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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 28th April, 2017

No. F. 22(10)/2016-Legis.—The following Act of *Majlis-e-Shoora*, (Parliament) received the assent of the President on the 26th April, 2017 is hereby published for general information:

ACT No. XIV OF 2017

*An Act to provide for establishment of the Pakistan Council for
Science and Technology*

WHEREAS it is expedient to provide for the establishment of Pakistan Council for Science and Technology to advise the Government on national policies on science, technology and innovation for building up a strong and self-reliant science and technology system and its effective working directed towards achievement of national goals and in particular the welfare of the people, economic growth and security of Pakistan;

(123)

It is hereby enacted as follows:

1. Short title, extent and commencement.- (1) This Act may be called the Pakistan Council for Science and Technology Act, 2017.

(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) "Board" means the Board of Governors of the Council;

(b) "Chairperson" means head of the Council;

(c) "Council" means Pakistan Council for Science and Technology;

(d) "Executive Committee" means Executive Committee of the Board constituted under section 11;

(e) "expert committee" means an expert committee of the Council constituted under section 14;

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

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

(h) "President" means President of the Board;

(i) "regulations" means regulations made under this Act;

(j) "Resolution" means the Resolution notified *vide* Notification No. 3(5)/82-NSC, dated the 16th June, 1987 for constitution of the devised council dissolved under section 22; and

(k) "Vice-President" means Vice-President of the Board.

3. Establishment of the Council.- (1) On commencement of this Act, there shall stand established a Council to be called as Pakistan Council for Science and Technology in accordance with the provisions of the Act.

(2) The Council shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, sell and hold property, and shall by the said name sue and be sued through Chairperson.

(3) The headquarters of the Council shall be at Islamabad and the Council may establish regional or sub-offices as required.

4. Functions of the Council.—The Council shall—

- (a) advise the Federal Government on all matters relating to the development of science and technology in Pakistan;
- (b) undertake policy research, organize study groups or task forces, formulate policy proposals, monitoring and evaluation of science, technology and innovation policy for achieving targets for the overall development of science and technology in the country;
- (c) identify priority areas for research and development keeping in view futuristic developments of science and technology;
- (d) constitute expert committees in various disciplines for preparation of reports on policies and issues of national importance in respect of science and technology;
- (e) collect, update statistics and maintain database on science and technology potentials of the country;
- (f) take measures for effective collaboration among academia, research and development organizations and industry for development of indigenous products or technologies;
- (g) evaluation of national research and development activities including output of individuals and institutions and to grant research productivity awards or incentives thereof;
- (h) promote collaboration among national and international organizations for capacity-building and other policy initiatives in the field of science and technology and to enter into memoranda of understanding, contracts etc., in accordance with the Rules of Business, 1973;
- (i) participate in national science and technology planning and development activities and providing advice on selection of projects;
- (j) act as Secretariat of the National Commission for Science and Technology (NCST); and
- (k) perform any other functions as may be assigned to it by the Federal Government.

5. Management.—The management of the Council shall comprise—

- (a) Board of Governors;

- (b) Executive Committee; and
- (c) Chairperson.

6. **Board of Governors.**—The general control and superintendence of the affairs of the Council shall vest in the Board.

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

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| (a) Minister for Science and Technology | <i>President</i> |
| (b) Secretary, Science and Technology Division | <i>Vice-President</i> |
| (c) Secretary, Planning and Development Division or his nominee not below the rank of Additional Secretary | <i>Member</i> |
| (d) Secretary, Finance Division or his nominee not below the rank of Additional Secretary | <i>Member</i> |
| (e) Executive Director, Higher Education Commission | <i>Member</i> |
| (f) Secretary of the Division controlling subject-matter of education and training or his nominee not below the rank of Additional Secretary | <i>Member</i> |
| (g) President, Pakistan Academy of Sciences or his nominee | <i>Member</i> |
| (h) Chairman, Pakistan Engineering Council | <i>Member</i> |
| (i) Chairman, Pakistan Council of Scientific and Industrial Research | <i>Member</i> |
| (j) Chairman, Pakistan Science Foundation | <i>Member</i> |
| (k) Representatives of Provincial Governments not below the rank of Provincial Secretary | <i>Members</i> |
| (l) Five eminent Scientists from academia, one each from four provinces and federal capital to be nominated by the Board | <i>Members</i> |

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| (m) Two eminent industrialists to be nominated by the Federal Government | <i>Members</i> |
| (n) President, Federation of Pakistan Chamber of Commerce and Industries, Islamabad | <i>Members</i> |
| (o) dealing officer not below the rank of Joint Secretary of the Division controlling the subject matter of science and technology | <i>Member</i> |
| (p) Two Parliamentarians, one each from Senate and National Assembly, preferably with scientific knowledge and background | <i>Members</i> |
| (q) Chairperson, Pakistan Council for Science and Technology | <i>Member</i> |

(2) The Chairperson shall act as Secretary of the Board.

(3) The Federal Government may, by notification in the official Gazette, increase or decrease the number of members of the Board.

(4) The Board may co-opt any other professional or expert.

8. Functions and powers of the Board.—(1) The Board shall—

- (a) review and approve annual, long-term plans, policies and programmes of the Council;
- (b) approve the annual development and non-development budget of the Council;
- (c) create or abolish posts of such officers and staff and engage such consultants or experts as it may consider necessary for efficient performance of the functions of the Council, on such terms and conditions as may be prescribed;
- (d) make regulations for the efficient conduct of the affairs of the Council; and
- (e) recommend to the Government to terminate the tenure of the Chairperson before its expiry in case of unsatisfactory performance.

(2) The Board 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 exercised, by the Executive Committee, Chairperson or an officer of the Council.

9. Term of office of members.—(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 a further period not exceeding another term.

(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.

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

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

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 and presided by its President or in his absence by the Vice-President on such date, time and place as deemed fit provided that at least two meetings shall be held in a year.

(3) At least ten members shall constitute the quorum for a meeting of the Board.

11. Executive Committee of the Board.—(1) Notwithstanding anything contained in this Act, the Executive Committee shall take decisions on behalf of the Board subject to ratification by the Board at its meeting immediately following the meeting of the Executive Committee unless otherwise authorized by the Board.

(2) The Executive Committee shall comprise the following members, namely:—

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| (a) Chairperson of the Council | <i>Chairperson</i> |
| (b) one member to be nominated by the Board | <i>Member</i> |

(c) dealing officer not below the rank of Joint Secretary of the Division controlling subject matter of science and technology *Member*

(d) Secretary of the Council *Member*

(3) The Secretary of the Council shall act as the Secretary of the Executive Committee.

(4) Subject to the provisions of this Act and regulations made in this behalf and such general or special directions as may, from time to time, be given by the Board, the Executive Committee shall deal with any matter as authorized by the Board.

12. Chairperson of the Council.—The Chairperson shall be an eminent scientist or engineer holding a Ph.D. degree with sufficient relevant experience to be appointed by the Prime Minister on recommendations of the Federal Government for a term of three years extendable for another term on such terms and conditions as may be prescribed.

13. Powers and functions of the Chairperson.—The Chairperson, who shall be the Chief Executive Officer of the Council, shall work under the general policy guidelines of the Board and have such powers, functions and duties as may be conferred or vested in him by or under this Act, including—

- (a) formulation of research policies, plans and their submission to the Board for approval;
- (b) protection of all assets of the Council including intellectual property assets;
- (c) preparation of annual report of the Council for submission to the Federal Government;
- (d) for the purpose of ensuring efficient functioning of the Council and to facilitate its day-to-day functions, delegation to the Secretary or other officers of the Council, such of his powers or duties as he may consider necessary from time to time; and
- (e) appointment of such officers and employees subject to the provisions of relevant regulations, as may be necessary for efficient performance of functions of the Council on such terms and conditions as may be prescribed.

14. Expert committees.—(1) The Council may constitute expert committees, in important scientific, technological and engineering disciplines to review current status and suggest policy measures for their future development.

(2) The expert committees shall have such powers and perform such functions as may be assigned by the Council.

15. Fund of the Council.—There shall be a Fund of the Council to be called the PCST Fund to which shall be credited—

- (a) funds of the devised council being dissolved under section 22, which shall stand transferred to the Council;
- (b) grants from the Governments;
- (c) donations and endowments;
- (d) funds generated through its own resources; and
- (e) research grants.

16. Budget and accounts.—(1) The Chairperson shall, in respect of each financial year, submit for the approval of the Board, a statement showing all the expenditures incurred during the year alongwith estimated receipts and expenditures for the next financial year.

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

(3) The accounts of the Council shall be maintained in such form and manner as determined by the Federal Government.

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

17. Appointment of officers, staff, etc.—(1) The Council may, from time to time, appoint such officers and staff as it may consider necessary for the efficient performance of its functions, on such terms and conditions as may be prescribed.

(2) The Council may engage experts or consultants on such terms and conditions as may be prescribed.

18. Submission of 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 working of 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.

19. Directives from the Federal Government.—The Federal Government may, from time to time, issue to the Council such directives and orders in writing, as it may consider necessary for carrying out the purpose of this Act and the Council shall be bound to follow and carry out such directives and orders.

20. Declaration of fidelity and secrecy.—Every member, expert, officer or other employee of the Council shall make such declaration of fidelity and secrecy as may be prescribed.

21. Continuance of certain rules, etc.—All rules, regulations and bye-laws related to the 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, apply and continue in force until repealed or amended or altered.

22. Repeal and Savings.—(1) The Ministry of Science and Technology's Resolution notified *vide* No. 3(5)/82-NSC, dated the 16th June, 1987 is hereby repealed and the Pakistan Council of Science and Technology, hereinafter referred to as the devised council, reconstituted there under shall stand dissolved.

(2) Upon dissolution of the devised council under sub-section (1),—

- (a) all assets, rights, powers, authorities, privileges and property, movable and immovable, cash and bank balance, reserve funds, investments and all other interests and rights in, liabilities and obligations of whatever kind of the devised council subsisting immediately before its dissolution shall stand transferred to and vest in the Council;

- (b) all officers and other employees of the devised council shall, notwithstanding anything contained in any law, agreement, deed, document or other instrument, stand transferred to the Council on the exercise of one-time irrevocable option to either remain a civil servant under the Civil Servants Act, 1973 (LXXI of 1973) and shall be entitled to all the privileges and facilities of the Federal Government such as pension, gratuity, housing, health, etc. or to become an employee of the Council, in accordance with their existing terms and condition 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 devised 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;
- (d) all suits and other legal proceedings instituted by or against the devised 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; and
- (e) all actions done by the devised council before the commencement of this Act shall be deemed to be done under this Act.

23. 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 Council shall not be liable to pay any such tax on its income, capital, profit, wealth, gifts or gains and any movable and immovable property.

24. Power to make regulations.—The Board may, by notification in the official Gazette, make regulations, not inconsistent with the provisions of this Act, for carrying out the purposes of this Act.

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

Provided that such power shall not be exercised after expiry of two years from the commencement of this Act.

JAWAD RAFIQUE MALIK,
Secretary