

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON FINANCE, REVENUE AND ECONOMIC AFFAIRS ON THE PAKISTAN SINGLE WINDOW BILL, 2020

I, the Chairman of Standing Committee on Finance, Revenue and Economic Affairs, have the honor to present this report on the Bill to make provisions for the establishment of Pakistan Single Window [The Pakistan Single Window Bill, 2020] [Government Bill], referred to the Committee on 8th June, 2020.

2. The Committee comprises the following:-

| | | |
|------|--------------------------------------|-------------------|
| 1). | Mr. Faiz Ullah | Chairman |
| 2). | Mr. Sadaqat Ali Khan | Member |
| 3). | Mr. Aamir Mehmood Kiani | Member |
| 4). | Mr. Amjid Ali Khan | Member |
| 5). | Mr. Raza Nasrullah | Member |
| 6). | Makhdoom Syed Sami-ul-Hassan Gillani | Member |
| 7). | Mr. Jamil Ahmed Khan | Member |
| 8). | Mr. Faheem Khan | Member |
| 9). | Mr. Aftab Hussain Siddique | Member |
| 10). | Dr. Ramesh Kumar Vankwani | Member |
| 11). | Mr. Muhammad Israr Tareen | Member |
| 12). | Mr. Ahsan Iqbal Chaudhary | Member |
| 13). | Mr. Qaiser Ahmed Sheikh | Member |
| 14). | Chaudhary Khalid Javed | Member |
| 15). | Mr. Ali Pervaiz | Member |
| 16). | Dr. Aisha Ghaus Pasha | Member |
| 17). | Dr. Nafisa Shah | Member |
| 18). | Syed Naveed Qamar | Member |
| 19). | Ms. Hina Rabbani Khar | Member |
| 20). | Mr. Abdul Wasay | Member |
| 21). | Minister In-charge | Ex-officio Member |

3. The Committee considered it in its meetings held on 08-07-2020, 21-07-2020 and 02-09-2020. The Committee recommends that the Bill as introduced in the National Assembly placed at "Annexure-A" may be passed by the National Assembly.

Sd/-

(TAHIR HUSSAIN)

Secretary

Islamabad, the 18th September, 2020

Sd/-

(FAIZ ULLAH)

Chairman/MNA

[AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A

Bill

to make provisions for the establishment of Pakistan single window

In so far as relevant to the intent and objects of this Act and in order to ensure unhindered right to lawful trade as enshrined in Article 18 of the Constitution of the Islamic Republic of Pakistan, it is necessary that an autonomous body be established to simplify cross border trade processes, reduce cost of doing business and facilitate trade on national and international level;

WHEREAS Pakistan has ratified the agreement on Trade Facilitation of the World Trade Organisation which *inter alia* stipulates the establishment of a national single window for managing a country's external trade;

AND WHEREAS it is necessary to establish and operate a single point of submission and receipt of trade data and information to enable synchronised processing of data and information, achieve standardisation and harmonisation of documents required for regulatory control, adopt integrated risk management techniques, remove legal, regulatory and operational barriers to electronic transactions for external trade, facilitate coordination and partnership among all the relevant trade regulatory agencies and stakeholders dealing with the international trade and trade facilitation and for matters connected therewith and ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, extent and commencement.** —(1) This Act shall be called the Pakistan Single Window Act, 2020.

(2) It shall extend to the whole of Pakistan.

(3) It shall come into force from such date as the Federal Government may, by a notification in the official Gazette, appoint.

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

- (a) “Agreement on Trade Facilitation” means the Trade Facilitation Agreement of the World Trade Organisation as ratified by Pakistan;
- (b) “Board of Directors” means the Board of Directors of the operating entity established under the Companies Act, 2017(XIX of 2017);
- (c) “Chairperson” means the Chairperson of the Governing Council established under this Act;
- (d) “electronic” includes electrical, digital, magnetic, optical, biometric, electrochemical, wireless or electromagnetic technology;
- (e) “electronic document” includes documents, records, information, communications or transactions in electronic form;
- (f) “electronic signature” means any letters, numbers, symbols, images, characters or any combination thereof in electronic form, applied to, incorporated in or associated with an electronic document, with the intention of authenticating or approving the same, in order to establish authenticity or integrity or both;
- (g) “Governing Council” means the Pakistan Single Window Governing Council established under section 4;
- (h) “information” includes text, message, data, voice, sound, database, video, signals, software, computer programs, codes including object code and source code;

- (i) "lead agency" means the organization responsible for or appointed under section 5 for implementation of Pakistan single window;
- (j) "member" means a member of the Governing Council including its Chairperson;
- (k) "memorandum of understanding" means the memorandum of understanding signed by and between the Governing Council with the lead agency and its operating entity, or any OGAs;
- (l) "operating entity" means an entity created by the lead agency under section 6;
- (m) "Pakistan single window" means an information and communication technology based facility that allows persons or entities involved in trade and transport to lodge standardised information and documents with a single-entry point to fulfil import, export and transit-related regulatory requirements in Pakistan without being required to submit the same data element more than once;
- (n) "other government agencies" hereinafter referred to as OGAs means any of the regulatory authorities including their subordinate entities as listed in the schedule whether referred to jointly or severally;
- (o) "prescribed" means prescribed by rules or regulations made under this Act;
- (p) "registration" means issuance of a unique user identifier to any person or entity to access the Pakistan single window system, in the prescribed manner;
- (q) "risk management system" means the systematic application of trade controls and management procedures on goods, means of transport and passengers including at pre-arrival, clearance or post clearance stage for identifying, analysing, evaluating, monitoring,

reviewing and treating the risks associated with them and includes priority accorded to compliant, persons, entities or organisations using the Pakistan single window system;

- (r) "rules" means the rules made under this Act;
- (s) "secretariat" means the secretariat to the Governing Council established under section 4;
- (t) "secretary to the Governing Council" means the secretary to the Governing Council;
- (u) "selectivity criteria" means the risk parameters determined by the risk management committee constituted in prescribed manner, for meaningful application of risk management system;
- (v) "system" means an electronic system for creating, generating, sending, receiving, storing, reproducing, displaying, recording or processing information or any part thereof;
- (w) "trade bodies" means any of the recognized and registered chambers of commerce and industry, representatives thereof, registered professional associations, trade unions and others;
- (x) "trade controls" means measures applied by the officers of Pakistan customs service or other Government agencies through the Pakistan single window system to manage risks and ensure compliance with the laws, regulations and rules for the time being in force; and
- (y) "un-authorized access" means access to an information system or data which is not available for access by general public, without authorisation or in violation of the terms and conditions of the authorisation.

(2) Any other expressions used but not defined in this Act, shall have the same meanings assigned thereto in the respective laws and rules made thereunder.

3. **Establishment of the Pakistan single window.**—(1) The Federal Government shall, by notification in the official Gazette, establish a facility to be known as the Pakistan single window to facilitate efficient imports, exports, international transit and matters ancillary thereto, across Pakistan's national territory and notified international borders and shall use any technological means available or made available in the future, for the purpose.

(2) The Federal Government may provide financial, human and administrative resources as it may deem necessary, for the establishment, operation, maintenance and in case of exigency or technological advancements, the succession and replacement of Pakistan single window.

(3) Pakistan customs department and OGAs shall participate in and form an integral part of the Pakistan single window and accordingly align their respective laws, regulations, procedures, processes and information requirements related to regulation of imports, exports, transit trade and associated transport with the Pakistan single window:

Provided that the Governing Council may waive, in whole or in part, temporarily or otherwise, the requirement for participation of any OGA.

(4) Where any law, rules, regulations, by-laws, notifications, orders, procedures, instructions, circulars, etc related to import, export, transit or any matter ancillary thereto are required to be amended, rescinded or repealed, such amendment, rescission or repeal shall not be made except on the condition of previous publication giving a notice thereof in the official Gazette or through electronic means soliciting opinion of the persons likely to be affected thereby:

Provided that the Governing Council may on its own or on a motion by Pakistan customs or any OGA and for reasons to be recorded in writing, dispense with the requirements, temporarily or otherwise, under this sub-section in case of exigency.

4. **The Governing Council.**—(1) The Federal Government may, by notification in the official Gazette, establish a Governing Council comprising Chairperson and such members as the Federal Government may specify therein.

(2) No act or proceedings of the Governing Council shall be invalid by reason only of the existence of a vacancy in or defect in the constitution of the Governing Council.

(3) The Federal Minister-in-charge of the Division to which business of this Act stands allocated shall be the Chairperson of the Governing Council.

(4) The Chairperson may delegate, powers to convene and chair meetings of the Governing Council, in case of necessity to any of its members.

(5) The Governing Council may constitute committees comprising two or more of its members for performance of any task or inquiry as specified by the Governing Council and such committee shall send its recommendations or report to the Governing Council in such period as the Governing Council may specify.

(6) Decision of the Governing Council shall be by simple majority of the members present and voting and the Chairperson or member presiding shall have a casting vote in case of equality of the votes.

(7) The Governing Council may invite any persons or representatives of the trade or professional bodies or organisations to participate in its deliberations, make recommendations, submit reports and provide any assistance as the Governing Council may deem appropriate and may pay them remuneration for such service:

Provided that such persons or representatives shall have no right of vote.

(8) The Governing Council with relation to the Pakistan single window, shall perform such functions as the Federal Government may by rules prescribe which may *inter alia* include establishing the direction, principles, monitoring and maintaining oversight of information and communication technology system, serving as the interface and collaborator between all relevant stakeholders for early implementation and smooth operations, and establishing, managing and monitoring performance against the agreed benchmarks as per the memorandum of understanding with the lead agency and operating entity to ensure achievement of the anticipated outcomes.

(9) The Federal Government may, by notification in the official Gazette, establish a secretariat of the Governing Council and offices thereof at such places as it may determine which shall perform such functions as the Federal Government may prescribe.

(10) The head of the lead agency shall-

- (a) act as the *ex officio* secretary to the Governing Council;
- (b) convene meetings of the Governing Council, with the prior approval of the Chairperson, after giving a notice to the members of the Governing Council;
- (c) head the secretariat to the Governing Council; and

- (d) maintain records of the proceedings of the Governing Council and timely communicate the same to the relevant OGAs, Pakistan customs, any government departments, individuals and entities concerned.

5. **Lead agency.**—(1) Unless the Federal Government may determine otherwise, the Pakistan customs shall be the lead agency for the purposes of this Act.

(2) The lead agency shall establish an operating entity for the development, acquisition, roll out, operations, maintenance, up-grading, enhancements and marketing of the Pakistan single window and its allied systems, as it may deem fit, for maximising benefit of the Pakistan single window for the trade, OGAs, Pakistan customs and other related stakeholders:

Provided that the relationship between the Governing Council, the lead agency and the operating entity shall be regulated through signing of a memorandum of understanding in the manner as the Federal Government may by rules prescribe.

(3) The Federal Government may on its own motion or upon the recommendation of the Governing Council, by a notification in the official Gazette, change or replace the lead agency due to non-performance or failure in achieving performance benchmarks set by the memorandum of understanding and as reported in the performance audit reports consistently for three consecutive years.

(4) The lead agency shall furnish annual performance reports to the Governing Council highlighting therein progress on development, deployment, operations, achievement vis-à-vis benchmarks set by the memorandum of understanding and matters ancillary thereto.

6. Operating entity.—(1) The lead agency shall establish an operating entity under the provisions of the Companies Act, 2017(XIX of 2017) to develop, roll out, operate, maintain, expand, enhance, replace and market Pakistan single window and systems allied thereto.

(2) The Governing Council upon the recommendation of the lead agency may replace the operating entity in case of non-performance or failure in achieving performance benchmarks set by the memorandum of understanding and as reported in the performance audit reports, consistently for three consecutive years.

(3) Government officers from Pakistan customs, OGAs or any other relevant government ministry or division or associated departments, organisations or entity may be seconded to the operating entity through a competitive process to be carried out in the manner as may be prescribed by regulations by the lead agency to support implementation, operations and enhancement of Pakistan single window:

Provided that during the period of their secondment with the operating entity, the government officers shall be entitled to a special Pakistan single window allowance, in addition to the regular government pay and admissible allowances, as notified by the lead agency in consultation with the operating entity:

Provided further that retention of officers seconded under this subsection or extension in their secondment period shall be subject to objective performance assessment by the operating entity as per its performance evaluation benchmarks or human resource policy.

(4) The operating entity may enter into partnerships or itself develop or acquire fully or partly the requisite software, hardware, system code, data, infrastructure or anything ancillary thereto to effectively run the Pakistan

single window but such software, hardware, system code, data, infrastructure or anything ancillary thereto, shall at all times be accessible to and remain the property of the Federal Government, unless otherwise agreed in writing by the Governing Council.

(5) The operating entity shall be entrusted with such functions and responsibilities as its memorandum of association under the Companies Act, 2017(XIX of 2017) and the memorandum of understanding with the Governing Council and lead agency may specify.

7. Grants, funds, budget and accounts of the Governing Council.—(1) The Federal Government may, from time to time, place annual grants at the disposal of the Governing Council for the smooth discharge of its affairs and for defraying of all expenditures incurred by the Governing Council including expenses of its secretariat.

(2) In respect of each financial year, the Governing Council shall submit for approval of the Federal Government, by such date as may be specified by the Federal Government, a statement showing the estimated receipts and expenditure and the sums which are likely to be required from the Federal Government during the next financial year and the accounts of the Governing Council shall be kept in such form and in accordance with such principles and methods as may be determined in accordance with Article 170 of the Constitution of the Islamic Republic of Pakistan.

(3) The secretariat on behalf of the Governing Council may open accounts with the State Bank of Pakistan or with any scheduled bank in Pakistan and the accounts of the Governing Council shall be audited every year by the Auditor-General of Pakistan.

(4) Subject to the provisions of financial laws and regulations for the time being in force and as the Federal Government may prescribe by rules,

accounts of the Governing Council may be expended for the purposes which shall include, but not limited to, the following, namely: -

- (a) paying any expenditure lawfully incurred by it including the allowances of the Chairperson, the members, secretary or any other person, as notified by the Governing Council, hired for any activity or function under this Act;
- (b) paying for expenditure incurred on marketing, publicity, seminars and conferences;
- (c) paying rent, purchasing or hiring equipment and any other materials, acquiring land, erecting buildings and conducting other work and undertakings in the performance of its functions or the exercise of its powers under this Act; and
- (d) paying any other expenses, costs or expenditure properly incurred or accepted by the Governing Council in the performance of its functions or the exercise of its powers.

8. **Sources of funding.**—(1) The sources of funding for development, operations, enhancement and up-gradation of the Pakistan single window shall include—

- (a) such sums as the Federal Government may allocate to the lead agency, from time to time, in the annual budget;
- (b) grants from the Federal Government to the lead agency;
- (c) income generated from levy of fee and service charges as provided in sub-section (2);
- (d) income generated from sales of products, services and investments; and

(e) any other source, as approved by the Governing Council, upon recommendation of the lead agency.

(2) For the purpose of meeting operating expenses, enhancements and up-gradation of the Pakistan single window, the Governing Council may, by notification in the official Gazette, upon the recommendation of the lead agency and subject to such conditions, limitations or restrictions as it may deem fit to impose, levy fee and service charges for any of the services provided by or on behalf of the operating entity, at such rate as may be specified therein.

(3) The Federal Government upon recommendation of the Governing Council may allocate additional funds to the lead agency to the credit of the operating entity in case the income from Pakistan single window fee and service charges is insufficient to meet the operating expenses.

(4) The management, operations and maintenance of all accounts and sums received or raised therein, under this Act, shall be done by the operating entity in the manner as may be prescribed by regulations:

Provided that all sums received or raised under this Act may be utilised for meeting the operating expenses and enhancement of the Pakistan single window including, but not limited to, procuring, owning, hiring, developing, maintaining, upgrading, marketing or operating etc any Pakistan single window related software, hardware, system code, data, infrastructure, property required or utilised by the operating entity, Pakistan customs and OGAs, and for hiring, training, capacity building and welfare of their employees, as approved by the Board of Directors, in the prescribed manner.

(5) Audit of the accounts of the operating entity shall be conducted by the Auditor General of Pakistan. .

9. **Application of the Pakistan single window and its allied systems.**—The Pakistan single window and any systems ancillary thereto shall apply to any of the OGAs, Pakistan customs, other entities and organisations in any matter related directly or indirectly to the imports, exports and transit trade, as the Governing Council may, by a notification in the official Gazette, specify. The Governing Council may further specify different dates for such application in respect of different OGAs, relevant departments, entities or organisations or areas, as the case may be, for this purpose.

10. **Access to the Pakistan single window and its allied systems, maintenance of record etc.**—(1) No person shall access, physically or electronically, the Pakistan single window or its allied systems or infrastructure, transmit to or receive information from the Pakistan single window, unless that person is duly registered or authorised in the manner prescribed by rules.

(2) The rules made for the purpose of sub-section (1) shall specify the requirements for registration or authorisation, the manner of registration or refusal to grant registration and in case of necessity, conditions for suspension or cancellation of registration or authorisation;

Provided that no order shall be passed for refusal, suspension or cancellation of registration unless a reasonable opportunity of being heard is given to the registered person or applicant, as the case may be.

(3) Access to the Pakistan single window system shall be granted only through the use of a unique user identifier and shall be subject to such conditions or restrictions as may be prescribed by regulations.

(4) Any electronic exchange of information, declaration, documents or record, transaction, accounts, offer or acceptance of an offer, notice, order,

payment, authentication, authorisation or information required, delivered or provided by any of the OGAs or Pakistan customs, authorised or registered users or any other entity, organisation or department shall be deemed to have been provided, required, delivered or done in accordance with the law for the time being in force if and when communicated electronically through the Pakistan single window or its allied systems and shall be admissible as an evidence in any court of law, tribunal or before an inquiry commission or any quasi-judicial authority etc.

(5) The operating entity or the lead agency, as the case may be, shall keep a record of every transmission sent or received, electronic documents transmitted or received or any other messages, codes or software, employed in furtherance of the objectives of this Act for a period of not less than five years and shall be liable to use the same in accordance with sub-section (6).

(6) Any trade-related information, transmission, documents, data or record gathered by any of the OGAs, Pakistan customs or any other relevant department, organization or entity under this Act shall be confidential and shall not be used except as prescribed by rules.

(7) The Federal Government may prescribe the manner and mode of requisitioning of documents, records or transmission, conducting audit or examination of the same and allow officers of the OGAs, Pakistan customs or any other entity or organisation to have access to premises, computers or any other systems where data is being stored, recorded or retained subject to the condition that a reasonable advance notice be given to the persons or entities in possession of such data, records or transmissions etc.

11. Application of risk management system.— For the purpose of enforcing trade controls, a risk management system shall be applied in such manner as may be prescribed by rules.

12. **Electronic documents non-discrimination vis-à-vis paper documents .—**(1) Any law, for the time being in force, and requiring documents to be created, retained, authenticated, notarised, duplicated, submitted, delivered or evidenced shall be deemed to have been complied with if such documents are available and retrievable in the electronic form.

(2) Any permit, licence, authorisation or approval required under any law to be issued shall be deemed to have been lawfully issued if the same is issued in electronic form.

(3) Any information, documents, data, authentication or authorisation transmitted, received, stored, done or processed in the Pakistan single window electronically may bear such marks, numbers, bar codes or identifiers which shall be deemed to bear electronic signatures and shall be admissible as an evidence in any legal *fora* within and outside Pakistan.

13. **Offences and punishments.—**(1) Whoever commits any offence as described in column (2) of the Table below shall, in addition to and not in derogation of any punishment to which such person may be liable under any other law, be liable to punishment under this Act as provided in column (3) thereof, namely:-

TABLE

| S.No | Offences | Punishments |
|------|---|---|
| (1) | (2) | (3) |
| 1. | Un-authorized access to information, data or personal | Imprisonment which may extend up to six months or |

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| | details of registered user of Pakistan single window system or systems connected or ancillary thereto, | with fine which may extend to one hundred thousand rupees or with both. |
| 2. | Un-authorized copy, transmission or cause to transmit any data, information or detail in relations to Pakistan single window system or systems connected or ancillary thereto, | Imprisonment which may extend upto six months or with fine which may extend to one hundred thousand rupees or with both. |
| 3. | Un-authorized interference, or attempt to interfere, damage or attempt to damage any part or whole of the Pakistan single window system or data or systems connected to or ancillary thereto, | Imprisonment which may extend to three years or fine which may extend to five hundred thousand rupees or ^{with} both. |
| 4. | Use of any information system, device, data, to make any illegal claim or title or cause any person to part with property or to enter into any express or implied contract or intent to commit fraud by any input, alteration, deletion or | Imprisonment which may extend to four years or fine which may extend to one million rupees or ^{with} both. |

| | | |
|----|---|---|
| | suppression of data, resulting in unauthentic data with the intent that such data be considered or acted upon for legal purpose, as if it were authentic in relations to Pakistan single window system or Systems connected or ancillary thereto, | |
| 5. | Use, make, supply, retain, obtain device, system or software for offences under section 13 of this Act, | Imprisonment which may extend to six months or with fine which may extend to one hundred thousand rupees or with both. |
| 6. | Obtain, sell, process, use or transmit another person's Unique User Identifier or make an attempt thereof without authorisation, | Imprisonment which may extend to four years and fine which may extend to one million rupees or with both. |
| 7. | Tamper with or attempt to tamper with, alter, re-programme any Pakistan single window system or system connected or ancillary thereto for un-authorized use, | Imprisonment which may extend to four years and fine which may extend up to one million rupees or with both and any devices or systems used in offence shall be liable to confiscation. |

| | | |
|----|--|---|
| 8. | Write, offer, make available, distribute or transmit a malicious code or abet in the same, with intent to cause harm to Pakistan single window system or data resulting in or intending to result in corruption, destruction, alteration, suppression, theft or loss to the Pakistan single window system or data, or any attempt thereof, | Imprisonment for a term which may extend to four years and fine which may extend to five million rupees or with both. |
|----|--|---|

(2) Notwithstanding anything contained in this Act or any other law for the time being in force, a special judge, appointed by the Prime Minister with such jurisdiction and in such manner specified by him, may take cognizance and try offences punishable under this Act.

(3) Notwithstanding anything contained in any other law for the time being in force, an offence under this Act or any other law shall not be denied legal recognition or enforcement for the sole reason that such offence is being committed in relation to or through the use of an information system or Pakistan single window system or a system incidental or connected thereto.

14. **Other laws to apply.**—(1) Subject to sub-section (2) of section 13, the provisions of the Customs Act, 1969 (IV of 1969), the Electronic Transactions Ordinance, 2002 (LI of 2002) and the Prevention of Electronic Crimes Act, 2016 (XL of 2016), to the extent not inconsistent with the provisions of this Act, shall *mutatis mutandis* apply to electronic submission of documents, data retention or storage, copyrights, legal recognition and

presumption, certification, notarisisation, registration, offences etc. in as much as they are relevant to the stated intent, objectives and operations under this Act and shall be deemed to have been so applied from the commencement of this Act.

15. Provision of services, sale of software and IT systems etc.—(1) The operating entity with prior approval of the Governing Council, subject to such conditions, limitations or restrictions as the Federal Government may impose, may provide services locally or to foreign governments, organisations, companies or any other entities etc, for development, deployment, up-gradation, maintenance or replacement of their respective single windows or any other electronic systems or sell software or IT systems or make investments for a consideration:

Provided that delivery of any such services or development of systems or investments shall in no way have any bearing on security of the systems being operated in Pakistan nor shall it compromise the security of trade data.

16. Indemnity. —No suit, prosecution or other legal proceedings shall lie against the Federal Government, the Governing Council, lead agency, operating entity, Chairperson, members, officers associated in any capacity with the Pakistan single window for anything done in good faith or intended to be done in good faith, under this Act or any rules and regulations made thereunder.

17. Dispute resolution.—(1) Subject to section 13, the Governing Council may, by notification in the official Gazette, specify the procedure for resolving any disputes that may arise during the course of implementation of this Act or for any actions taken or intended to be taken under this Act or rules made thereunder and the Governing Council may appoint a committee from among its members for this purpose on case to case basis.

(2) Any decision taken by the Governing Council in this regard shall be final and shall not be called into question by any court as long as such findings are not in conflict with the provisions of this Act.

18. **Overriding effect.** —The provisions of this Act shall have effect notwithstanding anything contained in any other law for the time being in force.

19. **Power to amend the Schedule.**— The secretary of the Governing Council may, by notification in the official Gazette and after approval of the Governing Council, amend the Schedule so as to add any entry thereto, omit any entry therefrom or amend any entry therein.

20. **Delegation.** —The Federal Government may, by notification in the official Gazette, delegate any of its powers under this Act to the Governing Council, a member thereof including the Chairperson or any other authority or officer subordinate to it to such extent and subject to such limitations and conditions and for such period as specified in the notification:

Provided that power to make rules of the Federal Government under this Act shall not be delegated.

21. **Power to make rules.**—(1) The Federal Government may, by notification in the official Gazette, make rules to carry out purposes of this Act.

(2) Power to make rules under sub-section (1) shall be subject to the condition of previous publication.

(3) Rules made under sub-section (1) shall be laid before both Houses of the Majlis-e-Shura (Parliament) within one hundred and twenty days of making thereof.

22. **Power to make regulations.** —The lead agency may in consultation with the Governing Council and by notification in the official Gazette, make regulations for carrying out purposes of this Act which shall not be inconsistent with the provisions of this Act and the rules made thereunder.

23. **Removal of difficulties.** - (1) Notwithstanding anything contained in any other law for the time being in force, the Federal Government in respect of rules and the lead agency in consultation with the Governing Council in respect of regulations, may by a notification in the official Gazette suspend any rules, regulations and notifications or provisions thereof, for removal of any difficulty in the implementation of this Act or rules or regulations made thereunder.

(2) The condition of sub-section (3) of section 21 shall apply to any notification issued under sub-section (1).

[SCHEDULE]

{see sections 2 (n) and 19}

| Sr. No. | Organisation / Department / Ministry |
|----------------|--|
| 1. | Alternate Energy Development Board |
| 2. | Animal Quarantine Department |
| 3. | Armed Forces Headquarters |
| 4. | Aviation Division |
| 5. | Chief Inspector of Boilers |
| 6. | Civil Aviation Authority |
| 7. | Commerce Division |
| 8. | Council for Rehabilitation of Disabled Persons |
| 9. | Department of Explosives |
| 10. | Department of Plant Protection |
| 11. | Directorate General of Immigration and Passports |
| 12. | Drug Regulatory Authority of Pakistan |
| 13. | Environmental Protection Agencies |

14. **Engineering Development Board**
15. **Export Processing Zones Authority**
16. **Federal Seed Certification and Registration Department**
17. **Fisheries Development Board**
18. **Forestry Wing, Ministry of Climate Change**
19. **Gwadar Port Authority (GPA)**
20. **Intellectual Property Organisation**
21. **Karachi Port Trust (KPT)**
22. **Licensed Ports, Dry Ports, Terminal Operators, etc**
23. **Marine Fisheries Department**
24. **Mercantile Marine Department**
25. **Ministry of Maritime Affairs**
26. **Ministry of Climate Change**
27. **Ministry of Defence**
28. **Ministry of Defence Production**
29. **Ministry of Foreign Affairs**

30. Ministry of Interior
31. Ministry of National Health Services, Regulations and Coordination
32. Ministry of Production, Industries and Special Initiatives
33. Motor Registration and Excise Authorities
34. Narcotics Control Division
35. National Council for Conservation of Wildlife, Ministry of Climate Change
36. National Ozone Unit, Ministry of Climate Change
37. National Rifle Association of Pakistan and Gun Club Islamabad
38. National Tariff Commission
39. National and Provincial Disaster Management Authority
40. Oil and Gas Regulatory Authority (OGRA) and Hydrocarbon Development Institute of Pakistan
41. Oil Companies Advisory Committee (OCAC) and Ministry of Energy
42. Pakistan Cotton Standards Institute
43. Pakistan Council of Scientific and Industrial Research
44. Pakistan Electronic Media Regulatory Authority

45. Pakistan Engineering Council
46. Pakistan Exploration and Production Companies Advisory Committee
47. Pakistan Gems and Jewelry Development Corporation
48. Pakistan Mint
49. Pakistan Nuclear Regulatory Authority
50. Pakistan Security Printing Corporation and Security Papers Limited
51. Pakistan Standards and Quality Control Authority
52. Pakistan Stone Development Company
53. Pakistan Telecommunication Authority
54. Pakistan Television Corporation and Ministry of Information and Broadcasting
55. Pakistan Tobacco Board
56. Port Qasim Authority (PQA)
57. Provincial Archeology Departments
58. Provincial Revenue Authorities
59. Provincial Secretary Health

60. Provincial Wild Life Departments
61. Public Health Agencies
62. Relief Cell, Cabinet Division
63. Sialkot Material Testing Laboratory
64. State Bank of Pakistan
65. Strategic Exports Division (SECDIV), Ministry of Foreign Affairs
66. Surgeon Generals of Armed Forces
67. Survey of Pakistan
68. Textile Division
69. The Board of Investment
70. The Chief Commissioner of the Afghan Refugees
71. The Federal Board of Revenue
72. The Live Stock Wing, Ministry of National Food Security and Research
73. Trade Development Authority of Pakistan
74. Trading Corporation of Pakistan

Statement of Objects and Reasons

The Prime Minister has designated Pakistan Customs as the *lead agency* to establish Information and Communication Technology (ICT) based National Single Window (NSW) system. The NSW is a 'facility that allows parties involved in trade and transport to lodge standardized information and documents with a single-entry point to fulfil all import, export, and transit-related regulatory requirements'. Implementation of NSW enables Pakistan to meet its obligations under WTO's Trade Facilitation Agreement while improving ease of doing business in cross border trade.

2. The Steering Committee notified upon directives of the Prime Minister has already approved *Detailed Project Design Document* developed by the FBR with support from international consortium of experts. This document recommends promulgation of a new Pakistan Single Window (PSW) Act in the light of Recommendation Number 35 of United Nations Centre for Electronic Trade (UN/CEFACT) and gap analysis of existing laws. Accordingly the PSW Bill, 2020 has been drafted in consultation with all relevant stakeholders by the FBR.

3. The Draft PSW Bill, 2020 provides legal basis for adoption of functional, operational, governance and revenue models required to develop and operate NSW system on sustainable basis and in line with the best international practices. It also covers deficiencies in various laws for regulation of cross border trade to ensure transition from paper based systems to ICT based approach. The Bill will enable adoption of features like electronic documentation, automated processing, integrated risk management, joint inspections, e-payments and information exchange etc.

4. The adoption of this Bill will help Pakistan to comprehensively improve transparency, efficiency and controls in imports, exports and transit trade besides meeting its international obligation. It will also help Pakistan to unlock its potential in becoming a regional hub for trade and transit by reducing time, cost and complications associated with fulfillment of multiple paper-based regulatory requirements.

Dr. Abdul Hafeez Shaikh
Adviser to the Prime Minister on Finance & Revenue /
Minister-In-Charge

قومی اسمبلی سیکرٹریٹ

پاکستان سنگل ونڈو بل، ۲۰۲۰ء پر قائمہ کمیٹی برائے خزانہ، حاصل و اقتصادی امور کی رپورٹ۔

میں، چیئرمین قائمہ کمیٹی برائے خزانہ، حاصل و اقتصادی امور ۱۸ جون، ۲۰۲۰ء کو کمیٹی کے سپرد کردہ پاکستان سنگل ونڈو کے قیام کے احکامات وضع کرنے کے بل پاکستان سنگل ونڈو بل، ۲۰۲۰ء (سرکاری بل) پر رپورٹ ہذا پیش کرنے کا شرف حاصل کرتا ہوں۔

۲۔ کمیٹی درج ذیل اراکین پر مشتمل ہے:-

| | |
|---------------|--------------------------------|
| چیئرمین | ۱۔ جناب فیض اللہ |
| رکن | ۲۔ جناب صداقت علی خان |
| رکن | ۳۔ جناب عامر محمود کیانی |
| رکن | ۴۔ جناب امجد علی خان |
| رکن | ۵۔ جناب رضا نصر اللہ |
| رکن | ۶۔ مخدوم سید سمیع الحسن گیلانی |
| رکن | ۷۔ جناب جمیل احمد خان |
| رکن | ۸۔ جناب نعیم خان |
| رکن | ۹۔ جناب آفتاب حسین صدیقی |
| رکن | ۱۰۔ ڈاکٹر رمیش کمار ویکروانی |
| رکن | ۱۱۔ جناب محمد اسرار ترین |
| رکن | ۱۲۔ جناب احسن اقبال چوہدری |
| رکن | ۱۳۔ جناب قیصر احمد شیخ |
| رکن | ۱۴۔ چوہدری خالد جاوید |
| رکن | ۱۵۔ جناب علی پرویز |
| رکن | ۱۶۔ ڈاکٹر عائشہ غوث پاشا |
| رکن | ۱۷۔ ڈاکٹر نعیم شاہ |
| رکن | ۱۸۔ سید لوید قمر |
| رکن | ۱۹۔ محترمہ تنابائی کھر |
| رکن | ۲۰۔ جناب عبدالواحد |
| رکن لحاظ مہدہ | ۲۱۔ وزیر پنجاب |

۳۔ کمیٹی نے ۸ جولائی، ۲۰۲۰ء، ۲۱ جولائی، ۲۰۲۰ء اور ۲۲ ستمبر، ۲۰۲۰ء کو منعقدہ اپنے اجلاسوں میں اس بل پر غور کیا۔ کمیٹی سفارش کرتی ہے کہ منسلک الف کے طور پر قومی اسمبلی میں پیش کردہ بل کی قومی اسمبلی منظوری دے۔

دستخط۔
(فیض اللہ)
چیئرمین رکن قومی اسمبلی

دستخط۔
(طاہر حسین)
سیکرٹری
اسلام آباد، ۱۸ ستمبر، ۲۰۲۰ء

[قومی اسمبلی میں پیش کردہ صورت میں]

پاکستان سنگل ونڈو کے قیام کے احکامات وضع کرنے کا بل

جہاں تک کہ اس ایکٹ سے متعلقہ مدعا اور مقاصد ہیں اور قانونی تجارت کو بلا روک ٹوک یقینی بنانے حق کے لئے جیسا کہ اسلامی جمہوریہ پاکستان کے دستور کے آرٹیکل ۱۸ میں بیان کیا گیا ہے، یہ ضروری ہے کہ ایک خود مختار ہیئت قائم کی جائے جو بارڈر سے آر پار تجارتی عمل کاری کو آسان کر سکے، کاروباری لاگت کو کم کر سکے اور ملکی اور بین الاقوامی سطح پر تجارت کو سہولت کر سکے؛

ہر گاہ کہ پاکستان نے عالمی تجارتی تنظیم کی تجارتی سہولیات کے اقرار نامے کی توثیق کی ہوئی ہے جو منجملہ دیگر اس ملک کے بیرونی تجارتی انتظام کے لئے قومی سنگل ونڈو کو بیان کرتا ہے؛

اور چونکہ یہ ضروری ہے کہ تجارتی ڈیٹا اور معلومات کو داخل کرنے اور وصول کرنے کے لئے ایک نقطہ قائم کیا جائے اور چلایا جائے، تاکہ ڈیٹا اور معلومات کی عمل کاریوں کو یکجا کیا جاسکے اور انضباطی کنٹرول کے لئے مطلوب دستاویزات کے تعین معیار اور متوازنیت کو حاصل کیا جاسکے، انضباطی خطرات کے انصرام کی تکنیک کو اختیار کیا جاسکے، بیرونی تجارت کی الیکٹرانک ٹرانزیکشن کے لئے قانونی، انضباطی اور آپریشنل روکاوٹوں کو ہٹایا جاسکے تمام متعلقہ تجارتی انضباطی ایجنسیوں اور بین الاقوامی تجارت سے معاملات کرنے والے اسٹیک ہولڈرز کے مابین ربط دہی اور شراکت داری کو اور تجارتی سہولت کاری اور اس سے منسلک اور اس کے ضمنی معاملات کو سہل بنایا جاسکے؛

بذریعہ ہذا حسب ذیل قانون وضع کیا جاتا ہے:-

۱۔ مختصر عنوان، وسعت اور آغاز نفاذ:- (۱) یہ ایکٹ پاکستان سنگل ونڈو ایکٹ،

۲۰۲۰ء کے نام سے موسوم ہوگا۔

(۲) یہ کل پاکستان پر وسعت پذیر ہوگا۔

(۳) یہ اس تاریخ سے نافذ العمل ہوگا جیسا کہ وفاقی حکومت سرکاری جریدے میں اعلامیہ کے ذریعے

مقرر کر سکتی ہے۔

۲۔ تعریفات:- (۱) اس ایکٹ میں، تا وقتیکہ کوئی شے سیاق و سباق کے منافی نہ ہو،۔۔۔

- (الف) ”تجارتی سہولت کاری پر اقرار نامہ“ سے عالمی تجارتی تنظیم کی جانب سے تجارتی سہولت کاری اقرار نامہ (TFA) جیسا کہ پاکستان نے اس کی توثیق کی ہے، مراد ہے؛
- (ب) ”ڈائریکٹرز کا بورڈ“ سے کمپنیاں ایکٹ، ۲۰۱۷ء (۱۹ ابوابت ۲۰۱۷ء) کے تحت قائم کردہ چلانے والی ہیئت کے ڈائریکٹرز کا بورڈ، مراد ہے؛
- (ج) ”چیز پرن“ سے اس ایکٹ کے تحت قائم کردہ گورننگ کونسل کا چیز پرن مراد ہے؛
- (د) ”الیکٹرانک“ میں الیکٹریکل، ڈیجیٹل، مقناطیسی، آپٹیکل، بائیومیٹرک، الیکٹروکیمیکل، وائرلیس یا برقیاتی مقناطیسی ٹیکنالوجی شامل ہے؛
- (ه) ”الیکٹرانک دستاویز“ میں دستاویزات، ریکارڈز، معلومات، الیکٹرانک صورت میں کیونیکیشنز یا ٹرانزیکشنز شامل ہیں؛
- (و) ”الیکٹرانک دستخط“ سے کوئی بھی خطوط، نمبرز، نشانات، شبیہ جات، کیریکٹرز، یا الیکٹرانک شکل میں اس کا کوئی بھی ترکیب کو الیکٹرانک دستاویز پر لاگو ہوتی ہو، اس میں شامل ہو سکتی ہو یا اس سے منسلک ہو اس مدعا کہ ساتھ اس کی توثیق کی جائے یا اس کی منظوری دی جائے تاکہ اس کی صداقت یا انضمام یا دونوں کو قائم کیا جاسکے؛
- (ز) ”گورننگ کونسل“ سے دفعہ (۴) کے تحت قائم کردہ پاکستان سنگل ونڈو گورننگ کونسل مراد ہے؛
- (ح) ”معلومات“ میں متن، پیغام، اعداد و شمار، صوت، آواز، ڈیٹا بیس، ویڈیو، سگنلز، سافٹ ویئر، کمپیوٹر پروگرامز، کوڈز جس میں ہدف کو ڈاؤن لوڈ اور ماخذ کو ڈاؤن لوڈ شامل ہیں؛
- (ط) ”رہبرابجیسی“ سے اس کے لئے ذمہ دار یا دفعہ ۵ کے تحت پاکستان سنگل ونڈو کے اطلاق کے لئے تقرر کردہ ادارہ شامل ہے؛
- (ی) ”رکن“ سے گورننگ کونسل کا رکن بشمول چیز مین کے، مراد ہے؛
- (ک) ”مفاہمتی یاداشت“ سے گورننگ کونسل کی رہبرابجیسی اور اس کی چلانے والی ہیئت، یا کسی OGA's کے ساتھ اور کے مابین دستخط ہونے والی مفاہمتی یاداشت، مراد ہے؛
- (ل) ”چلانے والی ہیئت“ سے دفعہ ۶ کے تحت رہبرابجیسی کی جانب سے تخلیق کردہ ہیئت، مراد ہے؛
- (م) ”پاکستان سنگل ونڈو“ سے معلوماتی کیونیکیشن ٹیکنالوجی کی بنیاد پر سہولت جو تجارت میں