

CHAPTER X

SUPPLEMENTAL PROVISIONS

Chairman, etc.,
deemed public
servants

68. The Chairman, every Director, and every Officer, Advisor and servant of the Corporation, and the President and every member, officer and servant of the Tribunal, set up under section 40, shall be deemed to be a public servant within the meaning of section 21 of the ¹[* * *] Penal Code.

Contribution by
the Corporation
towards leave,
allowances and
pension of
Government
servant

69. The Corporation shall be liable to pay such contributions for the leave, allowances and pension of any person in the service of the ²[Republic] and employed as Chairman, Director, Advisor, Officer or servant of the Corporation, or as President, member or officer or servant of the Tribunal constituted under section 40 as may be required by the conditions of his service under ³[the Government] to be paid to him or on his behalf.

Authority for
prosecution

70. No Court shall take cognizance of any offence punishable under this Ordinance, except on the complaint of the Chairman or some person authorised by the Corporation or by the Chairman by general or special order in this behalf.

Recovery of
dues

71. The Chairman or any person generally or specially authorised by him may apply to the Deputy Commissioner for the recovery of any sum due under this Ordinance or by agreement made under this Ordinance and the Deputy Commissioner shall thereupon proceed to recover the sum as a public demand under the ⁴[* * *] Public Demands Recovery Act, 1913.

¹ The word "Pakistan" was omitted by section 15 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

² The word "Republic" was substituted for the words "Central or Provincial Government" by section 16 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

³ The words "the Government" were substituted for the words "such Government" by section 16 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

⁴ The word "Bengal" was omitted by section 17 of the Agricultural Development Corporation (Amendment) Ordinance, 1975 (Ordinance No. XL of 1975).

72. The Chairman may, subject to the control of the Corporation,-

- (i) institute, defend or withdraw from legal proceedings under this Ordinance;
- (ii) compound any offence against this Ordinance;
- (iii) admit, compromise or withdraw any claim made under this Ordinance; and
- (iv) obtain such legal advice and assistance as he may, from time to time, deem it necessary or expedient to obtain, or as he may be desired by the Corporation to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Corporation or any officer or servant of the Corporation.

Powers of Chairman as to institution, etc., of legal proceedings and obtaining legal advice

73. No suit shall lie against the Corporation, the Chairman, any Director or any Officer, Advisor or servant of the Corporation, or any person acting under the direction of the Corporation, or of the Chairman or of any officer or servant of the Corporation in respect of anything done lawfully and in good faith and with due care and attention under this Ordinance.

Indemnity to the Corporation

74. (1) No suit shall be instituted against the Corporation, the Chairman, any Director, any person associated with the Corporation or any Officer, Advisor or servant of the Corporation, or any person acting under the direction of the Corporation or of the Chairman or of any officer or servant of the Corporation in respect of an act purporting to be done under this Ordinance, until after the expiration of two months next from notice in writing has been, in the case of the Corporation left at its office, and in any other case delivered to or left at the office or place of abode of the person to be used, explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and place of abode of the intending plaintiff; and in case the suit is filed, the plaint shall contain a statement that such notice has been so delivered or left.

Notice of suit against the Corporation, etc.

(2) if the Corporation or other person referred to in sub-section (1) shall, before the action is commenced, have tendered, in the opinion of the Court, sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered and shall also pay all costs incurred by the defendant after such tender.

(3) Action such as is described in sub-section (1) shall, unless it is an action for the recovery of immovable property or for a declaration of the title thereto, be commenced within six months next after the accrual of the cause of action:

Provided that nothing in this section shall be construed to apply to a suit wherein the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the commencement of the suit or proceedings.

Mode of proof
of the
Corporation
records

75. A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of the Corporation shall, if duly certified by the legal keeper thereof, or other person authorised by the Corporation in this behalf, be received as *prima facie* evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent, as the original entry or document would, if produced, have been admissible to prove such matters.

Restriction on
the summoning
of the
Corporation
servants to
produce
documents

76. Neither the Chairman nor any Director, Advisor, Officer or servant of the Corporation shall in any legal proceedings to which the Corporation is not a party be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the Court made for a special cause.

Validation of
acts and
proceedings

77. (1) No act done or proceedings taken under this Ordinance shall be questioned on the ground merely of-

- (a) the existence of any vacancy in, or any defect in the constitution of, the Board; or
- (b) any person having ceased to be a Director has continued to act as such; or

- (c) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or
- (d) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Board, the minutes of the proceedings of which have been duly signed as prescribed in clause (5) of section 10 shall be taken to have been duly convened and to be free from all defects and irregularities.

78. In any case not otherwise expressly provided for in this Ordinance, the Corporation may pay reasonable compensation to any person who sustains damage by reason of the exercise of any of the powers vested under this Ordinance in the Corporation or the Chairman or any officer or servant of the Corporation.

General power of the Corporation to pay compensation

79. (1) If on account of any act or omission, any person has been convicted of any offence under this Ordinance, and by reason of such act or omission damage has occurred to any property of the Corporation, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the offence.

Compensation for damage to Corporation's property

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Court before whom he was convicted of the said offence.

(3) If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said Magistrate, as if it were a fine imposed by him on the person liable therefore.

CHAPTER XI

AUDIT AND ACCOUNTS

80. (1) The Corporation shall maintain proper accounts and other relevant records and prepare annual statement of accounts, including the profit and loss account and balance-sheet in accordance with such general directions as may be issued, and in such form as may be prescribed by the

Accounts and audit