

THE DEVELOPMENT OF INDUSTRIES (FEDERAL CONTROL)
(REPEAL) ORDINANCE, 1979

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THE DEVELOPMENT OF INDUSTRIES (FEDERAL CONTROL) (REPEAL)
ORDINANCE, 1979

ORDINANCE No. XXVI OF 1979

[31st May, 1979]

An Ordinance to repeal the Development of Industries (Federal Control) Act, 1972

WHEREAS it is expedient to repeal the Development of Industries (Federal Control) Act, 1972 (XVI of 1972), and to provide for matters connected therewith or incidental thereto;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July 1977, read with the Laws (Continuance in Force) Order, 1977 (C.M.L.A. Order No. 1 of 1977), 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 Development of Industries (Federal Control) (Repeal) Ordinance, 1979.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Federal 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) "Act" means the Development of Industries (Federal Control) Act, 1972 (XVI

of 1972);

(b) "commencing day" means the day on which this Ordinance comes into force;

(c) "Corporation" means a company formed and registered under the Companies

Act, 1913 (VII of 1913), the entire issued and paid-up share capital of which is held by the Federal Government and its nominees;

(d) "managed company" means a company the aggregate face value of the shares of which owned by the Federal Government and by institutions owned or controlled by the Federal Government exceeds fifty per cent of the total voting rights in the issued and paid-up share capital of the company; and

(e) words and expressions used but not defined in this Ordinance shall have the same meaning as in the Act.

"Le. 15th April, 1979, by S.R.O. No. 317 (1/79, dated the 11th April, 1979, see Gaz. of P., 1979, Ext., Pt.

3. Dissolution of the Board, etc.—(1) As from the commencing day, the Board shall stand dissolved and all members of the Board shall cease to hold office.

(2) The winding-up of the affairs relating to the Board shall be carried out by an Administrator to be appointed by the President.

(3) The Administrator shall hold office during the pleasure of the President and shall, in the discharge of his functions, be subject to such directions as the President may give from time to time.

(4) The Administrator shall have all the powers of the Board, including the powers to incur expenditure, collect assets and discharge liabilities of the Board, to terminate orders, contracts, deeds, bonds, agreements, powers of attorney and grants of legal representations or any other instruments.

(5) The Administrator may fix a time limit within which creditors, if any, shall prove their claims against the Board.

(6) The Federal Government may, by order in writing, direct that the control and ownership of the properties assets, including moneys in the Fund and documents which, immediately before the commencing day, belonged to the Board be transferred to it or such corporation or managed company as it may specify, whereupon such property, assets and documents shall stand transferred to and vest in the Federal Government, the corporation or, as the case may be, the managed company.

(7) The Federal Government shall appoint an auditor to carry out the audit relating to the affairs of the Board for the period to be specified by the Federal Government and the auditor shall, upon completion of the audit, submit his report to the Federal Government regarding the availability and distribution of assets of the Board.

(8) For the purposes of the audit, the administrator shall make all relevant documents available to the auditor.

4. Employees of the Board.—(1) The Federal Government may, by order in writing, direct that the services of any officer or other employee of the Board shall, on such day as may be specified in the order, stand transferred to the corporation or managed company so specified on terms not less favourable than those to which he was entitled as an employee of the Board.

(2) The Federal Government, in accordance with the terms of their appointment, terminate the services of such officers and employees of the Board as it may consider surplus.

5. Provident fund.—(1) The moneys and investments in the provident fund established by the Board for the benefit of its officers and employees shall stand transferred to and vest in the corporation or managed company to which their services are transferred under section 4, free from any trust that may have been constituted by the Board in respect thereof, and the trustees of the provident fund shall, as from the day of such transfer, stand discharged from the trust except as respects things done or omitted to be done before that day.

(2) An officer or other employee transferred to a corporation or managed company under section 4 shall be deemed to have become, on the date of such transfer, a member of the provident fund established by such corporation or managed company and, in the records of such provident fund, a separate account shall be opened for such officer or other employee and be credited with the amount

of the accumulated balance standing, immediately before the said date, to the credit of such officer or other employee in the provident fund established by the Board.

6. Contracts and proceedings.—(1) All orders, contracts, deeds, bonds, agreements, powers of attorney, grants of legal representation and other instruments of whatever nature subsisting and having effect immediately before the commencing day to which the Board is a party shall be of full force and effect against or in favour of a corporation or managed company which may be designated by the Federal Government for the purpose by notification in the official Gazette and may be enforced or acted upon as fully and effectively as if references in such orders, contracts, deeds, agreements, powers, grants and instruments to the Board were references to such corporation or managed company.

(2) All suits, appeals or other proceedings of whatever nature instituted by or against the Board and pending immediately before the commencing day shall not abate, be discontinued or be in any way prejudicially affected by reason of the dissolution of the Board, but the suit, appeal or other legal proceeding may be continued, prosecuted and enforced by or against corporation or managed company which may be designated by the Federal Government for the purpose by notification in the official Gazette.

7. Bar of jurisdiction —(1) No Court shall call into question or permit to be called in question, any order made or anything done or any action taken under this Ordinance.

(2) No Court shall grant any injunction, make any order or entertain any proceedings in relation to anything in good faith done or intended to be done under this Ordinance.

8. Indemnity. No suit, prosecution or other legal proceeding shall lie against the Federal Government, the Board, a corporation, a managed company or any other person for anything in good faith done or intended to be done under this Ordinance.

9. Removal of difficulties. If any difficulty arises in giving effect to any provision of this Ordinance, the Federal Government may make such order or issue such directive, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

10. Repeal. The Development of Industries (Federal Control) Act, 1972 (XVI of 1972), is hereby repealed.