Pakistan Council of Scientific & Industrial Research

Act No. xxx of 1973 (as ammended 1984)

PAKISTAN COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH

Press Centre, Shahrah-e-Kamal Ataturk, Karachi-0109

ACT NO.XXX OF 1973

An Act to provide for the establishment of a Pakistan Council of Scientific and Industrial Research.

WHEREAS it is expedient to provide for the establishment of a Pakistan Council of Scientific and Industrial Research to undertake, promote and guide scientific and technological research in respect of problems connected with the establishment and development of industries under conditions prevailing in Pakistan, and to encourage the extension of the results of research to various sectors of the economic development of the country in the best possible manner;

It is hereby enacted as follows:

CHAPTER I.-PRELIMINARY

1. Short title, extent and commencement.-(1) This Act may be called the Pakistan Council of Scientific and Industrial Research Act, 1973.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(a)"Chairman" means the Chairman of the Council;

(b)"Council" means the Pakistan Council of Scientific and Industrial Research established under Section 3;

(c)"Director", in relation to an Institute, means the Director of the Institute;

(d)"Governing Body"means the Governing Body of the Council;

(e)"institute" means an institute set up by the Council;

(f)"member" means a member of the Council;

(g)"prescribed" means prescribed by rules made under this Act; and

(h)"registered Council" means the Pakistan Council of Scientific and Industrial Research registered under the Societies Registration Act, 1860 XXI of 1860).

3. Establishment of the Council.-(1) As soon as may be after the commencement of this Act, the Federal Government shall establish, in accordance with the provisions of this Act, a Council to be called the Pakistan Council of Scientific and Industrial Research.

(2) The Council shall be a body corporate by the name of the Pakistan Council of Scientific and Industrial Research having perpetual succession and a common seal, with power, subject to the provisions of this Act, to hold and dispose of property, and shall by the said name sue and be sued.

(3) The headquarters of the Council shall be at Islamabad.

(4) Until the Council is established under sub-section (1) the registered Council shall, notwithstanding its dissolution by Section 22, continue to function and while so functioning be deemed to be the Council established under the said subsection.

***3A. Ordinance XXIII of 1969 not to apply to Council.**- Nothing contained in the Industrial Relations Ordinance, 1969 (XXIII of 1969), shall apply to or in relation to the Council or any of the officers, advisers and employees appointed by it.

CHAPTER II.-COMPOSITION AND FUNCTIONS OF THE COUNCIL, ETC.

4. Composition of the Council.-(1) The Council shall consist of the following twenty-one members, namely:-

(a) Chairman to be appointed by the Federal Government;

(b) a Finance Member, being a representative of the

*As amended and added vide Gazette of Pakistan Extraordinary Notification No.F.17(1)/84-Pub Ordinance No.XL11 of 1984 dated 27th September,1984.

Ministry of Finance;

(c) two whole-time Science members, of whom at least one shall be an engineer or a technologist, to be nominated by the Federal Giovernment;

(d) Four officers serving under the Federal Government, to be nominated by that Government;

(e) Director of Industries in each Province, ex officio;

(f) three Directors of the institutes, to be nominated by the Federal Government so, however, that a Director shall not be nominated for another termuntil the other Directors have been members;

(g) six representatives of industries in the private and public sector, to be nominated by the federal Government.

(2) The Chairman shall be the chief executive officer of the Council and the other members, except the Finance Member, shall perform such functions as the Council may assign to each of them from time to time.

(3) The Finance Member shall exercise such powers and perform such functions as may be prescribed.

5. Term of office of members, etc.-(1) Save as hereinafter provided, a member, other than an ex officio member, 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 officio 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 has been accepted.

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

(5) The Federal Government may at any time terminate the appointment of the Chairman or any other member without assigning any cause.

(6) No act or proceeding of the Council shall be invalid on the ground only of the existence of a vacancy in, or defect in the constitution of, the Council.

6. Function of the Council.-The functions of the Council shall be-

(a) to set up and manage technological research institute exclusively for certain selected industries and such laboratories and centres as may be required for the promotionof the overall technological development of the country;

(b) to coordinate and review the work of the institutes, laboratories and centres;

(c) to manage the existing research units of the registered Council pending their absorption in the institutes, laboratories and centres to be set up by the Council; and

(d) to undertake such special scientific and technological surveys and investigations as may be referred to it by the Federal Governmentfrom time to time.

7. Meetings of the Council,etc.-(1) Save as hereinafter provided, the Council shall regulate the procedure for its meetings.

(2) Meetings of the Council shall be called by its Chairman on such date and at such time and place as he may deem fit:

Provided that not less than two meetings shall be held in a year.

(3) Ten members shall constitute the quorum for a meeting of the Council.

(4) Each meeting of the Council shall be presided over by the Chairman and, in his absence, by a member elected for the purpose by the members present.

8. Governing Body.-(1) There shall be a Governing Body consisting of the following members, namely:-

(a) the Chairman;

(b) the Finance Member; and

(c) the two whole-time Science members.

(2) The Governing Body shall be the executive organ of the Council and shall, subject to the superintendence and control of the Council, perform all functions of the Council and shall be guided by such general or special instructions as may from time to time be given to it by the Council.

9. Board of Management of institutes.-(1) Each Institute shall be managed by a Board of Management consisting of seven to eleven members, depending on the size of the institute concerned, of whom not less than two and not more than four shall be the representatives of the industries concerned in the private and public sectors.

(2) The Director shall be the Chairman of the Board of Management of the institute and shall be directly responsible for the day to day working of the institute to the Board of Management and, through it, to the Governing Body.

(3) Members of the Board of Management, including the Director, shall be appointed by the Council for a term of three years and shall be eligible for reappointment for such further period or periods, not exceeding three years at any one time, as the Council may deem fit.

10. Funds of Council.-(1) The funds of the Council shall comprise-

(a) funds of the registered Council which stand transferred to the Council under Section 22;

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

(c) donations and endowments; and

(d) income and receipts from such other sources as may be approved by the Federal Government.

(2) The Council may open a deposit account with the State Bank of Pakistan or with any agency of the State Bank other than a Government Treasury or, with the approval of the Federal Government, with any other bank.

(3) The accounts of the Council shall be audited by the Auditor-General of Pakistan, and shall be maintained and presented for audit in such form and manner as may be prescribed.

11. **Budget.**-The Council shall, by such date and in such form as may be prescribed, submit to the Federal Government for approval its budget for each financial year showing the estimated receipts and expediture and the sums which are likely to be required from the Federal Government during that financial year.

12. **Appointment of officers, etc.**-(1) The Council may, subject to the provisions of sub-section (2) and such general or special orders as the Federal Government may give from time to time, appoint such officers, advisers and employees as it considers necessary for the efficient performance of its functions on such terms and conditions as it may deem fit.

(2) The Federal Government may direct the Council to terminate the services of any officer, adviser, or employee and the Council shall be bound to comply with any such direction.

13. **Delegation of powers.**-The Council may, by general or special order in writing, direct that such of its powers shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by the

Governing Body, the Board of Management of an Institute, or a member or officer of the Council.

CHAPTER III.-MISCELLANEOUS

14. Submission of periodical reports, etc.-The Council shall submit to the Federal Government at such time and at such intervals as the Federal Government may specify:-

(a) annual report on the working of the Council and of each Institute, laboratory and centre established by the Council;

(b) such periodical reports and summaries as may be required by the Federal Government;

(c) such periodical returns, accounts, statements and statistics as may be required by the Federal Government;

(d) information and comments asked for by the Federal Government on any specific point;

(e) copies of the documents required by the Federal Government; and

(f) original documents required by the Federal Government for examination or any other purpose.

15. Directives from the Federal Government.-The Federal Government may, from time to time, issue to the Council such directives and orders as it may consider necessary for carrying out the purposes of this Act and the Council shall follow and carry out such directives and orders.

16. Discoveries and inventions to vest in the Council.-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 Council in the course of his employment shall vest in the Council.

17. Declaration of fidelity and secrecy.-Every member,

adviser, officer or other employee of the Council shall make such declaration of fidelity and secrecy as may be prescribed.

18. **Power to make rules.**-The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

19. **Power to make regulations.**-The Council may, with the previous sanction of the Federal Government, make such regulations, not inconsistent with this Act or the rules made thereunder, as may, in its opinion, be necessary or expedient for the achievement of its aims and objects or for the performance of its functions.

20. **Continuance of certain rules.**-All rules, regulations and bye-laws made by the registered Council 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.

21. **Winding up.**-No provision of law relating to the winding up of bodies corporate shall apply to the Council and the Council shall not be wound up except by order of the Federal Government and in such manner as the Federal Government may direct.

22. **Dissolution of registered Council.**-(1) Upon the commencement of this Act, the registered Council shall, notwithstanding anything contained in the Societies Registration Act, 1860 (XXI of 1860), stand dissolved, and upon such dissolution-

(a) all assets, rights, powers, authorities and privileges and all property, movable 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 registered Council subsisting immediately before its dissolution shall stand transferred to and vest in the Council;

(b) all officers and other employees of the registered Council shall, notwithstanding anything contained in any law or in any agreement, deed, document or other instrument, stand transferred to the Council and shall be deemed to have been appointed or engaged by the Council in accordance with the terms and conditions of 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 registered Council before its dissolution shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Council; and

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

(2)The Federal Government may, for the purpose of removing any difficulty in relation to the transfer and other matters specified in sub-section (1), make such order as it considers expedient and any such order shall be deemed to be, and given effect to, as a part of the provisions of this Act.