

A.

Bill

*to provide for constitution and regulation of the
Joint Maritime Information Organization*

WHEREAS it is expedient to constitute a Joint Maritime Information Organization to synergize efforts of all organizations and agencies, information sharing for Maritime Security and to provide for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, extent, application and commencement.**-(1) This Act may be called the Joint Maritime Information Organization Act, 2018.

(2) It extends to the whole of Pakistan.

(3) It shall apply to all Ministries, Divisions, Departments and Agencies related to maritime sector including the law enforcement agencies at sea specified in Schedule-I to this Act.

(4) It shall come into force at once.

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

(a) "JMIO" means the Joint Maritime Information Organization established under section 3;

(b) "JMICC" means the Joint Maritime Information and Coordination Centre, established under clause (a) of sub-section (2) of section 5;

(c) "Maritime Interests of Pakistan" includes rights, control, jurisdiction and sovereignty over Maritime Zones and 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 unauthorized exploitation of resources of Pakistan seas, sub-soil and prevention thereto from damage through pollution or any other means;

- (d) "Maritime Zones" means the Territorial Sea, the Contiguous Zone, Continental Shelf and Exclusive Economic Zone of Pakistan as defined in the Territorial Waters and Maritime Zones Act, 1976 (LXXXII of 1976), or any other zone or area declared as such by the Federal Government and includes the internal waters;
- (e) "Maritime Domain Awareness" means the effective understanding of anything associated with the maritime domain that could impact the security, safety, economy or environment of the country;
- (f) "Concerned Agencies" means those agencies, departments, Ministries which are specified in Schedule-I;
- (g) "Director" means the officer in command of JMICC appointed under sub-section (2) of section 3;
- (h) "prescribed" means prescribed by the rules made under this Act; and
- (i) "rules" means rules made under this Act.

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

3. **Constitution of Organization.**-(1) The Federal Government may by notification in the official gazette, constitute a Joint Maritime Information Organization (JMIO).

(2) The JMIO shall consist of a Director to be appointed by the Naval Headquarters from amongst the officers of Pakistan Navy and such other officers and members of the staff for smooth functioning of the organization as may be prescribed.

(3) The head of Concerned Agency shall be authorized to appoint, depute or attach officers including civilian officers and other members of the staff to JMICC. Duties to be performed by these officers or staff may be determined by the Director.

(4) The JMIO shall be manned by officers and staff of Pakistan Navy and representatives of Concerned Agencies on deputation or attachment from the respective Concerned Agency.

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

5. Powers and functions of JMIO.- (1) All Concerned Agencies as specified in Schedule—I to this Act shall be responsible to share information with JMICC on terrorism, subversive and criminal activities which include human trafficking, illegal arms transportation, smuggling of contraband goods, drug trafficking, unauthorized exploitation of marine resources, and marine environmental degradation and illegal fishing. JMICC shall be responsible to coordinate and disseminate actionable information with the Concerned Agency to generate immediate and effective response.

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

- (a) establish JMICC at Pakistan Navy Ship QASIM at Karachi under the auspices of Pakistan Navy;
- (b) manage and maintain the expeditious flow of information relating to incidents of maritime terrorism, piracy, distress at sea, environmental protection, illegal fishing and any other illegal activity within Pakistan's maritime jurisdiction;
- (c) collect, collate and analyze the information received from any of the Concerned Agencies or organization including other relevant information, if any, relating to individuals and transnational organized criminal groups intend committing illegal activities along the coastal areas including act of terrorism against ships within Maritime Zones including ports and harbours;

- (d) prepare statistics and reports on the basis of the information gathered and analyzed under clause (c), and to disseminate them to the Concerned Agencies or organizations, as far as possible;
- (e) provide an appropriate alert, whenever possible, to the Concerned Agencies if there is a reasonable ground to believe that a threat of incidents of illegal act along the coastal areas including act of terrorism against ships within Maritime Zones including ports and harbour is imminent;
- (f) coordinate and share available information on shipping and on criminal groups and individuals with regional and international Maritime Information Sharing Organizations and Centers for Maritime Domain Awareness;
- (g) prepare non-classified statistics and reports based on information gathered and analyzed under clause (c) and to disseminate them to the shipping community and International Maritime Organizations;
- (h) perform such other functions as may be agreed upon by the Concerned Agencies with a view to preventing illegal acts within Pakistan's maritime jurisdiction; and
- (i) perform such other functions as may be assigned to it by the Federal Government, from time to time, to protect maritime interests of Pakistan.

(3) In performance of its functions, the JMIO shall respect the confidentiality of information provided by any Concerned Agency and shall not release or disseminate such information unless the consent of that Agency is taken in advance.

6. **Application of certain laws.**-(1) Subject to the provision 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).

(2) Notwithstanding anything contained in sub section (1), a civil servant transferred to the JMIO 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 of the JMIO, not otherwise subject to this Act, shall be so subject to this Act and the Pakistan Navy Ordinance, 1961 (XXXV of 1961), to the extent and under such conditions as the Federal Government may direct, provided that such civil servant and that other person shall be subject to the said Ordinance when he—

- (a) seduces or attempts to seduce any person subject to this Act from his duty or allegiance to the Government;
- (b) commits any offence in relation to any work of defence, arsenal, naval, military, air force or JMIO's establishment or station;
- (c) commits any offence under the Official Secrets Act, 1923 (XIX of 1923) in relation to the affairs of the JMIO; or
- (d) commit any offence punishable under any law for the time being in force on the establishment, station or property of the JMIO or in relation thereof.

7. **Indemnity.**- No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rules or regulations made thereunder.

8. **Power to make rules.**- The Director may, with the approval of Federal Government, make rules consistent with this Act for carrying out the purpose of this Act.

9. **Oath of allegiance.**- A member of 'private sector' shall, as soon as possible after appointment or enrolment to the JMIO, make and subscribe before his Director or any other officer appointed by the Director on his behalf, an oath in the form set out in Schedule-II to this Act.

10. **Power to amend Schedule.**— The Ministry of Defence may, by notification in the Official Gazette, amend Schedule-I to this Act.

SCHEDULE-I

[See sub-section (3) of section 1 and sub-section (1) of section 5]

S. No.	Concerned Agencies	
(1)	(2)	(3)
1.	Federal Investigation Authority (Immigration)	Ministry of Interior
2.	Pakistan Coast Guard (PCG)	
3.	Pakistan Rangers (Sindh)	
4.	Directorate of Ports and Shipping at Karachi	Ministry of Maritime Affairs
5.	Mercantile Marine Department (MMD)	
6.	Karachi Port Trust (KPT)	
7.	Port Qasim Authority (PQA)	
8.	Gwadar Port Authority (GPA)	
9.	Fishery Department Sindh	
10.	Pakistan National Shipping Corporation (PNSC)	
11.	Marine Fishery Department (MFD)	
12.	Korangi Fish Harbour (KoFH)	
13.	Pakistan Marine Academy	
14.	Fishery Development Board (FDB)	Ministry of National Food Security and Research
15.	National Institute of Oceanography (NIO)	Ministry of Science and Technology
16.	Space and Upper Atmosphere Research Commission (SUPARCO)	
17.	Anti-Narcotics Force (Sindh and Balochistan)	Narcotics Control Division
18.	Customs Department (Sindh and Balochistan)	Revenue Division/FBR
19.	Pakistan Army (Southern Command/HQ 5 Corps)	Ministry of Defence
20.	Pakistan Maritime Security Agency (PMSA)	
21.	Inter-Services Intelligence (ISI)	
22.	Institute of Maritime Affairs (IMA)/ PN	
22A.		Ministry of Foreign Affairs

23.	Commissioner Office (Karachi)	Government of Sindh
24.	Karachi Fish Harbour Authority (KFHA)	
25.	Sindh Police	
26.	Fisherman Cooperative Society (FCS)	
27.	Rescue Dept Hawks Bay	
28.	Provincial Disaster Management Authority, Sindh	
29.	Gadani Ship Breaking Association (GSBA)	Government of Balochistan
30.	Fishery Department Balochistan	
31.	Balochistan Police	
32.	Provincial Disaster Management Authority, Balochistan	
33.	Pakistan Shipping Agents Association (PSAA)	Miscellaneous/ Private
34.	Pakistan Sea Friends Welfare Organization	
35.	Native Island Fisherman Association (NIFA)	
36.	Fisherman Awareness Forum (FAF)	
37.	Pakistan Fisher Folk Forum (PFFF)	
38.	Sind Trawler Owners & Fishermen Association (STOFA)	
39.	Cargo Dhow Operator (CDO)	
40.	Bringing You Clear Option (BYCO)	
41.	Passenger Boat Association (PBA)	
42.	Ferry Operator Churna	

SCHEDULE-II

[See section 9]

I, _____ do solemnly swear that I shall bear true faith and allegiance to Pakistan;

That as an officer or member of the staff of Joint Maritime Information Organization, I shall discharge my duties and perform my functions faithfully and honestly, to the best of my ability and in accordance with the Constitution and the laws of the Islamic Republic of Pakistan, without fear, favour, affection or ill-will.

That I shall not allow my personal interest to influence my official conduct or my official decisions.

May Allah Almighty help and guide me (Ameen).

Date: _____

Statement of Objects and Reasons

Pakistan Navy conceived Joint Maritime Information Organization (JMIO) concept in 2012 to establish a formal mechanism for effective exchange of Maritime related information between all stakeholders. Consequently, a Joint Maritime Information Coordination Centre (JMICC) was established under the auspices of Pakistan Navy at PNS Qasim, Karachi on 07 February, 2013.

2. Maritime security has assumed significant importance in contemporary global environment. Major threats emanating at sea include piracy, transnational criminal activities, illegal fishing, smuggling, human and drug trafficking, gun running, etc. These threats can assume asymmetric proportions for the state. Early detection and timely warning to various agencies responsible for maritime security will enable coordinated, immediate, and effective response to emerging situations. Majority of the maritime states have already restructured their maritime security organizations under a similar concept.

3. JMIO will act as a nerve centre for collecting, fusing, and disseminating information related to maritime domain to all stakeholders. Since the concept involves a number of stakeholders/agencies, which had peculiar command structure and organizations, therefore, a Bill passed by Parliament is considered imperative to achieve seamless integration of all the organizations.

Engineer Khurram Dastgir Khan
Minister for Defence

NOTE OF DISSENT

Dated 4th April, 2018

Amendments to Bill for constitution & regulation of the JMIO

The Bill is confused as it is unclear of the body being created is for information sharing, or security or intelligence gathering.

Article 7: It should be removed. There should be no general indemnity as it is subject to abuse.

Article 9: Not required except for private sector individuals so it should be amended and be private sector specific.

Schedule I: Needs to be amended to include the Legal Division of the MFA as MFA most important Ministry in this area especially regarding EEZs, international treaties and law of the sea etc- and yet this Ministry has been totally overlooked.

Also, ISI should be excluded because it is an intel agency that works covertly and should not be identified in a Bill of this sort.

Additionally, entities like BYCO, PBA and Ferry Operator Churna should be removed and instead the Maritime Authority can coopt any body it may want to at a particular time- that would also give it more flexibility and adaptability to evolving changes.

Sd/-
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