

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

to amend the Publication of Laws of Pakistan Act, 2016

WHEREAS it is expedient to amend the Publication of Laws of Pakistan Act, 2016 (XIII of 2016), in the manner and for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act shall be called the Publication of Laws of Pakistan (Amendment) Act, 2022.

(2) It shall come in to force at once.

2. Amendment of section 2, Act XIII of 2016.- In the Publication of Laws of Pakistan Act, 2016 (XIII of 2016), hereinafter referred to as the said Act, in section 2,-

(i) the existing clause (a) shall be re-lettered as clause (ab) and before that the following new clauses (a) and (aa) shall be added, namely:-

“(a) “administrative department” means the department of the respective Provincial Government to which business of this Act in the provincial domain stands allocated;

(aa) “administrative division” means the division of the Federal Government to which business of this Act in the Federal domain stands allocated;”;

- (ii) in clause (b), the words "to be", shall be omitted;
- (iii) after clause (b), amended as aforesaid, the following new clause shall be inserted, namely:—

"(ba) "Chairperson" means Chairperson of the concerned appellate Committee;"

- (iv) clause (c) shall be omitted;

- (v) after clause (d), the following new clauses shall be inserted, namely:—

"(da) "member" means a member of the concerned appellate committee;

(db) "person" shall have the same meaning as assigned thereto in section 11 of the Pakistan Penal Code (Act XLV of 1860);" and

- (vi) in clause (g), for the word "juristic", the word "legal" shall be substituted.

3. Amendment of section 3, Act XIII of 2016.— In the said Act, in section 3, in sub-section (1), in clause (c), after the word "certificate", the words "of accuracy" shall be inserted.

4. Substitution of section 4, Act XIII of 2016.— In the said Act, for section 4, the following shall be substituted, namely:—

“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, shall ensure accuracy of the contents of a law of Pakistan published by the public sector organization or, as the case may be, a legislature.”

5. Amendment of section 5, Act XIII of 2016.— In the said Act, for section 5, the following shall be substituted, namely:—

“5. Maintenance of Laws of Pakistan.— The administrative division and each administrative department shall maintain authentic and updated version of laws of Pakistan relating to their respective domain in hard and soft form along with translation thereof at least in Urdu language and shall ensure safe custody thereof.”

6. Substitution of section 6, Act XIII of 2016.— In the said Act, for section 6, the following shall be substituted, namely:—

“6. Laws of Pakistan Cell.— There shall be in the administrative division and each administrative department a Laws of Pakistan Cell in their respective domain which shall consist of such officers and staff members to be appointed as civil servants under the respective laws made pursuant to Article 240 of the Constitution of the Islamic Republic of Pakistan for performance of their functions in accordance with the provisions of this Act and the respective rules made thereunder.”

7. Amendment of section 7, Act XIII of 2016.— In the said Act, in section 7,—

- (i) in clause (f), for the word "fine", the words "administrative penalty" shall be substituted; and
- (ii) in clause (i), for the word "above", the word "aforesaid" shall be substituted.

8. Amendment of section 8, Act XIII of 2016.- In the said Act, in section 8, in sub-section (1),-

- (i) for the words "twenty working days", the words "three months" shall be substituted; and
- (ii) for the proviso, the following shall be substituted namely:-

"Provided that the administrative division or, as the case may be, the administrative department may, for reasons to be recorded in writing, extend in its respective domain the said period for further three months."

9. Omission of section 9, Act XIII of 2016.- In the said Act, section 9 shall be omitted.

10. Omission of section 10, Act XIII of 2016.- In the said Act, section 10 shall be omitted.

11. Substitution of section 11, Act XIII of 2016.- In the said Act, for section 11, the following shall be substituted, namely:-

"11. Constitution of appellate committee.- (1) The administrative division shall, by notification in the official Gazette, constitute an appellate

committee consisting of the following for performance of its functions under this Act, including hearing appeals in its domain under section 23, namely:—

| S. No. | Person appointed or nominated | Status |
|--------|---|---------------------------------------|
| (1) | (2) | (3) |
| 1. | Secretary of the administrative division or his nominee not below the rank of joint secretary or equivalent | <i>Chairperson</i> |
| 2. | One representative from Printing Corporation of Pakistan Press not below the rank of deputy secretary or equivalent | <i>Member</i> |
| 3. | One representative from the Pakistan Publishers and Book Sellers Association | <i>Member</i> |
| 4. | One representative from National Archives of Pakistan not below the rank of deputy secretary or equivalent | <i>Member</i> |
| 5. | One representative from National Language Promotion Department not below the rank of deputy secretary or equivalent | <i>Member</i> |
| 6. | An officer of drafting and legislation wing of the administrative division not below the rank of deputy secretary or equivalent | <i>Member -cum- Secretary</i> |

(2) The administrative department may, by notification in the official Gazette, constitute an appellate committee for performance of its functions under this Act, including hearing appeals in its domain under section 23.

(3) The administrative division may increase or decrease the number of members of the appellate committee under sub-section (1) as it may deem fit.

(4) The appellate committee constituted under sub-section (1) or sub-section (2) may for the purpose of eliciting technical or expert view coopt any person for assistance without having any right to vote.

(5) Decision of majority members of the appellate committee constituted under sub-section (1) or, as the case may be, sub-section (2) present and voting shall be construed as decision of the concerned appellate committee.

(6) One-half of its total members shall constitute quorum for a meeting of the concerned appellate committee and a fraction thereof shall be counted as one.

(7) In absence of the Chairperson, the concerned appellate committee shall nominate from amongst its members present a member to preside over the meeting.

(8) The meetings of the concerned appellate committee shall be convened and conducted as may be prescribed by respective rules.

(9) The administrative division or, as the case may be, the administrative department may issue guidelines to the Cell in its respective domain which shall be binding for corrective measures on efficient working of the Cell.”

12. Omission of section 12, Act XIII of 2016.- In the said Act, section 12 shall be omitted.

13. Amendment of section 13, Act XIII of 2016.- In the said Act, in section 13,-

(i) in sub-section (1),-

- (a) for the expression "Secretary, member, Director," the words "a member" shall be substituted; and
 - (b) for the word "supervisory", occurring twice, the word "appellate" shall be substituted; and
- (ii) in sub-section (2),-
- (a) for the word "supervisory", the word "appellate" shall be substituted; and
 - (b) for the word "withdraw", the word "recuse" shall be substituted.

14. Amendment of section 14, Act XIII of 2016.- In the said Act, in section 14, the words "authorized for this purpose by the Cell", the expression "of the cell authorized for this purpose by the administrative division or, as the case may be, the administrative department" shall be substituted.

15. Amendment of section 15, Act XIII of 2016.- In the said Act, in section 15,-

- (A) in sub-section (2),-
- (i) clause (a) shall be omitted;
 - (ii) in clause (b), the words "holding a law degree from a recognized university or a person" shall be omitted; and
 - (iii) in clause (c), for the word "printer", the word "printing" shall be substituted.
- (B) after sub-section (3), the following new sub-section (3A) shall be inserted, namely:-

“(3A) The publisher shall be bound to publish within two months the updated version of law of Pakistan containing all the amendments in respect of which a certificate of accuracy has been issued by the Cell and where a subsequent amendment is made after issuance of the certificate of accuracy in the law of Pakistan, the publisher shall be bound to seek within two months of the amendment fresh certificate of accuracy for publishing the updated law of Pakistan within two months after issuance of the fresh certificate of accuracy.”.

16. Amendment of section 17, Act XIII of 2016.— In the said Act, in section 17, in sub-section (1), after the word “Pakistan”, occurring for the first time, the words “in its respective domain” shall be inserted.

17. Amendment of section 19, Act XIII of 2016.— In the said Act, for section 19, the following shall be substituted, namely:—

“19. Penalty.— (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 penalty of an amount which may extend to fifty thousand rupees.

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

18. Amendment of section 20, Act XIII of 2016.— In the said Act, in section 20,-

(i) in sub-section (1),-

(a) the words “simple imprisonment for a term which may extend to three months and” shall be omitted; and

- (b) the expression “, but shall not be less than two hundred thousand rupees” shall be omitted.
- (ii) in sub-section (2), the words “simple imprisonment for a term which may extend to one month and” shall be omitted; and
- (iii) sub-section (3) shall be omitted.

19. Amendment of section 21, Act XIII of 2016.- In the said Act, in section 21,—

- (i) in the marginal heading, for the word “juristic”, the word “legal” shall be substituted;
- (ii) for the word “held”, the words “is found guilty” shall be substituted;
- (iii) for the words “guilty of”, occurring for the first time, the words “is convicted for” shall be substituted;
- (iv) after the word “firm”, occurring for the second time, the expression “, by whatever name called,” shall be inserted; and
- (v) for the word “and”, the word “or” shall be substituted.

20. Amendment of section 22, Act XIII of 2016.- In the said Act, in section 22,—

- (i) in sub-section (1),—
 - (a) for the word “person”, the expression “officer of the Cell with prior approval of administrative division or, as the case may be, administrative department” shall be substituted; and

(b) after the word "Magistrate", the words "of the" shall be inserted; and

(ii) in sub-section (2),-

(a) after the word "Magistrate", the words "of the" shall be inserted; and

(b) for the expression "(V of 1898)", the expression "(Act V of 1898)" shall be substituted.

21. Amendment of section 23, Act XIII of 2016.- In the said Act, in section 23, for the word "supervisory", occurring twice, the words "concerned appellate" shall be substituted.

22. Amendment of section 24, Act XIII of 2016.- In the said Act, in section 24, for the word "supervisory", the word "appellate" shall be substituted.

23. Substitution of section 25, Act XIII of 2016.- In the said Act, for section 25, the following shall be substituted, namely:-

"25. Power to make rules.- The administrative division and the administrative department may in their respective domain, by notification in the official Gazette, make rules for carrying out the purposes of this Act."

24. Insertion of section 26A, Act XIII of 2016.- In the said Act, after section 26, the following new section 26A shall be inserted, namely:-

"26A. Indemnity.- No suit, prosecution or other legal proceedings shall lie against the Federal Government, the Provincial Governments, any officer of the Cell or any other person exercising any

power or performing any function under this Act or the rules for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.”.

STATEMENT OF OBJECTS AND REASONS

Pursuant to the directions of the Supreme Court of the Islamic Republic of Pakistan in its judgment reported as PLD 2015 SC 257, to make a law to regulate publication of error free law books and their translation, the Publication of Laws of Pakistan Act, 2016 was enacted after passing of resolutions by the Provincial Assemblies of Balochistan, Khyber Pakhtunkhwa, Punjab and Sindh under Article 144 of the Constitution to the effect that *Majlis-e-Shoora* (Parliament) may by law regulate the matter.

2. In accordance with another judgment of the Supreme Court reported as PLD 2016 SC 808, the Cabinet in its meeting held on the 12th April, 2018 in Case No. 241/15/2018 decided that all Ministries and Divisions should in consultation with the Law and Justice Division make amendments in respective Acts and rules and substitute the words “Federal Government” with appropriate authorities so as to decrease the work load of the Cabinet before which every case in petty matters is presently brought for consideration where powers have been conferred on the Federal Government in various laws and rules.

3. The said Act is, therefore, required to be amended also for smooth functioning of the Laws of Pakistan Cell, to encourage and facilitate the publisher to publish more law books at low cost for general public, to increase the period for issuance of certificate of accuracy from twenty working days to three months. Similarly, to omit punishment of imprisonment in order to encourage more publishers to publish the law books and also to provide for indemnity to protect the Federal Government, Provincial Governments and officers of the respective Cells exercising any powers or performing any functions under the said Act.

3. The Bill has been designed to achieve the aforesaid objective.

Sd/-

AZAM NAZEER TARAR
Minister for Law and Justice