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PART II

Statutory Notification S.R.O

GOVERNMENT OF PAKISTAN
MINISTRY OF INDUSTRIES

NOTIFICATION

Islamabad, the 26th November, 1973

S.R.O.1641(I)/73:- In exercise of the powers conferred by rule 134 of the Defence of Pakistan Rules, the Federal Government is pleased to make this following Order: namely:-

THE COTTON CLOTH (CONTROL) ORDER, 1973

1. Short title extend and commencement:- (1) This Order may be called the Cotton Cloth (Control) Order, 1973.

- (2) It extends to the whole of Pakistan
- (3) It shall come into force at once.

2. Definitions:- In this Order, unless there is anything repugnant in the subject or context:

- (a) "Cloth" means any type of cloth manufactured either wholly from cotton or partly from cotton and partly from any other material and containing not less than ten percent of cotton by weight, but does not include:-
 - (i) ready made clothing hosiery, and rubberised or synthetic waterproof fabrics, whether single textured or double textured,
 - (ii) leather cloth, inferior or imitation leather cloth generally used in book-binding and book binding cloth,

- (iii) tracing cloth,
 - (iv) cloth manufactured partly from cotton and partly from wool and containing forty percent or more of wool by weight.
 - (v) Cloth manufactured from silk yarn or artificial silk yarn and containing forty percent or more of silk yarn or artificial silk yarn by weight or
 - (vi) Cloth manufactured on hand looms in Pakistan.
- (b) **"dealer"** means a person who carries on the business of selling cloth whether wholesale or retail and whether in conjunction with any other business or not;
 - (c) **"importer"** means a person who imports cloth into Pakistan;
 - (d) **"manufacture"** means (i) a cloth producing establishment equipped with both spinning and weaving facilities, irrespective of its size, or (ii) a weaving establishment not having spinning facility but having 50 or more looms, the number of looms being the number assessed for the purposes of levy of excise duty on production capacity during the year 1972-73 or otherwise registered under the Central Excise Rules 1944;
 - (e) **"specified varieties"** means any of the varieties of cloth mentioned in the Schedule to this Order or such other varieties of cloth as may be declared by the Federal Government by notification in the official Gazette, to be a specified variety for the purpose of this Order;
 - (f) **"Textile Commissioner"** means an officer appointed as such by the Federal Government and includes any Additional or joint Textile Commissioner or Director of Textiles so appointed by the Federal Government.

3. Maximum price and markings:- The Textile Commissioner may, by notification in the official Gazette, prescribe:-

- (a) the maximum price, ex-factory, wholesale or retail, at which any specified kind of cloth manufactured in Pakistan may be sold; and
- (b) the marking to be made by the manufacturer or importer of any specified kind of cloth manufactured or imported by him, and the time and manner of the making of such marking:

Provided that, until the maximum prices are so fixed in respect of any specified kind of cloth, the ex-factory, wholesale and retail prices for the cloth as prevalent immediately before the commencement of this Order shall continue to apply.

4. Powers to call for information:- Every manufacturer and dealer shall submit within such time, in such form and such manner and to such authority such information relating to the manufacture, location, cost and marking of any variety of cloth or any other matter connected with the purposes of this Order as may be specified by the Textile Commissioner by notification in the official Gazette.

5. Prohibition against sale at price exceeding maximum price, exhibition of price lists, etc:- (1) No manufacturer or dealer shall sell or offer to sell any specified variety of cloth at a price higher than the maximum price referred to in clause 3.

(2) Every dealer or importer shall exhibit on his premises a price list indicating the prices at which the specified varieties of cloth are being sold.

6. Power to control production and supply:- (1) The Textile Commissioner may issue directives in writing to any manufacturer or class of manufacturers regarding the kinds of cloth which he may or may, not manufacture and fix the maximum and minimum quantities of cloth or kinds of cloth which he may manufacture, and the maximum quantities which he may hold in stock during specified periods, and every manufacturer shall comply with all such directions:

Provided that, until the quantities of any kind of cloth which may be manufactured by any manufacturer are so fixed, such manufacturer shall continue to manufacture such quantity of that kind of cloth as is not less than the quantity he was manufacturing immediately before the commencement of this Order.

(2) Every manufacturer shall obtain the approval of the Textile Commissioner for introducing any new varieties of cloth unless such varieties are manufactured under valid export contracts and have been specified exempted from the provisions of this Order by notification in the official Gazette by the Textile Commissioner.

7. Application for increase of price:- (1) Any manufacturer or dealer desirous of increasing the price of any variety of cloth the maximum price of which has been prescribed under clause a may make an application to the Textile Commissioner, alongwith the relevant documents in support thereof, specifying therein the date on which he proposes to increase the price, not being earlier than eight weeks after the date of submission of such application.

(2) On the receipt of an application under sub-clause (1). The Textile Commissioner, after making such inquiry as he may deem fit and after affording the applicant an opportunity of being heard, may:-

(a) reject the application; or

- (b) permit the applicant to increase the price of cloth to such extent and subject to such conditions as the Textile Commissioner may deem fit to impose;

Provided that, where the Textile Commissioner is unable to complete the inquiry before the date specified in the application for the increase of price, he may direct the applicant to defer the proposed increase of price till the completion of the inquiry which shall be completed within six months after the date specified in the application for the increase of price.

(3) If, within twelve weeks of the submission of any application under sub-clause (1), the Textile Commissioner does not pass any order under sub-clause (2), the Applicant may, notwithstanding anything to the contrary contained in this order or any directions issued thereunder, increase the price of the cloth to the extent and in the manner specified in the application.

(4) The Textile Commissioner may, after giving the manufacturer or dealer, as the case may be, an opportunity of being heard, review an order passed by him under sub-clause (2).

8. Revision by Federal Government:- (1) The Federal Government may, at any time, either on the application of any person or of its own motion, revise any order passed by the Textile Commissioner and may pass such order as it may deem fit.

(2) An order passed under sub-clause (1) shall be given effect to by the Textile Commissioner as if it were his own order passed under this Order, but no further representation, review or revision shall lie against such order.

(3) The Federal Government may give such general or special directives to the Textile Commissioner as it may think necessary for carrying out the purposes of this Order.

9. Power to order sale and call for returns, information etc:- (1) The Textile Commissioner may, for the purpose of securing a proper distribution of the specified varieties of cloth and compliance with this Order, direct any manufacturer, importer or dealer, or any class of manufacturers, importers or dealers;

- (a) to sell to utility stores and fair price shops, consumer cooperatives and other similar organisations such reasonable quantities of cloth as the Textile Commissioner may specify; and

- (b) to furnish such returns or other information relating to his or their business and in such manner as the Textile Commissioner may specify;

(2) The Textile Commissioner may issue such further directions as he may deem proper supplementing or modifying any direction given under this clause.

(3) Every manufacturer, importer or dealer shall comply with the directions and instructions given under this clause.

10. Proper Exempt:- The Textile Commissioner may, by general or special order, exempt, subject to such conditions as he may think fit, any specified kinds of cloth, or any persons or classes or persons, from all or any of the provisions of this Order.

11. Manner of markings and prohibition against production, sale, possession, etc., without such marking:- Where the markings and the time when and the manner in which the markings are to be made, have been prescribed under clause 3 in respect of any kind of cloth.

- (a) every manufacturer required to make the markings shall cause the markings to be duly made at the time and in the manner prescribed;
- (b) no person other than the manufacturer required to make the markings shall cause any markings to be made on any such cloth;
- (c) except under a general or special permission granted by the Textile Commissioner, no person other than the manufacturer thereof shall have in his possession or under the control any such cloth which is not duly marked;
- (d) no person shall alter or deface or cause or permit to be altered or defaced any markings duly made on any such cloth held by him;
- (e) no person shall make on any/cloth any other marking resembling the prescribed marking in any manner calculated to mislead; and
- (f) no person shall have in his possession or under his control, otherwise than for his bona fide personal use, any cloth the markings where on are altered or defaced or are of the character referred to in paragraph (e).

12. Sales of piece bearing the marking:- Where, in pursuance of a notification under clause 3. any piece of cloth is required to be marked at one end with the price at which it is to be sold, and the piece is not sold as a whole that end of the piece which is marked with the price shall not be sold until the rest of the piece has been sold out.

13. Declaration of stocks:- The Textile Commissioner may, by notification in the Official Gazette, order that every person holding any stock of the specified varieties of cloth, whether for sale or custody or otherwise, in excess of his own bona fide personal use, shall declare such stocks on such date, in such manner and to such authority as may be specified in the notification.

14. Maintenance of registers showing production, sales, etc.:- The Textile Commissioner may by order require that a manufacturer or dealer shall maintain a proper register showing all cloth manufactured or purchased by him and also showing its sales and delivery and the contracts made by him.

15. The Textile Commissioner may with a view to securing compliance with the provision of this Order:

- (a) require any person to give any information in his possession with respect to any transaction relating to any cloth;
- (b) inspect or cause to be inspected any books or other documents relating to any such transaction and belonging to or under the control of any person; and
- (c) when he has reason to believe that a contravention of this Order, has been, is being or is about to be committed, enter and search or authorise any person to enter and search any premises and seize or authorise any person to seize, cloth to which any of the provision of this order apply.

16. Delegation of Powers:- The Federal Government may, by notification in the official Gazette, direct that all or any of the functions and powers of the Textile Commissioner under this order shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be exercisable also by:-

- (a) such officer or authority subordinate to the Federal Government; or
- (b) such Provincial Government, or such officer or authority subordinate to a Provincial Government;

as may be specified in the notification.

17. Power to forfeit:- Any Court trying any contravention at this Order, may, without prejudice to any other sentence which it may pass, direct that any property in respect of which the Court is satisfied that the Order has been contravened shall be forfeited to the Federal Government.

(No. Ind (CG)-20 (101)/73.)

N. N. A. KURESHI,
Additional Secretary.