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NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 25th June, 1990

The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 24th June, 1990, and is hereby published for general information:-

An Act to provide for the establishment of the National Tariff Commission

WHEREAS it is expedient to provide for the constitution of the National Tariff Commission and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. Short title, extent and commencement. (1) This Act may be called the National Tariff Commission Act, 1990 (Act No.VI of 1990)

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

- (a) “Commission” means the National Tariff Commission established under section 3;
- (b) “prescribed” means prescribed by rules made under this Act.

3. Establishment of the National Tariff Commission.

(1) As soon as may be after the commencement of this Act, the Federal Government shall establish in accordance with the provisions of this Act a Commission to be called the National Tariff Commission.

(2) The Commission shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and shall by the name specified in sub-section (1) sue and be sued.

(3) The head office of the Commission shall be at Islamabad.

4. Function of the Commission. The function of the Commission shall be to advise the Government on:

- (i) tariff measures or other form of assistance for:
 - (a) providing protection to the indigenous industry;
 - (b) improving the competitiveness of the indigenous industry; or
 - (c) promoting exports from Pakistan;
- (ii)* measures to counter dumping and other unfair measures adopted in respect of import and sale of foreign goods in Pakistan; and

* Repeated under section 76 of the Antidumping Duties Ordinance 2000)

- (iii) any other matter relating to protection or assistance to the indigenous industry that the Federal Government may refer to the Commission.

5. Composition of the Commission. The Commission shall consist of a Chairman not below the status of Secretary to the Federal Government and two members not below the status of Additional Secretary to the Federal Government to be appointed by the Federal Government.

6. Term of the office of Chairman and members. Unless otherwise directed by the Federal Government, the Chairman and a member of the Commission shall hold office for a term of three years and shall be eligible for a re-appointment for a similar term.

7. Transaction of business of the Commission. Where the Commission consists of more than one member, the Chairman may distribute the business of the Commission amongst its members and the member to whom any business has been allocated under such distribution may transact the business singly:

Provided that member of the Commission to whom any business has been so allocated may, if he thinks fit, refer such business to the Commission.

8. Administration.(1) The Commission shall appoint a Secretary to the Commission who shall perform the following functions and duties, namely:

- (i) to keep in custody the records and seal of the Commission;
- (ii) to authorize payment of monthly salaries and allowances to the employees of the Commission;

- (iii) to propose budget estimates and revised budget estimates and place the same before the Commission;
- (iv) to perform any other duties which may be assigned to him by the Commission.

(2) The Commission may do all such acts and take all such steps as are necessary for the performance of the functions of the Commission, including the appointment of such officers and engagement of such consultants and advisers as it considers necessary for the efficient performance of its functions, on such terms and conditions as may be approved by the Federal Government.

9. Funds of the Commission. The funds of the Commission shall consist of:

- (a) grants from the Federal Government;
- (b) fees; and
- (c) aid from international agencies.

10. Budget, audit and accounts.(1) The Commission shall submit to the Federal Government in respect of each year by such date as may be prescribed its budget showing its estimated receipts and expenditure.

(2) The funds of the Commission shall be kept in the Government Treasury in a Personal Ledger Account.

(3) The accounts of the Commission shall be audited by the Auditor General of Pakistan.

11. Commission to make inquiries on application, etc. The Commission may initiate inquiries or investigations for the purposes of its functions under this Act on:

- (i) an application made to it by an industrial undertaking or trading business in the prescribed form and accompanied by the prescribed fee;
- (ii) a reference received by it from the Federal Government; or
- (iii) of its own motion.

12. Satisfaction of Commission before, recommendations.(1)

While examining a proposal for tariff protection or assistance and making recommendations to the Federal Government the Commission shall satisfy itself that:

- (i) the quality of the product to which such protection or assistance it to be given is good and conforms to the standards laid down by the Pakistan Standards Institution or, where such standard has not been prescribed, it conforms to internationally accepted standards;
- (ii) the additional cost to the consumer will not be excessive; and
- (iii) the industry is not likely to need the protection or assistance after a reasonable period of time,

(2) Where it has decided to undertake any inquiry or investigation, the Commission shall take such measures as it deems necessary to ensure that all units engaged in economic activities similar to those being carried on by any industrial undertaking or trading business which has made an application or in respect of which an inquiry or investigation has been undertaken by the Commission are informed that such inquiry or investigation has been undertaken.

13. Commission to have powers of civil court in certain matters. The Commission shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:-

- (i) summoning and enforcing the attendance of any person and examining him on oath; and
- (ii) requiring the supply of any information and production of any document which may be useful for the conduct of its inquiry.

14. Submission of recommendations within a specified time. The Commission shall complete inquiries and investigations and submit a report to the Federal Government within period not exceeding 120 days.

15. Penalty for false statement. Any person who knowingly or willfully furnishes any information or document or book of accounts which he has reason to believe to be false or incorrect shall be liable to a fine not exceeding fifty thousand rupees.

16. Duty of Officers, etc., to maintain secrecy. (1) Except in the performance of his duties under this Act every officer, consultant and adviser of the Commission shall preserve and aid in preserving secrecy with regard to all matters relating to the financial or other affairs of any undertaking or person that may come to his knowledge in the performance of his duties.

(2) Every such officer, consultant or adviser who communicates any such matter, except when required by law to do so or in the discharge of his duty as such, shall be punishable with imprisonment of either description for a term which may extend to three months, or with fine not exceeding fifteen thousand rupees, or with both.

(3) No court shall take cognizance of any offence punishable under sub-section (2) except upon a complaint in writing made by or under the authority of the Commission.

17. Indemnity. No suit, prosecution or other legal proceeding shall lie against the Commission or any officer or the Commission 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 any rules or orders made thereunder or in respect of the publication by or under the authority of the Commission or such officer of any report, paper or proceedings.

18. Powers to make rules. The Commission may with the prior approval of the Federal Government, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

K.A. GORAYA,
Secretary