

of Pakistan

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ISLAMABAD, TUESDAY, MAY 8, 2012

PART I
Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT
Islamabad, the 8th May, 2012

No. F. 22(18)/2008-Legis.—The following Acts of Majlis-e-Shoora
(Parliament) received the assent of the President on the 4th May, 2012 and are
hereby published for general information:—

Act No, XI or 2012

An Act further to amend the Modaraba companies and Modaraba
(Floatation and Control) Ordinance, 1980

Whereas it is expedient further to amend the Modaraba Companies and
Modaraba (Floatation and Control) Ordinance, 1980 (XXXI of 1980) for the purpose
hereinafter appearing;

It is hereby enacted as follows:—

1. Short title and commencement.—(1) This Act may be called the

Modaraba Companies and Modaraba (Floatation and Control) (Amendment)
Act, 2012,

(245)

(2520(2012WEx. Gaz.) Price : Rs, 30.50

(5) The constituencies for the seats reserved for women and non-Muslims in the Provincial Assemblies shall be such that each Province forms one constituency with as many such seats as are allocated to that Province under sub-section (4)."

6. Substitution of section 9, Act XXXIV of 1974,—In the said Act, for section 9, the following shall be substituted, namely;—

"9, Principles of delimitation.—(1) All constituencies for general seats shall, as far as practicable, be delimited having regard to the distribution of population in geographically compact areas, existing boundaries of administrative units, facilities of communication and public convenience and other cognate factors to ensure homogeneity in the creation of constituencies:

Provided that for the purpose of delimiting constituencies for the general seats for the Federally Administered Tribal Areas two or more separate areas may be grouped into one constituency,

(2) As far as may be the constituencies for election to the same Assembly shall be equal among themselves in population."

7. Omission of Schedule, Act XXXIV of 1974,—In the said Act, the Schedule, occurring at the end, shall be omitted.

Passed by the Senate on the 3rd November, 2011 and by the National Assembly on the 4th January, 2012 with amendment and again passed by the Senate on the 8th March, 2012 with amendment. Passed by the Majlis-e-Shoora (Parliament) in Joint Sitting on the 30th March, 2012 in terms of clause (3) of Article 70 of the Constitution of the Islamic Republic of Pakistan.

Act No. XIII of 2012

An Act to establish NFC Institute of Engineering and Technology Multan

Whereas it is expedient to provide for the establishment of NFC Institute of Engineering and Technology Multan with degree awarding status to enhance the quality of higher education in the country and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

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CHAPTER-I
PRELIMINARY

Short title and Commencement.—(1) This Act may be called the

NFC Institute of Engineering and Technology Multan Act, 2012,

(2) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the

subject or context,—

(a) “Academic Council” means the Academic Council of the Institute;

(b) “affiliated college” means an educational institution affiliated to the Institute but not maintained or administered by it;

(c) “Authority” means any of the Authorities of the Institute specified in terms of section 16;

(d) “Chancellor” means the Chancellor of the Institute;

(e) “college” means a constituent college or an affiliated college;

(f) “Commission” means the Higher Education Commission set up under the Higher Education Commission Act, 2002 (LIJI of 2002);

(g) “constituent college” means an educational institution, by whatever name described, maintained and administered by the Institute;

(h) “Dean” means the head of a Faculty or the head of an academic body granted the status of a Faculty under this Act or by the statutes or regulations;

(i) “Department” means a teaching, department maintained and administered, or recognized by the institute in the manner prescribed;

(j) “Director” means the head of an institute established as a constituent

institution by the Institute by statutes or regulations in terms of the powers delegated by this Act;

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“Faculty” means an administrative and academic unit of the Institute consisting of one or more departments, as prescribed;

“Government” means the Federal Government;

“Institute” means the NFC Institute of Engineering and Technology;

“Institute teacher” means a whole-time teacher appointed and paid by the Institute, or recognized by the Institute as such;

“NEC Institute” means the NFC Institute of Science and Technology, Multan;

“prescribed” means prescribed by statutes, regulations or rules made under this Act;

“Principal” means the head of a college;

“Pro-chancellor” means the Pro-Chancellor of the Institute;

“Representation Committees” means the Representation Committees constituted under section 24;

“Review Panel” means the Review Panel set up by the Chancellor in accordance with the provisions of section 8;

“Search Committee” means the Search Committee set up by the Senate under section 12;

“Senate” means the Senate of the Institute;

“statutes”, “regulations” and “rules” means respectively the statutes, the regulations and the rules made under this Act and for the time being in force;

“Syndicate” means the Syndicate of the Institute;

“teachers” include Professors, Associate Professors, Assistant Professors and lecturers engaged whole-time by the Institute or by a constituent or affiliated college and such other persons as may be

declared to be teachers by regulations; and

“Vice-Chancellor” means the Vice-Chancellor of the Institute.

CHAPTER-IL
THE INSTITUTE

3. Establishment of the Institute.—(1) The Institute of Engineering and Technology shall, from the date of publication of notifications in the official Gazette in this behalf, stand established in accordance with the provisions of this Act.

(2) The present regular or full-time employees discharging duties at NPC institute shall be employed under the Institute under existing terms and conditions not less favorable than those prevailing at present. The students presently studying at NFC institute and registered with Bahauddin Zakariya University, Multan, shall stand shifted to the institute on its establishment.

(3) Notwithstanding anything contained in any other law for the time being in force and subject to the provision of section 40, the NFC Institute shall on the establishment of the Institute, stand merged in the Institute.

(4) 'The Institute shall consist of the following, namely:—

(a) the Chancellor, the Pro-Chancellor, the members of the Senate and the Vice-Chancellor;

(b) the members of the Authorities: of the Institute established under section 16;

(c) all Institute teachers and persons recognized as students of the Institute in accordance with terms prescribed from time to time; and

(d) all other full-time officers and members of the staff of the Institute.

(5) The Institute shall be a body corporate and shall have perpetual succession and a common seal, and may sue and be sued by the said name.

(6) The institute shall be competent to acquire and hold property, both movable and immovable, and to lease sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it.

(7) Notwithstanding anything contained in any other law for the time being in force, the Institute shall have academic, financial and administrative autonomy, including the power to employ officers, teachers and other employees on such terms as may be prescribed, subject to the terms of this Act and the Higher Education

Commission Act, 2002 (LI of 2002). In particular, and without prejudice to the authority granted to the Commission by the Law the Government or an authority or auditor appointed by the Government shall have no power to question the policy underlying the allocation of resources approved by the Senate in the annual budget of the Institute.

(8) All assets, properties, rights and interests of whatever kind, used, enjoyed, possessed, owned or vested in, or held in trust by and liabilities legally subsisting against the NFC Institute shall pass to the Institute established under this Act.

4. Powers and purpose of the Institute—The institute shall have the following powers, namely:—

(i) to provide for education and scholarship in such branches of knowledge, as it may deem fit, and to make provision for research, service to society and for the application, advancement and dissemination of knowledge in such manner as it may determine;

(ii) to prescribe courses of studies to be conducted by it and the colleges;

(iii) to hold examinations and to award and confer degrees, diplomas, certificates and other academic distinctions to and on persons who have been admitted to and have passed its examinations under prescribed conditions;

(iv) to prescribe the terms and conditions of employment of the officers, teachers and other employees of the Institute and to lay down terms and conditions that may be different from those applicable to government servants in general;

(v) to engage, where necessary, persons on contracts of specified duration and to specify the terms of each engagement;

(vi) to confer honorary degrees or other distinctions on approved persons in the manner prescribed;

(vii) to provide for such instruction for persons not being students of the Institute as it may prescribe, and to grant certificates and diplomas to such persons;

(viii) to institute programmes for the exchange of students and teachers between the Institute and other universities, educational institutions and research organizations, inside as well as outside Pakistan;

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to provide career counseling and job search services to students and alumni; ;

to maintain linkages with alumni;
to develop and implement fund-raising plans;

to provide and support the academic development of the faculty of the Institute; :

to confer degrees on persons who have carried on independent research under prescribed conditions;

to affiliate and disaffiliate educational institutions under prescribed conditions;

to inspect colleges and other educational institutions affiliated or seeking affiliation with it;

to accept the examinations passed and the period of study spent by students of the Institute at other universities and places of learning equivalent to such examinations and periods of study in the Institute, as it may prescribe, and to withdraw such acceptance;

to co-operate with other universities, public authorities or private organizations, inside as well as outside Pakistan, in such manner and for such purposes as it may prescribe;

(o institute Professorships, Associate Professorships, Assistant

Professorships and Lectureships and any other posts and to appoint persons thereto;

to create posts for research, extension, administration and other related Purposes and to appoint persons thereto;

to recognize selected members of the teaching staff of affiliated colleges or educational institutions admitted to the privileges of the Institute or such other persons as it may deem fit, as institute teachers;

to institute and award financial assistance to students in need, fellowships, scholarships, bursaries, medals and prizes under prescribed conditions;

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to establish teaching departments, schools, colleges, faculties, institutes, museums and other centres of learning for the development of teaching and research and to make such arrangements for their maintenance, management and administration as it may prescribe;

to provide for the residence of the students of the institute and the colleges, to institute and maintain halls of residence and to approve or license hostels and lodging;

to maintain order, discipline and security on the campuses of the Institute and the colleges;

to promote the extra curricular and recreational activities of such students, and to make arrangements for promoting their health and general welfare;

to demand and receive such fees and other charges as it may determine;

to make provision for research, advisory or consultancy services and with these objects to enter into arrangements with other institutions, public or private bodies, commercial and industrial enterprises under prescribed conditions;

to enter into, carry out, vary or cancel contracts:

to receive and manage property transferred and grants, contributions made to the Institute and to invest any fund representing such property, grants, bequests, trusts, gifts, donations, endowments or contributions in such manner as it may deem fit;

to provide for the printing and publication of research and other works;
and

to do all such other acts and things, whether incidental to the powers
aforesaid or not, as may be requisite or expedient in order to further
the objectives of the institute as a place of education, learning, and
research,

Institute open to all classes, creeds, etc.—(1) The institute shall

be open to all persons of either gender and of whatever religion, race, caste, creed,
class, colour or domicile and no person shall be denied the privileges of the institute
on the grounds of religion, race, caste, creed, class, colour or domicile.

(2) An increase in any fee or charge that is in excess of ten per cent per annum on an annualized basis from the last such increase may not be made except in special circumstances, and only with the approval of the Syndicate.

(3) The Institute shall institute financial aid programmes for students in need, to the extent considered feasible by the Syndicate given the resources available, so as to enable admission and access to the Institute and the various opportunities provided by it to be based on merit rather than ability to pay.

6. Teaching at the Institute, —(1) All recognized teaching in various courses shall be conducted by the Institute or the colleges in the prescribed manner and may include lectures, tutorials, discussions, seminars, demonstrations, distance learning and other methods of instruction as well as practical work in the laboratories, hospitals, workshops and other governmental or private organizations.

(2) The authority responsible for organizing recognized teaching shall be such as may be prescribed.

CHAPTER-II OFFICERS OF THE INSTITUTE

7. Principal Officers.— The following shall be the principal officers of the Institute, namely: —

- (a) The Chancellor;
- (b) The Pro-Chancellor;
- (c) The Vice-Chancellor;
- (d) The Deans;
- (e) The Principals of the constituent colleges;
- (f) The Chairpersons of the teaching departments;
- (g) The Registrar,
- (h) The Treasurer;
- (i) The Controller of Examinations; and

(j) Such other persons as may be prescribed by the statutes or regulations to be the principal officers of the Institute.

8 Chancellor—(1) The President of Pakistan shall be the Chancellor of the institute and the Chairperson of the Senate.

(2) The Chancellor shall, when present, preside at the meetings of the Senate and the Convocation of the Institute. In the absence of the Chancellor, the Senate may request Pro-Chancellor to preside over the Convocation of the Institute and meetings of the Senate.

(3) The members of the Senate as well as the Vice-Chancellor shall be appointed by the Chancellor from amongst the persons recommended by the Representation Committee set up for this purpose or the Search Committee established in accordance with this Act and the statutes, as the case may be.

(4) Every proposal to confer an honorary degree shall be subject to confirmation by the Chancellor.

(5) If the Chancellor is satisfied that serious irregularity or mismanagement with respect to the affairs of the Institute has occurred he may—

(a) as regards proceedings of the Senate, direct that specified proceedings be reconsidered and appropriate action taken within one month of the direction having been issued:

Provided that if the Chancellor is satisfied that either no reconsideration has been carried out or that the reconsideration has failed to address the concern expressed he may, after calling upon the Senate to show cause in writing, appoint a five member Review Panel to examine and report to the Chancellor on the functioning of the Senate. The report of the Review Panel shall be submitted within such time as may be prescribed by the Chancellor, The Review Panel shall be drawn from persons of eminence in academics and in the fields of law, accountancy and administration; and

(b) as regards proceedings of any Authority or with respect to matters within the competence of any Authority other than the Senate, direct the Senate to exercise powers under section 19,

9. Removal from the Senate—(1) The Chancellor may, upon the recommendation of the Review Panel, remove any person from the membership of the Senate on the ground that such person,—

- (a) has become of unsound mind;
- (b) has become incapacitated to function as member of the Senate;
- (c) has been convicted by a court of law for an offence involving moral turpitude;
- (d) has absented himself from two consecutive meetings without just cause; or
- (e) has been guilty of misconduct, including use of position for personal advantage of any kind, or gross inefficiency in the performance of functions.

{2) The Chancellor shall remove any person from the membership of the Senate on a resolution calling for the removal of such person supported by at least three-fourths of the membership of the Senate:

Provided that before passing such resolution the Senate shall provide the member concerned a fair hearing:

Provided further that the provisions of this section shall not be applicable to the Vice-Chancellor in his capacity as a member of the Senate.

10. The Pro-Chancellor—(1) The Chairman National Fertilizer Corporation of Pakistan shall be the ex-officio Pro-Chancellor of the institute.

(2) The Pro-Chancellor shall perform functions of the Chancellor in the absence of Chancellor and such other functions as may be entrusted to him by the Chancellor. He shall also be responsible for overall administrative control of the Institute,

II. Vice-Chancellor.—(1) There shall be a Vice-Chancellor of the Institute who shall be an eminent academic and shall be appointed on such terms and conditions as may be prescribed.

(2) The Vice-Chancellor shall be the chief executive officer of the Institute responsible for all academic functions of the Institute and for ensuring that the provisions of this Act, statutes, regulations and rules are faithfully observed in order to promote the general efficiency and good order of the Institute. The Vice-Chancellor shall have all powers prescribed for this purpose, including administrative control over the officers, teachers and other employees of the Institute.

(3) The Vice-Chancellor shall, if present, be entitled to attend any meeting of any Authority or body of the Institute.

(4) The Vice-Chancellor may, in an emergency that in his opinion requires immediate action ordinarily not in the competence of the Vice-Chancellor, take such action and forward a report of the action taken to the Pro-Chancellor who may direct such further action as is considered appropriate.

(5) The Vice-Chancellor shall, also have the following powers, namely:—

(a) to direct teachers, officers and other employees of the Institute to take up such assignments in connection with examination, administration, and such other activities in the Institute as he may consider necessary for the purposes of the Institute;

(b) to sanction by re-appropriation an amount not exceeding an amount prescribed by the Senate for an unforeseen item not provided for in the budget and report it to the Pro-Chancellor immediately and to Senate at the next meeting;

(c) to recommend appointments of such categories of employees of the Institute and in such manner as may be prescribed by the statutes;

(d) to recommend suspension, punishment and removal, in accordance with prescribed procedure, from service officers;

(e) to delegate with the approval of Pro-Chancellor any of his powers under this Act to an officer or officers of the Institute; and

(f) to exercise and perform such other powers and functions as may be prescribed.

(6) The Vice-Chancellor shall preside at the Convocation of the institute in the absence of the Chancellor and Pro-Chancellor,

(7) The Vice-Chancellor shall present an annual report before the Senate within three months of the close of the academic year, The annual report shall present such information as regards the academic year under review as may be prescribed, including disclosure of all relevant facts pertaining to,—

(a) academics;

(b) research:

(c) administration; and

(d) finances.

(8) The Vice-Chancellor's annual report shall be made available, prior to its presentation before the Senate, to all officers and Institute teachers and shall be published in such numbers as are required to ensure its wide circulation.

12. Appointment and removal of the Vice-Chancellor—(1) The Vice-Chancellor shall be appointed by the Chancellor on the basis of recommendations made by the Senate.

(2) A Search Committee for the recommendation of persons suitable for appointment as Vice-Chancellor shall be constituted by the Senate on the date and in the manner prescribed by the statutes and shall consist of two eminent members of society nominated by the Chancellor of whom one shall be appointed the Convener, two members of the Senate, two distinguished Institute teachers who are not members of the Senate and one academic of eminence not employed by the Institute. The two distinguished Institute teachers shall be selected by the Senate through a process, to be prescribed by statute that provides for the recommendation of suitable names by the Institute teachers in general. The Search Committee shall remain in existence till such time that the appointment of the next Vice-Chancellor has been made by the Chancellor.

(3) The persons proposed by the Search Committee for appointment as Vice-Chancellor shall be considered by the Senate and of these a panel of three, in order of priority shall be recommended by the Senate to the Chancellor:

Provided that the Chancellor may decline to appoint any of the three persons recommended and seek recommendation of a fresh panel. In the event of a fresh recommendation being sought by the Chancellor the Search Committee shall make a proposal to the Senate in the prescribed manner.

(4) The Vice-Chancellor shall be appointed for a renewable tenure of four years on terms and conditions prescribed by statute. The tenure of an incumbent Vice Chancellor shall be renewed by the Chancellor on receipt of a resolution of the Senate in support of such renewal:

Provided that the Chancellor may call upon the Senate to reconsider such resolution once.

(5) The Senate may, pursuant to a resolution in this behalf passed by three fourths of its membership, recommend to the Chancellor through the Pro-Chancellor the removal of the Vice-Chancellor on the ground of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct, including misuse of position for personal advantage of any kind:

Provided that the Chancellor may, on his own or on the request of the Pro-Chancellor, make a reference to the Senate stating the instances of inefficiency, moral turpitude or physical or mental incapacity or gross misconduct on the part of the Vice-Chancellor that have come to his notice. After consideration of the reference the Senate may, pursuant to a resolution in this behalf passed by two-thirds of its membership, recommend to the Chancellor the removal of the Vice-Chancellor:

Provided further that prior to a resolution for the removal of the Vice-Chancellor being voted upon the Vice-Chancellor shall be given an opportunity of being heard.

(6) A resolution recommending the removal of the Vice-Chancellor shall be submitted to the Chancellor forthwith. The Chancellor may accept the recommendation and order removal of the Vice-Chancellor or return the recommendation to the Senate.

(7) At any time when the office of the Vice-Chancellor is vacant, or the Vice-Chancellor is absent or is unable to perform the functions of his office due to illness or some other cause, the Pro-Chancellor shall make such arrangements for the performance of the duties of the Vice-Chancellor as he may deem fit.

13. Registrar.— (1) There shall be a Registrar of the institute to be appointed by the Senate on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience as well as the professional and academic qualifications necessary for appointment to the post of the Registrar shall be as may be prescribed.

(3) The Registrar shall be a full-time officer of the institute and shall—
(a) be the administrative head of the secretariat of the Institute and be responsible for the provision of secretariat support to the Authorities

of the Institute;

(b) be the custodian of the common seal and the academic records of the Institute;

(c) maintain a register of registered graduates in the prescribed manner;
(d) supervise the process of election, appointment or nomination of

members to the various Authorities and other bodies in the prescribed manner; and

e) perform such other duties as may be prescribed.

(4) The terms of office of the Registrar shall be a renewable period of three years:

Provided that the Senate may, on the advice of the Vice-Chancellor, terminate the appointment of the Registrar on grounds of inefficiency or misconduct in accordance with prescribed procedure.

14. Treasurer.—(1) There shall be a Treasurer of the Institute to be appointed by the Senate on the recommendation of the Vice-Chancellor, on such terms and conditions as may be prescribed.

(2) The experience and the professional and academic qualifications necessary for appointment to the post of the Treasurer shall be as may be prescribed.

(3) The Treasurer shall be the chief financial officer of the Institute and shall,—

(a) manage the assets, liabilities, receipts, expenditures, funds and investments of the institute;

(b) prepare the annual and revised budget estimates of the Institute and present them to the Syndicate or a committee thereof for approval and incorporation in the budget to be presented to the Senate;

(c) ensure that the funds of the Institute are expended on the purposes for which they are provided;

(d) have the accounts of the Institute audited annually so as to be available for submission to the Senate within six months of the close of the financial year; and

(e) perform such other duties as may be prescribed.

(4) The term of office of the Treasurer shall be a renewable period of three years:

Provided that the Senate may, on the advice of the Vice-Chancellor, terminate the appointment of the Treasurer on grounds of inefficiency or misconduct in accordance with prescribed procedure.

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(2) The minimum qualifications necessary for appointment to the post of the Controller of Examinations shall be as may be prescribed.

(3) The Controller of Examinations shall be a full-time officer of the Institute and shall be responsible for all matters connected with the conduct of examinations and perform such other duties as may be prescribed.

(4) The Controller of Examinations shall be appointed for a renewable term of three years:

Provided that the Senate may, on the advice of the Vice-Chancellor, terminate the appointment of the Controller of Examinations on grounds of inefficiency or misconduct in accordance with prescribed procedure.

CHAPTER-IV AUTHORITIES OF THE INSTITUTE

16. Authorities.—(1) The following shall be the Authorities of the Institute, namely:—

- (a) Authorities established by this Act, —
 - (i) the Senate;
 - (ii) the Syndicate; and
 - (ii) the Academic Council; and
- (b) Authorities to be established by the statutes,—
 - (i) Graduate and Research Management Council;
 - (ii) Recruitment, Development, Evaluation and Promotion committees for teachers and other staff whether at the level of the department, the Faculty or the Institute;
- (iii) Career Placement and Internship Committee of each Faculty;
- (iv) Search Committee for the appointment of the Vice-Chancellor;

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(vy) the Representation Committees for appointment to the Senate,
Syndicate and the Academic Council;

(vi) Faculty Council; and
(vii) Departmental Council,

The Senate, the Syndicate and the Academic Council may set up
committees or sub-committees, by whatever name described, as are

considered desirable through statutes, or regulations as appropriate. Such committees
or subcommittees shall be Authorities of the Institute for the purposes of this Act.

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Senate,—(1) The body responsible for the governance of the Institute

shall be described as the Senate, and shall consist of the following, namely:—

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the Chancellor who shall be the Chairperson of the Senate:

the Pro-Chancellor;

the Vice-Chancellor,

one member of the Government not below the rank of Additional
Secretary from the Ministry of Industries and Production;

two representatives of the National Fertilizer Corporation of Pakistan;

four persons from society at large being persons of distinction in the
field of administration, management, education, academics, law,
accountancy, medicine, fine arts, architecture, agriculture, science,
technology and engineering such that the appointment of these persons
reflects a balance across the various fields:

Provided that the special focus or affiliation of the institute, to be
declared in the manner prescribed, may be reflected in the number of
persons of distinction in an area of expertise relevant to the Institute

who are appointed to the Senate:

one person from amongst the alumni of the Institute;

two persons from the academic community of the country, other than

an employee of the Institute, at the level of professor or principal of a college;

(i) four institute teachers; and
(i) one person nominated by the Commission.

(2) The numbers of the members of the Senate described against clauses (g) to (j) of sub-section (1) may be increased by the Senate through statutes subject to condition that the total membership of the Senate does not exceed twenty one, with a maximum of five Institute teachers, and the increase is balanced, to the extent possible, across the different categories specified in sub-section (1).

(3) All appointments to the Senate shall be made by the Chancellor. Appointments of persons described in clauses (g) and (h) of sub-section (1) shall be made from amongst a panel of three names for each vacancy recommended by the Representation Committee set up in terms of section 24 and in accordance with procedure as may be prescribed:

Provided that effort shall be made, without compromising on quality or qualification, to give fair representation to women on the Senate:

Provided further that as regards the Institute teachers described in clause (1) of sub-section (1) the Senate shall prescribe a procedure for appointment on the basis of elections that provide for voting by the various categories of Institute teachers:

Provided also that the Senate may alternatively prescribe that appointment of Institute teachers to the Senate shall also be in the manner provided by this sub-section for the persons described in clauses (g) and (h) of sub-section (1).

(4) Members of the Senate, other than ex-officio members, shall hold office for three years. One-third of the members, other than ex-officio members, of the first Senate, to be determined by lot, shall retire from office on the expiration of one year from the date of appointment by the Chancellor. One-half of the remaining members, other than ex-officio members, of the first Senate, to be determined by lot, shall retire from office on the expiration of two years from the date of appointment and the remaining one-half, other than ex-officio members, shall retire from office on the expiration of the third year:

Provided that no person, other than an ex-officio member, may serve on the Senate for more than two consecutive terms:

Provided further that the Institute teachers appointed to the Senate may not serve for two consecutive terms.

(5) The Senate shall meet at least twice in a calendar year.

(6) Service on the Senate shall be on honorary basis:

Provided that actual expenses may be reimbursed as prescribed.

(7) The Registrar shall be the Secretary of the Senate.

(8) Unless otherwise prescribed by this Act, all decisions of the Senate shall be taken on the basis of the opinion of a majority of the members present. In the event of the members being evenly divided on any matter the person presiding over the meeting shall have a casting vote.

(9) The quorum for a meeting of the Senate shall be two-thirds of its membership, a fraction being counted as one.

18, Powers and functions of the Senate.—(1) 'The Senate shall have the power of general supervision over the Institute and shall hold the Vice-Chancellor and the Authorities accountable for all the functions of the Institute. The Senate shall have all powers of the Institute not expressly vested in an Authority or officer by this Act and all other powers not expressly mentioned by this Act that are necessary for the performance of its functions.

(2) Without prejudice to the generality of the foregoing powers, the Senate shall have the following powers:—

(a) to approve the proposed annual plan of work, the annual and revised budgets, the annual report and the annual statement of account;

(b) to hold, control and lay down policy for the administration of the property, funds and investments of the Institute, including the approval of the sale and purchase or acquisition of immovable property;

(c) to oversee the quality and relevance of the institute's academic programmes and to review the academic affairs of the Institute in general;

(d) to approve the appointment of the Deans, Professors, Associate Professors and such other senior faculty and senior administrators as may be prescribed;

(e) to constitute schemes, directions and guidelines for the terms and conditions of appointment of all officers, teachers and other employees of the Institute;

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to consider the drafts of statutes and regulations proposed by the Syndicate and the Academic Council and deal with them in the manner as provided for in sections 26 and 27, as the case may be:

Provided that the Senate may make a statute or regulation on its own initiative and approve it after calling for the advice of the Syndicate or the Academic Council, as the case may be;

to annul by order in writing the proceedings of any Authority or officer if the Senate is satisfied that such proceedings are not in accordance with the provisions of this Act, statutes or regulations;

after calling upon such Authority or officer to show cause why such proceedings should not be annulled;

to recommend to the Chancellor removal of any member of the Senate in accordance with the provisions of this Act;

to make appointment of members of the Syndicate, other than

ex-officio members, in accordance with the provisions of this Act;

to make appointment of members of the Academic Council, other than ex-officio members, in accordance with the provisions of this Act,

to appoint Emeritus Professors on such terms and conditions as may be prescribed;

to remove any person from the membership of any Authority if such

person, —

(i) has become of unsound mind;

(i) has become incapacitated to function as member of such Authority; or

(iii) has been convicted by a court of law for an offence involving moral turpitude; and

{p) to determine the form, provide for the custody and regulate the use of the common seal of the Institute,

(3) The Senate may, subject to the provisions of this Act delegate all or any of the powers and functions of any Authority, officer or employee of the Institute at its main campus, to any Authority, committee, officer or employee at its additional campus for the purpose of exercising such powers and performing such functions in relation to such additional campus, and for this purpose the Senate may create new posts or positions at the additional campus,

19. Visitations.—The Senate may, in accordance with the terms and procedures as may be prescribed, cause an inspection to be made in respect of any

matter connected with the Institute.

20. Syndicate —(1) There shall be a Syndicate of the institute consisting of the following: —

(a) the Vice-Chancellor who shall be its Chairperson;

(b) the Deans of the Faculties of the Institute;

{c) three professors from different departments, who are not members of the Senate, to be elected by the Institute teachers in accordance with procedure to be prescribed by the Senate:

(d) Principals of the constituent colleges;

(e) the Registrar;

(f) | the Treasurer; and

(g) the Controller of Examinations.

(2) Members of the Syndicate, other than ex-officio members, shall hold office for three years,

(3) As regards the three professors described in clause (c) of sub-section

(1) the Senate may, as an alternative to elections, prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 24. Appointment of persons proposed by the Representation Committee may be made by the Senate on the recommendation of the Vice-Chancellor.

(4) The quorum for a meeting of the Syndicate shall be one half of the total number of members, a fraction being counted as one.

(5) The Syndicate shall meet at least once in each quarter of the year.

21. Powers and duties of the Syndicate.—(1) The Syndicate shall be the executive body of the Institute and shall, subject to the provisions of this Act and the statutes, exercise general supervision over the affairs and management of the Institute.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act, the statutes and directions of the Senate, the Syndicate shall have the following powers: —

(a) to consider the annual report, the annual and revised budget estimates and to submit these to the Senate;

(b) to transfer and accept transfer of movable property on behalf of the Institute;

(c) to enter into, vary, carry out and cancel contracts on behalf of the Institute;

(d) to cause proper books of account to be kept for all sums of money received and expended by the Institute and for the assets and liabilities of the Institute;

(e) to invest any money belonging to the Institute including any unapplied income in any of the securities described in section 20 of the Trusts Act, 1882 (Act II of 1882), or in the purchase of immovable property or in such other manner, as it may prescribe, with the like power of varying such investments;

(f) to receive and manage any property transferred, grants, bequests, trust, gifts, donations, endowments and other contributions made to the Institute;

(g) to administer any funds placed at the disposal of the institute for specified purposes;

(h) to provide the buildings, libraries, premises, furniture, apparatus, equipment and other means required for carrying out the work of the Institute;

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to establish and maintain halls, residence and hostels or approve or license hostels or lodgings for the residence of students;

to recommend to the Senate affiliation or disaffiliation of colleges;

to recommend to the Senate admission of educational institutions to the privileges of the Institute and withdraw such privileges;

to arrange for the inspection of colleges and the departments;
to institute Professorships, Associate Professorships, Assistant Professorships, Lectureships, and other teaching posts or to suspend

or to abolish such posts;

to create, suspend or abolish such administrative or other posts as may be necessary;

to prescribe the duties of officers, teachers and other employees of the Institute;

to report to the Senate on matters with respect to which it has been asked to report;

to appoint members to various Authorities in accordance with the provisions of this Act;

to propose drafts of statutes for submission to the Senate;
to regulate the conduct and discipline of the students of the Institute;

to take actions necessary for the good administration of the Institute in general and to this end exercise such powers as are necessary:

to delegate any of its powers to any Authority or officer or a committee; and

to perform such other functions as have been assigned to it by the provisions of this Act or may be assigned to it by the statutes.

Academic Council.—(1) There shall be an Academic Council of

the Institute consisting of the following:

(a)

the Vice-Chancellor who shall be its Chairperson;

(6) the Deane of Faculties and such Heads of departments as may be

(c) five members representing the departments and the constituent colleges to be elected in the manner prescribed by the Senate;

(d) two Principals of affiliated colleges;

(e) five Professors including Emeritus Professors;

(f) the Registrar;

(g) the Controller of Examinations; and

(bh) the Librarian.

(2) The Senate shall appoint the members of the Academic Council, other than the ex-officio and the elected members, on the recommendation of the Vice-Chancellor;

Provided that as regards the five professors and the members representing the departments and the constituent colleges the Senate may, as an alternative to elections; prescribe a procedure for proposal of a panel of names by the Representation Committee set up in terms of section 24. Appointment of persons proposed by the Representation Committee may be made by the Senate on the recommendation of the Vice-Chancellor,

(3) Members of the Academic Council shall hold office for a period of three years. .

(4) The Academic Council shall meet at least once in each quarter.

(5) The quorum for meetings of the Academic Council shall be one half of the total number of members; a fraction being counted as one.

23. Powers and functions of the Academic Council.—(1) The Academic Council shall be the principal academic body of the Institute and shall, subject to the provisions of this Act and the statutes have the power to lay down proper standards of instruction, research and examinations and to regulate and promote the academic life of the Institute and the colleges.

(2) Without prejudice to the generality of the foregoing powers, and subject to the provisions of this Act and the statutes, the Academic Council shall have the power to,—

(a)

(b)

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24.

approve the policies and procedures pertaining to the quality of academic programmes;

approve academic programmes;

approve the policies and procedures pertaining to student related functions including admissions, expulsions, punishments, examinations

and certification;

approve the policies and procedures assuring quality of teaching and research; -

recommend the policies and procedures for affiliation of other educational institutions;

propose to the Syndicate schemes for the constitution and organization of Faculties, teaching departments and boards of studies;

appoint paper setters and examiners for all examinations of the Institute after receiving panels of names from the relevant authorities;

institute programmes for the continued professional development of Institute teachers at all levels;

recognize the examinations of other universities or examining bodies as equivalent to the corresponding examinations of the Institute;

regulate the award of studentships, exhibitions, medals and prizes,
make regulations for submission to the Senate;

prepare an annual report on the academic performance of the Institute;
and

perform such functions as may be prescribed by regulations.

Representation Committees——(1) There shall be a Representation

Committee constituted, by the Senate through statute for recommendation of persons
for appointment to the Senate in accordance with the provisions of section 17.

(2) There shall also be a Representation Committee constituted by the
Senate through statute for the recommendation of persons for appointment to the
Syndicate and the Academic Council in accordance with the provisions of sections

20 and 22.

(3)

Members of the Representation Committee for appointments to the

Senate shall consist of the following:—

(a)

(b)

(c)

(d)

(4)

three members of the Senate of one is from the National Fertilizer Corporation of Pakistan who are not Institute teachers;

two persons nominated by the institute teachers from amongst themselves in the manner prescribed;

one person from the academic community, not employed by the Institute, at the level of professor or college Principal to be nominated

by the Institute teachers in the manner prescribed; and -

one eminent citizen with experience in administration, philanthropy, development work, law or accountancy to be nominated by the Senate.

The Representation Committee for appointments to the Syndicate

and the Academic Council shall consist of the following: —

(a)

(b)

(3)

(6)

two members of the Senate of one from NFC who are not Institute teachers; and

three persons nominated by the Institute teachers from amongst themselves in the manner prescribed.

The tenure of the Representation Committees shall be three years:

Provided that no member shall serve for more than two consecutive terms.

The procedures of the Representation Committees shall be as may

be prescribed.

(7)

There may also be such other Representation Committees set up by

any of the other Authorities as are considered appropriate for recommending persons for appointment to the various Authorities and other bodies of the Institute.

2.

Appointment of committees by certain Authorities.—(1) The

Senate, the Syndicate, the Academic Council and other Authorities may, from time to time, appoint such standing, special or advisory committees, as they may deem fit, and may place on such committee persons who are not members of the Authorities appointing the committees.

(2) The constitution, functions and powers of the Authorities for which no specific provision has been made in this Act shall be such as may be prescribed by statutes or regulations.

CHAPTER-V

STATUTES, REGULATIONS AND RULES

26. Statutes.—(1) Subject to the provisions of this Act, statutes, to be

published in the official Gazette, may be made to regulate or prescribe all or any of the following matters:—

- (a) the contents of and the manner in which the annual report, to be presented by the Vice-Chancellor before the Senate, shall be prepared;
- (b) the University fees and other charges;
- (c) the constitution of any pension, insurance, gratuity, provident fund and benevolent fund for Institute employees;
- (d) the scales of pay and other terms and conditions of service of officers, teachers and other Institute employees;
- (e) the maintenance of the register of registered graduates;
- (f) affiliation and disaffiliation of educational institutions and related matters;
- (g) admission of educational institutions to the privileges of the Institute and the withdrawal of such privileges;
- (h) the establishment of Faculties, departments, colleges and other academic divisions;
- (i) the powers and duties of officers and teachers;
- (j) conditions under which the Institute may enter into arrangements with other institutions or with public bodies for the purposes of research and advisory services;
- (k) conditions for appointment of Emeritus Professors and award of honorary degrees:

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{m) the constitution and procedure to be followed by Representation Committees in carrying out functions in terms of this Act;

(n) the constitution and procedure to be followed by the Search Committee for appointment of the Vice-Chancellor;

(o) constitution, functions and powers of the Authorities; and

(p) all other matters which by this Act are to be or may be prescribed or regulated by statutes.

(2) The draft of statutes shall be proposed by the Syndicate to the Senate which may approve with such modifications as the Senate may think fit or may refer back to the Syndicate, as the case may be, for reconsideration of the proposed draft:

Provided that statutes concerning any of the matters mentioned in, clauses

(a) and (1) of sub-section (1) shall be initiated and approved by the Senate, after seeking the views of the Syndicate;

Provided further that the Senate may initiate a statute with respect to any matter in its power or with respect to which a statute may be made in terms of this Act and approve such statute after seeking the views of the Syndicate.

27. Regulations.—(1) Subject to the provisions of this Act and the statute, the Academic Council may make regulations, to be published in the official Gazette, for all or any of the following matters:—

{a) the courses of study for degrees, diplomas and certificates of the Institute; :

(b) the manner in which the teaching referred to in sub-section (1) of section 6 shall be organized and conducted;

(c) the admission and expulsion of students to and from the Institute;

{d) the conditions under which students shall be admitted to the courses and the examinations of the institute and shall become eligible for the

award of degrees, diplomas and certificates;

{e) the conduct of examinations;

(f) conditions under which a person may carry on independent research to entitle him to a degree; -

(g) the institution of fellowships, scholarships, exhibitions, medals and prizes;

(h) the use of the Library;

(i) the formation of Faculties, departments and Board of Studies; and

(j) all other matters which by this Act or the statutes are to be or may be prescribed by regulations,

(2) Regulations shall be proposed by the Academic Council and shall be submitted to the Senate which may approve them or withhold approval or refer them back to the Academic Council for reconsideration. A regulation proposed by the Academic Council shall not be effective unless it receives the approval of the Senate.

(3) Regulations regarding or incidental to matters contained in sub-clauses

(g) and (i) shall not be submitted to the Senate without the prior approval of the Syndicate.

28. Rules.—(1) The Authorities and the other bodies of the Institute may make rules, to be published in the official Gazette, consistent with Act, to regulate any matter relating to the affairs of the Institute which has not been provided for by this Act or that is not required to be regulated by statutes or regulations, including rules to regulate the conduct of business and the time and place of meetings and related matters.

(2) Rules shall become effective upon approval by the Syndicate.

CHAPTER-VI

INSTITUTE FUND

29. Institute fund,—The Institute shall have a fund to which shall be credited its income from fees, charges, donations, trusts, bequests, endowments,

contributions, grants and all other sources.

30. Audits and accounts—(1) The Accounts of the Institute shall be maintained in such form and in such manner as may be prescribed.

(2) The teaching departments, constituent colleges or institutes and all other bodies designated as such by the Syndicate in terms of statutes shall be independent cost centres of the Institute with authority vested in the head of each cost centre to sanction expenditure out of the budget allocated to it. Provided that re-appropriation from one head of expenditure to another may be made by the head of a cost centre in accordance with and to the extent prescribed by the statutes.

(3) All funds generated by a teaching department, constituent college or other unit of the Institute through consultancy, research or other provision of service shall be made available without prejudice to the budgetary allocation otherwise made, after deduction of overheads in the manner and to the extent prescribed by statute; to the teaching department, constituent college or other unit for its development. A part of the funds so generated may be shared with the Institute teachers or researchers in charge of the consultancy, research or service concerned in the manner and to the extent prescribed by statute.

(4) No expenditure shall be made from the funds of the Institute, unless a bill for its payment has been issued by the head of the cost centre concerned in accordance with the relevant statutes and the Treasurer has verified that the payment is provided for in the approved budget of the cost centre, subject to the authority to re-appropriate available to the head of the cost centre.

(5) Provision shall be made for an internal audit of the finances of the Institute.

(6) Without prejudice to the requirement of audit by an auditor appointed by Government in accordance with the provisions of any other law in force, the annual audited statement of accounts of the Institute shall be prepared in conformity with the Generally Accepted Accounting Principles (GAAP) by a reputed firm of chartered accountants and signed by the Treasurer. The annual audited statement of accounts so prepared shall be submitted to the Auditor General of Pakistan for his observations.

(7) The observations of the Auditor General of Pakistan, if any, together with such annotations as the Treasurer may make, shall be considered by the Syndicate and shall be placed before the Senate within six months of closing of the financial year.

CHAPTER-VII GENERAL PROVISIONS

31. Opportunity to show cause.—Except as otherwise provided by law, no officer, teacher or other employee of the Institute holding a permanent post

shall be reduced in rank, or removed or compulsorily retired from service for cause arising out of any act or omission on the part of the person concerned unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken.

32. Appeal to the Syndicate and the Senate— Where an order is passed punishing any officer (other than the Vice-Chancellor), teacher or other employee of the Institute or altering or interpreting to his disadvantage the prescribed terms or conditions of his service, he shall, if the order is passed by any officer or teacher of the Institute other than the Vice-Chancellor, have the right to appeal to the Syndicate against the order, an. If the order is passed by the Vice-Chancellor. have the right to appeal to the Ser.i-

33. Terms of service at! vemmedy—(1) Any person aggrieved by the decision or order of the Institute may seek remedy from the Civil Court of competent jurisdiction:

Provided that any provision as regards the terms and conditions of employment of persons in the service of Pakistan in genera! or in comparable employment notwithstanding the service of persons employed ty the Institute shall be entirely governed by the terms and vonditions prescribed by 'i, relevant statutes.

(2) 1 officer, teacher or other employee of the Instit.ii2 shall retire from service on th, .tainment of such age or tenure of service as niwy be prescribed.

(3) \v. adverse change shall be made in the terms and conditions of employment «: any Institute teacher in the employment of the Institute on the date of commencement of this Act.

34. Benefits and insurance.—{ 1} The Institute shali constiwtte for the benefit of its of icers, teachers and other employees schemes, as may be prescribed, for the provision of post-employment benefits as well as health and life insurance while in servic

(2) Where any provident fund has been constituted under this Act, the provisions of the Provident Fund Act. 1925 (XIX of 1925), shall apply to such fund as if it were the Government Provident Fund.

35. Commencement of term of office of members of Authority.—

(1) When a member of a newly constituted Authority is elected, appointed or nominated, his term of office, as fixed under this Act, shall commence from such date as may be prescribed.

(2) Where a member who has accepted any other assignment or for any period of not less than

36, Filling of casual vacancies in Authorities.—Any casual vacancy among the members of any Authority shall be filled, as soon as conveniently may be, in the same manner and by the same person or Authority that had appointed the member whose place has become vacant and the person appointed to the vacancy shall be a member of such Authority for the residue of the term for which the person whose place he fills would have been a member.

37, Flaws in the constitution of Authorities—Where there is a flaw in the constitution of an Authority as constituted by this Act, the statutes or the regulations on account of the abolition of a specified office under Government or because an organization, institution or other body outside the Institute has been dissolved or has ceased to function, or because of some other similar reason, such flaw shall be removed in such manner as the Senate may direct.

38. Proceedings of Authorities not invalidated by the vacancies.—

No Act, resolution or decision of any Authority shall be invalid by reason of any vacancy on the Authority doing, passing, or making it or by reason of any want of qualification or invalidity in the election, appointment or nomination of any de facto member of the Authority, whether present or absent.

39, First statutes and regulations —Notwithstanding anything to the contrary contained in this Act, the President of Pakistan shall promulgate the first statutes and regulations which shall be deemed to be statutes and regulations made under sections 26 and 27 and shall continue to remain in force until amended or replaced by new statutes and regulations in accordance with the provisions of this Act.

40. Repeal and sayings.—Notwithstanding anything contained in any other law, the certificate of incorporation of the NFC institute issued vide No. JIRL/1840 dated the 30th August, 1994, shall stand repealed from such date as may be notified by the Government in the official Gazette:

Provided that the Government may save, through appropriate provision in the repealing notifications, such acts or other legislative instruments constituting the NFC institute as are necessary for preservation of such specific features that are essential given the nature of the Institute and are not in conflict with the management and governance structure laid down by this Act or for continuation of the legal status of an institute, college or other constituent unit of the Institute as on the date of the notification in the official Gazette.

41. Transitory provisions.— (1) Notwithstanding anything contained in this Act, on the establishment of the Institute, the Senate shall be structured which shall initiate, as soon as possible, the process for the appointment of the members of the Syndicate and the Academic Council in accordance with the provisions of this Act.

(2) Any administrative set up at NFC Institute in existence immediately before the commencement of this Act, shall continue to function and shall as far as may be, exercise the powers respectively assigned to the Vice- Chancellor and the corresponding Authorities by or under this Act, until such time as they are respectively replaced in accordance with the provision of this Act.

(3) Notwithstanding anything contained in this Act, the first Vice-Chancellor shall be appointed by the Chancellor for a period of four years.

42. Removal of difficulties.—(1) If any question arises as to the interpretation of any of the provisions of this Act, it shall be placed before the Chancellor whose decision thereon shall be final.

(2) If any difficulty arises in giving effect to any of the provisions of this Act, the Chancellor may make such order after obtaining the views of the Senate, not inconsistent with the provisions of this Act, as may appear to him to be necessary for removing the difficulty,

(3) Where this Act makes any provision for anything to be done but no provision or no sufficient provision has been made as respects the authority by whom, or the time at which, or the manner in which, it shall be done, then it shall be done by such authority, at such time, or in such manner as the Chancellor may direct after obtaining the views of the Senate.

43. Indemnity.—No suit or legal proceedings shall lie against the Government, the Institute or any Authority, officer or employee of the Government or the Institute or any person in respect of any thing which is done in good faith under this Act,

44. Power to allow appointment of employees of the Government, other universities or educational or research institutions to the Institute.—

(1) Notwithstanding anything contained in this Act the Senate may, on the advice of the Syndicate, allow any post in, the Institute to be filled by appointment, on such terms as the Senate may specify, an employee of the Government or any other university or educational or research institution.

(2) Where any appointment has been made under this section, the terms and conditions of service of the appointee shall not be less favourable than those

admissible to him immediately before such appointment and he shall be entitled to all benefits of his post of service.

Passed by the National Assembly on the 8th October, 2009 and by the Majlis-e-Shoora (Parliament) in its Joint Sitting on the 5th April, 2012 in terms of clause (3) of Article 70 of the Constitution of the Islamic Republic of Pakistan.

Act No. XIV or 2012

An Act to give effect to the United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora

Whereas, Pakistan is a party to the United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora.

AND WHEREAS, it is expedient to enable the Federal Government to give effect to the provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

It is hereby enacted as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Pakistan Trade Control of Wild Fauna and Flora Act, 2012.

(2) It extends to the whole of Pakistan.

(3) It shall come into force on such date as the Federal Government may by notification in the official Gazette, appoint.

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

(a) "Convention" means the United Nations Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973 including such amendments made therein, which are accepted by Pakistan;

(b) "designated authority" means a management authority designated by the government of a State, other than Pakistan, for the purposes of the Convention;

(c) "exotic" means a wild animal or plant species introduced to an area outside of its natural occurrence;