

THE WEST PAKISTAN CO-OPERATIVE BOARD
(DISSOLUTION) ACT, 1966

(II of 1966)

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"THE WEST PAKISTAN CO-OPERATIVE BOARD (DISSOLUTION) ACT,
1966

(II of 1966)

[22 December 1966]

An

Act

to provide for the dissolution of the West Pakistan Co-operative Board.

Preamble.- WHEREAS it is expedient to provide for the dissolution of the West Pakistan Co-operative Board, and for matters ancillary thereto;

It is hereby enacted as follows:—

1. Short title, commencement and extent.— (1) This Act may be called the West Pakistan Co-operative Board (Dissolution) Act, 1966.

(2) It shall come into force at once.

(3) It shall extend to the whole of the Province of West Pakistan except the Tribal Areas.

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

(a) | "Administrator" means the Administrator appointed under section 4;

(b) "Board" means the West Pakistan Co-operative Board established under section 3 of the West Pakistan Co-operative Board Ordinance, 1962 (W.P. Ordinance XIV of 1962);

(c) "Co-operative Development Fund" means the Fund established under section 7;

(d) "Government" means the '[Provincial Government of the Punjab]; and

(e) "Project" means a project which was sponsored, managed, promoted or organized by the Board and is notified by Government as a project for the purposes of this Act.

3. Dissolution of the Board.— Immediately on the coming into force of this Act, the Board shall stand dissolved and the Chairman and the other members of the Board shall vacate their offices.

4. Appointment of Administrator— (1) Government shall appoint an Administrator, by name or in virtue of his office, for the purpose of—

'This Act was passed by the West Pakistan Assembly on December 2, 1966; assented to by the Governor of West Pakistan on December 13, 1966; published in the Gazette of West Pakistan (Extraordinary), dated December 22, 1966, pp. 3730-A-3730-F.

Substituted for the words "Government of West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part III, Serial No. 85.

- (i) winding up the affairs of the Board;
- (ii) administering such projects promoted, sponsored, organized or managed by the Board immediately before its dissolution as may be approved by Government;
- (iii) | completing, in such manner as may be directed by Government, such schemes or projects undertaken by the Board; and
- (iv) | performing the other duties and functions of an Administrator under this Act.

(2) All properties, funds and dues which, immediately before the dissolution of the Board, were vested in or were realizable by the Board, shall vest in and be realizable by the Administrator, and all liabilities which, immediately before the dissolution of the Board, were enforceable against the Board, shall be assumed by, and be enforceable against the Administrator.

5. Term of office of Administrator— The Administrator shall hold office for such period as the Government may prescribe and the terms and conditions of his service shall be governed by Civil Service Rules.

6. Duties, etc. of Administrator.— (1) The duties, functions and powers of the Administrator shall be—

(a) to carry on such of the business of the Board as may be necessary for the proper winding up of the affairs of the Board;

(b) to recover, arrange to recover or to collect and realize the assets of the Board, including advances and loans made to any Co-operative Society or person, investments in the shares of a co-operative society made, or investments in a co-operative project undertaken by, the Board;

[(ob) to obtain, with the approval of Government, loans necessary for the purpose of any project;]

(c) to pay or arrange to pay the liabilities of the Board;
(d) — to settle all outstanding claims against the Board;

(e) to administer the Co-operative Development Fund in accordance with any regulations framed under section 12;

(f) to administer, execute and complete projects until their transfer to Co-operative Societies [or to such person or corporate body as may be approved by Government];

(g) to incur all necessary expenditure for the purpose of—

(i) the proper functioning or completion of the various projects to be administered, executed or completed by the Administrator; or

(ii) the winding up of the affairs of the Board; or

the Punjab Gazette (Extraordinary), dated January 2, 1971, pp. 17-18, s. 2(i).

2Ibid., s. 2(ii).

(iii) | payment of salaries, allowances, etc., of the employees working in the projects to be administered, executed or completed by the Administrator; or

(iv) | the due performance of any of the duties of the Administrator under this Act or the rules framed under section 11;

(h) to appoint, transfer, suspend, punish, remove or dismiss, in accordance with the rules framed under section 11, the employees working in the projects or required for the winding up of the affairs of the Board.

(2) | The Administrator shall exercise his powers and perform his duties and functions under this Act subject to the general control and directions of Government.

[6-A. Administrator to be a local authority— The Administrator shall be deemed to be a local authority under the Local Authorities Loans Act, 1914, for the purposes of borrowing money and the administration, execution or completion of any project under this Act shall be deemed to be a work which such authority is legally authorised to carry out.]

7. Co-operative Development Fund.— (1) A fund shall be established to be known as “the Co-operative Development Fund” which shall vest in the Administrator.

(2) | The Co-operative Development Fund shall consist of—

(a) all moneys standing to the credit of the “Board’s Fund” constituted under the West Pakistan Co-operative Board Ordinance, 1962 (West Pakistan Ordinance XIV of 1962) at the time of the dissolution of the Board; *[^{*}]

[(b) loans obtained under clause (bb) of sub-section (1) of section 6; and]

[(c)] all other sums received by the Administrator.

(3) | The Fund shall be utilized by the Administrator, subject to the general control and supervision of Government, for—

(a) satisfying the liabilities of the Board; and

(b) meeting charges of the Administrator in connection with his functions under this Act, and specially the expenditure referred to in clause (g) of sub-section (1) of section 6.

(4) Financial assistance to co-operative societies may be provided out of the Co-operative Development Fund by strengthening their share capital, by granting loans to them at a low rate of interest, or by giving them grants-in-aid or subsidies for the benefit of the Societies and their constituents or the promotion and advancement of the Co-operative Movement.

¹Added by the West Pakistan Co-operative Board (Dissolution) (Punjab Amendment) Ordinance, 1971 (I of 1971), published in the Punjab Gazette (Extraordinary), dated January 2, 1971, pp. 17-18, s. 3.

²Omitted by the Ordinance ibid., s. 4(i).

³Added by the Ordinance ibid., s. 4(iii).

4Re-lettered from "(b)" by the Ordinance ibid., s. 4(ii).

8. Accounts and audit. (1) The Administrator shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, in accordance with such general directions as may be issued, and in such forms as may be specified, by Government.

(2) | The Accounts of the Administrator shall be audited by an auditor to be appointed for the purpose by the Government.

(3) | The Administrator shall produce all accounts, books and documents, and furnish such explanation and information as the auditor appointed under this section may require for the purposes of audit.

(4) — The auditor shall report to Government upon the annual balance-sheet and accounts of the Administrator and in his report shall state whether in his opinion the balance-sheet is a full and fair balance-sheet containing all necessary particulars and properly drawn up, and in case he has called for any explanation or information from the Administrator, whether it has been given and whether it is satisfactory.

(5) Government may at any time issue directions to the auditor requiring him to report upon the administration of the Co-operative Development Fund and may at any time enlarge or extend the scope of audit and direct that a different procedure in audit be adopted or that any other examination be made by the auditor, if in his opinion, the public interest so requires.

(6) Government may issue directions to the Administrator for the rectification of matters objected to in audit, and the Administrator shall comply with every such direction.

(7) | The Administrator shall, within one month of the closing of the financial year, submit to Government, a report about the affairs of the Projects in the charge, and under the control of the Administrator, and the progress made in the winding up of the affairs of the Board, during the financial year.

(8) Government may require the Administrator to furnish it with—

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

(b) | a report on any such matter ;or

(c) a copy of any document in the charge of the Administrator; and the Administrator shall comply with every such requisition.

9. Administrator, etc., to be public servant The Administrator and every

employee of the Administrator shall be deemed to be a public servant within the meaning of section 21 of the Pakistan Penal Code.

10. Protection of action taken under this Act.— No suit, prosecution or other legal proceedings shall be instituted against Government, the Administrator, or any other person for anything which is in good faith done or intended to be done under this Act or the rules framed thereunder.

11. | Power to make rules.— Government may make rules to give effect to the provisions of this Act.

12. Power to frame regulations.— Government may frame regulations for the administration of the Co-operative Development Fund.

13. Repeal— (1) The West Pakistan Co-operative Board Ordinance, 1962 (West Pakistan Ordinance XIV of 1962), hereafter referred to as the said Ordinance, is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance, everything done, action taken, obligation or liability incurred, contract entered into, officer appointed or person authorised and order issued under any of the provisions of the said Ordinance shall, if not inconsistent with the provisions of this Act, continue in force and, so far as may be, be deemed to have been respectively done, taken, incurred, entered into, appointed, authorised or issued under this Act.