

2007

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THE NATIONAL INSTITUTE OF OCEANOGRAPHY ACT, 2007

ACT No. III OF 2007

[3rd May, 2007]

An Act to provide for establishment of the National Institute of Oceanography

WHEREAS it is expedient to provide for establishment of National Institute of Oceanography to conduct, coordinate and promote research in oceanography and marine sciences for the purpose of protection and conservation of marine environment including exploration, exploitation and management of marine resources within maritime zones and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement:— (1) This Act may be called the National Institute of Oceanography Act, 2007.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at Once.

2. Definitions:— In this Act, unless there is any thing repugnant in the subject or context,—

(a) “Board” means the Board of Governors;

(b) “Director General” means the Director General of the Institute;

(c) “Executive Committee” means the Executive Committee of the Institute;

(d) “Government” means the Federal Government:

(e) “Institute” means the Institute of Oceanography;

(f) “Maritime Zone” means maritime zone of Pakistan;

(g) “Member” means a member of the Board;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “President” means the President of the Board;

Gj) “regulations” means regulations made under this Act;

(k) “rules” means rules made under this Act; and

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“Technical Advisory Committee” means the Technical Advisory Committee of the Institute.

3. Establishment of the Institute:— (1) As soon as may be after the commencement of this Act, the National Institute of Oceanography shall be established by the Federal Government in accordance with the provisions of the Act.

(2) The Institute shall be a body corporate by the name of the National Institute of Oceanography having perpetual succession and a common Seal, with power subject to the provisions of this Act, to acquire and hold property, and shall by the said name sue and be sued.

(3) The Institute shall be located at Karachi and may establish sub-stations in the coastal areas of Pakistan.

(4) Until the Institute is established under this Act, the institute established under the resolution of the Federal Government shall continue to function and while so functioning be deemed to be the institute established under this Act.

CHAPTER II MANAGEMENT

4. Functions of the institute:— The functions of the Institute shall be—

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to undertake mission oriented multi-disciplinary research in physical, chemical, biological and geological oceanography in Pakistan's maritime zones;

to undertake oceanographic surveys at the national, international, regional and sub-regional levels;

to undertake training programmes in various fields of oceanography for the development of indigenous manpower and expertise;

to establish a National Oceanographic Data Centre, to serve as a national repository for all oceanographic data or information concerning Pakistan's maritime areas;

to provide necessary advice to the Government and collaborate with other national agencies engaged in maritime activities;

to coordinate and maintain liaison with the international organizations and institutes for arranging training or experts services; procurement of specialized instruments and equipment; transfer of marine technology, and development of cooperative research programmes:

to hold seminars workshops or symposia at national, international, regional and sub-regional level; and

any other Work assigned by the Government incidental to the functions.

5. Management:— The management of the Institute shall consist of —

- (a) Board of Governors:
- (b) Director General; and
- (c) Executive Committee.

6. Board of Governors:— The Board of Governors shall have the general control and superintendence of the affairs of the Institute and shall exercise all powers and perform all functions of the Institute.

7. Composition of the Board of Governors:— (1) The Board of Governors shall consist of following members, namely:—

(a) | Minister for Science and Technology President

(b) | Secretary, Scientific and Technological Research Vice-President
Division

Member

(c) | Chairman, PCSIR Member

Member

(d) | Joint Scientific Adviser (P&C), Ministry of Science
and Technology

Member

(e) | Director General, Geological Survey of Pakistan

Member

(f) | Representative from Ministry of Finance not below
the rank of Joint Secretary

(g) | Director General (Petroleum Concessions), Ministry | Member
of Petroleum and Natural Resources

(h) | Hydrographer, Pakistan Navy Member

Member

(i) | Director Centre of Excellence in Marine Biology,
University of Karachi

Member

Gj) | Deputy Chief, Maritime Affairs Wing, Ministry of
Defence

Member

(k)_| Chief Scientist, National Institute of Oceanography

Member

(1) | Director General, Marine Fisheries Department,
Karachi

Member

(m) | Director General, Sindh Environment Protection
Agency, Karachi

Member

(n) | Representative of Pakistan Space and Upper Atmosphere Research Commission

Member

(o) | Representative, Sea Food Industries, Karachi

Member

(p) | Representative of Fishermen Cooperative Society, Karachi

Member

(q) | Director General, National Institute of Oceanography

Member

(rt) | One Member each from National Assembly and Senate to be nominated by the Speaker and the Chairman, respectively.

Member

(s) | One representative from the Province of Baluchistan to be nominated by the Provincial Government.

(2) Director General, National Institute of Oceanography shall also act as Secretary of the Board.

8. Functions and powers of the Board:— In particular and without prejudice to the generality of the powers conferred by section 6, the Board shall—

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approve overall plans, policies and programmes of the Institute in the context of National Science and Technology Policy;

review and approve annual and long-term business plans of the Institute;

review and approve research projects proposed by the Technical Advisory Committee;

approve the annual development and non-development budget of the Institute;

create posts of such officers and servants, and engage such consultants or experts, as it may consider necessary for the efficient performance of the functions of the Institute, on such terms and conditions as it may deem fit;

recommend to the Government to terminate the contract of the Director General before the expiry of his tenure in case of unsatisfactory performance; and

make regulations in the light of rules for carrying out activities considered necessary for achieving efficient functioning of the Institute under this Act;

9. Term of office of members:— (1) Save as hereinafter provided, a member, other than an ex-officio members, shall hold office for a period of three years from the date of his

nomination and shall be eligible for re-nomination for such further period or periods not exceeding three years at any one time as the Federal Government may deem fit.

(2) A person who becomes, or is nominated to be a member by virtue of his holding an office or appointment shall cease to be a member when he ceases to hold that office or appointment.

(3) A member, other than an ex-office member, may at any time resign his membership by writing under his hand addressed to the Federal Government but shall continue to perform his functions until his resignation is accepted.

(4) A vacancy caused by resignation or any other reason shall be filled by the nomination of a person qualified to till such vacancy.

(5) No act or proceeding of the Board shall be invalid on the ground only of the existence of a vacancy in the Board.

(6) The Federal Government may increase or decrease the number of Members of the Board of Governors and prescribe the qualifications and mode of appointment of such members in such manner as it may prescribe.

10. Meetings of the Board:— (1) Save as hereinafter provided the Board shall regulate the procedure for its meetings.

(2) Meetings of the Board shall be called by the President on such date and at such time and place as he may deem fit: Provided that at least two meetings shall be held every year.

(3) Nine members shall constitute the quorum of a meeting of the Board.

(4) Each meeting of the Board shall be presided over by the President and, in his absence, by the Vice-President of the Board.

11. Director General of the Institute:— (1) The Government in consultation with the Board shall appoint an eminent scientist or engineer having at least ten years relevant experience preferably holding a degree of Ph.D. as the Director General on such terms and conditions as may be prescribed.

(2) The Government, in consultation with the Board of Governors, may extend the tenure of the Director General for such period as may be specified by it or convert it into permanent appointment.

12. Powers and functions of the Director General:— The Director General shall be the Chief Executive of the Institute and shall work under the supervision of the Board and shall have following powers and perform the following functions:—

(a) to ensure the efficient functioning of the Institute and to regulate its day to day working;

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to prepare the research plans in consultation with Technical Advisory Committee and to submit them to the Board for approval;

to ensure, the preservation of all assets of the Institute including intellectual property assets;

to promote commercialization on research and development work of the Institute linking it with demand as expressed by end users;

to arrange for annual evaluation report of the Institute;

to submit the annual report of the Institute to the Government which shall lay it before the parliament.

to identify the areas of strength and working and formulate remedial programme;

to commission industry's specific studies and identify technical problems and to approve plans for technical scientific input by the Institute;

to arrange management courses on regular basis for managerial level of the Institute;

subject to the provisions of clause

of section 8 to appoint officers and employees of the institute on such terms and conditions as may be prescribed; and

to delegate to any other officer of the Institute such of his functions, powers and duties as he may consider necessary.

13. Executive Committee:— (1) The Executive Committee shall assist the Director General in running day to day functions of the Institute and be responsible for administrative as well as financial matters of the Institute. The Committee shall comprise the following

members, namely:—

- (a)
- (b)
- (c)
- (d)

Director General of the Institute;
two most senior Scientific or Technical Officers;
Financial Adviser, Ministry of Science and Technology; and

officer in-charge of Administration of the Institute, who shall also act as
its Secretary.

(2) All decisions of the Executive Committee shall be reported to the Board for
information.

(3) The Government may increase or decrease the number of members of the Executive Committee and prescribe the qualifications and mode of appointment of such members in such manner as it may prescribe.

14. Technical Advisory Committee:—(1) There shall be a Technical Advisory Committee of the Institute comprising the following members namely:—

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Director General, Geological Survey of Pakistan;

Director General, Petroleum Concessions, Ministry of Petroleum and Natural Resources, Islamabad:

Director General, Environmental Protection Authority, Government of Sindh;

Hydrographer, Pakistan Navy;

Professional Geologist to be nominated by the Government;
representative of Karachi Port Trust;

representative of Sindh Fisheries Department;
representative of Baluchistan Fisheries Department; and

representative of Fishermen Cooperative Society, Karachi.

(2) The Director General of the institute shall be the Chairman of the Technical Advisory Committee.

(3) The Committee shall—

(a)
(b)
(c)
(d)

identify and prepare research programmes relevant to the market demand;

propose Annual, Five-Year Development Programmes of the Institute;

advise and report on any technical matters referred to it by the Board;
and

conduct performance evaluation of the research programme for
consideration by the Board.

(4) The Government may increase or decrease the number of members of the Technical

Advisory Committee and prescribe the qualifications and mode of appointment of such
members in such manner as it may prescribe.

15. Funds:— The Funds of the Institute shall comprise—

(a) the funds of the Institute which stand transferred to the Institute under section 25;

(b) the grants from the Government and the Provincial Governments;

(c) the donations and endowments; and

(d) the funds generated through sale proceeds, technical services, and income from patents, etc; and research grants.

16. Appointment's of officers, etc:— (1) All appointments in the Institute shall be made by the Director General.

(2) Rules will provide for “two-track” appointments; contractual and permanent.

(3) Recruitment rules shall provide for conversion of contractual appointments to permanent appointments.

(4) The Board may make regulations for recruitment of its employees and the Director General shall act according to those regulations.

(5) A regular employee of the Institute before the commencement of this Act shall have the option to be deemed to be a civil servant under the Civil Servants Act of 1973 (LXXI of 1973) and shall be entitled to all the privileges and facilities of the Government such as pension, gratuity, housing and health.

17. Budget and accounts:— (1) The Director General of the Institute shall, in respect of each financial year, submit for approval of the Board, a statement showing all the expenditures incurred during the year along with estimated receipts and expenditure for each fiscal year.

(2) The Institute shall, by such date and in such form as may be prescribed, submit to the Government for approval of its budget for each financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the Government during the financial year.

(3) The accounts of the Institute shall be maintained in such form and manner as the Government may determine in consultation with the Controller General Account.

(4) The accounts of the Institute shall be audited by the Auditor General of Pakistan.

18. Delegation of powers:— The Board may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, as may be specified in the order, be exercised, by the Chairman, Executive Committee, or a member or officer of the Institute.

CHAPTER III MISCELLANEOUS

19. Submission of periodical reports, etc:— The Institute shall submit to the Government at such time and at such intervals as the Government may specify—

- (a) such periodical reports and summaries as may be required by the Government;
- (b) such periodical returns, accounts, statements and statistics as may be required by the Government;
- (c) information and comments asked for by the Government on any specific point;
- (d) copies of the documents required by the Government; and
- (e) original documents required by the Government for examination or any other purpose.

20. Directives from the Government:— (1) In the performance of its functions, the Institute shall be guided on questions of policy by the instructions if any, given to it by the Government which shall be sole judge as to whether a question is a question of policy, provided that reasons for issuing such a directive are conveyed in writing

(2) The Government may at any time dissolve and reconstitute the Board, if deemed necessary in the public interest.

21. Discoveries and inventions to vest in the Institute:— All rights relating to discoveries and inventions and any improvements in materials, methods, processes, apparatus or equipment made by any officer or employee of the Institute in the course of his employment shall vest in the Institute and the researchers as per rules.

22. Declaration of fidelity and secrecy:— Every member, adviser, officer or other employee of the Institute shall make such declaration of fidelity and secrecy as may be prescribed.

23. Continuance of certain rules:— All rules, regulations and bye-laws made by the Institute and in force immediately before the commencement of this Act shall, mutatis mutandis, and so far as they are not, inconsistent with any of the provisions of this Act, continue in force until repealed or altered by rules or regulations made under this Act.

24. Winding up:— No provision of law relating to the winding up of bodies corporate shall apply to the Institute and the Institute shall not be wound up except by order of the Government and in such manner as the Government may direct.

25. Dissolution of Institute:—Upon the commencement of this Act, the Institute formed under the Resolution No. F. 5(10)/82-ST.V/NIO dated 10th May, 1982, of the Government shall stand dissolved and upon such dissolution—

- (a) all assets, rights, powers, authorities and privileges and property, movables and immovable, cash and bank balance, reserve funds,

investments and all other interests and rights in, or arising out of such property and all debts, liabilities and obligations of whatever kind of the Institute subsisting immediately before its dissolution shall stand transferred to and vest in the Institute established under this Act;

(b) all officers and other employees of the Institute shall, notwithstanding anything contained in any law or in any agreement, deed, document or other instrument, stand transferred to the Institute in accordance with the present terms and conditions of the service applicable to them; and no officer or other employee whose services are so transferred shall be entitled to any compensation because of such transfer;

(c) all debts and obligations incurred or contracts entered into or rights acquired and all matters and things engaged to be done by, with or for the Institute formed under the Resolution before its dissolution shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Institute; and

(d) all suits and other legal proceedings instituted by or against the Institute formed under the Resolution, before its dissolution shall be deemed to be suits and proceedings by or against the Institute and may be proceeded or otherwise dealt with accordingly.

26. Exemption from taxes:— Notwithstanding anything contained in the Income Tax Ordinance, 2001 (XLIX of 2001), Or any other law for the time being in force relating to income tax, the Institute shall not be liable to pay any such tax on its, income, capital profit, wealth, gifts or gains.

27. Ordinance XCI of 2002, not to apply the Institute:— Nothing contained in the Industrial Relational Ordinance, 2002 (XCI of 2002), shall apply to or in relation to the institute or any of the officers, advisers and employees appointed by it.

28. Removal of difficulties: If any difficulty arises in giving effect to any provision of this Act; the Government may make such order, not inconsistent with the provision of this Act, as may appear to it to be necessary or expedient for this purpose of removing the difficulty.

29. Power to make rules:— The Government may, by notification in the official Gazette, make rules, within six months from the commencement of this Act, to carry out its purposes.