

THE WEST PAKISTAN INDUSTRIES (CONTROL ON
ESTABLISHMENT AND ENLARGEMENT)
ORDINANCE, 1963.

(WEST PAKISTAN ORDINANCE IV OF 1963.)
[26 January, 1963.]

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THE WEST PAKISTAN INDUSTRIES (CONTROL ON
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AN
ORDINANCE

to provide for the organized and planned growth of industries in West Pakistan.

WHEREAS it is expedient to provide for the organized and planned growth of industries in West Pakistan, in the manner hereinafter appearing;

AND WHEREAS, the Provincial Assembly of West Pakistan is not in session and the Governor of West Pakistan is satisfied, that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in pursuance of the powers conferred on him by clause (1) of Article 79 of the Constitution, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:—

1. (1) This Ordinance may be called the West Pakistan Industries (Control on Establishment and Enlargement) Ordinance, 1963.

(2) It extends to the whole of the [Province of the Khyber Pakhtunkhwa] except the Tribal Areas.

(3) This section and section 2 shall come into force at once and the remaining provisions of the Ordinance shall come into force in such local area and on such dates as the Government may, by notification in the official Gazette specify.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say---

(a) "Director" means the Director of Industries, *[.....] and includes any officer appointed by Government, to exercise all or any of the powers and perform all or any of the functions and duties of the Director under this Ordinance;

¹ Substituted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

² Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

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(a)

(e)

(a)

(b)

“Government” means the Government of [Khyber Pakhtunkhwa.]

“Industrial undertaking” means an undertaking pertaining to an industry (including any industry ancillary thereto) carried on or to be carried on, in any local area, at a place or premises, including precincts thereof, wherein twenty or more workers without the aid of power, or ten or more workers with the aid of power, were working on any day during the twelve months preceding the date of coming into operation of section 3 to 12 in the local area concerned or are working and shall work for the manufacture or processing of goods or commodities;

“local area” means any area to which the provisions of sections 3 to 12 have been applied in pursuance of sub-section (3) of section 1;

“rules” mean rules made under this Ordinance.

No person shall establish or cause to be established any industrial undertaking or enlarge or cause to be enlarged any existing industrial undertaking except with the previous permission in writing of Government.

*[Provided that the application of any person for the grant of such permission shall not be rejected—

without giving such person an opportunity of showing cause against it; or

unless Government is satisfied, on the basis of information available to it and after making such inquiry as it may deem fit, that the grant of permission to such person will be prejudicial to the national interest, or injurious to the health of, or a source of nuisance for, the residents of the local area in which the industrial undertaking is proposed to be set up or, as the case maybe, the industrial undertaking which is proposed to be enlarged is situated.]

¹ Substituted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

² Omitted vide Khyber Pakhtunkhwa Adaptation of Laws Order, 1975.

^{*} Substituted vide Khyber Pakhtunkhwa Act, No. IV of 1976.

Restrictions on
establishment of
industrial under
takings.

4. Where the establishment of an existing industrial undertaking is likely to be commenced or has been commenced or has been completed in contravention of the provisions of this Ordinance, Government or the Director, after giving the person responsible therefore an opportunity of being heard, may by order require him—

- (i) to refrain from such establishment or enlargement; or
- (ii) to stop further construction and to remove the unauthorized undertaking or part thereof and the person concerned shall comply with the order within such period as may be specified.

5. For the purpose of giving effect to the provisions of this Ordinance, Government or the Director may—

- (a) by order in writing require any person to furnish such information in his possession relating to any industrial undertaking as may be specified in the order;
- (b) enter or authorize any person to enter an industrial undertaking and take such action as may be necessary.

6. Government may by general or special order and subject to such conditions as may be specified in the order authorize any officer or authority subordinate to it to exercise any of its powers and to perform any of its functions and duties under this Ordinance and the rules.

7. (1) Any person feeling aggrieved by an order passed by Government or by any officer or authority under section 3 or section 4, may, within thirty days of the date of the order, apply to Government for a revision of the order.

(2) Any person feeling aggrieved by an order passed by the Director under section 4 may, within thirty days of the order, prefer an appeal to Government.

(3) If in any case it shall appear to Government that any order passed by Government or the Director, as the case may be, be set aside or modified, Government may pass such order thereon as may be deemed fit:

Provided that no such order shall be passed unless, in the case of an appeal, the appellant and in any other case the party to be affected adversely, has been given a reasonable notice to appear and be heard

(4) Subject to any order passed by Government under the last preceding sub-section the order passed by Government or the Director under section 3 or section 4, as the case may be, shall be final.

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8. Whoever contravenes any of the provisions of this Ordinance or the rules, or fails to comply with any order made thereunder, or willfully furnishes incomplete or false information required thereunder, or obstructs any person in the discharge of his duties or functions there-under, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

9. No court shall take cognizance of any offence punishable under this Ordinance except on a complaint in writing made by the Director.

10. No suit or other legal proceedings shall lie against Government, the Director or any person in respect of anything which is in good faith done or intended to be done under this Ordinance and the rules.

11. Government may, by notification in the Official Gazette, exempt any industrial undertaking or class of industrial undertakings from all or any of the provisions of this Ordinance or the rules.

12. The provisions of this Ordinance and the rules and orders made thereunder shall have effect notwithstanding anything to the contrary contained in any other law, contract, instrument or document for the time being in force.

13. Government may make rules for carrying into effect the provisions of this Ordinance.

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