

THE DEVELOPMENT OF INDUSTRIES (FEDERAL CONTROL) ACT, 1972.

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*Repealed by
Development of
Industries
(Federal Control)
(Repeal)
Ord. 1979*

¹ACT No. XVI OF 1972

[24th September, 1972]

An Act to provide for certain matters relating to the development of industries under Federal control.

WHEREAS it is expedient to provide for certain matters relating to the development of industries under Federal control;

It is hereby enacted as follows :—

Short title,
extent and
commence-
ment.

1.—(1) This Act may be called the Development of Industries (Federal Control) Act, 1972.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1972, Extraordinary, Part III, page 432.

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

- (a) "Board" means the Board of Industrial Management constituted under section 5 ;
- (b) "Chairman" means the Chairman of the Board ;
- (c) "establishment" means an establishment within the meaning of the Order in respect of which a Managing Director has been or is appointed under Article 4 thereof ;
- (d) "Fund" means the Board of Industrial Management Fund constituted under section 8 ;
- (e) "Managing Director" means a Managing Director appointed under the Order ;
- (f) "member" means a member of the Board ; and
- (g) "Order" means the Economic Reforms Order, 1972.

P.O.
No. 1
of
1972.

3. It is hereby declared that development under Federal control of the industries specified in the Schedule is expedient in the public interest. Declaration.

VII of
1913.

4. The provisions of this Act shall be in addition to those of the Order and shall have effect notwithstanding anything contained in the Companies Act, 1913, or any other law for the time being in force or in any agreement, contract or memorandum or articles of association of a company. Act to override other laws.

5.—(1) The Federal Government shall constitute a Board of Industrial Management which shall consist of a Chairman and such number of members, not exceeding nine, as the Federal Government may appoint. Constitution of Board.

(2) The Board shall be a body corporate by the name of the Board of Industrial Management having perpetual succession and a common seal, with power to acquire and hold property, and shall by the said name sue and be sued.

(3) The members and the Chairman shall hold office during the pleasure of the Federal Government on such terms and conditions as it may determine.

6.—(1) The functions of the Board shall be to ensure that the establishments are managed efficiently and in accordance with sound business principles and, in the performance of that function, the Board may, from time to time,— Functions of the Board.

- (a) exercise such of the powers of a Managing Director under the Order, and issue such directions to him, as it may consider necessary ;
- (b) require a Managing Director to furnish it with such information relating to the affairs of the establishment

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ette of Pakistan, 1972.

in respect of which he is the Managing Director as the Board may require ; and

- (c) remove from office an auditor of an establishment and appoint another person to hold that office, or appoint an auditor in addition to the auditor of an establishment, for such period and on such remuneration payable by the establishment as the Board may determine.

(2) The exercise by the Board under sub-section (1) of the powers of a Managing Director shall have effect as if it were the exercise of those powers by the Managing Director himself.

(3) It shall be the duty of a Managing Director to comply with all directions issued to him by the Board relating to the management of the establishment in respect of which he is the Managing Director and to furnish the Board with the information required by it.

Directions
by Federal
Govern-
ment, etc.

7.—(1) The Federal Government may, by notification in the official Gazette, direct that all or any of its powers under the Order shall, in such circumstances and subject to such conditions, if any, as may be specified in the notification, be exercisable also by the Board.

(2) The Federal Government may from time to time issue such directions to and call for such information or report from, the Board, as it may deem necessary.

The Fund.

8.—(1) There shall be constituted a fund to be called the Board of Industrial Management Fund to which shall be credited all sums received by the Board under sub-section (2) and out of which shall be defrayed all expenditure incurred by the Board, including expenditure on the emoluments of the Chairman and members and the officers, servants, experts and consultants of the Board.

(2) The Managing Director in respect of every establishment shall make to the Board each year such payment to enable it to defray its expenses as the Board may, with the prior approval of the Federal Government in writing demand of him :

Provided that the aggregate amount of payments so demanded of the Managing Directors in any year shall not exceed by more than ten per cent the amount of the estimated expenditure of the Board in that year.

Officers
and ser-
vants,
etc.

9.—(1) The Board may from time to time appoint such officers, servants, experts and consultants as it considers necessary for the efficient performance of its functions, on such terms and conditions as it may deem fit.

(2) The Board may appoint one or more committees of the Board with such composition and functions as it may determine.

10. In the by a company, a balance-sheet order in writing the balance-sheet to prevent any financial affairs of such meetings of such meeting not later than

11.—(1) No shall lie against other person for done under this

(2) No court in question, any

12.—(1) The Federal Government necessary for ca

(2) In part of the foregoing of payment and by the Managing

13. The Board of the Federal Government under this Act conditions, if any, exercisable also by section (2) of s

14. For the the powers and the Order shall be, a April, 1972, to h ment and the p ingly.

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(Schedule)

10. In the case of an establishment ordered or controlled by a company, the general meeting of the company before which a balance-sheet is laid shall not, if the Federal Government by order in writing so directs, have the authority to refuse to adopt the balance-sheet, but nothing in this section shall be construed to prevent any shareholder from expressing his views on the financial affairs of the establishment and a record of the proceedings of such meeting shall be forwarded to the Federal Government not later than fifteen days of the meeting.

Adoption of balance-sheet.

11.—(1) No suit, prosecution or other legal proceeding shall lie against the Federal Government or the Board or any other person for anything in good faith done or intended to be done under this Act.

Indemnity and bar of jurisdiction.

(2) No court shall call in question, or permit to be called in question, anything done or any action taken under this Act.

12.—(1) The Board may, with the prior approval of the Federal Government, make such rules as appear to it to be necessary for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the manner of payment and collection of the payments required to be made by the Managing Directors under sub-section (2) of section 8.

13. The Board may, with the previous approval in writing of the Federal Government, direct that all or any of its powers under this Act shall, in such circumstances and subject to such conditions, if any, as may be specified by the Board, be exercisable also by a member or a committee appointed under sub-section (2) of section 9.

Delegation.

14. For the removal of doubts it is hereby declared that the powers and functions of the Central Government under the Order shall be, and shall be deemed as from the 21st day of April, 1972, to have been, the powers of the Federal Government and the provisions of the Order shall have effect accordingly.

Removal of doubts.

15. The Development of Industries (Federal Control) Ordinance, 1972, is hereby repealed.

Repeal of Ordinance XXXVI of 1972.

THE SCHEDULE

[See section 3]

1. Iron and steel industries.
2. Basic metal industries.
3. Heavy engineering industries.
4. Heavy electrical industries.

SCHEDULE—contd.

5. Assembly and manufacture of motor vehicles.
6. Tractor plants, assembly and manufacture.
7. Heavy and basic chemicals.
8. Petro-chemical industries.
9. Cement industry.
10. Public utilities, that is to say,—
 - (a) electricity, generation, transmission and distribution;
 - (b) Gas ; and
 - (c) Oil Refineries.

THE PAKISTAN CITIZENSHIP (AMENDMENT) ACT, 1972.

ACT No. XVII OF 1972

[24th September, 1972]

An Act further to amend the Pakistan Citizenship Act, 1951.

WHEREAS it is expedient further to amend the Pakistan Citizenship Act, 1951 for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Pakistan Citizenship (Amendment) Act, 1972.

(2) It shall come into force at once.

2. In the Pakistan Citizenship Act, 1951, hereinafter referred to as the said Act, in section 14, after sub-section (2), the following sub-sections shall be added, namely :—

“(3) Nothing in sub-section (1) shall apply, or shall be deemed ever to have applied at any stage, to a person who, being, or having at any time been, a citizen of Pakistan, is also the citizen of the United Kingdom and Colonies or of such other country as the Federal Government may, by notification in the official Gazette, specify in this behalf.

(4) Nothing in sub-section (1) shall apply to a female citizen of Pakistan who is married to a person who is not a citizen of Pakistan.”

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1972, Extraordinary, Part III, page 457.

Short title and commencement.

Amendment of section 14, Act II of 1951.

3. In the said following new section

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4. Constitution of t
5. Functions of the
6. Power to make r
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