

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

BILL

*to ensure publication of the text of the laws of Pakistan free from errors of reproduction,
updating and printing*

WHEREAS it is expedient to provide for publication of the text of the laws of Pakistan free from errors of reproduction, updating and printing and to deal with ancillary matters;

AND WHEREAS the Provincial Assemblies of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh have passed Resolutions under Article 144 of the Constitution to the effect that Parliament may by law regulate the issue;

It is hereby enacted as follows:-

1. Short title, extent, commencement and application.— (1) This Act may be called the Publication of Laws of Pakistan Act, 2016.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

(4) This Act shall not apply to publication of laws of Pakistan by the Federal Government, a Provincial Government, any House of *Majlis-e-Shoora* (Parliament) or a Provincial Assembly, but the Governments and Legislatures shall maintain internal checks in order to ensure accuracy of the laws published by them.

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

(a) "bookseller" means a bookseller who predominantly sells law books, with or without commentary, containing laws of Pakistan;

(b) "Cell" means the Laws of Pakistan Cell to be established under section 6;

(c) "Director" means the Director of the Cell;

(d) "law of Pakistan" means a law passed under the Constitution of the Islamic Republic of Pakistan, or by or under the authority of *Majlis-e-Shoora* (Parliament) or any of the Provincial Assemblies, which is

published in the Gazette of Pakistan or Gazette of any Province and includes principal and subordinate legislation and any other statutory instrument which is published in the Gazette of Pakistan or Gazette of any Province:

Provided that the commentary portion of any law of Pakistan and reproduction by photocopy or scanning of any law of Pakistan shall be out of the purview of this Act;

- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "public sector organization" means a concerned ministry, division, department, attached department, statutory body or an autonomous body of the Federal Government under the Rules of Business, 1973, a department, statutory body, an attached department or autonomous body of a Provincial Government under Rules of Business of the respective Provincial Government, a local government and Supreme Court of Pakistan, Federal Shariat Court or a High Court to the extent of Rules and Orders published under the authority of the Supreme Court, Federal Shariat Court or a High Court;
- (g) "publisher" means a natural person or a juristic person who publishes or engages another publisher, within or outside Pakistan, for publishing any law of Pakistan in the form of a book, booklet, pamphlet, journal, or in any electronic form; and
- (h) "reviewer" means a person who reviews a law of Pakistan under this Act.

3. **Registration of publishers.**—(1) A publisher shall not publish any law of Pakistan unless,—

- (a) he is registered with the Cell;
- (b) his proposed publication is reviewed by the Cell; and
- (c) the Cell has certified that his proposed publication is accurate and updated till the date of issuance of certificate.

(2) The Cell shall, on payment of prescribed fee and fulfillment of the prescribed conditions, register a publisher.

4. **Exemption from registration.**—A public sector organization and a Legislature shall be exempt from registration under this Act but the head of the public sector organization or the Secretary of the Senate or the National Assembly or a Provincial Assembly, as the case may be, or any officer authorized by the head of the public sector organization, Senate, National Assembly or a Provincial Assembly, shall execute and publish a certificate of accuracy of the contents of a law of Pakistan published by the public sector organization or a Legislature and the certificate shall contain the date when the law of Pakistan is last updated.

5. **Compilation of authentic versions of laws of Pakistan.**— (1) The Federal Government shall, to the extent of Federal laws, compile and maintain an updated and accurate version of the laws of Pakistan and translation thereof in Urdu, both in paper and electronic form, which shall, besides other purposes, be used to determine the accuracy of the material submitted by a publisher for review under this Act.

(2) Each Provincial Government shall, to the extent of Provincial laws of the respective Province, compile and maintain an updated and accurate version of the laws of Pakistan and translation thereof in Urdu and Provincial languages, both in paper and electronic form, which shall, besides other purposes, be used to determine the accuracy of the material submitted by a publisher for review under this Act.

(3) The Federal Government and each Provincial Government shall ensure the safe custody of the Gazettes of Pakistan and Gazettes of the respective Province containing laws of Pakistan concerning the Federation or the Province and the publications of the updated and accurate versions of the respective laws of Pakistan.

6. **Cell.**— (1) The Federal Government shall, by notification in the official Gazette,

establish a Cell to be known as Laws of Pakistan Cell.

(2) The Director, Deputy Directors and Assistant Directors shall be collectively known as the Cell:

Provided that the Director as head of the Cell shall perform functions of the Cell:

Provided further that the powers of the Cell under clauses (e), (f) and (g) of section 7 shall not be exercised unless the Director, two Deputy Directors and two Assistant Directors, by a vote of majority, decide to exercise such power.

(3) The Federal Government shall establish as many offices of the Cell throughout Pakistan, as may be necessary for efficient working of the Cell.

7. Powers and functions of the Cell.— The Cell shall,—

- (a) register publishers of laws of Pakistan;
- (b) regulate the publication of the standard translation of laws of Pakistan;
- (c) review every proposed publication of a law of Pakistan;
- (d) issue certificate of accuracy to the effect that the contents of a law of Pakistan submitted by a publisher are authentic, accurate and updated till date of such certification;
- (e) seize any unauthorized publication of a law of Pakistan which contains errors and destroy the same if, in the opinion of the Cell, the errors cannot be rectified;
- (f) impose fines as provided in section 19;
- (g) de-register a publisher or initiate prosecution under this Act;
- (h) ensure that, after the commencement of this Act, no bookseller sells any publication containing a law of Pakistan which does not bear certificate of accuracy; and
- (i) perform any other function which is incidental to above functions or as may be prescribed.

8. Review of publications.— (1) The Cell shall, on payment of a prescribed fee,

review a proposed publication of a law of Pakistan submitted by a registered publisher and subject to rules, the Cell shall, within the maximum period of twenty working days from the date of submission of publication or payment of full fee, whichever is later, complete the review, correct errors and issue certificate of accuracy of the publication as on a specified date :

Provided that if certificate of accuracy is not issued within the stipulated period, it shall be deemed to have been issued by the Cell and thereafter if any error is found in any law of Pakistan in respect of which certificate of accuracy was deemed to have been issued, it shall be rectified at the expense of the Cell.

(2) If text of a publication of a law of Pakistan includes other material like commentary, the Cell shall only review the contents of the law of Pakistan and the certificate of accuracy shall also be construed to contain responsibility only to that extent.

(3) After review of a publication, the Cell shall retain the authenticated copy of the publication in safe custody and shall, subject to payment of remaining fee, if any, provide a copy of the authenticated copy of the publication to publisher for publication.

9. Director.—(1) The Federal Government shall appoint a Director of the Cell and as many Deputy Directors, Assistant Directors and other staff of the Cell as may be necessary for efficient working of the Cell, on such terms and conditions as may be specified.

(2) The Director and all the Deputy Directors and Assistant Directors involved in the business of review shall be the reviewers of the laws of Pakistan for the purposes of this Act and each certificate of accuracy shall bear the name and signatures of the Director as reviewer.

10. Delegation.— The Director may, with the approval of supervisory committee and subject to such conditions and limitations as may be imposed by the supervisory committee, delegate any of his functions to any other officer of the Cell except the function to-

- (a) to sign the certificate of accuracy;
- (b) constitute a committee or fill a vacancy in a committee; and

- (c) approve annual budget, audited accounts and annual report of the Cell.

11. Supervisory committee.— (1) The supervisory committee shall consist of,-

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| (i) | Secretary Law, Justice and Human Rights Division
or his nominee not below the rank of Joint Secretary | Chairperson |
| (ii) | Secretaries of Law Departments of Provinces
or their nominees not below the rank of Additional Secretary | Members |
| (iii) | a representative from National Book Foundation | Member |
| (iv) | a representative from Pakistan Bar Council | Member |
| (v) | one representative each from Provincial
Bar Councils and Islamabad Bar Council | Members |
| (vi) | a representative from Printing Corporation of Pakistan | Member |
| (vii) | a representative from the Pakistan Publishers
and Booksellers Association | Member |
| (viii) | a representative from Department of Archive | Member |
| (ix) | a representative from National Language Authority | Member |

(2) The Director shall act as Secretary of the supervisory committee.

(3) One fourth of the total members of the supervisory committee shall constitute the quorum for a meeting of the supervisory committee.

(4) In the absence of Chairperson, the supervisory committee shall nominate a member to preside over the meeting.

(5) Except for the purposes of hearing appeal under section 23 for which the supervisory committee may meet whenever deemed necessary, the supervisory committee shall meet at least biannually.

(6) The Supervisory Committee, on receipt of the annual report, may issue guidelines to the Cell for corrective measures on efficient working of the Cell.

(7) The supervisory committee shall supervise the functions of the Cell and in such supervision issue directions which shall be binding on the Cell.

12. Annual report.—(1) The Cell shall, within three months of the close of a

financial year, submit to the Supervisory Committee an annual report.

(2) The report shall consist of,-

- (a) a comprehensive statement of the work and activities of the Cell and the measures taken for accurate publication of laws of Pakistan during the preceding financial year;
- (b) future plans and projects;
- (c) the problems faced by the Cell and the recommendations to resolve those problems;
- (d) guidelines issued by the Cell for translation of laws of Pakistan; and
- (e) such other matters as may be prescribed or as the Cell may consider appropriate.

13. Disclosure of interest.— (1) If the Chairperson, Secretary, member, Director, or any other employee, including an adviser, consultant, agent, actuary, valuator, lawyer, and auditor or the family of such a person has, direct or indirect interest in any matter relating to financial transactions of the Cell or supervisory committee, such person shall forthwith disclose that interest and the Cell or, as the case may be, the supervisory committee, may take such action as it may consider appropriate.

(2) Any person referred to in sub-section (1), if present in a meeting of the Cell or supervisory committee, shall forthwith disclose his interest and withdraw himself from the meeting during the consideration of that matter.

14. Recovery of dues.— Any amount due to the Cell may be recovered as arrears of land revenue by an officer authorized for this purpose by the Cell and such officer shall exercise all powers of a collector for recovery of the amount due.

15. Duties of publishers and booksellers.—(1) A publisher may print a law of Pakistan in off-set, photostat, photo-block or any other modern system of printing including uploading on website etc., but he shall not print it in litho process.

(2) A publisher shall,-

- (a) not use paper prohibited by the Cell for printing a law of Pakistan;
- (b) before submission to the Cell, get his specimen copy of the proposed

publication of a law of Pakistan compared with the text of the Gazettes and official publication of laws of Pakistan, by a person holding a law degree from a recognized university or a person trained in the job of proof reading of legal publications, and have a statement recorded in writing by such a person that the contents of the laws of Pakistan reproduced in the publication do not contain any error; and

- (c) ensure that the cover page of every edition or publication of a law of Pakistan clearly bears the name and registration number of the publisher, the batch number of the publication, the name of the printer or database operator, and the day, month and year till which it has been updated.

(3) In addition to the duties specified in sub-section (2), the publisher shall, in case of laws of Pakistan published after the commencement of this Act, print the certificate of accuracy relating to that publication on the title page of that publication.

(4) A bookseller shall, after the commencement of this Act, return all publications containing a law of Pakistan, to the publisher for printing the certificate of accuracy thereon.

(5) After the commencement of this Act, a bookseller shall ensure that each procurement of a publication containing a law of Pakistan must bear a certificate of accuracy.

16. Disclaimer by the publisher.- Any disclaimer given by the publisher in his publication containing a law of Pakistan shall not exonerate him from the civil and criminal liability created under this Act.

17. Translation of the laws of Pakistan.- (1) The Cell shall regulate the publication of translation of laws of Pakistan and issue guidelines, from time to time, for standard translation of laws of Pakistan in Urdu and other Provincial languages of Pakistan.

(2) All the provisions applicable to the laws of Pakistan under this Act and the rules made thereunder shall, in so far as may be practicable, also apply to the translations of the laws of Pakistan and the publications thereof.

18. De-registration.- (1) The Cell may, in the prescribed manner, de-register a publisher through an order specifying reasons for the order.

(2) The Cell shall not pass an order of de-registration of a publisher unless the publisher has been served a notice and afforded an opportunity of hearing.

19. Fines.— (1) If a person publishes or sells a law of Pakistan in violation of all or any of the requirements under section 15, the Cell may, subject to notice and opportunity of hearing, direct the person to pay a fine of an amount which may extend to fifty thousand rupees:

Provided that in case of violation under clause (a) of sub-section (2) of section 15, the fine shall be imposed equal to the benefit gained by the publisher for not publishing on the paper prescribed by the Cell, but in any case the amount of fine shall not be more than fifty thousand rupees.

(2) In case of recurring breach as specified in sub-section (1), the person shall be subject to a fine which may extend to one hundred thousand rupees.

20. Offences.— (1) Any person who publishes a law of Pakistan without registration under this Act shall be punished with simple imprisonment for a term which may extend to three months and fine which may extend to three hundred thousand rupees, but shall not be less than two hundred thousand rupees.

(2) Any person who publishes a law of Pakistan without obtaining review and certificate of accuracy under this Act shall be punished with simple imprisonment for a term which may extend to one month and fine which may extend to one hundred thousand rupees.

(3) Any reviewer found negligent in his duty of review, which negligence results in publication of a law of Pakistan with errors, shall be punished with fine which may extend to fifty thousand rupees.

(4) All published copies of the laws of Pakistan, in respect of which the offence has been committed, shall be seized by the Cell.

(5) The police shall act in aid of the Cell, as and when required by the Cell, for the purposes of this Act.

21. Violations and offences by juristic persons.— If a person held for a violation under section 19 or guilty of an offence under section 20 is a company or other body corporate or a firm, every proprietor, director, general manager, secretary, partner or any

other office bearer of the company or body corporate or firm shall, unless he proves that the violation or offence was committed without his knowledge or that he exercised all due diligence to prevent the violation or commission of the offence, be deemed to be accountable for such violation and guilty of such offence.

22. Jurisdiction to try offences.- (1) Any person may, in respect of the offence committed under section 20, lodge a complaint with the Magistrate First Class in whose jurisdiction the impugned publication has been published.

(2) For any offence committed under section 20, the Magistrate First Class shall conduct a summary trial in accordance with the provisions of Code of Criminal Procedure, 1898 (V of 1898).

23. Appeal.- Any person aggrieved by an order made by the Cell under section 19 may, within fifteen days of the date of receipt of the order, prefer an appeal to the supervisory committee and the decision of the supervisory committee thereon shall be final.

24. Bar of jurisdiction.- A civil court shall not entertain any suit or application against any proceedings before the Cell or supervisory committee under this Act.

25. Power to make rules.- The Federal Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

26. Removal of difficulty.- If any difficulty arises in giving effect to any of the provisions of this Act, the President may make an order, not inconsistent with the provisions of this Act, for the purposes of removing the difficulty.

27. Validation of actions etc.— Anything done, actions taken, orders passed, instruments made, proceedings initiated, processes or communications issued, powers conferred, assumed, exercised by the Federal Government, Provincial Government, Cell or any of its officers, on and after the 29th November, 2015 and before the commencement of this Act, shall be deemed to have been validly done, made, issued, taken, initiated, conferred, assumed, and exercised and the provisions of this Act shall have, and shall be deemed always to have had, effect accordingly.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court of Pakistan in suo moto case No. 1 of 2005 and in its reported Judgment PLD 2015 SC 257 directed that a legislation shall be enforced to regulate the publication of law books and materials and their translations, for placing a check on the sale of erroneous law books and materials to the public which sometimes lead to glaring consequences causing loss to either of the parties in litigation. Since the subject and contents of the Act do not figure in the Federal Legislative List contained in the fourth Schedule to the Constitution, therefore, Resolutions were sought from all the four Provincials Assemblies, through their respective Provinces, in terms of Article 144 of the Constitution. The Provincial Assemblies of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh have passed Resolutions to this effect.

2. The Bill is designed to achieve the aforesaid object.

SENATOR. PERVAIZ RASHID

Minister-in-Charge