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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 14th April, 2007

No. F. 22(3)/2005-Legis.—The following Act of Majlis-e-Shoora (Parliament) received the assent of the President on the 4th April, 2007, and are hereby published for general information:—

ACT No. I OF 2007

An Act to provide for establishment of the Pakistan Council of Research in Water Resources

WHEREAS it is expedient to provide for establishment of the Pakistan Council of Research in Water Resources to conduct, coordinate and promote research in water resources and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. **Short title, extend and commencement.**—(1) This Act may be called the Pakistan Council of Research in Water Resources Act, 2007.

(2) It extends to the whole of Pakistan.

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(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) “Chairman” means the Chairman of the Council;
- (c) “Council” means the Pakistan Council of Research in Water Resources;
- (d) “Executive Committee” means the Executive Committee of the Council;
- (e) “Member” means a member of the Board;
- (f) “prescribed” means prescribed by rules;
- (g) “President” means the President of the Board;
- (h) “regulations” means regulations made under this Act;
- (i) “rules” means rules made under this Act;
- (j) “Secretary” means Secretary of the Council;
- (k) “Technical Advisory Committee” means the Technical Advisory Committee of the Council; and
- (l) “water resources” means various fields of hydraulics and hydrology, namely, water supply, irrigation, drainage and reclamation, flood control, inland navigation and related problems prevalent in Pakistan.

3. **Establishment of the Council.**—(1) As soon as may be after the commencement of this Act, the Pakistan Council of Research in Water Resources shall be established by the Federal Government in accordance with the provisions of the Act.

(2) The Council shall be a body corporate by the name of the Pakistan Council of Research in Water Resources having perpetual succession and a common seal, with powers, subject to the provisions of this Act, to acquire and hold property and shall by the said name sue and be sued.

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

(4) Until the Council is established under this Act, notwithstanding its dissolution by section 25, it shall continue to function and while so functioning be deemed to be the Council established under this Act.

CHAPTER II

FUNCTIONS OF THE PAKISTAN COUNCIL OF RESEARCH IN WATER RESOURCES

4. Functions of the Pakistan Council of Research in Water Resources.— The functions of the Council shall be to—

- (a) conduct, organize, coordinate and promote research on all aspects of water resources including irrigation, drainage, reclamation, navigation, drinking water, industrial water, and sewerage management and to set up national research centers wherever necessary;
- (b) design, develop and evaluate water conservation technologies for irrigation, drinking and industrial water;
- (c) initiate national water quality monitoring programme including urban and rural areas of Pakistan and develop technologies for providing safe drinking water to the public;
- (d) conduct and coordinate research on desertification, drought and flood mitigation;
- (e) develop and maintain national water resources database for use by the planning, implementing agencies and public;
- (f) advise the government and submit policy recommendations regarding water quality, development, management, conservation and utilization of water resources;
- (g) publish scientific papers, reports and periodicals, as well as to arrange seminars, workshops and conferences on water related issues;
- (h) establish liaison with other related national and international research and development organizations, universities and non government organizations;
- (i) undertake contractual research, provide consultancy services and collaborate with other organizations in the public and private sector;

- (j) provide financial and technical support to universities and research institutions for collaborative research projects and fellowships;
- (k) design and develop water related technologies and items of utility for various users according to market demand and undertake design and development projects on contract;
- (l) undertake human resources development through training in skills related to the specialized functions of the Council; and
- (m) commercialize its research and development results from sale of products, patents and services as well as collaboration with other organizations.

5. **Management.**—The management of the Council shall consist of

- (a) Board of Governors;
- (b) Chairman; and
- (c) Executive Committee.

6. **Board of Governors.**—The overall control, direction and superintendence of the affairs of the Council shall vest in a Board of Governors which may exercise all powers, perform all functions and do all acts and things which may be exercised, performed or done by the Council.

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

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| (a) Minister for Science and Technology | <i>President</i> |
| (b) Secretary, Scientific and Technological Research Division | <i>Vice-President</i> |
| (c) Representative from Ministry Finance, not below the rank of Joint Secretary | <i>Member</i> |
| (d) Representative from Ministry of Science and Technology not below the rank of Joint Secretary | <i>Member</i> |
| (e) Chief Engineering Advisor, Ministry of Water and Power | <i>Member</i> |

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| (f) Four representatives to be nominated by Provincial Governments from the Water Sector | <i>Members</i> |
| (g) Four Representatives of the Farmers, one each to be nominated by the respective Provincial Governments | <i>Members</i> |
| (h) Representative of Water Industry to be Nominated by Federation of Pakistan Chamber of Commerce and Industries | <i>Member</i> |
| (i) Chairman of the Council | <i>Member</i> |
| (j) One Member each from the National Assembly and Senate to be nominated by the Speaker and Chairman Senate respectively. | <i>Member</i> |

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

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

- (a) approve overall plans, policies and programmes of the Council;
- (b) review and approve annual and long-term business plans of the Council;
- (c) review and approve research projects proposed by the Technical Advisory Committee;
- (d) approve the annual development and non-development budget of the Council;
- (e) create posts of such officers and servants and engage such consultants or experts, as it may consider necessary for the efficient performance of the functions of the Council, on such terms and conditions as it may deem fit;
- (f) recommend to the Government to terminate the contract of the Chairman before the expiry of his tenure in case of unsatisfactory performance; and

- (g) make regulations in the light of rules for carrying out activities considered necessary for achieving efficient functioning of the Council under this Act.

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.

(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 office by writing under his hand addressed to the 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) No act or proceeding of the Board shall be invalid on the ground only of the existence of a vacancy in the Board.

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

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

(2) Meetings of the Board shall be called by its President 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) Eight members shall constitute the quorum for a meeting of the Board.

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

11. **Chairman of the Council.**—The Chairman shall be an eminent scientist or engineer having at least 15 years experience in the relevant field and shall be appointed by the Federal Government on the recommendation of Board of Governors for a term of three years on such terms and conditions as may be

determined. The Government, on the recommendation of Board of Governors, may extend the tenure of the Chairman for another term or terms as it may deem fit, or convert it into permanent appointment.

12. Powers and functions of the Chairman.—The Chairman, who shall be the chief executive of the Council, shall work under the general policy guideline of the Board and have such powers, functions and duties as may be conferred on, or vested in, him by or under this Act. The Chairman:—

- (a) may, from time to time, for the purpose of ensuring efficient functioning of the Council and to facilitate its day to day functions, delegate to the Secretary or other officers of the Council, such of his functions, powers or duties as he may consider necessary;
- (b) shall in consultation with the Technical Advisory Committee formulate business and research plans and submit to the Board for approval;
- (c) shall ensure the protection of all assets of the Council including intellectual property assets;
- (d) shall promote commercialization of research and development work of the Council linking it with the market demand;
- (e) arrange for annual performance evaluation of the Council;
- (f) prepare the annual report of the Council for submission to the Federal Government which shall place it before the Parliament;
- (g) identify areas of strength and weakness and formulate remedial programs;
- (h) commission industry specific studies to identify technical problems and to approve plans for technical scientific input by the Council towards their solution;
- (i) arrange management courses on a regular basis for managerial levels of the Council; and
- (j) may subject to the provisions clause (e) of section 8, appoint such officers and employees as may be necessary for the efficient performance of the functions of the Council on such terms and conditions as may be prescribed under the rules.

13. **Executive Committee.**—(1) The Executive Committee shall assist the Chairman in the running the day to day functions of the Council and be responsible for administrative as well as financial matters of the Council. The Committee shall comprise the following members, namely:—

- (a) Chairman of the Council;
- (b) two most senior scientific or technical officers;
- (c) Financial Adviser Ministry of Science and Technology; and
- (d) Secretary of the Council who shall also act as its Secretary.

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

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

14. **Technical Advisory Committee.**—(1) The Board shall appoint a Technical Advisory Committee comprising such number of members and for such terms as it may deem fit.

(2) The Head of the Technical Advisory Committee will be nominated from amongst the non-official members of the Board.

(3) Non-official Members of Advisory Committee shall be nominated from amongst the following:—

- (a) progressive farmers;
- (b) water related industry; and
- (c) Experts from the public and private sector.

(4) Chairman of the Council or his representative shall be a member of the Technical Advisory Committee.

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

- (6) The Committee shall—
- (a) identify and prepare research programmes and projects relevant to the market demand;
 - (b) propose Annual, Five Year - Development Programmes of the Council;
 - (c) advise and report on any technical matters referred to it by the Board; and
 - (d) conduct performance evaluation of the research programme for consideration by the Board.

15. **Funds of the Council.**—The Funds of the Council shall comprise—

- (a) funds of the Council which stand transferred to the Council under section 25;
- (b) grants from the Federal Government and the Provincial Governments;
- (c) donations and endowments;
- (d) funds generated through sale proceeds, technical services, and income from patents; and
- (e) research grants.

16. **Appointments of officer, etc.**—(1) All fresh appointments to the Council shall be on contract basis.

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

(3) Recruitment rules shall provide for conversion of contractual appointments to permanent appointments, after contractual appointees have met the prescribed criteria.

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

(2) ~~The Council shall, by such date and in such form as may be prescribed~~ by rules, submit to the Federal Government for approval its budget for each financial year showing the estimated receipts and expenditure 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 the Federal Government may determine in consultation with the Controller General of Pakistan.

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

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

CHAPTER III

MISCELLANEOUS

19. **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;
- (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.

20. **Directives from the Federal Government.**—(1) In the performance of its functions, the Council shall be guided on questions of policy by

the instructions, if any, given to it by the Federal Government which shall be sole judge as to whether a question is a question of policy, provided that reasons for issuing such a directive are conveyed in writing.

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

21. **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 and the researchers as per rules.

22. **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.

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

24. **Winding up.**— No provision of law relating to the winding up of bodies corporate shall apply to the 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.

25. **Dissolution of Council.**— Upon the commencement of this Act, the Council formed under the Resolution shall stand dissolved and upon such dissolution:-

- (a) all assets, rights, powers, authorities and privileges and 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 Council subsisting immediately before its dissolution shall stand transferred to and vest in the Council;
- (b) all officers and other employees of the Council shall; notwithstanding anything contained in any law or in any agreement, deed, document or other instrument, stand transferred to the Council in accordance with the present terms and conditions of the service applicable to

them; and no officer or other employee whose services are so transferred shall be entitled to any compensation because of such transfer;

- (c) A regular employee of the Council before the commencement of this Act shall have the option to remain 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 and health.
- (d) 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 Council formed under the Resolution before its dissolution shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Council; and
- (e) All suits and other legal proceedings instituted by or against the Council formed under the Resolution, 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.

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

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

28. **Power to make Rules.**— The Federal Government may, by notification in the official Gazette, within six months of the commencement of this Act; make rules to carry out its purposes.

29. **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 removing the difficulty:

Provided that no such power shall be exercised after the expiry of two years from the commencement of this Act.