



THE MARITIME SECURITY AGENCY, ACT, 1994



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SCHEDULE.
See section 6

MARITIME SECURITY AGENCY

ACT NO. X OF 1994

An Act to provide for constitution and regulation of the ¹[Pakistan] Maritime Security Agency.

WHEREAS it is expedient to constitute a ¹[Pakistan] Maritime Agency to provide for the regulation of maritime activities and to safeguard the maritime interests of Pakistan and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows :—

1 Short title, extent and commencement.—(1) This Act may be called the Maritime Security Agency Act, 1994.

(2) It applies to all officers and members of the ¹[Pakistan] staff of the ¹[Pakistan] Maritime Security Agency wherever they may be.

(3) It shall come into force at once.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context.—

- (a) “Agency” means the ¹[Pakistan] Maritime Security Agency constituted under section 3 ;
- (b) “Commanding Officer” means an officer appointed in command of a ship, vessel or establishment of the Agency or the officer on whom such command may devolve under this Act or the rules ;
- (c) “Director-General” means the Director-General of the ²[***] Agency appointed under sub-section (2) of section 3;
- (d) “establishment” means an establishment or station belonging to, or under the control of, the Agency, whether within or outside Pakistan ;
- (e) “maritime interests of Pakistan” means rights, control, jurisdiction and sovereignty over Maritime Zones and includes the sovereign rights of Pakistan to explore, exploit, conserve, manage the living and non-living resources and other activities for economic exploitation, exploration and to safeguard the

¹ In by Act VIII of 2013 s. 2 to 5

² Omitted & subs by Act VIII of 2013 s. 6-7

unauthorised exploitation of resources of Pakistan seas and prevention thereto from damage through pollution ;

- (f) “Maritime Zones” means the territorial waters, the Contiguous Zone, Continental Shelf, Exclusive Economic Zone of Pakistan or any other zone or area declared as such by the Federal Government;
- (g) “member of the staff” includes a Chief Petty Officer, Petty Officer, junior commissioned officer, sailor and other ministerial staff of the Agency ;
- (h) “officer” means a person appointed in a pay scale as an officer of the Agency, but does not include a member of the staff;
- (f) “prescribed” means prescribed by rules made under this Act;
- (j) “regulations” means regulations made under this Act ;
- (k) “rules” means rules made under this Act; and
- (l) “territorial waters”, "Contiguous Zone", "Continental Shelf" and "Exclusive Economic Zone" shall have the meanings respectively assigned to them in the Territorial Waters and Maritime Zones Act, 1976 ([LXXXII of 1976](#)).

(2) All words and expressions used but not defined in this Act shall, unless the context otherwise requires, have the same meanings as assigned to them in the Pakistan Navy Ordinance, 1961 ([XXXV of 1961](#)).

3. Constitution of the Agency.—(1) As soon as may be, after the commencement of this Act, the Federal Government shall, by notification in the official Gazette, constitute an agency to be called the ¹[Pakistan] Maritime Security Agency for carrying out the purposes of this Act.

(2) The Agency shall consist of a Director-General to be appointed by the Federal Government from amongst the officers of Pakistan Navy who shall not be below the rank of Commodore and such other officers and members of the staff as may be appointed by the Federal Government, from time to time, including—

- a. Deputy Director-General ;
- b. Director (Operation);
- c. Director (Administration) ;
- d. Director (Technical) ;
- e. Director (Budget and Accounts) ; and
- f. Director (Legal Affairs).

¹ Omitted and Subs by Act VIII of 2013 s.6 to 7

4. Control superintendence, command and administration of the Agency. Subject to overall control and superintendence of the Federal Government, the command and administration of the Agency shall vest in, and be exercised by, the Director-General as its chief executive in accordance with the provisions of this Act and the rules and regulations made thereunder.

5. Appointment of members of staff.—(1) The Federal Government may authorize the Director General or any other officer to appoint any officer and other members of the staff and determine the duties to be performed by them.

(2) Appointments under sub-section (1) shall be made by direct recruitment or promotion or from personnel on deputation from the Pakistan Navy or any other department of the Government in such manner as may be prescribed.

(3) The terms and conditions of service of the officers and members of the staff shall be such as may be prescribed.

6. Oath of allegiance.—(1) Every member of the Agency shall, as soon as possible after appointment or enrolment to the Agency, make and subscribe before his Commanding Officer or any other officer appointed by the Commanding Officer in this behalf, an oath in the form set out in the Schedule.

(2) The oath referred to in sub-section (1) shall be read out and, if necessary, explained to him who shall, in acknowledgement, of the oath having been so read out to him, put his signature to it.

(3) When the oath set out in the Schedule is read out, it shall be repeated by the person taking oath before he signs it.

7. Liability for Service. Every officer and member of the staff shall be liable to serve in the Agency within and outside Pakistan, until he reaches the age of superannuation or his services are terminated by the competent authority in accordance with this Act or the rules made thereunder, or on reversion to his original service or office being a transferee to the Agency on deputation or on secondment.

8. Resignation and withdrawal from the service. No member of the Agency shall—

- a. resign from his service during the term of his appointment; or
- b. withdraw himself from all or any of the duties of his appointment.

9. Application of the Pakistan Navy Ordinance, 1961, etc. —(1) Subject to the provisions of this Act, every officer and member of the staff shall, whether appointed through initial recruitment or otherwise, unless he is already so subject, be subject to the Pakistan Navy Ordinance, 1961 (XXXV of 1961), hereinafter referred to as the said Ordinance.

(2) Notwithstanding anything contained in sub-section (I), a civil servant transferred to the Agency on deputation or a person subject to the Pakistan Army Act, 1952, ([XXXIX of 1952](#)) or the Pakistan Air Force Act, 1953, (XXXV of 1953) on secondment to the Agency, not otherwise subject to this Act, shall be so subject to this Act and the said Ordinance to the extent and under such conditions as the Federal Government may direct :

Provided that such civil servant and other person shall be subject to the said Ordinance when they

- (a) seduce or attempt to seduce any person subject to this Act from his duty or allegiance to the Government;
- (b) commit any offence in relation to any work of defence, arsenal, naval, military, air force or Agency's establishment, station, ship, or aircraft;
- (c) commit any offence under the Official Secret Act, 1923, ([XIX of 1923](#)) in relation to the affairs of the Agency ;
- (d) commit any offence punishable under any law for the time being in force on the vessel, ship, aircraft or property of the Agency or in relation thereof; and
- (e) embark as passenger on board of the Agency's vessel, ship or aircraft.

Explanation.—The expression 'civil servant' shall have the same meaning as is assigned to it in the Civil Servants Act, 1973 ([LXXI of 1973](#)).

(3) The Director-General shall, in respect of all officers and members of the staff, have all the powers conferred by or under the said Ordinance on an officer empowered to convene courts martial.

(4) Where anything is not provided for in this Act or the rules or regulations, the provisions of the said Ordinance and the rules and regulations made thereunder shall apply.

10. Powers and Functions of the Agency.—(1) The Agency shall be responsible for the regulation and protection of the maritime interests of Pakistan and to assert and enforce national jurisdiction and sovereignty in the Maritime Zones.

(2) Without prejudice to the generality of the provisions of sub-section (1), the functions of the Agency shall be to—

- (a) prevent unauthorised exploitation of any economic resources by any person, agency, vessel or device within the Maritime Zones ;
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