulation of the operation of the Municipal Fund.
 - (c) The regulation of the maintenance of sinking funds, and other special funds.
 - (d) The regulation of the application of the Municipal Fund.
16. *Budget.*—(a) The form and the manner in which the budget shall be prepared.
- (b) The manner in which the budget shall be presented to the Municipal Committee, considered, and sanctioned.
 - (c) The manner in which the budget session of Municipal Committee may be convened and held.
 - (d) The manner in which moneys shall be allotted to various Heads.
 - (e) The manner in which the budget may be revised.
 - (f) All other matters necessary for the proper and effective budgeting.

17. *Accounts.*—(a) The forms in which accounts shall be kept.
 (b) The manner in which accounts shall be kept and maintained.
 (c) The inspection of accounts by the public.
 (d) The preparation, examination, certification and publication of monthly and annual accounts.
 (e) All other matters necessary for the proper maintenance of accounts.
18. *Audit.*—(a) The manner in which and the authorities by whom the accounts of Municipal Committees shall be audited.
 (b) The manner in which the Resident Audit Scheme shall be worked and enforced.
 (c) The principles which shall guide the audit authorities.
 (d) The powers to be exercised by the audit authorities.
 (e) The form of the audit report, the particulars which shall be included in the report, and the manner in and the period during which action shall be taken thereon.
 (f) All other matters necessary for the effective audit of the accounts.
19. *Surcharge.*—(a) The manner in which the liability of any person for any loss, waste, or misapplication of the funds or property of a Municipal Committee shall be determined.
 (b) The form of the certificate of surcharge.
 (c) The manner in which the notice of surcharge shall be given and served.
 (d) The manner in which the order of surcharge shall be passed.
 (e) Appeals against the order of surcharge.
 (f) The manner in which the amount surcharged shall be recovered.
 (g) All other matters necessary for preventing any loss, waste, or misapplication of the funds or property of a Municipal Committee, and making good of such loss, waste, or misapplication.
20. *Loans.*—(a) The purpose for which loans may be raised.
 (b) The limiting of the amount of loan which may be taken by a Municipal Committee.
 (c) The manner in which a loan may be obtained from the Government or from a bank or the public.
 (d) The manner in which the loan shall be repaid.
 (e) The manner in which accounts relating to loans shall be maintained.
21. *Grants.*—(a) The giving of grants to Municipal Committees.
 (b) The terms and conditions subject to which grants shall be paid and spent.
 (c) All other matters necessary for subsidizing the activities of Municipal Committees.
22. *Municipal property.*—(a) The management and maintenance of property belonging to or vesting in the Municipal Committees.
 (b) Vesting of the property in Municipal Committees.

- (c) The framing and enforcement of Property Development Schemes with the sanction of the Controlling Authority.
 - (d) The registration, verification, and stock-taking of property, and the maintenance of maps and plans thereof.
 - (e) The manner in which property may be acquired.
 - (f) The manner in which property may be alienated.
 - (g) All other matters necessary for the effective control, use and management of property belonging to, or vesting in, the Municipal Committee.
23. *Municipal Taxation*.—(a) The manner in which taxes, rates, fees, tolls and other charges under this Ordinance may be imposed, levied, assessed, collected, leased, compounded, administered and regulated.
- (b) The obligations of the tax-payers, including the furnishing of information and the presentation of accounts.
 - (c) The duties and powers of the officials and other agencies for the assessment and collection of taxes, rates, tolls and fees, and other charges.
 - (d) The manner in which annual taxation programme shall be framed and enforced.
 - (e) Appeals against the assessment and collection of taxes, rates, tolls, fees, and other charges.
24. *Octroi*.—(a) The specifying of the limits for the purpose of the collection of octroi and the fixation of octroi barriers.
- (b) The working of octroi posts and other octroi offices.
 - (c) The presentation of goods and animals liable to octroi at the octroi posts and octroi offices.
 - (d) The manner with regard to the assessment and collection of octroi on goods or animals,—
 - (i) imported by road ;
 - (ii) imported by rail ;
 - (iii) imported by air ;
 - (iv) imported through parcel post ;
 - (v) imported through private motor cars.
 - (e) The import of goods or animals, not intended for consumption use or sale within the municipality.
 - (f) The registration of premises, and the charging of octroi at such premises instead of at the octroi posts, and the manner in which the collection of octroi shall be regulated at such premises.
 - (g) The prevention of the evasion of octroi, checking of goods in the municipality liable to the payment of octroi, the organization of octroi raids and the adoption of such other measures as may be necessary for the effective administration of octroi.
25. *Recovery of taxes and other dues*.—(a) The issuing of bills and notices for the recovery of taxes and other dues, and the manner for the service of such bills and notices.
- (b) The manner in which any demand shall be declared as an arrear and the manner in which an arrear shall be recovered

- (c) The manner for the recovery of any tax or other dues by distress and sale of the movable property of the defaulter.
 - (d) The manner in which any amount which is not recoverable may be written off.
26. *Sanitation*.—(a) The manner in which Sanitary Surveys shall be undertaken, and Sanitary Schemes shall be framed and implemented.
- (b) The standards for sanitation.
 - (c) Such other matters as may be necessary for the effective sanitation of the municipality.
27. *Infectious diseases*.—(a) The measures to be adopted for the prevention of infectious diseases, and the steps to be taken on the outbreak of any infectious diseases to restrain infection.
- (b) The working of the hospitals for the treatment of infectious diseases, and the removal of patients to such hospitals.
 - (c) The powers which may be vested in a Municipal Committee for combating any infectious disease or infection.
28. *Hospitals and Dispensaries*.—(a) The maintenance, management, and administration of municipal hospitals and dispensaries.
- (b) The standard which shall be maintained by municipal hospitals and dispensaries with regard to the provision of drugs, medicines, apparatuses, appliances, furniture, equipments and other necessities.
29. *Water-supply*.—(a) The preparation and enforcement of Water-supply schemes.
- (b) The manner for the laying out of the water mains and pipes in streets.
 - (c) The maintenance of waterworks.
30. *Drainage*.—(a) The preparation and implementation of Drainage Schemes.
- (b) The maintenance of drainage works.
 - (c) The disposal of sullage, and the maintenance of disposal works.
31. *Water-courses*.—(a) The declaration of the sources of water as public water-courses.
- (b) The declaration of any part of a public water-course as a public ferry.
 - (c) The exploitation of fisheries by Municipal Committees in public water-courses within Municipalities.
 - (d) The arrangements to be made for saving life at public water-courses.
 - (e) The management and operation of public ferries.
 - (f) The tolls to be levied at public ferries.
32. *Milk supply*.—(a) The preparation and implementation of Milk Supply Schemes.
- (b) The establishment and regulation of milkmen's colonies.
 - (c) The establishment and maintenance of dairies by Municipal Committees.

33. *Public Markets*.—(a) The establishment, maintenance and inspection of public markets.
(b) The amenities to be provided in public markets.
34. *Slaughter-houses*.—(a) The establishment, maintenance, and inspection of slaughter-houses.
35. *Animals*.—(a) The establishment, maintenance and administration of veterinary hospitals and dispensaries.
(b) The establishment, maintenance, and administration of cattle ponds.
(c) The establishment and maintenance of animal homes.
(d) The establishment and maintenance of cattle farms and poultry farms by Municipal Committees.
(e) The framing and enforcement of live-stock improvement schemes.
(f) The establishment, maintenance, and administration of markets for the sale of animals, and cattle shows and fairs.
36. *Town Planning*.—(a) The manner in which the Master Plan for a municipality shall be prepared and enforced.
(b) The manner in which the Site Development Schemes shall be framed and enforced.
(c) All other matters necessary for effective town planning.
37. *Building Control*.—The manner in which a Municipal Committee shall exercise control and regulate the erection and re-erection of buildings in a municipality.
38. *Streets*.—(a) The regulation of the layout of streets, the prescription of street lines and building lines.
(b) The regulation of the payment of streets and the execution of other works by persons owing premises abutting on adjoining streets.
(c) The preparation, sanction and implementation of programmes for the maintenance of roads and streets.
(d) The naming of roads and streets.
(e) The manner in which a private road or street may be converted into a public road or street.
(f) The definition and prevention of nuisances and offences pertaining to streets.
(g) All other matters necessary for the proper maintenance, preservation, protection and improvement of streets.
39. *Fire-fighting*.—(a) The maintenance of fire-brigades by the Municipal Committees.
(b) The number of fire stations, the strength of staff of the fire-brigade, and the implements, machinery and equipments to be provided for various fire stations.
(c) The training, discipline, and good conduct of men belonging to the fire-brigades.
(d) The administration of fire-fighting service, and its maintenance in a due state of efficiency.

- (e) The inspection of the fire-fighting service, and the submission of returns and reports.
- (f) The grant of rewards, gratuities, and certificates to persons who have rendered effective service on the occasion of a fire.
- (g) The provision for requiring persons and establishments to take such measures for reducing risks of fire and for fire-fighting as may be specified.
- (h) All other matters necessary for promoting the efficiency of the fire-fighting service.

40. *Dangerous and offensive trades.*—(a) The specifying of articles which shall be deemed to be dangerous or offensive, or to be, or likely to be, a nuisance to the public or dangerous to life, health, or property.

- (b) The specifying of the trades which shall be deemed to be dangerous or offensive, or to be or likely to be, a nuisance to the public or dangerous to life, health or property, either by the nature of the trades or by reason of the manner in which or the conditions under which the trades or any manufacturing process, industry or operation connected with such trades is carried on.

41. *Arboriculture.*—(a) The framing and enforcement of Arboriculture Plans.

- (b) The reports and returns that shall be prepared periodically about the progress of Arboriculture Plans and the authorities to whom such reports and returns shall be forwarded.
- (c) The laying out of public gardens and open spaces, and their maintenance.
- (d) The framing and enforcement of Garden Development Plans.
- (e) The maintenance of forests by Municipal Committees.
- (f) The specifying of the pests of trees and plants, and the manner in which such pests shall be destroyed or eradicated.
- (g) All other matters necessary for promoting arboriculture wealth in the country.

42. *Education.*—(a) The educational institutions which shall be maintained by Municipal Committees.

- (b) The educational institutions which may be maintained by Municipal Committees and the terms and conditions subject to which such institutions shall be maintained.
- (c) The standards to which the institutions maintained by Municipal Committees shall conform in respect of buildings, equipments, staff and other matters relating to administration and finance.
- (d) The inspection of educational institutions, maintained by Municipal Committees, the publication of inspection notes, and the taking of action thereon.
- (e) The payment of grants to Municipal Committees for the maintenance of educational institutions.
- (f) The making of education surveys, and the particulars to be included in such surveys.

- (g) The making of Educational Development Plans and their implementation and enforcement.
- (h) The matters pertaining to the enforcement of compulsory education.
- (i) The education of adults women, the handicapped persons, and socially backward classes.
- (j) The establishment and grant of scholarships.
- (k) The establishment and operation of funds for the granting of loans for studies, and their payment.
- (l) The fixing of the fees that may be levied in educational institutions.
- (m) The giving of financial aid to educational institutions maintained by private organizations.
- (n) The regulation of the appointment of managing committees or managers for educational institutions and the prescription of duties and powers of such managing committees or managers.
- (o) The making and implementation of schemes for making educational institutions financially self-sufficient.
- (p) The supply of milk and meals to school children.
- (q) The medical inspection of school children.
- (r) The promotion of schemes for the supply of books, stationery and other educational requirements to school children.
- (s) Matters pertaining to the amelioration of the conditions of teachers.
- (t) All other matters necessary for educational advancement in the municipality.

43. *Libraries.*—(a) The establishment, maintenance and general working of public libraries and reading rooms.

- (b) The construction of buildings for public libraries and reading rooms and their equipment.
- (c) The enrolment of members, the levying of fees and finance, and the requiring of security deposits.
- (d) The preservation and protection of books.
- (e) The stock-taking of books every year.
- (f) The maintenance of circulating libraries.
- (g) The training of library staff.
- (h) The framing and enforcement of schemes for the expansion and improvement of library services.
- (i) All other matters likely to improve the working of libraries and reading rooms.

44. *Maktibs.*—(a) The establishment of maktibs.

- (b) The manner in which maktibs shall be maintained and managed.
- (c) The courses of studies at maktibs.
- (d) The manner in which maktibs and other recognized schools shall be co-ordinated.

45. *Social Welfare*.—(a) The manner in which the welfare aspect of the functions of Municipal Committees shall be emphasised.
- (b) The registration of social service organizations, and the inspection and co-ordination of such organizations.
 - (c) The framing and implementation of social service schemes.
 - (d) The giving of financial assistance to social service organizations.
 - (e) The organization of social service volunteers, their training, conduct, discipline, powers and duties.
 - (f) The organization of Social Welfare Department under Municipal Committees, and the definition of the functions and powers of such departments.
 - (g) The appointment of Social Welfare Officers and the prescription of their duties and powers.
 - (h) The making of schemes for the relief of persons in distress and the enforcement of such schemes.
 - (i) The mitigation and prevention of social evils.
 - (j) All other matters necessary for the promotion of social welfare.
46. *Development*.—(a) The manner in which the Development Plans of Municipal Committees shall be prepared, co-ordinated and sanctioned.
- (b) The manner in which the Development Plans shall be financed, executed, implemented and supervised.
 - (c) The specifying of the agencies through which the Development Plans shall be executed and implemented.
 - (d) The specifying of the period of the Development Plans.
 - (e) The manner in which the progress of a Development Plan shall be reviewed periodically.
 - (f) The reports and returns that shall be submitted about the implementation of a Development Plan.
 - (g) The manner in which community development projects shall be promoted, sponsored, framed, sanctioned, and executed.
 - (h) All other matters necessary for the proper planning and efficient execution of community development.
47. *Public utility enterprises*.—(a) The specifying of the public utility enterprises that may be undertaken by Municipal Committees.
- (b) The manner in which public utility enterprises may be undertaken by Municipal Committees and the terms and conditions subject to which such enterprises shall be undertaken.
 - (c) The operation of public utility enterprises.
 - (d) The maintenance and operation of funds for public utility enterprises.
 - (e) All other matters necessary for the effective operation of public utility enterprises.
48. *Local Government Training Institutions*.—(a) The compulsory training of the staff and members of Municipal Committees.

- (b) The curricula of such training.
- (c) The holding of examinations, convocations, and the award of certificates and diplomas.
- (d) Scholarships, medals, prizes and study tours for the staff.
- (e) The administration of schools, colleges, and other institutions for such training.

THE FIFTH SCHEDULE

MATTERS RESPECTING WHICH BY-LAWS MAY BE FRAMED

(See section 122)

1. *Licences*.—(a) The manner in which licences, sanctions and permissions shall be granted.
- (b) The form of licences, sanctions and permits.
- (c) The manner in which licences, sanctions and permits shall be registered, held and inspected.
- (d) The fees that shall be levied for licences, sanctions and permissions.
2. *Notices*.—(a) The form of public notices, special notices and other notices.
- (b) Notice-boards and the fixing of notices thereon.
- (c) The manner for the service of notices.
- (d) All other measures necessary for bringing to the notice of the public or persons concerned such matters as may be necessary.
3. *Fairs and festivals*.—(a) The holding and celebration of public and private fairs and festivals.
- (b) The licensing of lodging houses, shops, places of entertainment at the site of the fairs or festivals.
- (c) The licensing of private fairs.
- (d) The definition of nuisances and offences at the site of fairs and festivals, and the prevention of such nuisances and offences.
- (e) The inspection of the site of fairs and festivals.
- (f) The protection of the health of the people attending the fairs and festivals.
- (g) The regulation of the traffic to and from the fairs and festivals.
- (h) All other matters necessary for ensuring proper order and conduct at the fairs and festivals.
4. *Recreation*.—(a) The provision, promotion, or subsidization of facilities for public recreation, entertainment, amusement, and other cultural activities.
- (b) The regulation of the conduct of people in places of public recreation, amusement and entertainment in the interest of public convenience, safety and order.
- (c) The licensing of places and premises for public recreation, entertainment and amusement under private management, including the levying of fees for such licences.

- (d) All other matters necessary for public recreation, amusements and entertainment.

5. *Sanitation.*—(a) The licensing of private sweepers.

- (b) The matters pertaining to the sanitation of lands and buildings.
- (c) The regulation of the sweeping and cleanliness of public and private streets.
- (d) The inspection and visiting of lands and buildings for the purposes of sanitation.
- (e) The removal and collection of refuse.
- (f) The disposal of refuse by owners of premises.
- (g) The definition of nuisances pertaining to sanitation and the abatement and prevention of such nuisances.
- (h) The making of sanitary surveys.
- (i) The making and enforcement of sanitary schemes.
- (j) The construction, maintenance and inspection of public and private latrines and urinals.
- (k) The providing of receptacles and vehicles for the removal, collection and carriage of refuse.
- (l) The providing of trenching grounds, incinerations, septic tanks and other devices for the disposal of refuse.
- (m) The duties and obligations of the public with regard to sanitation.
- (n) The promotion of education in sanitation.
- (o) All other matters necessary for the effective promotion of sanitation.

6. *Registration of births, deaths, marriages and the taking of census.*—The regulation of the registration of births, deaths, and marriages.

7. *Infectious diseases.*—(a) The restraint, segregation and isolation of persons suffering from any infectious diseases.

- (b) The removal, disinfection, and destruction of personal effects, goods and other property exposed to infection.
- (c) The disinfection of buildings and conveyances.
- (d) The removal to hospitals and the treatment of persons suffering from any infectious disease or likely to suffer from any such disease owing to exposure to infection.
- (e) The speedy burial or cremation of the bodies of persons who have died from any infectious disease.
- (f) Matters relating to house to house visiting and inspection.
- (g) The duties and obligations of the public with regard to the prevention of the spread of any infectious disease.
- (h) The trade or profession of washermen, dairymen, hawkers, selling articles of food and drink, traders in rags, bones, second-hand clothings and such other trades and professions as may be specified in so far as such trades and professions concern the spread of infection.

- (i) The destruction of flies, insects, rats, rodents, and other vermin, and the removal or abatement of conditions permitting the prevalence or multiplication of such insects, rodents and vermin.
- (j) All other measures likely to control, restrain and prevent infectious diseases.
- 8. *Burial and burning places.*—(a) The maintenance and licensing of public and private burial and burning grounds.
- (b) The laying out, enclosing, fencing and providing roads and paths in public and private burial and burning places.
- (c) The preservation of graves, monuments, tomb-stones and other works in public and private burial and burning places.
- (d) The provision and improvement of public and private burial and burning places.
- (e) The licensing of grave-diggers and other persons working at public or private burial or burning places and the fees to be charged for such licences.
- (f) The fees to be charged for burial and burning in public or private burial or burning places.
- (g) The manner in which dead bodies shall be buried or burnt.
- (h) The construction of graves and their registration.
- (i) The removal of encroachments on public or private burial or burning places.
- (j) The definition and prevention of offences pertaining to burial and burning places.
- (k) The provision of conveniences and amenities at public and private burial or burning places.
- (l) The carriage of dead bodies to burial and burning places and the prescription of routes to be followed.
- (m) The provision for the burial and burning of the indigent and the poor.
- (n) The burial and burning of persons who die of infectious diseases.
- (o) All other matters necessary for the proper maintenance of burial and burning grounds and the effective and proper disposal of the dead.
- 9. *Offensive and dangerous trades.*—(a) The regulation of offensive trades.
- (b) The storing and keeping of dangerous and offensive articles.
- (c) The definition, abatement and prevention of nuisances pertaining to dangerous and offensive trades.
- 10. *Nuisances.*—(a) The inspection of the municipal area to ascertain the existence of nuisances.
- (b) The reporting of nuisances.
- (c) Matters pertaining to the abatement of nuisances.
- 11. *Encroachments.*—(a) The licensing of encroachments.
- (b) The removal of unlicensed encroachments.
- (c) The fees to be levied for the licensing of encroachments.

- (d) All other matters necessary for the effective regulation and control of encroachments.
12. *Vehicles*.—(a) The licensing of public vehicles, drivers of public vehicles, the horses and other animals and persons to be used for carrying or propelling such vehicles.
- (b) The prescription of a uniform and the wearing of badges by persons driving or propelling public vehicles.
- (c) The branding of licensed horses and other animals.
- (d) The medical inspection of persons propelling public vehicles.
- (e) The restriction of the number of public vehicles to be licensed.
- (f) The inspection of public vehicles, horses and animals used for carrying public vehicles and the premises where such vehicles, horses and animals are kept.
- (g) The provision of stands and the manner of their use.
- (h) The regulation of the conduct of drivers and persons in charge of vehicles.
- (i) The definition of offences pertaining to public vehicles.
- (j) The regulation of the use of vehicles other than public vehicles.
- (k) All other matters necessary for improving the service of public vehicles.
13. *Traffic*.—(a) The regulation of traffic.
- (b) The rules of the road.
- (c) The code of traffic signs and signals.
- (d) The regulation of various classes of vehicles.
- (e) The prohibition of vehicular traffic in streets and areas to be specified.
- (f) The limiting of speed.
- (g) The restriction of unwieldly traffic.
- (h) The regulation of the hours of lighting.
- (i) The obligations of the people in the matter of traffic and their education in the rules of the road.
- (j) All other matters necessary for the effective control of traffic.
14. *Buildings*.—(a) The regulation of the erection and re-erection of buildings.
- (b) The manner in which building applications for sanction shall be submitted, registered, scrutinized and sanctioned.
- (c) The approval of the site.
- (d) The specifying of the grounds on which a building application may be rejected.
- (e) The regulation of the height, level, slope, ventilation, drainage, pavement of floors, lighting, number of storeys, the dimensions of rooms, the material to be used, latrines, fire-places, smoke-escapes, chimneys, kitchens, servant quarters, godowns, garages, foundations, doors, windows, arrangements for the prevention of fire, courtyard and stairs.
- (f) The space to be left around building, for the circulation of air and the line of frontage beyond which the building shall not abut.

- (g) The determining of the use to which a building may be put.
 - (h) Provision for requiring the compulsory appointment of persons to supervise the work of the erection and re-erection of buildings or of specified class or classes of buildings, and the qualifications of such persons.
 - (i) The regulation of the architectural design of buildings.
 - (j) The inspection of buildings, the stopping of work proceedings in an unauthorized manner, the giving of certificates on the completion of buildings, the demolition of buildings erected in an unauthorized manner, and the making of appeals against the orders of demolition.
 - (k) The precautions that shall be taken in the erection or re-erection of buildings, the manner in which scaffoldings shall be constructed, the manner in which buildings under construction shall be lighted at night.
 - (l) The licensing of masons, and other professional workers employed on construction work.
 - (m) The fees that may be levied for the construction of buildings.
 - (n) The making of surveys for the detection of buildings constructed in an unauthorized manner, the registration of such buildings, and the taking of action with regard thereto.
 - (o) The definition of offences pertaining to erection and re-erection of buildings, and their prevention.
 - (p) The manner in which offences pertaining to erection and re-erection of buildings may be compounded.
 - (q) All other matters necessary for enabling the Municipal Committee to exercise effective building control in the interests of public health, public convenience and public safety.
15. *Arboriculture*.—(a) The plantation of trees on open private lands and premises and the obligations of the owners and occupiers of such lands and premises regarding the preservation and protection of plants and trees.
- (b) The prohibition of the felling or cutting of any immature trees in any area except with the sanction of the Municipal Committee and the regulation of the conditions for the grant of such permission.
 - (c) The regulation of the clearance of lands and premises overgrown with rank or noxious vegetation.
 - (d) The regulation of the conduct of persons visiting public gardens and public open spaces.
 - (e) The felling of dangerous trees, and the felling of overhanging branches.
 - (f) The regulation of hedges facing streets.
 - (g) The definition of offences pertaining to trees, and their prevention.
 - (h) The prohibition of the cultivation of dangerous crops in residential areas.
16. *Parks*.—(a) The conditions subject to which any person may enter or reside in a park.

- (b) The hours and the conditions subject to which parks shall be open to public.
 - (c) The regulation of traffic in parks.
 - (d) The preservation, control, management of parks.
 - (e) The protection of the indigenous flora and fauna.
 - (f) The protection of trees, rocks, fences, seats and other objects in parks.
 - (g) The regulation of the use of parks.
 - (h) The fees which may be levied for admission into parks or for the enjoyment of any of the facilities or amenities provided in the parks.
 - (i) The powers and duties of the officials incharge of the parks, including the powers to exclude any member of the public from the parks or any part thereof.
 - (j) All other matters necessary or expedient for the effective preservation, protection and management of parks.
17. *Tanks, etc.*—All matters pertaining to the excavation and re-excavation of tanks and reclamation of low lying areas.
18. *Fire-fighting.*—(a) The regulation, inspection and compulsory insurance of buildings exposed to the risk of fire.
- (b) The procedure for the giving of an alarm on the occurrence of a fire.
 - (c) The levying of charges on insurance companies in the event of any fire in an insured building.
 - (d) All other measures likely to minimise the risk of fire and necessary for the speedy control of fire.
19. *Water-supply.*—(a) The regulation of the making, maintenance, inspection, supervision, closing and cutting of private water connections.
- (b) The regulation of the use of water supplied through private water connections.
 - (c) The charge to be levied for the supply of water.
 - (d) The regulation of the sources of private water-supply.
 - (e) The definition and prevention of nuisances pertaining to sources and works of public and private water-supply.
20. *Drainage.*—(a) The provision for the construction of private drains including their material, size, lay-out, ventilation, level trapping and position.
- (b) The connection of private drains with public drains.
 - (c) The maintenance, cleanliness and inspection of drains.
 - (d) The provision for the employment of staff in connection with the cleaning of private and public drains.
 - (e) The enforcement of drainage for undrained land, ponds and buildings by a combined operation or otherwise.
 - (f) The disposal of sullage.
 - (g) The administration of sullage farms.
 - (h) The working of works for the disposal of sullage.

- (i) The regulation of private drains.
 - (j) The definition and prevention of nuisances and offences pertaining to drainage.
 - (k) The provision for the construction and regulation of cess-pools.
 - (l) The prohibition of the construction of a building in any area for which there is no proper system of drainage.
 - (m) The provision for the covering up of drains, provision of drain crossings and prohibition of the construction of buildings on drains.
 - (n) All other matters necessary for the effective drainage of the local area or the maintenance of drains in a sanitary state.
21. *Public Water-courses*.—(a) The regulation of the use of public water-courses.
- (b) The licensing of boats and other vessels plying for hire in public water-courses.
 - (c) The definition of aquatic pests and their destruction.
 - (d) All other matters necessary for the proper maintenance of public water-courses and their protection from contamination.
22. *Markets*.—(a) The provision for the establishment, maintenance, inspection and improvement of markets.
- (b) The regulation of the prices of articles sold in the market.
 - (c) The licensing of private markets.
 - (d) The definition and prevention of nuisances in markets.
 - (e) The allotment of stalls and stands.
 - (f) The control of traffic, and the preservation of order within the markets and their immediate vicinity.
 - (g) The provision for the due performance of their duties by market keepers, and the persons exercising their professions or callings within the markets.
 - (h) All other matters necessary for the proper maintenance and general improvement of the markets.
23. *Milk Supply*.—(a) The regulation of the grant and withdrawal of licences to and from persons selling or exposing for sale, milk, importing milk for sale, or keeping milch cattle for the sale of milk.
- (b) The regulation of the grant and withdrawal of licences for premises for the sale or exposure for sale of milk, the manufacture of butter, ghee and other milk and dairy products and the keeping of milch cattle or a dairy.
 - (c) The definition and prevention of malpractices with regard to milk trade.
 - (d) All other measures necessary for ensuring the purity of milk supply.
24. *Animals*.—(a) The definition of the contagious diseases of animals.
- (b) The measures to be adopted for the prevention of the spread of contagious diseases among animals.

- (c) The compulsory inoculation or destruction of animals suffering from any contagious disease.
 - (d) The seizure, detention, and impounding of animals found astray.
 - (e) The regulation of the tethering and picketing of animals in streets and private premises.
 - (f) The prohibition of the keeping of animals in premises meant for residence by human beings.
 - (g) The compulsory registration of the sale of cattle.
 - (h) The licensing of animals.
 - (i) The branding of animals.
 - (j) The castration of animals.
 - (k) The definition of dangerous animals and the manner in which they shall be detained, destroyed or disposed of.
 - (l) The licensing of public contests, public exhibitions and public performances of animals and birds and the prohibition of the sale of animals in markets not approved and licensed by the Municipal Committee.
 - (m) The licensing of stables.
25. *Slaughter-houses*.—(a) The regulation of the slaughter of animals at the slaughter-houses.
- (b) The inspection of animals before slaughter and the inspection of meat after slaughter.
 - (c) The fixing of the hours during which the slaughter-houses shall be opened for the slaughter of animals.
 - (d) The sanitation of slaughter-houses and the disposal of blood, offal, refuse and other offensive matter.
 - (e) The licensing of persons authorized to slaughter animals at the slaughter-houses.
 - (f) The levying of fees for the slaughter of animals.
 - (g) The destruction or disposal otherwise of any flesh produced at the slaughter-houses found not fit for human consumption.
 - (h) The prohibition within the municipality of the sale of any flesh, other than cured or preserved meat, not slaughtered at any approved slaughter-house, and the destruction or disposal otherwise of such flesh.
 - (i) The prohibition of the sale of any meat at the premises of the slaughter-houses.
 - (j) The regulation of the carriage of meat from the slaughter-houses.
 - (k) The inspection of unauthorized places of slaughter and the seizure and forfeiture of animals and meat at such unauthorized places.
 - (l) All other matters necessary for the effective regulation of the slaughter of animals, and efficient working of the slaughter-houses.

THE SIXTH SCHEDULE

MATTERS RESPECTING WHICH REGULATIONS MAY BE FRAMED

(See section 123)

- (a) Conduct of business of Municipal Committees.
- (b) Prescription of quorum.
- (c) The interpollation of Chairman on matters pertaining to the administration of the Municipal Committee.
- (d) The moving of the motions of adjournment to call attention to public grievances.
- (e) The moving of vote of no-confidence against the Vice-Chairman.
- (f) The requisitioning of meetings.
- (g) The recording of minutes.
- (h) The execution of resolutions.
- (i) The constitution of Sub-Committees and Joint Committees.
- (j) The co-option of persons on Sub-Committees.
- (k) The custody and use of the common seal.
- (l) The organization of the municipal office into departments and branches and the definition of the duties of various departments and branches.
- (m) The delegation of powers by a Municipal Committee to its Chairman and Vice-Chairman.
- (n) The delegation of the powers of the Chairman to any officers of the Municipal Committee.
- (o) All other matters of procedural nature or required under any of the provisions of this Ordinance to be provided in the regulations.

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

FIELD MARSHAL,

President.

THE KARACHI PORT TRUST (AMENDMENT) ORDINANCE, 1960.

ORDINANCE NO. XI OF 1960

[11th April, 1960]

An Ordinance further to amend the Karachi Port Trust Act, 1886

WHEREAS it is expedient further to amend the Karachi Port Trust Act, 1886 (*Bom. Act VI of 1886*), 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 Karachi Port Trust (Amendment) Ordinance, 1960.

(2) It shall come into force at once.

2. Amendment of section 5, Bom. Act VI of 1886.—In the Karachi Port Trust Act, 1886 (*Bom. Act VI of 1886*), hereinafter referred to as the said Act, in section 5, for the word “seventeen” the word “eleven” shall be substituted.

3. Substitution of section 7, Bom. Act VI of 1886.—In the said Act, for section 7 the following shall be substituted, namely :—

“7. (1) Of the remaining trustees, one shall be elected by the Chamber of Commerce and Industry, Karachi, one shall be elected by the Karachi Chamber of Commerce and Industry, Karachi, one shall be elected by the Karachi Cotton Association, Karachi, one shall be elected by the Pakistan Shipowners Association, Karachi, one shall be elected by the Karachi Municipal Corporation, and five, of whom one shall be a non-official associated with the Karachi Port Trust Labour Unions, shall be appointed by the Central Government.

Any trustee elected or appointed under this section may or may not be a public officer.

(2) The right to elect trustees conferred on the Chamber of Commerce and Industry, Karachi, the Karachi Chamber of Commerce and Industry, Karachi, the Karachi Cotton Association, Karachi, the Pakistan Shipowners Association, Karachi, shall accrue only on such chamber or association being, or becoming, registered under the law for the time being in force for the registration of companies or associations.”

4. Substitution of section 8, Bom. Act VI of 1886.—In the said Act, for section 8 the following shall be substituted, namely :—

“8. (1) The election of trustees by the Chamber of Commerce and Industry, Karachi, the Karachi Chamber of Commerce and

Industry, Karachi, the Karachi Cotton Association, Karachi, the Pakistan Shipowners Association, Karachi, and the Karachi Municipal Corporation shall be conducted in such manner, as may from time to time be determined at a meeting of the members of the bodies concerned convened in accordance with the rules for the time being in force in this behalf. The Secretary of the body concerned shall make a return to the Central Government of the names of the persons so elected.

- (2) In the event of default by any of the aforesaid bodies in electing any trustee under the foregoing provisions within the period hereinafter prescribed in this behalf, Government may appoint a person to represent such body and the person so appointed shall be deemed to be a trustee as if he had been duly elected by that body.”

5. Amendment of section 15A, Bom. Act VI of 1886.—In the said Act, for sub-section (2) of section 15A the following shall be substituted, namely :—

- “(2) In the event of the Chamber of Commerce and Industry, Karachi, or the Karachi Chamber of Commerce and Industry, Karachi, or the Karachi Cotton Association, Karachi, or the Pakistan Shipowners Association, Karachi, or the Karachi Municipal Corporation being dissolved, or ceasing to exist, the office of the trustee elected by the body which is dissolved, or which ceases to exist, shall become vacant.”

6. Amendment of section 18, Bom. Act VI of 1886.—In section 18 of the said Act,—

- (i) after sub-section (1) the following new sub-section (1A) shall be inserted, namely :—

“(1A) The Chairman shall be competent to sell, transfer or otherwise dispose of any moveable property the depreciated value of which is less than fifty thousand rupees and which in his opinion, is no longer required or useful for the purposes of the port.” ;

- (ii) in sub-section (2), for the word “fifty” the words “twenty-five years with an option to renew for a like period of twenty-five” shall be substituted ;
- (iii) in sub-section (3), for the words “three thousand” the words “twenty-five thousand” shall be substituted ;
- (iv) in sub-section (4), for the words “three thousand” the words “one lakh” shall be substituted ; and
- (v) in sub-section (6), for the words “three thousand” the words “one lakh” shall be substituted.

7. Amendment of section 19, Bom. Act VI of 1886.—In section 19 of the said Act, for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—

“Provided that the Chairman may compound or compromise any claim or demand up to the value of rupees ten thousand.”

8. Amendment of section 22, Bom. Act VI of 1886.—In section 22 of the said Act,—

- (i) for the words “Board shall from time to time” the words “Board may with the prior sanction of the Central Government,” shall be substituted ;
- (ii) after clause (7), the following new clause (8) shall be added, namely :—
 “ (8) for regulating the conduct and the terms and conditions of service of the officers and servants of the Board, and all other service matters including recruitment, promotion, inquiries, punishments and appeals ; ” ; and
- (iii) the proviso shall be omitted.

9. Substitution of section 23, Bom. Act VI of 1886.—In the said Act, for section 23 the following shall be substituted, namely :—

- “ 23. (1) Subject to the provisions of the regulations made under section 22 and of the schedule of officers and servants for the time being in force, all administrative powers including those of appointing, promoting, suspending and punishing the officers and servants of the Board and of grant of leave to them shall be exercised by the Chairman in the case of persons drawing pay in the scale of which the maximum does not exceed five hundred rupees and in every other case by the Board :
- Provided that the Chairman may by order in writing delegate all or any of his powers under this sub-section to the respective Heads of Departments or such other officer as he may think fit.
- (2) In the case of an order passed by a Head of the Department or other officer in exercise of the power delegated to him under sub-section (1) an appeal shall lie to the Chairman and in the case of any other order under that sub-section to the Central Government and the orders of the Chairman or Central Government, as the case may be, in such appeal shall be final.
 - (3) An appointment made in this section shall not be deemed to be a contract or agreement within the meaning of section 18. ”.

10. Substitution of section 24, Bom. Act VI of 1886.—In the said Act, for section 24 the following shall be substituted, namely :—

- “ 24. Every order or regulation made by the Board in respect of Heads of Departments, or in respect of officers holding posts in the scale of which the maximum is not less than eleven hundred rupees shall be subject to the previous approval of the Central Government. ”.

11. Amendment of section 29, Bom. Act VI of 1886.—In section 29 of the said Act,—

- (i) in sub-section (7), for the word “steam-vessel” the word “vessel” shall be substituted ;
- (ii) in sub-section (10), for the words “steam tugs” the word “tugs” shall be substituted ;
- (iii) in the proviso, for the words “three thousand” the words “one lakh” and for the words “one lakh” the words “three lakhs” shall be substituted.

12. Amendment of section 35, Bom. Act VI of 1886.—In section 35 of the said Act, for the words “ five hundred ” the words “ two thousand ” shall be substituted.

13. Amendment of section 44, Bom. Act VI of 1886.—In section 44 of the said Act,—

- (i) in the proviso, for the words and full-stop “ one hundred.”, the words and semi-colon “ five thousand ; ” shall be substituted ; and
- (ii) after the proviso, the following further proviso shall be added, namely :—

“ Provided further that in a case where the remission does not exceed two thousand rupees, the remission may be granted by the Chairman or an officer authorized by him in this behalf. ”.

14. Amendment of section 58, Bom. Act VI of 1886.—In section 58 of the said Act, for the words “ one hundred ” the words “ one thousand ” and for the word “ fifty ” the words “ five hundred ” shall be substituted.

15. Amendment of section 59, Bom. Act VI of 1886.—In section 59 of the said Act, after the word “ English ” the word “ Urdu ” shall be inserted.

16. Amendment of section 60, Bom. Act VI of 1886.—In section 60 of the said Act,—

- (i) the first paragraph shall be numbered as sub-section (1) of that section ;
- (ii) for the second, third and fourth paragraphs, the following sub-section (2) shall be substituted, namely :—

“ (2) No draws from the bank, or disbursement of such moneys or part thereof, shall be made except upon a cheque signed by the Deputy Chief Accounts Officer, if the amount does not exceed five hundred rupees, and by the Chief Accounts Officer, if the amount does not exceed five thousand rupees and jointly by the Chief Accounts Officer and the Chairman or, in his absence, the Vice-Chairman, if the amount exceeds five thousand rupees :

Provided that the salaries of officers and servants of the Board may be disbursed in cash.” ; and

- (iii) the last paragraph shall be numbered as sub-section (3) and in sub-section (3) as so numbered the words “ other than that of the Chief Engineer ” shall be omitted.

17. Amendment of section 61, Bom. Act VI of 1886.—In section 61 of the said Act, in clause (7),—

- (i) after the words “ specially sanctioned ” the words “ if the amount does not exceed rupees two hundred and fifty, by the Board, and in other cases ” shall be inserted ; and
 - (ii) for the full-stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely :—
- “ Provided that the total amount so sanctioned by the Board shall not in a year exceed one thousand rupees.”.

18. Amendment of section 62, Bom. Act VI of 1886.—In section 62 of the said Act, for the first paragraph the following shall be substituted, namely :—

“The Chairman shall, at a special meeting to be held not later than sixty days preceding the commencement of the then next ensuing financial year, lay before the Board an estimate of the income and expenditure for such financial year, in such manner and form and giving such detail as the Central Government may, from time to time direct.”.

19. Amendment of section 64, Bom. Act VI of 1886.—In section 64 of the said Act, for the words “one month” the words “forty-five days” shall be substituted.

20. Insertion of new section 66-A, Bom. Act VI of 1886.—After section 66 of the said Act, the following new section 66-A shall be inserted, namely :—

“66-A. Subject to any directions given in this behalf by the Central Government any sum of money or part thereof, which has not been spent for any purpose authorized in the estimate sanctioned under the foregoing provisions, may be reappropriated by the Board to meet any excess expenditure for any other purpose authorized in such estimate.”.

21. Amendment of section 67, Bom. Act VI of 1886.—In section 67 of the said Act, for the words “three thousand” the words “twenty-five thousand” shall be substituted.

22. Amendment of section 72, Bom. Act VI of 1886.—In section 72 of the said Act, for the words “one hundred” the words “one thousand” shall be substituted.

23. Amendment of section 73, Bom. Act VI of 1886.—In section 73 of the said Act, for the words “one hundred” the words “one thousand” shall be substituted.

24. Amendment of section 75, Bom. Act VI of 1886.—In section 75 of the said Act, for the word “fifty” the words “five hundred” shall be substituted.

25. Amendment of section 76, Bom. Act VI of 1886.—In section 76 of the said Act, for the words “two hundred” the words “two thousand” shall be substituted.

26. Amendment of section 78, Bom. Act VI of 1886.—In section 78 of the said Act, for the word “Board” the word “Chairman” and for the word “them” the word “him” shall be substituted.

27. Insertion of new section 77-A, Bom. Act VI of 1886.—After section 77 of the said Act, the following new section shall be inserted, namely :—

“77-A. Notwithstanding anything contained in any law for the time being in force an employee of the Board not being below the rank of a Sub-Inspector in the Watch and Ward service

and authorized in this behalf by the Chairman of the Board, may detain and search any person (or vehicle) employed in or found in, or in the vicinity of, any workshop, store, depot or other place for the deposit or handling of any property entrusted or belonging to the Board, who is reasonably suspected of (or as to which there is reasonable suspicion that it is being used in) removing such property without authority.”.

28. Insertion of new section 79-A, Bom. Act VI of 1886.—After section 79 of the said Act, the following new section 79-A shall be inserted, namely :—

“79-A. All acts and proceedings of the Board shall be subject to the control of the Central Government and the Central Government may cancel, suspend or modify any such acts or proceedings.”.

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

FIELD-MARSHAL,

President.

THE CENTRAL EXCISES AND SALT ACT (AMENDMENT) ORDINANCE, 1960.

ORDINANCE NO. XIII OF 1960

[21st April, 1960]

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 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 Excises and Salt Act (Amendment) Ordinance, 1960.

(2) It shall come into force at once.

2. **Amendment of First Schedule, Act I of 1944.**—In the Central Excises and Salt Act, 1944 (I of 1944), in the First Schedule, against item 14, for the entry in the third column the entry “Ten annas per lb.” shall be substituted.

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

Price : Ps. 6

THE TRADE UNIONS (AMENDMENT) ORDINANCE, 1960

ORDINANCE NO. XIV OF 1950

[25th April, 1960]

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 all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance, namely :—

1. Short title and commencement.—(1) This Ordinance may be called the Trade Unions (Amendment) Ordinance, 1960.

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

2. Amendment of long title and preamble, Act XVI of 1926.—In the Trade Unions Act, 1926 (*XVI of 1926*), hereinafter referred to as the said Act, in the long title and the preamble,—

- (a) after the word “registration”, the words “and recognition” shall be inserted ;
- (b) after the words “registered Trade Unions”, the words “and recognized Trade Unions” shall be inserted ; and
- (c) for the words “the Provinces and the Capital of the Federation” the word “Pakistan” shall be substituted.

3. Substitution of section 2, Act XVI of 1926.—In the said Act, for section 2, the following shall be substituted, namely :—

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

(a) ‘appropriate Government’ means—

- (i) in relation to a Trade Union in the Federal Capital, or in a mine, oilfield, major port, petroleum refinery or gas field, or in any undertaking or establishment engaged in or connected with the supply and distribution of mineral oil or natural gas, or in any industry carried on by or under the authority of the Central Government, or in relation to a Trade Union whose objects are not confined to one Province, the Central Government, and

- (ii) in relation to other Trade Unions, the Provincial Government ;

(b) ‘employer’ includes—

- (i) in relation to an industry carried on by or under the authority of any department of a Government the authority prescribed in this behalf, or where no authority is prescribed, the head of the department ;

- (ii) in relation to an industry carried on by or on behalf of a local authority, the chief executive officer of that authority ; and
- (iii) in relation to any other industry the proprietor of such industry and every Director, Manager, Secretary, Agent or other officer or person concerned with the management thereof ;
- (c) 'executive' means the body, by whatever name called, to which the management of the affairs of a Trade Union is entrusted ;
- (d) 'illegal strike' means a strike which by virtue of any law for the time being in force, is illegal ;
- (e) 'industry' means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial or agricultural occupation or avocation of workmen ;
- (f) 'Industrial Court' means an Industrial Court constituted under the Industrial Disputes Ordinance, 1959 (*LVI of 1959*) ;
- (g) 'irregular strike' means a strike declared by a Trade Union in contravention of its rules referred to in clause (d), of section 28-B ;
- (h) 'officer' in the case of a Trade Union, includes any member of the executive but does not include an auditor ;
- (i) 'prescribed' means prescribed by regulations made under this Act ;
- (j) 'recognized Trade Union' means a Trade Union recognized under this Act ;
- (k) 'registered office' means that office of a Trade Union which is registered under this Act as the head office thereof ;
- (l) 'registered Trade Union' means a Trade Union registered under this Act ;
- (m) 'Registrar' means a Registrar of Trade Unions appointed by the appropriate Government under section 3 ;
- (n) 'Trade Union' means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or workmen and workmen, or between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more Trade Unions :

Provided that this Act shall not affect—

- (i) any agreement between partners as to their own business ;
- (ii) any agreement between an employer and those employed by him as to such employment ; or

(iii) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft ;

(o) 'workmen' means all persons employed in trade or industry whether or not in the employment of the employer with whom the industrial dispute arises ; and

(p) 'industrial dispute' and 'strike' shall have the same meaning as are respectively assigned to them in the Industrial Disputes Ordinance, 1959 (*LVI of 1959*)."

4. Amendment of section 3, Act XVI of 1926.—In the said Act, in section 3 for the words and the full-stop "for each Province" a colon shall be substituted and thereafter the following proviso shall be added, namely :—

"Provided that the appropriate Government may appoint any other person as the Registrar for any specified area."

5. Amendment of section 15, Act XVI of 1926.—In the said Act, in section 15, in clauses (d) and (e), for the words "trade disputes" the words "industrial disputes" shall be substituted.

6. Amendment of section 16, Act XVI of 1926.—In the said Act, in section 16,—

(a) in sub-section (1), the following proviso shall be added, namely :—

"Provided that the appropriate Government may, by order in writing, prohibit the constitution of such fund by any Trade Union or class of Trade Unions." ; and

(b) in sub-section (2), the words and figures "constituted under the Government of India Act or the Government of India Act, 1935", wherever occurring, shall be omitted.

7. Insertion of new sections 16-A and 16-B, Act XVI of 1926.—In the said Act, after section 16, modified as aforesaid, the following new sections shall be inserted, namely :—

"16-A. *Inspection of accounts and records of Trade Unions.*—The Registrar of Trade Unions or a person authorized by him may inspect the accounts and records of the registered Trade Unions and exercise such other functions in that regard as may be prescribed.

16-B. *Maintenance of list of members, etc.*—Every registered Trade Union shall, in such form as may be prescribed, maintain—

(a) a list of members ;

(b) a register showing the particulars of subscription paid by every member ;

(c) an account book showing the receipts and expenditure ;

(d) a minute book for recording the proceedings of all the meetings of the general body of the Trade Union or the executive."

8. **Amendment of section 18, Act XVI of 1926.**—In the said Act, in section 18, for the words “trade disputes”, occurring twice, the words “industrial disputes” shall in both places be substituted.

9. **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 who is or has at any time been convicted under this Act shall be elected as an officer of a Trade Union.

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

Provided that the Central Government may, by notification in the official Gazette, prohibit, on grounds of security, Trade Unions in any industry carried on by or under the authority of the Central Government and connected with defence, to elect such officer.”.

10. **Amendment of section 28, Act XVI of 1926.**—In the said Act, in section 28, in sub-section (1), for the word “March”, occurring twice, the word “December” shall in both places be substituted.

11. **Insertion of new section 28-A, Act XVI of 1926.**—After section 28 of the Act, the following new section shall be inserted, namely :—

“ 28-A. *Power to exempt.*—The appropriate Government may, subject to such conditions, if any, as it thinks fit to impose, exempt a Trade Union, for a specified period, from any of the provisions of this Act.”.

12. **Insertion of new Chapters III-A and III-B, Act XVI of 1926.**—After Chapter III of the said Act, the following new Chapters III-A and III-B shall be inserted, namely :—

“ CHAPTER III-A

RECOGNITION OF TRADE UNIONS

28-B. *Recognition by an employer.*—(1) An employer shall recognize a Trade Union, if it fulfils the following conditions, namely :—

- (a) that it is a registered Trade Union and has complied with all the provisions of this Act ;
- (b) that all its ordinary members are workmen employed in the same industry or in industries allied to or connected with one another ;
- (c) that, where there are more than one Trade Union, the number of its members is not less than ten per cent. of the total number of workmen employed in such industry or industries, and exceeds the number of members of every other Trade Union in such industry or industries ;
- (d) that its rules provide for the procedure for declaring a strike ;

- (e) that its rules provide for the holding of a meeting of the executive at least once in every six months and for holding a general meeting of the Trade Union once in every year ; and
- (f) that its rules do not provide for the exclusion of any class of workmen referred to in clause (b) from the membership of the Trade Union ;

(2) Where an employer has recognized a Trade Union under sub-section (1), a memorandum of recognition signed by the employer and the President and the Secretary of the Trade Union, or their authorized representatives, shall be presented to the Registrar who shall record the memorandum in a register in the prescribed manner.

(3) The recognition given under sub-section (1) or under section 28-C shall, in the first instance, be for one year from the date of the registration of the memorandum of recognition under sub-section (2), or as the case may be, the date of the registration of the order of the Industrial Court made under sub-section (5) of section 28-C, but shall continue automatically from year to year unless it is sooner withdrawn under section 28-E or within one month of the expiry of any year, any other Trade Union has claimed recognition and has proved, in the prescribed manner, that it fulfils the conditions referred to in sub-section (1).

Explanation.—Reference in this section to “employer” shall, as respects recognition by an association of employers, be construed as a reference to all the employers who are members of the association.

28-C. Application to and grant of recognition by Industrial Court.—

(1) Where a registered Trade Union having applied for recognition to an employer has failed to obtain recognition within a period of three months from the date of making such an application, it may apply in writing, setting out such particulars as may be prescribed, to the Industrial Court for recognition by that employer.

(2) A single application may be made under sub-section (1) for recognition—

- (a) by more than one employer ; and
- (b) by an association of employers as well as one or more members thereof.

(3) The Industrial Court may, for the purpose of ascertaining whether the Trade Union is entitled to recognition by the employer under section 28-B, call for such further information as it deems fit and if the Trade Union fails to supply the required information within the time allowed, or if the Industrial Court after considering the application along with such further information is of the opinion that the Trade Union cannot be recognized under section 28-B it shall dismiss the application.

(4) If the application is not dismissed under sub-section (3) the Industrial Court shall, after serving a notice on the employer in the prescribed manner, proceed to enquire in such manner as it thinks fit whether the Trade Union fulfils the conditions for the recognition set out in section 28-B.

(5) If the Industrial Court is satisfied that the Trade Union is fit to be recognized by the employer, it shall make an order directing such recognition and may, where the recognition is to be by an association of

employers, further direct, by the same or by a subsequent order, recognition by every member of the association in relation to whom the Trade Union fulfils the condition set out in clause (c) of sub-section (1) of section 28-B.

(6) A copy of every order made under sub-section (5) shall be forwarded to the Registrar concerned for recording it in the register referred to in sub-section (2) of section 28-B, and while a recognition directed by such order is in force the Trade Union shall, in its relations with the employer concerned, have all the rights of a recognized Trade Union, under this Act and shall for all other purposes be deemed to be a Trade Union recognized under sub-section (1) of section 28-B, and the date of the registration of the order shall be deemed to be the date of the registration of the memorandum of recognition under sub-section (2) of the said section.

28-D. Right of recognized Trade Union.—(1) The executive of a recognized Trade Union shall be entitled to negotiate with the employer in respect of matters connected with the employment, unemployment, the terms of employment, and the conditions of work of all or any of its members, and the employer shall receive and reply letters of, and grant interviews to, the executive in connection with any such matter except on issues on which as a result of previous discussion or correspondence with the executive the employer has arrived at a conclusion.

(2) The executive of a recognized Trade Union shall be entitled to display notices of the Trade Union in any premises where its members are employed and the employer shall afford the executive all reasonable facilities for that purpose.

28-E. Withdrawal of recognition.—(1) The Registrar or the employer may after intimating the Trade Union concerned apply in writing to the Industrial Court for the withdrawal of the recognition of the Trade Union on any of the following grounds, namely :—

- (a) that the Trade Union has, within three months prior to the date of the application, committed any unfair practice set out in section 28-H ;
- (b) that the Trade Union has failed to submit any return referred to in section 28-G ; and
- (c) that the Trade Union has ceased to fulfil any of the conditions referred to in sub-section (1) of section 28-B.

(2) On receipt of an application under sub-section (1), the Industrial Court shall, unless it thinks fit to dismiss the application summarily, serve notice in the prescribed manner on the Trade Union to show cause why its recognition should not be withdrawn.

(3) If, after giving a reasonable opportunity to the Trade Union to show cause, the Industrial Court is satisfied that the Trade Union is no longer fit to be recognized, it shall make an order declaring that the recognition of the Trade Union has been withdrawn, and forward a copy of the order to the Registrar concerned who shall record the order in the register referred to in sub-section (2) of section 28-B.

28-F. Fresh recognition after withdrawal of recognition.—After six months from the date of withdrawal of recognition under sub-section (3) of section 28-E and not earlier, the Trade Union may again be recognized under sub-section (1) of section 28-B and the provisions of this Act shall apply to the Trade Union as if it had not been previously recognized.

28-G. *Returns to be submitted by recognized Trade Unions.*—(1) Every recognized Trade Union shall, in addition to the returns referred to in section 28, submit to the Registrar such returns at such time and in such manner as may be prescribed.

(2) Any officer of a Trade Union may be called upon by the Registrar to submit a complete statement regarding the amount of money or any other assistance received by the Trade Union from any source whatsoever.

CHAPTER III-B

UNFAIR LABOUR PRACTICES

28-H. *Unfair practices of recognized Trade Unions.*—For the purposes of this Act, it shall be an unfair practice on the part of a recognized Trade Union, if—

- (a) the Trade Union takes part in an irregular or illegal strike ;
- (b) the executive or the members of the Trade Union advise or actively support or instigate an irregular or illegal strike ;
- (c) the executive fails to take necessary action against such of the members of the Trade Union as go on an illegal strike ;
- (d) an officer of the Trade Union submits any return required by or under this Act containing a false statement ; or
- (e) the executive or members of the Trade Union coerce a workman to join the Trade Union against his free will.

28-I. *Unfair practices of the employer.*—For the purposes of this Act, it shall be an unfair practice on the part of an employer,—

- (a) to interfere with, restrain, or coerce his workmen in the exercise of their rights to organize, form, join, or assist a Trade Union of their choice and to engage in concerted activities for the purpose of mutual aid or protection ;
- (b) to interfere with the formation or administration of any Trade Union or to contribute financial or other support to it ;
- (c) to discharge, or otherwise discriminate against, any officer of a recognized Trade Union because of his being such officer ;
- (d) to discharge, or otherwise discriminate against any workman because he has made allegations or given evidence in an inquiry or proceeding relating to any matter such as is referred to in sub-section (1) of section 28-D ;
- (e) to fail to comply with the provisions of section 28-D :

Provided that the refusal of an employer to permit his workmen to engage in the activities of the Trade Union during the hours of work shall not be deemed to be an unfair practice on his part.”.

11. Amendment of section 29, Act XVI of 1926.—In the said Act, in section 29, in sub-section (2), for clause (e), the following clauses shall be substituted, namely :—

- “ (e) the form in which the applications, statements, returns and registers shall be submitted and maintained ;

- (f) the functions to be exercised by the inspectors appointed under section 15-A;
- (g) the forms for maintaining the list of members, account books and minute books for purposes of section 15-B;
- (h) the mode of determining representative character of a Trade Union; and
- (i) any other matter which is to be or may be prescribed.”.

12. Amendment of section 30, Act XVI of 1926.—In the said Act, in section 30, in sub-section (2), for the words “three months” the words “one month” shall be substituted.

13. Amendment of section 31, Act XVI of 1926.—In the said Act, in section 31,—

- (a) in sub-section (1),—
 - (i) after the word “registered” the words “or recognized” shall be inserted; and
 - (ii) for the word “statement” the words and comma “statement, return” shall be substituted.
- (b) in sub-section (2), after the words “that section” the words, figures and letter “or in or from any return referred to in sub-section (1) of section 28-G” shall be inserted; and
- (c) after sub-section (2), the following new sub-section (3) shall be added, namely :—

“ (3) Any person who wilfully makes or causes to be made any false entry or furnishes any false information in any statement referred to in sub-section (2) of section 28-G shall be punishable with rigorous imprisonment for three years.”.

14. Insertion of new sections 32-A and 32-B, Act XVI of 1926.—In the said Act, after section 32 the following new sections shall be inserted, namely :—

- “ 32-A. *Penalty for non-compliance of an order of the Industrial Court.*—Any employer who does not comply with any order of the Industrial Court made under section 28-C shall be punishable with fine which may extend to two thousand rupees.
- 32-B. *Penalty for unfair practices.*—(1) Any employer who commits any unfair practice set out in section 28-I shall be punishable with fine which may extend to one thousand rupees.
- (2) Where a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine imposed on an employer for committing an unfair practice set out in clause (c) or clause (d) of section 28-I, it may, when passing judgement, order the whole or any part of the fine to be applied in the payment to any person of compensation for loss or injury caused by the unfair practice.”.

MOHAMMAD AYUB KHAN, HP, HJ,
FIELD MARSHAL,
President,

THE PRESS AND PUBLICATIONS ORDINANCE, 1960

ORDINANCE NO. XV OF 1960

[26th April, 1960]

An Ordinance to amend and consolidate the law relating to press and publications.

WHEREAS it is expedient to amend and consolidate the law relating to press and publications ;

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 :—

Part I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Ordinance may be called the Press and Publications Ordinance, 1960.

(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) “authenticated declaration” means a declaration made and subscribed under section 7 and authenticated or deemed to have been authenticated under section 12 ;
- (b) “book” includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed ;
- (c) “document” includes any painting, drawing, photograph or other visible representation ;
- (d) “editor” means the person who controls the selection of the matter that is published in a newspaper ;
- (e) “Form” means a form contained in the Schedule ;
- (f) “Government”, in relation to the Federal Capital, means the Central Government, and in relation to other areas, the Provincial Government ;
- (g) “newspaper” means any periodical work containing public news or comments on public news, and includes such other class of periodical works as the Government may, by notification in the official Gazette, declare to be newspapers ;
- (h) “news-sheet” means any document other than a newspaper containing public news or comments on public news or any matter described in sub-section (1) of section 23 ;

- (i) "paper" includes a document, leaflet, newspaper, news-sheet and poster ;
- (j) "prescribed" means prescribed by rules ;
- (k) "press" includes a printing-press and all machines, implements and plant and parts thereof and all materials used for multiplying documents ;
- (l) "printing-press" includes all engines, machinery, types, lithographic stones, implements, utensils and other plant or materials used for the purpose of printing ;
- (m) "rules" means rules made under this Ordinance ;
- (n) "unauthorized newspaper" means,—
 - (i) any newspaper in respect of which there are not for the time being valid declarations under section 7, and
 - (ii) any newspaper in respect of which security has been required under this Ordinance, but has not been furnished as required ;
- (o) "unauthorized news-sheet" means any news-sheet other than a news-sheet published by a person authorized under section 33 to publish it ; and
- (p) "unauthorized press" means any press other than a press in respect of which there is for the time being a valid declaration under section 4.

Part II

PRINTING-PRESSES

3. Particulars to be printed on books and papers.—Every book or paper printed in Pakistan shall have printed legibly on it the name of the printer and the place of printing, and, if the book or paper be published, the name of the publisher and the place of publication.

4. Keeper of printing press to make declaration.—(1) No person shall keep in his possession any press for the printing of books or papers, unless he has made and subscribed before the District Magistrate within whose local jurisdiction such press may be, a declaration in Form A or such other form as may be prescribed.

(2) As often as the place where a printing-press is kept is changed, a fresh declaration shall be necessary :

Provided that where the change is for a period not exceeding sixty days and the place to which the printing-press is shifted is within the jurisdiction of the same District Magistrate no fresh declaration shall be necessary if,—

- (a) the keeper of the press continues to be the same ; and
- (b) within twenty-four hours of the change, the keeper of the press informs the District Magistrate in writing of the change.

Part III

PRINTING AND PUBLICATION OF NEWSPAPERS

5. Publication of newspapers.—No newspaper shall be printed or published except in conformity with the provisions of this Part and unless there subsists an authenticated declaration in respect thereof.

6. Name of the editor to be printed on the newspaper.—Every copy of every newspaper shall contain the name of the editor of the newspaper printed clearly on such copy as the name of such editor.

7. Declaration of the printer and publisher.—The printer and the publisher of every newspaper shall appear in person or by agent authorized in this behalf in accordance with the rules, before the District Magistrate within whose local jurisdiction such newspaper shall be printed or published and shall make and subscribe, in triplicate originals, a declaration in Form B or in such other form as may be prescribed.

8. No minor to be printer, publisher, or editor.—No person who has not attained majority in accordance with the provisions of the Majority Act, 1875 (IX of 1875), or of the law to which he is subject in respect of the attainment of majority, shall be permitted to make a declaration under section 7, nor shall any such person edit a newspaper.

9. Effect of non-publication of newspaper.—(1) If a newspaper in respect of which a declaration has been made under section 7 is not published within three months of the date on which such declaration is authenticated or deemed to have been authenticated under section 12, the declaration shall become null and void.

(2) Where a declaration becomes null and void under sub-section (1), the printer and the publisher shall make and subscribe a fresh declaration under section 7 before printing or publishing the newspaper, and the provision of sub-section (1) shall apply to the fresh declaration and to any subsequent fresh declaration.

(3) Where a newspaper having been published is not published,—

- (i) in the case of a daily newspaper, for sixteen days in a calendar month,
- (ii) in the case of a weekly newspaper, for two weeks in a calendar month,
- (iii) in the case of a fortnightly newspaper, for one month,
- (iv) in the case of a monthly newspaper, for two months,
- (v) in the case of a quarterly newspaper, for six months, and
- (vi) in the case of a six-monthly newspaper, for one year,

the declaration made in respect of that newspaper shall become null and void, and the printer and the publisher shall make and subscribe a fresh declaration under section 7 before further printing or publishing the newspaper, and to every such fresh declaration the provisions of the two foregoing sub-sections shall, without prejudice to the provisions of this sub-section, apply.

(4) Where a newspaper does not belong to any of the categories mentioned in sub-section (3) and the interval of its publication is intermediary between two successive categories mentioned therein, it

shall be governed by the provisions of that sub-section, as if it belonged to the less frequent category of the two.

(5) Nothing in sub-section (i) of sub-section (3) shall apply in the case of a printer and publisher who, within the period stated in those sub-sections and applicable to the particular case, show to the satisfaction of the District Magistrate that the newspaper has not been or cannot be published for reasons which are beyond their control.

Explanation.—If a publisher fails to bring out any issue or issues of the newspaper as required by the periodicity mentioned in the declaration, and produces a combined issue, such combined issue shall for the purpose of this section be regarded as one issue irrespective of the serial numbers given on it.

10. Effect of change of language, periodicity or place of publication.—

If at any time after the making of a declaration under section 7, the newspaper to which the declaration relates is printed or published in a language, with a periodicity or at a place, other than the language or languages, periodicity or place shown in the declaration, the declaration shall become null and void, and any further printing and publication of the newspaper shall be unauthorized unless a fresh declaration under section 7 is made, but nothing in this section shall apply to a temporary change of the place of printing or publication for a period not exceeding fifteen days at any one time, if within twenty-four hours of such temporary change the District Magistrate is informed of it in the manner prescribed.

11. Effect, if printer or publisher leaves Pakistan.—If at any time the printer or the publisher who has made a declaration under section 7 leaves Pakistan, the declaration shall become null and void unless,—

- (i) the absence of the printer or the publisher from Pakistan be for a period not exceeding three months, and
- (ii) the printer or the publisher, before leaving Pakistan, informs, in writing, the District Magistrate within whose jurisdiction the newspaper is printed or published, of his intended absence and the name of the person who has undertaken to discharge, in his absence and on his behalf, the responsibilities of the printer or the publisher, and furnishes to the District Magistrate a statement, in writing, of that person accepting those responsibilities.

12. Authentication of the declaration.—(1) Subject to the provisions of sub-section (2), each of the triplicate originals of every declaration made and subscribed under section 7 shall be authenticated by the signature and official seal of the District Magistrate before whom the said declaration is made.

(2) The District Magistrate shall not authenticate the declaration unless he is satisfied that—

- (a) the proprietor of the newspaper if he himself is not the printer or the publisher has authorized the making of such declaration ;
- (b) the title of the newspaper proposed to be published is not the same as the title of any newspaper already being published in the same language at any place in the same Province, not being a newspaper of different periodicity published by the same publisher or another edition of the same newspaper published from another place ;

- (c) the printer or the publisher was not convicted of an offence involving moral turpitude within five years before the date of his making and subscribing a declaration under section 7 ;
- (d) the publisher has the financial resources required for regularly publishing the newspaper ;
- (e) the editor possesses reasonable educational qualifications or has had adequate training or experience in journalism ; and
- (f) the printer or publisher is a person about whom the Government is satisfied, on the basis of information in its possession, that he is not likely to act in a manner prejudicial to the defence or external affairs or security of Pakistan.

13. Deposit of authenticated declaration.—The triplicate originals of the declaration authenticated under section 12 shall be deposited one each, in the office of the District Magistrate, in the office of the High Court and with the officer appointed by the Government under section 59.

14. Inspection and supply of copies of the declaration.—The officer in charge of each original deposited under section 13 shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy thereof attested by the seal of the Court or the office, as the case may be, which has the custody of the original, on payment of a fee of two rupees.

15. Copy of declaration or newspaper to be *prima facie* evidence.—In any legal proceeding, whether civil, criminal or otherwise, a copy of a declaration attested in the manner described in section 14 and a copy of the newspaper having the name of a person printed thereon as its editor, shall be sufficient evidence, unless the contrary is proved, as against the person whose name has been subscribed to such declaration, or printed on such newspaper, as the case may be, that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every newspaper whereof the title corresponds with the title of the newspaper mentioned in the declaration or the editor of every portion of that issue of the newspaper of which a copy is produced.

16. New declaration by persons who have signed declaration and subsequently ceased to be printers or publishers.—Every person who having subscribed a declaration under section 7 subsequently ceases to be the printer or publisher of the newspaper mentioned in such declaration shall appear, in person or by agent authorized in this behalf in the manner prescribed, before the District Magistrate, and make and subscribe in triplicate originals a declaration in Form C or such other form as may be prescribed.

17. Authentication and filing of declaration under section 16.—Each of the triplicate originals of the declaration made under section 16 shall be authenticated by the signature and seal of the District Magistrate before whom it is made and one such original shall be filed along with each original of the declaration under section 7.

18. Inspection and supply of copies of declaration under section 16.—The officer in charge of each original of the declaration filed under section 17 shall allow any person applying to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy thereof attested by the seal of the officer or the Court, as the case may be, having custody of the original, on payment of a fee of two rupees.

19. Putting copy of declaration under section 16 in evidence.—In any legal proceeding in which a copy of a declaration under section 7 attested in accordance with section 14 has been put in evidence, it shall be lawful to put in evidence a copy of a declaration under section 16 attested in accordance with section 18, and the former declaration shall not then be taken to be evidence that the declarant was, at any period subsequent to the date of the latter declaration, printer or publisher of the newspaper therein mentioned.

20. Person whose name has been incorrectly published as editor may make a declaration before a Magistrate.—(1) If any person, whose name has appeared as editor on a copy of a newspaper, claims that he was not the editor of the issue on which his name has so appeared he may, within two weeks of his becoming aware that his name has been so published, appear before a District Magistrate and make a declaration that his name was incorrectly published in that issue as that of the editor thereof, and if the District Magistrate after making such inquiry, or causing such inquiry to be made as he considers necessary is satisfied that such declaration is true, he shall certify accordingly, and on that certificate being given the provisions of section 15 shall not apply to that person in respect of that issue of the newspaper.

(2) The District Magistrate may extend the period allowed by this section in any case where he is satisfied that such person was prevented by sufficient cause from appearing and making the declaration within that period.

21. Restrictions on foreign ownership of newspapers.—No person who is not a citizen of Pakistan shall own or hold any interest in any newspaper printed or published in Pakistan except with the previous approval of the Central Government, and no such person shall in any case own or hold more than twenty-five per centum of the entire proprietary interest of any such newspaper whether in the form of shares or by way of sole ownership, partnership or otherwise.

Part IV

CONTROL OF PRINTING-PRESSES AND NEWSPAPERS

22. Deposit of security by keepers of printing-presses.—(1) Whenever it appears to the Government that any printing-press is used for the purpose of printing or publishing any book or paper containing any words, signs or visible representations of the nature described in sub-section (1) of section 23, the Government may, by notice in writing to the keeper of the press stating or describing such words, signs or visible representations, order the keeper to deposit with the District Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than ten thousand rupees as the Government may think fit to require, in money or the equivalent thereof in securities of the Central Government as the person making the deposit may choose.

(2) No notice under sub-section (1) demanding security shall be issued unless a reference in the prescribed manner has been made to the Sessions Judge within whose jurisdiction the press is situated, and the Sessions Judge, after hearing such persons and taking such evidence, if any, as he thinks necessary has expressed the opinion that the words, signs or visible representations are of the nature described in sub-section (1) of section 23.

(3) Such notice, if any, shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

(4) If the security is not deposited on or before the date appointed under sub-section (3), the Government may by order in writing direct that the printing-press shall not be used for the printing or publishing of any book or paper for such period as may be specified in the Order.

23. Power to close down press and forfeit security.—(1) Whenever it appears to the Government that any printing-press in respect of which any security has been ordered to be deposited under section 22 is used for the purpose of printing or publishing any book or paper containing any words, signs or visible representations which—

- (a) incite to or encourage, or tend to incite to or to encourage, the commission of any offence of murder or any cognizable offence involving violence, or
- (b) directly or indirectly express approval or admiration of any such offence, or of any person, real or fictitious, who has committed or is alleged or represented to have committed any such offence, or
- (c) report crimes of violence or sex in a manner likely to excite unhealthy curiosity or an urge to imitation, or
- (d) tend directly or indirectly to put any person in fear or to cause annoyance to him and thereby induce him to deliver to any person any property or valuable security or to do any act which he is not legally bound to do, or to omit to do any act which he is legally entitled to do, or
- (e) tend directly or indirectly to encourage or incite any person to interfere with the administration of the law or with the maintenance of law and order, or to commit any offence, or to refuse, or to defer payment of any land-revenue, tax, rate, cess or other dues or amount payable to Government or to any local authority, or any rent of agricultural land or anything recoverable as arrears of or along with such rent, or
- (f) are indecent, obscene, scurrilous, defamatory or intended for blackmail, or
- (g) amount to false rumours, or to information calculated to cause public alarm, frustration or despondency, without reasonable ground to believe the information to be correct, or
- (h) tend directly or indirectly to condemn the creation of Pakistan or to advocate the curtailment or abolition of the sovereignty of Pakistan in respect of all or any of the territories lying within its borders, whether by amalgamation with neighbouring States or otherwise, or
- (i) tend directly or indirectly to bring into hatred or contempt the Government established by law in Pakistan or the administration of justice in Pakistan or any class or section of the citizens of Pakistan or to excite disaffection towards the said Government, or
- (j) are likely to create or excite feelings of enmity, ill-will or hatred between the populations of the two provinces, or the populations of any regions or parts of Pakistan, or between different communities, sects, classes or sections of the citizens of Pakistan, or

- (k) are intended to bring into hatred or contempt, or to excite disaffection towards the ruler of any Acceding State integrated in the Province of West Pakistan, or
- (l) are likely to prejudice the maintenance of friendly relations between the Government of Pakistan and the Government of any foreign State, or
- (m) tend directly or indirectly to seduce any officer, soldier, sailor or airman in the armed forces of Pakistan or any police officer from his allegiance or his duty, or
- (n) tend directly or indirectly to prejudice the recruiting of persons to serve in any of the armed forces of Pakistan or in any police force, or to prejudice the training, discipline or administration of any such force, or
- (o) tend directly or indirectly to induce a public servant or a servant of a local authority to do any act or to forbear or delay to do any act connected with the exercise of his public functions or to resign his office,

the Government may, by order in writing to the keeper of such printing-press, stating or describing the words, signs or visible representations which in its opinion are of the nature described above,—

- (i) direct that the printing-press shall not be used for the printing or publishing of any book or paper for such period as may be specified in the order, and
- (ii) declare that any security deposited under section 22 or a portion thereof shall be forfeited to the Government, and may also declare all copies of such book or paper wherever found in Pakistan to be forfeited to the Government.

(2) No order under sub-section (1) shall be made unless a reference in the prescribed manner has been made to the Sessions Judge within whose jurisdiction the printing-press is situated and the Sessions Judge, after hearing such persons and taking such evidence, if any, as he thinks necessary, has expressed the opinion that the words, signs or visible representations are of the nature described in that sub-section.

Explanation 1.—No expression of approval or admiration made in a historical or literary work shall be deemed to be of the nature described in this sub-section unless it has the tendency described in clause (a);

Explanation 2.—Comments expressing disapprobation of any measures of the Government with a view to obtaining their alteration by lawful means, or of any action of the Government, administrative or otherwise, without exciting or attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (i);

Explanation 3.—Statements and comments made without malicious intention, for the purpose of helping or advocating the progress of any province or any region or part of Pakistan, or the furtherance of its legitimate interests, or for securing removal of any factors tending to create or excite enmity, ill-will or hatred shall not be deemed to be of the nature described in clause (j);

Explanation 4.—Statements of fact made without malicious intention and without attempting to excite hatred, contempt or disaffection shall not be deemed to be of the nature described in clause (k).

(3) Where after the expiry of the period specified in an order under sub-section (4) of section 22 or sub-section (1) of this section, the printing-press is again used for the purpose of printing or publishing

any book or paper containing any words, signs or visible representations of the nature described in sub-section (1), the Government may by order in writing annul the declaration made under section 4.

24. Deposit of further security.—(1) Where a declaration in respect of any press is annulled under sub-section (3) of section 23, every person making a fresh declaration in respect of such press under section 4, shall deposit with the District Magistrate before whom such declaration is made security to such an amount not being less than one thousand or more than ten thousand rupees, as the District Magistrate may think fit to require, in money or the equivalent thereof in securities of the Central Government as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such press has been declared forfeited under section 23 any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

25. Power to declare press, further security and publication forfeited.—If, after security has been deposited under section 24, the printing-press is again used for the purpose of printing or publishing any book or paper containing any words, signs or visible representations which, in the opinion of the Government, are of the nature described in sub-section (1) of section 23, the Government may, by notice in writing to the keeper of such printing-press, stating or describing such words, signs or visible representations, declare the press and all copies of such book or paper wherever found in Pakistan to be forfeited to the Government, and may also declare the further security so deposited, or any portion thereof, to be forfeited to the Government.

26. Deposit of security by publisher of the newspaper.—(1) Whenever it appears to the Government that newspaper published within Pakistan contains any words, signs or visible representations of the nature described in sub-section (1) of section 23, the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, require the publisher to deposit with the District Magistrate within whose jurisdiction the newspaper is published, security to such an amount, not being less than five hundred or more than ten thousand rupees, as the Government may think fit to require, in money or the equivalent thereof in securities of the Central Government as the person making the deposit may choose.

(2) No notice under sub-section (1) demanding security shall be issued unless a reference in the prescribed manner has been made to the Sessions Judge within whose jurisdiction the newspaper is published, and the Sessions Judge, after hearing such persons and taking such evidence, if any, as he thinks necessary, has expressed the opinion that the words, signs or visible representations are of the nature described in sub-section (1) of section 23.

(3) Such notice, if any, shall appoint a date, not being sooner than the tenth day after the date of the issue of the notice, on or before which the deposit shall be made.

27. Power to declare security forfeited in certain cases.—(1) If any newspaper in respect of which any security has been ordered to be

deposited under section 26 contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in sub-section (1) of section 23, the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations,—

- (a) where the security has been deposited, declare such security, or any portion thereof, to be forfeited to the Government, or
- (b) where the security has not been deposited annul the declaration made by the publisher of such newspaper under section 7, and may also declare all copies of such newspaper, wherever found in Pakistan, to be forfeited to the Government.

(2) No action under sub-section (1) shall be taken unless a reference in the prescribed manner has been made to the Sessions Judge within whose jurisdiction the newspaper is published and the Sessions Judge, after hearing such persons and taking such evidence, if any, as he thinks necessary, has expressed the opinion that the words, signs or visible representations are of the nature described in sub-section (1) of section 23.

(3) After the expiry of ten days from the date of the issue of a notice under sub-section (1) declaring a security, or any portion thereof, to be forfeited, the declaration made by the publisher of such newspaper under section 7 shall be deemed to be annulled.

28. Deposit of further security.—(1) Where the security given in respect of any newspaper, or any portion thereof, is declared forfeited under section 27 or section 29, any person making a fresh declaration under section 7 as publisher of such newspaper, or any other newspaper which is the same in substance as the said newspaper, shall deposit with the District Magistrate before whom the declaration is made security to such an amount, not being less than one thousand or more than ten thousand rupees, as the District Magistrate may think fit to require, in money or the equivalent thereof in securities of the Central Government as the person making the deposit may choose.

(2) Where a portion only of the security given in respect of such newspaper has been declared forfeited under section 27 or section 29, any unforfeited balance still in deposit shall be taken as part of the amount of security required under sub-section (1).

29. Power to declare further security and newspapers forfeited.—

(1) If, after security has been deposited under section 28, the newspaper again contains any words, signs or visible representations which, in the opinion of the Government, are of the nature described in sub-section (1) of section 23, the Government may, by notice in writing to the publisher of such newspaper, stating or describing such words, signs or visible representations, declare—

- (a) the further security so deposited, or any portion thereof, and
- (b) all copies of such newspaper wherever found in Pakistan, to be forfeited to the Government.

(2) After the expiry of ten days from the date of the issue of a notice under sub-section (1), the declaration made by the publisher of such newspaper under section 7 shall be deemed to be annulled and no further declaration in respect of such newspaper shall be made save with the permission of the Government.

30. Consequence of failure to deposit security as required.—(1) Where a deposit is required from the keeper of a printing-press under section 24, such press shall not be used for the printing or publishing of any book or paper until the deposit has been made.

(2) Where a deposit is required from the publisher of a newspaper under section 26 and the deposit is not made within the time allowed, the declaration made by the publisher under section 7 shall be deemed to be annulled.

31. Return of deposited security.—Where any person has deposited any security under this Ordinance and ceases to keep the press in respect of which such security was deposited, or, being a publisher, makes a declaration under section 16, he may apply to the District Magistrate within whose jurisdiction such press is situated for the return of the said security; and thereupon such security shall, upon proof to the satisfaction of the District Magistrate and subject to the provisions hereinbefore contained, be returned to such person.

32. Issue of search warrant.—Where any printing-press is, or any copies of any book or paper are, declared forfeited to the Government under section 23, section 25 or section 27, the Government may direct a District Magistrate to issue a warrant empowering any police-officer, not below the rank of Sub-Inspector, to seize and detain any property ordered to be forfeited and to enter upon and search for such property in any premises—

- (i) where any such property may be or may be reasonably suspected to be, or
- (ii) where any copy of such book or paper is kept for sale, distribution, publication or public exhibition or is reasonably suspected to be so kept.

Part V

UNAUTHORIZED NEWS-SHEETS AND NEWSPAPERS

33. Authorization of persons to publish news-sheets.—(1) The District Magistrate may, by order in writing and subject to such conditions as he may think fit to impose, authorize any person by name to publish a news-sheet or to publish news-sheets from time to time.

(2) A copy of an order under sub-section (1) shall be furnished to the person thereby authorized.

(3) The District Magistrate may at any time revoke an order made by him under sub-section (1).

34. Power to seize and destroy unauthorized news-sheets and newspapers.—(1) Any police-officer, or any other person empowered in this behalf by the Government may seize any unauthorized news-sheet or unauthorized newspaper, wherever found.

(2) Any District Magistrate, Sub-divisional Magistrate or Magistrate of the first class may by warrant authorize any police-officer not below the rank of Sub-Inspector to enter upon and search any place where any stock of unauthorized news-sheets or unauthorized newspapers may be or may be reasonably suspected to be, and such police-officer may seize

any documents found in such place which, in his opinion, are unauthorized news-sheets or unauthorized newspapers.

(3) All documents seized under sub-section (1) shall be produced as soon as may be before a District Magistrate, Sub-divisional Magistrate or Magistrate of the First Class, and all documents seized under sub-section (2) shall be produced as soon as may be before the Court of the Magistrate who issued the warrant.

(4) If in the opinion of such Magistrate or Court, any of such documents are unauthorized news-sheets or unauthorized newspapers, the Magistrate or Court may cause them to be destroyed; but if, in the opinion of such Magistrate or Court, any of such documents are not unauthorized news-sheets or unauthorized newspapers, such Magistrate or Court shall dispose of them in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898 (*Act V of 1898*).

35. Power to seize and forfeit undeclared presses producing unauthorized news-sheets and newspapers.—(1) Where a District Magistrate or Sub-divisional Magistrate has reason to believe that an unauthorized news-sheet or unauthorized newspaper is being produced from an undeclared press within the limits of his jurisdiction, he may by warrant authorize any police-officer not below the rank of Sub-Inspector to enter upon and search any place wherein such undeclared press may be or may be reasonably suspected to be, and if, in the opinion of such police-officer, any press found in such place is an undeclared press and is used to produce an unauthorized news-sheet or unauthorized newspaper, he may seize such press and any documents found in the place which in his opinion are unauthorized news-sheets or unauthorized newspapers.

(2) The police-officer shall make a report of the search to the Court which issued the warrant and shall produce before such Court, as soon as may be, all property seized :

Provided that where any press which has been seized cannot be readily removed, the police-officer may produce before the Court only such parts thereof as he may think fit.

(3) If such Court, after such inquiry as it may deem requisite, is of opinion that a press seized under this section is an undeclared press which is used to produce an unauthorized news-sheet or unauthorized newspaper, it may, by order in writing, declare the press to be forfeited to the Government; but if, after such inquiry, the Court is not of such opinion, it shall dispose of the press in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898 (*Act V of 1898*).

(4) The Court shall deal with the documents produced before it under this section in the manner provided in sub-section (4) of section 34.

Part VI

SPECIAL PROVISIONS RELATING TO THE SEIZURE OF CERTAIN DOCUMENTS

36. Power to declare certain publications forfeited and to issue search warrants for same.—Where any book or paper wherever made appears to the Government to contain any words, signs or visible representations of the nature described in sub-section (1) of section 23, the Government may, by notification in the official Gazette, stating the

grounds of its opinion, declare all copies of such book or paper to be forfeited to the Government and thereupon any police-officer may seize the same wherever found in Pakistan, and the District Magistrate may by warrant authorize any police-officer not below the rank of Sub-Inspector to enter upon and search for the same in any premises where any copy of such book or paper may be or may be reasonably suspected to be.

37. Power to detain packages containing certain publications.—The Chief Customs-Officer or other officer authorized by the Government in this behalf may detain any package brought, whether by land, sea or air, into Pakistan which he suspects to contain any book or paper containing words, signs or visible representations of the nature described in sub-section (1) of section 23, and shall forthwith forward copies of any book or paper found therein to such officer as the Government may appoint in this behalf to be disposed of in such manner as the Government may direct.

38. Prohibition of transmission by post of certain documents.—No unauthorized news-sheet, or unauthorized newspaper shall be transmitted by post.

39. Power to detain articles being transmitted by post.—Any officer in charge of a post-office or authorized by the Post-Master General in this behalf may detain any article other than a letter or parcel in course of transmission by post, which he suspects to contain—

(a) any book or paper containing words, signs, or visible representations of the nature described in sub-section (1) of section 23, or

(b) any unauthorized news-sheet, or unauthorized newspaper,

and shall deliver all such articles to such officer as the Government may appoint in this behalf to be disposed of in such manner as the Government may direct.

Part VII

DELIVERY OF BOOKS AND NEWSPAPERS

40. Copies of books printed to be delivered gratis to Government.—Notwithstanding any agreement between the printer and publisher of a book, the printer of every book, printed or lithographed in Pakistan, shall, within one month of its delivery out of the press, supply, free of expense, four copies of every such book, together with all maps, prints, or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the book, to such officer and at such place as the Government may by notification appoint.

41. Receipt of copies delivered under section 40.—The officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing therefor.

42. Copies of newspapers printed in Pakistan to be delivered gratis to Government.—The printer of every newspaper shall deliver at such place and to such officer as the Government may by notification direct, free of cost, four copies of each issue of such newspaper as soon as it is published.

Part VIII

REGISTRATION OF BOOKS

43. Registration of memoranda of books.—There shall be kept at such office, and by such officer as the Government may appoint, a book to be called a Catalogue of Books wherein shall be registered, as soon as may be after the delivery of every book in pursuance of the provisions of section 40, a memorandum of the book so delivered, and such memorandum shall, so far as may be practicable, contain the following particulars, that is to say :—

- (1) the title of the book and the contents of the title page, with a translation into English of such title and contents, when the same are not in the English language,
- (2) the language in which the book is written,
- (3) the name of the author, translator or editor of the book or any part thereof,
- (4) the subject,
- (5) the place of printing and the place of publication,
- (6) the name of the printer and the name of the publisher,
- (7) the date of issue from the press or of the publication,
- (8) the number of sheets, leaves or pages,
- (9) the first, second or other number of the edition,
- (10) the number of copies of which the edition consists,
- (11) whether the book is printed or lithographed,
- (12) the price at which the book is sold to the public, and
- (13) the name and residence of the proprietor of the copy-right or of any portion of such copy-right.

44. Publication of the memoranda of books.—The memoranda registered during each quarter in the said Catalogue of Books shall be published in the official Gazette as soon as may be after the end of such quarter.

Part IX

POWERS OF HIGH COURT

45. Application to High Court to set aside order of forfeiture.—The keeper of a printing-press who has been ordered to deposit security under sub-section (1) of section 22, or the publisher of a newspaper who has been ordered to deposit security under sub-section (1) of section 26, or any person having an interest in any property in respect of which an order of forfeiture has been made under section 23, section 25, section 27, section 29 or section 36 may, within two months from the date of such order, apply to the High Court to set aside such order, and the High Court shall decide if the book or paper in respect of which the order was made did or did not contain any words, signs or visible representations of the nature described in sub-section (1) of section 23.

46. Hearing by Special Bench.—Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges.

47. Order of Special Bench setting aside forfeiture.—(1) If it appears to the Special Bench on an application under section 45 that the words, signs or visible representations contained in the book or paper in respect of which the order in question was made were not of the nature described in sub-section (1) of section 23, the Special Bench shall set aside the order.

(2) Where there is a difference of opinion among the Judges forming the Special Bench, the decision shall be in accordance with the opinion of the majority of those Judges.

48. Evidence to prove nature or tendency of newspapers.—On the hearing of an application under section 45 with reference to any newspaper, any copy of such newspaper may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, in respect of which the order was made.

49. Procedure in High Court.—The procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, shall be regulated by rules framed by the High Court.

Part X

PENALTIES FOR OFFENCES UNDER FOREGOING PROVISIONS

50. Penalty for contravention of section 3.—Whoever shall print or publish any book or paper in contravention of the provisions of section 3 shall be punishable with fine not exceeding two thousand rupees, or with simple imprisonment for a term not exceeding six months, or with both.

51. Penalty for keeping press without making declaration required by section 4.—Whoever shall keep in his possession any printing-press without making a declaration as is required by section 4 shall be punishable with fine not exceeding two thousand rupees, or with simple imprisonment for a term not exceeding six months or with both.

52. Punishment for making false statement.—Any person who shall, in making any declaration under this Ordinance, make a statement which is false, and which he either knows or believes to be false, or does not believe to be true, shall be punishable with fine not exceeding two thousand rupees, and imprisonment for a term not exceeding six months.

53. Penalty for printing or publishing newspaper in contravention of the provisions of this Ordinance.—Whoever shall edit, print or publish any newspaper in contravention of the provisions of this Ordinance or whoever shall edit, print or publish, or shall cause to be edited, printed or published, any newspaper, knowing that the said provisions have not been observed with respect to that newspaper shall be punishable with fine not exceeding two thousand rupees, or imprisonment for a term not exceeding six months, or with both.

54. Penalty for keeping press or publishing newspaper without making deposit.—(1) Whoever keeps in his possession a press which is used for the printing of books or papers without making a deposit under

section 22 or section 24, as required by the Government or the District Magistrate, as the case may be, shall be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 4.

(2) Whoever publishes any newspaper without making a deposit under section 26 or section 28, as required by the Government or the District Magistrate, as the case may be, or publishes such newspaper knowing that such security has not been deposited, shall be liable to the penalty to which he would be liable if he had failed to make the declaration prescribed by section 7.

55. Penalty for disseminating unauthorized news-sheets and newspapers.—(1) Whoever makes, prints or otherwise produces, sells, distributes, publishes or publicly exhibits or keeps for sale, distribution or publication, any unauthorized news-sheet or unauthorized newspaper, shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (*Act V of 1898*), any offence punishable under sub-section (1), and any abetment of any such offence, shall be cognizable.

56. Penalty for not delivering books.—If any printer of any such book as is referred to in section 40 shall neglect to deliver copies of the same in pursuance of that section, he shall for every such default forfeit to the Government such sum not exceeding five hundred rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorized by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

57. Penalty for failure to supply copies of newspapers gratis to Government.—If any printer of any newspaper published in Pakistan neglects to deliver copies of the same in compliance with section 42, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorized by that officer in this behalf, be punishable with fine which may extend to five hundred rupees for every default.

58. Recovery of forfeitures and disposal thereof and of fines.—Any sum forfeited to the Government under section 56 may be recovered, under the warrant of the Magistrate determining the sum, or of a successor in office, in the manner authorized by the Code of Criminal Procedure, 1898 (*Act V of 1898*), and within the period prescribed by the Pakistan Penal Code (*Act XLV of 1860*), for the levy of a fine.

Part XI

MISCELLANEOUS

59. Appointment of officers.—The Government may appoint an officer or officers to carry out the purposes of this Ordinance and such officer or officers shall have such duties and powers in respect of the regulation of matters pertaining to printing-presses, books and papers, printers and publishers as the Government may assign.

60. Service of notices.—Every notice under this Ordinance shall be sent to a Magistrate who shall cause it to be served in the manner provided for the service of summons under the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided that if service in such manner cannot, by the exercise of due diligence, be effected, the serving officer shall, where the notice is directed to the keeper of a press, affix a copy thereof to some conspicuous part of the place where the press is situated, as described in the keeper's declaration under section 4, and where the notice is directed to the publisher of a newspaper, to some conspicuous part of the premises where the publication of such newspaper is conducted, as given in the publisher's declaration under section 7, and thereupon the notice shall be deemed to have been duly served.

61. Conduct of searches.—Every warrant issued under this Ordinance shall, so far as it relates to a search, be executed in the manner provided for the execution of search warrants under the Code of Criminal Procedure, 1898 (Act V of 1898).

62. Jurisdiction of Courts barred.—Every declaration of forfeiture purporting to be made under this Ordinance shall, as against all persons, be conclusive evidence that the forfeiture therein referred to has taken place, and no proceedings purporting to be taken under this Ordinance shall be called in question by any Court, except the High Court, on application under section 45, and no civil or criminal proceeding, except as provided by this Ordinance, shall be instituted against any person for anything done or in good faith intended to be done under this Ordinance.

63. Operation of other laws not barred.—Nothing contained in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence under this Ordinance.

64. Power to exempt from the provisions of the Ordinance.—The Government may, by notification in the official Gazette, exempt any book or paper or any class of books or papers from the operation of all or any of the provisions of this Ordinance.

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

Part XII

REPEALS

66. Repeals.—The Press and Registration of Books Act, 1867 (XXV of 1867) and the Press (Emergency Powers) Act, 1931 (XXIII of 1931), are hereby repealed.

67. Savings.—(1) Notwithstanding the repeal of the Acts mentioned in section 66, every declaration made, subscribed or authenticated, every notice for deposit of security issued and every security deposited under any of the repealed Acts shall continue in force and be deemed to have been made, subscribed, authenticated, issued or deposited under the corresponding provisions of this Ordinance.

(2) Subject to sub-section (1), anything done or any act, or any appointment, order, scheme, rule or form made, or any notice issued under any of the said repealed Acts shall, so far as it is not inconsistent with the other provisions of this Ordinance, continue in force and be deemed to have been done, taken, made or issued under this Ordinance.

THE SCHEDULE

FORM ' A '

(See section 4)

Declaration of the Keeper of Press

I..... (name), son of.....
residing at.....do hereby declare that I have a
press for printing at*.....

*Give full description and address of the premises where the press may be situate.

FORM ' B '

(See section 7)

Declaration of the Printer and/or publisher of Newspaper

I..... (name), son of.....
residing at.....do hereby declare that I am the
¹printer or publisher or printer and publisher of the newspaper entitled
.....appearing as².....in³.....and
¹printed or published or printed and published at⁴.....

¹ Strike out which is not applicable.

² Here state the periodicity.

³ Here mention the language or languages.

⁴ Give full description and address of the premises where the printing or publication is conducted.

FORM ' C '

(See section 16)

Declaration of Person who ceases to be Printer and/or Publisher

I..... (name), son of.....
residing at.....do hereby declare that I have ceased
to be the ¹printer or publisher, or, the printer and the publisher of the
newspaper entitled.....appearing as².....
in³.....

¹ Strike out which is not applicable.

² Here state the periodicity.

³ Here mention the language or languages.

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

FIELD-MARSHAL,

President

THE WORKING JOURNALISTS (CONDITIONS OF SERVICES) ORDINANCE, 1960.

ORDINANCE NO. XVI OF 1960

[27th April, 1960]

An Ordinance to regulate certain conditions of service of working journalists and other persons employed in newspaper establishments.

WHEREAS it is expedient to regulate certain conditions of service of working journalists and other persons employed in newspaper establishments ;

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 Working Journalists (Conditions of Service) Ordinance, 1960.

- (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) "Board" means the Wage Board constituted under section 8 ;
- (b) "newspaper" means any printed periodical work containing public news or comments on public news and includes such other class of printed periodical work as may, from time to time, be notified in this behalf by the Central Government in the official Gazette ;
- (c) "newspaper employee" means any working journalist, and includes any other person employed to do any work in, or in relation to, any newspaper establishment ;
- (d) "newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate ;
- (e) "prescribed" means prescribed by rules made under this Ordinance ;
- (f) "working journalist" means a person who is a whole-time journalist and is employed as such in, or in relation to, any newspaper establishment, and includes an editor, a leader writer, news editor, sub-editor, feature writer, reporter, correspondent, copy-taster, cartoonist, news-photographer, caligraphist and proof-reader, but does not include any such person who—
 - (i) is employed mainly in a managerial or administrative capacity, or

- (ii) being employed in a supervisory capacity performs, either by the nature of the duties attached to his office or by reason of the powers vested in him, functions mainly of a managerial nature ;
- (g) "wages" means all remuneration, capable of being expressed in terms of money, payable to a working journalist by the newspaper establishment in, or in relation to, which he is employed ;
- (h) all words and expressions used but not defined in this Ordinance and defined in the Industrial Disputes Ordinance, 1959 (*LVI of 1959*), shall have the meanings respectively assigned to them in that Ordinance.

3. Ordinance LVI of 1959 to apply to working journalists.—Subject to the other provisions of this Ordinance, the provisions of the Industrial Disputes Ordinance, 1959 (*LVI of 1959*), as in force for the time being, shall apply to, or in relation to, working journalists as they apply to, or in relation to, workmen within the meaning of that Ordinance.

4. Termination of employment.—The services of a working journalist shall not be terminated by the newspaper establishment by which he is employed, except after giving him a notice, in writing, of such termination—

- (i) of one month, if the total period of continuous service of the working journalist with that newspaper establishment is less than three years ; and
- (ii) of two months, if the total period of such service is three years or more :

Provided that the services of a working journalist may be terminated at any time on payment of wages in lieu of the requisite notice.

5. Provident Fund.—(1) Every newspaper establishment shall constitute, for the benefit of its working journalists, a Provident Fund in such manner as may be prescribed.

(2) The Provident Fund shall be held and administered by a Board of Trustees consisting of an equal number of representatives of the newspaper establishment constituting the Fund and of the working journalists employed in it, chosen and appointed in such manner as may be prescribed.

(3) Every working journalist shall, after the completion of the first two years of his service with any newspaper establishment, subscribe to the Provident Fund, every month, a sum not less than $6\frac{1}{2}$ per cent. and not more than 8 per cent. of his monthly wages, and the employer shall contribute to it an equal amount.

(4) During the first two years of his service, the working journalist may or may not, at his option, subscribe to the Provident Fund, and if he so subscribes, the newspaper establishment employing him may or may not, at its option, contribute to it.

(5) A newspaper establishment shall be deemed to be a public institution for the purposes of the Provident Funds Act, 1925 (*XIX of 1925*).

6. Hours of work.—Subject to any rules that may be made under this Ordinance, no working journalist shall be required to work in any newspaper establishment for more than forty-two hours in a week, exclusive of the time for meals.

Explanation.—For the purposes of this section, 'week' means a period of seven days beginning at mid-night on Saturday.

7. Leave.—Without prejudice to such holidays as may be prescribed, every working journalist shall be entitled to—

- (a) earned leave on full wages for not less than one-eleventh of the period spent on duty ;
- (b) leave on medical certificate on one-half of the wages for not less than one-eighteenth of the period of service ; and
- (c) ten days' casual leave of absence with wages in a calendar year.

8. Wage Board.—(1) The Central Government may, by notification in the official Gazette, constitute a Wage Board for fixing rates of wages in respect of working journalists in accordance with the provisions of this Ordinance.

(2) The Board shall consist of an equal number of persons nominated by the Central Government to represent employers in relation to newspaper establishments and working journalists, and an independent person shall be appointed by the Central Government as the Chairman thereof.

9. Fixation of wages.—(1) In fixing rates of wages in respect of working journalists the Board shall have regard to the cost of living, the prevalent rates of wages for comparable employments, the circumstances relating to the newspaper industry in different regions of the country, and to any other circumstances which to the Board may seem relevant.

(2) The Board may fix rates of wages for time work and for piece work.

(3) The decision of the Board fixing rates of wages shall be communicated as soon as practicable to the Central Government.

10. Publication of the decision of the Board.—(1) The decision of the Board shall, within a period of one month from the date of its receipt by the Central Government, be published in such manner as may be prescribed.

(2) The decision of the Board published under sub-section (1) shall come into operation with effect from such date as may be specified in the decision, and where no date is so specified, it shall come into operation on the date of its publication.

11. Powers and procedure of the Board.—Subject to any rules of procedure which may be prescribed, the Board may, for the purpose of fixing rates of wages, exercise the same powers and follow the same procedure as an Industrial Court constituted under the Industrial Disputes Ordinance, 1959 (*Ordinance No. LVI of 1959*), exercise or follows for the purpose of adjudicating an industrial dispute referred to it.

12. Decision of the Board to be binding on all employers.—The decision of the Board shall be binding on all employers in relation to newspaper establishments, and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the rate of wages fixed by the Board.

13. Power of Board to fix interim rates of wages.—(1) Notwithstanding anything contained in this Ordinance, where the Board is of the opinion that it is necessary so to do, it may, by notification in the official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rate of wages so fixed shall be binding on all employers in relation to newspaper establishments, and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the interim rate of wages fixed under sub-section (1).

(3) Any interim rate of wages fixed under sub-section (1) shall remain in force until the decision of the Board comes into operation under sub-section (2) of section 10.

14. Ordinance No. III of 1960 to apply to newspaper establishments.—The provisions of the Industrial and Commercial Employment (Standing Orders) Ordinance, 1960 (*Ordinance No. III of 1960*), as in force for the time being, shall, subject to the other provisions of this Ordinance, apply to every newspaper establishment wherein twenty or more newspaper employees are employed or were employed on any day of the preceding twelve months as if such newspaper establishment were an industrial establishment to which the aforesaid Ordinance has been applied by a notification under sub-section (4) of section 1 thereof, and as if a newspaper employee were a workman within the meaning of that Ordinance.

15. Effect of laws and agreements inconsistent with this Ordinance.—(1) The provisions of this Ordinance shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Ordinance :

Provided that where under any such award, agreement, contract of service or otherwise, a newspaper employee is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Ordinance, the newspaper employee shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefit in respect of other matters under this Ordinance.

(2) Nothing contained in this Ordinance shall be construed to preclude any newspaper employee from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Ordinance.

16. Offences and penalties.—(1) Whoever contravenes the provisions of section 6 shall be punishable with fine which may extend to one thousand rupees.

(2) Whoever contravenes any of the provisions of this Ordinance or any rule made thereunder shall, if no other penalty is elsewhere provided by or under this Ordinance for contravention, be punishable with fine which may extend to five hundred rupees.

(3) Where the person guilty of an offence under this Ordinance is a company or other body corporate every director, manager, secretary and other officer thereof who is knowingly a party to the offence shall also be guilty of the same offence and liable to the same punishment.

(4) No court shall take cognizance of an offence under this Ordinance, unless the complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

17. Indemnity.—No suit, prosecution or other legal proceedings shall lie against any person or authority for anything which is in good faith done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

18. Delegation of power.—The Central Government may, by order, direct that any power which by or under any of the provisions of this Ordinance is conferred on it shall, subject to such conditions, if any, as may be specified in the Order, be exercisable also by the Provincial Government.

19. 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.

(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) hours of work of working journalists ;
- (b) holidays, earned leave, leave on medical certificate, casual leave or any other kind of leave admissible to working journalists ;
- (c) the constitution of Provident Fund ;
- (d) the constitution of Board of Trustees for the administration of Provident Fund ;
- (e) the procedure for regulating the management and administration of Provident Fund and the conditions subject to which such Fund shall operate ;
- (f) the procedure to be followed by the Board in fixing rates of wages ;
- (g) the manner in which the decision of the Board may be published ; and
- (h) any other matter which has to be or may be prescribed.

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

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