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PART I

**Acts, Ordinances, President's Orders and Regulations including Martial Law
Orders and Regulations**

GOVERNMENT OF PAKISTAN

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

(Law Division)

Islamabad, the 6th December, 1983

No. F. 17 (2)|83-Pub.—The following Order made by the President is hereby published for general information :—

PRESIDENT'S ORDER No. 11 OF 1983

**AN
ORDER**

to establish a Board of Governors for the National College of Textile Engineering, Faisalabad, and to provide for the raising of funds for the maintenance and development of the College.

WHEREAS the West Pakistan College of Textile Technology, Faisalabad, has been taken over by the Federal Government to be run as the National College of Textile Engineering through a Board of Governors ;

AND WHEREAS it is expedient to establish a board of Governors for the efficient management and control of the said College and to provide for the raising of funds for its maintenance and development ;

[4659 Ex. Gaz.]

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order :—

1. Short title and commencement.—(1) This Order may be called the National College of Textile Engineering (Governing Body and Cess) Order, 1983.

(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) “Board” means the Board of Governors of the College ;

(b) “Cess” means the cess levied under this Order ;

(c) “Collector” means an officer appointed by the Federal Government to perform the duties of Collector under this Order ;

(d) “College” means the National College of Textile Engineering, Faisalabad, formerly known as the West Pakistan College of Textile Technology ;

(e) “member” means a member of the Board ;

(f) “occupier”, in relation to a textile mill, means the person who has ultimate control over the affairs of the textile mill ;

(g) “prescribed” means prescribed by rules or regulations ;

(h) “Principal” means the Principal of the College or an officer for the time being in charge of the College ;

(i) “regulations” means regulations made under this Order ;

(j) “rules” means rules made under this Order ; and

(k) “textile mill” means a factory within the meaning of clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934) in which cotton wool, jute, man-made fibres of filaments and any admixture thereof is converted into yarn or thread or in which yarn or thread is processed into fabric or any other finished product.

3. Establishment of the Board.—(1) For the efficient management and control of the College there shall be established a Board to be known as the Board of Governors.

(2) The Board shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Order, to enter into contracts and to acquire and hold property, both movable and immovable, and shall by the name specified in clause (1) sue and be sued.

4. Constitution of the Board.—(1) The Board shall consist of not less than eleven members to be appointed by the Federal Government.

(2) One of the members shall be appointed to be the Chairman of the Board.

(3) Official members, if any, shall be appointed by designation and shall hold office during the pleasure of the Federal Government.

(4) Non-official members if any, shall hold office for a period of three years and shall be eligible for re-appointment.

5. **Removal of members.**—The Federal Government may remove any member before the expiry of his term of office without assigning any reason therefor.

6. **Secretary.**—The Principal shall be Secretary of the Board.

7. **Meetings of the Board.**—The meetings of the Board shall be held at such times and at such places and in accordance with such procedure as may be prescribed by regulations.

8. **Powers of the Board.**—(1) Subject to other provisions of this Order, the Board shall have full powers to administer and manage the affairs of the College.

(2) In particular and without prejudice to the generally of the foregoing powers, the functions of the Board shall be—

(a) to acquire and dispose of property with the prior approval of the Federal Government and generally to enter into contracts, in conformity with the purposes of this Order.

(b) recruit the Principal and other members of the staff of the College and officers and servants of the Board, whose terms and conditions of service shall be determined by the Federal Government ;

(c) to formulate the budget of the College for the approval of the Federal Government ; and

(d) to set up an Executive Committee and such other Standing Committees as may be required for carrying out the purposes of this Order.

(3) The Board may delegate any of its powers to the Chairman the Executive Committee, a Standing Committee, the Principal, or any other officer or servant of the Board.

9. **Transfer of the employees of the institution to the College.**—A person serving in the College in any capacity immediately before the commencement of this Order, hereinafter referred to as the commencing day, shall stand transferred for service under the Board on such terms and conditions as the Federal Government may determine :

Provided that no such person be dismissed or removal from service or reduced in rank by an authority subordinate to that by which he was appointed.

10. **Property.**—All property, movable and immovable, connected with the affairs of the College, immediately before the commencing day, shall vest in the Federal Government.

11. Charter of the Board.—(1) The Board shall, from the funds raised or property acquired for the purpose, maintain the College on modern lines for the purpose of—

- (i) scientific research in textile technology ;
- (ii) the teaching of textile technology ; and
- (iii) furthering of textile technology as the Board may decide, for the benefit of persons engaged in or desirous of carrying on joining, serving in, or promoting the textile industry, or carrying out scientific research or the benefit of textile industry, in Pakistan, and : in special cases, for the benefit of persons from outside Pakistan.

(2) The College shall, among other things, be equipped with a medium-sized textile mill, a laboratory, a library, lecture halls and hostel ; carry on research, teaching, training, and experimental work ; and diffuse knowledge of all kinds and in all possible ways which may benefit the textile industry.

(3) To attain its objects, the College may do the following among other things, namely ;

- (i) arrange for and organize research in teaching of, and training in, textile technology ;
- (ii) hold examinations and tests and give certificates to students, trainees and persons doing research in textile technology ;
- (iii) award prizes and give rewards, stipends and scholarships to students, trainees and research workers in textile technology for work in Pakistan and abroad ;
- (iv) send students, trainees and research workers to other countries for higher study, training and research in textile technology ;
- (v) publish books, magazines, periodicals, literature, maps, charts and statistics, and organize lectures, competitions and conferences on, or in connection with, the subject of textile technology ; and
- (vi) arrange for cooperation and joint working with any other body, institution or authority having aims and objects similar to its own.

12. Fund of the Board.—(1) There shall be a fund to be known as “Board Fund” which shall vest in the Board.

(2) The Board Fund shall consist of—

- (a) grants-in-aid made by the Federal Government ;
- (b) loans obtained from the Federal Government ;
- (c) loans raised by the Board with the special or general sanction of the Federal Government ;

(d) foreign aid and loans obtained by the Board with the sanction of, and on terms and conditions approved by, the Federal Government; and

(e) fees and other sums received by the Board.

(3) All moneys at the credit of the Board shall be kept in the Personal Ledger Accounts to be opened with the Government Treasury or Bank discharging treasury functions on behalf of Government.

(4) Surplus funds, if any, shall be invested in government securities.

(5) The Board Fund shall be utilized by the Board in connection with its functions under this Order, including the payment of salaries and other remunerations of the Principal and the staff of the College and of officers and servants appointed under this Order.

13. Maintenance of accounts.—The Board shall maintain complete and accurate accounts and other relevant records in such manner and form as may be prescribed by the Federal Government in consultation with the Auditor-General of Pakistan.

14. Annual financial statement.—The Board shall submit a statement of estimated receipts and expenditure in respect of the next financial year to the Federal Government for approval at such time and in such manner as may be prescribed by rules and shall give effect to any modifications made therein by the Federal Government.

15. Returns and statements.—(1) As soon as may be after the close of the every financial year but not later than the last day of September next following, the Board shall submit to the Federal Government for approval a report on the conduct of its affairs for that year.

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

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

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

16. Audit.—(1) The accounts of the Board shall be audited by the Auditor-General of Pakistan.

(2) Copies of the audit report shall be sent to the Board and the Board shall, together with its comments thereon, forward it to the Federal Government.

(3) The Board shall carry out any directive issued by the Federal Government for rectification of an audit objection.

17. Levy of cess.—(1) A cess shall, subject to the provisions of this Article, be levied on the working spindles and power looms in textile mills at the following rates, namely :—

(i) one rupee per spindle; and

(ii) twenty rupees per loom :

Provided that, in the case of textile mills in which both spindles and looms are installed, the cess shall be levied on spindles or looms, whichever yields the higher return.

(2) The cess shall be payable annually by the occupiers of the textile mills, in advance.

(3) The Federal Government may, by notification in the official Gazette, exempt any textile mill from the levy of cess, for a period not exceeding one year at a time.

18. Assessment and collection of cess.—(1) The Collector shall, in the first week of July every year, or as soon thereafter as may be, assess the cess payable in respect of each textile mill and shall cause a notice to be served upon the occupier thereof requiring him to make payment of the amount so assessed in a lump sum in the prescribed manner within thirty days of the service of such notice.

(2) If the cess levied under clause (1) is not paid within the specified period, the Collector may levy a further cess not exceeding fifty per cent of the cess levied under the said clause and shall cause a notice to be served upon the occupier requiring him to make the payment of the entire amount levied under this Article in the prescribed manner within thirty days of the service of such notice.

19. Appeal.—(1) Any person aggrieved by an order passed by the Collector under clause (1) or clause (2) of Article 18 may, within fourteen days of the service of the notice requiring him to pay the amount, prefer an appeal to the Federal Government in such manner as may be prescribed by rules.

(2) The Federal Government may, on its own motion or on receipt of an appeal under clause (1), call for and examine the record of a case for the purpose of satisfying itself as to the legality or propriety of any order passed by the Collector.

(3) If it appears to the Federal Government that the order passed by the Collector under clause (1) or clause (2) of Article 18 should be set aside or modified, the Federal Government may pass such order as it may deem fit :

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

(4) Subject to any order passed by the Federal Government under clause (3), the order passed by the Collector under clause (1) or clause (2) of Article 18, as the case may be, shall be final.

20. Certificate of the Collector conclusive proof of sum due.—(1) A certificate issued by the Collector showing that any sum is due on account of the cess shall be conclusive proof thereof.

(2) The Collector may take such measures as he may consider necessary to realize the amount of the cess due in such manner as may be prescribed by rules.

(3) Any sum due on account of the cess shall be recoverable as an arrear of land revenue.

21. Textile Cess Fund.—(1) There shall be a fund to be known as the Textile Cess Fund (hereinafter referred to as the "Fund"), consisting of the proceeds of the cess, after deduction of such expenses on collection and recovery as may be directed by the Federal Government to be deducted.

(2) Such amount out of the Fund as may be specified by the Federal Government shall be paid to the Board at such time and in such manner as the Federal Government may determine.

(3) The Collector shall keep accounts relating to the Fund and shall maintain such registers as may be prescribed by regulations.

22. Purpose for which the sum from Fund to be spent by the Board.—The Board may spend the amount received by it under clause (2) of Article 21 for the purpose of the establishment and maintenance of the College subject to such terms and conditions as may be specified by the Federal Government.

23. Powers to make rules.—(1) Federal Government may make rules for carrying out the purposes of this Order.

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

- (a) the terms and conditions on which the existing employees may be transferred to the Board ;
- (b) the frequency of meeting of the Board and the procedure that shall be followed at such meetings ;
- (c) the forms and registers for keeping the accounts ;
- (d) the manner in which and the time at which the annual financial statement shall be submitted to the Federal Government for approval ;
- (e) the returns, statements, estimates, statistics, information or reports which may be submitted to the Federal Government ;
- (f) the manner in which the accounts of the Board shall be audited ;
- (g) the custody in which the Board Fund shall be kept ;
- (h) the manner in which a notice under clause (1) or clause (2) of Article 18 shall be served on an occupier ;
- (i) the arrangements that shall be made and the procedure that shall be followed in the recovery of the arrears of the cess ;
- (j) the manner in which appeals under Article 19 shall be preferred ;
- (k) the terms and conditions under which the Board shall expend the amount made over to the Board under clause (2) of Article 21 ;
- (l) the registers and the forms in which the account relating to the cess shall be kept ; and
- (m) any other matter required under the provisions of this order to be prescribed rules.

24. Regulations.—(1) The Board may, subject to the approval of the Federal Government, frame regulations not inconsistent with the provisions of this order and the rules, for carrying out the purposes of this order.

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

- (a) the notice on which an ordinary or special meeting may be convened ;
- (b) the time and place at which meetings of the board may be held ;
- (c) the manner in which the minutes shall be circulated and confirmed ;
- (d) the manner in which the Executive Committee or a Standing Committee shall be constituted and the powers and functions that may be exercised and performed by the Committee ;
- (e) the recruitment and tenure of office of the Principal and other members of the staff of the College and officers and servants of the Board ;
- (f) the delegation of administrative and financial powers to the Executive Committee or a Standing Committee or the officers and servants of the Board ;
- (g) the manner in which the funds, shall be disbursed ; and
- (h) any other matter required under the provisions of this Order to be prescribed by regulations.

25. Directions from Federal Government.—(1) The Federal Government may, as and when it considers necessary, issue directives to the Board on matters of policy and such directives shall be binding on the Board.

(2) If a question arises whether any matter is a matter of policy or not, the Federal Government shall be the sole judge and the decision of the Federal Government shall be final.

(3) The records of the Board shall be open to inspection by any officer authorised in this behalf by the Federal Government.

GENERAL,

M. ZIA-UL-HAQ,

President.

C. A. RAHMAN,

Secretary.