ORDINANCE III OF 1983

IMPORT OF GOODS (ANTI-DUMPING AND COUNTERVAILIN DUTIES) ORDINANCE, 1983

An Ordinance to provide for levy of additional duties to check and regulate dumping of imported goods and import of subsidised goods

[Gazette of Pakistan, Extraordinary, Part I, 30th January, 1983]

No. F. 17(1)/83-Pub.—The following Ordinance made by the Presiden hereby published for general information :—

Whereas it is expedient to provide for the levy of additional duti check and regulate dumping of imported goods and import of subsidised g and for matters ancillary thereto ;

And whereas the President is satisfied that circumstances exist w render it necessary to take immediate action ;

Now, therefore, in pursuance of the Proclamation of the fifth day of 1977, and in exercise of all powers enabling him in that behalf, the Pres is pleased to make and promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(1) This Ordinance ma called the Import of Goods (Anti-Dumping and Countervailing Duties) O nance, 1983.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(1) "Act" means the Customs Act, 1969 (IV of 1969);

(2) "additional duty" means the anti-dumping duty and the cou vailing duty levied under this Ordinance ;

(3) "anti-dumping duty" means the additional duty imposed under section (1) of section 3 and includes provisional duty ;

(4) "countervailing duty" means the additional duty imposed under section (2) of section 3 and includes provisional duty ;

(5) "country of export" means the country from where the goods shipped for exportation to Pakistan but does not include the country thro which the goods are transhipped or transited ;

(6) "country of origin" means,—

(*i*) in the case of unmanufactured products, the country of which are products ; and

(*ii*) in any other case, the country in which the last significant proces manufacture or production of goods was performed ;

(7) "dumping margin" means the amount by which the normal exceeds the export price, and, where prices vary, the dumping margin m established on transaction-by-transaction basis or by reference to the frequently occurring representative or weighed overage price and, where d ing margins vary, weighed averages may be established ;

(8) "export price" means the price actually paid or payable for the sold for export to Pakistan ;

(9) "financial assistance" includes payments on export of goods i country of origin or the country of export and also the benefits accruing

use of dual or multiple rates of exchange in relation to the proceeds of ort sales in the country of origin or the country of export ;

(10) "normal value", in relation to any goods exported to Pakistan, the price paid for the goods sold for home consumption in the country origin or the country of export in the ordinary course of trade between a and a seller independent of each other ; and such price shall in no case eemed to be less than—

(*a*) the aggregate of—

(*a*) the cost of production or manufacture or procurement of the goods in country of origin or the country of export whichever is higher ;

(*b*) delivery charges in the country of origin or the country of export ;

(*c*) marketing and administrative costs in the country of origin or the ntry of export ;

(*d*) reasonable profit for the manufacturer and the exporter ; and

(*e*) normal freight charges up to the customs station in Pakistan ; or

(*b*) the highest export price of the goods or like goods in the country of or the country of export :

Provided that, where, in the opinion of the Federal Government, it is appropriate to ascertain the normal value of the goods or like goods rted to Pakistan in accordance with the guidelines in this clause for the on that the Government of the country of origin or the Government of country of export has a monopoly or substantial monopoly of the trade of country or determines or substantially influences the domestic price or the ort price of the goods in that country, the normal value of the goods for purpose of this Ordinance shall be taken as the normal value or the highest ort price of the like goods produced or manufactured and sold or exported e ordinary course of trade in another country, being a country in which, the opinion of the Federal Government, the costs of production or ufacture are similar to those in the country of origin or the country of ort ; and

(11) "provisional duty" means provisional additional duty levied under on 4.

(2) Words and expressions used but not defined in this Ordinance shall the same meaning as in the Act.

3. *Anti-dumping duty, etc.*—(1) Where in the opinion of the Federal rnment the export price of any goods specified in the First Schedule to Act and being exported to Pakistan is less than the normal value of the s and that such difference causes, or is likely to cause, injury to an blished industry in Pakistan or hinders or retards, or is likely to hinder or the establishment or viable operation of a potential industry in Pakistan versely affects the local market conditions in Pakistan, the Federal rnment may, by notification in the official Gazette, levy on such goods, to such conditions and restrictions as it may deem fit to impose, an ional duty by way of anti-dumping duty at such rate as may be specified notification :

vided that, where the country of export is not the country of origin, anti-dumping duty may be levied treating the country of export as the try of origin.

(2) Where in the opinion of the Federal Government in the country of or the country of export there has been bestowed, granted or paid,

directly or indirectly, any subsidy, bounty, reduction or remission of freight other financial assistance on the manufacture, production, carriage or exp of any goods specified in the First Schedule to the Act and being exported Pakistan, which causes, or is likely to cause an injury to an established indus in Pakistan or hinders or retards, or is likely to hinder or retard, the establi ment or viable operation of a potential industry in Pakistan or adver affects the local market conditions in Pakistan, the Federal Government m by notification in the official Gazette, levy on such goods, subject to s restrictions and conditions as it may deem fit to impose, an additional d by way of countervailing duty at such rate as may be specified in the notifi tion :

Provided that the rate of countervailing duty shall be such that amount of countervailing duty levied on any goods or class of goods does exceed the net amount of the subsidy, bounty reduction or remission of frei or other financial assistance bestowed, granted or paid.

(3) For the purposes of subsections (1) and (2), "injury" shall be deem to be caused, or to be likely to be caused, to an industry or potential indus if it is, or is likely to be, adversely affected, as indicated by actual or poten trends in various economic factors, including production, capacity utilizati stocks, sales, market shares, prices, profits, investment-returns, cash flow a employment.

(4) No goods shall be subject to both anti-dumping and countervail duties to compensate for the same situation of dumping or export subsidi tion.

4. *Provisional additional duty.*—Where, in the opinion of the Fede Government, it is not possible immediately to notify under section 3 the ra of anti-dumpting duty or countervailing duty on any goods, the Fede Government may, by notification in the official Gazette, levy on such goo such duty at such provisional rates as it may think fit and the importer sh pay the amount of provisional duty in cash or furnish a bank guarantee insurance guarantee to the satisfaction of the appropriate officer of customs payment of the said amount.

(2) Where any goods are cleared or delivered on the basis of the pro sional duty levied under subsection (1), the amount of additional duty actu payable on such goods shall be finally assessed by the appropriate officer customs soon after the issue of the notification under section 3 ; and, a assessing the amount payable on the basis of the said notification, the officer shall pass orders for the difference, if any, between the amount pro sionally paid and the amount actually payable being paid forthwith to importer.

5. *Mode and manner of levy.*—(1) An additional duty under this O nance may be levied at specific rates on the basis of quantity, volume, we or unit of packing or on the basis of value, as defined under section 25 of Act, or on both :

Provided that an additional duty may be levied at different rates on specified goods or class of goods under different condition as may be speci in the notification levying the duty.

(2) The additional duties under this Ordinance shall be levied, collec and paid in the same manner as the customs duties under the Act, and provisions of the Act shall, so far as may be, apply to the levy, collection payment of duties under this Ordinance as they apply for the purposes of Act.

6. *Procedure for the determination and levy of anti-dumping duty and countervailing duty.*—(1) The Federal Government may, on the application of any person or on its own motion, cause to be published in the official Gazette a notice that an additional duty is proposed to be levied on any goods or class of goods specified in the notice and specify in the notice the reasons for the levy and the rate of additional duty proposed to be levied.

(2) Within thirty days from the date of publication of the notice under subsection (1), any person, trade-house, trade organization, industry or diplomatic mission in Pakistan may file his or its views, objections or comments with the Federal Government.

(3) The Federal Government may, at its discretion, grant personal hearing to an applicant under subsection (1) or to any person, trade-house, trade organization, industry or diplomatic mission who or which may have filed any views, objections or comments under subsection (2).

(4) After considering the application under subsection (1), the views, objections and comments under subsection (2), the deliberations under subsection (3) and all other information and documents received or collected in this regard, the Federal Government may issue a notification under section 3 specifying the rate of additional duty levied on the goods or class of goods specified in the notice and the date from which the levy shall take effect :

Provided that nothing in this section shall apply to the levy of the provisional duty.

(5) The application, information and documents referred to in subsection (4) shall be treated as confidential and shall not be produced before or divulged to any person, organisation or court, except by, or under the authority of the Federal Government.

7. *Review.*—Any person aggrieved by a notification issued under section 3 may, within fifteen days of the issue of the notification, apply to the Federal Government for review of the levy or rate of levy of the additional duty to which the notification relates, and the Federal Government shall, after considering the application and, if it decides in its discretion to grant a personal hearing to the applicant, after hearing him, pass such order as it thinks fit.

8. *Refunds.*—An importer who has paid any additional duty may, within six months from the date of payment, make a representation to the Federal Government that the additional duty paid exceeds the dumping margin or the amount of subsidy, bounty, reduction or remission of freight or other financial assistance bestowed, granted or paid in the country of origin or the country of export, and thereupon the Federal Government may, after satisfying itself, allow refund of the whole or such part of the additional duty actually paid as it may deem fit.

9. *Protection of action taken under the Ordinance.*—No suit, prosecution or other legal proceeding shall lie against the Federal Government or any public servant for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

10. *Notice of proceedings.*—No proceeding in a court other than a suit shall be commenced against the Federal Government or any public servant for charging any duties imposed by or under this Ordinance for anything purporting to be done in pursuance of the provisions of this Ordinance or the rules made thereunder without giving to the Federal Government or such public servant not less than one month's previous notice in writing of the

intended proceedings and of the cause thereof, or after the expiration one year from the accrual of such cause.

11. *Power to make rules.*—The Federal Government may, by notificat in the official Gazette, make rules for carrying out the purposes of Ordinance.

ORDINANCE IV OF 1983

PAKISTAN INTERNATIONAL AIRLINES CORPORATION (AMENDMENT) ORDINANCE, 1983

An Ordinance further to amend the Pakistan International Airlines Corporation Act, 1956

[Gazette of Pakistan, Extraordinary, Part I, 3rd February 1983]

No. F. 17(1)/83-Pub.—The following Ordinance made by the President hereby published for general information :—

Whereas it is expedient further to amend the Pakistan Internatio Airlines Corporation Act, 1956 (XIX of 1956), for the purpose hereinaf appearing ;

And whereas the President is satisfied that circumstances exist wh render it necessary to take immediate action;

Now, therefore, in pursuance of the Proclamation of the fifth day July 1977, and in exercise of all powers enabling him in that behalf, President is pleased to make and promulgate the following Ordinance :—

1. *Short title and commencement.*—(1) This Ordinance may be cal the Pakistan International Airlines Corporation (Amendment) Or nance, 1983.

(2) It shall come into force at once.

2. *Amendment of section 6, Act XIX of 1956.*—In the Pakistan Inter tional Airlines Corporation Act, 1956 (XIX of 1956), in section 6, in s section (1)—

(*a*) for the word "ten" the word "eleven" shall be substituted ; and

(*b*) in clause (*b*), for the word "seven" the word "eight" shall substituted.

PRESIDENT'S ORDER No. 2 OF 1983

TRANSFER OF HIGH COURT JUDGES (ALLOWANCES AND PRIVILEGES) ORDER, 1983

[Gazette of Pakistan, Extraordinary, Part I, 6th February 1983]

No. F. 17 (2)/83-Pub.—The following Order made by the Presiden hereby published for general information :—

Whereas clause (2) of Article 10 of the Provisional Constitution Or 1981 (C. M. L. A. Order No. 1 of 1981), provides that where a Judge High Court is transferred from one High Court to another or is appoin to an office other than that of Judge at a place other than the principal seat the High Court, he shall, during the period for which he serves as a Judge the High Court to which he is transferred, or holds such other office,

entitled to such allowances and p President may, by Order, determi

Now, therefore, in pursuance of all powers enabling him to make the following Order :—

1. *Short title and commence* Transfer of High Court Judges (A

(2) It shall come into force effect on the twenty-fourth day of

2. *Payment of allowance.*—W from one High Court to another to a Bench of that court, than that of Judge at a pla Court, he shall, during the pe of the High Court, or at the Benc other office, be entitled, in add of one thousand and five hundred

3. *Privileges.*—If the family join him at the place to which he shall be provided at such place wi

(*a*) single rent-free accommod

(*b*) an official car maintained of petrol not exceeding one hu such car :

Provided that, if there are t such at the same place, they shall aforesaid quantity of petrol.

ORDIN
CODE OF CRIMINAL
ORD

An Ordinance furth Pr

[Gazete of Pakistan, Extrac

No. F. 17 (1)/83-Pub.—The fo hereby published for general infor

Whereas it is expedient further 1898 (Act V of 1898), for the purp

And whereas the President render it necessary to take immedia

Now, therefore, in pursuance 1977, and in exercise of all power is pleased to make and promulgate

1. *Short title and commence* the Code of Criminal Procedure (

(2) It shall come into force at