

Sick in Armed Forces in the Field, dated the twelfth day of August, 1949 ;]

AND WHEREAS it is necessary to provide for the discharge of the obligations imposed by Article 28 of [the aforesaid Convention dated the twenty-seventh day of July, 1929, and the aforesaid Article 53 of the Convention dated the twelfth day of August, 1949,] in so far as provision has not been made by the Geneva Convention Act, 1911 : It is hereby enacted as follows :—

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Short title
and extent.

1.—(1) This Act may be called the Geneva Convention Implementing Act, 1936.

²[(2) It extends to the whole of Pakistan.]

Prohibition
of use of
emblems
"Red Cross",
"Red Cres-
cent", etc.

³[2. No person other than a person entitled thereto under the Geneva Convention shall use, or in any manner exhibit, whether for the purpose of trade or business or for any other purpose or object whatsoever, the emblem or the designation "Red Cross", "Red Crescent", "Red Lion and Sun" or "Sun" or any sign of designation constituting an imitation thereof, irrespective of the date of the adoption of any such emblems or designation by such person :

Provided that the emblem "Red Cross" may, with the permission in writing of the Society, be used in time of peace to identify vehicles used as ambulances or to mark the position of aid stations set up exclusively for giving free medical treatment to the wounded or sick.

Explanation.—In this section,—

(i) "Geneva Convention" means the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, dated the twelfth day of August, 1949 ; and

(ii) "the Society" means the Pakistan Red Cross Society constituted under the Pakistan Red Cross Society Act, 1920.]

XV of
1920.

Prohibition
of use of
emblem of
white cross
on red
ground or
imitations
thereof.

3. No person shall use for the purposes of his trade or business the heraldic emblem of the white cross on a red ground, being the federal colours of Switzerland, or any sign constituting a colourable imitation of that heraldic emblem.

¹ Subs. by the Geneva Convention Implementing (Amdt.) Act, 1954 (3 of 1954), s. 2, for "that Convention" (with effect from the 7th April, 1955).

² Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch., (with effect from the 14th October, 1955), for sub-section (2) as amended by A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

³ Subs. by the Geneva Convention Implementing (Amdt.) Act, 1963 (21 of 1963), s. 2, for section 2, which was subs. by Act 3 of 1954, s. 2 (with effect from the 7th April, 1955).

4. Any person contravening the provisions of section 2 or section 3 shall be punishable with fine which may extend to fifty rupees, and when such contravention is committed by a company, association or body of individuals, then, without prejudice to the liability of such company, association or body, every member thereof who is knowingly a party to the contravention shall be liable to the like penalty.

5. No criminal Court shall take cognizance of any offence punishable under this Act except with the previous sanction of the [Central Government] ²* * *

Previous
sanction for
prosecution.

6. [Saving.] Omitted by the Geneva Convention Implementing (Amdt.) Act, 1954 (III of 1954), s. 4 (with effect from the 7th April, 1955).

THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1937

³ACT NO. I OF 1937

[24th February, 1937]

An Act to provide for the grading and marking of agricultural ⁴[and other] produce.

WHEREAS it is expedient to provide for the grading and marking of Agricultural ⁴[and other] produce : It is hereby enacted as follows :—

1.—(1) This Act may be called the Agricultural Produce (Grading and Marking) Act, 1937.

Short title
and extent.

⁵[(2) It extends to the whole of Pakistan.]

2. In this Act, unless the contrary appears from the subject

Explanations.

¹ Subs. by A. O., 1937, for "G. G. in C.".

² The words "or the L. G." omitted *ibid*.

³ For Statement of Objects and Reasons, see Gazette of India, Extraordinary, dated the 13th February, 1937, p. 71.

The Act has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950) : and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. 1, p. 1499.

It has also been extended to the State of Bahawalpur by the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953), as amended.

⁴ Ins. by the Agricultural Produce (Grading and Marking) Amendment Act, 1942 (13 of 1942), s. 2.

⁵ Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch., (with effect from the 14th October, 1955), for sub-section (2), as amended by A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

or context,—

- (a) "agricultural produce" includes all produce of agriculture or horticulture and all articles of food or drink wholly or partly manufactured from any such produce, and fleeces and the skins of animals;
- (b) "counterfeit" has the meaning assigned to that word by section 28 of the Pakistan Penal Code;
- (c) "covering" includes any vessel, box, crate, wrapper, tray or other container;
- (d) "grade designation" means a designation prescribed as indicative of the quality of any scheduled article;
- (e) "grade designation mark" means a mark prescribed as representing a particular grade designation;
- (f) "quality", in relation to any article, includes the state and condition of the article;
- (g) "prescribed" means prescribed by rules made under this Act;
- (h) "scheduled article" means an article included in the Schedule; and
- (i) an article is said to be marked with a grade designation mark, if the article itself is marked with a grade designation mark or any covering containing or label attached to such article is so marked.

XLV
of
1860.

Prescription
of grade
designations.

3. The [Central Government] may, after previous publication by notification in the [official Gazette], make rules—

- (a) fixing grade designations to indicate the quality of any scheduled article;
- (b) defining the quality indicated by every grade designation;
- (c) specifying grade designation marks to represent particular grade designations;
- (d) authorising a person or a body of persons, subject to any prescribed conditions, to mark with a grade designation mark any article in respect of which such mark

¹ Subs. by A. O., 1937, for "G. G. in C.".

² Subs. *ibid.*, for "Gazette of India".

³ For such rules, see Gazette of India, 1937, Pt. I, pp. 547 to 564. For Grapes Grading and Marking Rules, 1952, see Gaz. of P., 1952, Pt. I, pp. 63-66.

For the Wool Grading and Marking Rules, 1953 see Gaz. of P., 1953, pp. 293-297.

For the Spices Grading and Marking Rules, see Gaz. of P., 1959, Pt. I, pp. 178-179; and for the Malta Oranges Grading and Marking Rules, 1961, see Gaz. of P., 1961, pp. 53-54.

For the Animal Hair (Grading and Marking) Rules, 1961, see Gaz. of P., 1961, Pt. I, pp. 148-151.

For the Coriander Seed Grading and Marking Rules, 1962, see Gaz. of P., 1963, Pt. I, pp. 301-302.

has been prescribed or any covering containing or label attached to any such article;

- (e) specifying the conditions referred to in clause (d) including in respect of any article conditions as to the manner of marking, the manner in which the article shall be packed, the type of covering to be used, and the quantity by weight, number or otherwise to be included in each covering;
- (f) providing for the payment of any expenses incurred in connection with the manufacture or use of any implement necessary for the reproduction of a grade designation mark or with the manufacture or use of any covering or label marked with a grade designation mark [or with measures for the control of the quality of articles marked with grade designation marks including testing of samples and inspection of such articles or with any publicity work carried out to promote the sale of any class of such articles]; and
- (g) providing for the confiscation and disposal of produce marked otherwise than in accordance with the prescribed conditions with a grade designation mark.

4. Whoever marks any scheduled article with a grade designation mark, not being authorised to do so by rule made under section 3, shall be punishable with fine which may extend to five hundred rupees.

Penalty for unauthorised marking with grade designation mark.

5. Whoever counterfeits any grade designation mark or has in his possession any die, plate or other instrument for the purpose of counterfeiting a grade designation mark shall be punishable with imprisonment which may extend to two years, or with fine, or with both.

Penalty for counterfeiting grade designation mark.

6. The [Central Government], after such consultation as [it] thinks fit of the interests likely to be affected, may by notification in the [official Gazette] declare⁵ that the provisions of this Act shall apply to an article of agricultural produce not included in the Schedule [or to an article other than an article of agricultural produce], and on the publication of such notification such article shall be deemed to be included in the Schedule.

Extension of application of Act.

¹ Ins. by the Agricultural Produce (Grading and Marking) Amendment Act, 1943 (20 of 1943), s. 2.

² Subs. by A. O., 1937, for "G. G. in C.".

³ Subs. *ibid.* for "he".

⁴ Subs. *ibid.* for "Gazette of India".

⁵ The provisions of this Act have been applied to wool, see Gaz. of P., 1953, Pt. I, p. 252; "Animal Hairs", see *ibid.*, 1959, Pt. I, p. 275; and also "Coriander Seed" (Whole), see *ibid.*, 1962, Pt. I, p. 548.

⁶ Ins. by the Agricultural Produce (Grading and Marking) Amendment Act, 1942 (13 of 1942), s. 3 (with effect from the 24th February, 1937).

Private

THE SCHEDULE

(See section 2)

1. Fruit.
2. Vegetables.
3. Eggs.
4. Dairy produce.
5. Tobacco.
6. Coffee.
7. Hides and Skins.

THE ARBITRATION (PROTOCOL AND CONVENTION) ACT, 1937.

¹ACT No. VI of 1937

[4th March, 1937]

An Act to make certain further provisions respecting the law of arbitration in ²[Pakistan].

WHEREAS India was a State signatory to the Protocol on Arbitration Clauses set forth in the First Schedule, and to the Convention on the Execution of Foreign Arbitral Awards set forth in the Second Schedule, subject in each case to a reservation of the right to limit its obligations in respect thereof to contracts which are considered as commercial under the law in force in ²[Pakistan]:

AND WHEREAS it is expedient, for the purpose of giving effect to the said Protocol and of enabling the said Convention to become operative in ²[Pakistan], to make certain further provisions respecting the law of arbitration: It is hereby enacted as follows:—

1.—(1) This Act may be called the Arbitration (Protocol and Convention) Act, 1937.

¹ For Statement of Objects and Reasons, see Gazette of India, 1936, Pt. V, p. 10; and for Report of Select Committee, see *ibid.*, 1937, Pt. V, p. 73.

The Act has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1953 (G. G. O. 3 of 1953); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

² Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, for "British India".

¹[(2) It extends to the whole of Pakistan.]

(3) The provisions of this Act, except this section, shall have effect only from such date as the ²[Central Government] may, by notification in the ³[official Gazette], appoint in this behalf, and the ²[Central Government] may appoint different dates⁴ for the coming into effect of different provisions of the Act.

2.—⁵[(1)] In this Act "foreign award" means an award on differences relating to matters considered as commercial under the law in force in ⁶[Pakistan], made after the 28th day of July, 1924,—

- (a) in pursuance of an agreement for arbitration to which the Protocol set forth in the First Schedule applies, and
- (b) between persons of whom one is subject to the jurisdiction of some one of such Powers as the ²[Central Government], being satisfied that reciprocal provisions have been made, may, by notification⁷ in the ³[official Gazette], declare to be parties to the Convention set forth in the Second Schedule, and of whom the other is subject to the jurisdiction of some other of the Powers aforesaid, and
- (c) in one of such territories as the ²[Central Government], being satisfied that reciprocal provisions have been made, may, by like notification, declare to be territories to which the said Convention applies,

and for the purposes of this Act an award shall not be deemed to be final if any proceedings for the purpose of contesting the validity of the award are pending in the country in which it was made.

⁸[(2) For the removal of doubt it is hereby declared that any notification issued under this section by the late Government of

¹ Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for sub-section (2) as amended by A. O., 1949, and the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 8.

² Subs. by A. O., 1937, for "G. G. in C.".

³ Subs. *ibid.*, for "Gazette of India".

⁴ Section 3 came into effect on the 30th November, 1937; see Gazette of India, 1937, Pt. I, p. 1945; and sections 2 and 4 to 10 on the 23rd January, 1938; see *ibid.*, 1938, Pt. I, p. 25.

⁵ Section 2 was re-numbered as sub-section (1) of that section by the Foreign Awards and Maintenance Orders Enforcement (Amdt.) Ordinance, 1962 (53 of 1962), s. 2 (with effect from the 15th August, 1947).

⁶ Subs. by Ordinance 21 of 1960, s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, for "British India".

⁷ For such notifications, see Gazette of India, 1938, Pt. I, p. 24, and Gaz. of P., 1960, Pt. I, p. 197.

⁸ Sub-section (2) added by Ordinance 53 of 1962, s. 2 (with effect from the 15th August, 1947).

Interpretation.

Short title, extent and operation.