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THE PUBLICATION OF LAWS OF PAKISTAN ACT, 2016

ACT NO. XIII OF 2016

[28th March, 2016]

An Act 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,—

'I(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;]

][(ab)] "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 [**] established under section 6:

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

'Added, re-lettered, omitted and ins. by Act No. XXIII of 2022, s. 2.

(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;

'I(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);]

(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 ![legal] 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 '[of accuracy].

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

'Ins. and subs. by Act No. XXIII of 2022, ss. 2 and 3.

'I4. Exemption from registration.—A public sector organization and 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.]

115. 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.]

116. 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 rule thereunder.]

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 ![administrative penalty] 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 '[aforesaid] 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 '[three months] 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:

'Subs. by Act No. XXIII of 2022, ss. 4-8.

'TProvided 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.]

(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. '[Omitted]

10. '[Omitted]

111. 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. Secretary of the administrative division or his | Chairperson
nominee not below the rank of joint secretary or
equivalent

2. One representative from Printing Corporation of Member

Pakistan Press not below the rank of deputy secretary
or equivalent

3. One representative from the Pakistan Publishers and Member
Book Sellers Association

4. One representative from National Archives of Member
Pakistan not below the rank of deputy secretary or
equivalent

5. One representative from National Language Member

Promotion Department not below the rank of deputy
secretary or equivalent

6. An officer of drafting and legislation wing of the Member
administrative division not below the rank of deputy -cum-
secretary or equivalent Secretary

(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.

'Subs. and omitted by Act No. XXIII of 2022, ss. 8-11.

(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. '{Omitted]

13. Disclosure of interest.—(1) If the Chairperson, '[a member] 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 [appellate] committee, such person shall forthwith disclose that interest and the Cell or, as the case may be, the [appellate] 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 [appellate] committee, shall forthwith disclose his interest and '[recuse] 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 '[of the Cell authorized for this purpose by the administrative division or, as the case may be, the administrative department] 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,—

(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 '[*****] trained in the job of proof reading of legal publications, and have a statement recorded in writing by

'Omitted and subs. by Act No. XXIII of 2022, ss. 12-15.

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 [printing] 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.

'T(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.]

(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 *[in its respective domain] 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.

'Subs. and ins. by Act No. XXIII of 2022, ss. 15-16.

'(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.]

20. Offences.—(1) Any person who publishes a law of Pakistan without registration under this Act shall be punished with '*****' fine which may extend to three hundred thousand rupees 1

(2) Any person who publishes a law of Pakistan without obtaining review and certificate of accuracy under this Act shall be punished with !***** fine which may extend to one hundred 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 ![legal] persons.—If a person ![is found guilty] for a violation under section 19 or '[is convicted for] 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 '[by whatever name called,] 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 [or] guilty of such offence.

.22. Jurisdiction to try offences—(1) Any 'officer of the Cell with prior approval of administrative division or, as the case may be, administrative department] may, in respect of the offence committed under section 20, lodge a complaint with the Magistrate '[of the] First Class in whose jurisdiction the impugned publication has been published.

(2) For any offence committed under section 20, the Magistrate '[of the] First Class shall conduct a summary trial in accordance with the provisions of Code of Criminal Procedure, 1898 '[(Act 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 '[concerned appellate] committee and the decision of the '[concerned appellate] 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 '[appellate] committee under this Act.

'Subs., omitted and ins. by Act No. XXIII of 2022, ss. 17-22.

1125. 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.]

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.

126A. 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.]

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.

'Subs. and ins. by Act No. XXIII of 2022, ss. 23 and 24.

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