

THE PAKISTAN AERONAUTICAL COMPLEX BOARD
ORDINANCE, 2000

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THE PAKISTAN AERONAUTICAL COMPLEX BOARD, ORDINANCE, 2000.

ORDINANCE No. XXVIII of 2000

[20th July, 2000]

An Ordinance to establish the Pakistan Aeronautical Complex Board Kamra

WHEREAS it is expedient to establish the Pakistan Aeronautical Complex Board Kamra and to provide for matters connected therewith or incidental thereto;

AND WHEREAS the National Assembly and the Senate stand suspended in pursuance of Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution

Order No. 1 of 1999;

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 Emergency of the fourteenth day of October, 1999, and Provisional Constitution Order No. 1 of 1999, as well as Order No. 9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of

Pakistan is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Pakistan Aeronautical Complex Board Ordinance, 2000.

(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) "Board" means the Pakistan Aeronautical Complex Board Kamra established under section 3;

(b) "Chairman" means the Chairman of the Board;

(c) "factory" means a Pakistan Aeronautical Complex factory established by the Federal Government and functioning under the control of the Board; and

(d) "member" means a member of the Board and includes the Chairman thereof.

3. Establishment of the Board.—(1) As soon as may be after the commencement of this Ordinance, the Federal Government shall, by notification in the official gazette, establish, for carrying out the purposes of this Ordinance, a Pakistan Aeronautical Complex Board consisting of a Chairman and five members appointed by it.

(2) The Chairman shall be appointed by the Federal Government on recommendation of the

Chief of the Air Staff.

(3) Out of the five members to be appointed by the Federal Government, one shall be appointed as Member Finance in consultation with Ministry of Finance, the second to be as the Member Ministerial Co-ordination, third and fourth to be the Members Technical and Commercial, respectively and the fifth member shall be appointed from the corporate sector to be called the Member (Private) on the recommendation of the secretary, Defence Production Division.

4. Terms of office of the members.—(1) The Chairman and members shall hold office during the pleasure of the Federal Government for a term of four years and, unless earlier removed, shall be eligible for re-appointment and shall receive such salary and allowances as the Federal Government may determine:

Provided that the Member (Private) shall hold office in honorary capacity.

(2) Every member, except Member Ministerial Co-ordination and Member (Private), shall be a whole-time officer of the Board and shall perform such functions as are, or may be, assigned to him under this Ordinance.

(3) Every member, except Member (Private), shall, before assuming his office as such, relinquish or divest himself of any office or interest in any corporation, company or concern other than an industry owned by the Federal Government or sponsored by the Board.

5. Meetings.—(1) No business of the Board shall be transacted except at a meeting at which a quorum of three Members is present.

(2) The Chairman or, in his absence, senior most member shall preside at the meetings of the Board.

(3) At the meetings of the Board each member shall have one vote and, in the event of equality of votes, the Chairman or the member presiding shall have a second or casting vote.

6. Functions of the Board.—(1) The principal function of the Board shall be to manage, organize or, as the case may be, re-organize, within the existing financial resources, any factory and administer the affairs of the factories and to run them on sound commercial lines so as to adequately meet, during war and peace, the needs of the defence of the country.

(2) The Board shall, in discharging its functions, be guided on questions of policy involving national interest, including defence requirement during war and peace, by such directions as the Federal Government, which shall be the sole judge whether or not national interest is involved, may give from time to time.

7. Investment of the Board with certain powers.— Notwithstanding anything contained in any law, regulation, rule, order, notification, agreement or other instrument for the time being applicable to any factory, or any officer or other employee appointed or engaged in, or in connection with, any factory, the Board may, in relation to such factory, officer or employee, exercise the following powers of the Federal Government or of any officer authorized for the purpose by the Federal Government, namely:—

(a) to determine the terms and conditions of service, recruitment, promotion,

transfer, posting, dismissal, discharge, demotion and other disciplinary actions of all officers and other employees:

Provided that the terms and conditions of service of any officer or other employee appointed or engaged before the commencement of this Ordinance shall not be varied to his disadvantage and that he shall not be dismissed or removed from service or reduced in rank by any authority subordinate to that by which he was appointed:

Provided further that the officers or employees appointed before the commencement of this Ordinance shall be given an option, after the service rules for the officers and employees of the Board have been made, to opt for the new service rules or to continue to be governed by their existing service rules; but once the option has been exercised by an officer or employee within the time fixed by the Board, it shall be final, and an officer or employee who does not exercise the option within the prescribed time shall be considered to have opted for the new rules:

Provided also that the promotion, demotion or other disciplinary action against an officer or employee on deputation or secondment shall be governed by the service rules applicable to him;

(b) to appoint or engage such officers and other employees, advisers, consultants on contract as it considers necessary for the efficient discharge of its functions on such terms and conditions of service as it may determine;

(c) to carry out all technical and engineering projects or works, or to enter into contract or agreement pertaining to their execution;

(d) to make all purchases of plant, machinery and stores either in the country or abroad in such manner as it thinks fit and also to dispose of stores and equipment and write off the losses;

(e) to fix pay of the officers and other employees wherever necessary either initially or otherwise at any stage within the pay scales prescribed by the Federal Government;

(f) to utilize or incur expenditure in respect of lump sum grant allocated for the purpose in the budget;

(g) to utilize surplus capacity of factories to undertake commercial activities in markets within the country and abroad;

(h) to create and operate with the approval of the Federal Government non-lapsable revolving fund in foreign as well as local currency to meet objectives of indigenization and to promote export and R&D activities from sale proceeds of the factory products; and

(i) to make, subject to any direction issued in this behalf by the Federal Government, departmental, financial, and accounting rules and procedures based on sound commercial lines within six months of establishment.

8. Submission of estimates of receipts and expenditures to the Federal Government.—

(1) The Board shall, in the month of December every year, submit, in such manner and form as the Federal Government may direct, to the Federal Government, for making necessary provision in its budget, a statement of the discharge of its functions under this Ordinance in respect of the new financial year together with a statement showing separately the estimated receipts and expenditure in foreign exchange for that year.

(2) The Board shall not, without the previous sanction of the Federal Government, incur any expenditure or undertake any financial liability involving expenditure in excess of the amount provided for in the budget.

9. Accounts and audit etc.— (1) The Board shall maintain its accounts including those of the factories in such manner and form as may be prescribed by the Federal Government in consultation with the Auditor-General of Pakistan.

(2) The accounts of the Board, including those of the factories, shall be audited by the Auditor-General of Pakistan.

(3) The Board shall, within six months after the end of every financial year, submit to the Federal Government a statement of accounts audited by the Auditor-General of Pakistan.

(4) The Federal Government may, at any time, require the Auditor-General of Pakistan to report to it upon the adequacy of measures taken by the Board for the efficient management of the factories.

(5) The Board shall establish a costing mechanism in all the factories so as to exercise effective cost control and organized production on modern commercial lines.

10. Submission of annual report, returns, etc. —(1) The Board shall, as soon as possible after the end of every financial year but not later than the thirty-first day of December next following, submit to the Federal Government a report on the conduct of the affairs of the Board during the year.

(2) The Federal Government may require the Board to furnish it with—

(a) any return, statement, estimate, statistics or other information regarding any matter relating to, or under the control of, the Board;

(b) a report on any subject with which the Board is concerned; and

(c) any document or its copy in charge, or under the control, of the Board, and the Board shall comply with such requisition.

'T11. Delegation of Powers.—The Board may, from time to time, authorize the Chairman, any one or more of its members or any subordinate authority of the Board to perform such functions or exercise such powers on its behalf as may be specified by the Board through a resolution passed at a meeting with proper quorum, and the Chairman, member or subordinate authority so authorized shall conform to such regulations or restrictions as may be prescribed by the Board].

12. Mode of signifying communications from the Board.— Any notice, determination, direction, requisition, appointment, expression of opinion, approval or sanction to be given or signified on the part of the Board for any of the purposes of, or in relation to, any powers or functions with which it has been invested under this Ordinance, shall be sufficient and binding if it is in writing signed by the Chairman or by any other person authorized by the Board to act in its behalf in respect of the matters to which such authorization may relate, and the Board shall not in any case be bound in respect of any of the matters aforesaid unless by some writing signed in the manner aforesaid.

13. Power to issue directions The Federal Government may, from time to time, issue directions to the Board to take such measures as it considers necessary for the efficient management and commercialization of the factories and the Board shall comply with such directions.

14. Power to make rules— The Federal Government may, by notification in the official Gazette, make rules for carrying out the purpose of this Ordinance.

15. Dissolution of the Board.— The Federal Government may, by notification in the official gazette, declare that the Board shall be dissolved on such date as may be specified therein, and the Board shall accordingly stand dissolved.