

**THE PUNJAB INDUSTRIES (CONTROL ON
ESTABLISHMENT AND ENLARGEMENT) ORDINANCE,
1963**

(IV of 1963)

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TEXT

¹THE ²[PUNJAB] INDUSTRIES (CONTROL ON ESTABLISHMENT AND ENLARGEMENT) ORDINANCE, 1963
(IV of 1963)

[26 January 1963]

An
Ordinance

to provide for the organized and planned growth of industries in ³[the Punjab].

Preamble.— WHEREAS it is expedient to provide for the organized and planned growth of industries in ⁴[the Punjab], in the manner hereinafter appearing;

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

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

1. Short title, extent and commencement.— (1) This Ordinance may be called the ⁵[Punjab] Industries (Control on Establishment and Enlargement) Ordinance, 1963.

(2) It extends to the whole of the Province of ⁶[the Punjab], except the Tribal Areas.

(3) This section and section 2 shall come into force at once and the remaining provisions of the Ordinance shall come into force in such local area and on such dates as the Government may, by notification⁷ in the Official Gazette, specify.

¹This Ordinance was promulgated by the Governor of West Pakistan on January 25, 1963, published in the Gazette of West Pakistan (Extraordinary), dated January 26, 1963, pp. 607-610; approved by the Provincial Assembly of West Pakistan with amendments, on March 27, 1963, under clause (3) of Article 79 of the Constitution of the Islamic Republic of Pakistan (1962); assented to by the Governor; published in the Gazette of West Pakistan (Extraordinary), dated March 27, 1963, pp. 1269-1272.

²Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part II, Serial No. 61.

³*Ibid.*

⁴*Ibid.*

⁵*Ibid.*

⁶*Ibid.*

⁷Issued by the Government of West Pakistan, Industries, Commerce and Mineral Resources Department vide Notification No. II-1-35-59, dated November 19, 1963, published in the Gazette of West Pakistan (Extraordinary), dated November 19, 1963, pp. 4449-4450, the remaining provisions of the Ordinance came into force w.e.f. November 19, 1963, in the whole of the Province of West Pakistan except - (a) the Tribal Areas; (b) the divisions of Quetta, Kalat and Dera Ismail Khan; and (c) the districts of Lasbela, Sanghar, Tharparkar, Jacobabad, Larkana, Bahawalpur, Bahawalnagar, Muzaffargarh, Dera Ghazi Khan, Jhang, Mianwali, Kohat and Hazara.

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

- (a) “Director” means the Director of Industries ¹[Punjab], and includes any officer appointed by Government to exercise all or any of the powers and perform all or any of the functions and duties of the Director under this Ordinance;
- (b) “Government” means the ²[Provincial Government of the Punjab];
- (c) “industrial undertaking” means an undertaking pertaining to an industry (including any industry ancillary thereto) carried on or to be carried on, in any local area, at a place or premises, including precincts thereof, wherein twenty or more workers without the aid of power, or ten or more workers with the aid of power, were working on any day during the twelve months preceding the date of coming into operation of sections 3 to 12 in the local area concerned or are working and shall work for the manufacture or processing of goods or commodities;
- (d) “local area” means any area to which the provisions of sections 3 to 12 have been applied in pursuance of sub-section (3) of section 1;
- (e) “rules” means rules made under this Ordinance.

3. Restrictions on establishment of industrial undertakings.— No person shall establish or cause to be established any industrial undertaking or enlarge or cause to be enlarged any existing industrial undertaking except with the previous permission in writing of Government ³[:]

⁴[Provided that the application of any person for the grant of such permission shall not be rejected—

- (a) without giving such person an opportunity of showing cause against it; or
- (b) unless the Government is satisfied, on the basis of information available to it and after making such inquiry as it may deem fit, that the grant of permission to such person will be prejudicial to the national interest, or injurious to the health of or a source of nuisance for, the residents of the local area in which the industrial undertaking is proposed to be set up or, as the case may be, the industrial undertaking which is proposed to be enlarged is situated.]

4. Check on unauthorized establishment or enlargement of industrial undertaking.— Where the establishment of a new industrial undertaking or

¹Substituted for the words “West Pakistan” by the Punjab Laws (Adaptation) Order, 1974 (P.O. No. 1 of 1974) (w.e.f. 14.8.1973), published in the Punjab Gazette (Extraordinary), dated November 20, 1974, pp. 1425-A-1425-PP, Article 2(1) read with Schedule, Part II, Serial No. 61.

²Substituted for the words “Government of West Pakistan” by the Order *ibid*.

³Substituted for the “full stop” by the Conformity with Fundamental Rights (Punjab Amendment of Laws) Act, 1976 (IX of 1976), published in the Punjab Gazette (Extraordinary), dated April 28, 1976, pp. 933-935, s. 2 read with the Schedule.

⁴Added by the Act *ibid*.

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

- (i) to refrain from such establishment or enlargement; or
- (ii) to stop further construction and to remove the unauthorized undertaking or part thereof,

and the person concerned shall comply with the order within such period as may be specified.

5. Power of obtaining information and of entry.— For the purpose of giving effect to the provisions of this Ordinance, Government or the Director may—

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

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

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

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

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

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

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

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

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

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

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

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

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