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GOVERNMENT OF PAKISTAN
MINISTRY OF LAW



1954

A COLLECTION OF
THE
CENTRAL ACTS AND ORDINANCES
FOR THE YEAR
1954

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**Short Titles of the Central Acts and Ordinances
for the year 1954.**

ACTS

- I The Finance Act, 1954.
 - II The Control of Shipping (Amendment) Act, 1954.
 - III The Geneva Convention Implementing (Amendment) Act, 1954.
 - IV The Pakistan Criminal Law Amendment (Amendment) Act, 1954.
 - V The Tariff (Amendment) Act, 1954.
 - VI The Transfer of Evacuee Deposits Act, 1954.
 - VII The University of Karachi (Amendment) Act, 1954.
 - VIII The Merchant Shipping (Amendment) Act, 1954.
 - IX The Governor-General's Pension Act, 1954.
 - X The Pakistan Medical Council (Amendment) Act, 1954.
 - XI The Tariff (Second Amendment) Act, 1954.
 - XII The Patents and Designs (Extension of Time) Act, 1954.
 - XIII The Dangerous Cargoes (Amendment) Act, 1954.
-

ORDINANCES

- I The Transfer of Evacuee Deposits Ordinance, 1954.
 - II The Power Alcohol Ordinance, 1954.
 - III The Customs Acts (Amendment) Ordinance, 1954.
 - IV The Cotton Act (Amendment) Ordinance, 1954.
-

THE FINANCE ACT, 1954

¹Act No. I of 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
31st March, 1954.)*

An Act to give effect to the financial proposals of the Central Government for the year beginning on the first day of April, 1954.

WHEREAS it is expedient to fix the duty on certain salt, to
VI of fix maximum rates of postage under the Post Office Act, 1898,
1898. to continue subject to certain modifications, for a further
period of one year additional duties of customs imposed by
XII of section 6 of the Finance Act, 1942, and to alter the duty of
1942. excise on motor spirit, to continue the charge and levy of
business profits tax, to make certain provisions relating to
income-tax, super-tax, business profits tax and estate duty, to
fix rates of income-tax and super-tax and to continue subject
to modifications the taxes and duties imposed for the purpose
of meeting expenditure on the rehabilitation of refugees ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Finance Act, 1954.

Short title
and
extent.

(2) It extends to all the Provinces and the Capital of the Federation and shall extend to such acceding States as, before the commencement of this Act, have accepted, or thereafter may accept the subject matter of this Act as a matter with respect to which the Federal Legislature may make laws for such States.

Cap/

2. The duty on salt manufactured in, or imported by land into, the Provinces of Pakistan and the Capital of the Federation shall, for the year beginning on the first day of April, 1954, be at the rate of Rs. 2-8-0 per standard maund.

Continuance
of duty on
salt.

3. For the year beginning on the first day of April, 1954, the schedule contained in the First Schedule to this Act shall be inserted in the Post Office Act, 1898, as the First Schedule to that Act.

VI of
1898.

Inland
postage
rates.

4. The additional duties of customs on certain goods chargeable with a duty of customs under the First Schedule to the Tariff Act, 1934, or under the said Schedule read with any notification of the Central Government for the time being

Additional
duties of
customs.

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1954, Pt. IX, p. 16.

in force, imposed up to the thirty-first day of March, 1943, by section 6 of the Finance Act, 1942, and continued subject to XII of certain modifications up to the thirty-first day of March, 1954, 1942. by section 4 of the Finance Act, 1953, shall continue, subject to IV of the said modifications, to be levied and collected, as an addition 1953. to and in the same manner as the duty chargeable as aforesaid, as provided for in the said section 6, up to the thirty-first day of March, 1955.

Alteration
of duties
of excise.

5. The amendment set out in the Second Schedule to this Act shall be made in the First Schedule to the Central I of
Excises and Salt Act, 1944. 1944.

Alteration
of duty of
customs on
cigarettes.

6. Until the thirty-first day of March, 1955, the entry in the fourth column against item 24 (2) of the First Schedule to the Tariff Act, 1934, shall have effect as if the words and XXXII
figures "plus Rs. 1-9-0 per thousand" were added to it. of
1934.

Alteration
of duty of
customs on
ale, beer,
porter,
etc.

7. Until the thirty-first day of March, 1955, the entries in the fourth column against item 22 (2) of the First Schedule to the Tariff Act, 1934, shall have effect as if the words and XXXII
figures "plus 1/3rd of the total duty" were added to it. of
1934.

Alteration
of duty of
customs on
brandy, gin,
whisky,
etc.

8. Until the thirty-first day of March, 1955, the entries in the fourth column against item 22 (4) of the First Schedule to the Tariff Act, 1934, shall have effect as if the XXXII
words and figures "plus Rs. 3 per gallon" were added to it. of
1934.

Additional
duty of
excise on
motor
spirit.

9. Until the thirty-first day of March, 1955, the entry in the third column against item 4 of the First Schedule to the Central Excises and Salt Act, 1944, shall have effect as if the I of
following entry were substituted therefor :— 1944.

Cap/

"one rupee eight annas and three pies per Imperial gallon."

Additional
duty of
excise on
cigarettes.

10. Until the thirty-first day of March, 1955, each entry of duty set forth in the third column against sub-item II (2) of item 9 of the First Schedule to the Central Excises and Salt Act, 1944, shall have effect as if the words "plus one-fifth I of
of the total duty" were added to it. 1944.

Amendment
of Act XI
of 1922.

11. The following amendments shall be made in the XI of
Income-tax Act, 1922, namely :— 1922.

(1) In section 10—

(a) In sub-section (2)—

(i) In clause (vi)—

(a) In sub-clause (a) after the word "buildings", the brackets and the words "(other than the buildings referred to in sub-clause (aa) and sub-clause (b) " shall be inserted.

(b) After sub-clause (a), the following new sub-clause shall be added, namely :—

“(aa) in the case of residential buildings for industrial labour, the erection of which is begun and completed between the 1st day of April, 1954 and the 31st day of March, 1957 (both dates inclusive), to twenty-five per cent. of the cost thereof to the assessee ;

Explanation.—The expression ‘residential buildings for industrial labour’ means buildings constructed for use as dwelling houses by workmen and other persons, employed on monthly wages not exceeding four hundred rupees, in an industrial undertaking falling under any of the classes specified in clauses (a) to (e) of sub-section (2) of section 15B ;”.

(ii) For clause (xiv) and the first proviso to that clause, the following clause and the proviso shall be substituted, namely :—

“(xiv) any expenditure of a capital nature on scientific research related to the business :

Provided that where such expenditure was incurred in any previous year for the assessment for any year ending on or before the 31st day of March, 1954, the whole of such expenditure shall not be allowed in the previous year in which it was incurred, but an allowance equal to one-fifth of such expenditure shall be made for each of the five consecutive previous years beginning with the year in which the expenditure was incurred, or where the expenditure was incurred prior to the commencement of the business (but not more than three years before the commencement of such business), for each of the five consecutive previous years beginning with the year in which the business was commenced ;”.

(iii) After clause (xiv), the following new clauses shall be inserted, namely :—

“(xiva) any expenditure (not being in the nature of capital expenditure) laid out or expended on any educational institution or hospital established for the benefit of employees, their families and dependents :

Provided that no deduction under this clause shall be allowed where any charge is made for the services rendered by such institution or hospital :

Provided further that where an allowance is made for such expenditure under clause (xii), an allowance for the same expenditure shall not be made under this clause ;

- (xivb) any expenditure in the nature of capital expenditure laid out or expended on the construction and maintenance of any educational institution or hospital established by the assessee for the benefit of his employees, their families and dependents :

Provided that no allowance under this clause shall be made where any charge is made for the services rendered by such institution or hospital :

Provided further that where any deduction is allowed in any previous year under this clause in respect of expenditure represented either wholly or partly by any asset, no deduction shall be allowed under clause (vi), clause (vii) or clause (xiv) for the same previous year in respect of that asset :

Provided further that clause (b) of the proviso to clause (vi) shall apply in relation to deductions allowable under this clause as it applies in relation to deductions allowable in respect of depreciation :

Provided further that clauses (a), (b), (c) and (e) of the further proviso to clause (xiv) shall apply to an asset representing expenditure under this clause as they apply to assets representing expenditure of a capital nature on scientific research."

- (b) In sub-section (3A), for the words, brackets and letters "clause (vi) and clause (vii)", the words, commas, brackets and letters "clause (vi), clause (vii), clause (xiv) and clause (xivb)" and for the words, brackets and letters "clause (vii) of that sub-section", the words, commas, brackets and letters "clause (vii), clause (xiv) and clause (xivb), as the case may be, of that sub-section" shall be substituted.

- (c) After sub-section (3A), the following new sub-section shall be inserted, namely :—

" (3B) (a) Any sum received by an assessee either directly or indirectly from any Government, local authority or any person, other than the assessee, for meeting either wholly or partly the expenditure under clause (xii), clause (xiii), clause (xiv), clause (xiva) or clause

(xivb) of sub-section (2) shall be excluded in computing the allowance under any of the said clauses.

- (b) The provisions of section 15D shall not apply to any donation made by an assessee to meet the expenditure allowable under clauses (xii), (xiii), (xiv), (xiva) and (xivb) of sub-section (2)."
- (2) In sub-section (3) of section 15, for the words "one-sixth" and "six thousand", the words "one-fifth" and "eight thousand" shall respectively be substituted.
- (3) In sub-section (6) of section 15C, for the figures "1954", the figures "1955" shall be substituted.
- (4) For section 49D of the Act, the following section shall be substituted, namely :—

"49D. *Relief in respect of incomes accruing or arising outside the taxable territories.*—(1) If any person, who is resident in the taxable territories in any year, proves that, in respect of any income which has accrued or arisen to him during that year without the taxable territories (and which is not deemed to have accrued or arisen in the taxable territories), he has paid, in any country with which there is no reciprocal arrangement for relief or the avoidance of double taxation, income-tax, by deduction or otherwise, under the law in force in that country, he shall be entitled to the deduction from the Pakistan income-tax payable by him of a sum equal to the tax calculated on such doubly taxed income at the Pakistan rate of tax or the rate of tax of the said country, whichever is the lower.

- (2) The Central Government may, by notification in the official Gazette, declare that the provisions of sub-section (1) shall also apply in relation to any such income accruing or arising in the United Kingdom and chargeable under this Act for the year ending on the 31st day of March, 1951, or for the year ending on the 31st day of March, 1952, or for the year ending on the 31st day of March, 1953, or for the year ending on the 31st day of March, 1954.

Explanation.—In this section—

- (i) the expression 'Pakistan income-tax' means income-tax and super-tax charged in accordance with the provisions of this Act;

- (ii) the expression 'Pakistan rate of tax' means the rate determined by dividing the amount of Pakistan income-tax after deduction of any relief under the other provisions of this Act, but before the deduction of any relief due under this section, by the total income ;
- (iii) the expression 'rate of tax of the said country' means income-tax and super-tax actually paid in the said country in accordance with the corresponding laws of the said country after deduction of all reliefs due, but before deduction of any relief due in the said country in respect of double taxation, divided by the whole amount of income assessed in the said country ; and
- (iv) the expression 'income-tax in relation to any country' includes any excess profits tax or business profits tax charged on the profits by the Government of that country and not by the Government of any part of that country, or a local authority in that country."

- (5) In sub-section (1) of section 58F of the said Act, for the words "one-sixth" and "six thousand", the words "one-fifth" and "eight thousand" shall respectively be substituted.

Amendment
of Act XXI
of 1947.

12. In sub-clause (a) of clause (4) of section 2 of the Business Profits Tax Act, 1947, for the figures "1953", the figures "1954" shall be substituted. XXI
of
1947.

Amendment
of Act X
of 1950.

13. The following amendments shall be made in the Estate Duty Act, 1950, namely :— X of
1950.

- (1) In section 58, for the word "Board", wherever it occurs, the word "Controller" shall be substituted ;
- (2) Section 60 shall be omitted ;
- (3) In section 61—
 - (a) for sub-section (1), the following sub-section shall be substituted, namely :—

" (1) Where the original valuation is discovered to be too low, the accountable person shall within three months of such discovery pay the deficit duty which is payable in respect of the property upon the full valuation and the Controller shall thereupon grant him a certificate accordingly ; " ;

- (b) sub-sections (2) and (3) shall be omitted ; and
- (c) in sub-section (4), the words, brackets and figure " or sub-section (3) " shall be omitted.

14.—(1) Subject to the provisions of sub-sections (3), (4) and (5) for the year beginning on the first day of April, 1954—

Income-tax
and
super-tax.

- (a) income-tax shall be charged at the rates specified in Part I of the Third Schedule ; and
- (b) the rates of super-tax shall, for the purposes of section 55 of the Income-tax Act, 1922, be those specified in Part II of the Third Schedule.

XI of
1922.

(2) In making any assessment for the year ending on the thirty-first day of March, 1955, there shall be deducted from the total income of an assessee, in accordance with the provisions of section 15A of the Income-tax Act, 1922, an amount equal to one-fifth of the earned income, if any, included in his total income, but not exceeding in any case four thousand rupees.

XI of
1922.

(3) In making any assessment for the year ending on the thirty-first day of March, 1955, where the total income of an assessee, not being a company, includes any income chargeable under the head "Salaries" as reduced by the deduction for earned income appropriate thereto, or any income chargeable under the head "Interest on Securities", or any income from dividends in respect of which by virtue of section 49B of the Income-tax Act, 1922, he is deemed himself to have paid income-tax imposed under that Act, the income-tax payable by the assessee on that part of his total income which consists of such inclusions shall be an amount bearing to the total amount of income-tax payable according to the rates applicable under the operation of the Finance Act, 1953, on his total income the same proportion as the amount of such inclusions bears to his total income.

I of
1953.

(4) In making any assessment for the year ending on the thirty-first day of March, 1955—

- (a) where the total income of a company includes any profits and gains from life insurance business, the super-tax payable by the company shall be reduced by an amount computed at the rate of two annas in the rupee on that part of its total income which consists of such inclusion ;
- (b) where the total income of an assessee, not being a company, includes any profits and gains from life insurance business, the income-tax and super-tax payable by the assessee on that part of his total income which consists of such inclusion shall be an amount bearing to the total amount of such taxes payable on his total income according to the rates applicable under the operation of the Finance Act, 1942, the same proportion as the amount of such

XII of
1942.

inclusion bears to his total income, so however that the aggregate of the taxes so computed in respect of such inclusion shall not in any case exceed the amount of tax payable on such inclusion at the rate of five annas in the rupee.

(5) In cases to which section 17 of the Income-tax Act, 1922, applies, the tax chargeable shall be determined as provided in that section, but with reference to the rates imposed by sub-section (1), and in accordance, where applicable, with the provisions of sub-sections (3) and (4) of this section. XI of 1922.

(6) For the purposes of making any deduction of income-tax in the year beginning on the first day of April, 1954, under sub-section (2) or sub-section (2B) of section 18 of the Income-tax Act 1922, from any earned income chargeable under the head "Salaries", the estimated total income of the assessee under this head shall, in computing the income-tax to be deducted, be reduced by an amount equal to one-fifth of such earned income, but not exceeding in any case four thousand rupees. XI of 1922.

(7) For the purposes of this section and of the rates of tax imposed thereby, the expression "total income" means total income as determined for the purposes of income-tax or super-tax, as the case may be, in accordance with the provisions of the Income-tax Act, 1922, and the expression "earned income" has the meaning assigned to it in clause (6AA) of section 2 of that Act. XI of 1922.

Continuation
of Act
LXIV of
1950.

15.—(1) The Finance (Supplementary) Act, 1950 (imposing certain new taxes and duties for the purpose of meeting expenditure on the rehabilitation of refugees) shall, with the omissions and modifications set out in the Fourth Schedule to this Act, continue in operation after the thirty-first day of March, 1954, as if the provisions of the said Act with the aforesaid omissions and modifications were enacted in and formed part of this Act. LXIV of 1950.

(2) The modifications under paragraphs (d), (e) and (f) of the aforesaid Schedule shall be deemed always to have been made in the Finance (Supplementary) Act, 1950. LXIV of 1950.

(3) The rules made under the Finance (Supplementary) Act, 1950, shall, with the necessary modifications, be deemed to be rules made under the provisions of the said Act as continued and made part of this Act and, subject to any omissions, additions and modifications which the Central Government or the Provincial Government may make in them, shall have effect accordingly. LXIV of 1950.

(4) Save as provided in sub-section (2) of this section, nothing in this section shall affect the application of the Finance (Supplementary) Act, 1950, in respect of the taxes and duties imposed thereby in relation to any period before the first day of April, 1954. LXIV of 1950.

THE FIRST SCHEDULE

(Schedule to be inserted in the Post Office Act, 1898)

(See section 3)

THE FIRST SCHEDULE

INLAND POSTAGE RATES

(See section 7)

LETTERS

For a weight not exceeding one tola	One and a half annas.
For every tola or fraction thereof exceeding one tola ...	One anna.

POST-CARDS

Single	Nine pies.
Reply	One and a half annas.

PATTERN AND SAMPLE PACKETS

For the first five tolas or fraction thereof	One anna.
For every additional two and a half tolas or fraction thereof in excess of five tolas,	Six pies.

BOOK PACKETS

For the first five tolas or fraction thereof	One anna.
For every additional two and a half tolas or fraction thereof in excess of five tolas,	Three pies.

REGISTERED NEWSPAPERS

(a) *Single copies—*

For a weight not exceeding ten tolas	Quarter of an anna.
For a weight exceeding ten tolas but not exceeding twenty tolas,	Half an anna.
For every additional twenty tolas or fraction thereof,	Half an anna.

(b) *Packets of registered newspapers—*

For a weight not exceeding ten tolas	Half an anna.
For every additional five tolas or fraction thereof in excess of ten tolas,	Quarter of an anna.

PARCELS

For a weight not exceeding forty tolas	Eight annas.
For every forty tolas or fraction thereof, exceeding forty tolas,	Eight annas.

THE SECOND SCHEDULE

(See section 6)

Amendment to be made to the Central Excises and Salt Act, 1944.

Amendment to First Schedule

In item 4, for the existing entry in the third column "one rupee and eight annas per Imperial gallon" shall be substituted.

THE THIRD SCHEDULE

(See section 14)

PART I

Rates of Income-tax

A—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons not being a case to which paragraph B of this Part applies—

	<i>Rate</i>
(1) On the first Rs. 1,500 of total income	... Nil.
(2) On the next Rs. 3,500 of total income	... Nine pies in the rupee.
(3) On the next Rs. 5,000 of total income	... One anna and six pies in the rupee.
(4) On the next Rs. 5,000 of total income	... Three annas in the rupee.
(5) On the next Rs. 5,000 of total income	... Four annas and six pies in the rupee.
(6) On the balance of total income	... Five annas in the rupee.

Provided that—

- (i) no income-tax shall be payable on a total income which, before deduction of the allowance, if any, for earned income, does not exceed Rs. 4,200 ;
- (ii) the income-tax payable shall in no case exceed half the amount by which the total income (before deduction of the said allowance, if any, for earned income) exceeds Rs. 4,200 ;
- (iii) the income-tax payable on the total income as reduced by the allowance for earned income shall not exceed either—
 - (a) a sum bearing to half the amount by which the total income (before deduction of the allowance for earned income) exceeds Rs. 4,200 the same proportion as such reduced total income bears to the unreduced total income ; or
 - (b) the income-tax payable on the income so reduced at the rates herein specified ;
 whichever is less.

B—In the case of every company and local authority, and in every case in which under the provisions of the Income-tax Act, 1922, income-tax is to be charged at the maximum rate—

	<i>Rate</i>
On the whole of total income	... Five annas in the rupee.

PART II**Rate of Super-tax**

A—In the case of every individual, Hindu undivided family, unregistered firm and other association of persons, not being a case to which any other paragraph of this Part applies—

	<i>Rate</i>
(1) On the first Rs. 25,000 of total income ...	Nil.
(2) On the next Rs. 5,000 of total income ...	Two and a quarter annas in the rupee.
(3) On the next Rs. 5,000 of total income ...	Two and a half annas in the rupee.
(4) On the next Rs. 10,000 of total income ...	Three annas in the rupee.
(5) On the next Rs. 10,000 of total income ...	Three and a half annas in the rupee.
(6) On the next Rs. 15,000 of total income ...	Four annas in the rupee.
(7) On the next Rs. 15,000 of total income ...	Four and a half annas in the rupee.
(8) On the next Rs. 15,000 of total income ...	Five annas in the rupee.
(9) On the next Rs. 50,000 of total income ...	Six annas in the rupee.
(10) On the next Rs. 1,00,000 of total income ...	Six and a half annas in the rupee.
(11) On the balance of total income ...	Seven and a half annas in the rupee.

B—In the case of every local authority—

On the whole of total income ...	Two annas in the rupee.
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C—In the case of an association of persons being a co-operative society for the time being registered under the Co-operative Societies Act, 1912, or under an Act of a Provincial Legislature governing the registration of co-operative societies :—

	<i>Rate</i>
(1) On the first Rs. 25,000 of the total income ...	Nil.
(2) On the balance of total income ...	Two annas in the rupee.

D—In the case of every company—

On the whole of total income ...	Four annas in the rupee.
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Provided that—

- (i) a rebate at the rate of two annas per rupee of the total income shall be allowed in the case of any company which in respect of its profits liable to tax under the Income-tax Act, 1922, for the year ending on the thirty-first day of March, 1955, has made such effective arrangements as may be specified by the Central Government in this behalf for the declaration and payment in the Provinces and the Capital of the Federation of the dividends payable out of such profits and for the deduction of super-tax from such dividends ; ^{XI of 1922.}
- (ii) a rebate at the rate of one anna per rupee of the total income shall be allowed in the case of any company which, not being entitled to a rebate under the preceding clause, is—
 - (a) a public company the shares of which were offered for sale in a recognised stock exchange at any time during the previous year, or
 - (b) a company all of whose shares were held at the end of the previous year by one or more such public companies as aforesaid.

Explanation.—For the purposes of clause (ii) of this proviso, a company shall be deemed to be a public company only if it is neither a private company within the meaning of the Companies Act, 1913, nor a company in which shares carrying more than fifty per cent. of the total voting power were, at any time during the previous year, held or controlled by less than six persons. ^{VII of 1913.}

In the case of a company formed and registered under the Companies Act, 1913, and having its registered office in any Province or the Capital of the Federation, an additional super-tax shall be payable at the rate specified hereunder, in respect of that part of the total income (as reduced by the amount of dividends payable at a fixed rate) which does not exceed the amount of dividends, not being dividends payable at a fixed rate, declared in respect of the whole or part of the previous year for the assessment for the year ending on the thirty-first day of March, 1955, on the amount by which such part— ^{VII of 1913.}

Rate

- (a) exceeds 30 per cent. but does not exceed 40 per cent. of the total income as so reduced. Three annas in the rupee.
- (b) exceeds 40 per cent. but does not exceed 50 per cent. of the total income as so reduced. Five annas in the rupee.
- (c) exceeds 50 per cent. of the total income as so reduced. Seven annas in the rupee.

Provided that—

- (i) no such additional super-tax shall be payable where such part is less than, or equal to, five per cent. on the capital of the company ;
- (ii) where such part is more than five per cent. on the capital of the company, the additional super-tax payable shall be reduced by the amount of additional super-tax which would, but for the provisions of clause (i) of this proviso, have been payable had such part been equal to five per cent. on the capital of the company ;
- (iii) the additional super-tax shall be payable only by a company in which the public are substantially interested within the meaning of the *Explanation* to sub-section (1) of section 23A of the Income-tax Act, 1922, or a subsidiary company of such a company where the whole of the share capital of such subsidiary company is held by the parent company or by the nominees thereof.

XI of
1922.

Explanation.—For the purposes of this paragraph—

- (a) the expression “capital of the company” shall be deemed to mean the paid-up share capital at the beginning of the previous year for the assessment for the year ending on the thirty-first day of March, 1955 (other than the capital entitled to a dividend at a fixed rate), plus any reserves other than the depreciation reserves and reserves for bad or doubtful debts at the same date as diminished by the amount of deposit on the same date with the Central Government under section 10 of the Finance Act, 1942, or section 2 of the Excess Profits Tax Ordinance, 1943 ;
- (b) the expression “dividend” shall be deemed to include any distribution included in that expression as defined in clause (6A) of section 2 of the Income-tax Act, 1922, and any such distribution made during the year ending on the thirty-first day of March, 1955, shall be deemed to have been made in respect of the whole or part of the previous year ;
- (c) where any portion of the profits and gains of a company is not included in its total income by reason of such portion being exempt from tax under any provision of the Income-tax Act, 1922, the capital of the company, the total amount, of dividends and the amount of dividends payable at a fixed rate shall each be deemed to be the proportion thereof that the total income of the company bears to its total profits and gains.

XII of
1942.

XI of
1922.

XI of
1922.

THE FOURTH SCHEDULE

(See section 15)

Omissions and Modifications in the Finance (Supplementary) Act, 1950.**OMISSIONS**

Sections 2, 3, 4, 5, 18 and 21 shall be omitted.

MODIFICATIONS

(a) In sections 6, 7, 9, 10, 11, 12, 13, 14, 15 and 19, for the figures "1951" the figures "1955" shall be substituted.

(b) For section 8, the following shall be substituted, namely :—

"8. (1) For the year ending on the thirty-first day of March, 1955, there shall be levied on every person a tax according to the scale set out in Schedule II on sales of goods made by him within the meaning ^{III of} of the Sales of Goods Act, 1930 :

Provided that no tax shall be leviable on the sale of actionable claims, money, stocks and shares.

(2) The tax shall be computed on the basis of sales in the next preceding year.

(3) The Central Government may make rules providing for the manner of assessment and recovery of the tax."

(c) In sub-section (2) of section 9, the following shall be added, namely :—

"Any owner or charterer who fails to collect and pay tax as provided herein and the rules made under this section shall be liable to a penalty not exceeding the amount of the tax payable."

(d) The following shall be substituted for sub-sections (1) and (2) of section 14, namely :—

"(1) For the year ending on the thirty-first day of March, 1954, there shall be levied and collected from the owner of every revenue-paying estate in the Province of East Bengal and the holder of every rent-paying tenure held directly under the Provincial Government in that Province a cess at the rates specified in Schedule V to this Act.

(2) The cess shall be levied on the basis of the total land revenue or rent payable in respect of each such estate or tenure for the revenue year ending within the aforesaid financial year.

(2A) Where there are more owners or holders than one of any such estate or tenure the cess shall be levied on the basis mentioned in sub-section (2) as if the estate or tenure were owned or held by a single owner or holder, but all the co-owners or co-holders shall be jointly and severally liable for the payment of the same."

(e) In sub-section (2) of section 15, for the words "for the revenue year ending within the aforesaid financial year" the words "in respect of the harvests falling in the immediately preceding financial year" shall be substituted.

(f) Sub-section (3) of section 15 shall be omitted.

(ff) For sub-section (1) of section 20, the following two sub-sections shall be substituted, namely :—

XXXIX
of
1950.

"(1) There shall be levied and collected from every person engaged in the import or export trade who holds a licence issued under the Imports and Exports (Control) Act, 1950, a tax on the value of the goods imported or, as the case may be, exported, against such licence, according to the scale set out in Schedule VI to this Act.

(1A) The Central Government may, by notification in the official Gazette, exclude any class of licence issued as aforesaid from the purview of sub-section (1), or, by a general or a special order in writing, exempt a person holding such licence from the payment of the whole or a part of the tax payable by him in respect of the goods imported or exported against such licence."

(g) The following new section shall be inserted after section 25 as section 25A, namely :—

"25A. If the person on whom the tax is levied or who is responsible for the collection and payment of any tax or toll under sections 19, 20, 23, 24 or 25 fails to pay the tax or toll as provided in the said section and the rules made thereunder, he shall be liable to a penalty not exceeding the amount of the tax or toll payable."

(h) For Schedule II, the following shall be substituted, namely :—

" SCHEDULE II

(See section 8)

<i>Scale</i>	<i>Amount of tax</i>
Where sales do not exceed Rs. 49,999 ...	Nil.
Where sales exceed Rs. 49,999 but do not exceed Rs. 99,999.	Rupees twenty.
Where sales exceed Rs. 99,999 but do not exceed Rs. 1,99,999.	Rupees on hundred.
Where sales exceed Rs. 1,99,999 but do not exceed Rs. 4,99,999.	Rupees three hundred.
Where sales exceed Rs. 4,99,999 ...	Rupees five hundred.

THE CONTROL OF SHIPPING (AMENDMENT) ACT, 1954

¹ACT No. II OF 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
31st March, 1954.)*

An Act further to amend the Control of Shipping Act, 1947

WHEREAS it is expedient further to amend the Control of
XXVI Shipping Act, 1947, for the purpose of extending its duration;
of
1947. It is hereby enacted as follows :—

1.—(1) This Act may be called the Control of Shipping Short title
(Amendment) Act, 1954. and com-
mencement.

(2) It shall come into force at once.

2. In sub-section (3) of section 1 of the Control of Amendment
Shipping Act, 1947, for the figures "1954" the figures "1959" of section 1,
shall be substituted. Act XXVI of
1947.

¹For Statement of Objects and Reasons, see Gazette of Pakistan,
1954, Pt. IX, pp. 19 and 20.

Price : Anna 1

**THE GENEVA CONVENTION IMPLEMENTING
(AMENDMENT) ACT, 1954.**

¹ACT No. III OF 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
7th April, 1954.)*

**An Act to implement Article 53 of the Geneva Convention of
the twelfth day of August, 1949.**

WHEREAS Pakistan is a party to the Geneva Red Cross Conventions, 1949, and has ratified Article 53 of the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;

AND WHEREAS it is necessary to provide for the discharge of the obligations imposed by the aforesaid Article;

It is hereby enacted as follows:—

1.—(1) This Act may be called the Geneva Convention Implementing (Amendment) Act, 1954. Short title
and com-
mencement.

(2) It shall come into force on the expiration of twelve months from its commencement.

2. In the preamble to the Geneva Convention Implementing Act, 1936, hereinafter referred to as the said Act,— Amendment
of preamble
to Act XIV
of 1936.

(1) after the first paragraph, the following new paragraph shall be inserted as second paragraph, the existing second paragraph being hereafter called the third paragraph, namely:—

“AND WHEREAS Pakistan is a party to the Geneva Red Cross Conventions, 1949, and has ratified Article 53 of the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, dated the twelfth day of August, 1949,”; and

(2) in the third paragraph, for the words “that Convention” the words and figures “the aforesaid Convention dated the twenty-seventh day of July, 1929, and the aforesaid Article 53 of the Convention dated the twelfth day of August, 1949,” shall be substituted.

3. In the said Act, for section 2 the following section shall be substituted, namely:— Substitution
of section 2,
Act XIV of
1936.

“2. No person other than a person entitled thereto under the Geneva Convention for the Amelioration

¹For Statement of Objects and Reasons, see Gazette of Pakistan, 1954, Pt. IX, p. 21.

of the Condition of the Wounded and Sick in Armed Forces in the Field, dated the twelfth day of August, 1949, shall use the emblem or the designation 'Red Cross' or 'Sun' or any sign or designation constituting an imitation thereof, whether for the purpose of his trade or business or for any other purpose or object whatsoever and irrespective of the date of its adoption."

Omission of
section 6,
Act XIV of
1936.

4. In the said Act, section 6 shall be omitted.

**THE PAKISTAN CRIMINAL LAW AMENDMENT
(AMENDMENT) ACT, 1954.**

¹ ACT NO. IV OF 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
8th April, 1954.)*

**An Act further to amend the Pakistan Criminal Law Amendment
Act, 1948.**

XIX
of
1948. WHEREAS it is expedient further to amend the Pakistan
Criminal Law Amendment Act, 1948, for the purposes herein-
after appearing ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Pakistan Criminal Law
Amendment (Amendment) Act, 1954.

Short title
and com-
mencement.

(2) It shall come into force at once and be deemed
to have taken effect on the tenth day of December, 1953.

2. For section 3 of the Pakistan Criminal Law Amend-
ment Act, 1948 (hereinafter referred to as "the said Act")
the following shall be substituted, namely :—

Amendment
of section 3,
Act XIX of
1948.

" 3.—(1) Offences specified in the First Schedule and
offences notified by the appropriate Government in
the official Gazette may and offences specified in the
Second Schedule shall be tried by Special Judges
under this Act.

(2) The appropriate Government shall, by notification
in the official Gazette, appoint as many Special Judges
as may be necessary to try and punish offences
specified in the First and Second Schedules and such
other offences as may be notified by it from time to
time in the official Gazette.

(3) Any person, not being a person who has at any time
been removed or dismissed from Government service
or who has retired from such service, shall be qualifi-
ed for appointment as a Special Judge if he is or has
been a Sessions Judge or an Additional Sessions
Judge or an Assistant Sessions Judge or a District
Magistrate or an Additional District Magistrate."

3. In section 4 of the said Act, for sub-section (1) the
following shall be substituted, namely :—

Substitution
of section
4 (1), Act
XIX of 1948.

" (1) A Special Judge shall have jurisdiction within such
territorial limits as may be fixed by the appropriate

¹ For Statement of Objects and Reasons, see Gazette of Pakistan,
1954, Pt. IX, p. 25.

Government by notification in the official Gazette and may take cognizance of any offence committed within such limits and triable under this Act upon receiving a complaint of facts which constitute such offence or upon a report in writing of such facts made by any police officer."

Addition of
section 12,
Act XIX
of 1948.

4. In the said Act the following new section shall be added at the end thereof, namely :—

"12. Nothing in this Act shall affect the jurisdiction exercised by or the procedure applicable to any court or other authority under any military, naval or air force law."

Amendment
of second
Schedule,
Act XIX
of 1948.

5. For the Second Schedule to the said Act the following shall be substituted, namely :—

" SECOND SCHEDULE

(See sections 3 and 4)

- (a) Offences punishable under sections 161 to 166 and 168 of the Pakistan Penal Code and as attempts, abetments and conspiracies in relation thereto or connected therewith ;
- (b) offences punishable under sections 403 to 409, 417 to 420, 465 to 468, 471 and 477A of the Pakistan Penal Code and as attempts, abetments, and conspiracies in relation thereto or connected therewith, when committed by any public servant as such or by any person acting jointly with or abetting or attempting to abet or acting in conspiracy with any public servant as such ; and
- (c) offences punishable under the Prevention of Corruption Act, 1947, and as attempts, abetments and conspiracies in relation thereto or connected therewith. II of 1947.

Repeal of
Ordinance
VI of 1953.

6. The Pakistan Criminal Law Amendment Act (Amendment) Ordinance, 1953, is hereby repealed.

THE TARIFF (AMENDMENT) ACT, 1954

¹ACT No. V OF 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the
8th April, 1954.)

An Act further to amend the Tariff Act, 1934

WHEREAS it is expedient further to amend the Tariff
xxxii Act, 1934, for the purposes hereinafter appearing;
of 1934.

It is hereby enacted as follows:—

1.—(1) This Act may be called the Tariff (Amend- Short title
ment) Act, 1954. and com-
mencement.

(2) It shall come into force at once.

2. In the First Schedule to the Tariff Act, 1934, the Amendment
following additions and alterations shall be made, of First
namely:— Schedule,
Act XXXII
of 1934.

(1) against the item number of the said Schedule
specified in the first column of the subjoined
table, the entries in the second, third, fourth
and fifth columns of the table shall be substi-
tuted for the entries in the corresponding
columns of the said Schedule, namely:—

TABLE

Item No.	Name of article	Nature of duty	Rate of duty	Duration of protective rate of duty
63(28)	(a) Iron and steel wire netting, all sorts.	Protective	30 per cent. <i>ad valorem</i> .	November 23, 1956.
	(b) All sorts of iron and steel and manufac- tures thereof, not otherwise specified.	Revenue	30 per cent. <i>ad valorem</i>

(2) for the entry in the fifth column against item
71 (7) the following shall be substituted,
namely:—

“September 30, 1956”;

¹ For Statement of Objects and Reasons, see Gazette of
Pakistan, Extraordinary, 1954, p. 606.

- (3) for the entry in the fifth column against item 73 (7) the following shall be substituted, namely :—

“ June 30, 1954 ”.

3. The additional duties of customs referred to in section 4 of the Finance Act, 1953, shall not be levied or collected on the goods comprised in item 63 (28) of the First Schedule to the Tariff Act, 1934.

XXXXII
of 1934

THE TRANSFER OF EVACUEE DEPOSITS ACT, 1954

¹ACT No. VI OF 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the
8th April, 1954.)

An Act to provide, in pursuance of an Agreement with India, for the transfer to that country of certain deposits belonging to evacuees, the reception in Pakistan of similar deposits belonging to refugees, and matters connected therewith.

WHEREAS, in pursuance of an Agreement with India, it is expedient to provide for the transfer to that country of certain deposits belonging to evacuees, the reception in Pakistan of similar deposits belonging to refugees, and matters connected therewith ;

It is hereby enacted as follows:—

1.—(1) This Act may be called the Transfer of Evacuee Deposits Act, 1954. Short title,
extent and
commence-
ment.

(2) It extends to the whole of Pakistan except East Bengal.

(3) It shall come into force at once.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Custodian" means the Custodian of Deposits appointed under section 3, and includes an Assistant Custodian of Deposits;

(b) "deposit" means—

(i) any movable property in the custody or under the control of any Civil or Revenue court in respect of any proceedings before it; or

(ii) any movable property under the superintendence or in the custody of a Court of Wards under any law for the time being in force, whether such movable property be in the actual custody of the Court of Wards, or in that of some other authority on its behalf; or

(iii) any movable property in the custody or under the control of a Manager;

and includes any securities, insurance policies and negotiable instruments in the custody or under the control of any such Civil or Revenue court or under the superintendence or in the custody of such Court of Wards or in the custody or under the control of the Manager.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, Extraordinary, 1954, p. 605.

Explanation I.—‘Securities’ include shares, scrips, stocks, bonds, debentures, debenture stocks, or other marketable securities of a like nature in or of any body corporate and also Government securities.

Explanation II.—Where any deposit in the custody or under the control of any Civil or Revenue court or under the superintendence or in the custody of a Court of Wards or in the custody or under the control of the Manager has vested in the Custodian of Evacuee Property, such deposit shall, for the purposes of this Act, be deemed to be in the custody or under the control of such Civil or Revenue court or under the superintendence or in the custody of the Court of Wards or in the custody or under the control of the Manager, as the case may be;

- (c) “refugee” means a person who, having been ordinarily resident in any place in the territories now comprising India, or in any area occupied by India, has, on account of the setting up of the Dominions of Pakistan and India, or on account of civil disturbances or the fear of such disturbances, taken refuge in Pakistan;
- (d) “evacuee” means any person who, on account of the setting up of the Dominions of Pakistan and India or on account of civil disturbances or the fear of such disturbances, has, on or after the first day of March 1947, left any place to which this Act extends and who is now residing in any place forming part of India;
- (e) “Manager” means the manager of an encumbered estate appointed under any law for the time being in force relating to encumbered estates;
- (f) “transferable deposit” means a deposit in which an evacuee has any right or interest to the extent of that right or interest;
- (g) “prescribed” means prescribed by rules made under section 13.

Appoint-
ment of
Custodian
and Assis-
tant Custo-
dians of
deposits.

3.—(1) The Central Government may, by notification in the official Gazette, appoint a Custodian of Deposits and as many Assistant Custodians of Deposits as may be necessary for the purpose of discharging the duties imposed upon the Custodian and Assistant Custodians by or under this Act.

(2) Subject to the provisions of this Act, the Custodian and Assistant Custodians of Deposits shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Central Government, and the Central Government may, by general or special order, provide for the distribution and transfer of work among them.

(3) Subject to the provisions of this Act, the Assistant Custodians of Deposits shall discharge the duties imposed on them by or under this Act under the general superintendence and control of the Custodian.

4.—(1) Where a Civil or Revenue court or a Court of Wards Procedure
or a Manager is satisfied— for transfer
of certain
deposits.

VIII
of
1890

VIII
of
1890.

- (a) in the case of a Civil or Revenue court other than a Civil court exercising jurisdiction under the Guardians and Wards Act, 1890, or Manager, that no party interested in a deposit is a Muslim;
- (b) in the case of a Civil court exercising jurisdiction under the Guardians and Wards Act, 1890 that neither the guardian nor the minor interested in a deposit is a Muslim;
- (c) in the case of a Court of Wards having under its superintendence or custody a deposit, that the ward is not a Muslim;

the Civil or Revenue court or the Court of Wards or the Manager, as the case may be, shall, as soon as may be after the commencement of this Act, transfer the deposit, along with the records relating thereto, to such authorised officer or authority in India as the Central Government may by general or special order specify in this behalf:

Provided that where in the opinion of the Civil or Revenue court or the Court of Wards or the Manager, as the case may be, any of the persons interested in a deposit is not an evacuee, the deposit shall not be transferred to India.

(2) Every Civil or Revenue court and every Court of Wards or Manager shall, as soon as may be, send to the Custodian in such form as may be prescribed, particulars of all deposits transferred to India under sub-section (1).

5.—(1) Where either on a request received in this behalf Procedure
from any such officer or authority in India as may be specified for transfer
in this behalf by the Central Government by notification in the of certain
official Gazette, or on any other information available to him, other
the Custodian is of opinion that there is a transferable deposit to deposits.
which the provisions of section 4 do not apply, he may send for
the record relating thereto from any court or other authority
and inspect the same.

(2) If, after making any such inspection as is referred to in sub-section (1) and after making such further inquiry into the matter as may be prescribed, the Custodian is satisfied that the deposit is a transferable deposit, he may, by order, direct that the deposit shall be transferred to such authorised officer or authority in India as the Central Government may, by general or special order, specify in this behalf, and any court or other authority holding in its custody or under its control any such deposit shall comply with the direction.

(3) Notwithstanding anything contained in this section, where in respect of any deposit the extent of the right or interest of an evacuee in such deposit is not easily ascertainable or having regard to the nature of the deposit it is in the opinion of the Custodian not practicable to separate the right or interest of the evacuee from the right or interest of other persons in such deposit, the Custodian shall not transfer any part of the deposit to India.

Transfer of records relating to transferable deposits.

6.—(1) Where a transferable deposit is directed to be transferred to India under the provisions of section 5, the Custodian may send the record relating to the deposit, or if it is expedient so to do only a certified copy of such part of the record as in the opinion of the Custodian is material to the case, to the Government of India or to such officer or authority to whom or to which the deposit has been directed to be transferred.

(2) If a certified copy only is sent in pursuance of subsection (1), the original record, together with a copy of the order of the Custodian under section 5 shall be returned to the court or other authority from which it was obtained.

Power of court or Custodian to convert deposits into money before transmission to India.

7. Where the transfer to India of any article which is or forms part of a transferable deposit is prohibited under any law for the time being in force, it shall be lawful for the Civil or Revenue court, or the Court of Wards or the Manager or the Custodian, as the case may be, to convert the article into money in such manner as may be prescribed, and upon such conversion the provisions of this Act shall apply to the proceeds thereof as they apply to a transferable deposit.

Cesser of jurisdiction in respect of deposits transferred.

8. Upon the transfer of any transferable deposit under section 4, or in pursuance of an order of the Custodian under section 5, all courts and authorities in Pakistan shall, save as otherwise provided in this Act, cease to have or exercise any jurisdiction in relation to the deposit so transferred in so far as it relates to the right or interest of any evacuee in the deposit.

Reception in Pakistan of deposits transferred from India.

9.—(1) It shall be lawful for the Custodian to receive and hold in his custody any deposit transferred by any such officer or authority in India as may be specified by the Central Government by general or special order as being a deposit belonging to any refugee.

(2) On receipt of any such deposit as is referred to in subsection (1), the Custodian shall cause notice thereof to be given in such manner as may be prescribed to all persons who may appear to be interested in the deposit, and after giving a reasonable opportunity to such persons to be heard in the matter and after inspecting any such record relating to the deposit as may be transferred from India, dispose of the deposit in the manner following, that is to say,—

- (a) if the claimant, where there is only one claiming and entitled to the deposit, or if all the claimants, where there are more than one, appear before the Custodian and there is no dispute as to the distribution of the deposit, the Custodian shall pay the deposit to that claimant or, as the case may be, distribute the deposit among the claimants in the manner agreed to by them;
- (b) if all the claimants do not appear before the Custodian or if all such claimants appear but do not agree as to the person or persons entitled to the deposit or to the distribution of the deposit among them the Custodian shall forward the deposit and the records relating thereto to the principal Civil Court of original

jurisdiction within whose jurisdiction all or the largest number of claimants reside, or where the claimants residing within the jurisdictions of two or more of such courts are equal in number, to the court which in the opinion of the Custodian shall best serve the convenience of the claimants.

(3) The court to which a deposit and any record relating thereto are forwarded under sub-section (2), shall proceed to deal with the matter as if the deposit had been made in compliance with an order made by it in a proceeding before it and, after making such further inquiry into the matter as it may think fit, award the deposit to the person or distribute it among the persons who in its opinion is or are entitled thereto.

V of
1908.
VII of
1870. (4) Any party aggrieved by an order made by a court under sub-section (3) may appeal against the order if the value of the claim made in the appeal exceeds two thousand rupees as against an appealable decree or, where the value of the claim is less, apply for a revision as against a non-appealable decree; and the provisions of the Code of Civil Procedure, 1908 and of the Court Fees Act, 1870 shall apply accordingly to such appeal or application for revision.

(5) The disposal of any deposit in accordance with the provisions of this section shall discharge the Custodian from any liability to any person in respect of the deposit.

V of
1908. 10. The Custodian shall have all powers vested in a Civil court under the Code of Civil Procedure, 1908 when trying a suit, in respect of the following matters, namely:— Powers of
Custodian.

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) reception of evidence and affidavits;
- (f) issuing commissions for the examination of witnesses:

V of
1898. and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a Civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Custodian shall be the local limits for which he is appointed.

11. No Civil court shall question the legality of any action taken or of any decision given by the Custodian in connection with the transfer of any transferable deposit or with the disposal of any deposit received from India as belonging to a refugee. Jurisdiction
of Civil
courts
barred.

Protection
of action
taken in
good faith.

12. No suit, prosecution or other legal proceeding shall lie against the Central Government or any Custodian or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rule or order made thereunder.

Power to
make rules.

13.—(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may—

- (a) define the terms and conditions of service of Custodians and the local limits of their respective jurisdictions and provide for the distribution and transfer of work among or from them;
- (b) prescribe the manner in which deposits and records relating thereto may be transferred to India;
- (c) prescribe the manner in which any inquiry under this Act may be held;
- (d) prescribe the manner in which a transferable deposit may be converted into money under section 7;
- (e) specify the persons to whom and the manner in which notices of any proceedings under this Act shall be given;
- (f) prescribe the manner in which certified copies of any record may be prepared under this Act and the fees, if any, which may be levied in respect of such certified copies;
- (g) prescribe the form in which any application may be made to the Custodian under this Act.

Repeal of
Ordinance I
of 1954.

14. The Transfer of Evacuee Deposits Ordinance, 1954, is hereby repealed.

THE UNIVERSITY OF KARACHI (AMENDMENT) ACT, 1954

¹Act No. VII of 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the 10th May, 1954.)

An Act further to amend the University of Karachi Act, 1950

LIX
of
1950. WHEREAS it is expedient to amend the University of Karachi Act, 1950, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the University of Karachi (Amendment) Act, 1954. Short title
and com-
mencement.

(2) It shall come into force at once.

2. In section 35A of the University of Karachi Act, 1950, for the word "three" the word "seven" shall be substituted. Amendment
of section
35A, Act
LIX of 1950.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1954, Pt. IX, p. 113.

Price : Anna 1

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**THE MERCHANT SHIPPING (AMENDMENT)
ACT, 1954.**

¹ACT No. VIII OF 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
10th May, 1954.)*

**An Act further to amend the Merchant Shipping Act, 1923, for
certain purposes.**

WHEREAS an International Convention for the Safety of Life at Sea was signed in London on the tenth day of June 1948 for promoting safety of life at sea by establishing in common agreement uniform principles and rules with regard to the construction and survey of passenger steamers, life-saving appliances, wireless and radio navigational aids and matters connected therewith ;

AND WHEREAS Pakistan was a signatory to the said Convention ;

XXI
of
1923. AND WHEREAS in order to give effect to the said Convention and in order to make certain other provisions, it is expedient further to amend the Merchant Shipping Act, 1923, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Merchant Shipping (Amendment) Act, 1954. Short title and commencement.

(2) This section shall come into force at once, and the rest of this Act or any section thereof shall come into force on such date or dates as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. In the Merchant Shipping Act, 1923, hereinafter referred to as the said Act, except as otherwise provided— Substitution of certain expressions for certain other expressions in Act XXI of 1923.

(a) for the expression “the Provinces and the Capital of the Federation”, wherever it occurs, the word “Pakistan” shall be substituted ;

(b) for the words and figures “International Convention respecting Load Lines, 1930”, wherever they occur, the words “Load Line Convention” shall be substituted ;

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1954, Pt. IX, pp. 43 and 44.

- (c) for the words and figures "International Convention for the Safety of Life at Sea, 1929" or "International Convention for the Safety of Life at Sea signed in London on the thirty-first day of May 1929", wherever they occur, the words "Safety Convention" shall be substituted ;
- (d) for the word "wireless" and for the expression "wireless telegraph", wherever they occur, the word "radio" shall be substituted ;
- (e) for the expression "wireless telegraphy" succeeded immediately by the word "installation", "operators", "inspectors" or "inspector" wherever it occurs as so succeeded, the word "radio" shall be substituted ; and
- (f) for the expression "wireless telegraphy", not succeeded as aforesaid, wherever it occurs in Parts IV and V of the Act, the words "radio installation and radio service" shall be substituted.

Amendment
of section 2,
Act XXI of
1923.

3. In section 2 of the said Act, for clause (6) the following clause shall be substituted, namely :—

- " (6) 'passenger' means any person carried in a ship, except—
- (a) a person employed or engaged in any capacity on board the ship on the business of the ship ;
 - (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance which neither the master nor the charterer, if any, could have prevented or forestalled ; and
 - (c) a child under one year of age ;".

Omission of
section 143A,
Act XXI of
1923.

4. In the said Act, section 143A shall be omitted.

Amendment
of section
145A, Act
XXI of 1923.

5. In section 145A of the said Act, in sub-section (2), for clauses (a) to (h), the following clauses shall be substituted, namely :—

- " (a) the closing and keeping closed of openings in steamers' hulls and in water-tight bulkheads ;
- (b) the securing of and keeping in place and inspecting contrivances for closing any such openings as aforesaid ;
 - (c) the operation of mechanisms of contrivances for closing any such openings as aforesaid and the drills in connection with the operation thereof ; and
 - (d) the entries to be made in the official log-book or other record to be kept of any of the matters aforesaid."

6. In section 149 of the said Act, for clause (1) the following clause shall be substituted, namely :—

Amendment
of section
149, Act
XXI of 1923.

“(1) ‘unberthed passenger’ means a passenger as defined in clause (6) of section 2 for whom no separate accommodation in any cabin, state-room or saloon is reserved; and in the computation of passengers for any of the purposes of this Part, two persons of the age of one year or upwards and under the age of 12 years shall be reckoned as one unberthed passenger;”.

7. In section 191 of the said Act, in sub-section (1), clause (g) shall be omitted.

Amendment
of section
191, Act
XXI of 1923.

8. In the said Act, for section 213A the following section shall be substituted, namely :—

Substitution
of section
213A, Act
XXI of 1923.

“213A. In this Part, unless the context otherwise requires—

Definitions.

- (a) ‘Load Line Convention’ means the International Convention respecting Load Lines signed in London on the fifth day of July 1930, as amended from time to time;
- (b) ‘Safety Convention’ means the International Convention for the Safety of Life at Sea, signed in London on the tenth day of June 1948, as amended from time to time;
- (c) ‘Safety Convention Certificates’ means Safety Certificates, Qualified Safety Certificates, Safety Equipment Certificates, Qualified Safety Equipment Certificates, Safety Radio-telegraphy Certificates, Qualified Safety Radio-telegraphy Certificates, Safety Radio-telephony Certificates, or Exemption Certificates issued under this Part;
- (d) ‘country to which the Load Line Convention applies’ means—
 - (i) a country the Government of which has been declared or is deemed to have been declared under section 213B to have accepted the Load Line Convention and has not been so declared to have denounced that Convention;
 - (ii) a territory to which it has been declared as aforesaid that the Load Line Convention has been applied under the provisions of Article 21 thereof, not being a territory to which it has likewise been declared that the Convention has ceased to apply under the provisions of that Article;
- (e) ‘country to which the Safety Convention applies’ means—
 - (i) a country the Government of which has been declared under section 213B to have accepted

the Safety Convention and has not been so declared to have denounced that Convention ;

- (ii) a territory to which it has been declared as aforesaid that the Safety Convention extends, not being a territory to which it has likewise been declared that the Convention has ceased to extend ;
- (f) 'radio installation' means radio-telegraph or radio-telephone equipment, direction-finders, or other radio equipment required to be installed in ships in compliance with the requirements of this Part or the rules made under section 245 ; and
- (g) 'radio service' means hours of watch, transmission of messages, observance of silence periods, maintenance of radio-log and everything necessary to be done for the proper operation of the radio installation, and includes the operator or operators required to be carried on board in accordance with the rules made as aforesaid."

Insertion of
new section
213B, Act
XXI of 1923.

9. In the said Act, after section 213A, the following new section 213B shall be inserted, namely :—

Countries to
which the
Safety and
Load Line
Conventions
apply.

"213B.—(1) The Central Government, if satisfied—

- (a) that the Government of any country has accepted or denounced the Load Line Convention or the Safety Convention ; or
- (b) that the Load Line Convention or the Safety Convention extends, or has ceased to extend to any territory ;

may, by notification in the official Gazette, make a declaration to that effect.

(2) Any declaration made by or on behalf of the Central Government before the commencement of the Merchant Shipping (Amendment) Act, 1954, in any form whatsoever, that the Government of any country has accepted or denounced the Load Line Convention or that the said Convention extends or has ceased to extend to any territory shall be deemed to have been made under sub-section (1)."

VIII
of
1954.

Amendment
of sections
214 and 216,
Act XXI of
1923.

10. In sub-section (1) of section 214 and in section 216 of the said Act, after the word "lights", the words "and shapes" shall be inserted.

Amendment
of section
216A, Act
XXI of 1923.

11. In section 216A of the said Act, after sub-section (1), the following new sub-section (1A) shall be inserted, namely :—

"(1A) Without prejudice to the generality of the foregoing provision, such rules may provide for all or any of the following matters, namely :—

- (a) the arranging of ships into classes, having regard to

the services in which they are employed, to the nature and duration of the voyage and to the number of persons carried ;

- (b) the number, description and mode of construction of the boats, life-rafts, line-throwing appliances, life-jackets and life-buoys to be carried by ships according to the classes in which the ships are arranged ;
- (c) the equipment to be carried by any such boats and rafts and the method to be provided to get the boats and other life-saving appliances into the water, including oil for use in stormy weather ;
- (d) the provision in ships of a proper supply of lights inextinguishable in water and fitted for attachment to life-buoys ;
- (e) the quantity, quality and description of buoyant apparatus to be carried on board ships either in addition to or in substitution for boats, life-rafts, life-jackets and life-buoys ;
- (f) the position and means of securing the boats, life-rafts, life-jackets, life-buoys and buoyant apparatus ;
- (g) the marking of boats, life-rafts, and buoyant apparatus so as to show their dimensions and the number of persons authorised to be carried on them ;
- (h) the manning of life-boats and the qualifications and certificates of life-boatmen ;
- (i) the provision to be made for mustering the persons on board and for embarking them in the boats (including provision for the lighting of, and the means of ingress and egress from, different parts of the ship) ;
- (j) the provision of suitable means situated outside the engine-room whereby any discharge of water into the boats can be prevented ;
- (k) the assignment of specific duties to each member of the crew in case of emergency ;
- (l) the methods to be adopted and the appliances to be carried in ships for the prevention, detection and extinction of fire ;
- (m) the practice in ships of boat-drills and fire-drills ;
- (n) the provision in ships of means of making effective distress signals by day and by night ;
- (o) the provision in ships, engaged on voyages in which pilots are likely to be embarked, of suitable pilot ladders, and of ropes, lights and other appliances designed to make the use of such ladders safe ; and
- (p) the periodical examination of any appliances or equipment required by any rules made under this Act, to be carried by ships. ”.

12. In the said Act, for sections 225 and 226, and the Substitution

of sections heading "*Grain Cargoes*" the following heading and sections shall be substituted, namely :—
225 and 226, Act XXI of 1923,

"Dangerous Goods and Grain Cargoes"

Carriage of dangerous goods.

225.—(1) The Central Government may make rules for regulating in the interests of safety the carriage of dangerous goods in ships to which this section applies.

(2) This section applies to—

(a) ships registered in Pakistan ;

(b) other ships while they are within any port in Pakistan or are embarking or dis-embarking passengers within the territorial waters of Pakistan, or are loading or discharging cargo or fuel within those waters.

(3) If any of the rules made in pursuance of this section is not complied with in relation to any ship, the owner or master of the ship shall be liable to a fine which may extend to three thousand rupees and the ship shall be deemed for the purpose of this Part to be an unsafe ship.

Carriage of Grain.

226.—(1) Where grain is loaded on board any ship registered in Pakistan or is loaded on board any ship within any port in Pakistan, all necessary and reasonable precautions shall be taken to prevent the grain from shifting ; and if such precautions as aforesaid are not taken, the owner or the master of the ship or any agent of the owner who was charged with the loading or with sending the ship to sea laden with grain shall be guilty of an offence under this sub-section and the ship shall be deemed for the purposes of this Part to be unsafe by reason of improper loading.

(2) Where any ship which is loaded with grain outside Pakistan without all necessary and reasonable precautions having been taken to prevent the grain from shifting, enters any port in Pakistan so laden the owner or master of the ship shall be guilty of an offence under this sub-section and the ship shall be deemed for the purposes of this Part to be unsafe by reason improper loading :

Provided that this sub-section shall not have effect if the ship would not have entered any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer, if any, could have prevented or forestalled.

(3) If any person commits an offence under sub-section (1) or sub-section (2), he shall be liable to a fine which may extend to three thousand rupees.

(4) On the arrival at a port in Pakistan from a port outside Pakistan of any ship carrying a cargo of grain, the master shall cause to be delivered at the port to such officer as may be specified by the Central Government in this behalf, a notice stating—

(a) the draught of water and free-board of the said

ship after the loading of the cargo was completed at the final port of loading ; and

(b) the following particulars of the grain carried, namely :—

- (i) the kind of grain and quantity thereof stated in cubic feet, quarters, bushels or tons weight ;
- (ii) the mode in which the grain is stowed ; and
- (iii) the precautions taken to prevent the grain from shifting ;

and if the master fails to deliver any notice required by this sub-section or if in any such notice he makes any statement that he knows to be false in a material particular or recklessly makes a statement that is false in a material particular, he shall be liable to a fine which may extend to one thousand rupees.

(5) Any person authorised in this behalf by general or special order of the Central Government, may, for securing the observance of the provisions of this section, inspect a ship carrying a cargo of grain and the mode in which such cargo is stowed therein.

(6) The Central Government may, subject to the condition of previous publication, make rules in relation to the loading of ships generally or of ships of any class specifying the precautions to be taken and when such precautions have been prescribed, they shall be treated for the purposes of this section to be included in the expression "necessary and reasonable precautions".

(7) In this section, the expression "grain" includes wheat, maize, oats, rye, barley, rice, pulses and seeds, and the expression "ship carrying a cargo of grain" means a ship carrying a quantity of grain exceeding one-third of the ship's registered tonnage reckoning one hundred cubic feet or two tons of weight of grain as equivalent to one ton of registered tonnage."

13. In sub-section (1) of section 227 of the said Act, after the word "submerge", the words "in salt water" shall be inserted. Amendment of section 227, Act XXI of 1923.

14. In the said Act, after section 230, the following new section shall be inserted, namely :— Insertion of new section 230A, Act XXI of 1923.

"230A.—(1) The Central Government may make rules as to manning of ships. Power of Central Government to make rules as to manning of ships.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the number of seamen of each cadre to be carried on board a ship, having regard to her tonnage, mode of propulsion, daily consumption of fuel, the number of passengers she is certified to carry and the life-saving appliances carried ; and

- (b) the minimum and maximum age limits, the qualifications and experience and general standards of health for each cadre of seamen.”.

Omission of section 240, Act XXI of 1923, etc. 15. Section 240 of the said Act shall be omitted, and for the heading above that section the heading “*Radio Installation and Radio Service*” shall be substituted.

Amendment of section 242, Act XXI of 1923. 16. In the said Act, for sub-section (1) of section 242 the following sub-section shall be substituted, namely :—

“(1) Every sea-going passenger steamer of whatever tonnage registered in Pakistan and every British ship of sixteen hundred tons gross tonnage or upwards so registered shall be provided with—

(a) a radio-telegraph apparatus, and

(b) from such date as the Central Government may, by notification in the official Gazette appoint in this behalf, a radio direction-finding apparatus ;

and every British ship of five hundred tons gross tonnage or upwards but under sixteen hundred tons registered as afore-said shall be provided with either a radio-telegraph apparatus or a radio-telephone apparatus :

Provided that the Central Government may, by notification in the official Gazette, exempt from the operation of this section any ship or class of ships, if it is of the opinion that having regard to the nature of the voyages on which the ship or ships are engaged, or other circumstances of the case, the provision of a radio installation is unnecessary or unreasonable.”.

Omission of section 242A, Act XXI of 1923. 17. In the said Act, section 242A shall be omitted.

Substitution of section 244, Act XXI of 1923. 18. In the said Act, for section 244 the following section shall be substituted, namely :—

Application to ships other than ships registered in Pakistan. “244. The provisions of this Part relating to radio installation and radio service shall apply to ships other than British ships registered in Pakistan while they are within any port in Pakistan in like manner as they apply to ships registered in Pakistan.”.

Amendment of section 245, Act XXI of 1923. 19. In the said Act, in clause (a) of sub-section (2) of section 245, for the words “wireless telegraph installation and wireless direction-finding apparatus to be provided and of the” the words “radio installation to be provided and of the radio” shall be substituted.

Insertion of new section 245AA in Act XXI of 1923. 20. In the said Act, after section 245A the following new heading and section shall be inserted, namely :—
“*Stability Information*”

Information about ship's stability. 245AA.—(1) There shall be carried on board every British ship registered in Pakistan whose keel is laid after the com-

VIII of 1954. mencement of the Merchant Shipping (Amendment) Act, 1954, such information in writing about the ship's stability as is necessary for the guidance of the master in loading and ballasting the ship.

(2) The aforesaid information shall be in such form as may be approved by the Central Government (which may approve the provision of the information in the form of a diagram or drawing only) and shall be based on the determination of the ship's stability by means of an inclining test of the ship :

Provided that the Central Government may allow the information to be based on a similar determination of the stability of a sister ship.

(3) When any information under this section is provided for any ship, the owner shall send a copy thereof to the officer appointed under section 135.

(4) If any such ship proceeds or attempts to proceed to sea without having on board such information as aforesaid, the owner or master of the ship shall be liable to a fine which may extend to one thousand rupees.

(5) It is hereby declared that for the purpose of section 118, which requires documents relating to navigation to be delivered by the master of a ship to his successor, information under this section shall be deemed to be a document relating to the navigation of the ship.”.

21. Section 245B of the said Act shall be omitted, and for the heading above that section the heading “*Safety Convention Certificates*” shall be substituted. Omission of section 245B, Act XXI of 1923, etc.

22. In the said Act, after section 245C, the following new section 245CC shall be inserted, namely :— Insertion of new section 245CC, Act XXI of 1923

“245CC.—(1) If the Central Government is satisfied in respect of a British ship other than a passenger steamer registered in Pakistan that she complies with the requirements of the Safety Convention as to equipments applicable to the ship, and that the ship is properly provided with lights and shapes and means of making fog signals required by the collision regulations issued under the Merchant Shipping Acts or any other similar law for the time being in force, the Central Government shall, on an application by the owner or master of the ship, cause to be issued— Issue of Safety Equipment Certificates to ships other than passenger ships.

(a) if the ship complies fully with the aforesaid requirements, a certificate to be called a Safety Equipment Certificate ; and

(b) if the ship is partially exempt from the requirements of the Safety Convention as to equipments and complies with all other aforesaid requirements of the Safety Convention, and is properly provided with lights and shapes and means of making fog

signals required by the aforesaid collision regulations, a certificate to be called a Qualified Safety Equipment Certificate.

(2) The Safety Equipment Certificate shall be in the prescribed form and shall state that the ship complies with all the requirements of the Safety Convention as to equipments and that she is provided with lights and shapes and means of making fog signals as required by the collision regulations.

(3) The Qualified Safety Equipment Certificate shall be in the prescribed form and shall state in what respects the ship complies with the requirements of the Safety Convention as to equipments and that the ship is provided with lights and shapes and means of making fog signals required by the collision regulations."

Amendment
of section
245 D, Act
XXI of 1923.

23. In the said Act, in section 245D—

(1) in sub-section (1) for the passage beginning with the words "receive a certificate" and ending with the words "in this behalf" the following shall be substituted, namely:—

"receive, through such officer as the Central Government may appoint in this behalf—

- (a) if the ship is provided with radio-telegraph equipment, a Safety Radio-telegraphy Certificate, or
- (b) if the ship is provided with radio-telephone equipment, a Safety Radio-telephony Certificate, or
- (c) if the ship is partially exempt from the requirements of the Safety Convention as to radio installation or radio service, a Qualified Safety Radio-telegraphy Certificate"; and

(2) for sub-section (2) the following sub-sections shall be substituted, namely:—

"(2) The Safety Radio-telegraphy Certificate shall be in the prescribed form and shall state that the ship complies with such of the requirements of the Safety Convention as to radio-telegraphy and radio direction-finding equipment and radio service as are applicable to the ship.

(3) The Safety Radio-telephony Certificate shall be in the prescribed form and shall state that the ship complies with the requirements of the Safety Convention as to radio-telephone equipment and radio service.

(4) The Qualified Safety Radio-telegraphy Certificate shall state in what respects the ship complies with the requirements of the Safety Convention as to radio installation and radio service."

Amendment
of section
245E, Act
XXI of 1923.

24. In the said Act, section 245E shall be renumbered as sub-section (1) of that section, and—

(1) in sub-section (1) as so renumbered, after the words and figures "section 242", the words, figures and letters "or under any rule made under section 216A" shall be inserted; and

(2) after sub-section (1), the following new sub-section shall be added as sub-section (2), namely :—

“(2) An Exemption Certificate shall be in the prescribed form and state that the exemption is conditional on the ship plying on certain voyages and complying with other conditions, if any, specified in the certificate, and show which of the requirements of the Safety Convention the ship is exempt from.”.

25. In the said Act, in section 245F, for sub-sections (1) and (2) the following sub-sections shall be substituted, namely :—

Amendment
of section
245F, Act
XXI of 1923.

“(1) A Safety Certificate, a Safety Radio-telegraphy Certificate, a Safety Radio-telephony Certificate or an Exemption Certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to radio installation shall be in force for one year, and a Safety Equipment Certificate shall be in force for twenty-four months, from the date of its issue, or for such shorter period as may be specified in the certificate :

Provided that no such certificate shall remain in force after notice is given by the authority issuing the certificate to the owner or master of the ship in respect of which it has been issued that that authority has cancelled the certificate.

(1A) An Exemption Certificate, other than a certificate stating that a ship is wholly exempt from the provisions of the Safety Convention relating to the radio installation, shall be in force for the same period as the Qualified Safety Certificate, Qualified Safety Equipment Certificate or the Qualified Safety Radio-telegraphy Certificate applicable to the ship.

(2) The Central Government or any person authorised by it in this behalf may grant an extension of any certificate issued under this Part in respect of a ship registered in Pakistan for a period not exceeding one month from the date when the certificate would, but for the extension, have expired, or, if the ship is absent from Pakistan on that date, for a period not exceeding five months from that date.”.

26. In section 245G of the said Act, in sub-section (1), for the words “or Safety Radio-telegraphy Certificate” the words “or a Safety Equipment Certificate, or a Safety Radio-telegraphy Certificate, or a Safety Radio-telephony Certificate” shall be substituted.

Amendment
of section
245G, Act
XXI of 1923.

27. In section 245H of the said Act, in sub-section (2)—

(1) for the figures “1,600” the figures “500” shall be substituted ; and

Amendment
of section
245H, Act
XXI of 1923.

(2) for clauses (b) and (c) the following clause shall be substituted, namely :—

“(b) such certificates as are required in her case by the provisions of sections 245CC, 245D and 245E.”.

28. In the said Act, in section 245I—

(1) in sub-section (2), for the figures “1,600” the figures “500” shall be substituted ; and

Amendment
of section
245I, Act
XXI of 1923.

(2) in sub-section (3), the word "passenger" shall be omitted, and for the word "steamer" wherever it occurs, the word "steamship" shall be substituted.

Amendment
of section
245J, Act
XXI of 1923.

29. In the said Act, in section 245J—

(1) in sub-section (1), for the words "Safety Certificates, Qualified Safety Certificates, Safety Radio-telegraphy Certificates and Exemption Certificates" the words "Safety Convention Certificates", shall be substituted ;

(2) in sub-section (2), for the words, figures, brackets and letters "sub-sections (2) and (3) of section 245C, sub-section (2) of section 245D, and section 245E" the words, figures and letters, "sections 245C, 245CC, 245D and 245E" shall be substituted ; and

(3) in sub-section (3), for the figures, letters and words "245D and 245G of granting a Safety Certificate, a Qualified Safety Certificate or a Safety Radio-telegraphy Certificate" the figures, letters and words "245CC, 245D, 245E and 245G of granting Safety Convention Certificates" shall be substituted.

Amendment
of section
245K, Act
XXI of 1923.

30. In the said Act, in section 245K, after the figures and letter "245C" the figures and letters "245CC" shall be inserted.

Amendment
of section
245L, Act
XXI of 1923.

31. In the said Act, in section 245L, for the words "or a Safety Radio-telegraphy Certificate" the words "a Safety Equipment Certificate, a Safety Radio-telegraphy Certificate, or a Safety Radio-telephony Certificate" shall be substituted.

Insertion of
new section
245MM, Act
XXI of 1923.

32. In Part V of the said Act, after section 245M, the following new section shall be inserted, namely :—

Exemption
of certain
ships from
certain pro-
visions of
this Act.

"245MM.—(1) Nothing in this Act—

- (a) prohibiting a ship from proceeding to sea unless there are in force in relation to the ship, or are produced, the appropriate certificates issued under this Part or the appropriate accepted Safety Convention Certificates ; or
- (b) requiring information about a ship's stability to be carried on board ; or
- (c) imposing a penalty for the contravention of any rules relating to openings in a ship's hull and water-tight bulkheads,

shall, unless in the case of information about a ship's stability, the Central Government otherwise orders, apply to any troop-ship, pleasure yacht or fishing vessel, or to any ship of less than five hundred tons gross tonnage other than a passenger steamer or to any ship not propelled by mechanical means.

(2) Nothing in the preceding sub-section shall affect the exemption conferred by section 4 of this Act.

(3) Notwithstanding that any provision of this Act, is expressed to apply to ships not registered in Pakistan while they

are within any port in Pakistan that provision shall not apply to a ship that would not be within any such port but for stress of weather or any other circumstance that neither the master nor the owner nor the charterer, if any, of the ship could have prevented or forestalled.”.

33. For section 245P of the said Act, the following section shall be substituted, namely :—

Substitution
of section
245P, Act
XXI of 1923.

“ 245P.—(1) The master of a British ship registered in Pakistan on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so) unless he is unable or in the special circumstances of the case considers it unreasonable or unnecessary to do so or unless he is released from such obligation under the provisions of sub-section (3) or sub-section (4) of this section.

Obligation
to render
assistance
on receiving
signal of
distress.

(2) Where the master of any ship in distress has requisitioned any British ship registered in Pakistan that has answered his call, it shall be the duty of the master of the requisitioned ship to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

(3) The master shall be released from the obligation imposed by sub-section (1) of this section as soon as he is informed of the requisition of one or more ships other than his own and that the requisition is being complied with by the ship or ships requisitioned.

(4) The master shall be released from the obligation imposed by sub-section (1), and, if his ship has been requisitioned, from the obligation imposed by sub-section (2), if he is informed by the persons in distress or by the master of any ship which has reached the persons in distress that assistance is no longer required.

(5) If the master of any British ship registered in Pakistan on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress is unable or in the special circumstances of the case considers it unreasonable or unnecessary to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log book or, if there is no official log book, cause other record to be kept of his reasons for not going to the assistance of those persons, and if he fails to do so he shall be liable to a fine which may extend to one thousand rupees.

(6) The master of every British ship registered in Pakistan for which an official log is required shall enter or cause to be entered in the official log book every signal of distress or message that a vessel, aircraft, or person is in distress at sea.

(7) Any master failing to comply with the provisions of sub-section (1) or sub-section (2) shall be liable to imprisonment

for a term which may extend to six months, or to a fine which may extend to one thousand rupees, or both.”.

Transitional
provisions.

34. Without prejudice to the provisions of section 24 of X of the General Clauses Act, 1897,— 1897.

- (a) any rules made under any provision of Part V of the said Act shall, until revoked, have effect as if they had been made under the corresponding provisions of that Part as amended by this Act ;
- (b) any certificate in force in respect of any ship at the commencement of this Act shall continue in force until the date shown on the certificate subject, however, to the cancellation of the certificate under the said Act and section 245H of the said Act shall have effect accordingly ;
- (c) nothing in section 245H of the said Act shall prohibit a ship from proceeding to sea without a Safety Equipment Certificate, nor a ship of less than sixteen hundred tons gross tonnage from proceeding to sea without the certificates required under sections 245D and 245E, until after the expiration of one year from the date of the coming into force of this Act ;
- (d) sub-section (2) of section 245F of the said Act as amended by this Act shall apply to any such certificate as is mentioned in clause (b) issued before the commencement of this Act as it applies to any such certificate issued after such commencement.

THE GOVERNOR-GENERAL'S PENSION ACT, 1954

¹ACT No. IX OF 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
14th May, 1954.)*

An Act to make provision for the payment of a pension to persons who have held the office of Governor-General of Pakistan.

WHEREAS it is expedient to make provision for the payment of a pension to persons who have held the office of Governor-General of Pakistan ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Governor-General's Pension Act, 1954.

Short title
and com-
mencement.

(2) It shall come into force at once.

2. There shall be payable to every person who, having held the office of the Governor-General of Pakistan for not less than two years and not having been removed therefrom for misconduct, has ceased to hold such office, a pension of two thousand rupees a month for life :

Amount and
condition of
pension.

Provided that the right to receive pension under this Act shall be suspended for the period that a person entitled to receive it holds any office in respect of which he draws salary or other remuneration from the public exchequer.

3. The pension aforesaid shall be charged on the revenues of the Federation.

Pension to
be charged
on the Fed-
eral revenues.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, Extraordinary, 1954, p. 550.

Price : Anna 1

GPPK—L 33 LD—29-9-54.—1,000

**THE PAKISTAN MEDICAL COUNCIL (AMENDMENT)
ACT, 1954.**

¹Act No. X of 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
24th August, 1954.)*

An Act further to amend the Pakistan Medical Council Act

XXVII WHEREAS it is expedient further to amend the Pakistan
of Medical Council Act for the purposes hereinafter appearing ;
1933.

It is hereby enacted as follows :—

1.—(1) This Act may be called the Pakistan Medical Council (Amendment) Act, 1954. Short title
and com-
mencement.

(2) It shall come into force at once.

2. In the Pakistan Medical Council Act, XXVII of 1933, after section 14A the following new section shall be inserted, Insertion of
new section
14B, Act
XXVII of
1933.
namely :—

“14B. If the Central Government, after consulting the Council, is satisfied that a person is, by reason of qualifications granted in an institution outside Pakistan, not included in the Schedules to this Act, and of experience gained in any part of Pakistan, possessed of qualifications which entitle him to be recognized as possessed of sufficient medical qualifications for the purposes of this Act, it may authorise the Council to certify that the person was possessed of such qualifications ; and, on such certification by the Council, the person shall be deemed to be possessed of qualifications which are recognized medical qualifications for the purposes of this Act, and be registrable as such.”.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1954, Pt. IX, page 116.

Price : Anna 1

GPPK—L 99 LD—4-1-55—,2000

THE TARIFF (SECOND AMENDMENT) ACT, 1954

¹Act No. XI of 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the
24th August, 1954.)

An Act further to amend the Tariff Act, 1934

WHEREAS it is expedient further to amend the Tariff Act,
XXXII 1934, for the purposes hereinafter appearing;
of
1934.

It is hereby enacted as follows :—

- 1.—(1) This Act may be called the Tariff (Second Amendment) Act, 1954. Short title and commencement.
- (2) It shall come into force at once.
2. In the First Schedule to the Tariff Act, 1934,— Amendment of First Schedule, Act XXXII of 1934.
- (1) in the first column, the following entry shall be added after item 39(1), namely:—
- “ 39(2)”
- and against that entry shall be inserted in the second column the words “ Cycle tyres and Cycle tubes.” ; in the third column the word “ Protective”, in the fourth column the figures and words “ 37½ per cent. *ad valorem*.” and in the fifth column the word, figures and comma “ June 30, 1957.” ;
- (2) in the second column against item 63(28), after clause (b) of the existing entry, the following new clause shall be inserted, namely :—
- “(c) Iron Safes.”
- and against that entry shall be added in the third column the word “ Protective”, in the fourth column the figures and words “ 30 per cent. *ad valorem*.” and in the fifth column the words, figures and comma “ June 30, 1957.” ;
- (3) against the item number of the said Schedule specified in the first column of the subjoined table, the entries in the second, third, fourth and fifth columns of the table shall be substituted for the

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1954, Pt. IX, page 122.

entries in the corresponding columns of the said Schedule, namely :—

TABLE

Item No.	Name of article.	Nature of duty.	Rate of duty.	Duration of protective rates of duty.
71 (3)	(a) Steel almirahs, filing cabinets, cupboards and wardrobes.	Protective.	30 per cent. <i>ad valorem</i> .	June 30, 1957.
	(b) Metal furniture and cabinetware, not otherwise specified.	Revenue	30 per cent. <i>ad valorem</i>

- (4) in the first column, the following entry shall be added after item 72(11), namely :—

“ 72(12) ”

and against that entry shall be inserted in the second column the words “ Diesel Oil Engines and their spare parts excluding (i) marine engines, (ii) diesel oil engines developing higher than 50 B. H. P., and (iii) diesel engines directly coupled with electric generators.”, in the third column the word “ Protective ”, in the fourth column the figures and words “ 35 per cent. *ad valorem*.” and in the fifth column the word, figures and comma “ June 30, 1957.”; and

- (5) for the entry in the fifth column against item 73(7) the following shall be substituted, namely:—

“ December 31, 1954. ”.

Certain duties not to be levied upon.

3. The additional duties of customs referred to in section 4 I of of the Finance Act, 1954, shall not be levied, or collected on the 1954. goods comprised in items 39(2), 71(3) and 72(12) of the First XXXII of Schedule to the Tariff Act, 1934. 1934.

**THE PATENTS AND DESIGNS (EXTENSION OF TIME)
ACT, 1954.**

¹Act No. XII OF 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

(Received the assent of the Governor-General on the
22nd September, 1954.)

An Act to provide for the extension of the time limit by
or under the Patents and Designs Act, 1911, for the
doing of acts thereunder.

II of
1911. WHEREAS it is expedient to provide for the extension of
the time limited by or under the Patents and Designs
Act, 1911 ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Patents and Designs Short title,
(Extension of Time) Act, 1954. extent,
commence-
ment and
duration.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once and shall be
deemed to have taken effect :—

(a) in the Provinces, from the first day of April,
1947 ;

(b) in the State of Bahawalpur from the third day
of November, 1953 ;

(c) in the Baluchistan States Union from the
twenty-sixth day of August, 1953 ;

(d) in the Khairpur State, from the twenty-second
day of December, 1953 ; and

II of
1911. (e) in any other Acceding State, from the day on
which the Patents and Designs Act, 1911 (here-
inafter referred to as the said Act) is extended
to such State.

(4) It shall remain in force up to and including the
thirty-first day of December, 1955.

2.—(1) The Controller of Patents and Designs appointed under the said Act, may, subject to such conditions, if extend
any, as he thinks fit to impose, extend the time limited by time limits
or under that Act for doing any act, where he is satisfied— having
regard to
certain cir-
cumstances.

(a) that the doing of the act within the time so
limited was prevented by a person's being on
active service or by any other circumstances
arising from the existence of the Proclamation

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1954,
Pt. IX, p. 125.

of Emergency made on the third day of September, 1939, under section 102 of the Government of India Act, 1935, or the setting up of the two separate Dominions of Pakistan and India, which, in the opinion of the Controller, justify an extension of the time so limited; or

- (b) that, by reason of circumstances arising from the existence of such Proclamation of Emergency or the setting up of Dominions as aforesaid, the doing of the act within the time so limited would have been or would be injurious to the rights or interests of the person by or on whose behalf the act is or was to be done or to the public interest.

(2) An extension under this section of the time for doing any act—

- (a) may be for any period that the Controller thinks fit, notwithstanding that under the said Act power is conferred to extend the time for doing that act for a specified period only; and
- (b) may be granted, notwithstanding that that time expired before any application or request for extension was made, or that, by reason of that act not having been done within that time, the relevant application, patent, registration or proceeding has ceased or expired, or become void or invalid, or been treated as abandoned, or been refused.

Repeal.

3.—(1) The Indian Patents and Designs (Extension of Time) Act, 1942, the Indian Patents and Designs (Extension of Time) Amendment Ordinance, 1947, and the Indian Patents and Designs (Extension of Time) Amendment Act, 1948, are hereby repealed.

X of
1942.
Ord.
VII of
1947.
XXV
of
1948.

(2) Notwithstanding such repeal, any order passed, thing done or action taken under or by virtue of any of the provisions of the aforesaid enactments shall continue in force and be deemed to have been passed, done or taken, as the case may be, under the corresponding provision of this Act, as if this Act had been in force on the day on which such order was passed, thing done or action taken.

**THE DANGEROUS CARGOES (AMENDMENT) ACT,
1954.**

¹Act No. XIII of 1954

[PASSED BY THE PAKISTAN CONSTITUENT ASSEMBLY
(LEGISLATURE).]

*(Received the assent of the Governor-General on the
2nd October, 1954.)*

An Act to amend the Dangerous Cargoes Act, 1953

v of 1953. WHEREAS it is expedient to amend the Dangerous Cargoes Act, 1953, for the purposes hereinafter appearing ;

It is hereby enacted as follows :—

1.—(1) This Act may be called the Dangerous Cargoes (Amendment) Act, 1954. Short title and commencement.

(2) It shall come into force at once.

2. In the Dangerous Cargoes Act, 1953, hereinafter referred to as "the said Act", in the long title and in the preamble, for the words "to provide for special powers relating to" the words "to make further provision for" shall be substituted. Amendment of long title and preamble, Act V of 1953.

3. For section 2 of the said Act, the following shall be substituted, namely :— Substitution of section 2, Act V of 1953.

"2. In this Act,—

(1) 'dangerous cargoes' means any cargoes containing—

(a) any goods shown as explosives in the Comprehensive Classified List of Government Explosives compiled and issued by the Explosive Stowage and Transport Committee which has been accepted and approved by the Central Government or any ammunition ; or

(b) petroleum, as defined in clause (a) of section 2 of the Petroleum Act, 1934, when the flashing point of such petroleum is below one hundred and fifty degrees Fahrenheit.

(c) prohibited dangerous goods, that is to say, goods classified as dangerous in the Government Stowage Instructions,

XXX
of
1934.

¹ For Statement of Objects and Reasons, see Gazette of Pakistan, 1954, Pt. IX, p. 152.

as revised from time to time by the Board of Trade or the Ministry of Transport in the United Kingdom and accepted, modified or supplemented by the Central Government; or

- (d) any cargoes which are liable to fire or explosion and which are declared by the Central Government by notification in the official Gazette to be dangerous cargoes for the purposes of this Act.
- (2) 'Fortress Commander' means an officer of the armed forces appointed as such by the Central Government by a notification in the official Gazette."

Amendment of section 5, Act V of 1953. 4. In section 5 of the said Act, after the words "apprehended emergency", the words "due to fire or explosion" shall be inserted.

Amendment of section 8, Act V of 1953. 5. In section 8 of the said Act, after the words "vessel in port", the words "other than a tanker" shall be inserted.

**THE TRANSFER OF EVACUEE DEPOSITS
ORDINANCE, 1954.**

ORDINANCE NO. I OF 1954

[30th January, 1954]

An Ordinance to provide, in pursuance of an Agreement with India, for the transfer to that country of certain deposits belonging to evacuees, the reception in Pakistan of similar deposits belonging to refugees, and matters connected therewith.

WHEREAS an emergency has arisen which renders it necessary to provide for the transfer to India of certain deposits belonging to evacuees and the reception in Pakistan of similar deposits belonging to refugees and matters connected therewith ;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance:—

1.—(1) This Ordinance may be called the Transfer of Evacuee Deposits Ordinance, 1954. Short title,
extent and
commence-
ment.

(2) It extends to West Pakistan.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. In this Ordinance, unless the context otherwise requires,— Definitions.

(a) "Custodian" means a Custodian of Deposits appointed under section 3, and includes, an Assistant Custodian of Deposits ;

(b) "deposit" means—

(i) any movable property, in the custody or under the control of any Civil or Revenue court in respect of any proceedings before it; or

(ii) any movable property under the superintendence or in the custody of a Court of Wards under any law for the time being in force, whether such movable property be in the actual custody of the Court of Wards, or in that of some other authority on its behalf; or

(iii) any movable property in the custody or under the control of a Manager; and includes any securities, insurance policies and negotiable instruments in the custody or under the control of any such Civil or Revenue court or under the superintendence or in the custody of such Court of Wards or in the custody or under the control of the Manager.

Explanation I.—‘ Securities ’ include shares, scrips, stocks, bonds, debentures, debenture stocks, or other marketable securities of a like nature in or of any body corporate and also Government securities.

Explanation II.—Where any deposit, in the custody or under the control of any Civil or Revenue Court or under the superintendence or in the custody of a Court of Wards or in the custody or under the control of the Manager has vested in the Custodian of Evacuee Property, such deposit, shall for the purposes of this Ordinance, be deemed to be in the custody or under the control of such Civil or Revenue court or under the superintendence or in the custody of the Court of Wards or in the custody or under the control of the Manager, as the case may be.

- (c) “ refugee ” means a person who, having been ordinarily resident in any place in the territories now comprising India, or in any area occupied by India, has, on account of the setting up of the Dominions of Pakistan and India, or on account of civil disturbances or the fear of such disturbances, taken refuge in Pakistan;
- (d) “ evacuee ” means any person who, on account of the setting up of the Dominions of Pakistan and India or on account of civil disturbances or the fear of such disturbances, has, on or after the 1st day of March, 1947, left any place in West Pakistan and who is now residing in any place forming part of India;
- (e) “ manager ” means the manager of an encumbered estate appointed under any law for the time being in force relating to encumbered estates;
- (f) “ transferable deposit ” means a deposit which is transferable under section 4 and includes the proceeds of a deposit which are transferable under section 5;
- (g) “ prescribed ” means prescribed by rules made under this Ordinance.

Appointment
of Custodian
and Assistant
Custodians of
Deposits.

3.—(1) The Central Government may, by notification in the official Gazette, appoint a Custodian of Deposits and as many Assistant Custodians of Deposits as may be necessary for the purpose of discharging the duties imposed upon the Custodian and Assistant Custodians by or under this Ordinance.

(2) Subject to the provisions of this Ordinance, the Custodian and Assistant Custodians of Deposits shall discharge the duties imposed on them by or under this Ordinance under the general superintendence and control of the Central Government, and the Central Government may, by general or special order, provide for the distribution and transfer of work among them.

(3) Subject to the provisions of this Ordinance, the Assistant Custodians of Deposits shall discharge the duties imposed on them by or under this Ordinance under the general superintendence and control of the Custodian.

4.—(1) Where a Civil or Revenue court or a Court of Procedure Wards or the Manager exercising jurisdiction in West Pakistan for transfer of deposits is satisfied—

VIII
of
1890.

(a) in the case of a Civil or Revenue court, other than a Civil court exercising jurisdiction under the Guardians and Wards Act, 1890, or the Manager, that no party interested in a deposit is a Muslim;

VIII
of
1890.

(b) in the case of a Civil court exercising jurisdiction under the Guardians and Wards Act, 1890, that neither the Guardian nor the minor interested in a deposit is a Muslim;

(c) in the case of a Court of Wards having under its superintendence or custody a deposit, that the ward is not a Muslim;

the Civil or Revenue court or the Court of Wards or the Manager, as the case may be, shall, as soon as may be after the commencement of this Ordinance, transfer the deposit along with the records relating thereto, to such authorised officer or authority in India as the Central Government may by general or special order specify in this behalf;

Provided that where in the opinion of the Civil or Revenue court or the Court of Wards or the Manager, as the case may be, any of the persons interested in a deposit is not an evacuee, the deposit shall not be transferred to India.

(2) Every Civil or Revenue court and every Court of Wards and the Manager shall, as soon as may be, send to the Custodian in such form as may be prescribed, particulars of all deposits transferred to India under sub-section (1).

5. Where the transfer to India of any article which is transferable under the preceding section is prohibited under any law for the time being in force, it shall be lawful for the Civil or Revenue court, or the Court of Wards or the Manager or the Custodian, as the case may be, to convert the article into money in such manner as may be prescribed, and upon such conversion the provisions of this Ordinance shall apply to the proceeds thereof as they apply to a transferable deposit.

Power of
Court or
Custodian
to convert
Deposits
into money
before
transmission
to India.

6. Upon the transfer of any transferable deposit under sections 4 or 5 all courts and authorities in Pakistan shall cease to have or exercise any jurisdiction in relation to the deposit so transferred in so far as it relates to the right or interest of any evacuee in the deposit.

Cesser of
Jurisdiction
in respect
of deposits
transferred.

7.—(1) It shall be lawful for the Custodian to receive and hold in his custody any deposit transferred by any such officer or authority in India as may be specified by the Central Government by general or special order as being a deposit belonging to any refugee in Pakistan.

Reception
in Pakistan
of deposits
transferred
from India.

(2) On receipt of any such deposit as is referred to in sub-section (1), the Custodian shall cause notice thereof to be given in such manner as may be prescribed to all persons who may

appear to be interested in the deposit, and after giving a reasonable opportunity to such persons to be heard in the matter and after inspecting any such record relating to the deposit as may be transferred from India, dispose of the deposit in the manner following, that is to say:—

- (a) if there is only one claimant claiming and entitled to the deposit or if all the claimants, where there are more than one, appear before the Custodian and there is no dispute as to the distribution of the deposit, pay the deposit to that claimant or, as the case may be, distribute the deposit among the claimants in the manner agreed to by them;
- (b) if all the claimants do not appear before the Custodian or if all such claimants appear but do not agree as to the person or persons entitled to the deposit or to the distribution of the deposit among them the Custodian shall forward the deposit and the records relating thereto to the principal civil court of original jurisdiction within whose jurisdiction all or the largest number of claimants reside, or where there are an equal number of claimants residing within the jurisdictions of two or more of such courts, to the Court which in the opinion of the Custodian shall best serve the convenience of the parties.

(3) The court to which a deposit and any record relating thereto are forwarded under sub-section (2), shall proceed to deal with the matter as if the deposit had been made in compliance with an order made in a proceeding before it and, after making such further inquiry into the matter as it may think fit, by order award or distribute the deposit to the person or among the persons who in its opinion are entitled thereto.

(4) Any party aggrieved by an order made by a Court under sub-section (3) may appeal against the order if the value of the claim made in the appeal exceeds Rs. 2,000, as against an appealable decree or, where the value of the claim is less, apply for a revision as against a non-appealable decree; and the provisions of the Code of Civil Procedure, 1908, and of the Court Fees Act, 1870 shall apply accordingly to such appeal or application for revision.

V of
1908.
VII of
1870.

(5) The disposal of any deposit in accordance with the provisions of sub-section (2) shall discharge the Custodian from any liability to any person in respect of the deposit.

Powers of
Custodian.

8. The Custodian shall have all powers vested in a Civil court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

V of
1908.

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) Examining witnesses on oath;

(e) reception of evidence and affidavits;

(f) issuing commissions for the examination of witnesses ;

and may summon and examine *suo motu* any person whose evidence appears to him to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

v of
1898.

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Custodian shall be the local limits for which he is appointed.

9. No Civil court shall question the legality of any action taken or of any decision given by the Custodian in connection with the transfer of any transferable deposit or with the disposal of any deposit received from India as belonging to a refugee.

Jurisdiction
of civil
courts
barred.

10. No suit, prosecution or other legal proceeding shall lie against the Central Government or any Custodian or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Ordinance or of any rule or order made thereunder.

Protection
of action
taken in
good faith.

11.—(1) The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Ordinance.

Power to
make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may:—

- (a) define the terms and conditions of service of Custodians and the local limits of their respective jurisdictions and provide for the distribution and transfer of work among or from them;
- (b) the manner in which deposits and records relating thereto may be transferred to India;
- (c) prescribe the manner in which any inquiry under this Ordinance may be held;
- (d) the manner in which a transferable deposit may be converted into money under section 5;
- (e) specify the persons to whom and the manner in which notices of any proceedings under this Ordinance shall be given;
- (f) prescribe the manner in which certified copies of any record may be prepared under this Ordinance and the fees, if any, which may be levied in respect of such certified copies;
- (g) prescribe the form in which any application may be made to the Custodian under this Ordinance.

GHULAM MOHAMMED,

Governor-General.

THE POWER ALCOHOL ORDINANCE, 1954

ORDINANCE No. II OF 1954

[1st December, 1954]

An Ordinance to make provision for certain matters connected with the development of the power alcohol industry.

WHEREAS an emergency has arisen which renders it necessary to make provision for certain matters connected with the development of the power alcohol industry under Federal control ;

AND WHEREAS it has been declared by section 3 of the Development of Industries (Federal Control) Act, 1949, that such development is expedient in the public interest.

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5 ch. 2), the Governor-General is pleased to make and promulgate the following Ordinance :—

1.—(1) This Ordinance may be called the Power Alcohol Ordinance, 1954.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of Pakistan.

(3) This section and section 2 shall come into force at once, and the rest of the Ordinance or such portion thereof shall come into force in such area and on such date as the Central Government may, by notification in the official Gazette, specify in this behalf.

2. In this Ordinance, unless there is anything repugnant in the subject or context :—

(a) " molasses " means the heavy, dark coloured residual syrup drained away in the final stage of the manufacture of sugar by vacuum pans in sugar factories either from sugarcane or by refining *gur*, when such a syrup has fermentable sugars (expressed as reducing sugars), but does not include the final residual syrup left in the manufacture of sugar by the open pan process ;

(b) " petrol " means dangerous petroleum as defined in clause (b) of section 2 of the Petroleum Act, 1934 ;

(c) " power alcohol " means ethyl alcohol containing not less than 99.5 per centum by volume of ethanol measured at sixty degrees Fahrenheit corresponding to 74.4 overproof strength.

XXX
of
1934.

3.—(1) No person shall manufacture power alcohol from any substance other than molasses or such other substance as may be specified by the Central Government by notification in the official Gazette.

Production
of power
alcohol.

(2) If any dispute arises as to whether any substance is or is not molasses or such other substance as may be specified under sub-section (1), the decision of an officer authorised by the

Price : Annas 2

Central Government in this behalf regarding such dispute shall be final and shall not be called in question in any Court.

Power to regulate production and disposal of power alcohol.

4. The Central Government may regulate the production and disposal of power alcohol by any distillery situated in any area in which this section is in force.

Power to direct use of power alcohol as motive power.

5.—(1) The Central Government may, by notification in the official Gazette, direct that in such area as may be specified therein no petrol shall be sold or kept for sale except with an admixture of power alcohol.

(2) The proportion of petrol and power alcohol in such mixture shall in any area and for any purpose be such as may from time to time be specified by the Central Government by notification in the official Gazette but such proportion of power alcohol in the case of mixture with petrol meant for use as motive power for any motor vehicle shall not be more than twenty-five per centum or less than five per centum by volume.

(3) The power alcohol to be employed for such mixture shall be obtained from such distilleries as may from time to time be specified by the Central Government by notification in the official Gazette.

Penalty.

6. Whoever contravenes any of the provisions of section 3 or section 5 or any order issued thereunder shall be punishable with imprisonment of either description for a time which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continued contravention with a further fine which may extend to one hundred rupees for every day during which the contravention is continued after conviction therefor.

Delegation of powers.

7. The Central Government may, by notification in the official Gazette, direct that any power conferred by this Ordinance shall, subject to such conditions, if any, as may be specified in the direction, be exercisable also by—

- (a) such officer or authority subordinate to the Central Government, or
- (b) such Provincial Government or such other authority subordinate to a Provincial Government, as may be specified in the direction.

Power to make rules.

8.—(1) The Central Government may, by notification in the official Gazette, make rules for the purpose of carrying into effect the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may—

- (a) provide for the licensing of the manufacture of power alcohol ;
- (b) prescribe the specifications and tests in respect of the purity of power alcohol intended for admixture with petrol in order to ensure its suitability for use in motor vehicles ;

- (c) fix the price at which power alcohol may be sold for the purpose of admixture with petrol ;
- (d) provide for imposing and collecting a duty of excise on power alcohol intended for admixture with petrol ;
- (e) prescribe conditions in respect of the transport and storage of power alcohol intended for admixture with petrol and for the manner in which the admixture is to be effected ;
- (f) prescribe the submission by a manufacturer of power alcohol or importer or distributor of petrol of returns regarding the power alcohol and petrol manufactured, purchased, stored or sold, as the case may be ;
- (g) provide for denaturing of power alcohol at the distilleries ;
- (h) provide for any other matter which is to be or may be prescribed under this Ordinance.

(3) Rules made under this Ordinance may provide that any contravention of any such rule shall render the offender liable on conviction to a fine not exceeding one thousand rupees.

9. The Central Government may, by notification in the ^{Power of} official Gazette, declare that any of the provisions of this exemption. Ordinance shall not apply to any case or class of cases.

GHULAM MOHAMMED,
Governor-General.

THE CUSTOMS ACTS (AMENDMENT) ORDINANCE, 1954.

ORDINANCE NO. III OF 1954

[18th December, 1954]

**An Ordinance further to amend the Sea Customs Act, 1878,
and the Land Customs Act, 1924.**

VIII of 1878. WHEREAS an emergency has arisen which renders it necessary further to amend the Sea Customs Act, 1878, and the Land Customs XIX of 1924. Act, 1924, for the purposes hereinafter appearing ;

26 Geo. 5, c. 2. NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance :—

1.—(1) This Ordinance may be called the Customs Acts Short title and commencement.
(Amendment) Ordinance, 1954.

(2) It shall come into force at once.

VIII of 1878. 2. In the Sea Customs Act, 1878, in the schedule to section Amendment of section 167, Act VIII of 1878. 167, after the entries relating to item 80, the following new item shall be added, namely :—

“ 81.—If any person is found in possession of, or carrying, removing, depositing, harbouring, keeping, concealing or in any other manner dealing with, any goods chargeable with a duty which has not been paid or the importation or exportation whereof is for the time being prohibited or restricted by or under Chapter IV of this Act.	General	such goods shall be liable to confiscation ; and the person concerned in any such offence shall be liable to a penalty not exceeding five times the value of the goods, or, on conviction before a Court, to imprisonment for any term of less than three years, or to fine, or to both.”.
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VIII of 1878. 3. In the Sea Customs Act, 1878, after section 177, the following new section 177A shall be inserted, namely :—

Insertion of new section 177A, Act VIII of 1878.

“ 177A. Where in any proceedings under the provisions of this Act any question arises in respect of any goods as to whether—

Burden of proof in certain cases.

- (a) duty has been paid or secured in respect of any goods ;
- (b) any goods have been lawfully imported or lawfully unloaded from any vessel ;

Price : Anna 1

- (c) any goods have been lawfully loaded into any vessel or lawfully exported or lawfully waterborne ;
- (d) any goods were lawfully brought into any place for the purpose of being loaded into any vessel or exported ;

then the burden of proof shall lie upon the person in whose possession the goods were found or from whose premises the goods were recovered or the person claiming the ownership of the goods. ”.

Amendment
of the Schedule to Act
XIX of 1924.

- 4. In the Land Customs Act, 1924, in the Schedule,—
 - (a) in the second paragraph, for the figures “ 80 ” the figures “ 81 ” shall be substituted ; and
 - (b) in the third paragraph, after the figures “ 176 ”, the figures and letter “ 177A ” shall be inserted.

XIX of
1924.

GHULAM MOHAMMED,

Governor-General.

THE COTTON ACT (AMENDMENT) ORDINANCE, 1954.

ORDINANCE NO. IV OF 1954

[29th December, 1954]

An Ordinance further to amend the Cotton Act, 1951

VIII WHEREAS an emergency has arisen which renders it necessary to amend the Cotton Act, 1951, for the purposes of hereinafter appearing ;
1951.

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, ch. 2), the Governor-General is pleased to make and promulgate the following Ordinance :—

- 1.—(1) This Ordinance may be called the Cotton Act (Amendment) Ordinance, 1954. Short title and commencement.
- (2) It shall come into force at once.

- VIII 2. In the Cotton Act, 1951, after section 11, the following new section 11A shall be inserted, namely :—
of 1951. Insertion of new section 11A in Act VIII of 1951.

“11A.—(1) The Central Government, if satisfied that it would be in the interests of the trade and also of the public to do so, may, by order notified in the official Gazette and subject to such conditions, if any, as may be specified in the order, prohibit any specified kind or class of contracts, such as forward contracts or hedge contracts, unless such contracts are made through and under the control of, and in the manner prescribed by, an association recognized by the Central Government under sub-section (2). Control of contracts through recognized associations.

- (2) For the purposes of this section, the Central Government may, by an order notified in the official Gazette, recognize any association, constituted for the purpose of regulating and controlling contracts, which applies for such recognition.
- (3) A recognition under sub-section (2) may be granted subject to the condition that the association shall by such amendments of its articles of association, rules or bye-laws as may be necessary provide for the appointment by the Central Government of not more than four persons, representing interests not directly represented through membership of the association, as members of the governing body of the association.
- (4) Every association, which is recognized under sub-section (2), shall furnish to the Central Government such information and such periodical returns

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relating to the affairs of the association as the Central Government may by order in writing require.

- (5) The Central Government may by order in writing give such directions, as it considers necessary in the interests of the trade and the public, to an association recognized under sub-section (2) in respect of contracts to which this section applies.
- (6) No articles, rules or bye-laws of an association recognized or deemed to be recognized under sub-section (2) shall be altered save with the previous approval of the Central Government.
- (7) Whenever the Central Government considers it expedient to do so, it may, by order in writing, direct any association recognized under sub-section (2) to make, repeal or amend any articles, rules or bye-laws of the association in the manner and within a period specified in the order; and if the recognized association refuses, fails or neglects to comply with the direction within the specified period, the Central Government may, by an order notified in the official Gazette, make, repeal or amend the articles, rules or bye-laws in the manner specified in the order giving the direction or with such modifications as the Central Government may think fit; and the making, repeal or amendment of the articles, rules or bye-laws shall be deemed to have been duly effected by the association.
- (8) If the Central Government is of opinion that the interests of the trade and the public require that the recognition accorded to an association under sub-section (2) should be terminated, the Central Government may, after giving the association a reasonable opportunity of being heard in the matter, by an order notified in the official Gazette, terminate the recognition on and from the date of such order or any specified date subsequent thereto, and the association shall cease to be an association recognized under sub-section (2) from the date of such termination:

Provided that such termination shall not affect the validity of any contract entered into or made before the date of such termination."

GHULAM MOHAMMED,
Governor-General.

LIST OF AGENTS IN PAKISTAN AND ABROAD FROM WHOM GOVERNMENT OF PAKISTAN PUBLICATIONS ARE AVAILABLE.

I.—INLAND

1. PROVINCIAL GOVERNMENT BOOK DEPOTS :—

North-West Frontier Province :—

Manager, Government Printing and Stationery, N.W.F.P., Peshawar.

Sind :—

Superintendent, Sind Government Book Depot and Records Office, Karachi, Sadar.

Punjab :—

Superintendent, Government Printing Punjab, Lahore.

East Bengal :—

Deputy Controller, Stationery, Forms and Publications, Government of Pakistan Press Building, Tejgaon, Dacca.

2. PRIVATE BOOK-SELLERS :—

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- Messrs. Pioneer Paper and Stationery House, 1, Avan Lodge, Opp. Dow Medical College, Bunder Road, Karachi.
- Messrs. Aero Stores, 170, Napier Road, Karachi.
- Messrs. Ferozsons, Bunder Road, Karachi.
- Messrs. Kitabistan, Ltd., 18, Hotel Metropole, Victoria Road, Karachi.
- Messrs. Windsor Book Stall, Elphinstone Street, Karachi.
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- Messrs. Pakistan Law House, Opp. Small Causes Court, Wadhomal Odharam Road Karachi.
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- Messrs. Pakistan Co-operative Book Society, Electric House, University Street, Karachi.
- Mr. B. A. Chishti, Stationer, P. O. 293. Municipal Tower, Ali Dina Mahamed Ali Road, Karachi.
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Sind :—

- Messrs. Education Book Depot, Stationers and Book-sellers, School Road, Hyderabad, Sind.
- Messrs. Gul Book Depot, Neemjee Slope, Sukkur.
- Messrs. The New Allies Stores, Jail Road, Near Tower, Hyderabad, Sind.
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- Messrs. Danishmand & Co., Karkhana Bazar, Lyallpur.
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- Messrs. Nawa-i-Waqt Publications, Ltd., Lahore.
- Messrs. Manzoor & Co. (Pakistan), Ltd., 6, The Mall, Lahore.
- Messrs. A.M. John & Co., Kutchery Road, P.B. No. 297, Lahore.
- Messrs. The Publishers United Ltd., 176, Anarkali, Lahore.
- Messrs. International Agency, Gujar Basti, Lyallpur.
- Messrs. M. Za Book Agency, 20 Mayo Road, Lahore.
- Messrs. All Pakistan Legal Decision, 55, Nabha Road, Lahore.
- Messrs. Shah & Sons, Book-sellers & Publishers, Sialkot-City.
- Mr. K. A. Baker, Prop. Baker Electric Press, Publishers & Law Book-sellers, Baker Lodge, Sialkot Cantt.
- Messrs. The Editor, Punjab Marketing Weekly, Mumtaz House, Khawaja Dil Mohd. Road, Lahore.
- Messrs. Hamid Noorani & Co., 59 Flering Road, P. O. Box, No. 473, Lahore.
- Messrs. Premier Book House, 4/5 Katchery Road, Near Anarkali, Lahore.
- Messrs. The London Book Co., Rawalpindi.
- Messrs. Malik & Sons, Commercial Building, Railway Road, Sialkot City.

Baluchistan :—

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North West Frontier Province :—

- Messrs. Ferozsons, 35, The Mall, Peshawar.

East Bengal :—

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- Messrs. Kohnoor Library, Meer-kill, Chittagong.
- Messrs. The Pakistan Co-operative Book Society, Ltd., Pioneer Bank Building, Sylhet.
- Messrs. Sikandari News Agency, Office of the Fashion House, Raja G. C. Road, Sylhet, E. P.
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- Messrs. Dacca Chamber of Commerce 107, Kaliprashanna Ghose Street, Dacca.

II.—FOREIGN.

- The Ambassador of Pakistan Kabul, c/o Post Master, Peshawar.
- The High Commissioner for Pakistan in Australia, Dalton House, 115, Pitt Street, Sydney, Australia.
- The Ambassador of Pakistan, Rander House, Phayree Street, Rangoon, Burmah.
- The High Commissioner for Pakistan, 499, Wilbord Street, Ottawa, Canada.
- The Embassy of Pakistan, Pakistan House, 11, Snaria Hotel Laban, Garden City, Cairo, E. P.
- The High Commissioner for Pakistan, 8, B. Hardinge Avenue, New Delhi.
- The Embassy of Pakistan 15, Djalun Tanku Umar, D'akarta.
- The Embassy of Pakistan, Khaban Fakhte Jamshed Kashi No. 276, Tehran, Iran.
- The Embassy of Pakistan, Wazirya Bagdad, Iraq.
- The Legation of Pakistan, Jedda, Saudi Arabia.
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- The High Commissioner for Pakistan 34/36, Lowndes Square, London, S. W. 1.
- The Ambassador of Pakistan, 2201 R Street, North-West Washington D.C., U.S.A.
- The Embassy of Pakistan, 17, Sadovekydrins Street, Moscow, U.S.S.R.
- The Ambassador of Pakistan, 18, Rue Loar, Paris, France.
- The Embassy of Pakistan, Plie 1813, No. 2, The Hague, Netherlands.
- The Minister of Pakistan, 15, Via Guiseppe, Lungu, Rome, Italy.

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