



THE IMPORTS AND EXPORTS (CONTROL) ACT, 1950



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THE IMPORTS AND EXPORTS (CONTROL) ACT, 1950

*ACT No. XXXIX of 1950

[19th April, 1950]

*An Act to continue¹ * * * powers to prohibit or control imports and exports.*

WHEREAS it is expedient to continue² * * * powers to prohibit, restrict or otherwise control imports into and exports from Pakistan;

It is hereby enacted as follows:—

** For Statement of Objects and Reasons, see Gaz. of P., 1950, Pt. V, p. 92.*

This Act Rules made thereunder, has been applied by Regulation No. 1 of 1968, to those of the Tribal Areas to which it does not already apply.

This Act has been applied to—

(i) Baluchistan, subject to certain modifications, with effect on and from the 19th April, 1950, see Gaz. of P., 1953, Pt. I, p. 90;

(ii) the Federated Areas of Baluchistan, see ibid., p. 152; and

The Act has been extended to—

(i) the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G. G. O. 3 of 1950); and

(ii) the Baluchistan States Union, see the Baluchistan States Union, (Federal Laws) (Extension) Order, 1953 (G. G. O. 4 of 1953);

(iii) the Khairpur State see the Khairpur (Federal Laws) (Extension) Order, 1953 (G. G. O. 5 of 1953); and

(iv) the State of Bahawalpur, see the Bahawalpur (Extension of Federal Laws) Order, 1953 (G. G. O. 11 of 1953), as amended.

The Act has been and shall be deemed to have been brought into force in Gwadur with effect from the 8th September, 1958, by the Gwadur (Application of Central Laws) Ordinance, 1960 (37 of 1960), s. 2.

¹ *Omitted by the Imports and Exports Control (Amdt.) Act, 1975 (38 of 1975), s. 2.*

² *Certain words previously amended by various laws have been omitted ibid. s. 3.*

1. Short title, extent, commencement and duration.— (1) This Act may be called the Imports and Exports (Control) Act, 1950.

¹[(2) It extends to the whole of Pakistan.]

(3) It shall come into force immediately ²* * *

2. Definitions. In this Act—

(a) “Chief Controller” means the officer appointed by the ³[Federal Government] to perform the duties of Chief Controller of Imports and Exports under this Act;

⁴[(b) “Collector of customs” means an officer appointed as such under section ⁵[(3)] of the Customs Act, 1969 (IV of 1969.); and]

(c) “import” and “export” mean respectively bringing into, and taking out of, the ⁶[Pakistan] ⁷* * * by sea, land or air.

¹ Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. for the original sub-section (2) (with effect from the 14th October, 1955).

² Certain words previously amended by various laws have been omitted by the Imports and Exports (Control) (Amdt.) Act, 1975 (38 of 1975), s. 3.

³ Subs. *ibid.*, s. 5, for “Central Government”.

⁴ Subs. by the Imports and Exports (Control) (Amdt.) Ordinance, 1970 (8 of 1970), s. 3.

⁵ Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and 2nd Sch.

⁶ Subs. by F.A.O. 1975, Art. 2 and Sch.

⁷ The existing words “or the Federal Territory of Karachi or any Acceding State, if the Federal Legislature has power to make laws for such State”, as amended by the Repealing and Amending Ordinance, 1961 (1 of 1961), has been omitted by the Imports and Exports (Control) (Amdt.) Ordinance, 1962 (29 of 1962), s. 3 (with effect from the 18th April, 1962).

3. Powers to prohibit or restrict imports and exports.—(1) The ¹[Federal Government] may, by order² published in the official Gazette and subject to such conditions and exceptions as may be made by or under the order, prohibit³ restrict or otherwise control the import or export of goods of any specified description, or regulate generally all practices (including trade practices) and procedure connected with the import or export of such goods, ⁴[and such order may provide for applications for licences under this Act, the evidence to be attached to such applications, the grant, use, transfer, sale or cancellation of such licences, and the form and manner in which and the periods within which appeals and applications for review or revision may be preferred and disposed of, and the charging of fees in respect of any such matter as may be provided in such order].

(2). No goods of the specified description shall be imported or exported except in accordance with the conditions of a licence to be issued by the Chief Controller or any other officer authorised in this behalf by the ¹[Federal Government].

(3) All goods to which any order under sub-section (1) applies shall be deemed to be goods of which the import or export has been prohibited or restricted under ⁵[section 16 of the Customs Act, 1969 (IV of 1969) and all the provisions of that Act shall have effect accordingly].

¹ Subs. by the Imports and Exports (Control) (Amdt.) Act, 1975 (38 of 1975), s. 5.

² For the Registration (Importers and Exporters) Order, 1952, see Gaz. of P., 1952, Ext. pp. 1267—1271 ; for the Raw Jute Registered (Marks) Order, 1954, see *ibid.*, 1954, Ext., pp. 1739-1741 for the Order made under this section, 1957, see *ibid.*, 1957, Pt. I. p. 269; for the Review Appeal and Revision Order, 1957, see *ibid.*, 1957 Ext., pp. 2219-2220 ; for the Licenses and Permits Fees Order, 1958, see *ibid.*, 1958, Ext. pp. 653—655 ; for notification to import such goods into Gwadur without licence in respect of which firm commitments had been made with foreign supplier before 8th September, 1958 see *ibid.*, 1958, Ext., p. 1855 ; and for the Wheat and Wheat Products, (Movements Restrictions) Order, 1961 see *ibid.* 1961 Ext., p. 975c.

³ For notifications prohibiting the export to and import from India of goods of all descriptions, see S.R.O. 126 (R)/65 and S.R.O. 128 (R) /65, dated the 9th September, 1965, Gaz. of P., 1965, Ext., p. 985.

For notification prohibiting the export by sea, land or air to any destination, other than Afghanistan, of any goods of the description specified in the Sch. Annexed to therewith, see Gaz. of P., 1965, Ext. p. 985.

⁴ Subs. by the Imports and Exports (Control) (Amdt.) Act, 1957 (42 of 1957), s. 2., for certain original words.

⁵ Subs. by the Imports and exports (Control) Ordinance, 1970 (8 of 1970) s. 4.

(4) Notwithstanding anything contained in the aforesaid Act the ¹[Federal Government] may, by order ² published in the official Gazette, prohibit, restrict or impose conditions on the clearance whether for home consumption ³[or ware housing or] shipment abroad of any imported goods or class of goods.

4. Continuance of existings orders. All orders made under section 3 of the Imports and Exports (Control) Act, 1947, and in force immediately before the commencement of this Act, shall so far as they are not inconsistent with the provisions of this Act, continue in force and shall be deemed to have been made under this Act.

⁴[4A. Prohibition to sell or purchase import licence. No person shall sell, purchase or otherwise deal in any import licence ⁵* * *.

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4B. Prohibition regarding sale and transfer of goods by industrial consumer. Except with the previous permission in writing of the Chief Controller or any other officer authorised in this behalf by the ¹[Federal Government] no person ⁶[who, in his capacity as industrial consumer, imports any goods against a licence issued to him or, where no licence is required for the import of such goods by an industrial consumer, without any licence,] shall sell or otherwise transfer such goods, or use the goods for a purpose other than the purpose or purposes for which the licence was issued ⁷[or such goods were imported].]

5. Penalty. ⁸[(1)] If any person contravenes ⁹[any provision of this Act or] any order made or deemed to have been made under this Act or the rules made thereunder,

¹ Subs. by the Imports and Exports (Control) (Amdt.) Act, 1975 (38 of 1975), s. 5.

² For such an order, see Gaz. of P., 1952, Ext., p. 985.

³ Subs. by the Imports and Exports (Control) (Amdt.) Ordinance 1970, (8 of 1970) s. 4.

⁴ New sections 4A and 4B ins. by the Imports and Exports (Control) (Amdt.) Ordinance, 1962 (29 of 1962), s. 4 (with effect from the 18th April, 1962).

⁵ Omitted by Act. 38 of 1975, s. 4.

⁶ Subs. by the Imports and Exports (Control) (Amdt.) Ordinance, 1965 (8 of 1965), s. 3, for "who imports goods against a licence issued to him in his capacity as industrial consumer".

⁷ Added *ibid.*, s. 3.

⁸ Re-numbered as section (1) by the Imports and Exports (Control) (Amdt.) Act, 1997 (37 of 1997) s. 2.

⁹ Ins. by Ordinance 29 of 1962, s. 5 (with effect from the 18th April, 1962).

or makes use of an import or export licence otherwise than in accordance with any condition in that behalf imposed under this Act, he shall without prejudice to any confiscation or penalty to which he may be liable under the provisions of the ¹[Customs Act, 1969 (IV of 1969)], as applied by sub-section (3) of section 3 of this Act be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

²[(2). If any person contravenes any provision of any order made or deemed to have been made under this Act or the rules, schemes or policies made thereunder or makes use of an export licence otherwise than in accordance with any condition subject to which it was granted, the Federal Government, or any officer authorized by it, may suspend, adjust, deduct or cancel the whole or, as the case may be, any part of export quotas whether granted to or acquired by such person on the basis of performance, purchase or by any other means whatsoever, and suspend or as the case may be, cancel the export registration of such person.

(3) No order under sub-section (2) shall be passed unless the concerned person has been given an opportunity of being heard.].

³**[5A. Commercial Courts.—**(1) The Federal Government may, by notification in the official Gazette, establish as many Commercial Courts as it considers necessary and, where it establishes more than one Commercial Court, shall specify in the notification the territorial limits within which, or the class of cases in respect of which, each one of them shall exercise jurisdiction under this Act.

⁴[(2) A Commercial Court shall consist of a person who is, or has been either a Sessions Judge or a High Court Judge, who shall be the Chairman, and two members to be appointed by the Federal Government from amongst—

- (a) the officers of the Federal Government not below BPS-19 to be nominated by the Ministry of Commerce ; and
- (b) businessmen or executives whose names appear on the panel of such persons to be drawn by the Federal Government in consultation with the Federation of Pakistan Chambers of Commerce and industry.]

¹ Subs. by the Imports and Exports (Control) (Amdt.) Ordinance, 1970 (8 of 1970), s. 5. for " Sea Customs Act. 1878"

² Sub-sections (2) and (3) added by the Imports and Exports (Control) (Amdt.) Act., 1997 (37 of 1997) s. 2.

³ Ins. by the Imports and Exports (Control) (Amdt.) Ordinance, 1980 (5 of 1980), s. 2.

⁴ Subs. by Ord. III of 2002, s. 2.

(3) The Chairman and the members of a Commercial Court shall be appointed on such terms and conditions as the Federal Government may determine.

(4) A Commercial Court shall sit at such place or places as the Federal Government may direct.

(5) A Commercial Court shall have all the powers conferred by the Code of Criminal Procedure, 1898 (Act V of 1898) on a Court of Session exercising original jurisdiction.

(6) A Commercial Court shall not, merely by reason of a change in its composition, be bound to recall and rehear any witness who has given evidence, and may act on the evidence already recorded by it or produced before it.

(7) A Commercial Court shall, in all matters with respect to which no procedure has been prescribed by this Act, follow the procedure prescribed by the Code of Criminal Procedure, 1898 (Act V of 1898) for trial of cases by Magistrates, and a person conducting prosecution before a Commercial Court shall be deemed to be a Public Prosecutor :

Provided that the Commercial Court may, if it thinks fit, try any case in a summary way in the manner prescribed by the said Code for summary trials.

¹[(8) An appeal may be filed against the decision of the Commercial Court to the High Court within thirty days.

(9) No act or proceedings of a Commercial Court shall be invalid by reason only of the absence of one or more members, or the existence of any vacancy amongst its members, or any defect in its composition :

Provided that the Court shall not hear a case in the absence of the Chairman.]

5B. Jurisdiction. (1) The contravention of an order made under section 3 relating to export trade shall be tried exclusively by a Commercial Court.

(2) A Commercial Court shall not take cognizance of an offence triable under sub-section (1) except upon a complaint in writing made by an officer of the Export Promotion Bureau authorised by its Chairman ²[or vice-Chairman] by a general or special order in this behalf.

(3) A Photostat copy of any document produced in support of a complaint made to a Commercial Court under sub-section (2) shall be admissible in evidence :

¹ Subs. by Act 4 of 1999, s. 5.

² Ins. by ord. III of 2002, s. 3.

Provided that such copy is duly attested by the Pakistan Mission in the country in which such document was written or prepared or by an officer of the Export Promotion Bureau authorised by its Chairman in this behalf.

(4) A Commercial Court shall, as far as may be, dispose of a matter within a period of ninety days following the filing of the complaint :

Provided that any decision of the Commercial Court shall not be rendered invalid by reason of any delay in the disposal of a matter.

(5) Where a Commercial Court finds an exporter against whom a complaint has been made guilty of contravening any provision of an order made under section 3 relating to export trade, it may, in addition to any punishment provided under section 5, make an order requiring the exporter to deposit in Court within the time specified by the Court for payment to the foreign buyer as compensation such amount as is in its opinion equivalent in value to the loss or damage suffered by the foreign buyer :

Provided that, where immediate payment of compensation to such foreign buyer is, in the opinion of the Commercial Court, in the best interests of the country, it may direct the payment of such Compensation from out of the Revolving Fund set up by the Federal Government.

(6) The amount of compensation payable by an exporter in pursuance of an order under sub-section (5) shall be recoverable as an arrear of land revenue along with interest at the prevailing bank rate for the period following the expiration of the time within which such amount was payable.

(7) The amount of compensation along with interest recovered from the exporter shall be credited to the Revolving Fund.

5C. Transfer of pending cases. —(1) Upon the establishment of a Commercial Court, all cases to which the jurisdiction of the Commercial Court extends and which may be pending in any Court immediately before the establishment of the Commercial Court shall stand transferred to the Commercial Court.

(2) In respect of a case transferred to a Commercial Court by virtue of sub-section (1), the Commercial Court shall not, by reason of such transfer, be bound to recall and

rehear any witness who has given evidence in the case before the transfer and may act on the evidence already recorded by or produced before the court which tried the case before the transfer.]

6. Cognizance of offences. No court shall take cognizance of any offence punishable under section 5 except upon complaint in writing made, —

- (a) in the case of an offence which is punishable both under this Act or the rules made thereunder and also, whether by confiscation or otherwise, under the ¹[Customs Act, 1969 (IV of 1969)] by a ¹[Collector of Customs] or by an officer of Customs authorised in writing in this behalf by a Customs-Collector, or
- (b) in the case of any other offence, by the Chief Controller or by an officer authorised by him in writing in this behalf ;

and no court inferior to that of a Magistrate of the first class shall try any such offence.

7. Savings. No order made or deemed to have been made under this Act shall be called in question in any court, and no suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act or any rules made thereunder or any order made or deemed to have been made thereunder.

8. Power to make rules. The ²[Federal Government] may make rules not inconsistent with this Act for carrying out the purposes of this Act ³[and may in such rules provide for the setting up of a Revolving Fund and for matters relating thereto].

9. [Repeal.] *Rep. by the Repealing and Amending Ordinance, 1965 (10 of 1965), s. 2 and 1st Sch.*

¹ Subs. by the Imports and Exports (Control) (Amdt.) Ordinance, 1970 (8 of 1970), s. 6. (w.e.f. 18-4-1970).

² Subs. by the Imports and Exports (Control) (Amdt.) Act, 1975 (38 of 1975) s. 5.

³ Added by the Imports and Exports (Control) (Amdt.) Ordinance, 1980 (5 of 1980). s. 3.

