

THE PAKISTAN ATOMIC ENERGY COMMISSION
ORDINANCE, 1965.

ORDINANCE NO. XVII OF 1965

[29th May, 1965]

An Ordinance to provide for the establishment of an Atomic Energy Commission.

WHEREAS it is expedient to provide for the establishment of an Atomic Energy Commission for the promotion of the peaceful uses of atomic energy in Pakistan, the discharge of international obligations connected therewith, the execution of development projects involving nuclear power stations and matters incidental thereto;

AND WHEREAS the National Assembly is not in session, and the President is satisfied that circumstances exist which render immediate legislation necessary;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 29 of the Constitution and of all other powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

CHAPTER I

PRELIMINARY

1.—(1) This Ordinance may be called the Pakistan Atomic Energy Commission Ordinance, 1965.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

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

(1) "Atomic energy" means the energy or ionizing radiations released in any process which involves transformation of, or reaction between atomic nuclei and includes energy liberated as a result of the fission of special nuclear material or fusion of atomic nuclei;

¹ Approved by the National Assembly on 21st July, 1965, see Gaz. of P., 1965, Ext., p. 596.

(2) "Chairman" means the Chairman of the Commission;

(3) "Commission" means the Pakistan Atomic Energy Commission established or deemed to be established under section 3;

(4) "prescribed" means prescribed by rules made under this Ordinance;

(5) "special nuclear material" means plutonium 239, uranium 235, or uranium 233 or any other material which the Commission determines to be capable of releasing energy through fission.

3.—(1) As soon as may be after the commencement of this Ordinance, the Central Government shall establish, in accordance with the provisions of this Ordinance, a Commission to be called the Pakistan Atomic Energy Commission.

Establishment of the Commission.

(2) The Commission shall be a body corporate by the name of the Pakistan Atomic Energy Commission, having perpetual succession and a common seal, with power, subject to the provisions of Ordinance, to acquire and hold property, both movable and immovable, and shall by the said name sue and be sued.

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

(4) Until a Commission is established under sub-section (1), the Pakistan Atomic Energy Commission functioning immediately before the commencement of this Ordinance shall, notwithstanding the dissolution of the Pakistan Atomic Energy Council by section 23 continue to function and while so functioning be deemed to be the Commission established under the said sub-section.

CHAPTER II

COMPOSITION AND FUNCTIONS OF THE COMMISSION

4.—(1) The Commission shall consist of the following members¹ to be appointed by the Central Government, namely:—

Composition of the Commission.

Full-time members—

(a) a Chairman;

¹ Members of the Commission have been appointed vide S.R.O. 661 (K)/65, see Gaz. of P., 1965, Pt. I, p. 569.

- (b) a Finance member, being representative of the Ministry of Finance, Government of Pakistan ; and
- (c) two technical members ; and

Part-time members—

- (d) a scientist in the service of the Central Government or of any organisation set up by the Central Government ;
- (e) two scientists of whom one shall be from East Pakistan and the other from West Pakistan ; and
- (f) the Chief Scientific Adviser to the President, *ex-officio*.

(2) The Chairman and other members of the Commission except the *ex-officio* member shall be appointed by the Central Government.

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

(4) The Finance member shall exercise such powers and discharge such duties as may be prescribed.

5.—(1) Save as hereinafter provided, a member of the Commission other than the *ex-officio* member shall hold office for a period of three years from the date of his appointment and shall be eligible for re-appointment for such further period or periods, not exceeding three years at any one time, as the Central Government may deem fit.

(2) Where a person is appointed to be a member of the Commission by virtue of his holding an office or appointment he shall cease to be such member when he ceases to hold that office or appointment.

(3) A person appointed to be a member of the Commission may at any time resign his office by letter addressed to the Chairman :

Provided that no resignation shall take effect until it has been accepted by the Central Government.

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

(5) The Central Government may at any time terminate

the appointment of the Chairman or any other member of the Commission except the *ex-officio* member without assigning any reason.

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

6.—(1) The functions of the Commission shall be to do all acts and things, including research work, necessary for the promotion of the peaceful uses of atomic energy in the fields of agriculture, medicine and industry and for the execution of development projects involving nuclear power stations and the generation of electric power thereat.

Function
the Com-
sion.

(2) The Commission may, on behalf of the Central Government or, with the approval of the Central Government, on behalf of a Provincial Government perform such other functions relating to the peaceful uses of atomic energy, and on such terms and conditions, as may be agreed upon between the Commission and such Government.

(3) In the performance of its functions, the Commission shall be guided on questions of policy by the instructions, if any, given to it by the Central Government which shall be the sole judge as to whether a question is a question of policy.

(4) The Commission shall, in order to carry out any functions under sub-section (1) or sub-section (2),—

(a) prepare and submit for the approval of the Central Government proposals, schemes or projects in such form as may be indicated by the Central Government or, where the functions are to be performed on behalf of a Provincial Government, by that Government ; and

(b) proceed to give effect to a proposal, scheme or project as approved by the Central Government.

7.—(1) Save as hereinafter provided, the Commission shall regulate the procedure for its meetings.

Meetings of
the Com-
mission, etc.

(2) Meetings of the Commission shall be called by the Chairman on such date and at such time and place as may be specified by him :

Provided that—

- (i) not less than four meetings shall be held every year, and

Term of
office of
members,
etc.

(ii) at least eight days' notice shall be given to the members specifying the date, time and place of the meeting.

(3) The annual report and the accounts of the Commission for every financial year shall be submitted at a meeting of the Commission to be held within six months of the close of that year for adoption and record subject to such reservations as the Commission may make.

(4) To constitute a quorum at a meeting of the Commission, not less than four members, including the Chairman, shall be present.

(5) All meetings of the Commission shall be presided over by the Chairman, and, in the absence of the Chairman, by a member of the Commission authorised in writing by the Chairman ; and in the absence of such authorization or of the member so authorized, by a member elected for the purpose by the members present.

(6) Subject to such rules as the Central Government may make regarding matters having financial implications, all questions at a meeting of the Commission shall be decided by a majority of the members present and voting, and in case of equality of votes, the person presiding shall have and exercise a second or casting vote.

(7) Any business which it may be necessary for the Commission to transact may be transacted by circulation among all its members, and any proposal so circulated and approved by a majority of the members shall be as effectual and binding as if such proposal had been passed at a regular meeting of the Commission.

The Council.

8.—(1) There shall be a Council consisting of—

- (a) the Chairman of the Commission who shall also be the Chairman of the Council ;
- (b) the other members of the Commission ;
- (c) two Directors of the Laboratories established by the Commission, to be nominated by the Commission ;
- (d) two scientists to be nominated by the Inter-University Board ; and
- (e) one scientist to be nominated by each of the following

Divisions of the Government of Pakistan, namely:—

- (i) Agriculture Division ;
- (ii) Defence Division ;
- (iii) Health Division ;
- (iv) Natural Resources Division ; and
- (v) Scientific and Technological Research Division.

(2) A member of the Council, not being the Chairman or a member of the Commission, shall hold office for a period of three years from the date of his nomination and shall be eligible for re-nomination :

Provided that where a person is a member of the Council by reason of his holding an office or appointment he shall cease to be such member when he ceases to hold that office or appointment.

(3) A person nominated to be a member of the Council may at any time resign his office by letter addressed to the Chairman of the Council :

Provided that no resignation shall take effect until it has been accepted by the Central Government.

(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 Central Government may at any time terminate the appointment of any member of the Council nominated thereto under clause (c), (d) or (e) of sub-section (1) without assigning any reason.

(6) Meetings of the Council shall be called by its Chairman on such date and at such time and place as may be specified by him :

Provided that at least one meeting shall be held in a year.

(7) To constitute a quorum at a meeting of the Council not less than seven members, including the Chairman, shall be present.

9. The functions of the Council shall be—

- (a) to lay down the broad principles to be followed by the Commission in the performance of its functions particularly in the matter of scientific and research work ;
- (b) to review the work of the Commission and to consider its annual report ; and

Functions of
the Council.

CHAPTER III

MISCELLANEOUS

Funds of the
Commission.

(c) to dispose of such other matter as may be referred to it by the Central Government or the Commission.

10.—(1) The funds of the Commission shall comprise—

- (a) funds of the Pakistan Atomic Energy Council which stand transferred to the Commission under section 23 ;
- (b) grants from the Central and Provincial Governments ;
- (c) donations and endowments ;
- (d) income from investments and royalties ; and
- (e) receipts of the Commission from such other sources as may be approved by the Commission.

(2) The Commission 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 Central Government, with any other bank.

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

Budget.

11. The Commission shall, by such date in each year as may be prescribed, submit to the Central Government for approval, a budget in the prescribed form for each financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the Central Government during that financial year.

Delegation
of powers.

12. The Commission 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 Chairman or by such member or officer of the Commission as may be so specified.

Appointment
of officers,
etc.

13.—(1) The Commission may, subject to the provisions of sub-section (2) and such general or special orders as the Central Government may give it 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 Central Government may direct the Commission to dispense with the services of any officer, adviser or employee and when so directed the Commission shall dispense with his services.

14. The Commission may, subject to the prior approval of the Central Government, co-operate with any foreign national authority or international organization in respect of the peaceful uses of atomic energy pursuant to the express terms and conditions of any programme or agreement for co-operation to which such authority or organization is a party or pursuant to any other international arrangement made before or after the commencement of this Ordinance.

Co-operation
with inter-
national
organiza-
tions, etc.

15. The Commission shall submit to the Central Government at such time and at such intervals as the Central Government may specify—

Submission
of periodical
reports, etc.

- (a) such periodical reports and summaries as may be required by the Central Government ;
- (b) annual reports on the Head-office and the different research centres, power stations and projects ;
- (c) such periodical returns, accounts statements and statistics as may be required by the Central Government ;
- (d) information and comments asked for by the Central Government on any specific point ;
- (e) copies of the documents required by the Central Government ; and
- (f) original documents required by the Central Government for examination or any other purpose.

16. The Central Government may, from time to time, issue to the Commission such directives and orders as it may consider necessary for carrying out the purposes of this Ordinance and the Commission shall follow and carry out such directives and orders.

Directives
from the
Central
Government.

17. All rights relating to discoveries and inventions and any improvement in materials, methods, processes, apparatus or equipment made by any officer or employee of the Commission in the course of his employment shall vest in the Commission.

Discoveries
and inven-
tions to vest
in the Com-
mission.

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

Declaration
of fidelity
and secrecy.

19. The Central Government may, by notification in the

Power to

make rules. official Gazette, make rule to carry out the purposes of this Ordinance.

Power to make regulations. 20. The Commission may, with the previous sanction of the Central Government, make such regulations, not inconsistent with this Ordinance or the rules made thereunder, as may, in its opinion, be necessary or expedient for the achievement of its aims and objects and for the performance of its functions.

Continuance of certain rules, etc. 21. All rules, regulations, and bye-laws of the Pakistan Atomic Energy Council registered under the Societies Registration Act, 1860, and in force immediately before the commencement of this Ordinance, shall, *mutatis mutandis*, and so far as they are not inconsistent with any of the provisions of this Ordinance, continue in force until repealed or altered by rules or regulations made under this Ordinance.

XXI
of
1860.

Winding up. 22. No provision of law relating to the winding up of bodies corporate shall apply to the Commission, and the Commission shall not be wound up except by order of the Central Government, and in such manner as the Central Government may direct.

Dissolution of Pakistan Atomic Energy Council, etc. 23.—(1) Upon the commencement of this Ordinance the Pakistan Atomic Energy Council registered under the Societies Registration Act, 1860, shall, notwithstanding anything contained in that Act, stand dissolved, and upon such dissolution—

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of
1860.

(a) all assets, rights, powers, authorities and privileges, and all property, movable and immovable cash and bank balances, reserve funds investments and all other interests and rights in, or arising out of, such property and all debts, liabilities and obligation of whatever kind of the Council subsisting immediately before its dissolution shall stand transferred to and vest in the Commission ;

(b) all officers, consultants, advisers, auditors 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 Commission and shall be deemed to have been appointed or engaged by the Commission in accordance with the terms and conditions of service applicable to them, and no officer, consultant, adviser, auditor 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 Council before its dissolution shall be deemed to have been incurred, entered into, acquired or engaged to be done by, with or for the Commission ; and

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

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