

THE WEST PAKISTAN ADMINISTRATION (MERCER OF THE FEDERAL TERRITORY OF KARACHI)

ORDER, 1961

PRESIDENT'S ORDER NO. 9 OF 1961

[29TH June, 1961]

WHEREAS the Federal Territory of Karachi is to be merged into the province of West Pakistan:

Now, THEREFORE, in pursuance of the Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following order:-

1. (1) This Order may be called the West Pakistan Administration (Merger of the Federal Territory of Karachi) Order, 1961.

(2) It shall come into force on such date, hereinafter referred to as "the appointed day" as the Central Government may, by the notification in the official Gazette, appoint.
2. The territories hitherto known as the Federal Territory of Karachi (hereinafter referred to as the Specified Territory shall as from the appointed day be a part of West Pakistan.
3. The Specified Territory Shall, with effect from the appointed day, cease to be administered as Federal Territory and be known as the Karachi Division of West Pakistan and administered accordingly.
4. As from the appointed day any reference to the Specified Territory in any Act or Ordinance or in any rule, regulation, order, bye-law or notification shall be construed as a reference to the Province of West Pakistan, or as the context may indicate, to the Karachi Division.
5. Except as otherwise provided in this Order, all laws, including Acts, Ordinances, Orders, bye-laws, rules, regulations, and notifications, in force in the Specified Territory or any part thereof immediately before the appointed day, shall, so far as applicable, and with the necessary adaptations, continue in force, until altered, repealed or amended by competent authority.
6. Notwithstanding anything contained in the foregoing Provisions of this Order-
 - (1) The proceeds of all taxes, revenues and other moneys payable to the Federal Consolidated Fund or the Public Account of the Federation in accordance with the laws in force immediately before appointed day shall continue to be [payable to the Central Consolidated Fund or the Public Account of the Centre];
 - (2) All properties and assets which immediately before such day vested in the Central Government shall continue to be so vested; and
 - (3) All rights, liabilities and obligations of the Central Government relating to properties and assets or to contracts, debts or payment or receipts of money, accrued or incurred

immediately before the appointed day, shall continue to be the rights, liabilities and obligations of the Central Government.

7. (1) As soon as may be after the appointed day, the President shall appoint a Committee of such members as he thinks fit to make recommendations as to.-

(a) which of the taxes, revenues and other moneys referred to in Article 6 should continue to be payable to the [Central Consolidated Fund] or the [Public Account of the Centre] and which of such taxes, revenues and other moneys should be payable to the Provincial Consolidated Fund or the Public Account of the Province of West Pakistan; and

(b) the apportionment and adjustment of properties, assets, rights, liabilities and obligations referred to in Article 6 between the Central Government and the Government of West Pakistan.

(2) The President shall pass such orders relating to the matters referred to in clause (1) as he thinks fit taking into consideration the recommendations of the Committee.

8.- (1) All the persons serving immediately before the appointed day under the Central Government in connection with such affairs of the Specified Territory as would have been the affairs of the Province had the Specified Territory been a Governor's Province, shall as from such day, be deemed to be persons serving under the Government of West Pakistan.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force or in the conditions of service of the persons referred to in clause (1), the Governor of West Pakistan may determine the terms and conditions of service to be applicable, as from appointed day, to all such persons and may, in particular.-

(a) include such persons in the appropriate cadre of persons serving in connection with the affairs of the Province of West Pakistan:

(b) direct any such person to serve in any post or capacity and in any part of west Pakistan: and

(c) award any punishment or penalty to any such person:

Provided that the terms and conditions of service relating to pay, pension and leave of such person shall not be varied to his disadvantage.

(3) All persons other than those mentioned in clause (1) serving under the Central Government shall continue to be serving under that Government.

9. On such date as the Governor of West Pakistan may appoint in this behalf, the Bombay District Police Act, 1890, in its application to the territory demarcated by the Pakistan (Establishment of the Federal Capital) Order 1948 shall stand repealed and the Police Act 1861, shall stand extended to such territory.

10. Notwithstanding anything to the contrary in any laws, rule or order:-

(1) the Administrator of the Federal Territory of Karachi and the Collector, Karachi District, shall as from the appointed day, be designated as the Commissioner, Karachi Division, and the Deputy Commissioner, Karachi, respectively and until the laws and rules mentioned in Article 5 are altered, repealed or amended, exercise the same powers and functions as hitherto, subject to the general supervision and direction of the Government of West Pakistan ; and

(2) every person exercising powers or discharging functions under the laws referred to in Articles 5 in the Specified Territory immediately before the appointed day shall, as from that day continue to exercise such powers or discharge such functions, unless any such law is altered, repealed or amended and in the exercise of such powers and discharge of such functions every such person shall be subject to the control of the Government of West Pakistan and the supervision and direction of the appropriate Head of the Attached Department under that Government or of such other officer or authority as the Governor of West Pakistan may appoint in this behalf.

11. The Governor of West Pakistan may, for carrying out the purposes of this Order, issue orders supplemental and incidental to or consequential upon the enforcement of this Order.

12. As from the appointed day, the Police (West Pakistan and the Federal Capital) Order 1959, the Police (West Pakistan and the Federal Capital) (Amendment) Order, 1960, the Judiciary (Karachi and West Pakistan) Order, 1960, Articles 5 and 6 of the Seat of Government Order, 1960 and the Karachi (Federal Territory) Order, 1960 shall stand repealed.

MOHAMMAD AYUB KHAN, H. Pk., H. J.,
Field Marshal,
President.